

Workplace Parking Levy

Completing the Legal Framework

A consultation document

Workplace Parking Levy

Completing the Legal Framework

A consultation document

© Crown copyright, 2008, except where otherwise stated

Copyright in the typographical arrangement rests with the Crown.

This publication, excluding logos, may be reproduced free of charge in any format or medium for non-commercial research, private study or for internal circulation within an organisation. This is subject to it being reproduced accurately and not used in a misleading context. The copyright source of the material must be acknowledged and the title of the publication specified.

For any other use of this material, apply for a Click-Use Licence at www.opsi.gov.uk/click-use/index.htm, or by writing to the Licensing Division, Office of Public Sector Information, Information Policy Team, Kew, Richmond, Surrey TW9 4DU or e-mail licensing@opsi.x.gsi.gov.uk

To order further copies contact:

DfT Publications

Tel: 0300 123 1102

E-mail: dftinf@capita.co.uk

ISBN 978-1-906581-65-7

For a fuller listing of DfT publications, see www.dft.gov.uk/about/dftpubdatabase/

75% recycled
When you have finished with
this leaflet please recycle it

Consultees listed in section 6
of consultation document

Kitty Vernon
Roads Strategy Division
Department for Transport
Zone 3/05
Great Minster House
76 Marsham Street
LONDON SW1P 4DR
Direct Line: 020 7944 3855
Fax: 020 7944 2198
e-mail: kitty.vernon@dft.gsi.gov.uk

Web Site: www.dft.gov.uk

11 December 2008

Dear consultee

WORKPLACE PARKING LEVY

Completing the Legal Framework

This letter invites your comments on the Government's proposals for regulations to enable local authorities to introduce workplace parking levy (WPL) schemes should they choose to do so.

The primary powers allowing local authorities to introduce WPL schemes are in the 2000 Transport Act (TA2000). But the legislation left some of the details of the legislative framework to be dealt with in regulations.

This consultation is likely to be of interest to local authorities, business and trade union organisations and educational establishments. Comments from any other groups or individuals would also be welcomed.

Attached for your consideration is a consultation document (which we have also published on our website at <http://www.dft.gov.uk/consultations/>) containing:

- an executive summary
- information on how to respond to the consultation
- the proposals in detail
- questions for consultees
- draft regulations (Annex A)
- an impact assessment (Annex B)
- a consultation response questionnaire (Annex C)

The consultation period will run for a 12 week period until 5 March 09. Please ensure that your response reaches us by that date.

This consultation has been produced in accordance with the principles of the Government's "Code of Practice on Consultation". A copy of the Consultation Criteria is included in section 5 of the consultation document.

Yours sincerely,

Kitty Vernon

Contents

1.	Executive summary	6
2.	How to respond to the consultation	8
3.	The proposals in detail	10
4.	Questions for consultees	17
5.	Code of Practice on consultation	18
6.	List of those consulted	20
Annexes		
	Annex A Draft regulations	22
	Annex B Impact Assessment	30
	Annex C Questionnaire	40

1. Executive Summary

- 1.1 This document seeks views on the Government's proposals for regulations to enable local authorities in England outside London to introduce workplace parking levy (WPL) schemes should they choose to do so.
- 1.2 The primary powers allowing local authorities to introduce WPL schemes are in the 2000 Transport Act (TA2000). But the legislation left some of the details of the legislative framework to be dealt with in regulations.
- 1.3 Without national regulations, particularly with regard to the imposition of penalty charges and the adjudication of disputes, any authority wishing to implement a WPL scheme will be unable to do so. Since Parliament has decided to create powers for WPL schemes the Government is ready to make them usable through the proposed regulations, on which we are now seeking views.
- 1.4 Our proposals for use of the various regulation making powers in the TA2000 can be summarised as follows:
- 1.5 The Government does not intend to make regulations
 - specifying the form of Scheme Orders, how proposed Orders should be published, and objections considered, and how the final Order itself should be published;
 - specifying charging levels, exemptions and discounts. If any arrangements are proposed that conflict with national policy the Secretary of State may decide not to confirm the Scheme Order.
- 1.6 As regards the enforcement procedure and the adjudication of disputes resulting from it, the Government is proposing to make regulations covering the following four areas:
 - Providing for contraventions giving rise to penalty charges. We are open to suggestions as to the kind of contravention which might need to be included in order to make schemes workable and allow effective and proportionate enforcement but the consultation paper focuses on three, namely:
 - providing a workplace parking place at unlicensed premises;

- providing more workplace parking places than the maximum covered by a licence;
- failing to comply with the conditions of a licensing scheme, other than a condition as to the maximum number of vehicles which may be parked.
- The setting of penalty charge rates.
- Providing for notification of penalty charges to be given to the person liable to pay the penalty charge.
- Providing for the resolution of disputes in two stages:
 - enabling businesses and other relevant organisations to make representations about alleged contraventions and penalty charge notices and have them considered by the local authority;
 - if the dispute is not resolved by that process, enabling an appeal to be made to the County Court (rather than a specially created adjudication system, because of the nature and low number of appeals expected).

