

OPEN

## Highways and Transport Committee

23 November 2023

### Engine Idling – Options Report

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**Report of: Tom Moody, Director of Infrastructure and Highways**

**Report Reference No: HTC/15/23-24**

**Ward(s) Affected: All**

#### Purpose of Report

- 1 The current Air Quality Action Plan (AQAP) contains an action to educate and, where possible, enforce requirements to switch off idling engines to help improve air quality. The report reviews options that could be implemented to help reduce instances of engine idling, including whether legislation should be adopted.
- 2 The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 allows councils to issue Fixed Penalty Notices (FPNs) against drivers who leave their engine idling and refuse to turn off their engines when asked to do so by an Officer. The legislation applies to all vehicles on public roads, including buses, taxis, and private vehicles. It does not apply to vehicles that are:
  - (a) Stationary at traffic lights or because of congestion;
  - (b) Broken down and under test or repair;
  - (c) Need to refrigerate fresh goods or run a compactor on a refuse vehicle; or
  - (d) Any other situations deemed acceptable (e.g., defrosting a windscreen or cooling the inside of a vehicle down on a hot day for a few minutes).

- 3 The need to reduce air pollution is identified as a key priority within the council's Environment Strategy (2020 – 2024), the Corporate Plan (2021 – 2025), our Air Quality Strategy (2018) and the Carbon Neutral Action Plan (2020 – 2025).
- 4 The purpose of this report is to update the Committee on potential revenue and costs associated with adopting legislative powers.

## **Executive Summary**

- 5 On 24 November 2022, the committee resolved to:
  - (a) Continue internal and external promotional / educational public information campaigns in accordance with the findings of the Feasibility Study (Appendix A).
  - (b) Adopt additional legislative powers under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.
  - (c) Write to government with respect to fixed penalty notices and the level of fine applicable.
- 6 During 2022, a working group of officers from strategic transport, parking services, air quality, licensing and public health was formed to develop an evidence-based feasibility report to understand issues and identify options in relation to the matter of engine idling. A copy of the feasibility report is included as Appendix A.
- 7 The report identified and assessed options that the council could implement to try and change behaviours and reduce instances of engine idling, while making the most efficient use of council resources. Results from a survey completed by Civil Enforcement Officers (CEOs) in September 2022 shows that less idling occurring outside schools when compared with 2020. It has also demonstrated that idling could be more prevalent in winter, when drivers keep engines running to help retain heat within their vehicles (see 1.2.4 above). This scenario is permitted under the current legislative powers.
- 8 The number of Air Quality Management Areas (AQMA) has reduced across the borough, suggesting that campaigns are effective and progressively changing driver behaviours. Additionally, funding is available from central government to support promotion/ education campaigns, which means that these campaigns can continue in the future.

## RECOMMENDATIONS

The highways and transport committee is recommended to:

1. Agree to continue internal and external promotional / educational public information campaigns in accordance with the findings of the Feasibility Study (Appendix A).
2. Agree to set aside the opportunity to adopt additional legislative powers under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002, at this time due to costs for adopting legislative powers (Appendix B) and potential adverse impact on education/ promotional campaigns.
3. Note that air quality across the whole borough is reported annually, in accordance with the Council's statutory responsibilities and that, should evidence indicate a need, the opportunity for engine idling fixed penalties can be reviewed as part of that process.

## Background

- 9 On 24 November 2022, the committee resolved to:
  - (a) Continue internal and external promotional / educational public information campaigns in accordance with the findings of the Feasibility Study (Appendix A).
  - (b) Adopt additional legislative powers under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.
  - (c) Write to government with respect to fixed penalty notices and the level of fine applicable.
- 10 Air pollution can cause both short- and long-term effects on health and contribute to climate change. Under the Environment Act 1995, the council has a duty to review and assess air quality across the borough to check concentrations against a set of health-based objectives for specific air pollutants.
- 11 Air quality across most of the borough is good and seven AQMAs were revoked in 2021. 12 AQMA's that have demonstrated a breach of the annual mean concentration for nitrogen dioxide (40 µg/m<sup>3</sup>) remain across the borough and are included within the Cheshire East AQAP. These AQMAs have been declared largely because of emissions from road traffic. Based upon the most recent Air Quality Statement for Cheshire East, it is expected that 7 current AQMA will be revoked in 2024, reflecting continued improvement in local air quality.

