

Birmingham City Council

Report to Cabinet



7th September 2021

Subject: West Midlands E-Scooter Trial Extension
Report of: Acting Director, Inclusive Growth
Relevant Cabinet Members: Councillor Waseem Zaffar - Transport and Environment
Relevant O &S Chairs: Councillor Liz Clements – Sustainability and Transport

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 009214/2021		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential: Not applicable		

1 Executive Summary

- 1.1 On the 9th May 2020, the Department for Transport (DfT) announced that e-scooter trials, originally planned for 4 areas of the country (including the West Midlands) as part of Future Transport Zones, were to commence early and be extended to include more areas than initially planned. This initiative formed part of a £2.000 billion package to support cycling and walking in response to the COVID-19 pandemic.
- 1.2 The e-scooter operator Voi was selected as the sole operator in the West Midlands following a procurement process that was run by Transport for West Midlands (TfWM). The West Midlands e-scooter trial was launched in September 2020 in Birmingham city centre. Since then, the trial in Birmingham has been expanded to cover the city core and areas to the north and south of the city along the A34 and

A38 cycling corridors respectively. Council officers have worked closely with Voi to manage the direction of the trial, develop operational rules for different parts of the city, address any challenges, and prioritise the safety of both e-scooter and other road users.

- 1.3 Approval for the Council to enter into a 12-month trial was granted in the E Scooter Trial report approved by Cabinet in June 2020. The trial commenced in September 2020 and was due to run until September 2021. Central Government extended the national trial to 31st March 2022. This report seeks approval for the Council to extend the e-scooter trial until the end of March 2022 and potentially further to the end of September 2022, in line with a further national extension of the trial to Autumn 2022, likely to be granted by the DfT.

2 Recommendations

- 2.1 Approves the extension of the Council's participation in the West Midlands e-scooter trial until the end of March 2022 on the existing terms of the trial, in line with the current DfT extension granted in May 2021. It is noted that costs to the Council will be limited to officer time in continuing to monitor the trial.
- 2.2 Approves a potential further extension of the Council's participation in the West Midlands e-scooter trial from April 2022 until the end of September 2022, dependent upon the national trial being extended by the DfT beyond March 2022. It is noted that costs to the Council should be limited to officer time in continuing to monitor the trial but subject to confirmation by DfT.
- 2.3 Approves entry into any agreements and authorities required with the operator, DfT and the West Midlands Combined Authority (WMCA) to allow the trial to continue, and delegates authority to finalise the terms of these agreements to the Assistant Director Transport and Connectivity in conjunction with the Director of Council Management (Interim), in consultation with the Leader and relevant Portfolio Holders.
- 2.4 Authorises the Acting City Solicitor to negotiate, execute, seal and complete all necessary documentation and legal agreements to give effect to the above recommendation.
- 2.5 Approves that in the unlikely event that cost implications are identified for the Council for the period of the extended trial, an ask for contingency for unforeseen costs will be requested and available for draw down through delegations afforded to the S151 officer.

3 Background

- 3.1 On the 9th of May 2020 the DfT announced that trials of e-scooters (electric, two-wheeled scooters for use by one person) would be brought forward from 2021 to start no earlier than June 2020 and last for a period of 12 months, to help encourage more people to use alternatives to the private car, while capacity restrictions were in place on public transport. Since then, 32 areas across the

country have commissioned trials, including the West Midlands where the trial was launched in September 2020. It is noted that due to delays in the launch of trials in other parts of the country, the trial end period has been extended by the Department for Transport to 31st March 2022.

