

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD2770

### Title: Delegation of Mayoral Powers for trialling an e-scooter rental service in London

#### Executive Summary:

Department for Transport (DfT) regulations allowing trials of rental electric scooters in the UK came into force on 4 July 2020. Transport for London (TfL)'s engagement with London boroughs and with e-scooter operators has demonstrated that there is strong interest in hosting trials and as such, it is likely that some form of e-scooter trial(s) will happen in London, with or without TfL's intervention.

This decision seeks approval from the Mayor to delegate to TfL the GLA's powers to do anything it considers will further the promotion of economic and social development and environmental improvement to permit TfL to operate an e-scooter rental trial on the Transport for London Road Network (TLRN), and to co-ordinate that same trial across one joined-up trial area covering any borough that wants to participate. TfL will achieve this coordination through the selection of up to three operators, who will deliver a contract that TfL will let and participating boroughs will call off from. TfL will manage the overarching contract in collaboration with London Councils and the London boroughs. This decision identifies and acknowledges that, as might be expected from the introduction of a new form of motorised transport, a degree of residual risk in relation to the trial will remain even after a wide range of mitigations have been applied (which include impacts on individuals with protected characteristics and an expected increase in collisions and injuries). Nevertheless, those risks will be significantly lower than if this proposal were not to be implemented and if TfL were to play a lesser role in London with the London boroughs operating their own, fragmented, series of trials.

#### Decision:

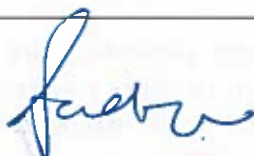
The Mayor authorises Transport for London, under section 38(1) of the Greater London Authority Act 1999 (GLA Act), to exercise the Greater London Authority's functions under sections 30 and 34 of the GLA Act to do all things it considers necessary or expedient for the co-ordination, implementation and operation of a trial scheme for the hire of e-scooters in London in accordance with the Delegation Document set out in Appendix A.

#### Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

8/3/21

## PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

### Decision required – supporting report

#### 1. Introduction and background

- 1.1. In early May 2020, the Department for Transport (DfT) announced its intention to bring forward trials of rental e-scooters and to roll the option out to any interested local area. According to the DfT's 'E-scooter Trials: Guidance for Local Areas and Operators' published in June 2020, the trials would form part of the government's response to the coronavirus pandemic in order to "support a 'green' restart of local travel and to help mitigate reduced public transport capacity".
- 1.2. Following consultation, new regulations to allow the trials came into force on 4 July 2020. These trials are only permitted in approved local authority areas with explicit authorisation under a vehicle order by the DfT (which will allow e-scooters to be used legally for trial purposes only). Privately-owned e-scooters remain illegal for use on public highways. TfL's engagement with London boroughs and with e-scooter operators has demonstrated that there is strong interest in hosting trials and as such, it is likely that some form of e-scooter trial(s) will happen in London, even without TfL involvement. With only the 33 boroughs (including the City of London Corporation) able to pass the road traffic regulation orders needed to put this trial in place, TfL is coordinating all borough partners across London on detailed plans for a trial. Although the DfT has set vehicle standards for the trials, taking steps to enhance safety remains a priority in London, and the trial will assist in the consideration of how this new vehicle type might impact the objectives of the Mayor's Transport Strategy (MTS). Without TfL's involvement there would be a patchwork of trials, of varying operators with no consistency applied which could have potentially significant impacts on safety for London. To prevent this outcome and to impose additional requirements for safety on a multi-borough basis, TfL is proposing to coordinate all borough partners across London using detailed plans for a trial.
- 1.3. TfL expects the trial to last for 12 months but the trial term may at TfL's discretion, and under the terms of the administration agreement (defined in paragraph 1.5 below), be extended for a further six months subject to DfT approval. Any decision to extend at the end of the 12-month period would take into account the success and impacts of the trial to date. The boroughs and the extent of the TLRN covered by the trial area may change as boroughs join or leave as the trial progresses.
- 1.4. The key purposes for seeking this approval are:
  - to allow TfL to coordinate a single e-scooter trial across London, promoting safety at its core and achieving a consistent approach with participating boroughs; and
  - to enable selected organisations to operate the rental e-scooter trial on the TLRN in addition to other roads within the boroughs that are taking part in the trial, providing a transport alternative (including for TLRN users) to car travel and capacity restricted public transport to support recovery from the coronavirus pandemic, and enabling TfL to collect data to understand how this trial affects infrastructure and operations on the TLRN (as well as other roads owned and maintained by London boroughs).
- 1.5. TfL activities in relation to coordinating a multi-borough trial would include:
  - **Managing an open and transparent selection process (with support from London Councils) to select and enter into contracts with up to three operators.** Participating London boroughs can call off the contract (known as the "administration agreement") as either a 'full-service' borough, providing parking in addition to allowing the e-scooters to be ridden, or to permit only e-scooters to 'ride-through'. Full-service boroughs will be responsible for setting and enforcing local parking and priority areas as well as 'no-go areas', where e-scooters cannot be ridden and will automatically come to a safe stop and 'go-slow areas', where the speed of the e-scooter will be automatically limited to eight miles per hour (mph). This automation will be