- 12 The council currently raises awareness of air quality issues through its 'Show the Air you Care' webpage. This explains how air pollution is caused and ways that everyone can contribute to improving air quality. This includes information on what engine idling is, how it worsens air quality and potential issues of idling in modern vehicles. There are plans for more campaigns to be launched in the near future following receipt of funding from Defra.

### **Consultation and Engagement**

- 13 No external or public consultation or engagement has been completed. Relevant council services have been engaged with the working group that prepared the Feasibility Study.

### **Reasons for Recommendations**

- 14 Overall, Cheshire East has good air quality and it is improving. The number of AQMAs has reduced from 18 to 12. Since the report in 2022, the number of AQMAs has remained the same. This suggests that the current promotion/ education campaigns are effective; contributing to reduced health inequalities across the borough, and reducing the impact on the environment, which are key priorities within the Corporate Plan.
- 15 Results from the 2022 survey suggest that the promotion/ education campaigns run by the council over the past two years have helped to change behaviours, with less idling occurring outside schools. It has also demonstrated that idling could be more prevalent in winter, when drivers keep engines running to help retain heat within their vehicles.
- 16 Continuing promotion/ education campaigns demonstrates to the public and businesses that the council is taking the matter seriously by raising awareness and providing training to staff, contractors, and supply chain partners. It will also help to continue the work that the council has done to date in educating drivers on the adverse impacts of engine idling on the environment and their vehicles.
- 17 Adopting legislative powers may adversely impact the level of engagement from the public and businesses with council-led promotion/ education campaigns. Additionally, it could contradict the messaging of past and current campaigns, which aim to educate people on the issues of engine idling in the borough and better publicise current idling issues across the borough.
- 18 Adopting legislative powers would incur significant setup and ongoing annual costs that would need to be funded from within the highways & transport budget. A short technical note is provided in Appendix B.

- 19 Adopting legislative powers would draw upon already limited resources within the Parking Services team, which could reduce the level of enforcement across the borough and incur a consequential loss of income from Penalty Charge Notices.
- 20 Funding is available from central government to support promotion/ education campaigns, which means that they can continue in the future.

### Other Options Considered

- 21 The alternative options that were considered are appraised in the table below.

Option	Impact	Risk
Do nothing	This option would allow measure GN12/2020 in the approved AQAP to continue being delivered and allow opportunities to engage with the public and businesses on the issue of air pollution and engine idling.	The council would lack the legislative powers to effectively deal with idling engines and any complaints that may arise.
<p><b>Stop Campaigns</b></p> <p>The council would stop running promotion/ education campaigns and would also not adopt the legislation.</p>	<p>This option would mean that measure GN12/2020 in the approved AQAP could not be delivered and limit the impetus and opportunities to engage with the public and businesses on the issue of air pollution and engine idling.</p> <p>The council would also lack the legislative powers to effectively deal with idling engines and any complaints that may arise.</p>	Air quality worsens outside local hotspots such as schools due to unnecessary vehicle idling.
<p><b>Adopt Legislation Only</b></p> <p>The council would adopt the legislation but cease all promotion/</p>	This option provides the council with the legal powers to effectively deal with idling engines and any complaints that may arise.	Extra resources would be needed for enforcement alongside training, or this could apply additional pressure on existing resources.

Option	Impact	Risk
education campaigns.		Due to the confrontational nature of issuing FPNs, enforcement officers may choose not to issue them, particularly in hostile environments.
<p data-bbox="296 589 531 824"><b>Adopt Legislation and Continue Promotion/ Education Campaigns</b></p> <p data-bbox="296 931 517 1205">The council would adopt the legislation and continue promotion/ education campaigns.</p>	<p data-bbox="547 712 999 909">This option provides the council with the legal powers to effectively deal with idling engines and any complaints that may arise.</p> <p data-bbox="547 943 1023 1099">It also enables the council to continue engaging with the public and businesses over air quality.</p>	<p data-bbox="1046 577 1362 813">The public and businesses do not engage as well with the promotion/ education campaigns.</p> <p data-bbox="1046 846 1374 1160">Due to the confrontational nature of issuing FPNs, enforcement officers may choose not to issue them, particularly in hostile environments.</p>

