

COUNCIL	DATE 30 October 2019	ITEM NO 16
TITLE To delegate the exercise of additional functions to London Councils relating to dockless vehicle hire byelaw	WARD(S) All	
CHIEF OFFICER Director of Regeneration Enterprise and Skills	CABINET MEMBER Air Quality, Sustainability and Transport	
DECISION CLASSIFICATION Key	IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING? Yes	

1. **Decision required**

This report makes the following recommendations to Full Council:

- 1.1 Make the byelaw in principle, for the purpose of regulating dockless vehicles on the highway and/or public places, as set out in Appendix A;
- 1.2 Delegate the making of the byelaw to London Councils' TEC Joint Committee, as set out in Appendix A;
- 1.3 Authorise the Cabinet Member for Air Quality, Sustainability and Transport to sign and send to London Councils' TEC Joint Committee, the delegated authority form as set out in Appendix A to this report; and
- 1.4 Authorise the Director of Regeneration, Enterprise and Skills to make the associated amendments to the London Councils' Governing Agreement dated 13 December 2001 (as amended) in order to give effect to the delegation authorised under paragraph 1.2 above.

2. **Links to the Royal Greenwich high level objectives**

- 2.1 This report relates to the Council's agreed high level objectives as follows:
 - A Healthier Greenwich
 - A Cleaner, Greener Greenwich

3. Introduction and Background

- 3.1 The Council has four borough transport priorities (Healthier Greenwich, Greener Greenwich, Connected Greenwich and Growing Greenwich), all of which would be supported by the introduction of dockless vehicles available for hire by residents and visitors.
- 3.2 At present, although there are dockless vehicle hire schemes operating in many London boroughs there are none in Greenwich. Transport for London has developed a Code of Practice for operators in London, which states operators should enter into a Memorandum of Understanding (MoU) with any boroughs they wish to operate in.
- 3.3 London Councils' Transport and Environment Committee (LCTEC) has agreed that the correct future approach for dockless vehicle sharing is to move away from the status quo, where Boroughs reach individual agreements (MoUs) with specific operators, and instead move to borderless operations throughout Greater London. An MoU is not legally enforceable so a byelaw, which is considered a more suitable solution to ensure efficient oversight of operators' activities on the public highway throughout Greater London.
- 3.4 Controlling dockless vehicle fleets would be achieved by each of the participating London boroughs using their existing statutory powers to designate parking places for dockless vehicles. LCTEC will take on the promotion and making of a pan-London byelaw on Boroughs' behalf to prohibit dockless vehicle operators from parking dockless vehicles other than at those approved designated parking places.
- 3.5 LCTEC requires each of the 33 London local authorities participating in the LCTEC joint committee arrangements to:
- (a) agree to make the byelaw in principle, i.e. to compel dockless vehicle operators to use designated locations/parking spaces and prohibit dockless vehicles from being parked anywhere other than the agreed locations; and
 - (b) delegate the making of the London-wide byelaw to LCTEC. This requires the TEC constitution (Governing Agreement, dated 13 December 2001 (as amended)) to be varied by inserting a new paragraph 2(c) of Part 3(D) of the LCTEC Governing Agreement (which sets out all functions delegated to it). The wording of that new paragraph 2(c) of Part 3(D) of the LCTEC Governing Agreement is attached to this report as Appendix A.

