

**To:** Infrastructure, Land & Environment Policy Board

**On:** 30 August 2023

---

**Report by:** Director of Environment, Housing & Infrastructure

---

**Heading:** Noisy Vehicle Exhausts- Council Options for Action

---

## 1. Summary

- 1.1 Motion 12 at the Council meeting of 4 May 2023, raised concerns about the increase in road illegal vehicle exhaust systems and excessive exhaust noise, instructing the Director of Environment, Housing & Infrastructure to investigate options to clamp down on this practice and to bring a report to a future meeting of the Infrastructure, Land and Environment Policy Board on proposals to stop this practice.
  - 1.2 This report provides the Board with information relating to the powers currently available to deal with excessive noise from vehicle exhaust systems which are available to Police Scotland and confirms that as the Council has no enforcement responsibility for excessively noisy exhausts there are no proposals for further action in respect of the matter.
- 

## 2. Recommendations

It is recommended that the Policy Board

- 2.1 Notes that the Council has no enforcement remit with regard to excessively noisy vehicle exhaust systems, with the powers resting fully with Police Scotland and that no further actions are proposed in respect of the Motion.
- 

## 3. Enforcement Powers, Testing & Research

- 3.1 Vehicles, at the time of manufacture, require to comply with noise specifications, monitored during the vehicle life by the MOT process, however given the number of vehicles with after-market/modified exhaust systems, it appears the periodic testing mechanism is not wholly successful in preventing noisy vehicles from being on the road.
- 3.2 Whilst it is recognised that noise from defective/modified vehicle exhausts does cause annoyance and disturbance, the statutory nuisance provisions under the Environmental Protection Act 1990 specifically excludes road traffic noise from being actionable.

- 3.3 The Environmental Protection Act is the main legislation that the Council has enforcement powers to deal with statutory noise nuisances. There are no other specific pieces of legislation available to the Local Authority to enforce around vehicle exhaust systems, therefore the Council has no Enforcement Powers to take any measures or action to address noise from vehicles and exhaust systems on Renfrewshire's road network.
- 3.4 Police Scotland are the appropriate enforcing authority and have powers to address excessive noise from road vehicles on public roads, using provisions within the Road Vehicles (Construction and Use) Regulations 1986, as amended.
- 3.5 Whilst Police Scotland may not have access to noise measuring equipment they can, and do, take action where officers subjectively consider noise from vehicles to be excessive. Locally, Police Scotland have advised that the legislation currently at their disposal is considered sufficient to deal with any noisy exhaust which is used on a vehicle.
- 3.6 As Police Scotland are the appropriate enforcing authority and consider they have sufficient legal means to address excessively noisy vehicle exhausts, there are no proposals for the Council to take any action in respect of this matter.
- 3.7 The Department for Transport, in recognition of this issue nationally, has commissioned research into options for methods and equipment for the detection and enforcement of excessively noisy vehicles. This research is ongoing but appears to be some way off from introducing such measures. Once this research piece has been concluded any implications for Renfrewshire Council will be presented to the Board.

---

## Implications of the Report

1. **Financial** - None.
2. **HR & Organisational Development** - None
3. **Community/Council Planning** – None
4. **Legal** – None
5. **Property/Assets** – None
6. **Information Technology** – None
7. **Equality & Human Rights**
  - (a) 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 because for example it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** - None

9. **Procurement** – None
10. **Risk** – None
11. **Privacy Impact** - None
12. **Cosla Policy Position** – *not applicable.*
13. **Climate Risk** – None

---

**List of Background Papers**

None

---

**Author:** *Gerard Hannah, Head of Climate, Public Protection and Roads*  
**Email:** [gerard.hannah@renfrewshire.gov.uk](mailto:gerard.hannah@renfrewshire.gov.uk)