enabled through geofence technology, which will set a virtual geographic boundary that the e-scooters will be unable to ride across (in no-go areas) or will slow down the e-scooters upon crossing (in go-slow areas). Ride-through boroughs will also set no-go and go-slow areas. Both ride-through and full-service boroughs will need to make the necessary Traffic Regulation Orders to ensure e-scooters can be used legally on all cycle infrastructure. Non-participating boroughs will not be required to make changes to their Traffic Regulation Orders as e-scooters will not be allowed to ride through these areas.

- **Establishing an operational board with representatives from TfL, London Councils and the participating London Boroughs.** The operational board will consider and be consulted on core contract management issues following trial commencement, including fleet sizes and charges payable by the operator on a periodic basis, any performance management contraventions, or required changes to the administration agreement;
- **Undertaking an on-going coordination role throughout the trial.** TfL staff will continue to coordinate organisations involved in delivery of the trial, including London Councils, participating boroughs and selected operators. This includes the coordination of a comprehensive monitoring, data collection and evaluation programme capturing data from operators, London boroughs, the police, as well as e-scooter users and non-users, to better understand the benefits and impacts of this new vehicle type for London;
- **Managing a separate micro-mobility data platform contract.** This data-sharing platform will enable TfL to collect data to evaluate certain elements of the trial throughout its duration as well as support specific operational activity with safety as a core priority. Any data collected would be anonymised and compliant with data protection legislation; and
- **Administering the collection and distribution of the agreed contributions from operators towards TfL's and the boroughs' costs under the administration agreement.** The amounts that operators would be charged and that boroughs would receive have been agreed with the boroughs and would be set out in the administration agreement with the selected operators (see Appendix B). TfL taking this administrator role has efficiency benefits for the boroughs and the operators, reducing the number of payments and invoices for all involved.

1.6. TfL activities in relation to the TLRN would include:

- **Entering into call off contacts with up to three operators under the administration agreement in relation to the TLRN;**
- **Amending Traffic Regulation Orders.** This would facilitate the use of cycle tracks on the TLRN by riders of rental e-scooters in participating boroughs in line with new regulations to refine the traffic sign and marking requirements for roads being used for e-scooter trials, which came into force on 19 February 2021. Full-service and ride-through boroughs would be responsible for amending Traffic Regulation Orders for any cycle tracks on their own roads. Once these amendments have been made by TfL and full-service and ride-through boroughs, riders of rental e-scooters would be able to use all cycle lanes and tracks within the permitted trial area;
- **Deciding whether and where e-scooters could be parked on the TLRN and on TfL land where viable for e-scooters within full-service boroughs, and providing the supporting markings in line with DfT guidelines.** TfL does not expect to provide e-scooter parking on the TLRN but is planning for some parking to be provided on TfL land outside and close to a limited number of TfL stations where it is safe to do so. Operators would be required under the administration agreement to geofence parking to these designated, marked areas to manage safety and reduce street clutter;

