

Citizen Participation and Public Petitions Committee

13th Meeting, 2022 (Session 6), Wednesday
28 September 2022

PE1944: Enforce engine idling ban

Note by the Clerk

Petitioner	Alan Ross
Petition summary	<p>Calling on the Scottish Parliament to urge the Scottish Government to enforce the engine idling ban and take action to:</p> <ul style="list-style-type: none">- Introduce instant £80 fines for offences- Reclassify idling as a high traffic offence- Legally oblige local authorities to enforce the engine idling ban- Create contact points for public reporting- Increase anti-idling signage in public spaces
Webpage	https://petitions.parliament.scot/petitions/PE1944

Introduction

1. This is a new petition that was lodged on 8 August 2022.
2. The petition seeks to bring in a range of measures to enforce the existing engine idling ban, as he believes it has become a 'national epidemic'. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected to collect signatures and 49 signatures have been received.

5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.
6. A submission has been provided by the petitioner. This is included at **Annexe D**.

Action

7. The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE1944: Enforce engine idling ban

Petitioner

Alan Ross

Date lodged

8 August 2022

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to enforce the engine idling ban and take action to:

- Introduce instant £80 fines for offences
- Reclassify idling as a high traffic offence
- Legally oblige local authorities to enforce the engine idling ban
- Create contact points for public reporting
- Increase anti-idling signage in public spaces

Previous action

I contacted John Swinney. His office responded to say that engine idling is already illegal and that councils already have the authority to issue fixed penalties. Local councils have stated that the legal powers to stop vehicles and check emissions are discretionary and local authorities have to apply to the government if they wish to use them.

Background information

Engine idling has become a national epidemic which poisons the air we breathe and reduces our children's chances of surviving the escalating Climate Crisis.

The current law prohibiting idling is not fit for purpose, is futile and ignored by most councils and the police. Indeed the police routinely refuse to address it. Those councils that do take action are only scratching the surface of the issue.

We are in a Climate and Ecological Emergency that demands Emergency Action!

The 2021 IPCC report - "Code Red for Humanity" spells it out in simple terms. Our governments have failed to take the actions necessary to reduce emissions to limit global warming to a 1.5 degree rise. Engine idling is a perfect example of incompetent leadership in an emergency.

The true scale of idling in Scotland revealed that 1 in 5 drivers at some supermarkets left engines idling whilst they or partners went shopping.

Annexe B

The logo for SPICe, featuring the text 'SPICe' in a white, sans-serif font on a dark purple background.

The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on PE1944: Enforce engine idling ban, created by Alan Ross

Background

Under Regulation 98 of the Road Vehicle (Construction and Use) Regulations 1986, made under the Road Traffic Acts, it is an offence to keep a vehicle engine running while that vehicle is stationary, except where it is stopped in traffic or undergoing maintenance.

Enforcement of this prohibition in Scotland lies with local authorities that have been “designated” for this purpose by Scottish Ministers under the provisions of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003.

A person authorised by a designated authority, typically a parking attendant or environmental warden, can request someone they consider to be committing an idling offence to turn off their vehicle’s engine. If that person fails to do so, then the authorised person can issue a fixed penalty notice of £20.00.

Statistics on engine idling enforcement action are not routinely published by local authorities. However, [recent media reports](#) based on information released through Freedom of Information requests indicate that fixed penalty notices are rarely, if ever, issued.

Scottish Government Action

The Scottish Government published [guidance to support local authorities](#) on the use of engine idling enforcement powers in April 2003. The

Scottish Government also [provides funding to local authorities](#) to raise awareness of the health impacts of engine idling and its prohibition.

Scottish Parliament Action

The Scottish Parliament has not previously considered the issue of engine idling in any detail.

Alan Rehfisch

Senior Researcher

3 August 2022

SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP

Annexe C

Scottish Government submission of 3 August 2022

PE1944/A: Enforce engine idling ban

The Scottish Government considers the current approach to idling enforcement to be fit for purpose and proportionate, therefore there are no immediate plans to introduce further measures to tackle idling.

Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986, as amended, makes it an offence to leave a vehicle engine running unnecessarily while that vehicle is parked. Prior to 2003, this was only enforceable by the police. The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 enable local authorities in Scotland to issue Fixed Penalty Notices of £20 to drivers who allow their vehicle engines to run unnecessarily while the vehicle is parked and who refuse a reasonable request to switch off their engine. Fixed Penalties should be viewed primarily as a deterrent and issued only as a last resort.

Use of the powers is optional. The Scottish Government considers that local authorities are best placed to decide whether to adopt them, taking into account their specific circumstances and priorities in relation to air quality management.

Feedback from participating authorities suggests that the vast majority of idling drivers switch off their engines when requested and that therefore very few fixed penalty notices are issued. Authorities making use of the powers are proactive in undertaking educational and awareness raising campaigns to complement the role of enforcement, including signage and mechanisms for the public to report idling. Most authorities target their enforcement activities in areas of known concern, for example around schools.

The Government has issued guidance to local authorities to assist them in implementing the powers (<https://www.gov.scot/publications/local-authority-powers-require-drivers-switch-engines-parked-guidance-issued/>) and also provides local authorities with £500,000 of financial support through the annual Vehicle Emissions Testing Grant scheme.

The Scottish Government's air quality strategy '[Cleaner Air for Scotland 2 – Towards a Better Place for Everyone](#)', published in July 2021, sets out a series of actions intended to deliver further air quality improvements over the period to 2026.

