



# Dockless e-bike and e-scooter enforcement policy

Dockless e-bike and e-scooter enforcement policy

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This policy supplements, and where relevant supersedes, the existing Dockless Bike Code of Practice where it relates to the Transport for London Road Network (TLRN) and TfL private land



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## I. Introduction

- I.1. For the purposes of this policy, dockless e-bikes and e-scooters include those made available to the public for hire on-street, commonly through a mobile app, and which do not require fixed physical infrastructure to start or end a ride.
- I.2. As a highway authority, TfL has a legal duty to assert and protect the rights of the public to the use and enjoyment of any highway for which TfL is the highway authority. As far as possible, we must also make sure they are free from nuisance, danger, and obstructions, and in the exercise of this duty TfL has the discretion to take such steps as it considers expedient. As a private landowner (e.g. stations) TfL may also remedy any instances of trespass or breach of its byelaws where anything is left on TfL land without permission. For clarity, TfL's role as a highway authority is limited to the TLRN and is separate to our role as a private landowner.
- I.3. This policy sets out when and how TfL will consider enforcement activity against dockless e-bike and e-scooter operators. TfL will adopt the '4 E's' approach (Engage, Explain and Encourage compliance by operators prior to Enforcement) in dealing with any relevant conduct. Ultimately it is our desire that compliance can be achieved without the need to take enforcement action, however it is important to set out clearly that enforcement may form a necessary part of our approach. Where any enforcement activity is undertaken, our approach will be fair, balanced, and impartial. TfL may also publish or share with other authorities details of enforcement activities taken including convictions to serve as a deterrent to others.
- I.4. Our approach is underpinned by a variety of legislation, including but not limited to:
  - Greater London Council (General Powers) Act 1974 – (1974 Act)
  - Highways Act 1980
  - TfL Railway and Road Transport Premises byelaws<sup>1</sup>
- I.5. This policy may be supported by procedural documents, providing guidance to enforcement officers and/or prosecutors in reaching the decision to prosecute or to dispose of matters by alternative means.
- I.6. This policy applies to enforcement conducted by TfL. It is for other highway authorities or landowners to determine their own policies in

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<sup>1</sup> <https://tfl.gov.uk/corporate/terms-and-conditions/byelaws>



relation to dockless e-bikes and e-scooters, although TfL will continue to work collaboratively with other highway authorities in London.

## 2. Approach to enforcement

### Highway

- 2.1. While each instance will be considered on a case-by-case basis, as a general guide TfL's position on the TLRN is that we may consider enforcement action if any dockless e-bike or e-scooter is deposited (includes vehicles that are deployed, parked, or abandoned) outside of designated e-bike and/or e-scooter parking places. This includes considering action where dockless e-bikes or e-scooters are deposited in parking places reserved for other highway users (e.g. taxi ranks, disabled parking bays).
- 2.2. Enforcement actions will vary depending on the particular circumstances of the non-compliant activity but may include warning letters or issuing of a Fixed Penalty Notices (FPN) to dockless e-bike or e-scooter operators, prosecutions of operators or removal of vehicles. Initially, we expect to primarily rely on Sections 137 and 149 of the Highways Act for enforcement purposes however see section 3 for further information.
- 2.3. For persistent offending or those operators who disregard our enforcement approach, TfL may consider other enforcement options including seeking an injunction where necessary.

