



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

Workplace Parking Licensing: Regulations and Guidance

Analysis of consultation responses

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Executive Summary

Background

The Transport (Scotland) Act 2019 included a discretionary power for local authorities to set up workplace parking licensing (WPL) schemes. Supporting regulations and guidance are needed to provide national consistency on key elements of any schemes, although there will be flexibility for local authorities to reflect their own circumstances.

Money raised by WPL schemes must be committed to support policies in local transport strategies, so that the revenue can be used to improve public or active transport.

On 11 June 2021, Transport Scotland published a consultation on '*Workplace Parking Licensing (WPL) Regulations and Guidance*' in order to gather stakeholder and public views on the regulatory framework and supporting guidance which will underpin local authorities' WPL schemes, if they choose to implement one.

Respondent Profile

In total, there were 62 responses to the consultation, of which 37 were from organisations and 25 from individuals. Table 1 shows the breakdown of respondents by group. Ten were received by Businesses/Employers; three from Equalities organisations; eight from Local Authorities; one from the public sector; three from Regional Transport Partnerships; six from the Third Sector/Sustainable Transport organisations; two from Trade Unions; and two from Other organisations.

| Respondent Group | Number |
|--|-----------|
| Business / employer (10) | 10 |
| Equalities (3) | 3 |
| Local authority (8) | 8 |
| Public sector (1) | 1 |
| Regional Transport Partnership (3) | 3 |
| Third sector / sustainable transport (6) | 6 |
| Trade Union (4) | 4 |
| Other (2) | 2 |
| Total organisations (37) | 37 |
| Individuals (25) | 25 |
| Total | 62 |

Table 1: Respondent profile

Key Themes

A number of key themes were evident across consultation questions as well as across respondent groups. A number of these were out with the scope of the consultation and were general comments on WPL and, as such, more appropriate for local authorities to consider when actually implementing any WPL schemes. However, these themes were cited throughout the consultation and are mentioned where they were raised by respondents. Many of these themes are perceived to be interlinked and most effective when considered in a holistic manner. These key themes are summarised below.

- It was important for many respondents that any WPL schemes that are introduced are open, transparent and accountable, with effective monitoring and reporting in place. It will be important for local authorities to demonstrate that sufficient monies have been raised to ensure good levels of investment in improved public transport and active travel schemes.
- A key issue for a number of respondents, regardless of their level of support for WPL schemes, was of a **lack of suitable alternative modes of transport**. This is seen to be particularly relevant to people in more rural and remote areas and those working shifts. Some respondents noted the importance of improving the public transport network prior to the introduction of any WPL schemes.
- Allied to this point, there were concerns that any **WPL scheme that is introduced is likely to impact disproportionately upon low paid and shift workers** who do not have access to public transport as an alternative to car use (the assumption from some is that businesses will pass on the costs of the scheme to their employees). It was also noted that many low paid workers do not have the option to work from home or access to flexible working routines to alleviate the lack of public transport.
- There were also some concerns that the introduction of WPL schemes could cause damage to city centre businesses, for example, some might move their location and thereby impact on the local economy, particularly at a time when many businesses are still recovering from the impact of covid.
- For some respondents there is a perception that there are already robust processes in place that local authorities can follow if, and when, they choose to introduce a WPL scheme. That said, some respondents also commented on the need to ensure that any licensing decisions should be based on clear and consistent national guidance that allows flexibility to consider the local context.
- While a few respondents referred to the experiences of Nottingham where the local council has introduced a WPL scheme, there were mixed views as to the success of this.
- There were some mixed views that emerged, with some respondents (primarily organisations within the third sector / sustainable transport sector and some individuals) noting their support of WPL schemes; a few respondents noted their dislike of WPL schemes throughout their responses

to different questions. While a number of respondents noted benefits to the environment that would be introduced under WPL schemes, some of these also tended to focus on a need for increased public transport.

Consultation Questions

The following paragraphs summarise the main findings from each of the consultation questions.

Main Findings: Creating a new scheme

Consultation and Impact Assessment (Q1): A **majority** of those answering this question **agreed there are other elements of WPL schemes that local authorities should be required to consult on**, besides those listed under the 'Consultation and Impact Assessment' section. These included consultation on the impact on low paid workers and how to mitigate against any negative impacts; consulting on what alternatives are available, and the provision of, and access to, sustainable transport or public transport; the impact of costs on businesses; and potential exemptions to the scheme.

Some respondents made suggestions for other impact assessments that should be undertaken.

A **key concern was of a lack of alternative transport options**, with a primary focus on a lack of public transport; while most comments on a lack of public transport were general, a few respondents noted specific types of individual who suffer from a lack of public transport, including shift workers and those in more rural areas.

There were some comments of a need to adopt a holistic approach so that WPL schemes are not considered in isolation, but instead focus on other measures that will be undertaken to promote sustainable travel. Requests for information on how the transport improvements it funds will support the delivery of Local and Regional Transport Strategies were also made.

Main Findings: Consultees

(Q2): **Most respondents** who answered this question considered the **regulations should specify a list of statutory consultees that local authorities are required to consult**.

A key theme was of a **need for a consistent approach across Scotland**. There were some suggestions for a list of statutory consultees similar to that for Traffic Regulation Orders (TROs) or Low Emission Zones (LEZs).

A wide range of individuals and organisations were cited by respondents as needing to be included in a list of statutory consultees, with the most frequently mentioned being organisations representing business interests, all businesses subject to a charge, transport providers, transport user groups, trade unions and employees.

Main Findings: Implementing the Scheme

(Q3): When asked to say what information should be contained in notices when local authorities communicate information about new, amended or revoked WPL schemes, most respondents focused on new schemes. Key informational suggestions included:

- The reasons for introducing a scheme.

- The area covered by the scheme.
- Timelines.
- Revenue streams.
- Charges.
- Exemptions.
- Administration and management of the scheme.

When asked to say where / how **notices should be published by local authorities when communicating information about new, amended or revoked WPL schemes** (Q4), key approaches cited by respondents included local authority websites, social media or general references to online. There were some preferences for non-online approaches; these included direct communication with all affected businesses, perhaps provided alongside information on business rates, or via business networks. Local media was also perceived to be a useful channel, particularly local press.

Main findings: Form of a Scheme

Responsibility for Licence (Q5): Views were split as to whether there are any circumstances where an employer besides the occupier of the premises should be responsible for the charges imposed through a WPL scheme. Key circumstances cited by respondents were in relation to multi-occupancy office buildings and for businesses that lease parking spaces from a third party.

Reviews and Appeals of Licencing Decisions (Q6): There was support for the rationale and process for a local authority's review of licensing decisions to be wholly set out by the local authority, with some comments that robust processes are already in place. However, there were requests for clear and consistent national guidance that offers flexibility for local considerations to be taken into account. The importance of having a scheme that is open, objective and wholly transparent was highlighted by respondents.

When asked to consider the **circumstances / rationale which would be reasonable for review or appeal of licensing decisions to take place** (Q7), some responses were not directly relevant to the question asked and were more likely to be relevant to examination context rather than appeals of licensing. Key reasons cited by respondents were in instances where there is a lack of credible public transport options or links as an alternative to travel to work; or where there is evidence of a local authority failing to comply with the scheme in some way.

Main Findings: Enforcement

Penalty charges (Q8): There was majority agreement with the approach to penalty charges as outlined under the 'Penalty Charges' section. Key reasons for this were that this is a similar approach to parking enforcement and should be replicated; or that penalties are a standard component of other parking levy schemes and are effective.

However, some local authorities and regional transport providers felt the approach should follow processes for other licencing matters as WPLs are not similar to

parking enforcement; and penalties in relation to these schemes are not parking-related offences but penalties for non-compliance.

A majority of respondents felt there should not be additional grounds for review or appeal of penalty charges besides those listed under the 'Penalty Charges' section (Q9), with comments that the grounds laid out for review or appeal of penalty charges are sufficient, comprehensive, appropriate and reasonable; and similar to other statutory processes or consistent with approaches used for other licensing schemes. A small number of respondents outlined additional grounds for review.

When asked to consider their preference for the approach to the amount of the penalty charge (Q10), **more respondents supported 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**; than supported the amount of the penalty change being determined entirely by local authorities.

Support for the payment to be set in regulations was based on this being a fair approach, offering consistency across Scotland; additionally, that this mirrors other current fixed penalty schemes such as speeding offences or parking fines, although most respondents provided no indication of what the penalty charge formula should be.

Support for the amount of the penalty change being determined entirely by local authorities was based on the need for local authorities to have flexibility to take account of their own circumstances. That said, there were requests for national guidance to support local authorities.

