



Executive
11th December 2006

**Report from the Director of
Environmental and Culture**

For Information

Wards Affected:
ALL

Dealing with Idling Engines

Forward Plan Ref: E&C-06/07-011

1.0 Summary

- 1.1 The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 (SI 2002. No 1808) enables local authorities to issue fixed penalty notices to drivers who persistently idle their engines.
- 1.2 Officers have prepared measures to permit fixed penalty notices to be issued to be issued to drivers who idle their engines unnecessarily.
- 1.3 The report seeks the Executive's agreement that in appropriate cases, fixed penalty notices may be issued.

2.0 Recommendations

- 2.1 The Executive agrees that officers should, where appropriate, utilise the powers to issue fixed penalty notices under The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 (SI 2002. No 1808).

3.0 Detail

3.1 Introduction

- 3.1.1 Air pollution, including traffic exhaust emissions is thought to be responsible for 22,000 pre-mature deaths each year in Britain and is also linked to respiratory conditions such as asthma.

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3.1.2 Large areas of Brent have been declared air quality management areas because they do not meet the air quality objectives for two key traffic pollutants namely, nitrogen dioxide and fine particles (PM10). Idling engines contribute emissions of both these pollutants unnecessarily. Furthermore, carbon dioxide emissions from idling engines also contribute towards global warming and climate change. The Council's Air Quality Action Plan (approved by the Executive in September 2005) includes actions to address the impact of idling engines.

3.2 **The current situation**

3.2.1 The Council receives complaints of idling engines which relate to:

- buses idling at bus route terminals, unauthorised stands/timing stops
- lorries idling in the vicinity of construction sites
- commercial vehicles idling near parks and play areas
- Parent's idling their engines outside schools

3.2.2 Transport for London has placed signs at bus stands requiring all drivers to switch off their engines when stationary. Compliance varies between bus operators and some bus stops are used as unauthorised stands / timing stops.

3.3 **Legislation and Enforcement**

3.3.1 The National Air Quality Strategy and the Mayor's Air Quality Strategy has set air quality standards and objectives for particular pollutants and measures for achieving those objectives.

3.3.2 The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 (SI 2002. No 1808) enables local authorities to issue Fixed Penalty Notices (FPNs) to drivers who commit a "stationary idling offence".

3.3.3 This offence is committed when a driver allows a vehicle to idle its engine when stationary unless the vehicle is in traffic or its engine is being examined. The offence does not apply to gas propelled vehicles (Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986).

3.4 **How will action be taken?**

3.4.1 Signs will be installed at problem locations. As appropriate, steps will also be taken to inform drivers about the issues and in the case of commercial operators, we will also communicate with the organisation.

3.4.2 In accordance with the Council's Enforcement Policy, officers will advise any driver of an idling vehicle of the following:

- that an offence has been committed
- the offence is a continuing one and that on this occasion the Council will not be taking any enforcement action although the Council has the power to issue a Fixed Penalty Notice or;
- the local authority official may issue a Fixed Penalty Notice in cases where

- a driver has ignored a request to switch off their engine, or
- there are other concerning features, such as a prior warning or idling at a problem site, or idling by an employee of a company with which we have communicated,.

3.5 **Who will be subject to a fixed penalty notice?**

3.5.1 Action will not be taken against drivers who leave their engines running when stationary for only a few seconds and in such cases an informal approach will be taken to deter this activity. Instead information and guidance will be given to such offenders.

3.5.2 Enforcement action may be taken against repeat offenders or those who refuse to comply with an officer's request to switch off their engines. Fixed penalty notices (FPNs) will be issued as a final option and persistent offenders will be subject to a £20 Fixed Penalty charge which will increase to £40 if not paid within 28 days.

3.5.3 Where there is reasonable evidence of offences are committed by drivers of vehicles used by a corporate body or public service vehicle operator, the Council may also report the offences to the Traffic Commissioner. This can result in a review of the conditions in their Operator Licence.

3.6 **How will the fixed penalty notice be processed?**

3.6.1 Fixed Penalty Notices will be processed through the National Traffic Enforcement Centre (NTEC). All requests for recovery of fines issued will be made via the Association of London Government's Transport and Environment Committee using the same procedures currently implemented to recover penalty fines for parking and bus lane offences.

3.6.2 The Council has registered the intent to use these additional powers with the NTEC prior to issue of this report.

3.7 **Monitoring and review**

3.7.1 Initially, Environmental Health will occasionally monitor 10 sites in the borough which have been subject to complaints by residents and local businesses.

3.7.2 The Council will keep detailed records of both informal and formal action undertaken. After 12 months the effectiveness of actions will be evaluated before targeting further sites/areas.

3.8 **Implementing the scheme**

3.8.1 An informal telephone survey of other local authorities that have implemented the scheme suggests that the issue of fixed penalty notices is rare, for example, the London Borough of Croydon have operated the scheme for over 12 months and have not issued a fixed penalty notice to date.

In light of this the scheme will be implemented using existing resources and all fixed penalty notices will be issued by Environmental Health officers.

4.0 Financial Implications

4.1 Scheme Implementation Costs

4.1.1 The costs of implementing the scheme will be modest as existing systems for the issue of FPNs and the recovery of fines will be utilised. A draft copy of the fixed penalty notice is attached as appendix 1¹.

4.1.2 The key cost implications associated with the implementation of the scheme will be incurred by staffing costs (provision of training, time taken to follow up non-payment of fines, payment to the NTEC to recover unpaid fines on behalf of the Council) and the provision of associated publicity.

