

I note with some disappointment that the Council has approved the PSPO amendment to ban the use of e-cycles in the city centre, although I am pleased to see the original proposal has been amended to 1) exclude the use of pedal cycles which can continue on the basis of careful and considerate use, and 2) where the use of an e-cycle is a mobility aid.

The wording of the PSPO (as it appears on your website in Appendix 1 to the agenda item at: <https://edemocracy.coventry.gov.uk/mgAi.aspx?ID=39567#mgDocuments>) is vague as to its meaning and therefore I would like to request some clarifications as follows.

There are seven questions and points of clarification that follow. For ease of reference and to ensure none are missed, I have highlighted these in blue text. These questions should still be read in conjunction with any surrounding text which should explain my understanding and reasons for asking.

1. The definition of "e-bikes" where referenced in the PSPO.

An e-bike can commonly be interpreted to mean either:

- a) a pedal bicycle, being a pedal-propelled vehicle with two wheels, that has the additional provision of electrical assistance which is activated only when the user is pedalling, is limited to a motor power level of 250 watts, is subject to a maximum assisted speed of 15.5MPH, and which are legally classed in the same manner as regular bicycles (an Electrically Assisted Pedal Cycle, or EAPC); or
- b) a two-wheeled vehicle that does not adhere to the EAPC specification and is therefore legally classed as a motor vehicle (either an e-moped or e-motorcycle) regardless of whether its framing resembles the form of a traditional bicycle or not. Such a vehicle would be subject to all requirements of motor vehicles including type approval, registration, insurance, the use of helmets, and the prohibition of use in pedestrian and cycle-only spaces.

The Public Spaces Protection Order (City Centre) 2023, paragraph (f) states:

"Any person riding a pedal cycle, skateboarding or riding a manual scooter must do so in a careful and considerate manner. and must dismount if requested to do so by an enforcing officer when continuing to ride would cause a danger to the public or public offence. Failure to comply will leave them liable to enforcement."

Given that an EAPC specification compliant cycle is legally classed as a pedal cycle, paragraph (f) would appear to suggest the use of this type of e-bike will continue to be permitted after the enactment of the PSPO, subject to the noted conditions in that paragraph.

Please clarify what is meant by "e-bike", and what type of vehicles are captured in its meaning.

"We will be classifying any bike that has, or appears to have a motor fitted to it, as an 'Ebike.' The issue as to whether at the time of riding in the restricted area, the engine is actually activated, or capable of being activated will be considered irrelevant, for the purpose of enforcement."

2. Switching off e-assist

A user of an EAPC compliant bicycle who has switched off the electrical assistance provision is essentially, at that point, riding a regular bicycle and not an e-bike. In that instance, paragraph (f) would appear to apply.

Please clarify whether a user who has switched off e-assist for the duration of riding through the defined area of the PSPO would or would not be guilty of an offence.

"Please refer to Question 1."

3. Exemptions

Paragraph (g) point (1) refers to "reasonable excuse" as being an exemption to the prohibition.

What is intended behind this term "reasonable excuse"?

No response.

The specific exemption listed in Paragraph (g) refers to the use of e-bikes and e-scooters as mobility aids. The reference to e-scooters here would appear to contradict national legislation which currently prohibits the use of private electric scooters on public land for any reason.

Does Coventry have an exemption to this legislation which would then permit people to use e-scooters for the purpose of mobility aids within the defined area of the PSPO, that being the inference that can be taken from this wording?

"We acknowledge that current legislation does not permit the riding of an Escooter on public land, however, as we have previously had an authorised trial in the City Centre, for the avoidance of doubt we are making it clear that their use is not permitted in the restricted zone. Equally, this provision will allow authorised officers to take action in the restricted zone, whereas elsewhere this power is only available to Police officers."

The same paragraphs states "Nothing in this order applies to a person who uses a mobility scooter for access reasons or a person who uses an E-bike or E-scooter as a mobility aid and cannot safely dismount and push a cycle for any significant distance."

What is considered to be a "significant distance" and will this be considered on a case-by-case basis?

"This will be considered on a case-by-case basis by officers, at their discretion."

The wording appears to imply that people who use e-bikes as mobility aids where they find cycling easier than walking, but who can otherwise still safely dismount and push, though perhaps with difficulty, discomfort, or pain (i.e., they can still technically "safely dismount and push", but walking is a poor, even difficult option) would still be required to dismount and push. That is to say, the wording appears very restrictive on when an e-bike may be considered a mobility aid.

Is this interpretation correct?

"This interpretation is not one we use. Officers will be permitted to use their discretion on a case-by-case basis when considering if it is reasonable for the rider to be claiming the use of their Ebike or Escooter as a mobility aid."

How does Coventry expect users to prove the mobility aid exception if stopped?

"We will treat each incident on a case-by-case basis."