- **Identifying 'no-go' and 'go-slow' areas, which operators would be required to geofence operations to, in order to manage safety.** Areas that will be "geofenced out" of the trial area include stretches of TLRN (and boroughs roads) with speed limits above 40mph and tunnels; and
- **Enforcement on the TLRN / TfL land in compliance with the administration agreement.** TfL's Compliance, Policing, Operations & Security team and the boroughs are developing a process for dealing with highway obstructions caused by badly parked e-scooters, based on how TfL currently deals with dockless bikes. Such enforcement action by TfL would include the imposition of a contractual remedy on operators through the administration agreement and, if required, may extend to enforcement of the offence of causing an obstruction to the highway under section 137(1) of the Highways Act 1980 by issuing a fixed penalty notice (in accordance with section 8 of the London Local Authorities and Transport for London Act 2003) or prosecution of the person(s) causing the obstruction. The Metropolitan Police Service has indicated that it would also enforce against activities such as riding e-scooters on pavement or footways.

## 2. Objectives and expected outcomes

### 2.1. The key objectives of TfL taking a coordinated approach to the trial are to:

- promote safety at the trial's core and help to ensure operators meet strict minimum standards relating to vehicle design, vehicle maintenance, parking, customer education and training;
- achieve a consistent approach across London (improving upon the experience of dockless bikes, which created a patchwork of different approaches), including in relation to street clutter, access across different socio-economic groups and enforcement issues;
- provide the data to understand how e-scooters might impact the achievement of the MTS, as well as helping to inform the DfT's consideration of whether to provide a statutory basis for e-scooters to be used in England, Scotland and Wales, following the trials; and
- provide the Mayor with the platform and evidence to request any city-wide powers that might be needed in the longer term to manage e-scooter use.

### 2.2. The additional objectives of trialling rental e-scooters on the TLRN are to:

- provide a potentially green and sustainable alternative to private car and capacity restrained public transport (including on the TLRN) to support coronavirus pandemic restart and recovery work; and
- collect evidence about any infrastructure changes or safety interventions that would be necessary on the TLRN ahead of any possible legalisation enabling non-trial rental and / or privately-owned e-scooters to be used on the highway.

### 2.3. Along with these wider project objectives, learning objectives have been prepared for the trial to ensure evidence is collected on:

- user and non-user impacts (including on those sharing protected characteristics), perceptions, attitudes and experience;
- impact on mode shift;
- air quality;
- Vision Zero (including incidents and risky behaviours) and Healthy Streets;

- engineering and infrastructure implications;
- commercial viability of e-scooters;
- how e-scooters might support coronavirus pandemic recovery; and
- any regulatory standards to consider.

#### *Expected benefits*

2.4. The benefits to TfL taking this coordinated approach are the achievement of the trial objectives as set out above, and more specifically:

- **TfL would be able to set the standards that are important to the Mayor, TfL, London Councils and the London Boroughs to promote as safe and consistent an approach as possible to trialling a new potentially sustainable vehicle type in London.** These standards include:
  - **Safety:** Through the administration agreement, strict safety requirements and high operating standards would be enforced as far as possible, putting safety first and ensuring that the trial is responsibly managed for the benefit of everybody in London. Safety requirements run throughout the administration agreement and will require operators to provide services that include: additional vehicle safety features beyond the DfT's requirements (see Appendix C); strict maintenance regimes; strategies to mitigate risky behaviours and crime and ensure vehicles are parked in designated areas only without obstructing pedestrian access; and providing customer education and training on how to ride safely and considerately. In addition to 'no-go' and 'go-slow' areas, 'key zone' areas will also be used to limit the number of vehicles in certain areas, to ensure local hotspots do not become inundated by vehicles. An important learning objective of the trial would be to keep under ongoing review the impact on, and perceptions and attitudes of, users and non-users, particularly older people and disabled people who have shared concerns about the potential impacts of the vehicles in public spaces (see equality implications below).
  - **Environment:** Through the administration agreement, TfL would set and encourage environmental standards important to TfL and the Mayor, including Ultra-Low Emission Zone (ULEZ) compliance, minimising water and energy consumption, using renewable energies, and encouraging sustainable design, manufacture and maintenance of the e-scooters. An important learning objective of the trial will be to understand the impact of e-scooters on the demand for travel by car, walking, cycling and public transport, and the corresponding impact this has on the health of Londoners.
  - **Accessibility:** Operators would be required through the administration agreement to offer low income or equitable access customer plans to reduce transport inequality. In delivering the trial, TfL would better understand any inequality in access that may need to be managed longer term. TfL would collect data to understand the impact of this vehicle type on travel behaviour in London as well as where e-scooters can enhance transport options and complement existing public transport.
- **Collection of data to understand any social, economic, health and environmental benefits and impacts.**
  - Through the administration agreement operators would be required to comply not only with the DfT's data sharing, monitoring and evaluation processes but with TfL's own detailed data requirements, including for example, anonymised trip details and utilisation, user and usage information, safety and incident reporting and environment and sustainability