- 3.2 In the West Midlands, the e-scooter company Voi was selected as the single operator for the region following an open procurement process that was run by WMCA and took place in late summer 2020. In the West Midlands, Voi offer short-term hires of e-scooters. To do so, users need to download Voi's mobile application to their smartphone, to allow them access to the e-scooters, and to pay using the app.
- 3.3 The Council have made changes to a number of Traffic Regulation Orders (TROs) to allow e-scooter use. More specifically changes were made to convert 'cycle tracks' to 'cycle lanes', and to amend various 'pedestrian zones' and bus only roads to allow e-scooters use similar to pedal cycles. These changes were made through the Experimental Traffic Regulation Order (ETRO) process, as the trial is not a permanent scheme. If the DfT decides to legalise the use of e-scooters beyond the trial period, further, permanent TRO changes will be required.
- 3.4 Secretary of State approval was granted to the West Midlands Combined Authority (WMCA) in June 2021, enabling the use of "marked" parking bays for hire e-scooters on both the footway and carriageway. Accordingly, work is currently progressing on delivering two Experimental Traffic Regulation Orders (ETROs) to establish a number of bays on footway and carriageway locations. The first ETRO to be delivered will enable e-scooters to be parked on the footway within a defined bay. This is expected towards the end of summer 2021. On-carriageway parking locations for e-scooters are expected to be deployed in autumn 2021 due to the slightly more complex ETRO requirements. All marked bays will remain in place for the duration of the trial.
- 3.5 Since the start of the trial officers have worked with Voi to establish local rules and requirements for the trial, in order to ensure the safety of both e-scooter riders and other road users. As such, Voi have introduced different controls in the city, in the form of geofencing (i.e. programming the e-scooters to automatically adjust their speed in designated geographic locations using GPS technology). These include slow zones (speed is limited from 12.5mph to 5mph), incentivised parking zones, no parking zones, and no ride zones.
- 3.6 Voi are also introducing other technological controls to ensure the appropriate use of e-scooters. Their 'parking cop' feature means users must take a picture of their parked e-scooter every time they finish a ride and can be fined up to £25 for poor parking. Voi also detect badly parked e-scooters using built-in tilt sensors and reports from the public. As an indication, the average time taken to re-park a scooter from the time a report is received was 1.3 hours in July (an improvement from 1.7 hours in June).

- 3.7 In addition, Voi deploy on-street staff (called ambassadors) who monitor the use of e-scooters and issue warnings and fines to users who are not following the rules of the trial (for example if they are riding on pavements, or in instances of twin riding). Ambassadorial presence is key for ensuring that on-street issues are addressed promptly and Voi have been asked to increase the number of their ambassadors as the trial expands in the city.
- 3.8 It is also noted that West Midlands Police have worked closely with TfWM and Voi since the beginning of the trial. During the first months of the trial, Voi financed additional patrols by the police to focus on the enforcement of e-scooter rules, however the police suggested that this was no longer necessary due to the limited scale of issues identified. More recently, West Midlands Police took action against the illegal use of private e-scooters and further stressed in their messaging that only rental e-scooters that are part of official trials (i.e. Voi e-scooters in the West Midlands) can be used legally on the public highway.
- 3.9 Some headline statistics from the trial are provided below (correct until end of July 2021):
- 1,200 scooters are operating in a 36km² area covering the city core, and areas to the north and south of the city along the A34 and A38 cycling corridors respectively.
 - 550,000 rides had been taken, covering over 1.4 million kilometres in the city.
 - There have been 11 serious injuries and 107 minor injuries in the city . The most serious of which is a broken & dislocated shoulder. Only 1 serious injury involved anyone other than the rider.
- 3.10 The DfT intends to build a robust evidence base around the safety and wider impacts of e-scooter use, and these findings will inform the longer-term policy position of Central Government. The trial will allow Central Government to assess the benefits of e-scooters as well as their impact on public space. The DfT centrally monitors and evaluates the trials across the country. In addition, TfWM, working closely with the metropolitan district councils, co-ordinates local monitoring and evaluation processes in order to collect further data to develop local insight into the trial results.
- 3.11 TfWM carried out an online survey into the impacts of the trial in June 2021. In total 547 registered Voi users completed the survey, as well as 709 members of the public who completed a non-user survey. The survey provides some early insights into the impacts of the trial, which are outlined below.
- How safe are e-Scooters for their users and other road users? Safety statistics for the trial are provided in paragraph 3.10. In addition, the survey carried out by TfWM asked participants to rate their perception of safety when riding or being around e-scooters. Older respondents and those in work gave e-scooters lower ratings. Older respondents in particular tended to have more

concerns about safety and the standard of riding of other users compared to younger users.