- 3.6 A draft of the Byelaw has been agreed by LCTEC and has been shared with the participating London boroughs for feedback, and any subsequent changes to the text will need to be agreed by LCTEC. LCTEC propose to consult with dockless vehicle scheme operators and the Byelaw will also need to be approved by the Secretary of State.
- 3.7 If the byelaw is approved, each participating Council will be able to decide whether to identify designated locations where dockless vehicles can park within the borough, or elect not to provide any dockless parking provision at all. Any designated parking locations will require a traffic management order which will be advertised in accordance with statutory consultation guidelines and will need to be the subject of separate decision reports in due course.
- 3.8 Whilst the LCTEC's draft text of the Byelaw has not yet been finalised, in summary it:
- states that the Byelaw applies throughout Greater London;
 - defines “dockless vehicles” to cover not only dockless bicycles but also electric scooters if their use on the public highway is legalised in due course.
 - defines a number of other terms used in the draft Byelaw which are currently undefined in legislation (e.g. a dockless operator);
 - sets out minimum safety standards for bikes;
 - requires all bikes to be chipped to ensure their whereabouts can be tracked at all times;
 - requires all bikes to be left (whether by dockless operators or their customers) only in places agreed by the relevant local authority;
 - 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; and
 - Sets a penalty for a dockless operator committing the offence.
- 3.9 London Councils will develop guidance on the enforcement of illegal dockless vehicles in consultation with the participating boroughs. Guidance will also be needed on the designation of parking places and locations, the collection, management and provision of data on dockless bike customers and other highway users and how the participating boroughs may charge operators for the use of the parking spaces they make available.

3.10 If the Council approves the delegation of the Byelaw making to LTEC, then once the Byelaw is enacted it will become an offence for dockless operators to place or allow their bikes to be parked anywhere other than at a location agreed by the Council. It is anticipated that the penalty for breaching the Byelaw will be a fine not exceeding level 2 on the standard scale (currently £500).

4. **Available Options**

4.1 **Implement the proposals:** The Council could implement the proposal as outlined in this report.

4.2 **Do nothing:** The Council could choose to do nothing. This means the Council would not have the legal means provided by the Byelaw to control considerate operation of dockless vehicle hire within the Royal Borough.

5. **Preferred Option**

5.1 The preferred option is to implement the proposal.

6. **Reasons for Recommendations**

6.1 The delegation of the specific functions to LCTEC would facilitate the creation of a London-wide Byelaw to provide boroughs with legal means to ensure dockless vehicle hire operators only allow their vehicles to be parked at locations designated by the Council.

7. **Consultation Results**

7.1 This decision would not require any form of consultation.

8. **Cross-Cutting Issues and Implications**

Issue	Implications	Sign-off
Legal including Human Rights Act	<p>The Council is empowered to make the Byelaw under Section 235 of the Local Government Act 1972 (power to make byelaws for good rule and government and the procedure for making byelaws is set out in section 236 of the same Act.</p> <p>Under section 101(5) of the Local Government Act 1972, two or more</p>	<p>Eleanor Penn, Assistant Head of Legal Services, 11/10/2019</p>

	<p>local authorities may discharge their functions jointly, and where such arrangements are in force, they may arrange for the discharge of those functions by a joint committee. The London Councils Transport and Environment Committee (LCTEC) is such a joint committee which has been appointed by the 33 London local authorities.</p> <p>The Leader’s Scheme of Delegation sets out at paragraph 4(2) in Part 3 of the Council’s Constitution, the Council’s transport and environment functions which had already been delegated to LCTEC.</p> <p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) provide that the function of making arrangements for the discharge of functions by a committee or officer under section 101(5) of the Local Government Act 1972 is not to be the responsibility of an executive of the authority. The proposed delegation of the making of the Byelaw to LCTEC, as referred to in this report, is therefore required to be approved by Full Council.</p>	
<p>Finance and other resources including procurement implications</p>	<p>There are no financial implications arising from this report.</p>	<p>Sue Rock Accountancy Business Change Manager 09/10/2019</p>
<p>Equalities</p>	<p>Addressing inappropriate parking of dockless bikes on the highway in a manner which causes inconvenience or disruption to highway users would help meet the needs of all highway users, particularly those who are blind or</p>	<p>John Lynn Principal Transport Planner 08/10/2019</p>

	partially sighted and those who require wider available footways such as for wheelchairs or buggies.	
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9. **Report Appendices**

9.1 The following documents are to be published with and form part of the report:

- *Appendix A: LCTEC Agreement amendment delegated authority form*

10. **Background Papers**

N/A

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