metrics. Further data and insights will be collected throughout the trial from users and non-users of the trial, and from participating boroughs, police and wider stakeholders.

- Evidence collected through this trial would be used to shape the policy position for TfL, London Councils and the London boroughs on this vehicle type, which is being used privately and illegally already on London's streets in growing numbers, and in turn, to feed in views to help to shape national legislation relating to this new vehicle type, including informing TfL, London Councils and the London Boroughs as to any powers needed to promote positive outcomes in London for the Mayor and for TfL.

### 3. Equality comments

- 3.1. Under section 149 of the Equality Act 2010, as public authorities, the Mayor, TfL and the boroughs are subject to the public sector equality duty and must have due regard to the need to (i) eliminate unlawful discrimination, harassment and victimisation; (ii) advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and (iii) foster good relations between people who share a relevant protected characteristic and those who do not. The protected characteristics under section 149 of the Equality Act that are expected to be most significantly impacted by the introduction of a trial are; age, disability, pregnancy and maternity, race, gender and sexual orientation.
- 3.2. TfL has undertaken a programme of research and engagement to accurately understand the views and concerns of TfL's stakeholders and importantly the possible impacts of the introduction of the rental e-scooter trial on people with protected characteristics. Evidence has been gathered via the reading of organisations' consultation responses to the DfT in early 2020, published reports or articles in the public domain written by groups representing those with protected characteristics like the Royal National Institute of Blind People (RNIB), as well as by journalists and other cities and multiple meetings with stakeholders and representative bodies. In July 2020, TfL also issued a questionnaire to 140 key stakeholders to gain their direct views on e-scooters which received 48 responses. TfL's engagement programme is on-going and will continue throughout the trial in particular to find out how some stakeholder views may evolve. All on-going engagement and new findings will be incorporated into the equality impact assessment (described in paragraph 3.10 below).
- 3.3. Multiple stakeholder groups including TfL's Independent Disability Advisory Group (IDAG) have positively supported the approach TfL proposes to take towards e-scooters; working together with London Councils and the participating boroughs, to drive a high safety standard to ensure that selected operators have in place appropriate mitigations, such as those listed in the paragraphs above, to address stakeholder concerns. They have noted in particular the difference that this approach will make in terms of higher and consistent safety standards for the people they represent.
- 3.4. Stakeholders have raised multiple possible negative impacts from the proposed e-scooter rental trial on the TLRN predominately in the area of safety. TfL has considered all the raised impacts fully and highlighted below the significant areas of concern. This section is structured in order of impact with the most significant first. TfL has responded to the concerns raised by introducing multiple mitigations to address them. These mitigations are further described at paragraph(s) 3.5 to 3.8.
- 3.5. **Risk of injury to pedestrians due to illegal or poor rider use including e-scooters becoming street litter through poor parking:** Nearly all consulted stakeholders as well as reports read have emphasised the risk of injury to other road users as a result of illegal or poor rider use including, e-scooters being incorrectly parked and becoming street litter. Taking into account the number of comments about the use of e-scooters in this way, TfL believes this to be the biggest area of impact.
  - Age UK told TfL that they are very concerned about e-scooters being used on footways. Whilst e-scooter use will remain illegal on footways, Age UK highlights that it is already common with illegal private use and that some older people are already anxious about walking on footways,

especially those that have had one or more falls. Additionally, the Crown Estate raised their significant concern to TfL about the conflict between pedestrians and e-scooter users that could occur on the public highway. In addition, the Guide Dogs for the Blind Association stated that they are already hearing from blind and partially sighted people who are anxious that a trial will have an impact on their independent mobility if they're not managed appropriately.

