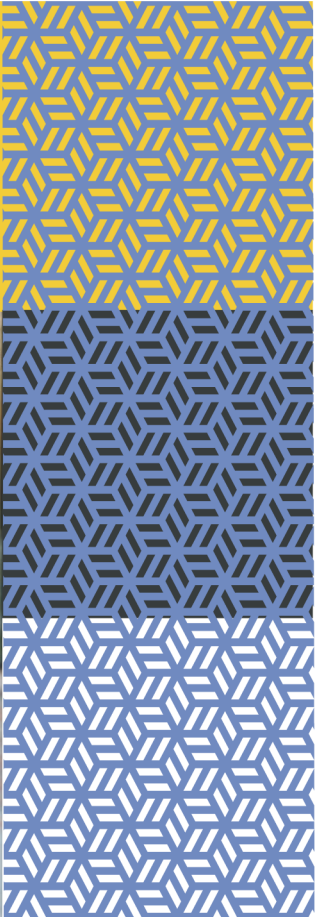
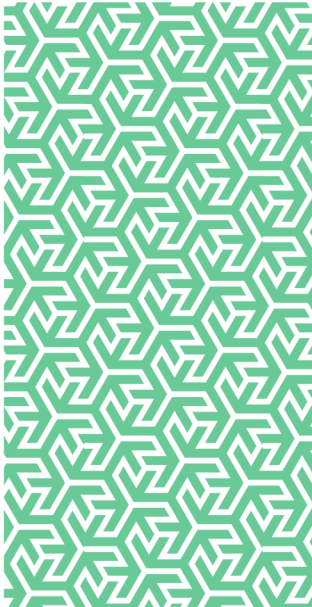


rmp

Risk control
E-Scooters on Higher
Education Campuses



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E-Scooters on Higher Education Campuses

Introduction

Love them or hate them – E-Scooters appear to be here to stay in the UK. Popularity for these two wheeled scooters with small electric motors has rocketed in recent years leaving us divided on whether they are a road menace or a commute saviour.

E-Scooters are freely available to buy in the UK – both online and in stores and can cost anywhere between £100 and £1,000. Whilst purchasing an e-scooter is relatively straightforward; using and insuring them is not.

Having a clear and robust approach to the management and use of e-scooters on university campuses is crucial to ensure the safety of riders, pedestrians, and the overall community.

The purpose of this guidance document is to provide clarity around the rules and regulations for e-scooter use to ensure compliance with the legislation.

Are E-Scooters Legal?

It is legal to buy one and to use it on your own private land, but not on the public highway at this time. The only exception is if you have rented the e-scooter from a legitimate rental company.

Electrical scooters (also known as e-scooters) come under the category of “powered transporters”. This also covers a range of other personal transport devices which are powered by a motor.

“Powered transporters” fall within the legal definition of a motor vehicle under the Road Traffic Act 1988. Therefore, the rules that apply to motor vehicles, also apply to e-scooters.

It is not legal to use a powered transporter:

- on a public road without complying with a number of legal requirements, which potential users may find difficult to address
- in spaces that are set aside for use by pedestrians, cyclists, and horse-riders; this includes on the pavement and in cycle lanes.

As a motor vehicle, they must comply with various pieces of Road Traffic Legislation, including but not limited to:

- Driving with a licence
- Driving/riding with insurance
- Driving/riding other than on a road
- Need to be taxed.

It is not currently possible to get appropriate insurance for privately owned e-scooters, meaning it is illegal to use them on the road or in public spaces¹.

As stated it is legal to use e-scooters on private land, this may include some university campuses. It is essential that institutions consider granting or prohibiting permission to use e-scooters on their land.

Institutions as landowners owe a duty of care to all those who come onto its premises, whether they are staff, students, visitors, contractors or members of the public. Developing a clear policy and arrangements stating whether e-scooters are permitted onto their campuses is essential. This should be communicated internally to staff, students, visitors and contractors, the institution should consider appropriate signage informing members of the public of the permission status for the use of e-scooters.

