

	<p align="center"><b>Cabinet</b> 15 January 2018</p>
	<p align="center"><b>Report from the Strategic Director of Regeneration and Environment</b></p>
<p><b>Dockless Cycle Hire</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	2
<b>Background Papers:</b>	None
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## 1.0 Purpose of the Report

1.1 This report informs how dockless cycle hire could be beneficial for Brent with regards to encouraging cycling and walking, as set out in the Brent Long Term Transport Strategy 2015 – 2035 and the Brent Cycle Strategy 2016 – 2021. It would also promote active travel and could be instrumental in promoting a mode shift away from the car, improving residents' health, and our air quality/public realm environment. It would also help towards meeting the objective of the draft Mayor's Transport Strategy of 80% of journeys by 2041 being made on foot, by bike or using public transport.

1.2 The report sets out a proposal to introduce dockless cycle hire in Brent.

## 2.0 Recommendation(s)

That Cabinet:

2.1 Notes the contents of this report and approves entry into a Memorandum of Understanding with a single supplier to provide a dockless cycle hire scheme on a pilot basis for one year.

2.2 Delegates authority to select the single supplier and agree the terms of the Memorandum of Understanding to the Strategic Director of Regeneration and Environment in consultation with the Lead Member for Environment.

### 3.0 Background

- 3.1 Cycling is enjoying increasing popularity across London. The benefits of increasing the uptake of cycling are significant in terms of improved air quality, less congestion and a fitter and healthier population, and aligns with our corporate priorities outlined in section 7.0.
- 3.2 Objective 4 of the Brent Cycle Strategy 2016-2021, aims to improve access to cycling for all Brent residents and businesses with particular mention to investigating the feasibility of a cycle hire scheme for the borough. The Strategy also sets out to promote cycling as a “*convenient, safe, healthy, enjoyable and inclusive activity*”.
- 3.3 The potential to get more people cycling is huge<sup>1</sup> and dockless bicycles are a way to make cycling more accessible. However, dockless cycle hire schemes must work for everyone using the highway network (roads and pavements) and not cause a danger to pedestrians, cyclists or other road users.
- 3.4 Dockless cycle hire would go some way to helping Brent meet these objectives. It would open up cycling to those who do not own a bicycle and would target the first and last miles of journeys that in many instances may otherwise be undertaken by car. It would also promote cycling as a leisure activity and provide an additional mode of transport for people to access shops, etc.
- 3.5 Increased cycling amongst those who live and work in Brent would promote more active lifestyles and would help improve air quality if there is a modal shift away from the private car.
- 3.6 Cycle modelling undertaken by Transport for London (TfL)<sup>2</sup> has shown there is a high potential for cycling in the borough. TfL’s analysis also shows that there are parts of Brent, namely around Wembley and Church End, that are in the top 20% of areas for growth (population and employment) to 2041. As a result they have a high potential for cycling.
- 3.7 Dockless cycle hire differs from the Santander Cycle scheme operational in parts of Inner London, in that it does not require infrastructure to enable cycle hire and associated cycle parking docks to be provided. It operates by using a bike hire platform operated by a mobile application. Users sign up to the smartphone app and use their phone to scan the code on the bicycle they want to hire to unlock it. They then use the bicycle as needed and park/leave it in an appropriate area, so that it is ready for the next user.
- 3.8 A working group has been set up and a Code of Practice established<sup>3</sup> and circulated to all dockless cycle hire companies registered in the UK. This resulted from some initial difficulties with the first dockless cycle schemes in London, relating to littering and obstruction of the pavements and safety

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<sup>1</sup> Strategic Cycling Analysis: identifying future cycling demand in London, June 2017

<sup>2</sup> Strategic Cycling Analysis: identifying future cycling demand in London, June 2017

<sup>3</sup> <https://tfl.gov.uk/corporate/publications-and-reports/dockless-bike-share-code-of-practice>

standards of the bicycle itself. Concerns were raised by boroughs and TfL on how these companies should engage and operate.

- 3.9 A Street Trading licence will be required by the chosen operator wanting to provide a service in the borough. This will enable Brent Council to intervene and take a stepped approach to managing and resolving any undesirable working that affects the highway network with the final recourse being withdrawal of the licence. In addition, there are also existing powers under the Highways Act 1980 to serve notice and remove bicycles should they cause an obstruction to the highway.