Main Findings: Accounts

A majority of respondents supported the approach outlined in this section (Q11) and a large majority disagreed that any further regulation on accounts is required (Q12). Respondents felt the proposals are sufficient to ensure accountability and transparency, that the approach is reasonable and proportionate, in line with bus lane enforcement legislation and that the approach follows normal accounting processes. For the individuals who wanted to see further regulation on accounts, key issues were a desire for more guidance as to how funds raised would be spent and a need to ensure transparency.

Main findings: Assessing Impact

Equality impact assessment and Fairer Scotland duty (Q13): When asked to say what positive or negative impacts the WPL proposals outlined in the consultation would have on particular groups of people, many comments focused on negative, rather than positive, impacts; many comments focused on the impact of WPL schemes rather than the impact of regulations. **The key negative impact outlined by respondents was the perceived financial costs to stakeholders**, along with concerns that some individuals need a car to be able to do their job and there are often no alternative modes of travel that are available.

There were some comments that benefits and drawbacks would be dependent on decision-making and / or the results of impact assessments at a local level, for example, on exemptions.

In terms of the impact of WPL schemes on specific groups of people, many comments focused on disabled people or people facing socio-economic disadvantage. In reference to geography, respondents focused more on negative impacts on rural areas in general, rather than on island communities specifically; however a rural benefit was hypothesised from improved public transport

Business and Regulation (Q14): A large majority of those commenting noted concerns that WPL schemes were likely to increase costs and burdens across all types of business, with some concerns that costs would fall disproportionately on smaller businesses. A large number of respondents focused on possible negative actions that might be taken by businesses in response to the implementation of WPL schemes; these included the passing on of costs to employees, the displacement of parking spaces to other areas or relocation of the business (and thereby loss to the local economy). Benefits attributed to WPL schemes tended to focus on general areas such as more reliable and better public transport systems, less congestion, safer travel and behaviour change to more active or sustainable travel.

Data Protection Impact Assessment (Q15): A significant number of respondents felt the WPL proposals would have no impact or very little impact on the personal data and privacy of individuals, with some noting that existing privacy legislation already offers adequate protection. Concerns that employers may require data from employees if they are passing the costs onto their staff were noted, and there were a few comments on distrust of local authorities and their ability to handle personal data.

Environment (Q16): A majority of respondents felt the WPL proposals would introduce positive impacts for the environment; this was largely attributed to a reduction in car use, reduced congestion and improved offerings and increased use of public transport and sustainable and active travel modes. However, a large minority of respondents felt that in order to bring about these benefits, there is a **need to direct monies raised by the WPL schemes towards improved public transport and active and sustainable travel options**. Some respondents focused on positive impacts to the climate, for example, reductions in carbon emissions and improvements in air quality.

Among the minority of respondents who foresaw no positive impacts, there was a focus on a lack of alternative transport options available and the potential for car congestion because of displacement parking issues within neighbourhoods close to businesses.

Additional comments (Q17): Most comments made at this question reiterated points made at previous questions. Some respondents noted their antipathy towards WPL schemes, and some felt that WPL plans have been superseded by the pandemic and associated shifts to home working or more flexible working patterns. There was also a perception from some that with an increase in the use of electric cars, there is no need to introduce WPL schemes. Concerns over WPL schemes impacting disproportionately on different groups of people and the costs to

businesses were also mentioned. There were also suggestions for specific exemptions.

Among those who were positive about WPL schemes, there were calls for these to be rolled out without delay and reiterations of the benefits to the environment.

Introduction

Background

The passing of the Transport (Scotland) Act 2019 included a discretionary power for local authorities to set up workplace parking licensing (WPL) schemes. Supporting regulations and guidance are needed to provide national consistency on key elements of any schemes, although there will be flexibility for local authorities to reflect their own circumstances.

Money raised by WPL schemes must be committed to support policies in local transport strategies, so that the revenue can be used to improve public or active transport. Where a workplace parking scheme is in place, employers will be required to obtain a licence from the local authority for each parking place provided for use by employees and certain visitors such as workers, agents, suppliers, business customers and business visitors.

Parking places occupied by someone attending an educational or training course or parking places occupied by members of bodies whose affairs are controlled by its members may also require to be licensed under WPL. A charge will be levied for such a licence on the basis of the number of parking spaces specified in the licence. Obtaining a WPL licence and paying any levies will be the responsibility of the occupier of the premises. Individual employees or business visitors would not be liable for the licence or charge, although individual employers may choose to charge employees or visitors a fee to park on their premises.

The Transport (Scotland) Act provides for certain national exemptions from any charge, although these workplace parking places may still be required to be licenced. These exemptions are parking places reserved for Blue Badge holders, certain parking places at qualifying NHS premises, and parking places at hospices.

Parking places used by non-business customers, for example, supermarket customers, would not be liable for the charge.

Local authorities could design WPL schemes that only apply to certain parts of their boundary or at certain times of day. They will have discretion to extend exemptions that support their local objectives and circumstances. Two or more local authorities could choose to jointly implement a WPL scheme.

The consultation

On 11 June 2021, Transport Scotland published a consultation on '*Workplace Parking Licensing (WPL) Regulations and Guidance*' in order to gather stakeholder and public views on the regulatory framework and supporting guidance which will underpin local authorities' WPL schemes, if they choose to implement WPL. The consultation closed on 6 September 2021, and was open for 12 weeks.

The consultation contained 24 questions, all of which offered respondents the opportunity to provide comments on specific issues relating to the regulations and guidance which will provide a framework for local authorities implementing a WPL scheme.

Respondent profile

In total, there were 62 responses to the consultation, of which 37 were from organisations and 25 from individuals.

Respondents were assigned to respondent groupings in order to enable analysis of any differences or commonalities across or within the various different types of organisations and individuals that responded.

A list of all those organisations that submitted a response to the consultation is included in Appendix 1.

As the following table shows, the highest number of organisation responses was from businesses / employers (10), followed by local authorities (8), third sector / sustainable transport (6) and trade unions (4).

| Respondent Group | Number |
|--|-----------|
| Business / employer (10) | 10 |
| Equalities (3) | 3 |
| Local authority (8) | 8 |
| Public sector (1) | 1 |
| Regional Transport Partnership (3) | 3 |
| Third sector / sustainable transport (6) | 6 |
| Trade Union (4) | 4 |
| Other (2) | 2 |
| Total organisations (37) | 37 |
| Individuals (25) | 25 |
| Total | 62 |

Table 2: Respondent profile

Methodology

Responses to the consultation were submitted using the Scottish Government consultation platform Citizen Space or by email. Three respondents submitted a response which did not answer the specific questions; these responses have been analysed and incorporated into the report at the relevant sections.

It should be borne in mind that the number responding at each question is not always the same as the number presented in the respondent group table. This is because not all respondents addressed all questions. This report indicates the number of respondents who commented at each question.

Some of the consultation questions were composed of closed tick-boxes with specific options to choose from. Where respondents did not follow the questions but

mentioned clearly within their text that they supported one of the options, these have been included in the relevant counts.

The researchers examined all comments made by respondents and noted the range of issues mentioned in responses, including reasons for opinions, specific examples or explanations, alternative suggestions or other comments. This included reviewing comments that were both within and out with the scope of the consultation; all comments have been included in this report.

Grouping issues together into similar themes allowed the researchers to identify whether any particular theme was specific to any particular respondent group or groups. Where any specific sub-group(s) held a particular viewpoint, this is commented on at each relevant question. There are some instances where, a few respondents appear to have misunderstood the question being asked, acknowledging that this is a technical consultation, although their responses have been included in the analysis.

When considering group differences however, it must also be recognised that where a specific opinion has been identified in relation to a particular group or groups, this does not indicate that other groups did not share this opinion, but rather that they simply did not comment on that particular point.

While the consultation gave all who wished to comment an opportunity to do so, given the self-selecting nature of this type of exercise, and the relatively small number of respondents, any figures quoted here cannot be extrapolated to a wider population out with the respondent sample.

Creating a new scheme

A WPL scheme can only be introduced if a local authority has a local transport strategy and the scheme will support the objectives of that strategy.

