

		Report for: Action
		Item Number:
Contains Confidential or Exempt Information	No	
Title	Transport and Highways: Implementation of Idling Engagement and Enforcement	
Responsible Officer(s)	Darren Henaghan, Strategic Director of Housing and Environment	
Author(s)	Eugene Minogue, Service Improvement Lead for Highways and Transportation	
Portfolio(s)	Cllr Deirdre Costigan, Deputy Leader and Cabinet Member - Climate Action Cllr Josh Blacker, Cabinet Member - Healthy Lives	
For Consideration By	Cabinet	
Date to be considered	14 June 2023	
Implementation Date (If Not Called In)	26 June 2023	
Affected Wards	All	
Area Committees	All	
Keywords/Index	Active and Sustainable travel	

Purpose of Report:

This report sets out the proposals and seeks approval for:

The implementation of borough-wide idling engagement and enforcement in line with the Council Plan 2022-2026 - Climate Action 4-year commitment to: *'ramp up fines for idling vehicles to the maximum'*.

1. Recommendations

It is recommended that Cabinet approve:

- 1.1 The implementation of a borough-wide vehicle idling engagement and enforcement scheme.

2. Background/Context

- 2.1 As set out in the [Council Plan 2022-2026](#) - Climate Action:

We want to keep Ealing clean and green, achieve net zero carbon, and ensure our parks, open spaces and nature are protected and enhanced.

Ealing declared a Climate Emergency in 2019 as one of the biggest issues affecting our borough and beyond. We have already taken action but want to do more, putting sustainability at the heart of everything we do.

We will build on positive changes introduced during the pandemic to enable residents to walk and cycle safely by creating more space for active travel and improving air quality.

2.2 As set out in the [Council Plan](#) (2022-2026) - Climate Action 4-year commitments are:

- *Launch our Active Travel Charter setting out how we will deliver active travel in the borough and invest at least £10m to increase cycling, walking, running, and scooting and reduce polluting vehicles through active travel schemes*
- *Campaign to win the powers we need off the Government to enforce 20mph speed limits and ramp up fines for idling vehicles to the maximum.*

2.3 This report seeks permission to introduce a borough wide engagement and enforcement scheme to tackle vehicle idling.

3. Key Implications

3.1 Ealing is required to identify air quality hotspots across the borough. Ealing's approach as outlined within the draft air quality action plan (AQAP) (2022-2027), which states that:

“LBE’s approach combines public awareness and education, anti-idling signage and enforcement to target idling hotspots such as schools, bus and taxi ranks and other locations where vehicle idling is prevalent. Ealing participates in the Mayor of London’s Idling Action London campaign, which delivers idling action events, school workshops, and business engagement.”

3.2 The AQAP further identifies that if all drivers that are stationary for over 10 seconds switched off their engines, over NOx emissions from passenger cars and vans would reduce by 8%.

3.3 The outline approach to the implementation of idling engagement and enforcement, is centred in a behavioural change approach in-line with the AQAP.

3.4 Therefore, the outline approach has been based on five **E’s**: **Explain** > **Educate** > **Encourage** > *(which should =)* **Engagement** or *(where necessary =)* **Enforcement**.

3.5 The overarching aim of this approach is to raise awareness, through the E’s about potential impact of idling vehicles on local air quality and therefore on public health, as opposed to revenue generation.

3.6 The Engagement plan will be complemented by the introduction of a borough-wide traffic management order (TMO) under section 6 of the Road Traffic Regulation Act 1984, based on the exemplar TMO provided by Idling Action London, that has also been implemented in other London Boroughs.

3.7 A borough-wide TMO would provide consistency and parity across the borough and enable any enforcement to equitably take place across the whole borough.

3.8 The level of the proposed Penalty Charge Notice (PCN) under the scheme would be £80.

4. Financial Implications

- 4.1 There is not considered to be any significant impact on budgets, and any additional resource requirement will be managed within the existing approved budgets for revenue for Highways and for Parking services, and for capital (for placing new signs) for Highways. Parking expect no upfront costs and little operating costs or resulting income. Whilst it is acknowledged that some minor additional staff time and resource will be required for Highways to carry out additional engagement, this is likely to be offset to a significant degree by higher compliance post-scheme implementation.

5. Legal

- 5.1 Current legislation relating to idling consists of:
- 5.2 The Council has powers under which it can implement enforcement against idling. Enforcement by issuing of PCN will be implemented via a borough-wide traffic management order (TMO) under section 6 of the Road Traffic Regulation Act 1984.
- 5.3 Section of 122 of the Road Traffic Regulation Act 1984 requires that when the Council considers any schemes to be introduced under the 1984 Act it must exercise such its functions under the Act *'(so far as practicable...) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway...'* and having regards to matters including the desirability of securing and maintaining reasonable access to premises and the effect on the amenities of any locality affected and any other matter appearing to the Council to be relevant. It must also have regard to any strategy prepared under section 80 the Environment Act 1995 (national air quality strategy).

Road Vehicles (Construction and Use) Regulations 1986

Regulation 98: Offence to leave a vehicle engine running unnecessarily while that vehicle is stationary on a road.

Road Traffic Act 1988

Stationary idling is also an offence under section 42 of the Road Traffic Act 1988. The Act enforces rule 123 of the Highway Code, which states: *"You must not leave a vehicle's engine running unnecessarily while that vehicle is stationary on a public road."*

Environment Act 1995

Part V, Section 80, The Council has a duty to review the quality of air within the borough and Part V, Section 87, Environment Act introduced The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.

