



## Report for Leader Decision (Transport Portfolio)

<b>Decision Date:</b>	23 March 2022
<b>Reference number:</b>	TR12.22
<b>Title:</b>	<b>Extension of the e-scooter trials until November 2022</b>
<b>Cabinet Member(s):</b>	Councillor Steve Broadbent
<b>Contact officer:</b>	Joan Hancox, Head of Transport Strategy, joan.hancox@buckinghamshire.gov.uk
<b>Ward(s) affected:</b>	Abbey; Aston Clinton & Bierton; Aylesbury East; Aylesbury North; Aylesbury North West; Aylesbury South East; Aylesbury South West; Aylesbury West; Booker, Cressex & Castlefield; Downley; Hazlemere; Ryemead & Micklefield; Stone & Waddesdon; Terriers & Amersham Hill; The Risboroughs; Totteridge & Bowerdean; Tylers Green & Loudwater; West Wycombe; Wing.
<b>Recommendations:</b>	<b>To extend the end date for the e-scooter trials in Buckinghamshire taking place in Aylesbury, High Wycombe and Princes Risborough until November 2022.</b>  <b>To confirm the change from Experimental Traffic Regulation Order to permanent Traffic Regulation Order until the trial finishes.</b>
<b>Reason for decision:</b>	<p>The Department for Transport (DfT) has extended the national e-scooter trial to allow wider assessment of take up and impact post-lockdown. Buckinghamshire therefore has the opportunity to extend its trial to contribute to the national DfT evidence collection.</p> <p>The current Experimental Traffic Regulation Order expires on the 31<sup>st</sup> March 2022 and in order to extend the trial we need to convert this to a Permanent Traffic Regulation Order. This will</p>

allow us to continue to provide a legal basis for the use of e-scooters on roads and designated cycle paths in Buckinghamshire.

## **1. Executive summary**

- 1.1 This paper is seeking approval for Buckinghamshire Council to extend the current trial for e-scooters, which is being facilitated by the Department for Transport (DfT), and approval to make a permanent Traffic Regulation Order (TRO). This would extend the trial from March 2022 until November 2022.
- 1.2 The extension of the trial will enable additional data to be collected for the DfT through the Covid recovery period, helping to understand what the uptake will be post-lockdown and providing a comparison with the same period in 2020. This will be invaluable in providing evidence via our operator to feed into the evaluation process being conducted by the DfT, who are using the trials to consider the suitability of e-scooters as a new transport mode and their future legalisation.
- 1.3 Participating in the e-scooter trial has enabled Buckinghamshire Council to offer a sustainable mode of travel for its communities, especially whilst access to public transport was reduced due to Covid-19. The trial has enabled e-scooters to be introduced in a controlled and safe manner and supports the Council's ambitions to be a 'living lab' for innovation. They also support the Council's Climate Change agenda by proactively providing opportunities to promote sustainable transport. There have been over 100,000 rides in Buckinghamshire since the trial began and only two reported health and safety incidents.
- 1.4 A 12-month report for the trial which provides details on the usage, feedback from the public and how the trial has been performing against our strategic objectives will be published in Spring 2022.
- 1.5 In order for e-scooters to be legally used on our highways and cycle paths we are required to implement a Traffic Regulation Order (TRO). In 2019 the DfT permitted Councils taking part in the trials to put in place an Experimental TRO (ETRO). However, ETROs are only permitted to be used for up to 18 months and the current ETRO expires on the 31<sup>st</sup> March 2022. In order to continue with the trial we are required to make the existing ETRO permanent. This will permit us to continue the trial until the new end date of November 2022, and beyond if there are to be any further extensions.

## **2. Main content of report**

### Background to trials

- 2.1 To support a 'green' restart of local travel and help mitigate reduced public transport capacity as a result of Covid, the DfT fast tracked trials of rental e-scooters. It was considered that e-scooters could offer the potential for fast, clean, and inexpensive

travel that could also help ease the burden on transport networks and allow for social distancing.