Consultation and Impact Assessment

The consultation paper noted that before implementing a WPL scheme, local authorities must complete a consultation. Ministers may make regulations on the consultation process including publication of proposals. Local authorities are required to complete a consultation providing details of the proposed scheme, along with a statement about the objectives of the proposal and an assessment of the impacts on those who will have to pay charges and the impact on the environment. Having outlined various elements that local authorities are required to publish, the first consultation question asked:

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

The following table profiles the responses to this question and shows that, of those who answered this question, over half felt there were other elements to be considered. Sixteen of 37 organisations said yes, there were other elements to consider; 13 said no. Twenty-nine individuals said yes, there were other elements to consider; 20 said no.

| Respondent Group | Yes | No | No response |
|--|-----------|-----------|-------------|
| Business / employer (10) | 7 | 2 | 1 |
| Equalities (3) | 3 | - | - |
| Local authority (8) | - | 8 | - |
| Public sector (1) | - | - | 1 |
| Regional Transport Partnership (3) | 1 | 1 | 1 |
| Third sector / sustainable transport (6) | 2 | 2 | 2 |
| Trade Union (4) | 1 | - | 3 |
| Other (2) | 2 | - | - |
| Total organisations (37) | 16 | 13 | 8 |
| Individuals (25) | 13 | 7 | 5 |
| Total (62) | 29 | 20 | 13 |

Table 3: Whether there are any other elements of WPC schemes that local authorities should be required to consult on, beside those listed under the 'Consultation and Impact Assessment' section

A total of 36 respondents opted to provide additional commentary in support of their answer. Only a small number of respondents highlighted **other elements of WPL that local authorities should be required to consult on**; and these included:

- To consult on the impact on low paid workers and provide proposals to mitigate against any negative impacts.
- To consult on what alternatives are available and the provision of, and access to, sustainable transport or public transport. A small number of respondents felt a WPL scheme would impact disproportionately upon individuals who live in outlying areas where there are few or no public transport links.
- The impact of costs of a WPL scheme on businesses.
- Potential exemptions to the scheme.

One respondent suggested there should be a pre-engagement stage to the consultation, with a wide range of different stakeholder groups.

A few respondents made suggestions as to **who should be consulted** by the local authority and these included the general public, businesses, employees, local active travel groups and regional transport partnerships. Further discussion of who should be consulted is under Question 2.

Some respondents focused on **other impact assessments that should be undertaken** and these included:

- The impact on lower paid workers (and whether they should be exempted).
- Impacts on other vulnerable road users.
- The economic impact should include the impact on shift patterns if staff cannot travel by public transport as this would impact on loss of income to employees and loss of revenue to a business; also to give consideration to employees who commute from one local authority to another.
- The economic impact on business investment.
- Equality Impact Assessment (EqIA) to safeguard against discrimination.
- How this would impact on car parks shared by multiple employers.

There were also requests for a **local authority to publish a detailed business case for introducing a WPL scheme** or for any impact studies undertaken to be part of the consultation and for a local authority to have to demonstrate they have responded to any issues raised.

A **lack of available public transport** was referred to by a few respondents, some of whom noted that some employees may need to use a car to travel to work or to carry out their job, with one individual suggesting that if a car is required for an individual to be able to carry out their job, this should be a key factor in deciding if a scheme is appropriate. An organisation in the Business / Employer category noted the need to be able to offer access to alternative forms of travel.

Linked to this point, a few respondents made suggestions for exemptions that should be applied by a local authority. These included:

- Charities.
- Volunteers.
- Users of hybrid / electric vehicles.

- Non-statutory providers of out-of-hours emergency support.
- Businesses employing staff on shifts out with core working hours.
- Businesses not served adequately by public transport.

A few respondents noted that WPLs should not be considered in isolation and that they should include information on what other measures will be undertaken to promote sustainable travel as well as providing information on how the transport improvements it funds will conform with its Regional Transport Strategy or how the scheme will align with the local authority's wider traffic reduction strategies. As such, there was a suggestion from one business / employer organisation of a need to consult on alternative measures designed to promote sustainable travel. A small number of respondents also referred to environmental benefits that can be achieved in other ways such as the introduction of Low Emission Zones, or for the consideration of non-punitive measures that do not increase costs but reduce employees' reliance on cars.

A small number of respondents commented on a need for clarity in terms of a precise definition of working parking spaces or the definition of 'worker' or workplace.

Other issues raised by one or two respondents included:

- How finances raised by WPL schemes will be used to fund active travel improvements; local authorities should be obliged to use monies raised by a WPL scheme in alternative travel opportunities.
- Concerns that WPL schemes could cause damage to city centre businesses, particularly those that are still recovering from Covid-19.
- The Regional Transport Strategy should be used to implement a WPL scheme as this is a statutory document.
- There needs to be some level of enforcement if a WPL scheme is introduced.
- Antipathy to WPL schemes.

Respondents who felt there were no other elements of WPL schemes that local authorities should be required to consult on, other than those listed, were mostly local authorities.

Consultees

The consultation paper noted that local authorities are required to consult appropriate persons in relation to the proposal, including those who are likely to be affected by the proposal. Regulations may specify statutory consultees; i.e. an organisation or body which the local authority is legally required to consult. The next question asked:

Question 2: 'Should the regulations specify a list of statutory consultees that local authorities are required to consult? If yes, please details what statutory consultees and why'

The following table profiles the responses to this question and shows that, of those who answered this question, most felt the regulations should specify a list of

statutory consultees that local authorities are required to consult. Twenty-six of 37 organisations said yes; four said no. Fifteen individuals said yes; five said no.

| Respondent Group | Yes | No | No response |
|--|-----------|----------|-------------|
| Business / employer (10) | 9 | 1 | - |
| Equalities (3) | 3 | - | - |
| Local authority (8) | 6 | 2 | - |
| Public sector (1) | - | - | 1 |
| Regional Transport Partnership (3) | 2 | - | 1 |
| Third sector / sustainable transport (6) | 3 | 1 | 2 |
| Trade Union (4) | 1 | - | 3 |
| Other (2) | 2 | - | - |
| Total organisations (37) | 26 | 4 | 7 |
| Individuals (25) | 15 | 5 | 5 |
| Total (62) | 41 | 9 | 12 |

Table 4: Whether the regulations should specify a list of statutory consultees that local authorities are required to consult

A total of 46 respondents opted to provide commentary in response to this question; some making general comments on statutory consultees, and some specifying types of individual or organisation that should be included in a list of statutory consultees.

The need for a **consistent approach across Scotland** was highlighted by a few respondents – primarily local authorities and business / employers; and an organisation in the third sector / sustainable transport sub-group noted the importance of having a list of statutory consultees to ensure the correct stakeholders are consulted and that all potential options can be considered.

A few respondents suggested having a **list of statutory consultees similar to that for Traffic Regulation Orders (TROs) or Low Emission Zones (LEZs)**. However, an organisation in the third sector / sustainable transport sub-group suggested any list should be limited to those who are statutory consultees for equivalent consultations such as Mobility Plans.

The **need for flexibility** was highlighted by a relatively small number of local authorities, with comments of a need to choose relevant consultees or to allow for appropriate robust local consultation; and a business / employer suggested offering a capacity to increase the list if required, and having an open consultation running alongside.

As already noted, a wide range of individuals and organisations were cited by respondents as needing to be included in a list of statutory consultees. **The types of organisation most frequently mentioned** by respondents were **organisations representing business interests** (such as Chambers of Commerce or other trade bodies such as the Federation of Small Businesses); all **businesses that would be**

subject to a charge; transport providers; transport user groups (including sustainable travel), **trade unions** and **employees**. Other mentions included:

- Transport authorities / Regional Transport Partnerships (so that any schemes introduced will fit with, and promote policies, in Regional Transport Strategies).
- Neighbouring local authorities.
- Local economic forums.
- Community councils.
- Residents living in the area.
- Local car clubs.
- Third sector agencies / charities and representative groups of individuals with protected characteristics.
- Environmental organisations.
- Public bodies.
- Universities and colleges.

Many respondents did not offer much by way of reasons as to why these organisations or individuals should be included in a list of statutory consultees. Of those who did, a key reason related to a **lack of available public transport** and the **need to ensure that alternative forms of travel are made available**, particularly for people living and working out with city centres, before a scheme is introduced. As noted by a trade union;

“[...] believes that hard to reach, typically out of town, workplaces such as distribution centres, out of town retail parks and food manufacturing sites, will be most affected by the introduction of WPL schemes. These workplaces already experience significant challenges recruiting workers who find it difficult to travel to work. Employers will frequently and deliberately set up these locations away from population hubs in areas which are close to motorway links. This enables easy transportation of goods and reduces journey times for goods vehicles. The downside of this is that workers find it difficult to get to work, especially as there are rarely direct public transport services to sites. As such, workers are commonly required to drive to get to work. This must be taken into account as part of any WPL proposal. Whilst office workers may well have an opportunity to work from home more often in light of the impact of the Coronavirus crisis, low paid workers on production lines and in distribution centres will not. These are also workers who have been classified as key workers throughout the Coronavirus crisis. [...] is deeply concerned that workers in these typically low paying industries will be forced out of their jobs if employers decide to pass on the cost of WPL schemes.”

