

MOTION: ENFORCEMENT AGAINST CARS IDLING

Head of Service:	Ian Dyer, Head of Operational Services Rod Brown, Head of Housing & Community
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Appendices (attached):	Appendix 1: Motion Appendix 2: Council minutes, July 2020

Summary

At its meeting on the 21 July 2020, Council agreed to refer the enforcement against cars idling motion on to this Committee for consideration.

Recommendation (s)

That the Committee:-

- (1) Notes the Motion;**
- (2) Continues with the current arrangements of the Climate Change Action Plan relating to car idling;**
- (3) Notes there is no case to support the introduction of further Air Quality Management Areas in the Borough.**

1 Reason for Recommendation

- 1.1 To consider the Motion brought to Council in July 2020.

2 Background

- 2.1 In July 2019, Council agreed a Motion to establish a climate change action plan. It was agreed that a plan would be presented to this Committee within 6 months for later ratification by Council. This led to a cross party Member Working Group was established to develop the Council's Climate Change Action Plan.

Environment and Safe Communities Committee

26 January 2021

- 2.2 In January 2020, this Committee received a report on a climate change action plan, where it endorsed the adoption of 2035 as the year from when the Council should aim to be net carbon neutral, and also approved a Climate Change Action Plan. It recommended both to full Council for adoption.
- 2.3 At its meeting on the 20th January 2020, Council approved both the recommendations from this Committee.
- 2.4 Responsibility for monitoring the Climate Change Action Plan rests with this Committee.

Motion to Council: Car idling

- 2.5 At the Council meeting on 21 July 2020, a Motion was proposed requesting the Council introduce further Air Quality Management Areas to the Borough and to bring forward plans to introduce no idling zones across all Air Quality Management Areas. It also sought consideration of the current enforcement officers to carry out such enforcement along with adding such duties to the Council's enforcement service provider.
- 2.6 The Motion further sought the exploration for training volunteers to collect evidence to assist with the enforcement of car idling breaches in key hotspots. It also so requested the Council work with contractors and partners to support the proposals of the Motion and to report back annually on progress.
- 2.7 The Council voted to refer the Motion to the Environment and Safe Communities Committee for consideration.

Air Quality Management Areas

- 2.8 The Environment Act 1995 requires all local authorities to review and assess air quality in their area. If standards are being exceeded or are unlikely to be met, then that area should be designated an Air Quality Management Area (AQMA) and the local authority must draw up and implement an action plan aimed at reducing levels of the pollutant. Local authorities are required to make copies of their reviews and assessments of local air quality available to the public, as well as any orders designating an AQMA, and to consult locally on the action plan.
- 2.9 The Council monitors air quality within the Borough against standards set out in the National Air Quality Strategy. In the event the monitoring indicates the level of a particular pollutant is or may be exceeded, the Council is required to declare an air quality management area.

Environment and Safe Communities Committee

26 January 2021

- 2.10 At present there is only one air quality management area in the Borough. The Ewell High Street Action Area was declared in 2010. The area encompasses a section of the High Street, Ewell from the junction with Spring Street to the junction with Cheam Road and continues a further 30 metres south on High Street Ewell. The Action Plan was identified because there was a risk the level of a pollutant could exceed the required level.
- 2.11 Where an AQMA has been declared, the Council can apply for powers to carry out roadside emissions testing under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.
- 2.12 Authorised persons can then carry out an emissions test on a vehicle being driven through, or about to pass through, an AQMA and if an offence has been committed a fixed penalty notice can be issued. A driver can also be required to submit their vehicle to a test and to produce a test certificate. This power has not been adopted for Ewell High Street, as it did not form part of the original action plan.
- 2.13 At the October 2020 meeting of the Environment and Safe Communities Committee, Members noted the findings of the Annual Status Report into air quality which showed a long term trend towards a gradual improvement in air quality both within the existing AQMA and outside of it. The air monitoring does not demonstrate a case for the introduction of further Air Quality Monitoring Areas in the Borough.

Climate Change Action Plan: Car idling

- 2.14 The Climate Change Action Plan agreed by Council in January 2020 includes an objective in Year 2 of the Plan to 'Fine drivers who leave engine running whilst parked' which includes implementing the #Don't be idle campaign and promote this work. This will require the Council to adopt the necessary legislation first.
- 2.15 Once adopted the anti-idling powers under Regulation 6(3) of The Road Traffic (Vehicle Emission) (Fixed Penalty) (England) Regulations 2002 it would enable Council officers to:
 - (a) Stop the commission of stationary idling offences by requiring vehicle engines to be switched off and
 - (b) To issue a fixed penalty notices (FPNs) of £20 to drivers who allow their vehicle engines to run unnecessarily while the vehicle is stationary.