If the use of e-scooters is granted by the institution then consideration of additional measures such as setting designated areas for use, prohibiting use in areas of high pedestrian traffic and setting maximum speeds should be undertaken. Any measures identified should be communicated clearly setting the institutions expectations, running of e-scooter safety campaigns using various communication channels for maximum reach where it is emphasized the importance of adhering to speed limits and wearing appropriate protective equipment could be beneficial. Outlining consequences of non-compliance to users is essential to support the implementation of any management arrangement for e-scooters.

Enforcement

Local police forces will enforce the law and have the ability to prosecute for ‘powered transporter’ offences².

The most appropriate action for the circumstances will be given, these include:

- Fixed Penalty Notice for no insurance, with a £300 fine and six penalty points
 - Fixed Penalty Notice for no driving licence, up to £100 fine and three to six penalty points.
- The police will also take action against rider behaviour, whether private or rental. Offences could include:
- riding on the footway: Fixed Penalty Notice and possible £50 fine
 - Using a mobile phone: £100 and six penalty points

- Riding through red lights: Fixed Penalty Notice, £100 fine and possible penalty points
- Drink driving offences: As with driving cars; court imposed fines, driving ban and possible imprisonment.

The recommendation from the police is to always wear safety protection such as a helmet when riding these vehicles, and to keep to the speed limit³.

There have been cases processed through the courts such as the case of *Winter v DPP (2002)*. In this case the High Court considered the use of a 'City Bug' electric scooter, and whether its user was bound by the compulsory insurance requirements. It found that it was and that the appellant had been properly convicted of the offence of driving a vehicle without insurance⁴.

Following the surge in use of e-scooters, a police 'crackdown' was launched and 507 e-scooters were confiscated by the Metropolitan Police in a week in June 2021 during proactive patrols across London⁵.

Use of e-scooters will require management on campuses, identifying resources that will monitor and enforce the institutions policies and procedures is critical to ensure that use is safe. Establishing a reporting mechanism for any e-scooter related incidents and encourage the reporting of unsafe use and behaviours should be encouraged.

Safety

Many e-scooters have speed limiters fitted to restrict speed to 15.5mph but without this they could potentially reach 30mph. Some only have a single brake which can make stopping problematic.

The UK trial scooters are limited to a speed of 12.5mph. They are trackable through the mobile app and backend functionality. Users are encouraged to wear helmets and as part of the Department for Transport's requirements - users are required to be 18 years or over and have either a full or provisional driving licence.

It is believed that the first e-scooter fatality in the UK was that of television presenter and You Tube star Emily Hartridge. Emily died in July 2019 when her e-scooter collided with a lorry on a roundabout in Battersea, South West London⁶. This prompted a review by the Transport Minister to look more closely at safety and legality and led the trials taking place.

Risks associated with riding e-scooters are well known, bringing e-scooters into university buildings will inevitably lead to the creation of obstructions, either in work areas or along routes comprising a means of escape from a building, clear arrangements should be implemented and

communicated to users of e-scooters on whether this is permitted.

Charging and batteries of e-scooters presents a significant risk of fire, our guidance document RMP Risk Control - E-Bikes and E-Scooters: The Perils of Lithium-ion Batteries will provide additional information on these risks.

Critics

Campaigners are calling on the government to stop rentable e-scooter trials until safety reviews have been completed. They claim the vehicles have made towns and cities "no go zones," for blind people.

The UK's National Federation of the Blind are taking their campaign to the Prime Minister at Downing Street petitioning for a halt to all for-hire schemes, while also asking that private e-scooters remain illegal for use on Britain's roads.

Sarah Gayton, the group's Street Access Campaigns Coordinator, said the scooters had "taken over pavements".

"People are being hit, they're being hurt, people have got some really serious injuries," she said.

"We know in Nottingham that people's anxiety is a lot higher because of e-scooters, we know in Liverpool it's been called a 'no-go' area for blind and visually impaired people because of the rental e-scooters there that are ridden over the pavements and people leaving e-scooters everywhere."