Other issues raised by respondents included the need to ascertain the impact of a scheme and to consider mitigating actions such as increased access to public or sustainable transport. There were a few comments that smaller businesses and third sector organisations would have to bear the costs disproportionately.

Implementing the Scheme

Following the consultation, the local authority must publish a report summarising consultation responses, stating whether the local authority will proceed with the proposal – or a modified proposal – and set out their reasons for this. Regulations may set out requirements for publication of this report.

Under the Transport (Scotland) Act, a stand still period of eight weeks will begin when the consultation report is published, and during that time the local authority cannot put their proposal in place.

The local authority or Scottish Ministers may appoint an examiner to carry out an examination of, and prepare a report on, the proposal or any aspect of it. Regulations will make further provision on the examination process; the local authority may not proceed with the proposal until the examination has been completed.

Following the stand still period or when an examination is completed, local authorities may proceed with the decision to make, amend or revoke a WPL scheme. They will be required to publish notices on the scheme and its effects so that liable employers are aware of their responsibilities. Regulations under the 2019 Act may make provision about the publication of notices, and are intended to add clarity for local authorities in order to reduce procedural challenges.

The next question asked,

Question 3: 'When local authorities communicate information about new, amended, or revoked WPL schemes, what information should the notices contain?'

Forty-two respondents provided an answer to this question, and a number of key types of information were identified. Some respondents referred to the need to provide key scheme details rather than specifying what these details should be; or wanted information similar to what is provided at the consultation stage. However, most respondents referred to the required information in relation to when a new scheme is introduced. This information was as follows:

- Information on the **reasons for introducing** a scheme.
- **The area** covered by the WPL scheme, with some respondents requesting maps of the area and / or maps of affected parking spaces.
- **Timelines** were cited by respondents across all sub-groups, primarily in relation to the time period for which the WPL scheme will be in force. There were also a small number of mentions of the implementation date.
- **Revenue streams:** most comments that referred to revenue related to the need for information on the projects which would be funded by the revenue generated by the WPL scheme; although there were a small number of mentions of the expected revenue generation, so that comparisons could be made pre-and-post establishment of the scheme. There were also some calls for information on the anticipated benefits, how these would be achieved and information on how they fit with the policies outlined in the local transport strategy.

- There were a number of requests for information on **charges**, primarily in relation to what the charge would be. However, there were also some requests for information on how these charges would be calculated and also regarding who would be liable to pay the charges.
- **Exemptions** were cited by a number of respondents across all sub-groups, with some of these respondents asking for information on national exemptions which would be applied across all WPL schemes, as well as information on local exemptions introduced by the local authority. There were a very small number of requests for information on any discounts that might be available.
- There were a number of requests for information relating to the **administration and management of any WPL scheme**. These focused on the complaints and appeals procedures in place, procedures for reviewing and monitoring the effectiveness of the scheme; and the procedures for non-compliance and penalties to be applied.
- A few respondents focused on the need for **data to be collected**; for example, on the number of jobs which might be lost or the number of businesses likely to move to another area or estimated changes in road use.

A few respondents referred to amended or revoked WPL schemes and the key information needs related to reasons behind any changes or revocation, along with a summary of any changes. A small number of respondents felt that if a scheme is to be amended significantly, the local authority should provide impact assessments; references were made to impact assessments on those who will have to pay the charge and the impact on the environment.

Other issues raised by small numbers of respondents included:

- The process should be similar to other statutory notices for planning and traffic notices.
- There will be a need for wider publicity.
- Suggestions for Transport Scotland to host a website linking into all WPL schemes (similar to LEZs).
- Local authorities should have to notify each business that may be affected by a scheme as well as providing business support during the consultation and implementation period.
- Concerns over a lack of adequate time for employers to be able to plan and budget for the scheme and put provisions in place; also for employees to be able to identify alternative means of travel to work.

Respondents were then asked,

Question 4: When local authorities communicate information about new, amended or revoked WPL schemes, where / how should notices be published?

A total of 42 respondents provided a response to this question, with a number of these respondents referring to **online** approaches in some way. **Local authority websites** were cited by a significant minority of respondents, and a small number referred to 'online' approaches in general, noting this provides sufficient coverage

and means there is no paper waste or associated costs. Two local authorities referred to the tellmescotland.gov.uk website; and a small number also referred to something akin to the planning portal currently used by local authorities, or the local authority online consultation hub. **Social media** was also referred to by a number of respondents as a key information source.

While online approaches were deemed to be important, some respondents referred to the need to **communicate directly with all affected businesses** and various approaches were outlined, including in writing, by email and business engagement meetings. A number of respondents – mostly in the business / employer sub-group referred to the potential to provide notices in **communications about business rates**. There were also a small number of references to the use of **business networks** such as Chambers of Commerce. Allied to this, there were a small number of comments of a need to communicate **directly with all affected employees or via employee forums**.

Local media was also perceived to be a useful information channel, with most references to local press; there were also some comments that other local media such as television or radio could be utilised.

Other forms of information channel cited by respondents included:

- Via local stakeholders, strategic partnerships and partner organisations who could share information with their members and networks (cited by local authorities).
- Community engagement meetings.
- Physical signposting in the affected area, for example, roadside messaging.

There were a few comments on using existing platforms and comparable processes so as to avoid additional administration and costs to local authorities. Suggestions for these processes included those followed for TROs, LEZs and other council notices. This issue was raised primarily by local authorities themselves.

Finally, in response to this question, there were a small number of comments on the need to ensure that all communication is inclusive, clear and accessible to all, using a range of formats so as to meet varying needs.

Form of a Scheme

The consultation paper noted that local authorities will be able to design schemes that support the objectives of their local transport strategy. Local authorities will have discretion to make local exemptions that support their local objectives and circumstances, but do not have to do so.

Responsibility for Licence

The consultation paper noted that under the Transport (Scotland) Act 2019, the occupier of the premises providing the parking places will be responsible for acquiring and paying for the licence, although there may be instances where it would be appropriate to levy WPL charges against employers who provide workplace parking at premises but who do not occupy those premises

WPL cannot be charged directly to individual employees and it is up to the occupier of the premises if they recover the charge from employees or any other person.

Further regulations may specify persons other than the occupier to be liable for the charge in specified circumstances. For example, it may be appropriate that in circumstances where the occupier of any premises has entered into arrangements with an employer for the provision of parking places, the employer would be liable for WPL charges rather than the occupier, as long as satisfactory evidence of this arrangement is provided by the occupier.

Respondents were asked,

Question 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? If yes, please describe the circumstances and entities who should be liable.'

As demonstrated in Table 5, views were split across most sub-groups as to whether there are any circumstances where an employer besides the occupier of the premises should be responsible for the charges imposed through a WPL scheme. Across all organisations, views were split, with similar numbers answering 'yes' as answered 'no'.

| Respondent Group | Yes | No | No response |
|--|-----------|-----------|-------------|
| Business / employer (10) | 4 | 4 | 2 |
| Equalities (3) | 1 | 1 | 1 |
| Local authority (8) | 3 | 5 | - |
| Public sector (1) | - | - | 1 |
| Regional Transport Partnership (3) | 1 | 1 | 1 |
| Third sector / sustainable transport (6) | 2 | - | 4 |
| Trade Union (4) | - | - | 4 |
| Other (2) | - | 1 | 1 |
| Total organisations (37) | 11 | 12 | 14 |
| Individuals (25) | 7 | 11 | 7 |
| Total (62) | 18 | 23 | 21 |

Table 5: Whether there are any circumstances where an employer besides the occupier of the premises should be responsible for the charges imposed through a WPL scheme

A total of 24 respondents provided further commentary in support of their initial response to this question. **Multi-occupancy office buildings** were cited by a few respondents, with one local authority pointing out the need to consider situations where facilities management companies manage large buildings with multiple occupants. An equalities organisation also noted that some parking spaces may be used by different staff at different times of the day or week and that this would need to be taken into consideration when deciding who should be liable to pay for a WPL scheme.

The other circumstance most cited by respondents, was for **businesses that lease parking spaces from a third party**, with comments that the business leasing the parking spaces should be liable rather than the owner of the parking spaces. However, a Regional Transport Partnership and two local authorities suggested that liability to pay for the WPL scheme should be linked to the occupier of premises.

Other circumstances mentioned by very small numbers of respondents included:

- Short-term leased properties.
- Public car park operators who directly contract spaces out to businesses or employees.
- Pop up businesses.
- Temporary commuters, for example, individuals working on building sites; one respondent noted a WPL had been applied in Nottingham for this type of worker.
- Instances where an employer has provided parking for employees at locations other than the designated workplace.

- Parking levies for any property which encourages travel by car; for example, retail parks or public events.

