

East Lothian Council

EIR Ref: 2018/541591

- 1. Does East Lothian Council exercise its right afforded to it under 'The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003' to issue fixed penalty notices to motorists committing stationary idling offences? If not, why not?**

East Lothian Council (ELC) applied to the Scottish Ministers for Designation under the Regulations in 2005 which was subsequently approved. However, to date ELC has used informal measures to deal with complaints and the education of motorists/schools is carried out on behalf of ELC by the East Central Scotland Vehicle Emissions Partnership (comprising West Lothian, Midlothian, East Lothian and Falkirk Councils) and is administered on the partnerships behalf by West Lothian Council.

- 2. How many spot fines has East Lothian Council issued to motorists committing stationary idling offences to date (up until and including 21st August 2018)?**

None

- 3. How many spot fines has East Lothian Council issued to motorists committing stationary idling offences between 1st January 2018 and 21st August 2018 inclusive?**

None

- 4. What procedures do East Lothian Council have in place to issue fixed penalty notices for stationary idling offences? i.e. which "authorised persons" are responsible for / have the ability to issue fines?**

None at present although this is currently under review and the authorizing of appropriate officers and issuing of Fixed Penalty Notices for idling offences may well be adopted in future

- 5. Does East Lothian Council adhere to all prevailing legislation around the monitoring of air pollution on and around construction sites within its district?**

There is no specific statutory requirement to do this for construction sites.

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6. How does East Lothian Council monitor the impact of construction sites on air pollution?

ELC would respond to complaints regarding pollution caused by dust associated with construction activities and these would be investigated under statutory nuisance provisions contained within the Environmental Protection Act 1990 (as amended).

Finally, it may help to explain that Freedom of Information legislation only applies to information which is held or recorded by a public authority. It does not apply to views, opinions, intentions or questions which simply require an answer. In view of this, some of the questions asked are not technically valid for the purposes of this legislation as they are not requests for specific recorded information that ELC may or may not hold.

In order to assist you, however, colleagues have addressed the questions posed to the best of their knowledge. For future reference, a link to the "Tips for Requesters" page of the Scottish Information Commissioner's website has been provided which you may find useful:

<http://www.itspublicknowledge.info/YourRights/Tipsforrequesters.aspx>