

MUNICIPAL YEAR 2019/2020 REPORT NO. 132

MEETING TITLE AND DATE:

Cabinet 13 November 2019
Council 29 January 2020

REPORT OF:

Executive Director Place

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Agenda - Part: 1

Item:

Subject:

Dockless Bike Byelaw - Delegation of Powers to London Councils

Wards: N/A

Cabinet Member consulted:

Cllr Guney Dogan

1. EXECUTIVE SUMMARY

London Councils already carries out many functions on behalf of the Boroughs, as set out in the London Councils Transport and Environment Governing Agreement. The report sets out a proposal to amend the Governing Agreement specifically to enable London Councils to make a London wide byelaw to regulate dockless bikes on the highway and other public spaces. This proposal requires the support of all 33 London local authorities who, along with TfL, will then have powers in respect of dockless bikes, including to enforce against operators where bikes are left inappropriately.

2. RECOMMENDATIONS

To approve the delegation of powers provided by s235 of the Local Government Act 1972 so that London Councils can make a London-wide byelaw regulating dockless cycles across the Capital.

3. BACKGROUND

3.1 Dockless bike hire is a relatively new phenomenon allowing riders to locate and unlock bikes via an app and leave them and lock them where they choose. This 'free-floating' model offers many benefits and supports the Council's aims of encourage more people to cycle and benefit from regular physical activity.

3.2 However, dockless bikes have caused some problems, particularly where they have been left in inappropriate locations and obstruct the

footway. Council's currently have limited powers to control dockless bike schemes and Transport for London, London Councils and the Boroughs have been looking at a number of options to address the situation.

3.3 The preferred option agreed by London Councils Transport and Environment Committee, on which the Council is represented by the relevant Cabinet Member, in June 2019 was to develop a London-wide byelaw including the following provisions:

- Minimum safety standards for bikes;
- All bikes to be chipped to ensure their whereabouts can always be tracked;
- An offence is created if a dockless operator places or allow their bikes to be parked anywhere other than at a location agreed by the local authority; and
- Sets a penalty for a dockless operator committing an offence.

3.4 London Councils do not currently have the powers to make byelaws, so the preferred option requires each of the 33 London local authorities to delegate the exercise of their relevant functions and for the Transport and Environment Committee Governing Agreement to be varied accordingly. Without the delegation of authority from all 33 London local authorities the byelaw cannot be made.

3.5 It should be noted that the byelaw would confer additional powers on the Council but that they would not be duties (we can choose whether to use them rather than having to do so). Therefore, the administration of the byelaw, including any enforcement, are not considered in the scope of this report.

4. ALTERNATIVE OPTIONS CONSIDERED

Not delegating authority to London Councils TEC – This would prevent a consistent London-wide byelaw being made as all 33 boroughs need to agree to the delegation of additional functions to London Councils. It would also mean that the Council's powers for addressing issues with dockless bike provision would remain limited.

5. REASONS FOR RECOMMENDATIONS

The provision of a London-wide byelaw will provide additional powers to enable the use and parking of dockless bikes to be better regulated.

6. COMMENTS FROM OTHER DEPARTMENTS

6.1 Financial Implications

The recommendation raises no financial issues for the Council.

6.2 Legal Implications

- 6.2.1 S235 of the Local Government Act 1972 enables Council's to make byelaws for 'the good rule and government' of the borough.
- 6.2.2 The London Councils Transport and Environment Committee (LCTEC) Governing Agreement makes provision for LCTEC to carry out certain functions, subject to the written agreement of each participating council.
- 6.2.3 The report seeks the necessary approval to delegate the Council's powers to make byelaws to LCTEC, but only *'for the purpose of regulating dockless vehicles on the highway and/or public places (including by making it an offence for a dockless vehicle operator to cause or permit their dockless vehicle to be left on the highway or public place other than in an approved location), including taking all related steps to promote, make, amend and revoke any such byelaw.'*
- 6.2.4 The Council has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals may do, provided it is not prohibited by legislation and subject to Public Law principles.

6.3 Property Implications

The recommendation raises no Property implications.

7. KEY RISKS

- 7.1 The key risks relating to the proposal are summarised below together, where relevant, with steps taken to mitigate the level of risk:

Risk Category	Comments/Mitigation
Strategic	Risk: Not delivering health and other benefits associated with an increase in levels of cycling. Mitigation: Corporate support for the Cycle Enfield programme and the provision of dockless bikes.
Operational	Risk: None identified.
Financial	Risk: None identified.
Reputational	Risk: None identified.
Regulatory	Risk: Failure to comply with statutory requirements. Mitigation: Byelaw and delegation procedure reviewed by Legal Services.

8. IMPACT ON COUNCIL PRIORITIES - CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

8.1 Good Homes in Well-Connected Neighbourhoods

The scheme directly supports the Council's commitment to reduce congestion, improve air quality and encourage people to walk and cycle.

8.2 Sustain Strong and Healthy Communities

The scheme also helps to deliver the Council commitment to improve health by promoting active travel.

8.3 Build our Local Economy to Create a Thriving Place

Dockless bikes have a part to play in enabling low cost access to employment opportunities, as well as to local shops and services. The proposed byelaw will ensure that this can continue without detracting from the street scene and adversely impacting pedestrians.

9. EQUALITIES IMPACT IMPLICATIONS

9.1 An initial screening has been carried out and a full equality impact assessment is not required in this instance. However, the following table summarises the key impacts on the various protected groups.

Age	Positive impact – restricting areas where cycles can be parked will reduce obstructions on the footway, assisting children and older people in particular.
Disability	Positive impact – restricting areas where cycles can be parked will reduce obstructions on the footway, assisting those with impaired mobility and vision in particular
Gender reassignment	No specific impacts identified.
Marriage or civil partnership	No specific impacts identified.
Pregnancy and maternity	No specific impacts identified.
Race	No specific impacts identified.
Religion or belief	No specific impacts identified.
Sex	No specific impacts identified.
Social economic	No specific impacts identified.

10. PERFORMANCE AND DATA IMPLICATIONS

This proposal will have limited impact on performance when considered in isolation. However, when considered as part of a wider active travel network, dockless bikes will contribute to a number of key targets,

including those relating to improving the health of adults and children in the Borough and increasing the use of sustainable means of travel.

11. PUBLIC HEALTH IMPLICATIONS

- 11.1 Dockless bikes have an important part to play in improving the health of the Borough's residents and addressing health inequality.
- 11.2 Compared to those who are least active, sufficient physical activity reduces all-cause mortality and the risk of heart disease, cancer, mental health issues and musculo-skeletal disease by approximately 20 to 40%. These conditions account for 70% of the NHS budget.
- 11.3 25.4% of Year 6 pupils in Enfield (aged 10-11) are obese, higher than in London or England as a whole (22.6% and 19.1% respectively). 41% are either overweight or obese compared to 37.2% in London and 33.5% in England. This is the 6th highest in London.
- 11.4 Cycling can be a very effective means of integrating physical activity into everyday life. Improving cycling facilities in the Borough also has the potential to significantly increase the disposable income all residents in the Borough. Other benefits to the individual could include greater access to employment, education, shops, recreation, health facilities and the countryside.
- 11.5 This byelaw will enable the Council to ensure that any increasing popularity of dockless bikes will not cause resentment amongst other residents which could otherwise add to any antipathy to cycling.

Background Papers

No background papers have been used in the preparation of this report.