1.7 It is also proposed that the Regulations should:

- exempt local authorities from the requirement to have an order confirmed when it is only a variation of a scheme increasing charges in line with inflation;
- make provision as to liability to pay licence charges where there is an arrangement between the occupier and another business for the provision of parking places.

1.8 The detailed provisions are set out in the draft Regulations at Annex A.

2. How to Respond

- 2.1** The consultation period will run for 12 weeks until 5 March 09. Please ensure that your response reaches us by that date. If you would like further copies of this consultation document it can be found at www.dft.gov.uk/consultations

or you can contact the Department for Transport. If you have queries about the contents of the consultation documents please contact Kitty Vernon at

Zone 3/5
Great Minster House
76 Marsham Street
London
SW1P 4DR

Telephone 020 7944 3855
Fax 020 7944 2198
Email kitty.vernon@dft.gsi.gov.uk

Please send consultation responses to

Julian Smith
Workplace Parking Levy Consultation
Zone 3/5
Great Minster House
76 Marsham Street
London
SW1P 4DR

Telephone 020 7944 2259
Fax 020 7944 2198
Email wpl.consultation@dft.gsi.gov.uk

- 2.2** When responding please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation please make it clear who the organisation represents, and where applicable, how the views of members were assembled.

- 2.3** A list of organisations/stakeholders that we have sent this consultation to is included in this consultation document. If you have any suggestions of others who may wish to be involved in the consultation process please let us know.
- 2.4** This consultation has been produced in accordance with the principles of the Government's "Code of Practice on Consultation".
- 2.5** According to the requirements of the Freedom of Information Act (2000), all information contained in your response to this consultation may be subject to publication or disclosure. This may include personal information such as your name and address. If you want your response **or your name and address** to remain confidential, you should explain why confidentiality is necessary. Your request will be granted only if it is consistent with Freedom of Information obligations. An automatic confidentiality disclaimer generated by your e-mail system will not be regarded as binding on the Department.
- 2.6** A summary of responses to this consultation will be published on our website: www.dft.gov.uk after the consultation period has closed. Paper copies will be available on request. The Government will then announce its conclusions following the consultation.

3. The proposals in detail

Introduction

- 3.1** This document seeks views on draft regulations for completing the legal framework to enable local authority workplace parking levy schemes in England outside London.
- 3.2** The Transport Act 2000 (TA2000) contains powers to enable local authorities in England and Wales to introduce workplace parking levy (WPL) schemes. (The TA 2000 powers also cover schemes made jointly by authorities inside and outside London. Powers for schemes operating in London only have been provided in the Greater London Authority Act 1999.)
- 3.3** The TA2000 has deliberately not set out all the detailed provisions that would be necessary to provide the full legal framework for a WPL scheme. Instead it contains powers to do this through regulations. The Government is ready to make the necessary regulations, and is seeking views on the statutory provisions proposed.
- 3.4** One local authority, Nottingham City Council (NCC), has designed a WPL scheme and has submitted a Scheme Order to the Secretary of State for confirmation. The Government will decide whether or not to confirm NCC's Scheme Order in due course on the merits of their proposal, and our proposals for regulations should not be interpreted as implying that a decision on confirmation has been taken.
- 3.5** The Government's proposed regulations would apply to any local WPL scheme in England outside London made under TA2000, but not to schemes in Wales or to joint schemes made by authorities outside London with a London authority.

Background to the Workplace Parking Levy

- 3.6** The Government first consulted on the idea of a workplace parking levy in December 1998.

- 3.7** The most serious congestion problems in most towns and cities are associated with peak commuting, and car use is influenced by the availability of free or relatively cheap workplace parking. The principal aim of the levy is to provide an incentive to employers and educational establishments to discourage car commuting and use alternative modes of transport (including car-sharing). This would be achieved by imposing a levy on employers and educational establishments relating to the amount of workplace car parking they provide.
- 3.8** Since the TA2000 came into force the Government has been encouraging local authorities to consider the use of road pricing, which we believe is likely to be more effective in tackling congestion. But the Government does not wish to rule out the use of WPL. This document therefore signals our readiness to put the necessary regulations in place to allow the TA2000 powers to be used.

Provisions to be included in regulations

- 3.9** Decisions about whether to introduce a WPL scheme and details of how it will operate are the responsibility of the local authority proposing to make the scheme. But the TA2000 provides for regulations to be made by a Minister at the Department for Transport (DfT) for various purposes, including specifying the procedures for making a scheme order, specifying who is liable to pay WPL charges and penalty charges and making provision for the imposition, payment and level of penalty charges. There is also provision for DfT regulations to require licensing schemes to provide for exemptions from licensing, set reduced rates and set limits on charges, and to disapply in specified circumstances the need to submit a WPL order for confirmation by the Secretary of State.
- 3.10** It falls to the Lord Chancellor to make regulations to make provision for the notification, adjudication and enforcement of penalty charges, for appeals against decisions relating to licences, determination of disputes relating to licensing schemes, appeals against such determinations and the appointment of persons to hear any such appeals.
- 3.11** Rather than having separate sets of regulations, the enclosed draft regulations cover the operation of WPL schemes generally and make provision for them to be signed by Ministers at DfT and the Ministry of Justice.
- 3.12** The following paragraphs set out our proposals for using (or not using) the various regulation making powers in the TA2000.

