

Forward Plan reference number: Not applicable

Report title: Concession Contract for an Electric Scooter Hire Trial Scheme	
Report to: Cllr Kevin Bentley – Cabinet Member for Infrastructure	
Report author: Tracey Vickers, Head of Sustainable Transport Tracey.Vickers@essex.gov.uk	
Date: 14 th August, 2020	For: Decision
Enquiries to: Tracey Vickers, Head of Sustainable Transport Tracey.Vickers@essex.gov.uk	
County Divisions affected: Chelmsford, Colchester, Basildon, Braintree, Brentwood and Clacton-on-Sea	

1. Purpose of Report

- 1.1 To seek approval to procure and enter into a 12-month electric scooter hire concession contract for the purposes of an e-scooter trial in specified locations within the County in accordance with guidance issued by the Department for Transport. This is in order to restart local travel and mitigate reduced public transport capacity as part of the COVID-19 response.

2 Recommendations

- 2.1 Agree to procure a 12-month electric scooter hire concession contract for the e-scooter trial.
- 2.2 Agree that the Executive Director for Place and Public Health is authorised to approve the final tender, award procedure and detailed evaluation model for the tender process.
- 2.3 Agree that the Executive Director for Place and Public Health is authorised to agree the terms of the final contract(s) and approve the award of the contracts to the successful operator(s).

3 Summary of issue

- 3.1 ECC is fully committed to sustainable transport. The strategic road network is running at almost full capacity in some areas of Essex and to build more road infrastructure is not economically viable. Following the relaxation of COVID-19 restrictions there is an appetite amongst residents to travel more actively via walking and cycling.
- 3.2 The Department for Transport (“DfT”) launched a pilot e-scooter hire scheme for local authorities to participate in as part of their COVID-19 response. Legislative changes were brought in from 4 July 2020 resulting in e-scooters, which are part of a DfT approved hire scheme, being legally allowed to be used on roads, cycle paths and cycle tracks as long as they meet the requirements set out in legislation and subject to necessary changes to traffic regulation orders.

- 3.3 The DfT's trial e-scooter scheme is estimated to run for one year. Trial schemes are expected to start as close to the end of September 2020 as is possible however the DfT understand that this is extremely short notice and are willing to consider proposals which fall out of that timescale. DfT want the trials to move rapidly and they are closely involved in co-ordinating and supporting the development of proposals, working closely with local areas and providing final approval for trials.
- 3.4 Due to the rapid nature of the trial and the need to increase the restart of local travel as soon as possible the following commissioning process will be used:
- a) ECC will identify preferred operators through a competitive process;
 - b) ECC will then submit a proposal to the DfT naming the preferred operators and setting out how the contract and the operators meet the requirements of the trial;
 - c) DfT will consider the proposal to ensure their requirements are met and that suitable data sharing arrangements between the operator(s) and the DfT can be set up;
 - d) If successful, the Secretary of State will sign off administrative orders, where required, that will approve the vehicles/operators to take part on trials; and
 - e) Once confirmed by DfT, ECC can complete the procurement process and award concession contracts to the successful operators.
- 3.5 There has been no consultation although initial conversations were held with officers from local borough, district and city councils who were all supportive of this proposal.
- 3.6 This proposal will help to deliver the following ECC Strategic Priorities:
- *Help to secure sustainable development and protect the environment*
 - Electric scooters are carbon neutral. Introducing 500 scooters across the county could remove 1000 car journeys and their associated pollution (and congestion) from Essex roads per day. E-scooters will be promoted as an alternative to short car journeys
 - *Target economic development to areas of opportunity*
 - **Colchester:** ECC seeks to work with businesses in Greenstead in order to explore opportunities for them to subsidise the scheme as part of their commitment to job growth.
 - **Basildon:** there are two initiatives proposed for Basildon. One of these is increasing access to employment with a focus on Pitsea where scooters would provide transport solutions linking residents with key employment sites in the town centre and the Basildon Enterprise Corridor. The second approach would focus on first / last mile for commuters using local rail stations, getting residents out of

- cars and reducing congestion and further embedding the sustainable transport initiatives of the Basildon Integrated Transport Package.
- **Braintree:** Two routes are proposed. The first route would link the town centre and train station to the new 65 acre major employment site of Horizon 120, the UK's first electric forecourt currently being constructed by Gridserve, and the Great Notley Garden Village currently undergoing a £30 million regeneration. The second route would link the town centre to the Springwood industrial estate north of the town: another large employment site, vital to local economy. The scheme will encourage commuters to use traditional public transport for inward travel and e-scooters for the first and last mile.
- *Help to secure stronger, safer and more neighbourly communities*
 - E-Scooters represent an alternative to driving alone for people who want to remain socially distant.
 - The **Clacton-on-Sea** scheme proposes to link up the town centre, station and seafront. E-scooters will complement and amplify a funding bid from the Future High Streets Fund which sets out to improve the public realm and layout in the town centre. A decision on the FHSF is due Autumn 2020.
- *Facilitate growing communities and new homes*
 - Future expansion plans of the e-scooter scheme could see schemes launched in the garden communities which are being planned for Dunton Hills, **Colchester**/Tendring and **Chelmsford** over the next few years. This expansion will give people the opportunity to use e-scooters for shorter, more local journeys, instead of automatically using their cars.
- *Improve the health of people in Essex*
 - An increase in walking journeys in all pilot areas is expected because people would need to access the e-scooters by foot. An increase in people walking to the e-scooter parking zones and then at the end of their journey walking from the parking bays to their destination is expected.

