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Councillor Heather Anderson
Convener, Climate, Environment & Biodiversity Committee
Dundee City Council
Tay Square
Dundee
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CC: Councillor Nadia El-Nakla, Depute Convener

6 August 2024

Dear Convener,

Non-enforcement of engine idling laws in Dundee

The Environmental Rights Centre for Scotland (ERCS) is an environmental law charity carrying out advocacy in policy and law reform to improve environmental rights and compliance with the Aarhus Convention on Access to Information, Public Participation in Decision-making, and Access to Justice on Environmental Matters. We also provide [free legal advice](#) on environmental and related planning law to individuals, community groups and organisations across Scotland.

We are writing to highlight the lack of enforcement of Scotland's engine idling ban in Dundee City Council, and urge you to ask the Scottish Government to review their 2003 guidance to improve enforcement and mitigate the harmful effects of air pollution on children and vulnerable adults.

1. Current inefficacy of Scotland's engine idling ban

Scotland has a legal regime that makes it an offence for drivers to leave a vehicle's engine running while stationary (known as engine idling). Air pollutants released by engine idling are linked to respiratory illnesses including asthma, and are particularly harmful to children, older people, pregnant women and people with existing health conditions.

Drivers are required to switch off stationary vehicles by the Road Vehicles (Construction and Use) Regulations 1986. Engine idling is a criminal offence under S42 of the Road Traffic Act 1988.

Enforcing these laws is the responsibility of local authorities, who have powers to issue Fixed Penalty Notices (FPNs) and fine offending drivers under Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003.



However, an FOI request revealed that Dundee City Council has not issued any FPNs for engine idling since 2003, despite three reports of idling from members of the public between 2018-2023.

The attached briefing provides more details and will also be shared with local press.

2. Recommendations for improving enforcement

We wanted to bring this issue to your attention, knowing that you will share our concerns about the impact of continuing engine idling pollution on local air quality in Dundee.

We understand the administrative burden of implementing ineffective fines. The current fine amount for engine idling is set at £20, which has never been adjusted for inflation and is unlikely to either deter idling or cover the Council's overheads for issuing fines.

We therefore urge you to put pressure on the Scottish Government to amend Regulation 8(b) of The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003, to increase the level of fines for engine idling.

This would ensure that the Council is able to effectively enforce the engine idling ban and protect children and young people who will be exposed to engine idling hotspots as they return to schools.

I would be grateful if you raised this issue in the Climate, Environment & Biodiversity Committee and confirmed what action Dundee City Council will take to address the non-enforcement of engine idling laws in Dundee.

Yours sincerely,

Benji Brown

Policy & Advocacy Officer
Environmental Rights Centre for Scotland