- Who uses e-Scooters and why? E-scooter users were younger (58% under 34), more likely to be male (76%) and students (24%) when compared to the West Midlands population. E-scooters were used most regularly for leisure purposes (27% weekly). Around a fifth were using them regularly for work (22%) or shopping (19%).
- What mode shift do they cause? If e-scooters had not been available around half of users that participated in the survey would have walked instead, however, a third would have travelled by car, while a third would have travelled by public transport.
- What other impacts have they had in the local area? Among users of e-scooters, the trial has increased accessibility to different destinations within the trial area and provides higher flexibility compared to other shared modes of transport. In addition, Voi have offered over 64,000 free or discounted rides to emergency workers since the beginning of the trial. The key issues identified by the members of the public who do not use e-scooters, which mirror the complaints and issues raised with the Council, relate to poor riding behaviour (for example, on pavement), and poor parking practices that impact the safe movement of other road users.
- What aspects of the policy work or don't work, and why? A key policy challenge remains the fact that private e-scooters remain illegal but can be purchased freely from shops and online. It is expected that at the end of the trials the DfT will also make a decision on the future regulation of private e-scooters.
- What local lessons are there for further roll out/legal change? The trial has allowed officers to understand the operational parameters of a dockless e-scooter trial (such as fleet density, on-street monitoring requirements etc.), and the challenges and opportunities it presents in comparison to a docked model. Since July 2021 Voi operate a mixed parking model in Birmingham, which comprises mandatory parking in designated locations in the city core, while outside the city core users are incentivised but not required to park in designated zones.
- What other lessons can be learned? Further insight is required regarding the long-term commercial viability of different models of e-scooter schemes in Birmingham. In addition, further understanding is required regarding how e-scooters can be integrated with other modes of transport and used across different population and age groups as a viable alternative to the private car.

3.12 The DfT is managing the trial at national level, while TfWM acts as the coordinating authority across the 7 metropolitan districts in the region and are the key point of contact with DfT. It is proposed that the Council continues to work with TfWM on the e-scooter trial. WMCA will extend the existing contract with Voi to coincide with the end of the national e-scooter trials. It is understood that a further national

extension of the trials is likely to be granted by the DfT, taking the trials to autumn 2022.

4 Options considered and Recommended Proposal

4.1 **Option 1 – Do Nothing:** The alternative option to implementing recommendation 2.1 would be to end the Council's participation in the e-scooter trial in September 2021. However, this is not recommended as the trial is a relatively low-cost and low-risk method of trialling a new alternative to private cars, contributing to the Big Moves within the draft Birmingham Transport Plan (BTP).

4.2 **Option 2 – Continue and Extend the e-Scooter Trial:** The trial is a relatively low-cost and low-risk method of trialling a new alternative to private cars, contributing to the Big Moves within the draft Birmingham Transport Plan (BTP). It is therefore recommended to continue with and extend the e-scooter trial in Birmingham until the end of September 2022.

5 Consultation

5.1 Consultation and engagement have been taking place since the beginning of the trial with key stakeholders (including cycling, walking and disability groups), businesses, universities, the police, ward members, and the public. More specifically, monthly stakeholder engagement events have been taking place since August 2020, which include a diverse range of key stakeholders from the trial area and are aimed at informing them about trial developments and receiving questions and feedback. Furthermore, regional equalities meetings are taking place monthly and are specifically targeted at engaging with disability groups. It is noted that since the beginning of the trial Council officers have also been engaging directly with the public where issues emerged, often arranging dedicated solutions to address the citizens' concerns (for example, geofencing on certain streets where issues were observed). The public also have quick methods of reporting incidents with e-scooters directly to Voi via an online form, on the phone, or via email.

5.2 Furthermore, Voi are independently carrying out information campaigns and training events to inform the public about the safe use of e-scooters. Voi are also taking place in joint actions with other organisations, such as the police.

6 Risk Management

6.1 Key risks include safety issues that may arise from the operation of e-scooters. Discussions with TfWM and DfT have strongly focused on managing this risk alongside the e-scooter providers, as well as feedback from key stakeholders and members of the public.

