

12th September 2024

This information has been prepared by the West of England Combined Authority's Transport Team in response to the Regulation 28 Report to prevent future deaths issued on 25th June 2024 by M. E. Voisin, HM Senior Coroner for Avon.

A Regulation 28 Report to Prevent Future Deaths was sent to the West of England Combined Authority, requesting a response. In particular, to provide details of action taken or proposed to be taken, setting out the timetable for action, or otherwise explain why no action is proposed.

The report concerned the investigation into the death of Abdul Jabar Oryakhel. The deceased died trying to escape from a fire in his flat caused by the overheating and ignition of a lithium-ion battery pack used for an e-Bike that was stored in the property. The e-Bike in question was not connected with the eBikes available for rental through the West of England's contracted supplier.

Coroner's concerns:

- Apparent lack of understanding of the dangers with Lithium-ion batteries used for e-bikes and e-scooters.
- That there is currently no British or European (e.g. BSI or PAS) standard to control what lithium ion e-bike batteries and chargers can be sold in the UK.
- That there is an increase in the number of people buying and using e-bikes and e-scooters.

Response of the West of England Combined Authority

Specific actions to address the concerns raised by the Coroner do not lie within the strategic functions of the West of England Combined Authority. The areas of concern require national government action in the first instance, through legislation and regulation.

Further information

In July 2020, the Government passed legislation allowing trials of electric scooters (e-scooters) on the public highway. Prior to the legislation, the use of both privately owned and rental e-scooters was prohibited on the public highway, and only permissible on private land with the landowner's permission.

To run an e-scooter trial, local/regional authorities needed to make a successful application to the Department for Transport. The West of England Combined Authority applied and was successful.

Following the successful application, the West of England Combined Authority procured a concession contract for e-scooter rental services. The concession contract was awarded and operations commenced from October 2020.

In January 2023 the West of England Combined Authority re-tendered the concession contract, with the additional scope of e-bike and e-cargo bike rental services (in addition to e-scooters). Following an open procurement, the Combined Authority awarded the new contract. By November 2023 the new contract was fully operational and is still running.

The contract defines two types of vehicle rental and associated battery charging:

1. **On-street rental:** Customers rent a vehicle “on-street” using a smartphone which remotely unlocks the vehicle and enables it to be ridden. Vehicles can only be ridden and returned within a designated area within the West of England region, restricted to the public highway. When a rental is finished, the vehicle is de-activated and can only be used again by a customer using their smartphone. It is considered theft if members of the public remove a vehicle from the public highway. Vehicle batteries are charged by the operator (i.e. Voi or Tier) using a “battery swap” method. The battery swap method involves the operator replacing depleted batteries with newly charged batteries. Batteries are charged by the operator at a warehouse.
2. **Long term rental (e-scooter only):** Customers apply to the operator to rent an e-scooter on a long-term rental (LTR) basis. The operator delivers the e-scooter to the residence of the applicant and provides them with the vehicle, charger, and an information pack. The customer is charged a monthly fixed fee for the rental of the e-scooter, and the customer is responsible for vehicle storage and battery charging.

However, as of 6am Tuesday 3rd September 2024 the Long-Term Rental service for e-scooters has been paused. Users have been asked to leave their vehicles outside for collection. At 6am Wednesday 4th September 2024 the e-scooters were remotely switched to maintenance mode to prevent use. The contractor then began the process of recovering the e-scooters.

No event has occurred that led to the pause in service. Rather, the contractor’s Health & Safety and Vehicle Product teams have reassessed the risks associated with users charging the e-scooters at home. Given the potential impact of the risk, the decision was taken to pause the service and explore mitigations before potentially reintroducing. Being permitted as part of the national e-scooter trial, the Department for Transport have said that the resumption of the service could only take place if both they and the Combined Authority are comfortable with the risk assessment and any mitigations in place.

What actions the Combined Authority has taken in the past to mitigate the risks of home-based lithium-ion battery fires

The West of England Combined Authority believes the provision of the on-street rental e-scooter service (and now with e-bikes and e-cargo bikes), is providing a legal, convenient and affordable

alternative to private ownership of similar vehicles. For some people this will have reduced the need (and therefore the actual number), of privately owned vehicles kept at home, and therefore reduced the chance of home-based lithium-ion battery fires.

What actions the Combined Authority will take in the future to mitigate the risks of lithium-ion battery fires in homes

The Combined Authority is continuing to participate in the national e-scooter trial. Through this, the Combined Authority can contribute evidence of e-scooter (and now e-Bike) usage, making the case for legislation and regulation that safely incorporates e-scooters into the transport system. The Combined Authority is also able to work with Tier to communicate best practice in terms of safe e-scooter use (including charging) and demonstrate the benefits of high product safety standards.
