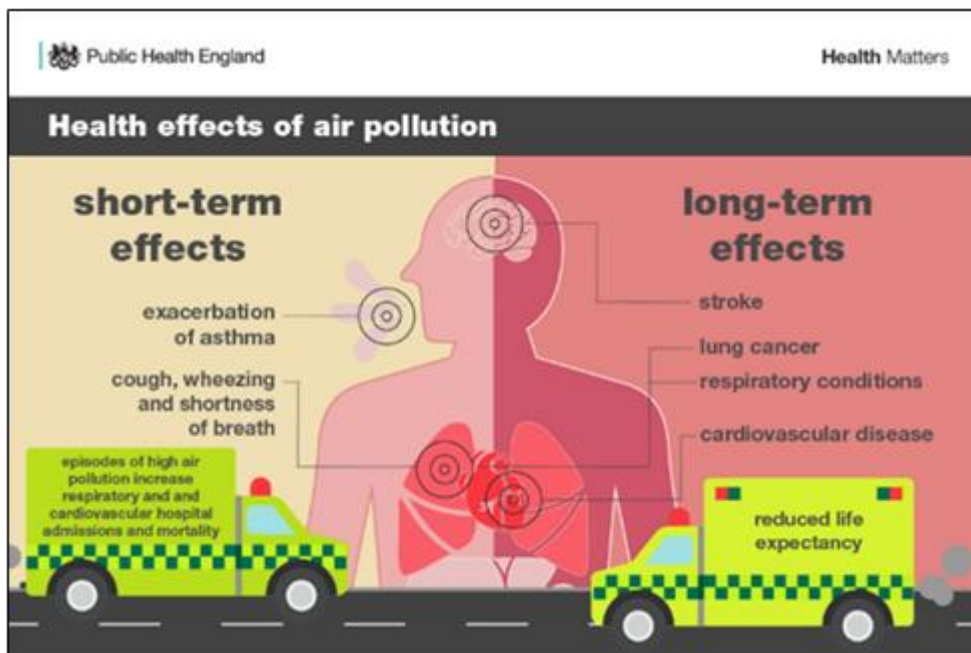


## 1. Idling vehicles and air pollution

Air pollution is now considered the single greatest environmental risk to human health, and we know it impacts disproportionately on those with underlying medical conditions and young children with developing lungs.

The internal combustion engine remains one of the largest sources of pollution being responsible for around 60% of the toxic emissions in the borough.

Local schemes including the ULEZ and the move towards electrification have helped reduce pollution in the borough, but unnecessary idling remains a considerable problem.



## 2. CEO Engagements and Intervention statistics

As with many London boroughs, we have adopted an informal awareness approach where drivers are asked to switch-off. This approach has resulted in only **one** fine being issued, and the statistics show that, although compliance may be improving slowly, the behaviour persists. Even repeat offenders will not be sanctioned and therefore there is currently no incentive to change behaviour.

<b>Calendar Year</b>	<b>Number of Interventions (CEO)</b>	<b>Fines Issued</b>
2019	10,230	0
2020	8,872 (Covid Impact)	1
2021	12,056	0
2022	11,425	0
2023	10,484	0
2024	8,226	0

### **3. Current Enforcement Approach**

The current legislation is considered out-of-date and virtually unenforceable in its current state. It relies on the compliance of the driver to a request by an authorised enforcement officer to turn off the engine. Where this is refused the driver must provide their name and address and the authorised enforcement officer must continue to monitor and then a fine could be issued.

In the real-world, even though a driver may agree to turning off their engine when asked to do so, there is little incentive in the form of the risk of a Fixed Penalty Notice for drivers who are reluctant to stop idling behaviour not to do so in future. The absence of an incentive effect is evidenced by continuing high numbers of interventions over the years.

### **4. What would this apply to**

Any issuing of a fixed penalty notice would need to be proportionate, reasonable and in line with the Councils Enforcement policy. Evidence gathered must be of a standard to be put before a magistrates' court.

The PSPO will apply to all internal combustion engine vehicles including buses, vans and lorries on the public highway or land, that are idling without reasonable excuse.

Reasonable excuses can include, but is not limited to:

- Refrigerated vehicles where the engine is needed to power cooling systems.
- Where the engine is required to power hoist or lifting equipment of deliveries.
- Defrosting in order to make a vehicle safe to drive.

The PSPO will not apply to vehicles stopping in normal traffic flow or at pedestrian crossings or traffic lights.

It **will** apply to Level Crossings where vehicles are held by a physical barrier for extended periods of time. In these locations there will be clear signage.

#### **5. How would this be enforced.**

If the PSPO were to be implemented adequate new signage will need to be installed indicating the new powers and the potential for a fine to be issued. Signage does not have to be exhaustive but needs to be proportionate.

A significant communications plan would be required if the PSPO is implemented, with consideration to an early phased approach.

There will also be a period of written warnings where this is possible and after this period the authorised CEO would only need to observe the idling behaviour for a period of around 2 minutes without a reasonable excuse in order to issue a fixed penalty notice.

Evidence is normally provided through a body worn camera and a statement from the CEO.

Any appeal will initially be dealt with through the Councils parking service and then through the magistrates' courts if necessary.

If the driver refuses to provide details and/or leaves the scene, a Driver and Vehicle Licensing Agency (DVLA) check is made. If a registered keeper is identified a s17 Notice under *Road Traffic Offenders Act* is issued for the second offence. The fine issued is £100 and £50 if paid within the given period.

#### **6. Pilot Period (if PSPO is implemented)**

Our aim is to tackle the problem of engine idling; this is not about attacking the motorist or a backdoor way of raising revenue. We simply want to arm our CEOs and council officers with powers that are going to change behaviour and drive down unnecessary pollution to the benefit of our residents and visitors.

We will make every effort to publicise the scheme with early warnings before issuing fines and make sure that these are fair and proportionate when that are issued, with a robust right of appeal.

That said, we have seen 6 years of interventions in the borough, and no real change in behaviour and we are committed to tackling this problem.

We will use the pilot period to focus our efforts on problem areas with a handful of authorised CEOs. We will then assess and review the scheme and its effectiveness before we consider a wider rollout.

Target areas for the pilot will be determined by known hotspots including schools and level crossings, or in response to complaints or concerns raised by residents. Not all CEOs will be authorised during the pilot phase.

