

Appendix 1

Dockless Bike Enforcement Policy

Enforcement of Dockless bike parking

TfL's Code of Practice for dockless bike operators defines the term "obstruction" and "danger". All dockless bike operators operating in London and accredited by CoMoUK, the trade body representing dockless bike operators, are required to adhere to this Code of Practice. Hackney Council will be enforcing against all operators, although, there is a separate contractual arrangement with some operators that directly mirrors this policy and provides a more efficient method of enforcing the standards with those operators. Therefore, while this policy is applicable to all operators, it is expected that the Council will use the terms of its contract with authorised operators to enforce these standards, and this policy will allow the Council the ability to apply similar standards to operators with whom the Council does not have an agreement to operate in the borough.

The identification of the location of designated parking areas is being progressed. In the interim we will remove from Hackney streets any dockless bike which is considered to be causing an obstruction or danger. This policy will also apply once the designated parking bays have been identified and bikes parked or being made available for hire outside these areas will be subject to enforcement action.

An obstruction, as defined in TfL's Code of Practice (COP), means a situation arising from the deposit of a bike or bikes (whether by reason of its or their position, their number or otherwise) so as to adversely affect the free use of a highway (including footway or a carriageway) or adversely affect the free use of any other public or private land (including river, canal and park environments) which is not specifically assigned for the purposes of dockless bikes, without lawful authority or excuse.

A danger, as defined in TfL's CoP, means risk of bodily harm or injury or damage to property.

Operation of this Policy

Obstruction

Under section 137 of the Highways Act 1980, if a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

A dockless bike left or made available for hire on the footway is considered causing an obstruction if there is less than 1.2m of available footway space for pedestrians. This is in line with Government guidance set out in its Inclusive Mobility guidance document, which represents the width needed for a visually impaired person who is being guided. This enforcement policy is also in line with the Council's A Boards policy.

Our approach to enforcing obstructions on Hackney's streets where the Council is the highway authority is as follows:

- Issue advisory note to the dockless bike operator that a bike is causing an obstruction.
- Issue highway obstruction statutory notice to an operator if obstruction continues.
- Issue Fixed Penalty Notice [FPN] to an operator if obstruction continues.
- Prosecute operator if FPN is not paid.

Danger

In line with TfL's CoP if a dockless bike parked on the footway or carriageway is considered to be causing a danger the Council as highway authority will remove it without notice. The operator will be liable for all associated costs.

Section 149 of the Highways Act allows the Council as highway authority to remove anything on the public highway which it reasonably considers causes a danger either immediately or through an order from a magistrates court.

In considering what constitutes danger, TfL CoP considers a large number of dockless bikes left or likely to fall across the footway so as to cause a trip hazard may be considered a danger. However, even a single dockless bike lying across the footway is likely to be considered a danger to pedestrians and in this situation the Council will remove the bike without notice. For dockless bikes removed by the Council operators will incur a collection fee for each bike. The current fee is £80 per bike. This fee will be reviewed as part of the Council's Fees and Charges schedule.