



London Councils' Transport and Environment Committee

Dockless Bicycles –
Londonwide Byelaw

Item No: E2

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Summary: This report updates TEC on the proposed pan-London parking byelaw for the regulation of dockless bicycle hire schemes in London.

Recommendations: Members are asked to:

1. Note the update;
2. Note the current draft text of the byelaw;
3. Note that the next step in the timetable is sharing the draft wording of the byelaw with dockless operators

Update

1. TEC has previously agreed that the correct future approach for dockless bike sharing is to move away from the status quo, where Boroughs reach individual agreements with specific operators, and instead move to borderless operations throughout Greater London.
2. Controlling bike fleets would be achieved by Boroughs using existing powers to designate parking places for dockless bikes, and (following the necessary delegation of powers which was discussed and agreed at the June 2019 TEC meeting) TEC promoting a pan-London byelaw on Boroughs' behalf to prohibit bike operators from parking dockless bikes other than at those approved designated parking places.
3. Discussions between TfL, London Councils and Borough Officers have led to the attached draft byelaw.
4. There are currently five dockless bike operators working in London and a sixth may launch before next spring. Separately, the Department for Transport is currently reviewing the legal status of electric kick scooters, which are currently illegal on public roads. If these vehicles become legal, we can expect dockless scooter operators to launch in London too.
5. As such there is likely to be an ongoing need to manage dockless sharing schemes (irrespective of the vehicle type), and boroughs' concerns regarding the impacts of inconsiderate parking on the comfort and convenience of other highway users may be exacerbated.

Current draft of byelaw

6. A draft byelaw has now been prepared which matches the intentions set out at TEC in June. The draft text is attached as an annex to this TEC report, but in summary, it:
 - Defines a number of terms used in the draft Byelaw currently undefined in legislation (e.g. a dockless operator);
 - States that the byelaw applies throughout Greater London;
 - 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, 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; and
 - Sets a penalty for a dockless operator committing the offence.
7. The drafted wording covers dockless bikes and e-bikes, and could apply to electric kick scooters or other micromobility vehicles. Local issues such as how many parking places to provide and where to locate them will be for individual authorities to decide, but as a general rule it is envisaged that approved spaces would not be exclusive to specific operators in order to facilitate journeys across borough boundaries. Guidance will now be prepared to accompany the byelaw around key issues like enforcement and designating spaces, with the intention of providing a viable operational framework for this type of transport scheme. Proposals are also being developed for pan London arrangements that enable boroughs to charge for the parking they provide, and TfL is keeping officials in central Government abreast of progress.

Sharing the text with operators

8. Other than final agreement from TEC, the essential requirements for the byelaw to be made are all boroughs delegating their powers to TEC, Ministerial approval (including preparation of supporting statements), public consultation, and consideration of consultation responses. The process of delegating powers is under way following the TEC meeting in June, so the focus is now on preparing for securing Ministerial approval.
9. A number of steps are required to achieve this, and if it is granted, specific activities will be required afterwards before the byelaw can be made. In addition to submitting the draft byelaw for Ministerial consideration, a written statement must be provided that sets out why the byelaw is required, and an assessment of its regulatory burden must be compiled. The assessment must be informed by consultation with those affected (i.e the dockless operators), and it is proposed that the current draft of the byelaw is now sufficiently mature to be shared informally with operators to enable their views to be sought on the burdens it would impose.

Next Steps

10. If TEC is content, the current byelaw text will be shared with dockless operators via their representative organisation ComoUK, and TfL and London Councils will gather their feedback. A report on progress, operator feedback and next steps would then be made to TEC on 5 December.

Recommendations: The Committee is asked to:

1. Note the report;
2. Note the current draft text of the byelaw;
3. Note that the next step in the timetable is sharing the draft wording of the byelaw with dockless operators

Financial implications for London Councils

11. To be discussed in light of any further legal support that may be required.

Legal implications for London Councils

12. All implications are contained in the body of the report.

Equalities implications for London Councils

13. 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 partially sighted and those who require wider available footways such as for wheelchairs or buggies.

The Greater London Dockless Vehicle Hire Byelaws

Draft Bye Law - 1 October 2019

1. General Interpretation

(1) In these byelaws:

“Dockless Parking Space” shall mean a parking place for Dockless Vehicles designated by a Local Authority or Transport for London or any Public Place where a parking area for Dockless Vehicles has been approved in writing by the Local Authority or Transport for London as an area where Dockless Vehicles may be placed and made available for hire.

“Dockless Vehicle” means any transport device (whether mechanically propelled or not) which is made available to hire through a Dockless Hire Scheme and which is a pedal cycle, electrically assisted pedal cycle, or any similar class of transport device which may be lawfully used on the highway.

“Dockless Hire Scheme” means a scheme offering Dockless Vehicles for hire from a highway or other Public Place (other than a scheme offering Dockless Vehicles wholly or partly from on-street infrastructure constructed and installed for their use) where the contract for hire is entered into without the simultaneous physical presence of the Dockless Operator and the hirer.

“Dockless Operator” means any person offering Dockless Vehicles for hire through a Dockless Hire Scheme.

“Public Place” means an area of highway or other open land (whether or not it is fenced) under the ownership or control of a Local Authority or Transport for London.

“Local Authority” means a London Borough Council or the Common Council of the City of London.

(2) A reference to:

(a) legislation (whether primary or secondary) includes a reference to the legislation as amended, consolidated or re-enacted from time to time and, in the case of regulations, includes a reference to any regulations which replace the regulations referred to;

(b) a “person” includes a natural person and a corporate or unincorporated body;

(c) words in the singular include the plural and vice versa.

2. Application

These byelaws apply throughout Greater London.

3. Safe condition of Dockless Vehicles.

- (1) No Dockless Operator shall offer for hire a Dockless Vehicle unless it is safe.
- (2) In determining whether a Dockless Vehicle is safe regard shall be had to whether the Dockless Vehicle complies with, or the Dockless Operator has complied with, applicable provisions of:
 - (a) in the case of a pedal cycle, the Pedal Cycles (Construction and Use) Regulations 1983 and the Road Vehicles Lighting Regulations 1989;
 - (b) in the case of an electrically assisted pedal cycle, the Pedal Cycles (Construction and Use) Regulations 1983, the Road Vehicles Lighting Regulations 1989 and the Electrically Assisted Pedal Cycle Regulations 2015; or
 - (c) in all cases, any statutory requirements applicable to a Dockless Vehicle of that class.

4. Identification and management of Dockless Vehicles

- (1) No Dockless Operator shall offer a Dockless Vehicle for hire unless:
 - (a) it has an individually identifiable asset number visibly displayed;
 - (b) it is fitted with a device which ensures the location of the Dockless Vehicle can be identified at all times by the Dockless Operator, the local authority in whose area the Dockless vehicle is situated and Transport for London, and the device is retained in operation.
- (2) No Dockless Operator shall offer a Dockless Vehicle for hire unless the hirer is prohibited from leaving the Dockless Vehicle on any highway or other Public Place other than at a Dockless Parking Space.
- (3) For the purposes of complying with paragraph 4(1)(b) and 4(2), the Dockless Operator shall make available real time location data via a publicly available application programming interface for each Dockless Vehicle that is available for hire or has been hired through its Dockless Hire Scheme.

5. Parking of Dockless Vehicles

No Dockless Operator shall cause or permit a Dockless Vehicle to be placed on any highway or Public Place other than at a Dockless Parking Space.

6. Penalty

Any Dockless Operator offending against these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.