



Full Council
13th July 2020

**Report from the Strategic Director
of Regeneration & Environment**

Pan-London Dockless Vehicle Byelaw

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Two: Appendix 1: Draft - Greater London Dockless Vehicle Hire Byelaws. Appendix 2: Form of Authority to London Council's Transport and Environment Committee
Background Papers:	London Councils Transport and Environment Committee Report – 13 June 2019
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Tim Martin – Transportation Planning Manager; Spatial Planning; Regeneration & Environment Tel: 020 8937 6134 Email: tim.martin@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report sets out the background and legal context around dockless cycle hire schemes in London. The proposal by London Councils Transport and Environment Committee (TEC) is for the creation of a pan-London byelaw that would regulate the use and management of dockless cycles.
- 1.2 The report also seeks Full Council's approval to delegate the function of making that byelaw to London Councils TEC. The Council's Constitution reserves bylaws to Full Council but Full Council can decide to delegate the function to London Council's as proposed.

2.0 Recommendation(s)

- 2.1 That Full Council:

- (i) delegates to the London Council's Transport and Environment Committee the power to make byelaws to govern the operation of dockless vehicles by making a pan-London byelaw to regulate the use and management of these on the highway and /or public places (as set out in Appendix 1);
- (ii) authorises the Strategic Director Regeneration & Environment to sign the form of Delegation set out in Appendix 2, on behalf of the Council.

3.0 Detail

- 3.1 Dockless cycle hire is a generic term for a short term cycle hire scheme, similar to the 'Santander Cycles' scheme operating in central London, but entirely 'free floating' – with no on-street docking infrastructure required.
- 3.2 A number of dockless cycle hire schemes are currently operating in London. These include:
 - Mobike (grey/orange) - provide pedal bikes predominately in Inner and Central London;
 - Lime (green) - operate electrically assisted bikes (e-bikes) via agreements with a number of boroughs including Brent and Ealing;
 - Jump (red) – e-bikes in Islington and Ealing. Recently been sold to Lime;
 - Beryl Bikes – (grey/green) – pedal bikes in City of London and Hackney;
 - Freebike (neon yellow) - recently launched in Richmond;
 - Urban Forest – yet to launch, discussing with boroughs, including Brent.
- 3.3 Whilst such schemes have generally been well received by customers and have the potential to secure a significant modal shift towards cycling (a key means of addressing issues around climate change and poor public health); they have also given rise to issues around inconsiderate and obstructive parking. This is compounded by the fact that Councils currently have limited regulatory powers in this area by which to manage or enforce.
- 3.4 To address these issues London Councils TEC is proposing the creation of a pan-London byelaw which would prohibit dockless cycle operators and their customers from parking cycles other than at designated parking spaces and streamline the process by having one byelaw for all London authorities, rather than each borough pursuing their own byelaw.

Draft Greater London Dockless Vehicle Hire Byelaws

- 3.5 London Councils, with the support of TfL and Boroughs are producing a pan-London byelaw that would regulate the use and management of dockless cycles in the Capital. To enable this requires all 33 London Boroughs to agree to delegate their byelaw making powers to London Councils TEC as set out in the Form of Delegation included in Appendix 2 to this report.
- 3.6 The latest draft version of the proposed byelaw is set out in Appendix 1 to this report. The headline terms contained within the draft byelaw include:

- definitions of terms used in the draft Byelaws currently undefined in the legislation (e.g. a dockless operator);
- states that the byelaw applies throughout Greater London;
- sets out minimum safety standards for bikes;
- requires bikes to be chipped to ensure their whereabouts can be tracked;
- requires all bikes to be left (whether by dockless operators or their customers) only in places agreed by the relevant local authority, and makes it an offence for dockless operators to place, or allow their bikes to be parked anywhere other than at a location agreed by the local authority;
- sets a penalty for a dockless operator committing the above offence.

3.7 For the purpose of the byelaw a “Dockless Vehicle” is defined as a dockless pedal cycle, an electrically assisted pedal cycle and/or similar class of transport device which may lawfully be used on the highway. It could also therefore include electric kick scooters or other micromobility vehicles, should the government legalise their use on the public highway. Local issues, such as the location and number of designated dockless parking places would be for individual councils to determine and consult on. It is envisaged that approved parking spaces would not be exclusive to any specific operators, but would be open to any dockless company. Further work is also being undertaken to determine what a dockless parking place might look like (e.g. a physical or ‘virtual’ space) and how these would be managed.

3.8 The wording of the byelaw and several supporting areas of work are being finalised by London Councils, with support from TfL and with input from London Boroughs. Subject to approval by London Councils TEC it is anticipated that the byelaw will be submitted to the Secretary of State for review in summer 2020, ahead of a formal statutory consultation exercise in autumn 2020, with the byelaw enacted by early 2021 – thereby providing a viable operational framework for dockless bike sharing in London. However, it must be noted that this timetable may be adjusted in light of the current Covid - 19 pandemic.

4.0 Financial Implications

4.1 There are no direct financial implications arising from the recommendations in this report.

5.0 Legal Implications

5.1 The current proposal is to delegate the Council’s function regarding the making and promoting of the pan-London dockless vehicles byelaws to the London Council’s Transport and Environment Committee (LC TEC).

5.2 The proposed delegation is very specific. It does not constitute a transfer of the Council’s powers with respect to dockless vehicles, but enables the LC TEC to make and establish a pan-London byelaw. The extent of the dockless parking and enforcement of the byelaw (including any prosecution) would remain a matter for local decision-making and control for Brent.

- 5.3 The Council's Constitution reserves bylaws to Full Council but Full Council can decide to delegate the function to London Council's as proposed. S101 (5) of the Local Government Act (LGA) 1972 enables a local authority to discharge any of its functions jointly. Where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee. Consequently, these powers enable the Council to delegate functions to LC TEC.
- 5.4 The reference to the discharge of function includes reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to the discharge of any of those functions.
- 5.5 S235 of the LGA 1972 enables a local authority to make byelaws for the good rule and government of the whole or any part of its borough and for the prevention and suppression of nuisances within it.

6.0 Equality Implications

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination, harassment and victimisation;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.
- 6.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.3 In line with the Council's Equalities provisions, the approval of the proposed pan London byelaw will address inappropriate parking of dockless cycles on the highway in a manner which causes inconvenience or disruption to highway users. It would also help meet the needs of all highway users, particularly those who are blind or partially sighted and those who require wider available footways such as for wheelchairs or buggies.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Details of the proposals to create a pan-London byelaw were discussed at a meeting of the Council's Active Travel Forum in January 2020. The proposals are broadly supported by Members and stakeholders such as local access and disability groups.
- 7.2 As set out in para 3.8 more formal consultation on the draft byelaw will be undertaken by London Councils in due course (timescales tbc). Officers will

continue to liaise with Members and stakeholders through the Active Travel Forum and ensure that they are fully engaged in the process.

8.0 Human Resources/Property Implications (if appropriate)

8.1 None.

Related Documents

London Councils Transport and Environment Committee Report – 13 June 2019

Report sign off:

Amar Dave
Strategic Director of Regeneration &
Environment.