6.2 A summary risk register is provided as Appendix A to this report.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The proposals align with policy objectives in the Council Plan 2018-2022 (as updated in 2019), the Birmingham Development Plan, the Draft Birmingham Transport Plan, the Emergency Birmingham Transport Plan, Birmingham Connected, the Health and Wellbeing Strategy, the West Midlands Strategic Transport Plan "Movement for Growth" and Clean Air/Climate Change Emergency agenda.
- 7.1.2 The proposal set out in this report will support the Council's actions to improve air quality, by encouraging greater use of sustainable travel modes. The trial is supporting the introduction of the Clean Air Zone in the city, as e-scooters can be used to access the zone and within the zone.
- 7.1.3 The proposal supports the Additional Climate Change Commitments agreed by Cabinet on 30th July 2019 following the motion on Climate Emergency passed at the full City Council meeting of 11th June 2019, including the aspiration for Birmingham to be net zero-carbon by 2030.

7.2 Legal Implications

- 7.2.1 The Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020 that came into force on 4 July 2020 provide the legislative basis for the e-scooter trials. They define 'e-scooters' and amend road traffic regulations to exempt e-scooters being used in a trial from certain requirements of the Road Traffic Act 1988 (which only permits the use of e-scooters on private land). Therefore, the use of e-scooters participating in the trial is now permitted on the public highway and on cycling infrastructure that lie within the trial area. In the West Midlands, e-scooters are not permitted on roads where the speed limit exceeds 30mph.
- 7.2.2 It is noted that e-scooters in trials need to be covered by a motor vehicle insurance policy. In the West Midlands, Voi's insurance policy covers both the e-scooters and their users. In addition, e-scooter users need to have a valid full or provisional driving licence and to be over 18 years old.
- 7.2.3 Private e-scooters remain illegal and can only be used on private land with the owner's consent.
- 7.2.4 Following the end of the trial, the DfT is expected to establish whether the Road Traffic Act 1988 legislative position on e-scooters should be reviewed.

7.3 Financial Implications

- 7.3.1 Development of the trial, procurement, and scheme monitoring costs have been covered to date by TfWM as part of Future Transport Zone funding from DfT. TfWM will continue to cover these costs until the end of the extended trial and will also cover any decommissioning costs (i.e. removal of any signs and markings).

7.3.2 There are no additional financial implications for the Council over and above existing staff time for the extended trial period, which is funded from existing Inclusive Growth Directorate budgets.

7.3.3 For the extended trial period, the Council will continue to transfer to the provider(s) of the service responsibility for:

- All direct running and infrastructure costs of the e-scooters as required in the operating model. This includes elements such as docking infrastructure, recharging the devices and associated energy consumption, maintenance; and
- All potential incidental implications, for example costs of recovering vandalised and abandoned devices from locations across the city.

7.3.4 In the unlikely event that cost implications are identified for the Council for the period of the extended trial, an ask for contingency for unforeseen costs will be requested and available for draw down through delegations afforded to the S151 officer.

7.3.5 Should the scheme become permanent, it will be subject to future decision reports in line with the Council's Gateway and Financial Approvals Framework.

7.4 Procurement Implications

7.4.1 There are no procurement implications.

7.5 Human Resources Implications (if required)

7.5.1 The Council's input will be undertaken using existing Inclusive Growth Directorate resources supported by finance, legal and procurement officers as required.

7.6 Public Sector Equality Duty

7.6.1 It is acknowledged that there are potentially adverse impacts on the protected groups and characteristics under the Equality Act 2010, and especially for people with disabilities. These have been and continue to will be addressed with the relevant stakeholders as part of the further development of the e-scooter trial and consultation and engagement processes proposed.

7.6.2 An Equality Impact Assessment report is attached as Appendix B.

8 Appendices

8.1 List of Appendices accompanying this report:

- Appendix A – Risk Assessment
- Appendix B – Birmingham City Council Equality Impact Assessment

9 Background Documents

- 'Birmingham Mobility Action Plan White Paper; Birmingham Connected': approved by Cabinet on 17th November 2014.
- 'Draft Birmingham Transport Plan': approved for public consultation by Cabinet on 21st January 2020.
- 'Emergency Birmingham Transport Plan': published on 14 May 2020
- 'E-scooter Trials: Guidance for local areas and e-scooter rental operators': circulated by the DfT on 9 June 2020, Available from: <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>
- Emergency Birmingham Transport Plan Cabinet Member report, 10th June 2020.