## Implications and Comments

### *Monitoring Officer/Legal*

- 22 The powers under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 permit the Council to authorise officers to enforce the Regulations in accordance with Part 6 (Stopping of Engines). The current fixed penalty for an engine idling offence is £20.00 and can only be issued if none of the exemptions in paragraph 2 of this report apply.
- 23 Should the Council decide to adopt the powers under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 a member of the public may on being issued a FPN request a hearing to be held in respect of the FPN. This would have resource implications for the Council above and beyond the penalty permitted to be issued.
- 24 As the recommendation does not propose to adopt the Regulations, maintaining the status quo, there are no new legal implications associated with this recommendation.

### *Section 151 Officer/Finance*

- 25 The recommendation proposes that current promotion/ education campaigns continue, which are accounted for within the existing Regulatory Services and Health budget and through funding by Defra.
- 26 If legislation was introduced, this is likely to require additional financial support/ resources for, including but not limited to: adoption and training/ recruiting CEOs and notice processing officers. There is no budget available for that within the parking service. It would either need to be found from existing budgets or a bid made through the MTFS process. Appendix B highlights that enforcement income is unlikely to recover costs.

### *Policy*

- 27 The recommendation is consistent with the councils Corporate Plan as shown below.

<b>An open and enabling organisation (Include which aim and priority)</b>	<b>A council which empowers and cares about people</b>	<b>A thriving and sustainable place (Include which aim and priority)</b>
Ensure there is transparency in all aspects of the council decision making.	Reduce health inequalities across the borough	Welcoming, safe and clean neighbourhoods  Reduce impact on the environment

- 28 The recommendation is also consistent with the councils Air Quality Strategy, AQAP and Carbon Neutral Action Plan. Therefore, there are no policy implications.

### *Equality, Diversity and Inclusion*

- 29 There are no equality implications, as the recommendation proposes that the council continues to adopt the same approach, with promotion/ education campaigns taking place across the borough.
- 30 AQMAs are monitored continuously for pollutants and specific interventions to improve air quality within each area are contained within the AQAP.

### *Human Resources*

- 31 There are no human resources implications.

### *Risk Management*

- 32 There will be a small proportion of drivers who will continue to idle while stationary and the council will be unable to issue FPNs to repeat offenders.
- 33 Council employees, contractors and supply chain partners need to complete their training and lead by example when representing the council and turn off their engines when stationary (unless there is a need to keep vehicles on). Failure to do so could potentially damage the reputation and reduce the credibility of the council's promotion/ education campaigns.

### *Rural Communities*

- 34 There are no specific implications for rural communities.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 35 The recommendation proposes to continue promotion/ education campaigns, which includes visiting schools to educate teachers and children about ways they can improve air quality.

### *Public Health*

- 36 The recommendation proposes to continue promotion/ education campaigns that encourages changes in behaviours amongst drivers. Through changing behaviours, this will help to improve air quality and lead to a reduction of pollutants from vehicular traffic. The implementation of the AQAP also aims to improve public health.

### *Climate Change*

- 37 The council has already launched an eco-driving course for all council staff who drive for work. This outlines techniques that drivers can use to reduce emissions generated by the existing council and grey fleet, as well as educate drivers about issues of vehicle idling. This course is also available to contractors and the wider supply chain who deliver services on behalf of the council.
- 38 In response to ongoing promotion/ education campaigns, some schools across the borough are starting to invest in, and deploy, no parking/ stopping signs around the school entrances to encourage parents to park further away and walk their children to the school entrance, which reduces the volume of nitrogen dioxide and particulate matters being emitted in the vicinity of schools.



**Access to Information**

Contact Officer:	Richard Hibbert, Head of Strategic Transport and Parking <a href="mailto:Richard.hibbert@cheshireeast.gov.uk">Richard.hibbert@cheshireeast.gov.uk</a>
Appendices:	Appendix A - Idling Vehicle Engines Options Review v1 Appendix B – Engine Idling Estimated Revenue and Costs
Background Papers:	There are no background papers appended to this report.