

Report

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Report to:	Community Resources Committee
Date of Meeting:	3 February 2009
Report by:	Executive Director (Community Resources)

Subject:	Vehicle Emissions Testing Initiative
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise the Committee on the forthcoming Roadside Vehicle Emission Enforcement Initiative to be carried out within South Lanarkshire. This is part of the Local Air Quality Management Process.

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the contents of the report are noted.

3. Background

- 3.1. The Environment Act 1985 requires Scottish local authorities to review regularly air quality within their areas under a process known as Local Air Quality Management.
- 3.2. As part of the requirement of the Act, ongoing assessments have been made to identify sites where the 2010 National Air Quality Objectives are likely to be exceeded. One of these objectives is for Particulate Pollution (known as PM10) which is linked to vehicle emissions. South Lanarkshire Council's ongoing assessment has identified Whirlies Roundabout, East Kilbride as an Air Quality Management Area (AQMA) due to the likelihood of the 2010 National Air Quality Objective (NAQO) for PM10 being exceeded.
- 3.3. The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003, enacted under the Environment Act 1995, enable local authorities to address engine idling and also to test vehicles at the roadside to ensure that they are not exceeding prescribed limits. Where breaches are identified, corrective measures can be achieved through the issue of fixed penalty notices. In the case of vehicle emissions, trained operatives using approved equipment will carry out a roadside check of any vehicle and take enforcement action against the driver of any vehicle found to be exceeding the maximum emission limits prescribed in Regulation 61 of the Road Vehicles (Construction and Use) Regulations 1986, as amended.

- 3.4. The Regulations include provisions which specify the format and amount of the Fixed Penalty Notice (£20 Engine Idling and £60.00 Vehicle Emission), the enforcement options open to local authorities, and the appeal rights of the individual issued with a Fixed Penalty Notice. The Regulations also include provisions which permit waiving of the Fixed Penalty Notice.
- 3.5. In the case where breaches of vehicle emissions occur, the Regulations permit the Fixed Penalty Notice to be waived in cases where a motorist can show that the vehicle had passed an MOT emissions check within the year preceding the date the vehicle was stopped and the emissions performance of the vehicle is corrected within 14 days.

4. Current Position and Outline of Initiative

- 4.1. Following a joint application submitted by South Lanarkshire Council, North Lanarkshire Council and East Dunbartonshire Council, a grant was obtained from the Scottish Government to establish and deliver a Roadside Vehicle Emission Initiative within the respective council areas.
- 4.2. It is proposed that awareness raising events will be undertaken to make the public aware of potential breaches of The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 by having their vehicle tested without the risk of incurring a fine. The initiative will also raise the profile and awareness of the link between road traffic emissions and local air quality. An information leaflet will be provided to all drivers whose vehicles are tested, regardless if they pass or fail the emissions test. National Press advertising required by legislation to enforce the provisions and advise the public of such events has already been issued. This will be further enhanced by a high profile local media campaign.
- 4.3. Testing over a 5 day period at suitable locations throughout South Lanarkshire is proposed. Environmental Health staff will work in conjunction with trained testing operatives from North Lanarkshire Council. The jointly owned vehicle testing equipment purchased as part of the application would be used at these events. The exercises will be carried out in conjunction with Strathclyde Police. The grant award included an allocation to cover necessary Police costs.

5. Employee Implications

- 5.1. This initiative will be carried out by existing employees within Environmental Health working with North Lanarkshire Council vehicle emission testing staff and Strathclyde Police.

6. Financial Implications

- 6.1. The grant award from the Scottish Government covers the cost incurred in the roadside vehicle emissions initiative.

7. Other Implications

- 7.1. None.

8. Equality Impact Assessment and Consultation Arrangements

- 8.1. This report does not introduce a new policy, function or strategy or recommend a change to existing policy, function or strategy and, therefore, no impact assessment is required.

- 8.2. Consultation has taken place with Strathclyde Police and North Lanarkshire Council in terms of the information contained in the report.

Norrie Anderson
Executive Director (Community Resources)

14 January 2009

Link(s) to Council Objectives and Values

- ◆ Improve the Quality of the Physical Environment
- ◆ Sustainable Development

Previous References

- ◆ Community Resources Committee Report 27 June 2006 – Air Quality Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003
- ◆ Community Resources Committee Report 11 November 2008 - Air Quality Management Area Whirlies Roundabout, East Kilbride
- ◆ Community Resources Committee Report 3 June 2008 - Air Quality Management Area

List of Background Papers

- ◆ The Environment Act 1995
- ◆ The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003
- ◆ The Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2002
- ◆ Guidance Document – Local Authority Roadside Vehicle Emission Enforcement Guidance Issued Under Section 88 of the Environment Act 1995
- ◆ South Lanarkshire Council – Detailed Assessment Report 2007.

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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