

**Decision Session – Exec Member for
Transport**

22 June 2021

Report of the Assistant Director, Transport, Highways and Environment

Review of e-scooter and e-bike trial to date and options for extension of the trial

Summary

1. This paper provides an update and review of the e-scooter and e-bike trials in York so far, and sets out whether to continue with the trial.
2. The Department for Transport (DfT) have approved an extension of the current e-scooter trials until the 31st March 2022. The extension of the trial by the DfT allows extra time for all trial areas to reach expected capacity of e-scooters and for the department to gather additional data to inform future legislation.
3. The recommendations in this report relate to the City of York council's participation in the Department for Transport's micro-mobility trial. The decision relates to continuing with the trial past the existing contract end date;

Option 1: To continue with the e-scooter and e-bike trial in line with the DfT guidance; to agree that the current operator will remain the sole provider in York (in line with the DfT guidance) and continue contribution of officer time in kind. To also increase the *maximum* number of e-scooters permitted in York from 700 to 1000 [Option recommended by Officers]

Reason: To enable continuation of the trial in York until the 31st March 2022, in line with the DfT's requirements. Continued contribution of officer time to ensure safe continuation of the trial. An increase in the maximum number of e-scooters permitted will ensure demand is met.

Option 2: To continue with the e-scooter and e-bike trial in line with the DfT guidance; to agree that the current operator will remain the sole provider in York (in line with the DfT guidance) and continue contribution of

officer time in kind. To keep the *maximum* number of e-scooters permitted in York to 700.

Reason: To enable continuation of the trial in York until the 31st March 2022, in line with the DfT's requirements. Continued contribution of officer time to ensure safe continuation of the trial. Keep maximum number of e-scooters to 700, though this may limit availability of e-scooters in the city.

Option 3: To end the e-scooter and e-bike trial at the end of the current contract (12th October 2021).

Background

4. The decision for York to participate in the Department for Transport's (DfT) e-scooter trials was made on the 8th September 2020. The trials support a 'green' restart of local travel and help mitigate the impact of reduced public transport capacity, providing a sustainable mode of transport around the city.
5. The decision to extend the trial to include e-bikes was made on the 18th January 2021, and to trial the service area beyond the outer ring road, on 11th May 2021.
6. The DfT have approved an extension of the current e-scooter trials until the 31st March 2022. The national lockdowns over the winter of 2020/2021 have meant that the trials have grown at a slower rate than initially intended. Therefore the extension of the trial by the DfT allows extra time for all trial areas to reach expected capacity of e-scooters and for the department to gather additional data to inform future legislation.

Update on the trials (usage)

7. The trial of e-scooters in York has been operating since the 12th October 2020 and is run by the operator TIER. The e-scooters have been introduced in a phased approach, gradually increasing the service area and number of e-scooters available. The service area includes provision at the University of York, York Hospital, York St John's University, and city centre locations. This has also expanded into other areas of the city including Clifton, South Bank and Hull Road, with plans to continue expansion past the outer ring road, starting initially in Poppleton, Haxby and Wigginton.

8. This expansion has focused on supporting local travel for residents, in line with the national lockdowns.
9. E-bikes were added to the service in April 2021, along with a new fleet of upgraded e-scooters. The new e-scooter model included indicators and a smaller footplate to reduce the ability for tandem riding.
10. In the first six months of the trial, there were 39 parking locations available for e-scooters and e-bikes, with 270 e-scooters and 50 e-bikes available for hire.
11. The approach taken to provide and only allow e-scooters to be parked in dedicated bays has mitigated incidence of e-scooters being seen as street clutter and improved safety for non-users. The approach taken has also led to high parking compliance. In 2021, 0.3% of trips ended in a vehicle needing to be returned to the parking bay by TIER due to being misparked.
12. In the first six months of the trial, 21,136 trips were taken, with a total of 144,443km travelled on e-scooters. The service has over 6,000 riders.
13. The e-bikes were introduced in April 2021, providing an active travel option for riders. The pedal-assist can help aid faster or longer-distance travel, with reduced physical stress to power the bike compared with a traditional pedal cycle. The pedal-assist can also be beneficial to those with joint problems, as e-bikes are seen as exerting less stress on the body than a standard bicycle. In the first three weeks of the e-bikes being available, 893 trips were taken, with a total of 3,500 km travelled on e-bikes. The average trip length was 3.9km.
14. During the first six months of the trial, one incident was reported, with minor injuries sustained. An incident is defined as that which involves personal injury occurring on the public highway (including footways) in which at least one road vehicle (including bikes and e-scooters), or a vehicle in collision with a pedestrian, is involved.
15. There have been a number of reports of anti-social behaviour at specific e-scooter parking bays. TIER have addressed these by implementing slow speed zones, and increasing patrols by TIER and working with North Yorkshire Police (NYP).

16. TIER implement a three-strike system for irresponsible use. Each time, the rider is signposted to TIER's AA Ride Safe School. A number of riders have been banned due to irresponsible riding of TIER e-scooters in York.