A small number of issues were raised by respondents, with a local authority noting that it could be difficult to identify who should have responsibility for payment of parking spaces in instances where private arrangements exist between an occupier and other employers to whom they have sub-let spaces. Another local authority noted the need for any scheme to be flexible enough to address sub-let parking.

Another query related to parking spaces that are unoccupied or unallocated, with a suggestion that liability would have to remain with the owner of the premises; with another respondent noting that employers would have to be liable in instances where they offer parking spaces on a first come, first served basis.

A small number of local authorities noted that the regulations need to be flexible and enable circumstances to be taken into account; while another noted that there needs to be a very clear definition of liability in the regulations and guidance.

Reviews and Appeals of Licencing Decisions

The consultation paper noted that a WPL scheme may include provision for or in connection with a number of different issues such as dealing with applications or granting, issuing and renewing licences. There is also an option to make provision for short-term licences.

The next question asked,

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

As demonstrated in table 6, there was support across most respondent sub-groups for the rationale and process for a local authority's review of licensing decisions to be wholly set out by the local authority (30 respondents agreed with this, compared to 13 who did not).

| Respondent Group | Yes | No | No response |
|--|-----------|-----------|-------------|
| Business / employer (10) | 7 | 1 | 2 |
| Equalities (3) | - | 2 | 1 |
| Local authority (8) | 4 | 4 | - |
| Public sector (1) | - | - | 1 |
| Regional Transport Partnership (3) | 2 | - | 1 |
| Third sector / sustainable transport (6) | 3 | - | 3 |
| Trade Union (4) | - | - | 4 |
| Other (2) | 1 | - | 1 |
| Total organisations (37) | 17 | 7 | 13 |
| Individuals (25) | 13 | 6 | 6 |
| Total (62) | 30 | 13 | 19 |

Table 6: Whether the rationale and process for a local authority's review of licensing decisions should be wholly set out by the local authority

A total of 28 respondents then provided further comment in support of their initial response to this question.

A few local authorities and Regional Transport Partnerships noted the importance of local authorities putting their own process into place, with some of these noting that there are already robust processes in place offering best practice.

That said, some respondents commented on a **need to ensure that any review of licensing decisions should be based on clear and consistent national guidance**, with a national recognised review process that offers flexibility to allow for local considerations to be taken into account. It was felt by some respondents that the Regulations and Guidance will help to ensure consistency across Scotland, for example, in providing specific grounds of appeal.

The importance of having a **scheme that is open, objective and wholly transparent** was highlighted by a few respondents. A small number of organisations in the equalities sub-group highlighted the need for a right to appeal where the local authority does not adjudicate.

Other comments made, each by small numbers of respondents, included:

- A need for an independent body to review licensing decisions or criteria to be set by an independent panel.
- Involvement of other types of organisation such as the business community or the wider community in order to achieve balanced decisions.
- Local authorities to provide a pre-licence clearance process to decide decisions in advance, for example, within multi-occupancy buildings so as to avoid inadvertent breaches of rules.

The next question asked,

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

Thirty-three respondents answered this question and a wide range of circumstances / rationale was cited as being reasonable for review of appeal of licensing decisions.

A key reason cited by respondents was in instances where there is evidence of a **local authority failing to comply with the scheme** in some way, for example, if they have exercised their discretion unreasonably, acted beyond their powers, have a dispute over the number of spaces or queries over exemptions. Another key theme – although not directly relevant to this question – was in instances where there is a **lack of credible public transport options or links** as an alternative for travel to work; while most respondents simply referred to a lack of public transport links, a couple referred specifically to outlying areas or a lack of available public transport to meet business needs.

Other situations where it was felt it was reasonable for review of appeal of licensing decisions to take place included:

- Not-for-profit organisations needing spaces or where there are workers with disability or mobility issues.
- For hybrid or electric cars.
- Unintended negative consequences on a business such as having to move locations or unintended negative impacts on individuals with protected characteristics or socio-economic inequalities.
- Where a WPL scheme has failed to meet its objectives or transport strategy objectives; for example, the environmental benefits set out by a WPL.
- Where there is a material change in circumstances since the original application.
- Change of use of a site / redevelopment of a site.
- If there is a negative impact on the local economy or local services.
- If there are safety concerns over employees travelling to work.
- If an EqlA has not been undertaken.

There were also some reiterations of a need to ensure there is a policy on the circumstances for a review or appeal aligned to the processes already in place for similar activities. Additionally, there were a small number of requests for regular reviews to ensure that any WPL scheme is operating in a fair and robust way. A local authority noted that grounds for appeal need to be very clear in legislation and guidance.

Enforcement

The consultation paper noted that the Transport (Scotland) Act provides powers for local authorities to support enforcement of WPL schemes. These powers can only be used in establishing whether parking places are being provided either without a licence or without a licence in respect of all liable parking spaces, establishing whether there is any contravention of the conditions of a licence or serving a penalty charge notice in relation to the WPL scheme. Failure to comply with or obstructing an authorised person constitutes an offence. Further details on enforcement of WPL schemes will be laid out in regulations, including details around penalty charges. Regulations will specify devices which may be used to gather evidence.

Penalty Charges

It is intended that regulations will specify a process around penalty charges, including provision for review and appeal of charges. This would be in line with similar penalty charges. It may be appropriate to seek a review of the penalty charge notice by the local authority within the payment period, under certain circumstances. Where a local authority accepts that at least one of the grounds for review has been met, they must cancel the PCN and serve a notice to let the recipient know this has been cancelled. Where it has not been satisfied that any of the grounds have been met, a notice of rejection must be served. If the review is rejected by the relevant local authority, the recipient may appeal to the First-Tier Tribunal, on the same grounds as those for a review, with the appeal process either dismissing or allowing the appeal.

The next question asked:

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

As demonstrated in table 7, there was agreement across most respondent sub-groups with the approach to penalty charges as outlined under the 'Penalty Charges' section of the consultation paper. Overall, 27 respondents agreed and 14 disagreed with this proposal.

| Respondent Group | Yes | No | No response |
|--|-----------|-----------|-------------|
| Business / employer (10) | 4 | 2 | 4 |
| Equalities (3) | - | 2 | 1 |
| Local authority (8) | 4 | 4 | - |
| Public sector (1) | - | - | 1 |
| Regional Transport Partnership (3) | 2 | - | 1 |
| Third sector / sustainable transport (6) | 3 | - | 3 |
| Trade Union (4) | - | - | 4 |
| Other (2) | 1 | - | 1 |
| Total organisations (37) | 14 | 8 | 15 |
| Individuals (25) | 13 | 6 | 6 |
| Total (62) | 27 | 14 | 21 |

Table 7: Agreement with the approach to penalty charges as outlined under 'Penalty Charges' section

A total of 29 respondents provided further commentary to explain their reasoning for this initial response to this question, although most comments were made by only very small numbers of respondents.

A few respondents commented that this is a similar approach to parking enforcement in general and supported its replication, or that penalties are a standard component of other parking levy schemes and are effective.

That said, a few respondents – local authorities and Regional Transport Partnerships – noted that the approach should follow processes for other licencing matters as it is not similar to parking enforcement; rather that there would be a need to clarify who would issue PCNs as this type of offence is not a parking-related offence but a penalty for non-compliance. A local authority said:

“This approach could cause confusion with other parking contraventions where Penalty Charge Notices (PCNs) are issued and consideration should be given to a different name for any penalty applied under Workplace Parking Licensing to avoid such confusion. It is unlikely that existing front line parking enforcement teams will be carrying out the enforcement on Workplace Place Licensing schemes and therefore consideration should be given to how any contraventions are enforced and who is responsible for this enforcement.

Likewise for the operation of payment and back office for any such penalty could become confused and difficult. Workplace Parking Licensing enforcement should follow processes for other licensing matters and not be seen as similar to on or off street car parking enforcement as it is unlikely that enforcement action will be taken on employees using car parks but on the employers who provide the car parks.”

As such, these respondents felt there is a need to consider how to enforce WPL schemes and who would be responsible for their enforcement.

Other issues or comments included:

- Local authorities should provide a pre-licence clearance process so that situations open to argument could be decided upon in advance.
- Queries on how repeated breaches of licence would be dealt with and the resources needed to enforce regulations.
- Any penalty charge should be paid by the employer rather than an employee.
- Penalty charges should be well above the set rate of a Penalty Charge Notice PCN.
- Enforcement should be the responsibility of local authorities and not contracted out to private parking organisations.
- The objective of a WPL should be to reduce carbon footprint and work towards net zero, so penalties should not be imposed on employers with electric car charging points or where employees can provide evidence of driving a low emission vehicle.

