

Decision by Portfolio Holder



**Epping Forest
District Council**

Report reference: ENV-004-2017/18
Date of report: 15 November 2017

Portfolio: Environment

Author: Jim Nolan (Ext 4083) **Democratic Services:** J Leither

Subject: Idling vehicles – Prevention of Pollution

Decision: The delegation of authority under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 to the Director of Neighbourhoods and Assistant Director of Neighbourhoods (Neighbourhood Services) to authorise suitably qualified officers to issue fixed penalty notices in respect of idling vehicles.

ADVISORY NOTICE:

*A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest.
A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.*

I have read and approve/~~do not approve~~ (delete as appropriate) the above decision:

Comments/further action required:

Signed: Councillor W Breare-Hall

Date: 16th November 2017

Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:

None

Dispensation granted by Standards Committee:
Yes/No or n/a

N/A

Office use only:

Call-in period begins: 24th November 2017

Expiry of Call-in period: 30th November 2017

***After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY***

Reason for decision:

To allow the enforcement of anti-pollution legislation in relation to stationary idling vehicles.

Options considered and rejected:

Not to delegate the powers under the legislation. Not to delegate the powers would prevent officers from using the powers under the legislation.

Background Report:

The idling of vehicles has been highlighted to officers by residents who live near a school where parents habitually wait in idling cars until their children finish for the day. A promotional campaign

was undertaken although subsequent complaints have been received that the intervention did not put a stop to all idling. Idling in such a location is unnecessarily polluting the air that may be harmful to both local residents and the children who go to the nearby school.

In an effort to improve air quality in the Councils area, Officers are looking to enforce the powers under The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002:

Regulation 6 (3) provides for Local Authorities to authorise officers to act in respect of idling vehicles, and issue Fixed Penalty Notices.

Regulation 12 gives an Authorised Officer the power to require a driver to stop the idling of their vehicle, and states that where a driver refuses to do so they are guilty of an offence.

An offence would normally result in a Fixed Penalty Notice being issued (£20), however there is a facility to take the matter to a Magistrates Court, where the maximum fine is level 3 (£1000.00).

Drivers found to be idling that refuse to disclose their name, address, date of birth and the registered owner of the vehicle, may be guilty of an offence and liable to a maximum fine of level 3 (£1000.00) on summary conviction.

It is hoped that a high profile advertising campaign will discourage drivers from sitting in vehicles whilst engines are idling, and that this will keep enforcement action to a minimum.

Resource Implications: Existing resources. Income from fixed penalty notices TBD.

Legal and Governance Implications: Enforcement under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002

Safer, Cleaner and Greener Implications: The improvement of air quality in the district by the reduction in levels of carbon monoxide and particulates in the atmosphere.

Consultation Undertaken: None

Background Papers: Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002

Impact Assessments:

Risk Management: None

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at Appendix 1 to the report.

Key Decision Reference (Y/N): N

Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details

Your function, service area and team: Neighbourhoods Services

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team: N/A

Title of policy or decision: Enforcement of legislation in relation to idling vehicles

Officer completing the EqlA: J Nolan Tel: 4083 Email: jnolan@eppingforestdc.gov.uk

Date of completing the assessment: 1st November 2017

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? New
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>The delegation of authority under the the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 to the Director of Neighbourhoods and Assistant Director of Neighbourhoods (Neighbourhood Services) to authorise suitably qualified officers to issue fixed penalty notices.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>The improvement of air quality in the district by the reduction in levels of carbon monoxide and particulates in the atmosphere.</p>
2.3	<p>Does or will the policy or decision affect:</p> <p>service users</p> <p>employees</p> <p>the wider community or groups of people, particularly where there are areas of known inequalities?</p> <p>All</p> <p>Will the policy or decision influence how organisations operate?</p> <p>Yes</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>No</p>
2.5	Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>Complaints of idling vehicles from members of the public tell us that the problem has the potential to affect all groups.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>N/A</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>Consultation is not necessary because the introduction of these powers will not adversely affect any vulnerable group.</p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Positive	M
Disability	Positive	M
Gender	Positive	M
Gender reassignment	Positive	M
Marriage/civil partnership	Positive	M
Pregnancy/maternity	Positive	M
Race	Positive	M
Religion/belief	Positive	M
Sexual orientation	Positive	M

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No X	
		Yes <input type="checkbox"/>	If 'YES', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: D Macnab	Date: 1 st November 2017
Signature of person completing the EqIA: J Nolan	Date: 30 th October 2017