

Committee Port Health and Environmental Services Planning and Transportation	Dated: 3 March 2020 6 March 2020
Subject: New approach to address vehicle idling	Public
Report of: Director of Built Environment	PHES for Information P&T for Decision
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Summary

Air quality in the City of London does not currently meet safe limits and remains an “amber” corporate risk for the City Corporation (the **City**). Vehicles idling when parked is a common and unnecessary source of local air pollution.

Despite plans and activities including anti-idling campaigns, education and enforcement, idling vehicles is still an issue across the City of London. The Environment Act 1995 (the **Environment Act**) is currently used to deal with idling vehicles, but this requires direct City staff resources, the cooperation of motorists and with low fines, its impact has been limited.

The recommended proposal to introduce a Traffic Management Order (**TMO**) to prohibit unnecessary idling of vehicle engines would allow for enforcement by Civil Enforcement Officers (**CEOs**) by issuing Penalty Charge Notices (**PCNs**) (the **Scheme**). With around 35 CEO’s deployed across the City of London on a daily basis and with the prospect of issuing an £80 fine. By issuing warning notices and PCNs, their reach and influence on dealing with idling problems is likely to be substantial.

Recommendation

Members are asked to authorise officers to:-

- a) proceed with the proposal to introduce a TMO to implement the Scheme, and in particular to:
 - I. Consult with the statutory parties¹ on the proposal to make the TMO;
 - II. Carry out the publicity requirements in respect of the TMO²;

¹ As provided for in Regulation 6 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

² As provided for in Regulation 7 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

- III. Report back for a decision if any objections raise significant or unexpected concerns;
 - IV. Seek the consent of the Secretary of State (if required);
 - V. Make the TMO after the statutory period for objections has ended **SUBJECT TO** the Director of the Built Environment, in consultation with the Chair and Deputy Chairman of the Planning and Transportation Committee, deciding to proceed with the TMO after considering any objections and any other relevant considerations;
 - VI. Commence enforcement of the TMO after an appropriate warning notice period;
 - VII. Monitor the impacts of the Scheme (for a minimum of 6 months);
 - VIII. Report back with an Issues Report concerning the impacts of the Scheme (approximately 8–12 months after implementation of the TMO); and
- b) lobby the Department for Transport (**DfT**) for a new sign to be approved.

Main Report

Background

1. Air quality in the City of London does not currently meet safe limits set by the World Health Organisation and remains an “amber” corporate risk for the City. Idling vehicles when parked are an unnecessary source of local air pollution.
2. The City is required by statute to measure air pollution and develop and implement an improvement plan, or action plan, if health-based air quality limits are not met.
3. As a result, the City’s Air Quality Strategy 2019 – 2024 outlines actions that will be taken to fulfil the City’s statutory responsibility for Local Air Quality Management. One of the actions is to deal with idling vehicles through a wide range of measures.
4. The City’s Transport Strategy sets out the City’s future transport vision, aims and outcomes. One of these is to create a future where our air and streets are cleaner and quieter, by introducing measures to tackle transport related emissions.

Current Position

5. The whole of the City of London has been designated as an Air Quality Management Area. This enables, the City, like other local authorities, to tackle air pollution including the power to issue Fixed Penalty Notices (**FPNs**) to motorists who leave their engine idling unnecessarily. Taxis that are waiting on rank and other vehicles which require the engine to be running to operate machinery such as refrigerated units, hydraulic doors / lifts, cement mixers would be granted an exemption from such action.
6. CEOs also have powers to issue Penalty Charge Notices (PCNs) to coaches parked in a coach bay with their engines running. This falls under the City of London (Coach Parking Places) (No1) Order 1990. Notices to this effect are displayed in coach parking bays. This provision is only applicable to coach parking bays.
7. The City has been holding regular ‘no idling action days’ where officers and community volunteers go out to speak to motorists with the aim of raising awareness and to change idling behaviour. City officers have also targeted specific sites for enforcement and have liaised directly with the paper shredding industry to address the vehicle idling issue, which has successfully reduced reported incidents.
8. Under the Environment Act, FPNs can only be issued by an Environmental Officer and the fine is set at £20 if paid on time. To support the work of the Environmental Officers, coach idling enforcement and to raise the wider anti-idling message, the City has special authorisation from the DfT to use an advisory traffic sign, which reads: “Switch off engine, reduce emissions” at 18 ‘hot spot’ locations.

9. Before an FPN can be issued, the officer is required to first ask the motorist to switch off their vehicle engine. If the person fails to do so, the officer is then required to obtain details of their name and address, together with proof of identity, requiring the cooperation of the motorist. As a result, this action is rarely successful other than for raising limited awareness.
10. Over the past 12 months the City's Environmental Officers have not issued any FPNs as motorists have either complied with their instructions or driven off. Despite these educational and enforcement activities, motorists idling remains a problem across the City of London.
11. In June 2019 the DfT announced plans to carry out a public consultation on proposals to impose tougher penalties on idling motorists. However, there has been no subsequent progress or updates on this.
12. It is therefore considered that the enforcement of unnecessary engine idling through the current FPN regime is not efficient or effective and requires significant City staff resources. This has been acknowledged by both the Department for the Environment, Food and Rural Affairs and the DfT.