- Considering this further, this concern may be shared by a wider group of Londoners who are less mobile, including those pushing prams or who are pregnant and who may alter or limit their journeys if they feel e-scooters could create hazards for them. The TfL Youth Panel informed this discussion further as they stated their concerns about e-scooters being parked in positions that are either unsafe or block pathways. Although they did not stipulate the exact consequence for younger people, it could be assumed that e-scooters that are left in unsafe locations could be trip hazards for smaller children who don't have as much road awareness. However, the TfL Youth Panel felt that it was not enough of a reason to stop the trial.
- As part of the co-ordinated approach, TfL will require operators to provide comprehensive and clear training to all users, on disability awareness, and on how to ride and park e-scooters safely and considerately. Operators will also be required to conduct outreach for both users and non-users, and with community and stakeholder organisations. It is the intention of TfL that such mitigations will promote, encourage and foster good relations between all road users (actual and potential) who share protected characteristics and those who do not.
- In relation to parking, the coordinated approach to trials in London referred to in paragraph 2.4 above, would enable restrictions to be imposed on e-scooter deployment and parking would be permitted in designated parking areas only, provided and chosen by the participating boroughs. Ultimately boroughs will determine where e-scooters can and cannot be parked and geo-fencing will provide technological and contractual levers to control or influence where they will be ridden. TfL would also produce parking guidance to help ensure consistency across the trial area and the introduction of "no-go" and "go-slow" areas by the participating boroughs (as per paragraph 2.4) aims to prevent or restrict the use of e-scooters in areas deemed unsuitable. Although vehicles could still be discarded without consideration, TfL would seek to mitigate the risk of poor parking on the TLRN by imposing a contractual requirement on operators to prevent parking on that network. Further, any e-scooter parked outside agreed parking areas will be non-compliant with the contract and Operators would be contractually required to ensure their removal within specified timeframes.

### **3.6. Risk of injury to pedestrians due to e-scooters making little to no sound or not being clearly seen:**

- Amongst many other stakeholders such as IDAG and the TfL Accessibility Forum, the RNIB have told TfL that silent vehicles such as e-scooters are extremely difficult for blind and partially sighted people to see or hear and that it may not always be obvious to someone riding an e-scooter that they are approaching a pedestrian with sight loss. The Urban Transport Group (UTG) has also highlighted concerns of e-scooters being largely silent and have said they could present dangers to pedestrians, particularly those who are less mobile or who may be slower to react. TfL has considered how this could affect others with protected characteristics such as older people, pregnant women or young people with little road awareness; the group affected is anticipated to be significant.
- The DfT is mandating that vehicles need to have certain safety features which should ensure the vehicles are designed with the safety of users and the general public in mind. In addition to these minimum standards, it is expected that e-scooters being used in the trial in London will also benefit from the safety features set out in Appendix C (including being capable of efficient braking at all times and having forward and rearward lighting that is always on for the duration of any rental). Also, as part of the coordinated approach detailed in paragraph 2.4, TfL will require operators to provide comprehensive and clear training, including disability awareness, to all users

on how to ride e-scooters safely and considerately and encourage riders to wear clothing that improves their visibility.