Having ascertained respondent views' on the approach to penalty charges, respondents were asked:

Question 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?'

As demonstrated in table 8, a majority of organisations and individuals felt there should not be additional grounds for review or appeal of penalty charges besides those listed under the 'Penalty Charges' section of the consultation paper (14 agreed and 27 disagreed).

| Respondent Group | Yes | No | No response |
|--|-----------|-----------|-------------|
| Business / employer (10) | 2 | 4 | 4 |
| Equalities (3) | 2 | - | 1 |
| Local authority (8) | 1 | 7 | - |
| Public sector (1) | - | - | 1 |
| Regional Transport Partnership (3) | 1 | 1 | 1 |
| Third sector / sustainable transport (6) | - | 3 | 3 |
| Trade Union (4) | - | - | 4 |
| Other (2) | 1 | - | 1 |
| Total organisations (37) | 7 | 15 | 15 |
| Individuals (25) | 7 | 12 | 6 |
| Total (62) | 14 | 27 | 21 |

Table 8: Whether there should be additional grounds for review or appeal of penalty charges besides those listed under the 'Penalty Charges' section?

The key comment arising in relation to this question was that the **grounds laid out for review or appeal of penalty charges are sufficient, comprehensive, appropriate, reasonable**; that this is similar to other statutory processes or consistent with approaches used for other licensing schemes.

A very small number of respondents felt that local authorities should have scope to apply discretion on a case-by-case basis. A very small number also felt that there may need to be some exceptional circumstances allowed for, or that unforeseen situations may need to be added to the list.

A small number of respondents outlined additional grounds for review, some of which may not be relevant for penalty charge reviews or appeals, and these included:

- In circumstances where there is evidence of no viable public transport links.
- In flexible multi-occupancy business premises where there is shared parking provision.
- If an employee is eligible for exemption, for example they have a blue badge.
- Parents of disabled children.
- Employees on minimum wage who cannot afford to use public transport.
- In circumstances where car charging points are available.
- Where an employee can provide evidence of using a low emission vehicle; an organisation in the business / employer sub-group noted that the objective of a WPL scheme should not be to reduce car kilometres but to reduce carbon footprint.

The amount of the penalty charge

The consultation paper noted that the amount of the penalty charge would not be set in regulations, as the penalty should be proportionate to the WPL charge set by local authorities. There are two possible approaches to the amount of the penalty charge: regulations could set a national formula for the penalty charge, based on the WPL charge set by the local authority; or, the amount of the penalty charge could be left entirely to local authorities to establish and consult on as part of the form of their scheme.

Respondents were then asked to consider the approach to the amount of the penalty charge and were asked:

Question 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 amount of the penalty charge to be determined entirely by local authorities?
- Please explain your answer, including what formula you consider appropriate, supporting your view with evidence where possible

As shown in table 9, there was a higher level of support for a formula for the penalty charge, including a reduction in payment within a certain timeframe or increase in response to delayed payment, to be set in regulations, than for the amount of the penalty charge to be determined entirely by local authorities (24 respondents thought there should be a formula; 15 thought they should be set by the Local Authority). The views of local authorities were split fairly evenly.

| Respondent Group | A formula for the penalty charge | Determined by local authorities | No response |
|--|----------------------------------|---------------------------------|-------------|
| Business / employer (10) | 3 | 2 | 5 |
| Equalities (3) | 2 | - | 1 |
| Local authority (8) | 4 | 3 | 1 |
| Public sector (1) | - | - | 1 |
| Regional Transport Partnership (3) | 2 | - | 1 |
| Third sector / sustainable transport (6) | 2 | 2 | 2 |
| Trade Union (4) | 1 | - | 3 |
| Other (2) | 1 | - | 1 |
| Total organisations (37) | 15 | 7 | 15 |
| Individuals (25) | 9 | 8 | 8 |
| Total (62) | 24 | 15 | 23 |

Table 9: Approach to the amount of the penalty charge considered more appropriate

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

Very few respondents commented on the formula they considered appropriate; suggestions made by respondents included:

- Proportionate with other decriminalised offences such as parking fines and bus lane infringements; or for other offences such as speeding or using a mobile phone while driving.
- A national standard formula.
- A formula, to minimise the potential for significant local resource allocations to resolving challenges and appeals on this issue at a local level; three times the yearly charge; or a percentage of the annual charge.
- Two or three levels of penalty charge, with each authority adopting the most effective level for their geographic situation and circumstances.
- Reduction for payment within a certain timeframe.

The two key reasons given in support of this option were that this is a **fair approach**; and that this would mean **consistency across Scotland**, with two organisations in the business / employers sub-group noting that there is a need for consistency across all local authorities, particularly to avoid confusion where one business might operate across multiple areas. A local authority felt this would minimise the potential for local resource allocations to the resolution of challenges and appeals at a local level; and a third sector / sustainable transport organisation that this would be less open to legal challenge.

There were a small number of suggestions as to how the system for penalty charges should operate:

- Suggestions for an increased charge for delayed payments so as to discourage late payment, as this will help to avoid significant burden on local authorities and retain scheme income for investment in public transport and active travel.
- Any penalty needs to be a deterrent so it should be a multiple of the annual fee (two or three times the amount was suggested). One respondent provided detailed information on the system introduced in Nottingham and suggested adopting an approach along similar lines.
- Incentives for early payment.
- Regular reviews.

The amount of the penalty charge be determined entirely by local authorities

The key reason for support of this option, albeit only cited by a few respondents, was that **local authorities need flexibility to be able to take account of their own local circumstances**. That said, there were also requests for national guidance to support local authorities. One respondent in the third sector / sustainable transport sector noted that setting a national formula is contradictory to the background notes provided with the consultation.

Other comments made by single respondents included:

- No reduction in penalty for early payment.
- Early payment should be rewarded.
- There should be an increase in the penalty charge if not paid within the allotted timescale.
- A need to ensure this does not impact negatively on businesses.
- There needs to be an escalating system including non-financial penalties for employers who pass the cost on by reducing employee pay.

As at the earlier questions, a few respondents noted their opposition to WPL schemes.

Accounts

The consultation paper noted that regulations may specify the form and content of accounts for revenue from WPL schemes, require their publication and specify the manner in which they must be published, or make provision for how accounts are to be prepared and kept in relation to joint schemes. It is intended that regulations will state accounts should be kept and published in line with proper accounting practices. Regulations will also state that in the case of joint WPL schemes by two or more local authorities, accounts should demonstrate each local authority's costs and how revenue is apportioned. The next question asked;

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

As table 10 shows, a large majority of respondents – three out of four who gave an answer at this question – agreed with the approach outlined in the 'Accounts' section. Of the 11 respondents who disagreed, almost all were individuals.

| Respondent Group | Yes | No | No response |
|--|-----------|-----------|-------------|
| Business / employer (10) | 4 | 1 | 5 |
| Equalities (3) | 2 | - | 1 |
| Local authority (8) | 7 | 1 | - |
| Public sector (1) | - | - | 1 |
| Regional Transport Partnership (3) | 2 | - | 1 |
| Third sector / sustainable transport (6) | 3 | - | 3 |
| Trade Union (4) | - | - | 4 |
| Other (2) | 1 | - | 1 |
| Total organisations (37) | 19 | 2 | 16 |
| Individuals (25) | 14 | 9 | 2 |
| Total (62) | 33 | 11 | 18 |

Table 10: Do you agree with the approach outlined under 'Accounts'?

Having ascertained respondent views' on the approach outlined in the consultation paper, respondents were also asked:

Question 12: 'Do you think further regulation on accounts is required?'

As table 11 shows, a large majority of respondents who gave an answer disagreed that further regulation on accounts was required (29 said no; 14 said yes). As above, most of those who disagreed were individuals.

| Respondent Group | Yes | No | No response |
|--|-----------|-----------|-------------|
| Business / employer (10) | 2 | 4 | 4 |
| Equalities (3) | - | 2 | 1 |
| Local authority (8) | 2 | 6 | - |
| Public sector (1) | - | - | 1 |
| Regional Transport Partnership (3) | - | 2 | 1 |
| Third sector / sustainable transport (6) | - | 2 | 4 |
| Trade Union (4) | - | - | 4 |
| Other (2) | - | 1 | 1 |
| Total organisations (37) | 4 | 17 | 16 |
| Individuals (25) | 10 | 12 | 3 |
| Total (62) | 14 | 29 | 19 |

Table 11: Do think further regulation on accounts is required?

A total of 21 respondents gave answers to the open-ended part of this question; however, about half of these replied 'no' to the first part of Q12 and decided to give their reasoning for this answer. Reasons given for the accounts proposals being considered adequate included the following:

- They are sufficient to ensure accountability / transparency.
- They are normal accounting practices and therefore sufficient.
- The approach is reasonable and proportionate.
- The approach is in line with bus lane enforcement legislation.
- Analysing accounts by scheme would require too many additional resources in terms of finance, IT and administration.

