

# BRIEFING PAPER

---

**SUBJECT:** Proposed Traffic Regulation Order relating to rental e-scooters  
**DATE:** 11 August 2022  
**RECIPIENT:** Overview and Scrutiny Management Committee (“OSMC”)

---

## THIS IS NOT A DECISION PAPER

### SUMMARY:

1. This report is submitted for consideration as a general exception under paragraph 15 of the Access to Information procedure Rules in Part 4 of the Council’s Constitution, notice having been given to the Chair of Overview and Scrutiny Management Committee and the public.
2. The matter requires a decision to resolve the expiring Experimental Traffic Regulation Order that facilitates the rental e-scooter trial in Southampton. The urgency is linked to the expiry date of the Experimental Traffic Regulation Order on 13 September 2022, and for these reasons the decision cannot be deferred for inclusion in the next Forward Plan for decision following 28 clear days’ notice.
3. This paper briefs OSMC on the proposed Traffic Regulation Order to facilitate the e-scooter trials in Southampton.
4. An Experimental Traffic Regulation Order has been in place for 18 months and expires on 13 September 2022.
5. The conversion of the Experimental Traffic Regulation Order, previously agreed under officer delegation, to a Permanent Traffic Regulation Order is recommended to facilitate the e-scooter trial’s continuation to the end of November 2022.
6. A subsequent decision will be required later this autumn on whether to extend the E-Scooter trial beyond the end of November 2022, noting that on 28 June 22 the DfT confirmed that ministers had approved the extension of the national E-scooter trial period to 31 May 2024, giving participating local authorities the option to extend if they wish.

### BACKGROUND and BRIEFING DETAILS:

7. As part of the government's response to COVID-19, and to support a ‘green’ restart of local travel to help mitigate reduced capacity on public transport, the Department for Transport (DfT) fast-tracked and expanded trials of rental e-scooters.
8. The trials enable essential insights for the DfT and councils as to how rental e-scooters contribute to the transport mix in urban centres.
9. During the trials, e-scooters are classified as motor vehicles, and the relevant motor vehicle insurance must be provided via the scheme operator. E-scooters must meet requirements for vehicle construction and approval set by the DfT. The DfT is only permitting the trialling of rental e-scooters. The use of privately owned e-scooters on the public highway remains illegal.
10. A key requirement for the trial is that TROs were updated where required, to allow rental e-scooter use. Specifically, the purpose of the experimental traffic regulation order (ETRO)

# BRIEFING PAPER

“The City of Southampton (Electric Scooter) Experimental Order 2021” (“The ETRO”) is to allow e-scooter use in bus lanes and cycle lanes in Southampton.

11. This ETRO expires on 13 September 2022. The Department for Transport has declined to issue guidance on the most suitable traffic order arrangements to continue the trial beyond 13 September 2022, preferring to leave this to local authorities' legal departments to determine. Following discussions with transport officers and legal representatives from across Solent Transport’s member local authorities, together with a review of other trial areas that have recently converted their ETROs to permanent orders, the recommendation is to address the expiry of the ETRO by converting to a permanent order.
12. While the primary reason to make the ETRO permanent is to enable the SCC trial to run until the current end date in November 2022, this will also give the council the option to run the e-scooter rental scheme beyond this date. The DfT have indicated E-Scooter trials can be extended to May 2024 which SCC will consider before the end November 2022. Therefore, this recommendation provides the council with the greatest flexibility to implement the best option for Southampton’s residents and visitors after November 2022.
13. The Experimental Traffic Regulation Order was made on 3 March 2021 and advertised in the Hampshire Independent newspaper on 5 March 2021. The Police and relevant statutory consultees were informed of the proposals 7 days prior to the ETRO coming into operation on 13 March 2021. In addition to the above the Council provided information of the proposals on various media platforms.
14. There were 86 representations received in total, 72 of which were objections. A summary of the main issues raised are as follows.