- 2.2 The Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020 came into force on 4th July 2020 to facilitate the e-scooter trials.
- 2.3 Informal discussions were held with several operators to gain an understanding of the operating models available and to ascertain whether Buckinghamshire would be a viable option. An expression of interest was posted in July 2020 and Zipp Mobility selected as the preferred operator.
- 2.4 Extensive consultation and engagement were undertaken with key stakeholders including disability groups to ensure that the Buckinghamshire trials would be as safe as we could possibly make them. A full list of stakeholders is in paragraph 5.1.

#### Aim of the trials

- 2.5 The main aim of the trials is to build robust evidence about the safety, benefits, public perceptions, and wider impacts of e-scooters in order to inform the possible future, permanent, legalisation of e-scooters in England.
- 2.6 Key areas which the DfT are gathering information on include:
  - Safety outcomes for e-scooter users and what influences this;
  - Interaction with, and effect on, other road users;
  - Public perceptions of these scooters including people with disabilities and related groups;
  - Nature of modal shift and new journeys that have been enabled;
  - Characteristics of users and how uptake and outcomes differ for different groups;
  - Local authority perception of effects on their transport system.

#### Key elements of the trials

- 2.7 Only e-scooters participating in the trials are officially classed as legal. Privately owned e-scooters are still considered illegal.
- 2.8 During the trials, e-scooters are being classed as motor vehicles, requiring all users to have a provisional driving licence as a minimum. E-scooters in the trials must be covered by a motor vehicle insurance policy. DfT expect all operators to have a policy in place that covers users of the vehicles.
- 2.9 Users are not required to complete a mandatory training course but in Buckinghamshire we offer this and other key safety features are included on the Zipp App. Wearing a helmet is recommended but not a mandatory requirement.



- 2.10 E-scooters are permitted to use the same road space as cycles and Electrically Assisted Pedal Cycles. This means e-scooters are allowed on the road (except motorways) and in cycle lanes and cycle tracks.
- 2.11 E-scooters can be used on shared cycle/pedestrian pavements through an amendment to the TRO. E-scooters are not permitted on pavements which are not shared with cycles.
- 2.12 We initially began trials in Aylesbury and High Wycombe in November 2020 with Zipp Mobility as the operator. The trial was expanded into Princes Risborough in May 2021.
- 2.13 The numbers of scooters, potential routes and parking locations were agreed with stakeholders and the operator. These are reviewed on a regular basis to ensure issues such as safety concerns can be resolved quickly and to meet new demand where required. Geo-fenced zones are also agreed with stakeholders and the operator to enable a strict e-scooter use zone.
- 2.14 The operating model of painted parking bays was agreed with stakeholders and the operator to ensure it is appropriate for the locality. A parking bay is typically indicated by a painted white box marking. These are visible to the community. Journeys begin and end in pre-defined parking bay locations. A process has been introduced to ensure engagement with local members and parishes before any new bays are implemented.

#### Results of the trial so far

- 2.15 The trials have so far been successful in Aylesbury and High Wycombe, and early results from the more recent trial in Princes Risborough are encouraging. Our success is measured by how we meet the following Strategic Objectives:
- **To evaluate safety for riders, other road users and the community**
    - So far, we have had few incidents either on the roads or on shared cycle/pedestrian pavements.
    - We have not had any reports of negative impacts on the community, although we have received complaints as well as reports of concerns about underage users and multiple occupancy riding. Zipp are able to block repeat offenders following reports of antisocial riding.
  - **To measure the transport mode shift**
    - Most journeys take around 10 – 25 minutes with the average journey being 13 minutes.
    - Zipp are about to undertake user surveys which will help us to quantify whether e-scooter users have transferred from private car, public transport or walking/cycling.
    - E-scooter trips increase during the am and pm peaks which implies people are using the e-scooters as an alternative way to commute to/from work.