The main two themes specified by the relatively small number of respondents who wanted further regulation included a desire for **more guidance as to how funds raised would be spent**, and a desire to **ensure transparency**. Suggestions as to spending included the following:

- Specifying individual projects.
- Roads infrastructure.
- Specifying whether to invest in local areas only, or more strategically to support local authority objectives (e.g. complying with the Local Transport Strategy).
- Measuring the beneficial impact of spending.
- Specifying how much funding is going towards environmental schemes.

Various methods of ensuring transparency were suggested as follows:

- Publishing annual accounts.
- Specifying the form of the accounts within the regulations.
- Having a public register of income showing average revenue per space for all councils.

There were also a few general comments expressing a wish for the scheme to be scrapped.

Assessing Impact

It is intended the consultation will contribute into the process of assessing the equalities, business and regulatory, and environmental impact of WPL regulations and guidance proposals. Impact assessments on WPL schemes will be undertaken by local authorities. The consultation asked about the impact of regulations, but the vast majority of responses in this section were about the impact of schemes.

Equality impact assessment and Fairer Scotland duty

The public sector equality duty requires the Scottish Government to pay due regard to eliminating discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010; to advance equality opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a relevant protected characteristic.

The next question asked:

Question 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' listed above
- Children and young people
- People facing socioeconomic disadvantages
- People living in island communities?'

A total of 51 respondents made comments about the possible impacts of the WPL proposals on particular groups of people. Roughly the same number of respondents made comments about impacts generally as made comments ascribed to effects on a particular group or groups. The impacts respondents identified tended to be impacts of schemes rather than regulations, and will depend on how LAs (implement schemes. A large majority of the remarks gave voice to perceived negative impacts.

The largest number of respondents – roughly one in three – focused on the **perceived financial costs to all stakeholders**, including employees, employers, and customers; many pointed out that though ultimately these may be shared around, there is always somebody who will have to pay the necessary charges. Similar numbers espoused the negative impacts for those needing a car for work, because of working hours, work obligations and caring obligations – in the latter case particularly focusing on women, part timers and staff who cannot work remotely as being particularly vulnerable.

A significant minority chose to comment on problems concerning alternatives to car use, in particular **public transport**; it was mentioned that alternatives needed to be fit for purpose and various issues were raised including the following:

- Women's personal safety.
- Accessibility and reliability (particularly in rural areas).

- Availability for irregular working hours such as night shifts or shift work.
- Costs.
- Effects on mental health regarding Covid.

Other negative impacts, raised by a few respondents, and pertaining to some types of stakeholders who were not explicitly mentioned in the question, included the following:

- Disproportionate impact of costs on charities and volunteer workers.
- Potential displacement of parking from workplace areas causing negative effects on those living nearby.
- Parking in less well-lit areas resulting in safety issues, particularly for women.
- Employers potentially reducing their numbers of car parking spaces onsite, or converting more of them to disabled parking to avoid charges.
- Potential disproportionate effect on hybrid workers (i.e. those working from home at least some of the time), and part time workers in having to pay the full charge.

Significant numbers of respondents said that the benefits and drawbacks generally would be dependent on **decision-making and / or the results of impact assessments at a local level**; for instance it was hypothesised by a couple of respondents that smaller or more rural local authorities would not take up the WPL proposals due to any increased income being outweighed by the extra administration required. A few respondents noted that the pros and cons would depend on what categories might be exempted from WPL and that there was a need to work with employers on this; as one respondent explained:

“In Nottingham half of employers pass on the charge to their staff. It is up to employers how they administer this. For example, hospital trusts operate a staff pay sliding scale charge for a parking permit. Guidance could be given to employers to avoid people who are socioeconomically disadvantaged being impacted on disproportionately.” (Business / Employer)

A few respondents did foresee positive impacts generally, including reduced road congestion, better public transport, road safety benefits and health benefits (e.g. for those with heart or respiratory issues, due to cleaner air).

Roughly one in three respondents referred to people in ‘protected characteristics’ categories; almost of all these remarks specifically discussed **impacts on disabled people**. A few respondents noted that disabled people would or should be covered by WPL exemptions, but nevertheless larger numbers foresaw a variety of problems for this group as follows:

- Inability to use alternative modes of transport in cases where disabled people do not qualify for a blue badge (one equalities respondent noted that blue badge means-testing requirements had become more stringent).
- Disabled people no longer getting lifts from relatives or friends to work (as they were no longer using a car themselves).

- Increased pavement parking causing problems for wheelchair users.
- Questions as to whether sufficient disabled parking spaces would be available for use (otherwise disabled people would be forced to pay for WPL).
- A small number of respondents foresaw positive impacts for disabled people, namely easier movement and less congestion leading to safer streets.

Only a small number of comments were received about impacts on **children and young people**: these were mostly positive in term of less congestion leading to fewer public transport delays, and cleaner air. However, a few respondents made a connection to proportionately more young people doing lower paid work and who would suffer a disproportionate financial effect from the introduction of WPL.

A large minority commented on the impacts on **people facing socioeconomic disadvantages**; most of these foresaw this group as suffering disproportionately larger negative financial effects compared to the population at large; comments were made about the low paid suffering a large addition to their outgoings, and those in lower paid jobs usually having to do them at their place of work rather than remotely. A small number of respondents commented that in their view, people facing socioeconomic disadvantages had poorer transport alternatives than others in terms of public bus availability and limited night services.

One positive aspect for those facing socioeconomic disadvantages, stated by a few respondents, was less road congestion with hopefully new investment in public transport options, along with the associated benefits of safer streets, cleaner air, fewer accidents and health benefits.

Respondents mostly chose to comment about the **impacts of the WPL on rural areas generally**, rather than on island communities specifically. A significant minority highlighted their view that there are limitations in public transport options and links in these areas, resulting in cars being a necessity. Other comments made by very small numbers of respondents included a view that WPL would stop people working, moving or commuting to rural locations to work, and that there would be a disproportionate effect on rural communities because of their higher living costs. A couple of respondents thought there would be no impacts felt on islands as the WPL was only likely to be implemented in large population centres. A third sector / sustainable transport organisation however hypothesised that there would be a rural benefit from improved public transport.

Business and Regulation

The consultation paper noted that a Business and Regulatory Impact Assessment (BRIA) should analyse whether a policy (or in this case, regulations and guidance) is likely to increase or reduce the costs and burdens placed on businesses, the public sector and voluntary and community organisations. The next question asked:

Question 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?'

A total of 49 respondents chose to make comments at this question. A large majority of these said the WPL proposals were **likely to increase costs and burdens on**

businesses, an opinion common across all organisation sub-groups. However, relatively few respondents specified particular business sectors which they thought may be most affected.

Reasons for increased costs to businesses were given including the cost of the WPL licence, and the cost of collecting the charge from employees (if employers chose to pass on the charge). A small number of respondents suggested increased costs would fall disproportionately on smaller businesses, with a local authority citing a lack of correlation between parking space numbers and the revenue of a business as a factor. One business / employer respondent foresaw wholesale businesses and convenience store operators as being particularly vulnerable, due to low profit margins causing an inability to absorb extra costs incurred through operating cash-and-carry collection points. Manufacturing and logistics employers with substantial car parks, located in areas with limited or no sustainable travel options, were similarly specified as at risk by one local authority. Other single mentions of specific business sectors regarded as likely to be subject to increase costs included food and drinks producers, retail businesses and office-based businesses.

A large minority of respondents cited an **increased administration burden on businesses**; management time spent on an invoicing / payment scheme to recoup costs from employees, and reporting requirements were specified as sources of increased administration. A significant minority of respondents foresaw increased difficulties in employing people, due to limiting the potential pool of candidates available, the perceived setting of an artificial employee number barrier to businesses, and a reduced ability to invest in jobs. Reduced parking availability for customers was also cited as a problem for businesses.

Around half of respondents focussed on **possible actions which may be taken by businesses** in response to the WPL scheme's implementation. A large minority felt that businesses were likely to pass on costs to their employees, on whom the ultimate burden would fall. It was also suggested that businesses may remove parking spaces, which on the one hand may release space for productive purposes, but on the other hand displace parking problems to surrounding areas. Small numbers of respondents felt that businesses may react by either shifting away from office working or relocating entirely away from WPL zones.

Other negative impacts of the WPL scheme suggested were that it would add to Covid and Brexit-related disruption; a lack of public transport alternatives; and minimal benefits regarding environmental impacts.

