



PROFESSIONALISM HQ

Mr G Irvine
HM Senior Coroner
East London
Walthamstow Coroner's Court
Queens Road
Walthamstow
London
E17 8QP

██████████
Deputy Assistant Commissioner
New Scotland Yard
Victoria Embankment
London
SW1A 2JL

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Date: 03.02.2023

I am the Deputy Assistant Commissioner for the Directorate of Professionalism in the Metropolitan Police Service (MPS). I write to provide the response on behalf of the Commissioner of Police of the Metropolis to the matters of concern addressed to the MPS in the Report to Prevent Future Deaths dated 14th December 2022.

On behalf of the MPS may I first of all express my sincere condolences to Ms Abukar's family. Our thoughts and sympathies are very much with them.

Matter of Concern 1

Evidence in this inquest confirmed that since 2019 there have been 8 recorded fatalities involving e-scooters in London and 31 in the country at large. At the time of her death Ms Abukar was riding a privately owned e-scooter on a public highway. Despite the ubiquity of such devices on London's streets, riding them on public roads is unlawful.

Whereas approximately 4000 unlawfully used scooters were seized by the Metropolitan Police Service in 2021, only 1100 were confiscated in 2022. The reduction is attributable to a change in policy introduced in November 2021.

MPS Response

The MPS is aware of the use of illegal e-scooters on London's roads and we continue to take a proportionate policing response to their use. In 2021, the MPS published information on the MPS public website (<https://www.met.police.uk/advice/advice-and-information/rs/road-safety/advice-escooters/>) titled 'Advice on using e-scooters'. This article clearly states that '*it is not currently possible to get insurance for privately owned e-scooters, which means it's illegal to use them on the road or in public spaces. If you're using a private e-scooter you risk the vehicle being seized under S.165 Road Traffic Act 1988 for no insurance*'. This messaging was also re-enforced on numerous occasions by the MPS Roads and Transport Policing Command (RTPC) in their communication with members of the public via their MPS Twitter account. In addition, other Basic Command Units have used social media to communicate the law and to demonstrate how they have seized a number of e-scooters.

The MPS updated their policy titled “*Seizure of vehicles for No Licence and Insurance Standard Operating Procedure*” which covers the seizure and enforcement of offences connected with the use of illegal e-scooters, in September 2021. There was no specific update to the policy concerning the seizure of E-scooters at this time. An element of discretion has applied in relation to the seizure of e-scooters and other non-standard mechanically propelled vehicles for a number of years prior to this by way of the following paragraph:

“Discretion is required when policing personal transporters, particularly when dealing with juveniles. It should take an educational, advisory, and non-confrontational approach when enforcing this legislation. Guidance should be given to users about where they can and cannot use these devices and to ride responsibly.”

In 2021, the MPS had an existing policy for dealing with illegal e-scooter use, called Operation Hornet. This policy, issued on the MPS internal website some years earlier, already directed a proportionate response to dealing with the illegal use of these devices. In November 2021, due to ever increasing seizures and reporting of offences relating to these devices in London, the MPS Roads and Transport Policing Command issued direction re-emphasising the need for a graduated and proportionate response balancing the need to protect the public whilst not unnecessarily criminalising the public in a complex area of roads policing legislation (private e-scooters were illegal at this time but council approved ones on a trial were routinely on the roads causing confusion with the public at large). This direction, in line with other areas of policing, confirmed that each offence should be dealt with on a case by case basis, and where appropriate officers should seek to engage, explain and encourage anyone using an E-scooter in public to discontinue riding the device immediately (the engage, explain and encourage approach was borrowed from the national and widely publicised policing stance on COVID enforcement). Where the person stopped was however committing other offences or putting the public in danger, then this would then be robustly enforced, including seizure of the device, issuing a TOR (Traffic Offence Report) or arresting the rider.

In June 2022, the policy was further amended to re-inforce this direction as follows:

“6.5. It is important to remind users that it is unlawful to use these vehicles on pavements and public roads.

6.6. Discretion is required when policing personal transporters, particularly when dealing with juveniles. It should take an educational, advisory, and non-confrontational approach when enforcing this legislation. Guidance should be given to users about where they can and cannot use these devices and to ride responsibly.

6.7 If this guidance is ignored, the vehicle is involved in criminality, behaviour that put the wider public at risk, or the user has committed any offences other than Sec 164/165 Road Traffic Act, officers have the power to seize devices and report users for prosecution in line with the ‘e-scooter flowchart’. If seized, they can be taken to a car pound using the station van.

6.8. If the offender is a juvenile, consideration should be made about contacting the adult responsible for the juvenile and considering any offences of allowing or permitting the use of the personal transporter.

6.9 Prior to July 2022 the Met exercised its discretion and waived some of the release conditions for production of a valid certificate of insurance and/or a valid driving licence when reclaiming of non-standard mechanically propelled vehicle that had been seized under Sec 165A RTA 1988 at the Met car pounds. This was to afford the owner or registered keeper the ability to reclaim the vehicle. However, as of July 2022 the Met

will no longer waive these conditions and instead will require compliance with the full release conditions as specified in Regulation 5 of the Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005, as they do with other motor vehicles seized under the same powers. These requirements include the production of a valid certificate of insurance, a valid driving licence, payment of the statutory fees and they must satisfy the authorised person that they are either the registered keeper or owner of the vehicle”.

A copy of the e-scooter flow chart is appended to this response.

An inverse correlation exists between the rate of legal enforcement and the rate of deaths caused by e-scooters. The number of deaths in Q1 & 2 of 2022 is more than double that of Q1 & 2 of 2021.

It is not accepted by the MPS that there is a correlation between the legal enforcement of e-scooters and the number of deaths. It is not understood that any such evidence was presented to the Coroner during the inquest.

Matter of Concern 2

Ms Abukar died due to traumatic head injuries. Riders of legally authorised scooters (those hired from licenced operators) are not required to wear head protection.

The regulations, and parameters, regarding the use of licenced scooters in e-scooter trials, and the use of head protection, was a policy decision made by the Department for Transport, and Transport for London, for their use in London. They are best placed to comments on the rationale for this decision.

The MPS support the use of protective headwear and have suggested this on many occasions to the DfT and TfL, as confirmed by the evidence of Chief Superintendent Ovens during the inquest.


Matter of Concern 3

Some manufacturers and retailers of e-scooters in England and Wales provide consumers with written warnings about the illegal use of e-scooters, others do not. Where such warnings are present, often they are not prominent.

For the last three years on the approach to Christmas, the MPS has written a joint letter with Will Norman (TfL Walking and Cycling Commissioner) to e-scooter retailers asking them to ensure prominent signs are displayed at the point of sale to remind customers about the legality of e-scooters.

I trust this clarifies the position the MPS took in relation to the reduction in the seizure of e-scooters in 2022, however, please do not hesitate to contact me should you have any queries.

Yours sincerely



Deputy Assistant Commissioner