### Removal where vehicles present an immediate danger on the highway

- 2.4. TfL may remove the vehicle from the highway without warning where a vehicle presents a danger and vehicles will be stored for the period set out by TfL, after which they may be disposed of by TfL. The operator will be required to pay reasonable costs incurred by TfL in connection with the removal, storage and, where relevant disposal, of their vehicles, along with a periodic administrative cost per period. A schedule of these costs will be made available to operators upon request, and will be subject to periodic review.
- 2.5. A non-exhaustive list of examples where vehicles may be considered a danger includes vehicles that are:
  - Narrowing the footway to the extent that other highway users are likely to attempt to reposition or move the vehicle themselves to pass or repass (manual handling risk);



- Likely to cause highway users to make sudden or unusual manoeuvres, especially those which narrow the footway to the extent that it impedes passing or repassing on the footway or makes this impossible for pedestrians, in particular for those with visual or mobility impairments or users with children's buggies; are deposited in cycle tracks or carriageway (so users swerve to avoid); or deposited in or adjacent to parking bays reserved for specific users such as disabled bays, taxi ranks or loading bays (blocking vehicle exit or causing passengers to exit into live traffic lanes);
- Standing in the footway where pedestrians would usually cross the road, in particular where obstructing accessibility features such as tactile paving or dropped kerbs (creating a barrier and preventing safe access to and from the footway) and those obscuring necessary views for highway users;
- Knocked/fallen over or those which are at risk of landing in active traffic lanes (including pedestrians) if they were to fall over, such that they have or could impede the usable space or represent a trip hazard;
- Blocking access to/exit from property on the highway, in particular emergency exits or other property for which TfL has maintenance responsibility, or to public facilities like benches or defibrillators (such that the risk the public then choose to move the vehicle themselves is increased);
- Co-located with other dockless e-bikes or e-scooters outside of designated parking places, given parking locations will have been assessed as appropriate for parking. Co-located vehicles may be more likely to fall over (due to wind, pushed over etc.) and fallen vehicles present a greater risk to pedestrians. The accumulation of vehicles may also create impassable barriers for pedestrians and encourage other users to leave their vehicles there.

## Enforcement on TfL private land

- 2.6. Without permission, the leaving of anything on TfL private land may constitute trespass or an offence under TfL Byelaws<sup>2</sup>. Detail on TfL's private land is freely and publicly available via the [Property Asset Register](#).
- 2.7. On TfL private land TfL will consider taking action where any dockless e-bike or e-scooter is deposited without permission. Only providers of rental

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<sup>2</sup> <https://tfl.gov.uk/corporate/terms-and-conditions/byelaws>



e-scooters with written authority from TfL have permission to use designated parking bays on TfL private land.

- 2.8. TfL may remove the vehicle from TfL private land without warning and, as appropriate vehicles will be stored for the period set out by TfL, after which they may be disposed of by TfL. The operator will be required to pay reasonable costs incurred by TfL in connection with the removal, storage and, where relevant disposal, of their vehicles along with a periodic administrative cost. A schedule of these costs will be made available to operators upon request, and will be subject to periodic review.

### **Alternative remedies**

- 2.9. Where other remedies (e.g. contractual) are available, TfL will not generally seek to enforce without seeking to exhaust these options first. This is most relevant for dockless e-scooters, which at present are provided under a TfL-managed contract which includes SLAs for rectifying non-compliance.

### **Who will TfL seek to enforce against?**

- 2.10. The Dockless Bike Share Code of Practice states that “Operators will be treated as responsible for the use (including the deposit) of any bike they own or manage.” In line with this, in most cases the operators (i.e. the companies) who cause or permit these vehicles to be made available for hire in London will be subject to any enforcement action rather than individual users. For clarity, we will consider ‘tidying’ (i.e. where agents reposition vehicles on-street) as deployment given the operator’s agents are interacting with vehicles.

## **3. Offences**

- 3.1. The specific offence committed will depend on the nature of the conduct as set out below. TfL will only seek to enforce offences where it is the Highway Authority or landowner.
- 3.2. The below list is not exhaustive, and TfL may take enforcement action against any conduct relevant or incidental to the depositing of dockless e-bikes or e-scooters on the TLRN or on TfL private land, outside of the list of actions set out in this policy.



