

Workplace Parking Licensing (WPL) Regulations and Guidance

Cycling Scotland submission September 2021

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

- No

Please explain your answer, including, if appropriate, what additional elements should be required and why

It is important that WPL schemes are as easy as possible to introduce, and it should be easy to make adjustments to improve the operation of any scheme.

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

- Yes

Please explain your answer. If yes, please detail what statutory consultees and why

There should be a list of statutory consultees outlined, to ensure the right stakeholders are consulted in each local authority.

Consultees could include – local active travel organisations, public transport providers, and national active travel organisations and groups. Consulting with these groups will ensure that the most sustainable options are considered for any monies raised as part of a scheme and to ensure money raised goes to transport priorities in line with local government priorities on net zero.

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

When communicating information about schemes, the notices could clearly detail any changes made to the scheme, including what the changes/amendments are, when they are effective from, and how they will impact on the operation of the scheme.

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

Notices should be directly sent, electronically preferably, to all those who currently have a scheme in place to ensure they are aware of the changes and can fully comply with them. Details should also be readily accessible on the relevant local authority’s website.

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

Please explain your answer

To support a local authority with reviews and appeals, there could be national guidance available, which outlines the conditions for an appeal or review, including, for example, details of what can and cannot be exempted which have been set at the national level and would apply to all WPL schemes.

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

- Yes

Please explain your answer, supporting your view with evidence where possible.

The approach outlined is welcome overall. An item not listed, and which we would like to see included, is that of repeat breaches of licences which result in multiple penalty charges being issued. In such instances, there should be a step-increase procedure outlined, whereby with second and subsequent penalty charges issued to the same scheme, there should be an increase in amount charged each time. This is important to help improve compliance with the scheme and provides a disincentive effect for repeat offences, which a non-increasing penalty charge would not achieve to the same extent.

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 above?

- No

Please explain your answer, supporting your view with evidence where possible.

The conditions for appeal of a penalty charge outlined are reasonable. Having too many grounds under which an appeal can be launched risks undermining the purpose and objectives of a scheme.

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 be determined entirely by local authorities

Please explain your answer, including what formula you consider appropriate, supporting your view with evidence where possible.

The first approach outlined may be more appropriate and less open to legal challenge. This approach aligns with penalty charging procedures for other parking and roads offences. It would also help to ensure that penalty charges are consistent between different schemes across the country.

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

The WPL proposals will have a positive impact on many different groups of people. Older people, children and young people and people facing socio-economic disadvantage are disproportionately affected by vehicle air pollution. Those people without access to a car are affected by congestion affecting active and sustainable travel.

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

If the monies from WPL schemes are directed to active travel and sustainable modes, as should be the case, the proposals will have a positive impact on the environment.

A WPL is an equitable policy across the whole population. Monies raised can be used to fund improvements to public transport and active travel, which is more equitable than other forms of taxation; can be used to fund transport improvements used by the whole population, especially buses; and people living in lower-income communities are disproportionately affected by the health impacts from air pollution caused by vehicles and are more likely to be killed or seriously injured by cars.

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?

There should be no exemption for electric or low emission vehicles as this could undermine the purpose of the legislation.

The WPL proposals are an extremely important step in tackling the Climate Emergency. They should be introduced without delay.