

From: Jenny Lapham
To: [REDACTED]
Subject: Local Government Official Information and Meetings Act Request - Lime Scooters
Date: Monday, 6 May 2019 11:50:00 a.m.
Attachments: [Response to Questions.pdf](#)

Dear [REDACTED]

Please find attached a response to your request for information relating to Lime Scooters.

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- 1 **Can you please confirm that these documents are a complete record of Council correspondence on Lime scooters prior to the OIGMA request being made?**

The information supplied in response to the media request meet the requirments of the request and they received all appropriate information other than that redacted or withheld.

- 2 On the 30th of October 2018 Simon Pickford informed Dr Bidrose 'The hubs can operate (with DCC permission) from footpaths or reserves... 'Related policies/bylaws are:
'The control of Skateboarding bylaw (2005)...
'The Commercial Use of Footpaths policy (2005) allows businesses to use footpath space so long as pedestrians aren't obstructed and the 'vital amenity of our streetscapes is maintained.' ...
'The Reserves and Beaches Bylaw (2017) allows trading with the prior permission of an authorised Officer, or Council resolution.'

Can you please confirm for me that no other policies or bylaws were taken into account by Council when Lime sought to introduce their e-scooters to the Dunedin market?

A review of all relevant policies/bylaws was undertaken when Lime approached DCC.

- 3 On the 1st of November Nick Sargent pointed out 'the roading bylaw talks about "things" in the roads'. He quotes clauses 11.2 & 11.3 of the bylaw:
'11.2 Things in Roads - (1) No person shall without the consent of the Council or in accordance with the provisions of this Bylaw place **or leave anything on any road** [his emphasis] other than a vehicle lawfully parked....
'(d) Place, pack or unpack any goods on any road, ...'
'11.3 The Council may allow Things in Roads -
'(1) **The Council may grant to any persons on such terms as it thinks fit permission... to occupy a place or places on the road** [his emphasis]
'(2) ... The Council may charge such fee...'

No correspondence appears to follow from this - Simon Drew's & Ms Blunt's advice that is redacted both precede it. Can you please confirm that this bylaw was not consequently taken into account and if not, why not?

It was taken into account: Under the Roading Bylaw, Council may grant permits to allow "things" to be left in a road. However, in this bylaw an e-scooter is defined as a "vehicle". There is nothing in this bylaw that enables the Council to require permits, or give consents to allow a vehicle to be left in a road. This bylaw does not provide any mechanism for Council to regulate scooter use or rental where the scooters are picked up and dropped off in public spaces.

- 4 On the 16th of November, Adrian Blair reported, in response to a question about the Commercial Use of Footpaths policy that he had said 'the advice we had received was that the commercial transaction took place elsewhere that [sic] in Dunedin.' There are two parties to any transaction and when rental scooters are hired the physical presence of a scooter for hire is a necessary part of the transaction; his claim that the 'commercial transaction' takes place elsewhere seems prima facie false. No other reference to this advice exists in the release of documents.

Can you please confirm that this advice was received? If so, could you please identify for me the form it took, the clauses in the bylaws and policies the advice is derived from and tell me who provided it?

The location of the transaction was discussed verbally at a meeting with the in-house legal team. However, it was subsequently discounted as being relevant to the issue.

- 5 On the 9th of January 2019, Lyndon Weggery asks Dr Bidrose 'why on earth is a mobile trading License not required...?' Dr Bidrose doesn't answer this question in her response to Mr Weggery, saying merely '... we have NO jurisdiction over their rollout. They are a business, they can roll out any time they wish...'. However she subsequently (7 minutes later) asks Eleanor Blunt if the right answer to this question is '... a mobile trading license is not required because they are not permanently taking up space that can no longer be used by other users...' No answer from Ms Blunt is included in the released correspondence.

Could you please confirm that Ms Blunt did not answer or if she did, was Dr Bidrose's suggested answer right or wrong?

Ms Bunt's advice was verbal – it was that the current Mobile Trading Bylaw is too narrow to encompass e-scooter operators. That Bylaw only applies to "mobile trading" as defined and includes hawking, peddling or touting, trading from a mobile shop and trading from a store.

- 6 The following day, the 10th of January Andrew Whiley drew Dr Bidrose's attention to the Mobile Trading Bylaw: '... I'm sure our mobile trading bylaw or use of footpaths must have been able to cover it.... They are simply just dumped everywhere... anyone that has sign on a footpath needs a permit...' The Mobile Trading Bylaw 2014 requires anyone wishing to trade in the public sphere to make an application for a license in writing on the required form. I was not able to find any such application.

Could you please tell me whether or not Lime applied for a mobile trading license and if they did, did they apply for a license for each scooter in their Dunedin roll-out?

No they did not as it is not currently required.

- 7 The Mobile Trading Bylaw requires anyone wishing to trade (including offer for sale or hire) must have a separate license for each shop, must pay a fee, and must not operate within those areas restricted to mobile trade except on designated sites.

If Lime has a (or 700) mobile trading license(s), could you please tell my why they have been given this permission without paying a license fee for each scooter (as they do in Christchurch) and why they have been allowed to trade on those stretches of George & Princes Sts, the Octagon and lower Moray Place that are restricted to mobile trade?

See response to Question 6.

- 8 In referring to this bylaw I infer Mr Whiley was expressing concern that Lime's trading activities had been permitted to take place in the public sphere without paying for the appropriate permits. Dr Bidrose neither acknowledges nor addresses this particular concern in her response. Instead she says 'We are not able to regulate Lime Scooters. This responsibility sits with NZTA...' Advice from the NZTA relates of course to where powered scooters, whether rental or privately-owned, may be ridden and parked by their users. NZTA's advice doesn't pertain to *Lime's* scooters in particular; it doesn't pertain to where a scooter-hire company may conduct its trade which is what was concerning Andrew Whiley and what Lyndon Weggery had asked the previous day.

Could you please tell me why this question wasn't addressed prior to the roll-out of e-scooters for hire? Was it because the Mobile Trading Bylaw had not been considered relevant to making a decision relating to the trading activities of a commercial company? If so, from whom, where and what is the advice that it was not relevant?

See responses 5 -7.