- 3.7. **Risk of injury to pedestrians due to the speed of e-scooters:** The TfL Accessibility Forum, which represents multiple organisations, highlighted to TfL their concerns that the speed of e-scooters is not suitable for certain areas or that they are simply too fast. Furthermore, the National Federation of the Blind of the UK in their paper “No time to trial or legalise e-scooters” regularly cite speed as a contributory factor to many of the incidents seen in other cities involving e-scooters.
- The DfT’s speed limit for approved rental e-scooters will be 15.5mph. TfL considers that this speed will not always be appropriate, especially in areas where e-scooters are interacting with pedestrians. TfL expects the speed of an e-scooter to disproportionately impact on older people with less mobility and those with a disability that limits movement, and those that are visually impaired. If they are in the path of an oncoming e-scooter in a shared space people in these groups may struggle to move out of the way as quickly as others would and the injuries could also be more significant for them too, particularly for older people.
  - To manage the speed and use of e-scooters in unsuitable areas, the administration agreement provides for “no-go” and “go slow” areas to be introduced by participating boroughs with operators complying with these requirements via geo-fencing technology.
- 3.8. **E-scooters affordability:** The Race Equality Foundation told TfL that the cost of renting an e-scooter will be an issue for those from deprived communities and some Black, Asian and Minority Ethnic (BAME) groups who are amongst the poorest in the population.
- TfL also found that this may extend to other groups too, as the GLA held data on London’s population told TfL that income is lower than average for BAME individuals, women, younger people and those from the LGBT communities. Whilst the e-scooter rental charges to customers have not yet been determined, if the cost of hire were too high for these groups, they could be prevented from using the scheme.
  - As part of the co-ordinated approach, TfL intends to select up to three operators with the aim of keeping prices competitive and would also put provision in the administration agreement that operators must offer low-income/equitable access customer plans to support the use of rental e-scooters by disadvantaged groups in London and to reduce transport inequality.
- 3.9. TfL is acutely aware that one impact of the introduction of a trial could be the longer term negative behaviour change for those with protected characteristics which could include older people or pregnant women choosing to take other forms of transport rather than walking because they do not feel safe on the pavements or crossing roads. One of the core principles of this rental e-scooter trial, as seen in paragraph 2.1, is to gather data to understand how e-scooters can work in London and to gain further evidence of their impact on Londoners including those with protected characteristics. It is TfL’s intention to build further evidence here to better understand these impacts and the data TfL intends to gather will help TfL to learn more as the trial progresses.
- 3.10. An equality impact assessment (‘EQIA’) has been produced by TfL and is annexed for the purpose of enabling the Mayor to give due consideration to the public sector equality duty (described in paragraph 3.1 above).
- 3.11. The EQIA will be kept under continual review. Robust monitoring and evaluation will occur throughout the trial to ensure the impacts on individuals with protected characteristics are being appropriately assessed and where necessary, issues actioned through appropriate mitigations.



## 4. Other considerations

### *Risks and impact assessments*

- 4.1. As summarised in Section 3 above, key risks associated with the trial of this new vehicle type in London have been considered through the EQIA and have been mitigated wherever possible through the administration agreement.
- 4.2. In addition to the EQIA, TfL has produced a draft risk assessment which identifies and analyses the risks associated with the trial in London together with the appropriate mitigations. Both documents will be kept under continuous review throughout the trial.
- 4.3. Applying the series of mitigations identified in the EQIA and draft risk assessment will significantly lower the risks associated with the trial in London but there remains a degree of residual risk, including that people with protected characteristics will be impacted by the trial in a negative way. These impacts include the additional risk of accidents and injuries to pedestrians, e-scooter riders and other road users including individuals who share a protected characteristic (such as age, pregnancy and disability) and the increased level of anxiety that these individuals may experience as a result of the trial. Nevertheless, such impacts would be significantly greater if this proposal were not to be implemented and TfL were to play a lesser role in London, with the London boroughs operating their own, fragmented, series of trials and without the series of mitigations that TfL proposes to put in place.
- 4.4. Risks involved in the timeline of this trial are noted in Section 7. A key risk to delivery is the extent of the coordination required between the many stakeholders involved in delivery, including TfL, the selected operators, participating boroughs and London Councils. TfL has been working closely with these stakeholders through the development of the administration agreement and will continue this collaboration through mobilisation and delivery, establishing an operational board (section 1.5) to strengthen this collaboration.