3.7 The proposal submitted to DfT, at a very high level, would be as follows:

Location of Scheme	Type of Scheme	Organisational objective(s)	Strategy
Basildon	Helping those in deprived areas access employment by giving them alternate mode of transport	Help to secure sustainable development and protect the environment Target economic development to areas of opportunity	
Braintree	Long term hire to commuters and residents	Help to secure sustainable development and protect the environment	

		Target economic development to areas of opportunity
Brentwood	Long term hire to commuters and residents	Help to secure sustainable development and protect the environment
Chelmsford	First/last mile scheme for commuters	Help to secure sustainable development and protect the environment Improve the health of people in Essex
Clacton-on-Sea	Helping those in deprived areas access employment by giving them alternate mode of transport	Help to secure sustainable development and protect the environment Target economic development to areas of opportunity
Colchester	First/last mile scheme for commuters	Help to secure sustainable development and protect the environment Improve the health of people in Essex

3.8 The e-scooters must fulfil the following DfT-set criteria:

- be fitted with no motor other than an electric motor with a maximum continuous power rating of 500W and not be fitted with pedals that are capable of propelling the vehicle
- designed to carry no more than one person
- maximum speed not exceeding 15.5 mph
- have 2 wheels, 1 front and 1 rear, aligned along the direction of travel
- have a mass including the battery, but excluding the rider, not exceeding 55kg
- have means of directional control via the use of handlebars that are mechanically linked to the steered wheel
- have means of controlling the speed via hand controls and a power control that defaults to the 'off' position.

4 Options

4.1 Option 1 – Do Nothing

This is not the recommended option as it would not achieve the benefits listed in this report. It would not help to reduce the levels of congestion in towns and cities or react to the reducing capacity of public transport as a result of the pandemic.

4.2 Option 2 – commence the procurement and award a contract to the successful operators – recommended option

Option 2 would help to reduce congestion and provide additional methods of travel which is required as a result of limited capacity on public transport as a result of the pandemic. There are added benefits of increased walking for those participating in the scheme who walk to collect the e-scooters.

Although all risk should be passed to the operator under the trial scheme there is always a reputational risk should the trial not be considered to be successful. There is also the risk that DfT do not consent to the trial after the procurement has commenced. Operators may also have limited experiencing in delivering the service and may not have the capacity to do so but this risk will be mitigated by procuring via lots.

4.3 The preferred option is option 2.

5. Next steps

5.1 If the recommendations are approved, the tender process for the procurement will commence.

6. Issues for consideration

6.1 Financial implications

6.1.1 This scheme is net zero cost to ECC. All costs, including insurance claims will be borne by the operator.

6.2 Legal implications

6.2.1 The contract falls under the threshold of the Concessions Contracts Regulations 2016 and, as such, the Council does have flexibility in how it conducts the tender process. The tender process must be open, fair, transparent, and consider equal treatment of operators as well as seeking to ensure value for money. The tender contracts should be clear that award of a contract is not guaranteed and that any award is dependent on DfT approval.

6.2.2 As this is a trial scheme and the Concessions Contract Regulations 2016 may not be applied in full, ECC may not be able to extend the concession contracts should the trial is extended. The position would need to be reviewed at the relevant time to determine whether a further tender would be required.

6.2.3 The contract should be robust to ensure that there is no financial or operational risk to ECC during the term of the trial however the contract cannot deal with any reputational risk that may arise should the trial not be considered successful.

6.2.4 ECC should consider if it will specify its own requirements for the trial beyond that prescribed by DfT for example: the number of e-scooters to be provided in the trial, parking spaces, geo-fencing, training, the wearing of helmets and the sharing of data between ECC and the operators.

- 6.2.5 If, following approval from DfT, the trial proceeds, the DfT will, in agreement with ECC, issue vehicle orders under s44 and s63(5) of the Road Traffic Act 1988 for vehicles and operators assessed as being suitable to participate in trials. The DfT, however, retains its legal ability to revoke the administrative orders that allow e-scooter vehicles to operate where e-scooter use is not in accordance with regulations, agreements with local areas or the effective conduct of the trial. If e-scooter use is to be enabled on cycle tracks they would need to be redesignated as cycle lanes.

7 Equality and Diversity implications

- 7.1.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- a. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.1.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.1.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8 List of appendices

8.1 EQIA

I approve the above recommendations set out above for the reasons set out in the report.	Date 26/08/2020
Cllr Kevin Bentley – Cabinet Member for Infrastructure	

In consultation with:

Role	Date
Executive Director for Place and Public Health	21/08/20
Andrew Cook on behalf of Mark Carroll	

Director, Legal and Assurance (Monitoring Officer)	21/08/20
Katie Bray on behalf of Paul Turner	