- **Contributes towards Buckinghamshire's ambition to improve air quality and reduce carbon emissions.**
    - We are currently not able to assess the impact of the trial on air quality or carbon emissions. There are currently no studies in the UK to indicate the level of changes to air quality and carbon emissions as a result of introducing e-scooters.
    - The DfT trials will increase the data available on the proportion of trips replacing car journeys and therefore the estimated impact on carbon emissions.
  - **Evaluate the effectiveness of e-scooters as a new transport mode**
    - The numbers of users have remained broadly consistent across the 18 months. There have been reductions in users during colder weather and the lockdowns as would be expected.
  - **Evaluate how local characteristics impact on the trial**
    - We initially had to reduce the e-scooter speed and block off certain roads in High Wycombe because of the steepness of the hills.
    - Zipp have now procured new e-scooters with an advanced braking system that has allowed us to open up and test more areas in High Wycombe for usage. This is the only area in which they operate with a hilly topography, so the trial has already led to improvements and changes in e-scooter design.
- 2.16 In Aylesbury, there has been a total of 71,068 rides to date covering a total of 126,734 miles. The average ride time is around 13 minutes and average ride distance is 1.9 miles. The most popular times for rides are between 14:00 and 22:00 and the most popular routes are in the town centre.
- 2.17 Building on the success which these numbers demonstrate the Council has been working with local Parish Councils and members to expand the scheme further in Aylesbury, including to Berton and Buckingham Park.
- 2.18 In High Wycombe, there have been a total of 48,469 rides to date covering a total of 76,474 miles. The average ride time is around 13 minutes and the average ride distance is 1.7 miles. The most popular times for rides are between 14:00 and 20:00 and the most popular routes are along the main routes into and out of the town centre. There are also rides occurring from further afield such as in Loudwater, Micklefield and the edge of Hazlemere.
- 2.19 Similar to the situation in Aylesbury, the Council has been working with local Parish Councils and members to consider expanding the scheme further in High Wycombe.
- 2.20 Since the introduction of improved e-scooters in High Wycombe there has been an increase in the number of rides and area coverage since this solution was put in place.

High Wycombe saw the highest numbers of ridership in a single day in November 2021. The number of rides per week has also increased from around 800 a week to over a 1000. If the trial were to be extended it would provide more opportunity to see how the adjustment of geofences could impact ridership during the warmer months in an area where hills are considered a barrier to walking and cycling.

- 2.21 In Princes Risborough, the results are within realistic expectations for a town of its size and population. There has so far been a total of 4,025 rides, with an average ride time of around 10 minutes and average ride distance of approximately 1.27 miles. Most rides occur between 18:00 and 20:00.

### Safety

- 2.22 There is a very mixed representation in the media from interest groups and communities about the benefits and risks associated with micro-mobility vehicles such as e-scooters. Safety is one of the key issues.
- 2.23 To try and mitigate some of these risks for riders, other road users and pedestrians on shared use pavements, the DfT have issued strict design guidelines for scooters. They have also set a maximum speed limit of 15mph. In Buckinghamshire we have reduced this in key areas in response to local conditions. They do not, however, mandate formal training or the wearing of helmets, providing recommendations only.
- 2.24 It is impossible to de-risk every form of mobility, but we have worked to make sure that the Buckinghamshire schemes are the safest possible by implementing mitigation measures such as:
- Rider education/training via the booking app
  - Offering free helmets
  - Geo-fencing to reduce speeds and exclude e-scooters from specific areas which are considered less suitable for e-scooters or may pose safety risks
  - Additional hygiene requirements to address Covid-19 (additional cleaning, anti-viral wraps on handlebars, advice to sanitise hands before and after use)
  - Specifying journey start and end locations in marked bays to promote good parking practice and reduce obstructing other members of the community such as visually impaired or blind residents.
  - Warning riders when there are reports of misuse and banning some riders for anti-social riding. So far:
    - 1 rider has been banned in Buckinghamshire for reckless riding.
    - Zipp have sent 47 final warning emails.

- 2.25 The result of this has been effective with over 120,000 rides and only two reported health and safety incidents in Buckinghamshire during the trials, one that was associated with the scooter rider only and one with a pedestrian.