Traffic Management Order

13. The inability of the current legislation to effectively tackle idling vehicles has led to at least seven other London local authorities introducing new measures within the last 2 years. In all these cases, they have all introduced a TMO to prohibit idling under the Road Traffic Regulation Act 1984.
14. The TMOs allow authorities to carry out enforcement in the same manner as with other traffic contraventions such as parking. This is done by utilising the CEOs that are already patrolling the streets to issue PCNs in appropriate circumstances. The charge for traffic contraventions is usually set through London Councils with most fines set at £80 or £40 if paid within 14 days.
15. For a TMO to be valid, adequate information on the prohibition or direction through signage is required. However, the DfT has not yet approved a form for standardised signage and discussions with the DfT have so far indicated that there is a lack of appetite for a new sign at this stage. To overcome this when enforcing TMOs, the approach of some authorities has been to first request that the motorist switch their engine off and only if they fail to comply with the request, is a PCN issued. Given the absence of signage and the fact that this is an untested and new approach, it is expected that challenges may follow.
16. As mentioned above in paragraph 6 the City has existing powers to issue PCNs to coaches idling in coach bays

Options

17. This report sets out three options.

Option 1: Carry on as usual

18. With this option, officers will continue with business as usual activities including targeting specific sites for ad-hoc enforcement by Environment Officers and attempt to raise idling awareness. It is noteworthy that, with the DfT planning to consult on tougher idling penalties, this may eventually lead to a more efficient process for tackling idling in the future. Despite the potential promise of the DfT's undertaking to consult, it is considered that this option does not stand to address the issues identified in paragraph 9 above in the short term and it is therefore not recommended.

Option2: Lobby the DfT to approve a sign which can be used to enforce idling through a TMO

19. Officers would seek to work with other London authorities and through London Councils, lobby the DfT for a new sign that can be used in conjunction with the TMO. If such a sign does become available, officers would then proceed to implement a TMO. However, given the DfT's intention to consult on tougher idling penalties under the Environment Act, the outcome of this is likely to be unsuccessful. As with option 1, this option would not change the situation in the short term and is therefore not recommended.

Option 3: As Option 2 but also introduce an anti-idling TMO

20. With this option, officers would lobby the DfT for a new sign but also proceed with a TMO to prohibit unnecessary idling. Exceptions similar to those detailed in paragraph 5 would be included.
21. The approach to enforcement would be for CEOs to first issue a warning notice to a non-exempt vehicle idling. This warning would be held on record against the registration to ensure the motorist has been made aware of the prohibition. Any subsequent idling observation of the same vehicle would result in a PCN being issued by a CEO without further warning. This approach would be subject to regular review and consultation. If signage is agreed with DfT, these will then be installed across the City to further improve awareness and compliance.
22. Typically, around 35 CEOs are deployed across the City on a daily basis and with the prospect of issuing an £80 fine, their reach and influence on dealing with idling problems is likely to be substantial. This option is therefore recommended.

Financial Implications

23. The cost of introducing a TMO to prohibit idling and updating our civil enforcement software is £3,000, which can be met from DBE's local risk funds. If a traffic sign becomes available, the cost to install them across the City of London would be in the region of £15k - £40k. Funding to deliver this would be reviewed when appropriate.
24. No additional enforcement costs would be incurred by the City's parking enforcement contractor (Saba). The issue of warning notices for first time

offences is expected to result in only a small number of PCNs being issued so the additional income generated to the On-Street Parking Account is likely to be small. However, there are likely to be additional workloads imposed on the City's Parking Ticket Office in dealing with correspondence and any representation and appeals that are registered as a consequence of drivers challenging the validity of the enforcement given the likely lack of signage in the medium term.

Legal Implications

25. The legal implications of the Scheme are dealt with in Appendix 1 to this report. It is considered that the information contained in Appendix 1 would involve the disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act 1972 and it has been excluded from the public part of the report accordingly.

Corporate & Strategic Implications

26. The Scheme stands to strengthen the City's ability to tackle idling vehicles and would support the delivery of the Corporate Plan – Outcome 11 *"We have clean air, land and water and a thriving and sustainable natural environment."*
27. The Scheme also supports the delivery of the City of London Air Quality Strategy 2019 – 2024 and the City of London Transport Strategy 2019.

Conclusion

28. Despite current plans and activities, idling vehicles are still an issue across the City of London. Current enforcement under the Environment Act requires direct City staff resources, the cooperation of motorists; and with low fines, it is not considered to be efficient or effective.
29. The proposal to introduce a TMO to prohibit idling allows the deployment of CEOs. With around 35 CEOs deployed across the City of London on a daily basis and with the prospect of issuing an £80 fine, their reach and influence on dealing with idling problems is likely to be substantial by issuing warning notices and PCNs.

Background Papers:

- Coordinated action to deal with unnecessary vehicle engine idling – PHES & P&T Committee May 2017
- City of London's Air Quality Strategy 2019 – 2024
- City of London's Transport Strategy

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