A significant minority of respondents highlighted the following perceived benefits of the WPL scheme. Two respondents stated that the introduction of WPL might either have no effect on or reduce costs and burdens on businesses. A few respondents noted that long-term benefits to businesses might include healthier and / or more motivated staff, and making WPL areas more pleasant to visit. Other more general positive comments included the following:

- More reliable public transport and / or better public transport systems.
- Less congestion.
- Safer travel.

- Encouraging behaviour change in the forms of more active or sustainable travel.

Finally there were a small number of mentions citing the necessity of conducting impact studies to assess the impact on businesses prior to the scheme's introduction.

Data Protection Impact Assessment

Under the General Data Protection Regulations (GDPR), the Scottish Government must complete a Data Protection Impact Assessment (DPIA) for all projects involving personal data and privacy.

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

Thirty-four respondents chose to make comments at this question. Around half of these stated that the proposals would have **no impact or very little impact** on the personal data and privacy of individuals, mostly without further comment.

A significant minority thought that existing privacy legislation (such as GDPR and the requirement for privacy notices to be issued for setting out why there is a need for collecting data) should offer adequate protection in the same vein as it does within other licensing activities.

Similar numbers of respondents thought that there should be little or no impact on individuals' data, albeit with the caveat that acquiring or having responsibility for paying for a licence resides with employers or occupiers of premises rather than individuals. In connection with this, there were a few concerns that employers may require some data from employees in the scenario that they are passing WPL costs to employees.

A few respondents expressed distrust of local authorities and their ability to handle personal data correctly, should they require the licensing data of individuals. Others noted that local authorities should only need the overall number of vehicles licenced per premises, rather than the personal data of the individuals involved.

A small number of negative comments were made expressing doubts regarding the security and privacy of personal data generally, as well as general negative views about the WPL proposals.

Environment

The consultation paper noted that the Environmental Assessment (Scotland) Act 2005 ensures those public proposals that are likely to have a significant impact on the environment are assessed and measures to prevent or reduce adverse effects are sought, where possible, prior to implementation.

Question 16: 'Do you think the WPL proposals outlined in this consultation are likely to have an impact on the environment?'

This question received 50 responses. A majority foresaw at least some kinds of positive impacts on the environment, while a large minority thought there would be no positive impacts.

Amongst those discussing positive impacts, the highest numbers pointed to the WPL scheme helping to **reduce car use and dependency** thereby reducing traffic congestion. Smaller numbers observed that the scheme would encourage use of sustainable or public transport options, with slightly fewer thinking it would encourage uptake of various modes of active travel. In addition, a significant minority agreed that improvements to public, sustainable and shared transport options would be improved through the funding provided via the WPL scheme.

A large minority of respondents thought the aforementioned benefits would only occur if and when **monies from the scheme were directed towards improving active and sustainable travel options**; these respondents discussed the necessity of having viable alternatives to car use and taking public safety into account before gaining any environmental improvements. One respondent noted:

“On its own, Workplace Parking Licensing may not have an impact on the environment but schemes that are implemented in areas where there are genuine alternatives to car use may influence travel behaviour to more sustainable modes. The income raised can also support the development and support of transport measures that enable modal shift and tackle climate change.” (Local Authority)

Similar numbers of respondents mentioned the **positive impacts to the climate**, including helping to reduce carbon emissions, as well as improvements to air quality; a business / employer respondent pointed out an academic [evaluation](#) of Nottingham County Council’s WPL scheme as showing progress in the latter.

A few respondents noted other environmental benefits, as follows:

- Disproportionate benefits to urban or lower income areas (as these tend to suffer disproportionate pollution effects).
- Noise reduction.
- Freeing up land used for parking for more sustainable uses (e.g. green space development).
- Better surface water management.
- Other health benefits due to a better work / life balance being achieved.

A few respondents added the proviso that much depends on how well the WPL scheme is implemented and enforced, citing a need to take account of local conditions.

Among the large minority of respondents who foresaw no positive impacts from the WPL proposals, the largest number focused on a perceived **lack of alternative transport options to cars**, resulting in people still taking cars to work in the same numbers as before. Several respondents were of the opinion that car congestion issues may in fact be exacerbated owing to the need for employees to find parking near their work, leading to displacement parking issues on nearby roads and neighbourhoods.

A significant minority of respondents viewed the WPL proposals as being somewhat redundant from the point of view of positive environmental impacts, due to improved vehicle emissions as electric vehicles have gone into mainstream use, and less people traveling to workplaces as working practices have changed due to the Covid pandemic.

A few respondents reiterated general negative views about the WPL proposals, such as these being purely a money-raising scheme.

Finally, respondents were asked to provide any other comments.

Question 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 total of 43 respondents made other comments about the WPL proposals. Most of these reiterated points made at previous questions.

The majority of comments espoused negative views about the WPL proposals. A large minority, comprising mainly individual respondents, made **general comments against the proposals**, describing them as unfair or simply as a money-making scheme. Similar numbers thought there were better ways to help the environment, with some intimating that **WPL plans have been superseded by recent events and innovations**; namely, the Covid-related shift to home working or flexible working patterns and the advent of electric vehicles. Others advocated superior alternative ways of helping the environment including building sustainable transport systems, promoting environmental travel and having public ownership of the bus and rail network.

Several respondents (mainly business / employers) thought the scheme would be too costly or burdensome for employees and businesses, citing knock-on damage to the economy. A lack of progressiveness was also bemoaned as it was felt that the worse off would be disproportionately affected; one trade union commented that implementation of the scheme should be linked to ability to pay.

A need for various **exemptions and reductions in the levy** was desired by significant numbers of respondents. A wide variety of users were put forward as deserving in this respect as follows:

- Disabled people / blue badge scheme holders.
- Public transport operators / employees.
- Electric vehicle owners.
- Emergency services workers.
- Night shift workers.
- Teachers.
- Social care workers.

- Businesses with small car parks.
- Car sharing / car club / pool car schemes.

Among those with more positive views about the WPL proposals, a small minority (predominately third sector or sustainable transport organisations) were generally supportive and encouraged testing and a roll out of the scheme without delay. There were also a few comments about how the scheme would help the environment in terms of reducing greenhouse gas emissions and air pollution.

A variety of measures were suggested in order to get full value from the WPL proposals, as follows:

- No exemptions to charges should be given (e.g. for electric vehicles, public sector workers, farm workers).
- Wait until comprehensive transport solutions, public transport improvements and alternatives to the car are in place before WPL's introduction.
- Ensure all cash raised is ring-fenced for transport or sustainable travel investment.
- Avoid complex or time consuming operating procedures (e.g. it was suggested by a business / employer respondent that back operations could be developed by the government, which adopting local authorities could then use).
- Monitoring and impact assessments for the scheme to be implemented to evaluate effectiveness and learn lessons.
- Give as much implementation responsibility as possible to local areas or local authorities.

A small number of respondents felt that WPL schemes should be part of wider charging scheme reform, such as scrapping business rates for car parking, or introducing a levy for customers at shopping malls and supermarkets.

Finally, a few respondents focused on the experiences of Nottingham, where the County Council has developed the only WPL scheme currently operating in the UK. Opinions were divided as to this scheme's success: a new source of revenue for investment into transport, reduced congestion, a fall in carbon emissions and a template from which lessons can be learned were all hailed as successes, but perceptions of huge increases in the levy which increases in line with inflation, many employees having the charge passed onto them, a failure to remove the levels of traffic expected, and insufficient revenue being raised to help fund new transport projects were all cited as failures.

Appendix I: Respondent Organisations *

Aberdeen City Council
Aberdeenshire Council
British Land
British Parking Association
City of Edinburgh Council
CoMoUK
Cycling Scotland
East Lothian Council Officers
Enterprise Holdings
Falkirk Council
Fife Council
Food & Drink Federation Scotland
Friends of the Earth Scotland
GEM Workspaces Ltd
Glasgow City Council
MACS (Mobility and Access Committee Scotland)
NESTRANS
Paths for All
RAC Motoring Services
Reprocell Europe Ltd
Samaritans Scotland
Scottish Chambers of Commerce
Scottish Courts & Tribunals Service
Scottish Wholesale Association
Spokes the Lothian Cycle Campaign
Strathclyde Partnership for Transport
Tactran (Tayside and Central Scotland Transport Partnership)
The Associated Society of Locomotive Engineers and Firemen (ASLEF)
The Scottish Women's Convention
Transform Scotland
Union of Genius Ltd
UNISON
Unite the union Scotland
USDAW
Veterans Contact Hub (SCIO)

West Lothian Council

- * These do not add to 37 responses, as one organisation submitted two different responses.



**TRANSPORT
SCOTLAND**

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