<b>Summary of Issues Raised</b>	<b>Officer Response</b>
General objection to the rental e-scooter trial	The e-scooter trial objections will be considered as part of the trial extension decision.
Complaint about a service user	Service user complaints are relayed to the operator, Voi, to resolve. Users can be issued a strike or permanent ban based on the evidence provided and the number of previous strikes issued. One strike is a 7 day ban, two strikes is a 30 day ban and three strikes is a permanent ban from the service.
Private e-scooters	The use of privately owned e-scooters on the public highway remains illegal.
Safety and enforcement	The appended ESIA highlights the key mitigations Voi and SCC put in place to improve safety and enforcement.
Issues with rental e-scooter parking proposals or existing parking locations	A separate process requiring applications under Part VIIA Section 115E of the Highways Act 1980 provides oversight of the consents for e-scooter docking facilities, with representations considered on a case-by-case basis.
Support for service or request for additional parking locations	E-scooter trial support will be considered as part of the trial extension decision.

# BRIEFING PAPER

	Requests for additional parking locations are referred to Voi for review.
--	---

## Recommendations

15. It will be recommended that approval is granted to make the 'The City of Southampton (Electric Scooter) Experimental Order 2021' a permanent TRO.
16. It will be recommended that section 10(2) of the Road Traffic Regulation act 1984 to amend the wording of clause 4(iv) in the permanent TRO to include reference to "any modification, extension or re-enactment" so that it can encompass all VSOs issued by the DfT relating to e-scooter trials.

## RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

### Resource and Financial

17. Funding is allocated from the overall FTZ budget to deliver the E-Scooter trial in Southampton, and there is sufficient budget allocated until at least November 2022. This decision is relating to the ETRO only and any subsequent decision to extend the E-Scooter trial beyond November 2022 will also consider resource and financial implications at that time.

### Legal

18. Southampton City Council is the Local Highway Authority and the Traffic Authority for the City and as such has the power to restrict and regulate traffic under the Road Traffic Regulation Act 1984. Sections 9 and 10 allow schemes to be trialled on an experimental basis.
19. The Council is required to exercise its functions under the Road Traffic Regulation Act 1984 to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
20. In preparing and determining the proposals set out in this report the Council is required to have regard to the provisions of Equalities legislation, the Human Rights Act 1998 and s.17 Crime and Disorder Act 1998 (the duty to have regard to the need to remove or reduce crime and disorder in the area).

### Policy

21. There are no policy implications.

## OPTIONS and TIMESCALES:

22. **Lapse the ETRO:** The ETRO would expire at the end of 12 September 2022. E-Scooters would not be permitted to use the on-carriageway cycle lanes, bus lanes and other types of road space that would normally be prohibited during the remaining period of the previously agreed trial end date. This would cause practical difficulties and confusion for users and non-users of the e-scooter trial regarding where they can or can't be used. This option will not be recommended.
23. **Make a new ETRO:** It is not possible to make a replacement ETRO that replicates the provisions for the same purpose as the existing ETRO. This option will not be recommended.

# BRIEFING PAPER

## RISK MANAGEMENT IMPLICATIONS

24. An Equality Safety and Impact Assessment has been completed throughout the e-scooter trial to identify any adverse impacts and mitigations or promote positive impacts.
25. The ETRO currently references a VSO that has been reissued to SCC. The recommendation is to amend clause 4(vi) to reference “any modification, extension or re-enactment” to encompass all VSOs issued by the DfT related to the Southampton City Council e-scooter trial.

### Appendices/Supporting Information:

Equality Safety and Impact Assessment

<b>Further Information Available From:</b>	<b>Name:</b>	Rob Gloyns
	<b>Tel:</b>	023 8083 2983
	<b>E-mail:</b>	<a href="mailto:Rob.Gloyns@southampton.gov.uk">Rob.Gloyns@southampton.gov.uk</a>