

Scottish Government Consultation - [Workplace Parking Licensing Regulations and Guidance](#)

Spokes response, submitted on 2021-09-05 18:33:03

Questions

1 Are there other elements of WPL schemes that local authorities should be required to consult on, besides those listed under the 'Consultation and Impact Assessment' section?

Yes

Impacts on other vulnerable road user groups.

Impacts on vulnerable road user groups in neighbouring local authorities

How finances of the WPL will fund active travel improvements. I.e. a local authority should have Active Travel Action Plan with funding ring fenced against this and public transport improvements.

2 Should the regulations specify a list of statutory consultees that local authorities are required to consult?

Yes

Local transport user groups e.g. Spokes Lothian, Living Streets Edinburgh, Edinburgh Bus User Group

Reason – Walking, wheeling and cycling are made more or less attractive by traffic levels – both across the whole local authority and even more so in local areas with particular employment/ commuter characteristics. The details of a WPL scheme will affect this, for example through charging levels and through any proposed local exemptions. Hence is it vital to consult those active travel organisations which have a city-wide or local authority-wide remit.

3 When local authorities communicate information about new, amended, or revoked WPL schemes, what information should the notices contain? Please support your view with evidence where possible.

Maps of the area and the parking spaces liable to the charge - so the area where active travel improvements should be expected to be prioritised. The estimated funding likely to be raised - so the actual revenue can be compared once scheme has been established.

The 'Implementation Scheme' section proposes potential government intervention in the local authority's WPL proposals through an 'Examination' but no questions are asked about this. We therefore discuss this in Q17 below.

4 When local authorities communicate information about new, amended, or revoked WPL schemes, where/how should notices be published? Please support your view with evidence where possible.

Online via a portal like planning with GIS based map of the proposals so they can be reviewed in context of the local authority and its neighbours.

5 Are there any circumstances where an employer besides the occupier of the premises should be responsible for the charges imposed through a WPL scheme?

Yes, circumstances should include any business or event that induces car trips.

Secondly, we appreciate that the Transport Act does not allow charges on premises for customer spaces. However we urge that the next legislative opportunity is taken to correct this omission. For example, there should be premises parking levies for uses such as those listed below. We discuss this further in Q17.

- Large scale retail parks such a supermarkets, leisure centres and other business with large customer parking which, whether or not deliberately, effectively promotes car use other other modes. by making it the most convenient option for the distances and locations chosen.

- Airport, ferry, train station, bus station short and long stay parking for passengers in order to promote joined up public transport or active travel from door to door.
- Public events such as music festivals or drive-in movies which induce short car trips
- Drive-thru businesses where customers don't park but do travel by car and other modes such a bicycle aren't allowed to use the drive-thru.

Thirdly, because not all car spaces are covered by the WPL, there is a significant risk of accidental or deliberate undercounting of liable spaces. We also discuss this in Q17.

6 Should the rationale and process for a local authority's review of licensing decisions be wholly set out by the local authority?

Yes

7 What circumstances/rationale do you consider reasonable for review or appeal of licensing decisions to take place?

Such circumstance is illustrated in Q17(c) below.

8 Do you agree with the approach to penalty charges as outlined under the 'Penalty Charges' section?

Yes

9 Do you consider that there should be additional grounds for review or appeal of penalty charges besides those listed under the 'Penalty Charges' section?

No

10 Which approach to the amount of the penalty charge do you consider more appropriate?

A formula for the penalty charge, including a reduction in payment for payment within a certain timeframe or increase in response to delayed payment, should be set in regulations

The increased charge for delayed payments should be sufficiently large as to make delay unlikely. It should be noted that delayed payment or non-payment adds significantly to the local authority's administrative burden and thereby also reduces the proportion of scheme income which is available for investment in public transport and active travel.

11 Do you agree with the approach outlined under 'Accounts'?

Yes

12 Do think further regulation on accounts is required?

No

13 What positive or negative impacts do you think the WPL proposals outlined within this consultation may have on particular groups of people, with particular reference to 'protected characteristics'; children and young people; people facing socioeconomic disadvantages; or people living in island communities?

WPL / PPL will reduce private car trips which should make the groups listed able to benefit from safer streets, cleaner air, lower public transport delays. Many of the groups like children and disadvantaged do not have access to private motor cars and as such should benefit most from a reduction in car dependency in society as a whole.

Secondly, this "Assessing Impact" section states that impact assessments by participating local authorities will be required. We support this, but the assessments should include the impacts of allowing customer spaces to remain uncharged, thereby encouraging yet more car-based shopping and leisure, to the detriment of active travel, public transport, and the economic and social life of town centres.

