



SPA Board Meeting Rolling Action Log

Action No	Action	Action Owner	Status	Expected Date of Completion	Update/Comments
ACTIONS RAISED AT MEETING HELD 26 SEPTEMBER 2024					
20240926-BM-001	E-bike seizures: Process to be confirmed of seizure and disposals of unlawful ebikes.	DCC Jane Connors	OPEN	28.11.24	21.11.24: Briefing appended to log. Propose to close
20240926-BM-002	Estates Masterplan: Slides presented to the Resources Committee to be shared with all Members, with an opportunity to discuss, before further public presentation.	Chief Financial Officer	OPEN	3.10.24	21.11.24: Members session held at Tulliallan on 10/10/24 where slides presented to all members and discussions held regarding same. Propose to close

<p>20240926- BM-003</p>	<p>Climate Change: Future annual report to include benchmarking work against other police services to be carried out to enable continuous improvement in the area.</p>	<p>DCC Alan Speirs</p>	<p>OPEN</p>	<p>25.9.25</p>	<p>21.11.24: Sustainability/Energy Teams and SPA have agreed that we will benchmark using the National Police Estates and Facilities Benchmarking report produced by CIPFA. This annual report is compiled with support from the UK National Police Estates Group, of which, we are a member. The report provides metrics at national and individual force scale, allowing us to assess our progress against 28 other police services. The information in this document includes (but is not limited to) consumption, cost and carbon emissions of utilities by area.</p> <p>We will also continue to monitor our own performance against previous years to ensure that implementation of relevant projects and plans are having a material affect on our environmental impact. This information is provided to the Environmental Sustainability Board on a quarterly basis.</p> <p>Propose to close</p>
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BRIEFING PAPER FOR INFORMATION OF SCOTTISH POLICE AUTHORITY

FOR INFORMATION	
Disclosable under FOISA 2002	Yes
Date Created	11/11/2024
Attachments: No	

BRIEFING PAPER - SEIZURE AND DISPOSAL OR RETURN OF “E-BIKES” – UPDATE TO ACTION 20240926-BM-001.

PURPOSE

To provide members of the Scottish Police Authority (SPA) with information on the processes adopted by Police Scotland in relation to the disposal of “E-bikes” seized by officers.

BACKGROUND

At SPA Board meeting on 26 September 2024, Martyn Evans (SPA Chair) asked Police Scotland about the processes they adopted for the seizure and subsequent disposal of “E-bikes”.

FURTHER INFORMATION

In terms of the procedures adopted by police officers on the seizure and subsequent disposal of an e-scooter or e-bike, there are some distinctions in relation the use of these on roads and other public places, compared to legal use on private property. In addition, the rider or user of the e-scooter or e-bike may have made certain alterations that places the machine outside of the speed restriction and power output permitted for safe and appropriate use.

In the event that a police officer encounters a person using an e-scooter or e-bike on a road or other public place, when the said machine is evidently exceeding the 15.5 miles per hour speed limit whilst no pedalling is taking place, and/or has a power output over 250 volts, then this machine can be regarded as being a mechanically propelled vehicle (MPV). The appropriate test to use when deciding if a MPV is a motor vehicle, is whether a reasonable person looking at the MPV would say that

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one of its uses would be on the road, in the sense that some general use on the roads must be contemplated.

When an officer intends to use any legislation relating to a motor vehicle, they must ensure that they provide sufficient evidence to meet the definition of 'motor vehicle' at Section 185 RTA 1988.

If not operating in terms of Electrically Assisted Pedal Cycle (EAPC) guidance the rider will require a full driving licence and insurance. If an e-bike or e-scooter has been modified or falls out with the EAPC laws, and used on a public road, the owner may find themselves being stopped by police and reported for Road Traffic Offences – such as Section 87 Road Traffic Act 1988 (no driving licence) Section 143 Road Traffic Act 1988 (no Insurance) alongside possible MOT and failing to wear a helmet offences.

The provisions of Section 165 of the Road Traffic Act 1988, used in the uplift of uninsured vehicles, does not provide a legal pathway for release unless a valid policy of insurance can be produced by the owner/keeper. This is something that owners are generally unable to acquire. In these circumstances the e-bike is unlikely to be returned to the owner and will be disposed of through the VRS contractual arrangements.

If the e-bike falls under EAPC laws, then the e-bike shall be returned, with the owner required to attend at a police station to show proof of ownership.

E-bike or e-scooters – if held as a production, will not be returned until the Procurator Fiscal has given a determination. This tends to refer to circumstances where the e-scooter had been seized under Anti-Social Behaviour legislation. In most cases e-scooters are held as lost and found property and shall be given back to the owner upon proof of ownership at a police station. The owner then attends the recovery operator and pays the statutory recovery fee.

DCC Connors
Local Policing

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