

**TO: INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD**

**ON: 6 NOVEMBER 2019**

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**REPORT BY: DIRECTOR OF COMMUNITIES, HOUSING AND PLANNING SERVICES**

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**HEADING: INTRODUCTION OF FIXED PENALTY NOTICES FOR THE OFFENCE OF UNNECESSARY VEHICLE IDLING**

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## **1. Summary**

1.1. Unnecessary vehicle idling is an offence under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003. It is a continuing offence, which means if you fail to turn your engine off after being spoken to by an authorised officer, you may be issued with a £20 fixed penalty notice.

1.2. The legislation covers all vehicles on public roads including buses, taxis and private cars.

The legislation does not apply to:

- vehicles moving slowly due to road works or congestion
- vehicles stopped at traffic lights
- vehicles under test/repair, or
- vehicles defrosting a windscreen in very cold weather.

1.3. Routine patrols are currently being carried out by Renfrewshire Wardens who educate drivers about air quality and often the noise generated from leaving engines running unnecessarily.

1.4. Whilst the power to take enforcement action under this legislation has been available to Local Authorities since 2003, Renfrewshire Council opted to go down the educational route with a policy of taking no formal enforcement adopted at that time. Unfortunately, vehicle idling complaints are still being received and currently are continuing to rise in some areas of Renfrewshire.

- 1.5. The purpose of this report is to seek approval from the Infrastructure, Land and Environment Policy Board to introduce a policy which would allow Authorised Officers to take enforcement action by issuing Fixed Penalty Notices to drivers who do not adhere to warnings given.
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## **2. Recommendations**

- 2.1. It is recommended that the Infrastructure, Land and Environment Policy Board:
- (i) approves the enforcement and issuing of fixed penalty notices for unnecessary vehicle idling in the Renfrewshire area where required; and
  - (ii) agrees that the Scheme of Delegated Functions be amended to include the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 in undernotes A and B in the delegations to the Director of Communities, Housing & Planning and to authorise the Community Safety Officers to issue fixed penalty notices in terms of this legislation
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## **3. Background**

- 3.1. The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 provides local authorities with an additional tool for managing air quality in their areas. Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986, as amended, already makes it an offence to leave a vehicle engine running unnecessarily while that vehicle is parked. Under this legislation local authorities are able to instruct motorists to switch off their engines while their vehicles are parked and to issue Fixed Penalty Notices to those who refuse to co-operate.
- 3.2. It is not the intention to target motorists who leave engines running when parked for no more than a few seconds; rather, action will be targeted towards more serious offenders (e.g. coaches which park in busy town centres with their engines running). The approach is designed to encourage all motorists to have due regard to the local environment when parking. Good public relations and effective publicity will be vitally important to ensure that the legislation and enforcement action possible is understood, accepted and supported by the majority of motorists.
- 3.3. Emissions from stationary vehicles are only a small contributor to overall levels of air pollution, but they can cause discomfort to people in the immediate vicinity, particularly where they occur in sensitive areas (e.g. outside schools). High levels of localised pollution can also trigger the symptoms of asthma and other respiratory diseases in vulnerable people.
- 3.4. These powers are available to all local authorities in Scotland. However, the Scottish Government guidance states that action should be purely advisory in the vast majority of cases. Very few Fixed Penalty Notices (FPNs) should need to be issued - their effect will be that of a deterrent.

- 3.5. The Environment Act 1995 requires the UK Government and the devolved administrations to publish an Air Quality Strategy setting out air quality standards and objectives for particular pollutants, and measures for achieving the objectives at national and local level. Part IV of the 1995 Act requires local authorities to review and assess air quality in their areas and to take action to improve any areas of poor air quality. Section 87 of the 1995 Act empowers the Scottish Ministers to make Regulations conferring powers on local authorities for, or in connection with, implementing the Air Quality Strategy.
- 3.6. The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 enable local authorities in Scotland to issue Fixed Penalty Notices to drivers who allow their vehicle engines to run unnecessarily while the vehicle is parked. The Regulations include provisions which specify the format and amount of the Fixed Penalty Notice (£20); the enforcement open to local authorities; and, the appeal rights of the individual issued with a Fixed Penalty Notice.
- 3.7. Local authorities are permitted to retain income generated from Fixed Penalties Notices issued under this legislation for further emissions enforcement work.
- 3.8. Renfrewshire Wardens will be given appropriate training and delegated authority for issuing Fixed Penalty Notices for the offence of unnecessary Vehicle Idling where required.
- 3.9. The guidance highlights that maximum publicity is given to the need to switch off engines when a vehicle is parked and to the fact that Fixed Penalty Notices may be issued to those drivers who fail to do so.
- 3.10. A concerted effort has already been made by the Council to tackle unnecessary vehicle idling. 10 schools have been targeted each year for publicity and the erection of banners highlighting the dangers of unnecessary idling. In August 2019, all 49 Primary Schools received banners regarding parking issues and all highlighted the issue of idling and asked drivers to switch their engine off.
- 3.11. If approved, a further communications strategy will be implemented to ensure motorists are aware of the legislation and potential for enforcement action to be taken in the Renfrewshire area. This will include advertisements in the local press and radio, poster campaigns, leaflets and publicity events. This will also include a required publication of a notice in at least one local newspaper and one national newspaper. The notice will be published at least four weeks prior to the date of implementation and annually thereafter. Reminders will be issued throughout the course of each year to maintain awareness of the scheme.

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## **Implications of the Report**

1. **Financial** – The costs of the new initiative will come from core resources with any money generated being reinvested in emissions work.

2. **HR & Organisational Development** – None
3. **Community Planning**  
**Renfrewshire is well** - improving air quality will have a beneficial impact on Renfrewshire's natural environment.
4. **Legal** – Discussions will take place to ensure the Council Scheme of Delegations is updated as required.
5. **Property/Assets** – None
6. **Information Technology** – None
7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report
8. **Health & Safety** – None
9. **Procurement** – None
10. **Risk** – None
11. **Privacy Impact** – None
12. **CoSLA Policy Position** – None
13. **Climate Risk** - The interactions between air pollution and climate change are complex which is recognised within the Scottish Government's 2015 air quality strategy *Cleaner Air for Scotland – The Road to a Healthier Future (CAFS)*. An action measure within this strategy recommends all Scottish local authorities which have or are currently developing a Sustainable Energy Action Plan to ensure that air quality considerations are also covered.

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### List of Background Papers

- a) Background Paper 1: Renfrewshire's Air Quality Action Plan – 20 March 2019, Infrastructure, Land and Environment Policy Board.

The foregoing background papers will be retained within Communities, Housing and Planning for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is the Communities and Regulatory Manager.

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