#### The future of e-scooters

- 2.26 When they have the evidence from the trials the DfT will be able to decide whether or not to put forward proposals for e-scooters to be legalised, and if so the rules that should apply to them. The rules that apply in the trials might not be the rules if e-scooters are legalised, therefore it is not simply a case of turning the current trials into permanent e-scooter rental schemes.
- 2.27 The Government has yet to decide on whether e-scooters will be legalised and there is no timetable set out for legalisation. Therefore, it is unlikely that e-scooters will be made legal by November 2022 and therefore the trials would need to be extended again after November 2022 if the Council wishes to continue to participate.
- 2.28 In order to extend the trial period now (and in the future if we so wish) we need to make a change to the type of Traffic Regulation Order that allows the use of e-scooters on the highway. The current ETRO comes to an end on the 31<sup>st</sup> March 2022 after 18 months in place, and it is not permitted to extend this type of order beyond 18 months. Therefore, we need to convert the ETRO into a permanent TRO.
- 2.29 Normally there would be a consultation process ahead of a new TRO. However, as the process will be making an ETRO permanent, there is not a requirement to undertake further consultation: the consultation prior to initiating the experimental period is regarded as the consultation period. As long as no objections have been received during its first 6 months in operation it is possible to convert the ETRO to a TRO.
- 2.30 Although we had complaints during this time, we have not had formal objections (objections to the ETRO must be submitted in writing, state the grounds on which it is made and sent to the address on the notice).
- 2.31 Within the permanent TRO will be an Article that states “The Order shall remain in operation until either the e-scooter trials [and/or the e-scooter pilot scheme] as authorised [or to be authorised], by the Department for Transport comes to an end.” This means that the order will cease to be effective when the trials end.
- 2.32 The current decision only relates to an extension of the trials until November 2022. Should the DfT seek to extend the trials further and Buckinghamshire Council still wishes to participate, there would be a need for a further decision by the Leader.

### **3. Other options considered**

- 3.1 The extension of the e-scooter trial is voluntary. The Council could decide not to extend the trial or to only extend the trial in one or more of the existing areas beyond 31<sup>st</sup> March 2022. The Council has received complaints about e-scooters concerning

anti-social behaviour and riding on pavements. However, it is possible that by extending the end date there may be a continued sense that e-scooters are legal, which could lead to further private e-scooter purchases and illegal use. Some local members in High Wycombe are opposed to the trial there continuing.

- 3.2 Ending the trials would mean the loss of a popular, alternative, innovative, and very visible form of transport. There would also be the loss of local employment – the e-scooter company's base is in High Wycombe and the scheme employs 15 people.

#### **4. Legal and financial implications**

- 4.1 An experimental Traffic Regulation Order (ETRO) was brought into force under subsections 9 and 10 of the Road Traffic Regulation Act 1984, to facilitate the trial and is still in place. The order will expire on 31<sup>st</sup> March 2022.
- 4.2 Legal services have advised that in order to extend the trial beyond 31<sup>st</sup> March 2022 a further permanent TRO will be required to be made under the provisions of the Road Traffic Regulation Act 1984. The process of introducing a further TRO will incur costs for advertising a notice in the local press and on site. It is anticipated that the costs to extend the trial will be in the region of £800-£1200. These costs can be accommodated within existing budgets.
- 4.3 The e-scooter service is provided on a cost neutral basis to the Council. The trial is being run as a business by Zipp Mobility. Therefore, the Council has not incurred any running costs. Existing staff resources have been utilised to project manage the trial.
- 4.4 If the trial end date is extended then a minimal amount of officer time will be required to manage the trial with Zipp until the end of November 2022. This would be existing officer time so would be at no additional cost.

#### **Risks**

- 4.5 There is a risk that once the trial ends, users will purchase their own e-scooters and use them illegally. Although this is an issue in locations without e-scooter trials currently. The trial e-scooters are only legal due to legislative amendments included in the Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020. In the event that the trial comes to an end the Council will mitigate against this risk using media articles highlighting that the trial has come to an end and that private e-scooters remain illegal.

#### **5. Corporate implications**

- 5.1 Participating in the trial fits with the Corporate Plan priorities of "Improving our Environment" and being a "living lab" for innovation.