#### **4.0 Dockless Cycle Hire**

- 4.1 Brent Council has been approached by three operators (Ofo, MoBike and Urbo) who are looking to provide a dockless cycle hire service in Brent.
- 4.2 MoBike, the world's largest bicycle operator, is a Chinese company founded in 2015. Outside of China, MoBike is operational in the UK, Italy, Japan, and Malaysia. The company looks to address the 'last mile' issue of how commuters travel to/from the station to their place of work/home.
- 4.3 In mid-September 2017, MoBike launched in Ealing on a one year pilot basis. The pilot started in Acton with 200 bicycles and will spread to other parts of the borough in the coming months. A geo-fence was applied to make Ealing Broadway a no-go zone and MoBike worked with Ealing to identify 30 preferred locations for parking bicycles (clearly marked on the footway with orange vinyl tape and the MoBike logo). To date, Ealing have reported few complaints and there has only been one instance of a bicycle being vandalised. They are currently looking into expanding the pilot area.
- 4.4 Ofo is a Chinese company founded in 2014, who now operates in four countries (China, the USA, the UK, and Singapore). They are BikePlus accredited.
- 4.5 Ofo launched in Hackney with 100 bicycles also in mid-September 2017, with no sign-up fee and free rides to tempt people to use the service. Three bike parking ports were installed that house a number of Ofo bicycles but also include standard Sheffield stand cycling parking. A number of bicycles have been vandalised and over half of complaints received have been with regards to parking.
- 4.6 Urbo is an Irish company. They are the first dockless only cycle hire company to be part of the European Cyclists' Federation platform for bike sharing and are also BikePlus accredited. They are operational in several European countries.
- 4.7 Urbo launched in Waltham Forest at the end of October 2017 on a one-year trial basis with 250 bicycles. To encourage take-up of the service, membership fees for the first three months are only £1 (compared to the usual annual subscription of £30). No feedback is yet available as to how the scheme has been received.

4.8 A comparison table is shown in Appendix A of each company's operation in accordance with the headings taken from the TfL Code of Practice.

## **5.0 Operation**

5.1 Dockless cycle hire would be introduced in Brent as a pilot scheme to begin with. This would enable the operator and Brent to monitor the scheme and take-up, as well as identify any issues, such as vandalism, and poor parking of bicycles.

5.2 After a year, the pilot scheme would be reviewed based on feedback from residents, users, and Members. In conjunction with the Lead Member for Environment, this review would also include whether introducing additional operators to the borough at this point would be beneficial to further promoting and expanding Brent's cycle offer.

5.3 Brent would require the operator to sign a Memorandum of Understanding ("MoU"). This would be based on TfL's Code of Practice and would detail how the agreed operation would work and set certain conditions that Brent would require the operator to meet. It should be noted however that a MoU is not legally binding, however enforcement powers available for local authorities exist under current legislation from the Highways Act 1980 and London Local Authorities Act 1990, Street Trading to act on undesirable behaviour.

5.4 Brent Council would work in partnership with the operator to identify locations where bicycles could/could not be left. This is particularly important for the areas surrounding Wembley Stadium whereby there will be a requirement for security purposes for bicycles not to be left in the area as bags/packages could be left on them in high footfall areas. The operator would be required to provide assurance that they could recall all bicycles from an area if needed and prevent bicycles from being left there. For example, on event days at Wembley Stadium.

5.5 Cycling in the southern half of Brent is more prevalent. Despite this, Brent would require the operator to also launch in the northern part of the borough where there is large potential for a shift to cycling. Locations which will be targeted will be determined through collaboration between Brent and the operator.

5.6 Brent Council also requires the operator to have public liability insurance covering all their respective cycle hires for injury to a third party or accidental damage.

## **6.0 Corporate Priority Alignment**

6.1 It is expected that this proposal will align with Brent Council's corporate priorities of making Brent a Better Place and providing Better Lives for residents. By making bicycles available, this should encourage the uptake of cycling and activity as well as actively contributing to a reduction in congestion and air pollution whilst also improving the health of residents. Currently, half of Brent's adult population do not participate in sport or physical activity, the highest level

of inactivity in West London<sup>4</sup>. The benefits of regular cycling include reduced stress, and reduced risk of heart disease and strokes.

