

Operational Decision Record

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| Publication Date 08/12/22 | Decision Reference Number 4792 |
| Decision Title | |
| E-scooter Trial continuation | |
| Decision Value | |
| Nil | |
| Revenue or Capital Spend? | |
| N/A | |
| Department | |
| City Growth and Development | |
| Contact Officer (Name, job title, and contact details) | |
| Iain Turner, Transport Planner, 0115 8761526 | |
| Decision Taken | |
| <ol style="list-style-type: none">1. To approve the continuation of the Nottingham e-scooter rental in line with Department for Transport process2. To extend the contractual agreement with the operator Wind Mobility3. To approve the new Action Plan of improvement measures to be delivered. | |
| Reasons for Decision and Background Information | |
| <p>Nottingham City Council (in partnership with Derby City Council) is one of 40 areas currently participating in the Government's e-scooter rental trials. A Delegated Decision (4025) was approved in October 2020 to commence the trial as part of the local green restart following the Covid-19 pandemic.</p> <p>Following the Department for Transport (DfT) decision to extend the trials for a year, an operational decision was made in October 2021 to continue to run the scheme until November 2022 on the condition the operator adhere to an agreed improvement plan. This action plan has seen a number of improvements around the issues of enforcement, customer service, education, and user behaviour.</p> <p>The DfT is advocating for trials to be continued until May 2024. The principal is to extend the trials on their current basis to provide a practical example of how better regulation can</p> | |

encourage responsible use as well as to continue to gather trip data and monthly incident reports to inform policy development.

The Government is planning to introduce legislation that will legalise e-scooters. The continuation will help local authorities bridge the transition from trials to longer term service provision. The DfT are also keen to use the extension to allow local authorities to share lessons learned, to assist with non-trial areas,

Overall the Nottingham trial has been successful in attracting high numbers of users. The scheme has been cited as one of the most popular in the country, with over 2,000,000 total rides and 60,000 registered users. On average the e-scooters are used for 3,000 journeys per day by more than 2,000 people.

In addition the trial has to date:

- Provided clean green sustainable mode of transport within the city. Local monitoring confirms many citizens are now using them for their daily commute, to travel to bus stops, and using them as an alternative to car journeys.
- Provided two years' worth of experience in terms of operational management and feedback during and without full Covid-19 lockdown restrictions in place.
- Provided richer qualitative and quantitative data for the monitoring and evaluation of the current e-scooter rental trial work taking place which will be concluded in the autumn.

To maintain continuity in the trial and for monitoring purposes, the Council proposes to extend the contractual arrangements with Wind Mobility Ltd (the existing provider) until May 2024.

The Council will continue the close monitoring of the trial and a new Action Plan has been devised setting out some of the main improvements and changes proposed for the scheme.

Other Options Considered and why these were rejected

To end the trial - This option was rejected. Not continuing the trial will result in termination of the scheme in November 2022. Nottingham and Derby City Council's would no longer be involved in the trials process with the Department for Transport and the other participating areas and would not have access to early insights with regards to permanent legalisation. This would also remove a clean and green mode that is contributing to Nottingham's carbon neutral 2028 ambitions.

Reasons why this decision is classified as operational

This decision relates to the continuation of the e-scooter trial which is already in operation as agreed in DDM 4025. In liaison with Constitutional Services, it has been deemed that a separate decision does not need to be made, in line with the new constitutional processes which have been rolled out across the council.

Additional Information

Previous DDM – (4025)

EIA – An EIA has been updated in September and was done so in conjunction with the Equalities and Diversity department.

Additional Consultations:

Legal

As noted in the body of the report, the Department for Transport (DfT) has advocated for trials to be continued until 2024. Albeit, the Contract has been extended previously (Oct 2021 to November 2022), a further decision to extend with the current provider, Wind, is supported by the Council.

As this was procured and awarded as a below threshold contract there are not considered to be any significant legal risks associated with the proposed extension as the current contract will remain under threshold even with the proposed extension in place. Legal will continue to liaise with the necessary personnel to assist all parties in securing the agreement of any extension requirements via a simple variation.

For completeness, if, however Regulation 72 of the Public Contracts Regulations 2015 (as amended) were deemed to apply, it is considered that this extension would be a permitted modification under Regulation 72(1)(b) in that there are economic or technical reasons why the additional services have become necessary in that the DfT have advocated for the trials to be extended and the infrastructure that Wind have put in place for this mean that it would not be possible use the same system and there would therefore be significant duplication of costs for the Council if a new provider had to be sourced. It is also important to note that this extension is to build upon the data that is being gathered on the success of the trial and therefore, again there are technical reasons as to why a new provider cannot be sourced as there would not be a consistency in the data collection. Furthermore the DfT's position was an unforeseen circumstance and the change does not result in an increase in price of more than 50% of the value of the original contract (Regulation 72(1)(c). Alternatively, this is also considered to be an insubstantial modification under Regulation 72(1)(e) which are permitted irrespective of their value. Modifications are considered to be substantial where they render the contract materially different in character from the one initially concluded; could have resulted in a different outcome in the procurement; and extend the scope of the Contract considerably (amongst other grounds). The contract is remaining operationally the same (apart from some minor modifications to any service contract that will naturally occur during its life) and the extension of the term has largely come about from the DfT's encouragement of further trials of the scheme to be encouraged.

Benita Meehan – 30/11/2022

Finance

The decision to extend the governments e-scooter rental trials until May 2024 is supported as this is in line with Nottingham City Council's environmental goals by providing clean green sustainable mode of transport within the city. All costs connected with this contract are managed by Wind and there is no additional cost required from NCC to continue this contract. Previous to this there have been several delegated decisions. Firstly, a DDM for e-scooter purchase DDM 4173 . For provision of E scooter parking DDM 3939 from the Emergency Active Travel fund. Funding from the Active travel fund DDM 4173 for evaluation, training, publicity and other associated costs. Lastly DDM 4025 was approved in October 2020 to commence the trial as part of the local green restart following the Covid-19 pandemic.

The Council will continue the close monitoring of the trial and a new Action Plan has been devised setting out some of the main improvements and changes proposed for the scheme. This is currently at zero cost to the council, however this will be monitored and reviewed.
Paul Rogers Finance Business Partner (G&CD) 01/11/2022

Procurement

It is considered that Regulation 72 of the Public Contracts Regulations 2015 will apply to the extension of the trial for operation and economic reasons, therefore the decision to extend the contract raises no significant procurement concerns.
Paul Ritchie Procurement Manager 05/12/2022

Equalities and Diversity

Equalities Impact Assessment reviewed and amended in partnership with Rosey Donovan – 28/10/2022

Councillors

Briefing paper distributed to ward councillors

DLT

DLT attended on the 12th October 2022 and given approval

Portfolio Holder

Portfolio Holder briefing attended on 17th October – briefing paper to be sent to Cllr Wynter for all councillors

Risk Register

Project Risk Register was reviewed and updated for the continuation of the scheme

Decision Maker

Sajeeda Rose
Corporate Director, City Growth and Development



07.12.2022

Scheme of Delegation Reference Number

Date Decision Taken