

DECISION-MAKER:	Executive Director of Growth
SUBJECT:	Proposed Traffic Regulation Order ('TRO') relating to E-Scooters in Southampton
DATE OF DECISION:	25 August 2022
REPORT OF:	Head of Green City and Infrastructure – Pete Boustred

<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
NOT APPLICABLE	
BRIEF SUMMARY	
<p>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. 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.</p>	
<p>An Experimental Traffic Regulation Order has been in place for 18 months and expires on 13 September 2022. 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.</p>	
<p>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 Department for Transport (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.</p>	
RECOMMENDATIONS:	
(i)	It is recommended that approval is granted to make the 'The City of Southampton (Electric Scooter) Experimental Order 2021' permanent.
REASONS FOR REPORT RECOMMENDATIONS	

1.	To facilitate SCC e-scooter trial to run until the current end date in November 2022 supported by a Traffic Regulation Order that removes restrictions on e-scooters in cycle lanes in Southampton, and to provide the flexibility to extend the e-scooter trial beyond November 2022 if required.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	Alternative options considered were to: <ul style="list-style-type: none"> • Allow the ETRO to lapse • Make a new ETRO
3.	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 and other types of road space that would normally be prohibited due to the classification as a motor vehicle, for 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 is not recommended.
4.	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, therefore this option is not recommended.
DETAIL (Including consultation carried out)	
5.	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. The trials enable essential insights for the DfT and councils as to how rental e-scooters contribute to the transport mix in urban centres.
6.	During the trials, e-scooters remain 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.
7.	The DfT is only permitting the trialling of approved rental e-scooters. The use of privately owned e-scooters on the public highway remains illegal.
8.	The DfT had originally planned that all trial schemes would end by 31 March 2022, but subsequently invited trial areas to extend them to November 2022. Followed by a further extension to May 2024 for existing trials that wished to be continued.
9.	The main aim of the trials is to build robust evidence about the safety benefits, public perceptions and wider impacts of e-scooters to inform legal changes that may be necessary after the trial period ends. Key areas which the Council and DfT will be gather information on include: <ul style="list-style-type: none"> • 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 lessons

10.	<p>As of the end of June 2022:</p> <ul style="list-style-type: none"> • 1250 Voi e-scooters in Southampton • 666,845 total rides completed • 1,604,950 km's ridden • 55,167 unique users 						
11.	<p>A key requirement for the trial is that Traffic Regulation Orders (TROs) were updated where required, to allow rental e-scooter use. Specifically, the purpose of the experimental traffic regulation order (ETRO) "The City of Southampton (Electric Scooter) Experimental Order 2021" ("The ETRO") is to allow e-scooters' use in bus lanes and cycle lanes in Southampton.</p>						
12.	<p>The 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.</p>						
13.	<p>The ETRO was made on 3 March 2021 (Appendix 1) and advertised in the Hampshire Independent newspaper on 5 March 2021 (Appendix 3). 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.</p>						
14.	<p>There were 86 representations received in total, 72 of which were objections to the e-scooter trial. A summary of the main issues raised are in the table below. Full responses can be found in Appendix 4. The first 6 months following scheme implementation formed the formal consultation period for the ETRO. The responses received are primarily raising issue with the e-scooter trial, enforcement and safety issues. As stated in paragraph 15 and the supporting Equality & Safety Impact Assessment (ESIA) (Appendix 5) there are mitigations in place to reduce the risks identified. It should also be noted that the ETRO does not authorise the use of e-scooters in the city, this is achieved through the issuing of a Vehicle Special Order (VSO) by the DfT. The ETRO removes restrictions on use of E-Scooters in specific orders (e.g. cycle lanes).</p> <table border="1" data-bbox="331 1630 1426 2114"> <thead> <tr> <th data-bbox="331 1630 836 1688">Summary of Issues Raised</th> <th data-bbox="836 1630 1426 1688">Officer Response</th> </tr> </thead> <tbody> <tr> <td data-bbox="331 1688 836 1816">General objection to the rental e-scooter trial</td> <td data-bbox="836 1688 1426 1816">The e-scooter trial objections will be considered as part of the trial extension decision.</td> </tr> <tr> <td data-bbox="331 1816 836 2114">Complaint about a service user</td> <td data-bbox="836 1816 1426 2114">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.</td> </tr> </tbody> </table>	Summary of Issues Raised	Officer Response	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.
Summary of Issues Raised	Officer Response						
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. Requests for additional parking locations are referred to Voi for review.
15.	<p>The e-scooters and project approach have a range of features and terms of use to ensure their safe use, including but not limited to:</p> <ul style="list-style-type: none"> • Lights • Indicators • Voi insure every ride, including third party • Heavy to mitigate risk of e-scooters being picked up and moved inappropriately or thrown • Meets DfT minimum standards • Identification plates • Speed limited to 12.5mph (the DfT limit is 15mph) • Geofencing capability to allow No Ride Zones (NRZs) and slow zones to reduce speed in higher risk areas • GPS tracked, and riders identified by Voi from accounts to enforce against inappropriate riding • Need for provisional license before being approved to use the Voi e-scooters • Kick stand to avoid e-scooters toppling over • “Parking Cop” to ensure suitable parking, with consequences for poor parking including a ban • Ride like Voila training and education • Strict reporting and banning policy to discourage inappropriate riding • Parking rack site risk assessments to ensure suitable location on the footway, taking into consideration equality impact assessment and a risk and safety assessment. • Continued review of the scheme to ensure new risks and safety concerns can be addressed due to the trial nature of the project. • Safety events to provide direct training and distribute free helmets • Encourage use of helmets in-app • Ongoing issue resolution and maintenance programme for e-scooters • Regular engagement with impacted groups including hosting disability roundtable events and direct engagement through the Voi dedicated City Success Manager 	

