

## Health & Safety – Pavement parking / Idling

The latest quarterly meeting with the local Neighbourhood Police Team, attended by Neighbourhood Watch and local council representatives, was in January. During discussion two important issues, regarded as 'grey' areas when it comes to the law and policing, were raised – 'pavement parking' and 'idling'.

Both can be frustrating, but also seen as anti-social and dangerous. The former particularly for those with push chairs, mobility scooters and sight impairment, and 'idling' as a health concern. So what is the legal situation?

*(The following information is taken from the RAC website.)*

### Pavement parking

Since 1974, Highway Code rule 244 has stated that drivers "MUST NOT park partially or wholly on the pavement in London and SHOULD NOT do so elsewhere unless signs permit it. "The key things to note here are the words **must not** and **should not**.

In London, you **must not** park on the pavement; the **must** indicating there is legislation behind this rule and you could receive a fine for breaking it. However, outside of the capital or "elsewhere", the Highway Code states drivers **should not** park on the pavement, meaning it is advisory and not, therefore, backed up by any legislation.

Rule 242 is where it gets a little less clear, stating: "You MUST NOT leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road." This is a **must not** again, meaning if your car is reported or seen by a police officer and judged to be either in a dangerous position or causing an unnecessary obstruction of the road, you could receive a Fixed Penalty Notice.

The advice is to use common sense when faced with no other option but to park on the pavement. If you are parking along a narrow road, where parking wholly on the road would stop other cars, and particularly emergency vehicles, from getting through, then it is a sensible option to park partially on a pavement, providing there are no parking restrictions and providing you are not blocking a wheelchair user or pram from using the pavement.

If there are restrictions, or your parking would cause wheelchair users or people with prams to have to walk into the road, then you should find somewhere else to park."

### 'Idling' vehicles

Idling means leaving a vehicle's engine running while it is stationary. Idling increases the amount of exhaust fumes in the air. These fumes contain a number of harmful gasses including carbon dioxide, which is bad for the environment and contributes towards climate change, as well as a range of other harmful gasses including nitrogen dioxide, carbon monoxide and hydrocarbons which are linked to asthma and other lung diseases.

While 'idling' is often because of everyday traffic, there are some instances – such as waiting for children outside schools and sitting in total gridlock – when idling is not necessary and should be avoided. Some vehicles, including buses outside schools, are left with engines running for long periods during cold weather.

Rule 123 of The Highway Code looks at 'The Driver and the Environment'. It states that drivers must not leave a parked vehicle unattended with the engine running or leave a vehicle engine running unnecessarily while the vehicle is stationary on a public road.

Some local authorities charge fixed penalty notice (FPN) for emission offences and stationary idling under The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002. However, it's important to note that fines are imposed only if a motorist refuses to switch off their engine when asked to do so by an authorised person. RAC research found that 26% of those caught idling are spotted doing so outside schools.

**End**