## Where vehicles are deposited outside of places reserved for the parking of dockless e-bikes or e-scooters on the TLRN

3.3. There are a variety of enforcement options in response to the depositing of dockless e-bikes or e-scooters on highways. While not an exhaustive list, the most relevant sections of the Highways Act are:

- 137 (Penalty for wilful obstruction);
- 137 ZA (Power to order offender to remove obstruction)
- 148 (depositing things on the highway) and
- 149 (Removal of things so deposited on highways as to be a nuisance etc.)

3.4. The parking of vehicles on or over a footpath, or on or over any part of a road other than a carriageway (i.e. pavements, cycle tracks), outside of places designated by the highway authority is also an offence in London under section 15 of the Greater London Council (General Powers) Act 1974 (the 1974 Act). E-bikes and e-scooters are vehicles for the purposes of the 1974 Act. Offences committed under this Act may be dealt with by way of prosecution.

## TfL private land (e.g. stations)

3.5. Any operator that causes or permits a dockless e-bike or e-scooter to be deposited on TfL private land without TfL's permission commits an offence in breach of TfL Byelaws, where the Byelaws apply and may also commit trespass on TfL's land.

## 4. Who will enforce?

4.1. Enforcement actions listed in section 3 will normally be taken by:

- Transport for London; or by
- Any other approved and designated person or agency acting for and on behalf of TfL.

## 5. Prosecution

5.1. Prosecution will always be considered as an action of last resort. Fair and effective prosecution is essential to the maintenance of law and good



practice – prosecution punishes wrongdoing, deters repetition, and acts as a warning to others. It is recognised that the decision to prosecute an offence is an important and serious one. TfL will therefore only prosecute if it considers that an offence has been committed and;

- The evidence shows that there is a realistic prospect of conviction; and
- It would be in the public interest and in the interest of justice to prosecute.

## **The Evidential Test**

5.2. In deciding whether there is a realistic prospect of conviction, TfL will have regard to the following:

- (a) Relevance and admissibility of available evidence
- (b) Reliability of evidence relating to the offence
- (c) Reliability of any observation or comment made by the alleged offender
- (d) Reliability of any admissions and confessions including comments recorded by TfL
- (e) Reliability of prosecution witnesses

5.3. If TfL considers that there is insufficient evidence upon which to base a prosecution, a prosecution will not be brought.

5.4. Depending on the facts and circumstances of each case, where TfL has determined that a prosecution is not appropriate, other responses may be considered in lieu of prosecution. These may include warning letters, FPNs or further engagement with operators.

## **Public Interest and Interest of Justice**

5.5. Even where the evidential test has been satisfied, the prosecution of an alleged offence should be in the public interest and in the interests of justice, i.e. must be seen to be appropriate, fair, and properly brought. There can be no definitive guidance as to when it may not be in public interest or in the interest of justice to prosecute an alleged offence, as each case will turn on its own individual factors.





## 6. Disclosure

- 6.1. Where a decision to prosecute an offence is taken, TfL will have regard to the Criminal Procedure and Investigations Act 1996, as amended by the Criminal Justice Act 2003 and the associated Code of Practice in the disclosure of prosecution materials.
- 6.2. TfL will retain and preserve all evidence that may be relevant to a prosecution, whether or not that evidence is to form part of the prosecution case.
- 6.3. TfL will endeavour in all cases to adopt a consistent approach to disclosure by disclosing prosecution materials in advance of any hearing.

## 7. Policy owner/custodian

- 7.1. This policy is sponsored and owned by TfL Director of Compliance, Policing, Operations and Security (CPOS) or their delegated officer.
- 7.2. This policy will reside with the following TfL officials who will be responsible for responding to all policy related queries in the first instance:
  - Senior Enforcement & Prosecutions Manager CPOS
  - Appeals & Prosecutions Manager CPOS

## 8. Policy review

- 8.1. This policy will be reviewed periodically to reflect any changes in the law, regulations, Byelaws, or any TfL policies in force at the time. Any amendments will be reflected in the policy and published as appropriate.
- 8.2. TfL will publish a copy of this policy on its official website and will provide a copy of this policy on request in appropriate circumstances.