Environment and Safe Communities Committee

26 January 2021

- 2.16 In carrying out their functions under the Regulations, an authorised officer would be allowed to request the name, address and date of birth of the driver in order to issue the Fixed Penalty Notice. A driver who fails to switch off their engine when requested may be prosecuted.
- 2.17 There are exemptions, the Road Traffic Act only applies on the Public Highway. It does not include private land such as driveways or private car parks.
- 2.18 Research into the use of the enforcement power under the Regulations found there were relatively few cases of Fixed Penalty Notices being issued. This was explained in terms of compliance following a request, with the majority of those asked to switch off their engines doing so, in the rare instances where they did not, it was difficult to gather the information needed to issue the Notice. The general course of action taken by the majority of local authorities has been by way of public education and signage.
- 2.19 It is not felt the arrangements approved by Council in January 2020 set out in the Council's Climate Change Action Plan need to be revised. For this reason it is recommended that the current plan for the adoption of The Road Traffic (Vehicle Emission) (Fixed Penalty) (England) Regulations 2002, remains as agreed.
- 2.20 The Council carries out all its own enforcement activities and does not outsource the work to a service provider, as referred to in paragraph b of the Motion.
- 2.21 In terms of exploring options for volunteers as suggested by paragraph c of the Motion, this will need very careful consideration. Options for enforcement and education will brought for approval at the appropriate time.
- 2.22 In relation to paragraph d of the Motion, one of the Council's enforcement vehicles is already electric. In terms of the wider education of ensuring Council vehicle engines and those of our contractors and partners are not kept running unnecessarily, this remains a priority within the wider climate change agenda change program.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

- 3.1.1 There are no equality impacts arising from the contents of this report.

Environment and Safe Communities Committee

26 January 2021

3.2 Crime & Disorder

- 3.2.1 There is added risk to the enforcement officers as they will be expected to approach members of the public within idling vehicles rather than issuing a Penalty Charge Notice to an unoccupied vehicle.

3.3 Safeguarding

- 3.3.1 To protect officers and members of the public it is advisable that officers are advised to maintain good distance from the vehicle during the pandemic. A stance of education could therefore be adopted at the present time rather than enforcement.

3.4 Dependencies

- 3.4.1 N/A

3.5 Other

- 3.5.1 N/A

4 Financial Implications

- 4.1 Costs for signage to promote education against idling vehicles could be taken from existing car park budgets.
- 4.2 Should it be necessary in the future to declare further Air Quality Management Areas, a budget would need to be identified to employ a resource to carry out the analysis of the data and to draft the action plan as there is insufficient staff resource within the Environmental Health team to achieve this.
- 4.3 A budget would need to be identified to purchase or hire roadside emission testing equipment, or to purchase the services of an agency able to carry this out on the Council's behalf should the Council wish to undertake emission enforcement in the future.
- 4.4 There would be costs for officer training.
- 4.5 **Section 151 Officer's comments:** The costs required to implement these measures would be met from existing budgets. No income from penalty notices for these offences would be included within income budget targets.

5 Legal Implications

- 5.1 These are contained within the body of the report.

Environment and Safe Communities Committee

26 January 2021

- 5.2 **Monitoring Officer's comments:** none arising from the contents of this report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

Green and Vibrant – Work with partners to reduce our impact on the environment and move closer to becoming carbon neutral.

- 6.2 **Service Plans:** The matter in relation to idling is included within the Climate Change Plan.

- 6.3 **Climate & Environmental Impact of recommendations:**

- 6.3.1 Anti-idling will have a range of positive environmental impacts, it is unlikely to cause any detriment.

- 6.4 **Sustainability Policy & Community Safety Implications:**

- 6.5 **Partnerships:** The Council is already part of the Surrey Air Alliance which is a partnership between all Councils in Surrey working together to promote air quality.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Climate Change Action Plan, Environment and Safe Communities Committee, Special Meeting 20 January 2020

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=144&MId=898&Ver=4>

- Climate Change Action Plan, Council, Extraordinary meeting 20 January 2020

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=146&MId=897&Ver=4>

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=146&MId=897&Ver=4>

Other papers:

- Motion, Climate change emergency, Council, 23 July 2019

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=146&MId=738&Ver=4>

Environment and Safe Communities Committee

26 January 2021

- Air Quality in the Borough
<https://www.epsom-ewell.gov.uk/residents/environmental-services/air-quality>
- Air Quality in Epsom and Ewell, Environment and Safe Communities Committee, 20 October 2020
<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=144&MId=925&Ver=4>
- AQMA Defra
https://uk-air.defra.gov.uk/aqma/details?aqma_ref=508