- 5.2 It also supports the Climate Change Strategy approved by Cabinet on 15 July 2020 by proactively providing opportunities to promote sustainable transport.
- 5.3 An EQIA screening was completed prior to the start of the trial. The EQIA highlighted concerns regarding the impact on residents who may be blind, visually impaired or hard of hearing. The main concern, as with cyclists, is the potential for collisions. A key aim of the trial is to provide evidence to assess safety for the users, other road users and the wider community.

## **6. Communication, engagement & further consultation**

- 6.1 Informal engagement was undertaken before the trial commenced with key stakeholders, including:
- Local disability groups
  - Members through the Active Travel Steering Group
  - Town and Parish Councils and Town Committees
  - Town centre partnerships
  - Aylesbury Garden Town
  - Chiltern Railways
  - Thames Valley Police (TVP)
  - BTVLEP
  - Transport for Buckinghamshire
  - Buckinghamshire Road Safety Team
  - Buckinghamshire NHS Trust
- 6.2 We have a dedicated system on our website to receive anonymised comments from members of the public. So far, we have received 186 comments from Aylesbury, 89 in High Wycombe and 11 in Princes Risborough. Of those comments received, the majority are reporting issues with pavement riding and other misuse of the scooters. These are routinely passed onto Zipp to take appropriate action.

## **7. Engagement with local councillors and Community Boards**

- 7.1 Ward members for each trial area were emailed on 23<sup>rd</sup> December 2021 to update them on how the trials were progressing and ask their opinion on extending the trial. They then received a follow up email on 7<sup>th</sup> January 2022. Their feedback has been summarised below.

### *Aylesbury*

- 7.2 We contacted 18 members for Aylesbury and had three responses. All were supportive of the trial extension. Additionally, in previous discussions other members have been supportive of extending the trials.

### *High Wycombe*

- 7.3 We contacted 22 members from High Wycombe have had five responses. Two of these are supportive and feel it is a good idea to extend the trial.
- 7.4 One councillor was supportive of e-scooters in principle but had concerns about underage users, that they seem quite untidy and can lead to anti-social behaviour (ASB). If the consensus is that they are a helpful green way for (young) adults to get around, and there is no ASB or illegal use, and they work on hills then the councillor would support their continued use.
- 7.5 Two councillors were unsupportive of the trial extension because they felt the e-scooters are not safe for those who are elderly or those with restricted sight, as well as being concerned about antisocial behaviour and non-observance of the rules. One councillor also believes they were only replacing walking trips and being used for leisure rather than replacing car trips.

### *Princes Risborough*

- 7.6 We contacted two members for Princes Risborough and one councillor responded. They were supportive as shown by their statement – “Thanks for this, personally I like them, they are taking a little time to catch on so I support the trial extension.”
- 7.7 Community Boards were not contacted directly as they cover a wider area than those of the trials. However, all the chairs were included in our emails in their capacity as local ward members.

## **8. Next steps and review**

- 8.1 If the extension of the trial is approved we will inform the DfT that we wish to extend and will work with them to bring an appropriate Vehicle Service Order into force. At the same time, we will work with legal services to ensure the permanent TRO is put in place.
- 8.2 Officers will then work with Zipp Mobility to agree an extension to their contract, publicise the extension and inform key stakeholders of the extension. We will also continue to monitor feedback and manage the operator until the new end date.

## **9. Background papers**

The E-scooter trials: guidance for local areas and rental operators can be found here:

<https://www.gov.uk/government/publications/e-scooter-trials-guidance-for-local-areas-and-rental-operators/e-scooter-trials-guidance-for-local-areas-and-rental-operators>

The Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020 came into force on 4th July 2020, to facilitate e-scooter trials can be found here:

<https://www.legislation.gov.uk/uksi/2020/663/made>

The draft 12-month report on the trial and how it has progressed is available on request.

## **10. Your questions and views (for key decisions)**

If you have any questions about the matters contained in this report, please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider, please inform the democratic services team. This can be done by telephone 01296 382343 or email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).