Regulation 12: which enables issuing of Fixed Penalty Notices (FPN).

It is not mandatory for consultation to be undertaken to prior to the adoption of the 2002 Regulations however the Council is advised to raise awareness and engage through publicity.

Designation from the Secretary of State is not required for the enforcement of stationary idling offences. The Council can authorise any officer of its authority, or any other person, to stop the commission of a stationary idling offence and to issue a FPN in respect of an offence committed in its area.

- 5.4 Any associated income from PCNs related to idling would be held within the Parking

Revenue Account (PRA).

- 5.5 Funds held on the PRA can only be applied in accordance with the requirements of section 55 of the Road Traffic Regulation Act 1984.

6. Value for Money

- 6.1 There is strong evidence that campaigns and good signage can reduce idling and there is a cost benefit of good signage versus officer time for enforcement. Therefore, we have based our approach on Department for Transport (DfT) guidance and the E's (as set out in 4.2).
- 6.2 The Council's framework consultants and term contractors, who were engaged on the basis of competitive tendering, would carry out the design and implementation works.

7. Sustainability Impact Appraisal

- 7.1 There are no direct implications on sustainability arising from this report, therefore an SIA is not deemed necessary.

8. Risk Management

- 8.1 The purpose of the TIE Charter is to reduce the risk to the transport, highways and parking strategies and projects and to better enable an open, transparent and constructive approach to ensure meaningful, engaging, sincere conversations with residents, businesses and stakeholders.

9. Community Safety

- 9.1 There are no direct Community Safety implications arising from this report, although some of the schemes may have the opportunity to improve Community Safety.

10. Links to the 3 Priorities for the Borough

- 10.1 Tackling the climate crisis: *We will work to keep Ealing clean and green and take leadership in ensuring the borough we build is sustainable. We will take leadership on tackling the ramifications of the climate crisis, by aiming for the highest environmental standards as we grow new jobs and homes.*

The implementation of Idling Engagement and Enforcement, is centred in a behavioural change approach, in-line with AQAP - Cleaner Transport Action 26, as opposed to primarily an enforcement approach.

- 10.2 Fighting inequality:

The overarching aim of this approach is to raise awareness, through engagement initially, about potential impact of idling vehicles on local air quality and therefore on public health.

11. Equalities and Community Cohesion

- 11.1 The public sector equality duty applies to the making of traffic schemes and the needs of those with protected characteristics are an integral part of the design and assessment process.

12. Staffing/Workforce and Accommodation implications

- 12.1 There are no staffing/workforce and accommodation issues as the design and works involved are carried out by consultants and contractors employed by the Council.

13. Property and Assets

- 13.1 There are no property or asset implications arising from this report.

14. Any other implications

- 14.1 None

15. Consultation

- 15.1 The usual consultation for schemes of the type require the statutory advertising of the necessary TMO, using on-street notice boards, information in the London Gazette and in the local newspaper, prior to implementing a scheme.
- 15.2 Any formal objection received at the statutory consultation stage that cannot be justifiably overturned could delay the implementation of the scheme.

16. Timescale for Implementation

- 16.1 The borough-wide idling engagement and enforcement would become effective following approval by Cabinet and implemented on a phased approach;

June/July 2023

- Implementation of the borough-wide TMO.
- Any air quality hotspots identified in-line with the AQAP for possible deployment of standardised DfT signage (approval from DfT is required).
- General 'Ealing' idling signage designed for Borough boundary signs.
- Schools engagement on design of specific/nuanced signage to align with the AQAP - Action 26 (Future signage may include health messages).
- Idling engagement campaign strategy and messaging, linked to Idling Action London developed.

August/September 2023

- Deployment of signage (e.g., DfT standard, general 'Ealing and/or nuanced school signage).
- Idling engagement campaign strategy and messaging, linked to Idling Action London launched borough wide.

October 2023

- Idling enforcement commences.

17. Appendices

None

18. Additional Background Information

- Council Plan 2022-2026
- Air Quality Action Plan

1. Report Consultation

Name of consultee	Department	Date sent to consultee	Response received from consultee	Comments appear in report para:
Cllr Dierdre Costigan	Deputy Leader and Cabinet Member for Climate Action			
Cllr Josh Blacker	Cabinet Member for Healthy Lives			
Darren Henaghan	Strategic Director of Housing and Environment	18/05/2023		
Emily Hill	Strategic Director of Resources	18/05/2023	18/05/2023	6 Financial implications
Gina Cole	Assistant Director Parking	14/05/2023		
Earl McKenzie	Assistant Director Streets and Direct Services	14/05/2023		
Joe Blanchard	Assistant Director Property Regulation, Planning Enforcement and Environmental Protection	14/05/2023		
Jackie Adams	Head of Legal (Commercial)	14/05/2023		
Russell Dyer	Assistant Director, Accountancy	18/05/2023		
Yalini Gunarajah	Finance Manager, Place	14/05/2023	25/05/2023	Section 6 Financial Implications

Report History

Decision type: Key decision	Urgency item? No
Report no.:	Report author and contact for queries:
20230514 [INITIAL DRAFT]	Eugene Minogue, Service Improvement Lead for Highways and Transportation
20230525 [FINAL DRAFT]	Eugene Minogue, Service Improvement Lead for Highways and Transportation
20230530 [FINAL]	Eugene Minogue, Service Improvement Lead for Highways and Transportation