The campaign group is also calling for the government to ban retailers from selling e-scooters to the public⁷.

Roadworthy Requirements

Under the UK trial scheme, the provider will take responsibility for any maintenance and repair requirements of the scooters issued. Electric Scooter repair establishments are beginning to appear across the UK and there are online resources to help with common faults.

Just like other vehicles, they have parts and components that will wear and become damaged over time or due to excessive use, over charging and riding on rough terrain.

There is no set 'vehicle checklist' before use at this time as there is with motor vehicles such as checking brake lights, water and oil levels, tyre pressure etc. but as with any vehicle, checks on roadworthiness before use are always recommended.

The Supporters

The Bicycle Association estimates that there are about 750,000 private e-scooters in the country, with the majority being used illegally. The Bicycle Association suggests that as many as 360,000 were purchased in 2020 alone⁸.

There are many groups fully supportive of the introduction of e-scooters including the London Cycle Campaign (LCC) who have said "The arrival of e-scooters offers a cleaner, low carbon alternative to cars and buses for those who can't or don't want to cycle"⁹.

There are environmentalists and cycle campaign groups who see e-scooters as a cleaner alternative for short journeys. Others, such as the Parliamentary Advisory Council for Transport Safety, have questioned how safe the scooters are - for example, pointing to the small wheels which may be vulnerable to potholes and the absence of indicators¹⁰.

Liabilities

The market for insurance across Europe for e-scooters is well established but very new to the UK and not readily available from the market here yet. At the moment, it is the responsibility of the rental company to source and arrange appropriate insurance and their options are limited.

E-Scooters have the potential to impact the covers of Motor, Public Liability, Personal Accident and/or Employers Liability depending upon the locality and the insurers' interpretation.

The intelligence gathered from trials should help inform the industry of the level of liability exposure and potentially open the door for insurance provision.

As employers, thoughts should be turning to the risks associated with employees who may use either their own or a rental e-scooter to travel to and from work or in between meetings and what exposure this presents to the institution.

Summary

There is no doubt, that as an alternative mode of transport these e-scooters have a favourable impact on climate change, air quality and congestion but with the increase in use, accident and injury rates are on the rise.

In a Department of Transport factsheet that examines the main trends in collisions involving e-scooters¹¹.

The main points of this factsheet are, based on provisional data ending June 2023:

- There were 1,269 collisions involving e-scooters, compared to 1,462 in year ending June 2022
- Of all collisions involving e-scooters, 276 included only one e-scooter with no other vehicles involved in the collision, compared to 364 in year ending June 2022
- There were 1,355 casualties in collision involving e-scooters, compared to 1,552 year ending June 2022
- Of all casualties in collisions involving e-scooters, 1,077 were e-scooter riders compared to 1,188 in year ending June 2022
- There were 7 killed in collisions involving e-scooters (7 of whom were e-scooter users) compared to 12 in year ending June 2022

The statistics clearly show significant instances in incidents involving e-scooters. These statistics should be used to inform institutional policies on the use of e-scooters.

A recent study from the US found that 45 per cent of e-scooter accidents resulted in head injuries, many involving traumatic brain injuries. Many of these could have been prevented or lessened had a suitable helmet been worn (the study found very few riders wore them) and the e-scooter accident rate was 14.3 per 100,000 trips, potentially making riders sixteen times more likely to be injured than car drivers and nine times more likely than cyclists. A large percentage of accidents involved alcohol¹².

Conclusion

E-scooter use is here to stay, institutions should have holistic policies and arrangements in place to manage the risks that the use of e-scooters bring.

Setting key rules to users for e-scooter use on campus will ensure that the institutions expectations are communicated to all potential riders.

Running safety campaigns reiterating the importance of safety and community responsibilities will help to improve the understanding of riders and the wider communities effected by e-scooter use.

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Further information

For access to further RMP Resources you may find helpful in reducing your institution's cost of risk, please access the RMP Resources or RMP Articles pages on our website. To join the debate follow us on our LinkedIn page.

Get in touch

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