### *Links to Mayoral strategies and priorities*

- 4.5. The proposed approach for this rental e-scooter trial links to existing MTS proposals and policies to 'take part in trials of new vehicle technology, adopting a safety-first approach' (Proposal 105) and 'explore, influence, and manage new transport services to ensure they adopt the healthy streets approach' (Policy 23). The availability of this new vehicle type could support MTS goals to 'reduce traffic levels by 10-15% by 2041' (Policy 5) and 'achieve a zero-emission transport system by 2050' (Policy 7).
- 4.6. The trial also supports London and national government's attempts to provide coronavirus pandemic recovery transport alternatives to the private car, and capacity restrained public transport.

### *Consultations and impact*

- 4.7. TfL has collaborated with London Councils and the boroughs throughout the development of the administration agreement. In addition, as outlined in greater detail in paragraph 3.2 above, TfL has undertaken a programme of research and engagement to seek to understand the views and concerns of over 140 of the Mayor's and TfL's stakeholders and representative bodies as well as the possible impacts of the proposed rental e-scooter trial on individuals with protected characteristics which has resulted in the production of the annexed EQIA. One of the core principles of this trial, as seen in paragraph 2.1 above, is to gather data to understand how e-scooters can work in London and to gain further evidence of their impact in the capital.

### *Other considerations*

- 4.8. There are no conflicts of interest to declare for any of the officers involved in the drafting or clearance of this decision form.

## **5. Financial comments**

- 5.1. Operators would be responsible for covering the total costs of running their services during the trial, setting customer pricing, collecting customer revenue and paying for the cost of any necessary e-scooter removal. Operators would be required to provide low income pricing options to ensure equitable access to the service.
- 5.2. In addition to covering their costs of delivery, each operator will be required to pay charges in respect of every e-scooter and full-service or ride-through borough. As set out in Appendix B, charges paid per operator will vary every period and depend on the number of ride-through and full-service boroughs participating, as well as the number of e-scooters in their fleet. Distribution of these payments from operators to the boroughs would be determined by fleet size plus the proportion of trips that end in each borough.
- 5.3. As noted previously, TfL would administer the collection of these agreed charges from operators and distribute the payments to TfL and the boroughs accordingly, to support their respective costs of running the trial.
- 5.4. Total costs for boroughs of participating in the trial is not known, but their additional costs would include the provision of parking and preparing Traffic Regulation Orders. For TfL, additional external costs will include costs to deliver e-scooter parking at some TfL stations where viable, and the Traffic Regulation Orders required for the TLRN, and total approximately £200,000. Costs recovered by TfL through operator charges could cover between 25 per cent and 85 per cent of these external costs, depending on trial size.
- 5.5. There are no direct financial implications for the Greater London Authority arising from this decision.

## **6. Legal comments**

- 6.1. The Mayor is being asked to enable the delivery of an e-scooter trial by TfL pursuant to sections 30 and 34 (general and subsidiary powers) of the GLA Act, by means of a delegation of those functions under 38 (delegation) of the GLA Act. In order to allow TfL to carry out the procurement arrangements and other aspects required for delivery of the trial on behalf of boroughs as described in paragraph 1.5 above and to carry out the wider range of activities described in paragraph 1.6 (including entering into the contracts in relation to the TLRN) it is proposed to supplement TfL powers by the Mayor approving the Delegation as set out in Appendix A.
- 6.2. Section 30 of the GLA Act gives the Mayor a general power to do anything which he considers will further one or more of the principal purposes of the GLA. The principal purposes, as set out in section 30(2), are:
  - promoting economic development and wealth creation in Greater London;
  - promoting social development in Greater London; and
  - promoting the improvement of the environment in Greater London.
- 6.3. Further, section 34 of the GLA Act allows the Mayor to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of any of his functions (including his functions under section 30).
- 6.4. It is considered that the proposed trial will further all three of the principal purposes set out in section 30 above, with particular emphasis on social development and environmental improvement.