	<ul style="list-style-type: none"> • Operating hours limited to 4am-10pm to reduce risk of drink riding with sobriety testing on the app starting at 9pm to further mitigate this risk. • Open and regular communication with Hampshire Constabulary and Southampton City Council community groups and community cohesion teams. • Voi support to Police for enforcing illegal use of rented e-scooters. • Co-design of E-scooter parking racks with the Royal National Institution for Blind People (RNIB). • Continued development and innovation (e.g., e-scooter noise and pavement riding detection). <i>Note: not currently implemented in Southampton but expect it to be trialed before the project ends.</i> • Colour scheme of Voi e-scooters is designed to be recognisable and being more distinguishable to visually impaired people. • Mandatory training requirement to ensure all users are briefed on the behavioral requirements for riding a Voi E-Scooter.
16.	Regarding parking locations, consultation is also carried out on every site proposed for a new e-scooter parking under Part VIIA Section 115E of the Highways Act 1980. This includes contacting all frontagers to the proposed location, and a public notice on site for 28 days. Responses are considered before a decision is taken on issuing consent to the e-scooter operator for parking facilities.
17.	Based on the responses and the mitigations in place, the recommendation is to make the ETRO a permanent TRO to continue facilitation of the E-Scooter trial. However, the council continues to encourage and welcome feedback to help improve the scheme. All feedback received during the first 6 months of the ETRO, and subsequent feedback will inform the decision on whether the e-scooter trial should be extended beyond November 2022. SCC will also actively pursue opportunities to gain further feedback ahead of the end of November.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
18.	Funding is allocated from the overall Solent Transport Future Transport Zone budget to deliver the trial in Southampton, and there is sufficient budget allocated until at least November 2022 should the decision be taken to extend to the end of November. 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.
<u>Property/Other</u>	
19.	Not applicable
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
20.	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 trialed on an experimental basis.

	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.
21.	SCC will be making a TRO pursuant to sections 1 and 2 of the RTRA 1984. Regulation 23 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 allows a TRO to reproduce and continue in force indefinitely the provisions of an Experimental TRO under a modified procedure, where the sole effect of the order is to reproduce those provisions.
22.	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).
Other Legal Implications:	
22.	The Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020 came into force on 4 July 2020, to facilitate e-scooter trials, with further provisions in the Traffic Signs (Coronavirus) (Amendment) (England) Regulations 2021 which came into force on 19 February 2021.
23.	Only Voi e-scooters are legal in Southampton as part of the trial. Privately owned e-scooters will still be considered illegal.
RISK MANAGEMENT IMPLICATIONS	
25.	An Equality and Safety Impact Assessment (ESIA) has been drafted and is regularly updated throughout the trial (Appendix 5). This provides detail for the mitigations in place to reduce risks presented by e-scooters in Southampton.
POLICY FRAMEWORK IMPLICATIONS	
26.	The proposals within this report are in accordance with the Local Transport Plan and LTP Implementation Plan.

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Experimental Traffic Regulation Order
2.	Statement of Reasons
3.	Public Notice
4.	Full Responses to ETRO
5.	Equality and Safety Impact Assessment
Documents In Members' Rooms	
1.	N/A
Equality Impact Assessment	

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		Yes
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.		No
<p>Other Background Documents</p> <p>Other Background documents available for inspection at:</p> <p>Government Guidance on E-Scooters for Local Authorities: E-scooter trials: guidance for local authorities and rental operators - GOV.UK (www.gov.uk)</p> <p>Electric Scooter Trials & Traffic Signs (Coronavirus) Regulations & General Directions 2020: The Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020 (legislation.gov.uk)</p> <p>The Traffic Signs (Coronavirus) (Amendment) (England) Regulations 2021: The Traffic Signs (Coronavirus) (Amendment) (England) Regulations 2021 (legislation.gov.uk)</p>		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.		
2.		