TIER measures

17. TIER have undertaken a number of measures to ensure a COVID-safe service. TIER have increased their cleaning regime, with scooters cleaned daily, averaging a clean every 5 rides or less. Hair nets and sanitiser sachets are also available in the helmet box provided with every scooter. Further information on TIER's COVID measures can be found at the following webpage - <https://www.tier.app/covid19/>.

18. TIER have supported key workers during COVID. TIER scooters are available at York Hospital and TIER have supported key workers in York through their TIER Heroes programme. This programme offered key frontline workers, including those in the NHS, free unlocks and minutes for the e-scooters to assist their daily commutes.

19. Ongoing engagement with the key City partners including the Universities, North Yorkshire Police, the Hospital, and the visually impaired community has ensured effective communication of progress of the scheme and resolving any issues quickly. The council are also in regular contact with the Department for Transport and other participating local authorities to share updates on the trial and address any issues.

20. TIER have engaged with residents in the city. They have held a virtual community event for York, as well as in-person events to inform residents on TIER and the e-scooter trials, and kept residents updated via a blog to provide regular updates on the service area and parking locations. Links to TIER's blog and how to report any issues are available on iTravel - <https://www.itravelyork.info/e-scooter-trial>.

21. TIER have also implemented a new fleet of e-scooters in York. These have a number of safety features including indicators and a smaller footplate to reduce incidence of tandem riding.

22. TIER have also supported York's COVID recovery. The new e-scooter model has a battery that can be swapped by riders. TIER have partnered with businesses across York to provide Powerboxes that hold and charge the e-scooters spare batteries. This benefits riders, with those swapping batteries offered discounted minutes, and supports local businesses by encouraging footfall.

Lessons learned

23. The council have worked positively with TIER and other key city stakeholders, including North Yorkshire Police, to respond to issues in a timely manner.
24. As with other trial areas, York have seen an increase in the use of private e-scooters which are only permitted on private land with the permission of the land owner. TIER and North Yorkshire Police have and continue to take proactive measures, engaging and learning from other local police in participating trial areas, to address this issue.
25. Table 1 outlines the key lessons learned from the e-scooter and e-bike trial in York.

Table 1. Key lessons learned from the e-scooter and e-bike trial

Issue	Explanation	Action taken
Private e-scooter use	Use of private e-scooters in York. These are currently only legal to ride on private land.	TIER working closely with NYP. NYP have liaised with police forces in other trial areas to share appropriate actions to address.
Anti-social behaviour	Anti-social behaviour reported around some e-scooter parking bays.	TIER have implemented slow speed zones and increased patrols with both TIER Rangers and the NYP.
Irresponsible riding	Reports of irresponsible riding of TIER e-scooters.	TIER worked with CYC, the NYP and other city stakeholders to address. TIER have a three strike system for banning riders, and provide training for riders through their online AA ride school.
E-scooter in the river	One TIER e-scooter taken from parking bay and	TIER increased patrols in the area and parking bays moved further from the river.

	thrown into the river.	
E-scooters not permitted on Sustrans cycle path	Sustrans unable to permit e-scooters on the Foss Islands path.	Discussions with TIER and Sustrans are ongoing to seek a resolution.
Low helmet usage	Use of TIER helmets below 10%.	TIER pop up in app to show how to open the helmet box and the foldable helmet. Stickers added to the helmet box to highlight there's a helmet inside to improve usage.
Visibility of e-scooters when parked is low for visually impaired community	The colours of the TIER scooter can make them difficult to see for the visually impaired community when the e-scooters are parked.	Reflective stickers and ID plates added to the scooters to increase visibility and helmet box lights turned on constantly.
Unable to read licence plates	Licence numbers too small to read.	TIER increased the size of ID plates on all current and future scooters.
Angle of front light causing glare	The angle of the front light of the e-scooter causing issues for oncoming pedestrians and cyclists.	TIER changed the angle of the e-scooter front light to reduce glare for oncoming pedestrians and cyclists.
Identifying suitable locations for e-scooter parking bays	Parking bays for e-scooters and e-bikes required greater local context.	Ward Cllrs formally involved in the e-scooter parking bay approvals process, with opportunity to comment and identify any potential issues including anti-social behaviour.

26. To date, TIER have been responsible for funding and managing all operational aspects of the trial in conjunction with local partners. If it is decided to extend the trial in line with the DfT's date of the 31st March 2022, then the trial in York would be extended by a further 6 months. To date, TIER have financed the scheme, with the Council providing existing

officer time to assist TIER in delivering the trial. The extension of the trial for a further six months requires continued officer time in kind to support safe continuation of the trial.