4.1.3 The staff time and training cost will be absorbed within existing staff time and budgets. However, this approach may mean there will be times when other areas of work require greater priority than the discretionary power to control idling engines, such that the Council is unable to meet expectations for work to combat problems arising from idling engines. In most cases this will be when officers' time is fully occupied on other mandatory duties such as investigating contaminated land or regulating commercial polluting processes.

4.2 Publicity cost breakdown

4.2.1 The estimated initial cost of publicising the Council's powers to issue fixed penalty notices for idling vehicles will be approximately £3000.

Design Costs	£700
Publication	£1800
Signage	£500

The costs will be met partly from existing Council budgets set aside for the provision of information about air quality and partly from Government Supplementary Credit Expenditure grants

4.3 Income

4.3.1 Local authorities are permitted to retain income generated from fixed penalty notices. Of the 7 Authorities interviewed none have issued fixed penalty notices and therefore the level of income is expected to be minimal.

5.0 Legal Implications

5.1 The legal power to issue the required fixed penalty notices is referred to in the body of the report above.

¹ Note: the draft FPN is indicative of the wording of the Notice to be issued.

6.0 Diversity Implications

6.1 There are no diversity implications anticipated.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 Existing staffing and resources will be used.

Background Papers

The Air Quality Action Plan 2005-2010

The Department for Transport guidance for implementing Local Authority powers to require drivers to switch off engines when parked (2002)

The Environment Act 1995, Section 88.

Brent Council Enforcement Policy

Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002, (SI 2002. No 1808)

Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986

National Air Quality Strategy

The Mayor's Air Quality Strategy

Contact Officers

David Thrale, Director of Environmental Health

Richard Saunders

Director of Environment and Culture



LONDON BOROUGH OF BRENT

OFFENCE OF FAILING TO SWITCH OFF ENGINE IN A PARKED VEHICLE

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

It is an absolute offence under Section 42 of the Road Traffic Act 1988 to use a vehicle on the road which does not comply with the Road Vehicles (Construction and Use) Regulations 1986, as amended.

Name of Vehicle User: _____

Date of Birth: _____

Address: _____

Vehicle Registration Mark: _____

Vehicle Make & Model: _____

Person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994: _

Particulars of alleged offence

This Notice of a fixed penalty, issued under authority of the Road Traffic (Vehicle Emissions)(Fixed Penalty)(England) Regulations 2002, is issued to the above named vehicle user who was found by an authorised local authority person

on _____(date) at _____(time)

in _____(location of offence)

to be using the above named vehicle in contravention of Regulation 98 of the Road Vehicle (Construction and Use) Regulations 1986, as amended, which makes it a requirement for drivers to switch off engines in parked vehicles.

Payment of Fixed Penalty

You should make sure that the issuing authority receives payment of the fixed penalty of **£20.00** within 28 days of the Date of Issue shown at the bottom of this Notice.

PAYMENT DETAILS AND ADDITIONAL INFORMATION ARE SHOWN OVERLEAF.

Dated:

Signed:

REF: EH/EM/--/-----/---

Print Name: _____

Authorised Officer

**Environmental Health, Brent House, 349-357 High Road, Wembley, Middlesex,
HA9 6BZ Tel: 0208 937 5252, Fax: 0208 937 5150, Email: env.health@brent.gov.uk**

Any questions you have relating to the issue of this notice should be directed to:

Environmental Health, London Borough of Brent, Brent 349 – 357 High Road,
Wembley, HA9 6BZ. Tel: 0208 937 5252, Fax: 0208 937 5150,
Email: env.health@brent.gov.uk

Office hours are Monday-Friday 9.00am - 5.00pm

Payment details

It may be paid by posting payment to the address given below by cheque, postal order or money order payable to "Brent Environmental Health". Payment made in this way will be regarded as having been made when the funds have been received and cleared. Alternatively payment can be made by debit or credit card by telephoning the number shown below during open hours. Payment in cash may only be made at Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Rights of representation

You may request an independent hearing in respect of the offence to which the Notice refers – provided that that request is received within 28 days of the Date of Issue. Please note that an absolute offence does not depend on guilty knowledge. If you wish to make such a request you should notify the Environmental Health, London Borough of Brent, Brent 349 – 357 High Road, Wembley, HA9 6BZ. Your notification should include the reference number at the top of the Notice overleaf. If you request a hearing within the specified time the hearing will determine whether the offence has been committed and if so what the penalty should be. You should not send any payment before the hearing.

Queries

Any queries regarding this Notice should be sent to the address above. **Please note that entering into correspondence with the local authority does not remove your liability to pay this Fixed Penalty in full by the due date.** Except where a request for a hearing has been made, failure to make sure that the fixed penalty payment is received by the Issuing Authority by the methods set out in this Notice within 28 days of the Date of Issue of the Notice **WILL RESULT IN THE FIXED PENALTY AMOUNT AUTOMATICALLY INCREASING TO £40.00.** The Issuing Authority will not issue a reminder to this Notice. Failure to pay an increased fixed penalty within 56 days of the Date of Issue of the Notice will result in the Issuing Authority taking enforcement action to recover the debt.

PLEASE RETURN THIS SLIP WITH PAYMENT

I enclose £ _____ as settlement of the Notice

REF: EH/EM/--/-----/---

Name	
Address	
Signature	
Date	