- 6.5. Sections 38(1) and (2) of the GLA Act allow the Mayor to authorise TfL to exercise functions under the GLA Act and other relevant legislation on his behalf, including those contained in sections 30 and 34. The delegation of the GLA's section 30 and 34 functions is considered sufficient to enable TfL to undertake the role and activities envisaged under the Scheme. Section 38(7) of the GLA Act gives TfL the power to exercise any functions delegated to it by the Mayor pursuant to section 38, whether or not TfL would otherwise have had that power and irrespective of the nature of the function.
- 6.6. The Mayor's functions under section 378(1) of the GLA Act are also relevant and include the following tourism related duties:
- to encourage people to visit Greater London;
  - to encourage people from outside the UK to visit the UK via Greater London; and
  - to encourage the provision and improvement of tourist amenities and facilities in Greater London.
- 6.7. Further, section 378(2) of the GLA Act gives the Mayor power to do anything for the purpose of or incidental to the discharge of these duties.
- 6.8. Under the trial, e-scooters will be available to tourists visiting London. Although the Mayor cannot delegate his tourism functions under section 378 to TfL<sup>1</sup>, the proposed Scheme and TfL's role in it are consistent with the exercise of the Mayor's section 378 functions by encouraging tourists to visit London and providing facilities and amenities to meet their travel requirements.
- 6.9. The Mayor, the GLA and TfL are subject to the public sector equality duty contained in section 149 of the Equality Act 2010 (as described in the 'Equality' section in paragraph 3 above).
- 6.10. The proposed Delegation is at Appendix A. The Mayor may impose conditions on any such delegation. The proposed Delegation is on standard terms and authorises TfL to exercise the GLA's functions under sections 30 and 34 of the GLA Act to do all things it considers necessary or expedient for the co-ordination, implementation and operation of a trial scheme for the hire of e-scooters in London.

## **7. Planned delivery approach and next steps**

- 7.1. Within TfL, the Transport Innovation Directorate would be responsible for delivery of the trial and would work in partnership with London Councils, ride-through and full-service boroughs and the procured operators. The operational board referred to in paragraph 1.5 above would be established to consider core contract management issues throughout the course of the trial, with representatives from Transport for London, London Councils and the boroughs.
- 7.2. TfL and London Councils would aim to secure the necessary approvals from the DfT to enable contract award with selected operators in March 2021 and service launch in Spring 2021. It should be noted that this launch date would be dependent on these approvals, operator contract award timelines and the time it takes boroughs and operators to ensure they are ready to commence services. Further milestones are set out in Table 1 below.

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<sup>1</sup> The power to delegate the Mayor's functions under Part X of the GLA Act (Culture, Strategy and Tourism), including those contained in section 378, under s 380 only permits them to be delegated to a range of other bodies under which do not include TfL.

**Table 1: Possible dates for e-scooter trial**

<b>Milestone</b>	<b>Earliest possible dates</b>
DfT approval for the trial	March 2021
Contract award with selected operators	March 2021
Boroughs call off the contract	March 2021 onwards
Operator mobilisation	March 2021 onwards
TfL mobilisation of data platform	March 2021 onwards
Trial launch	Spring 2021 (date tbc)
Trial close	Spring 2022 (date tbc)

**Appendices:**

Appendix A – Mayoral Delegation to TfL  
Appendix B – Charges to e-scooter operators  
Appendix C – Vehicle safety specifications  
Appendix D – The Specification

**Supporting papers:**

Equality Impact Assessment

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

**Part 1 - Deferral**

**Is the publication of Part 1 of this approval to be deferred? NO**

Until what date: (a date is required if deferring)

**Part 2 - Sensitive information**

Only the facts or advice that would be exempt from disclosure under FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form -NO**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to  
confirm the  
following (✓)

**Drafting officer:**

Claire Eagle has drafted this report in accordance with GLA procedures and confirms the following:

✓

**Sponsoring Director:**

Philip Graham has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

**Mayoral Adviser:**

Heidi Alexander has been consulted about the proposal and agrees the recommendations.

✓

**Advice:**

The Finance and Legal teams have commented on this proposal.

✓

**Corporate Investment Board**

This decision was agreed by the Corporate Investment Board on 1 March 2021.

**EXECUTIVE DIRECTOR, RESOURCES:**

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

**Signature**

**Date**

1 March 2021

*D. Gane*

**CHIEF OF STAFF:**

I am satisfied that this is an appropriate request to be submitted to the Mayor

**Signature**

**Date**

1 March 2021

*D. Bellamy*