14 Do you think the WPL proposals outlined within this consultation are likely to increase, reduce or maintain the costs and burdens placed on business sectors? Please be as specific as possible in your reasoning.

The obvious direct costs to businesses will be to a greater or lesser extent balanced or outweighed by indirect benefits such as healthier staff, the release of valuable urban space for other uses and developments, and by improved public transport and active travel infrastructure for staff and customers.

15 What impacts do you think the proposals outlined in this consultation may have on the personal data and privacy of individuals?

The scheme is directed at employers, not at the individuals who do (or do not) use parking spaces.

16 Do you think the WPL proposals outlined in this consultation are likely to have an impact on the environment? If so, in what way? Please be as specific as possible in your reasoning.

Positive impact by reducing car dependency and associated pollution and climate change impacts. The funding stream raised will mean there will be more secure funds to assist people walking, wheel & cycling on safer streets or use more reliable public transport.

They will also act to increase biodiversity if less of the areas covered by WPL's are paved over for parking and hopefully some existing parking may possibly revert back to greenspace.

17 Do you have any other comments that you would like to add on the Scottish Government's WPL proposals outlined within this consultation?

a. Scottish Government powers to examine schemes [ref Q3]

The 'Implementation Scheme' section of this consultation proposes potential government intervention in the local authority's WPL proposals through an 'Examination.'

Firstly, the rationale for, and the restrictions on, any such intervention in the local authority's autonomy should be made explicit in the regulations. Secondly, the regulations should include a strict time limit for any such government Examination. As has been experienced in practice by Edinburgh Council and by Edinburgh citizens (in relation to Examinations of Traffic Order objections to the City's west-east cyclistroute proposals) government Examinations can take literally over two years. This denies citizens the benefits of the scheme for an inordinately lengthy period, and seriously raises the costs of schemes (necessitating cuts to the scheme in the above example), and this can even result from objections which are eventually found to be spurious (as in the above example) and are in any case minor in the context of the scheme and its benefits as a whole.

b. Premises Parking Levy (i.e. including customer parking spaces) [ref Q5]

The Transport Act does not allow charges on premises for provision of customer spaces. This was debated during passage of the Bill but was rejected by the Scottish Government despite pleas for its inclusion from the Cities of Edinburgh and Glasgow and stakeholders including ourselves.

However, since that time the climate crisis has taken on much greater urgency, with the latest IPCC report. In declaring a Climate Emergency on 14.5.19 the [Climate Change Secretary stated](#) (our emphasis) *"This Scottish Government will be placing climate change at the heart of everything we do."* That promise is not being fulfilled when customer spaces are excluded and car-based shopping and leisure are thereby encouraged to continue growing.

Furthermore, in order to meet its climate targets, the Scottish Government has adopted an exceptionally tough target to reduce car-km by 20% by 2030. There is no chance of this target being met without very significant demand-management measures, and widening the employee WPL into a full premises parking levy, to also cover customer spaces, is one of the several tools which will be vital. Indeed, Chris Stark, CEO of the UK CCC has advised Parliament that the target is extremely taxing and cannot be met solely by 'carrot' measures.

Although this is not the main rationale, it is worth noting that a full Premises Parking Levy would also contribute to other government and local authority objectives. For example, it would also enable local authorities to help protect town centres - a major government objective - since a premises parking levy on out-of-town stores, leisure centres, etc would over a period of time help encourage such businesses to set up in less car-dependent locations. For businesses still located out of town, there would be an incentive to work with bus operators to encourage shoppers to travel by bus

Finally, for further detail, we give links to several relevant documents from the time of consultations on the then Transport Bill...

- Sep 2018 – [Spokes response to the Transport Bill consultation](#)
- Feb 2018 – [Letter to Transport Minister from FOE Scotland, supported by 16 organisations including Spokes](#)
- June 2018 – [Decarbonising Wales](#) (IWA report, parking section p64-65)

c. Risk of accidental or deliberate undercounting of liable spaces [ref Q5]

Some parking spaces are used by both employees and customers. The exclusion of customer spaces from the levy therefore brings the possibility of accidental or deliberate under-registration/ under-charging of liable spaces. Even where this is not exploited by employers as a potential loophole it could easily happen for day-to-day convenience, for example where employees find their normal spaces occupied and so, perhaps in a hurry, use a customer space.

The regulations should be such as to render such distortions of the scheme as difficult and costly as possible. For example, all spaces capable of being used by employees could be required to be registered, whether or not they are in practice used on a regular basis by employees.