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<b>Report To:</b>	<b>Education and Communities Committee</b>	<b>Date</b>	<b>8 May 2018</b>
<b>Report By:</b>	<b>Head of Environmental &amp; Public Protection</b>	<b>Report No:</b>	<b>EDUCOM/58/18/MM</b>
<b>Contact Officer:</b>	<b>Martin McNab</b>	<b>Contact No:</b>	<b>4246</b>
<b>Subject:</b>	<b>Vehicle Emissions Enforcement</b>		

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## 1.0 PURPOSE

- 1.1 To seek Committee approval for the adoption of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003.

## 2.0 SUMMARY

- 2.1 The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 allows Councils to address problems associated with fumes emanating from vehicle engines running unnecessarily, however Councils require to adopt the new legislation through a formal process to allow them to use the powers. The formal process involves an application being made in writing to the Scottish Ministers to be a designated local authority. The regulations are made under section 87 of the Environment Act 1995.
- 2.2 Until recently there were no particular problems reported to Safer & Inclusive Communities regarding problems associated with fumes from idling engines, however over the past 6 months there have been a number of complaints concerning this issue. The complaints are about both vehicles and buses that are idling at certain locations within the district. To date, these incidents have been dealt with informally.
- 2.3 The Head of Safer & Inclusive Communities currently has delegated powers to authorise officers under the Environment Act 1995 and regulations made thereunder. There is a separate report to this Committee regularising the position following the management restructure.

## 3.0 RECOMMENDATION

- 3.1 That the Committee approves that an application be made to the Scottish Ministers to make Inverclyde Council a designated local authority under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003.

**Martin McNab**  
**Head of Environmental**  
**& Public Protection**

## 4.0 BACKGROUND

- 4.1 The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 allow Councils to address problems associated with fumes emanating from vehicle engines running unnecessarily, however Councils require to adopt the new legislation through a formal process to allow them to use the powers. These regulations are made under section 87 of the Environment Act 1995.
- 4.2 Until recently there were no particular problems reported to Safer & Inclusive Communities regarding problems associated with fumes from idling engines, however over the past 6 months there have been a number of complaints concerning this issue. The complaints are about both vehicles and buses that are idling at certain locations within the district. To date, these incidents have been dealt with informally.

## 5.0 PROPOSALS

- 5.1 To enable the Service to be suitably equipped to deal with situations which cannot be resolved informally, there is a need for the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 to be implemented. It is a requirement in the guidance accompanying this legislation that prior to implementation and any enforcement activity taking place, a suitable publicity campaign must be undertaken within the Council area.
- 5.2 Implementation of these regulations will allow authorised officers to issue a Fixed Penalty notice in relation to an offence of engine idling which will result in a fine of £20. It is intended that these powers will be used sparingly and in response to complaints.

## 6.0 IMPLICATIONS

### 6.1 Financial Implications

None – it is not expected that these proposals will involve significant cost or raise significant revenue.

#### One off Costs

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

#### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

### 6.2 Legal Implications

Legal Implications are as noted in the body of the report.

### 6.3 Human Resources Implications

None

### 6.4 Equalities Implications

Has an equalities assessment been carried out?

X

YES (see attached appendix)

NO - This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

#### 6.5 Repopulation Implications

None

### 7.0 **CONSULTATIONS**

7.1 N/A

### 8.0 **LIST OF BACKGROUND PAPERS**

8.1 None