Discussion

27. As part of participating in and evaluating the trials in York, the City of York council prioritised safety and impact on the transport system, as well as usage of the service. The approach taken on providing and only allowing for parking in dedicated bays has mitigated incidence of e-scooters and e-bikes being seen as street clutter and improved safety for non-users of the service.
28. The council have worked with TIER in phasing the introduction of parking bays and service area of the e-scooters and e-bikes. This phased introduction has enabled any issues to be resolved quickly, and informed the future approach of expanding the service area and adding parking bays.
29. The slow and phased roll-out has had some impact on usage. However since expanding the service area and increasing connectivity of the city, usage has improved, and is in line with other cities of a comparable size in Europe, where e-scooters are legal to use.
30. The addition of e-bikes has offered further benefits for the City and its residents. The e-bikes complement the e-scooters, offering choice for individuals in terms of transport mode. Their availability across the city has enabled residents and visitors to trial e-bikes.
31. Case studies from TIER have found that the e-scooters and e-bikes have been used for a number of reasons; supporting leisure and commuter trips locally. The shared service has also supported travel for key workers and students.
32. As the trial service area expands, TIER and the council will look at how the e-scooters and e-bikes can integrate with other transport modes, for example through provision at the train station.

Council Plan

33. Contributes to key council priorities including; a greener and cleaner city and getting around sustainably.

Implications

Financial

34. The council has supported the introduction of the e-scooter trial without any direct financial contributions. The council has utilised existing staff resource to deal with issues that have arisen within the trial. This report recommends that support continues but no additional budgets are required.

Human Resources (HR)

35. The project will continue to be managed and delivered within existing staff resource.

Equalities

36. The Equalities Impact Assessment (EIA) is attached in Annex 1. This has identified mixed impacts on those with disabilities, with negative impacts for the visually impaired community, and potential positive impacts for those unable to walk long distances but who are still able to ride a bike, or stand on an e-scooter. Impacts on low income groups are also mixed, with potential benefits to those unable to access a private car, though cost of e-scooters and e-bikes may still be prohibitive. Due to age restrictions for the service, only those over 16 are able to rent e-bikes, and those over 18 who hold a driving licence are able to use an e-scooter (in line with Government regulations).

Sufficient mitigation measures have been outlined in response to advice from organisations representing the visually impaired community. These will continue to be monitored through the trial.

Legal

37. TIER entered into a concessionary arrangement with the Council to deliver the trial. To clarify, the operation was classified as a concession as it meets the basic legal requirements of such an arrangement:

I.e.

- a. it is contract for pecuniary interest concluded in writing under which the Council entrusted the delivery of the e-scooter and e-bike hire service to TIER;

- b. the consideration of which consisted entirely of TIER's right to exploit the service for commercial gain;
 - c. all operating risk in exploiting the service, encompassing demand or supply risk or both, was transferred wholly to TIER; and
 - d. the risk transferred to TIER involves real exposure to the vagaries of the market, in that TIER has assumed all responsibility for financing the service and it is not guaranteed to recoup the investments made or the costs incurred in operating the works or the services
38. The concession contract commenced on 12th October 2020, and is scheduled to expire on 11th October 2021. There are no available extension clauses under the contract, therefore the contract will need to be modified by way of a formal variation drafted in accordance with its terms and conditions by Legal Services in order to extend the current Contract Period from 11th October 2021 to 31st March 2022. Further, the variation must be agreed and signed before the contract expires on 11th October 2021.
39. The Concession Contract Regulations 2016 (the "**CCRs**") normally apply to procurement of concession contracts by local authorities; however, Regulation 9 of the CCRs only apply to concession contracts with a value equal to or greater than £4,733,252. The concession contract was therefore below threshold and not subject to the strict procurement requirements of the CCRs. Further, because the proposed variation to the Contract Period is unlikely to cause the total estimated value of the concession to exceed the threshold in Regulation 9 referred to above, the strict requirements on contract variation under Regulation 43 of the Regulations will not apply in this instance.

As such, there is no risk of the variation being challenged under procurement law.

40. In addition, as the contract was commissioned on an open and transparent basis subject to a competitive procedure, and will be varied subject the terms and conditions of the contract, then there are also no implications with the proposed variation under the current UK Subsidy Control Regime (formerly EU State Aid Law).
41. Finally, for all of the reasons outlined above, there are no implications to consider under the Council's Contract Procedure Rules ("**CPRs**") provided that the variation is entered into before the expiry date of the contract;

otherwise an appropriate waiver of the CPRs will need to be sought in order to directly award a new contract to TIER in those circumstances.

Crime and Disorder

42. There have been some incidents of anti-social behaviour at specific e-scooter parking bays which TIER have addressed. These will continue to be monitored as part of the trial. North Yorkshire Police, the Community Safety and Transport Team within City of York Council are working collaboratively to ensure that any issues are identified early, mitigated and that reassurance feedback on action taken is provided to any residents or local businesses concerned.

Information Technology (IT)

43. There are no IT implications.

Property

44. There are no property implications.

Risk Management

45. The risks related to the trial are outlined in the body of the report.

Contact Details

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Approved

Wards Affected: All wards.

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex 1: Equalities Impact Assessment