Whilst we are fortunate that Scotland's air quality is generally good, we know that several pollution hotspots remain – predominantly caused by road transport. Hotspots are found in urban locations where polluted air can affect everyone, especially the most vulnerable – the very young, the elderly and those with pre-existing health conditions. Low Emission Zones (LEZs) have been formally introduced in Aberdeen, Dundee, Edinburgh and Glasgow to improve air quality and to meet the requirement of both domestic and European air quality legislation. Local grace periods now apply until enforcement begins. Enforcement in Glasgow will begin on 1 June 2023 (with an additional year for residents within the zone), while enforcement in Dundee will begin on 30 May 2024. Enforcement in Aberdeen and Edinburgh will begin 1 June 2024.

Under the Transport (Scotland) Act 2019, legislation was provided to enable the creation and civil enforcement of LEZs. The Scottish Government has developed regulations and guidance, relating to a number of key aspects including emissions, penalties, certain exemptions and parameters for grace periods. Local authorities have the powers to create, enforce, operate or revoke a LEZ in their areas and to design the shape, size and vehicle scope of their LEZ based on their specific local requirements. Further information on LEZs can be found at: [Low Emission Zones Scotland | Transport Scotland](#).

Annexe D

Petitioner submission of 24 August 2022

PE1944/B: Enforce engine idling ban

Response to the decision to ignore the petition above. I have also undertaken an additional petition from Change.org with over 500 signatures.

The government response is grossly inadequate and does not address the many proposals raised, nor reflect the gravity of the issue as outlined, nor the legal and moral obligation under the Climate Emergency to cut our emissions with immediate effect.

1. Please supply the name and position of the government official that signed off / made the decision so that they are publicly accountable.
2. The Scottish Government state the current law is “fit for purpose” when it is clearly, catastrophically dysfunctional as outlined in this petition - to the extent that even the police are both ignorant of the law and, ignoring the legal status of idling. The police have defended the actions of their fleet vehicles engine idling, often empty, lining mile upon mile along the climate demonstrators route at COP 26 in Glasgow 2021 in the face of over 100,000 people demonstrating against inadequate leadership under this existential emergency. Local councils are likely squandering in excess of £100,000 each per annum on engine idling within their fleet and perhaps twice that amount with road works contractors

The law is not fit for purpose and must be expanded on, updated and enforced robustly, as outlined in the petition to reflect the emergency and massive financial burden inflicted on the tax payer.

3. The law the Scottish Government claim is “fit for purpose” was enacted 1998 and updated 2003. Since then we have more vehicles on the roads and engine idling has risen exponentially. We now have thousands of drivers sitting with smart phones idling at every opportunity – for extended periods of time. We have fuel costs rising exponentially and those costs passed onto the tax payer. Millions of tax pounds wasted on idling when the country is needing millions of

pounds for ecosystem recovery, regenerative farming etc to protect our water supplies, energy needs and food security.

4. We now have thousands of delivery vans idling on and polluting every street in the country on a daily basis and becoming more severe by the week.
5. The Scottish Government appear to have no cognisance to the financial, health or environmental impact of idling, nor seem to want to know. This situation needs addressing with immediate effect.
6. The Scottish Government claim “feedback is positive – that drivers turn off engines when asked by traffic wardens.” Is this a joke? Is this really the best defence they have?

Firstly – Idling is not a victimless crime. Just one inhalation can kill an asthma sufferer in short term or kill by cancer / heart attack later in life. There are no safe limits for the pollution from idling vehicles and our NHS bills are already unsustainable, as are our emissions.

Secondly - This response is utterly irrelevant! A handful of councils ask around a dozen idlers out of tens of thousands of polluting idlers a day and they claim this negates any responsible action to be taken by the Scottish Government! Tell it to the thousands inhaling toxic fumes everyday as they walk past idlers. Tell it to those unable to utilise social care facilities or financial support where councils are cash strapped, yet squander millions on engine idling under their fleet and contracted works.

7. **Fixed penalties:** In the past 3 years – no fixed penalties were issued by councils – Glasgow, PKC, Dundee, Aberdeen, Stirling. The **Scottish Gov has advised** them not to fine people, when this is the only available deterrent and raises much needed revenue. Their advice and handling of this is grossly irresponsible.
8. Why has the Scottish Government not included **any anti idling clauses and reduced fuel payments within contracts** into the A9 duelling and other such contracts? This has probably cost the Scottish tax payer literally millions of pounds in fuel wasted. I have lost count of the times I witnessed contractors sitting idling while reading papers, on phones, empty vehicles, lorries, heavy plant etc.

Millions wasted on fuel losses across the country on Government contracts.

9. The Scottish Government's statement - '**Cleaner Air for Scotland – Towards a Better Place for Everyone**' sounds ambitious but fails to address one of the worst causes of pollution. There is no requirement for informing the public of the personal costs of idling and that they will be fined instantly if found idling at work place car parks, schools, supermarkets, roadsides, laybys, taxi ranks, and so on.

Climate Emergency: Where does this “fit for purpose” law and its comprehensive lack of enforcement address the Climate

Emergency? We are required to reduce emissions by 45% over the next 8 years to avoid exceeding 1.5 degrees of global warming.

However, thanks to a catastrophic absence of thought and leadership across the world we are on course to increase emissions by 14% within 8 years.

Please realise now – that anything over 1.5 degrees almost guarantees the end of humanity and, long before that – the end of everything we hold precious. A rise of 3 degrees by 2050 is already baked into the system at current emission levels.

Nature is not negotiating the terms of our continued survival.