

## Licensing & Public Protection Committee

Outstanding Minute 617(ii) 17/02/16

### Use of Hover Boards / Balance Boards on Roads and Public Footpaths

The use of Hover Boards became increasingly popular in 2014 and 2015.

Currently the City Council is not involved in any initiatives regarding their use on the road or pavements. As reported to the Committee in February, Trading Standards has investigated the safety of Hover Boards.

In 2015 the Crown Prosecution Service issued guidance on the use of Hover boards, also known as Balance Scooters or 'Self-Balancing Personal Transporters'.

#### Use on Roads

The guidance indicated that the Department of Transport and DVLA consider them to be motor vehicles under the Road Traffic Act 1988.

However hover boards do not meet the requirements of the Construction & Use Regulations so they are not legal for road use. A 'driver' using a self-balancing personal transporter would be in breach of s87 (driving a vehicle without an appropriate licence) and s148 (driving without a policy of insurance) of the Road Traffic Act 1988.

#### Use on Pavement

The CPS guidance indicates that hover boards would fall within the provisions of s72 of the Highway Act 1835. This creates an offence to wilfully drive any carriage of any description on a footpath. Consequently hover boards cannot be use on a pavement.

This was used in 2011 when a man from Barnsley was fined £75 for riding his Segway on the pavement.

#### Fatal Accident

In December 2015 it was reported a 15 year old boy Nawaf Al-Tuwayan was killed one evening after falling off his board into the path of a London bus.

#### Current Enforcement

Breaches of any of the above legislation would be enforced by the Police. A Sunday Times article in December 2015 reported that police had made one confirmed arrest of a person using a hover board. This was by Sussex Police following an arrest in West Sussex.

Also in December 2015 a man from Croydon was charged and pleaded guilty to riding a hover board on the pavement having been caught on CCTV committing a theft.

#### Where can a Hover board be used?

The guidance indicates they may be used on private property with the permission of the landowner.

#### Future Policy

As these offences identified above would be enforced by the police, it would be for the police and Crown Prosecution Service to consider evidential and public interest matters before taking any formal action.