- 6.2 Traffic is the largest contributor to air pollution in Brent, accounting for at least 52% of emissions in the borough<sup>5</sup>. Cycling is a cheap mode of travel and for those without access to a car, cycling can increase the distance that an individual can travel and hence the number of services, jobs and other destinations they can access.
- 6.3 Easier access to bicycles and subsequent increased amounts of cycling will also support regeneration, business and housing growth, as well as, employment and skills in the borough, as it will offer a value for money travel option for many. Researchers for TfL, who surveyed shoppers in 15 town centres in London, found that those who arrived by car did not spend all that much more on average than those who arrived by cycle - £226 and £188 respectively per month (walkers spent £373)<sup>6</sup>.

## **7.0 Financial Implication**

- 7.1 There would be no cost to Brent as the scheme would be funded entirely by the operator. The operator would be responsible for the provision and maintenance of bicycles as well as responding to enquiries and issues arising in delivering the cycle hire service. They would also remove bicycles as required by Brent at their own cost.
- 7.2 Brent Council and the operator would jointly identify preferred parking locations and agree the preferred method for identification on the ground on a site by site basis. Costs for implementation would be borne by the operator. Brent would permit the operator to use this opportunity to advertise their service through displaying their logo.
- 7.3 Brent would not look to convert parking bays to cycle parking and therefore there would be no loss of parking revenue or the need for a Traffic Management Order (TMO).
- 7.4 The operator should provide a Public Liability Insurance certificate with a minimum indemnity of £5million. This condition should be included in the MoU, and it should be a condition of the license.
- 7.5 An increase in cycling may result in increased personal injury claims against the Council due to the condition of the road network. This risk could be mitigated by a risk management plan which prioritises maintenance resources to reduce the incidence of accidents due to the road condition. Brent Council recognises the need to ensure good road conditions and this will be a key consideration in maximising the maintenance budget for such purposes.

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<sup>4</sup> Sport England, The Active People Survey 8

<sup>5</sup> Brent Air Quality Action Plan 2017-2022

<sup>6</sup> Transport for London. Town Centre Study. Sept 2011.

<http://www.tfl.gov.uk/cdn/static/cms/documents/town-centre-study-2011-report.pdf>

## **8.0 Legal Implications**

- 8.1 The Greater London Authority Act 1999 (the Act) requires that the London Local Authorities must implement the Mayor's Transport Strategy (MTS). This Strategy sets out the transport policy framework for London. A central component of the draft MTS is to improve cycling infrastructure to encourage more trips to be taken by bicycle.
- 8.2 Section 137 (1) of the Highways Act provides that a person that wilfully obstructs the free passage along a highway he is guilty of an offence.
- 8.3 The Council may be required to provide cycle parking places on the highway and would therefore need to seek to make a traffic order under the Road Traffic Act 1984, section 45.
- 8.4 The London Local Authorities Act 1990 defines street trading as the selling exposing for sale or offering for sale of any advice or supply of any service in a street for gain or reward. This Act prohibits trading without a licence. The Licensee may only trade within specified areas designated for such purpose. The Licence may be a temporary licence.
- 8.5 Each operator would be required to have an annual licence which would be renewable for an administration fee. Brent is not permitted to make a profit from such licences and so the fee is likely to be nominal to encourage use of sustainable modes of transport but will need to cover cost-recovery.
- 8.6 Brent would require the operator to sign a MoU. This would be based on TfL's Code of Practice and would detail how the agreed operation would work and the set certain conditions for example, levels of insurance that Brent would require the operator to meet. It should be noted however that a MoU is not legally binding.

## **9.0 Diversity Implications**

- 9.1 The public sector duty set out at Section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic.
- 9.2 There are no known negative diversity implications. An Equality Analysis is included in Appendix B.

## **10.0 Consultation with Ward Members and Stakeholders**

- 10.1 Consultation with Members, stakeholders and the public was undertaken as part of the development of the Brent Cycle Strategy. The outcomes were used to inform the Strategy and develop the objectives with regards to cycling in the borough, one of which is to investigate the viability of a cycle hire scheme for the borough.

10.2 The Lead Member for Environment has been present at one of the supplier meetings and kept up to date with other suppliers' proposals to implement a dockless cycle hire scheme in the borough.

**Report sign off:**

**AMAR DAVE**

Strategic Director of Regeneration & Environment