Specifying scheme details

- 3.13** Section 183 of the TA 2000 specifies that where local authorities wish to introduce a WPL scheme or subsequently vary it they must do this by an Order. But DfT regulations may specify:
- the form of Orders
 - how proposed Orders should be published, and objections considered
 - how the final Order itself should be published.
- 3.14** The Government does not propose to exercise this regulation making power. The Order would in any case need to be approved by the Secretary of State before it could come into force.

Who is liable to pay a WPL?

- 3.15** Section 178 of the TA 2000 provides that charges shall be paid by the occupier of the premises, and section 189 that any penalty charges shall also be paid by the occupier. But there may be cases where this is inappropriate. So TA2000 enables DfT Ministers to specify in regulations the circumstances in which another person must pay and who that person is.
- 3.16** The following is an example of where this might apply: It often happens that parking places at one set of premises are made available by the occupier of those premises for use by a business operating from different premises. As a principal aim of the levy is to provide an incentive to employers to discourage car commuting (including through promoting car-sharing), the regulations have been drafted with the intention of assigning responsibility for applying for a licence and paying the levy to the business which actually makes parking places available to its employees. Where occupiers of premises provide evidence of arrangements for another business to use parking places for its workforce, the responsibility for applying and paying for a licence is assigned (by regulation 4) to that other business.

Amending the approval role by national authority

- 3.17** Section 184 of the TA2000 provides that scheme orders, or variation orders, must be confirmed by the national authority (for England the Secretary of State). But this requirement can be amended by regulation.
- 3.18** Through the Local Transport Act 2008 we have removed the Secretary of State's approval role in England for road charging schemes. But we do not currently believe this is appropriate for WPL schemes. No WPL schemes have yet been implemented in the UK, and in the absence of experience it seems right to provide for confirmation in most cases by the Secretary of State. The one circumstance in which we agree it should not be necessary

for a local authority to seek approval is where a variation order is proposed to raise charges in line with an increase in the retail prices index, so the draft regulation 3 dispenses with the section 184(1) requirement for confirmation in such cases.

Charges, exemptions and discounts

- 3.19** Section 187 of TA 2000 provides that the national authority may make regulations requiring that schemes contain provisions covering exemptions, discounts and limits on charges.
- 3.20** The draft regulations do not include such requirements, leaving it for local authorities to decide whether to set exemptions, discounts or limits locally. The Government recognises that there are concerns about the potential impact of a workplace parking levy on small businesses (defined in the Government's Enterprise Strategy as those employing fewer than 20 full time employees). The Government is open to using its regulation-making powers in TA2000 to mitigate the impacts of WPL schemes on business, especially small businesses, and would welcome views on practical ways of achieving this. The Government notes that the scheme proposed for Nottingham would not apply a levy to businesses providing 10 or fewer workplace parking places.

Definition of offences and setting of penalty charges

- 3.21** Section 189 provides that the national authority may make regulations specifying offences connected with failing to comply with a scheme and the penalty charges payable for such a failure.
- 3.22** Regulation 5 of the draft regulations specifies the following offences:
- Providing a workplace parking place without a licence
 - Providing more workplace parking places than the maximum covered by a licence
 - Failing to comply with conditions of a licensing scheme, other than a condition as to the maximum number of vehicles which may be parked. (An example might be failing to pay the levy within the prescribed payment period.)

The Government is ready to consider providing for other offences that might be required to make schemes workable and allow effective and proportionate enforcement.

- 3.23** The procedures in draft regulations 8 to 16 for enforcing WPL contraventions are not intended or expected to be applied on the same basis as contraventions of parking controls by individual motorists. It is

expected that scheme orders will take account of the different parking requirements for businesses from those of individual motorists – for example by recognising that the number of workplace parking places will increase temporarily during changes of shift working. Local authorities will be able to exercise their discretion as to how they deal with such matters in the light of local circumstances.

- 3.24** The Government also intends to require that the rates of penalty charges be specified in the local authority's scheme. But we have left the method for determining penalty rates to the decision of the licensing authority. We have not specified fixed rates of penalty charge in the draft regulations, nor have we required that penalty charges should be in proportion to the amount payable for a licence, the proportion by which the licensed number is exceeded or the frequency with which the licensed number is exceeded. We have however specified in the draft Regulations (regulation 6) that penalty charges may be discounted if paid within a specified time.
- 3.25** The draft regulations require (in regulation 5) that a scheme which provides for penalty charges must allow a period for payment of the penalty charge of not less than 28 days from the date on which the penalty charge notice (PCN) is served. Regulation 6 provides that the rates of penalty charge must be specified in the scheme, that different amounts may be charged in different circumstances, and that the amount of charge may be reduced for early payment (within the time limit specified in the scheme).

Notification, adjudication, enforcement

- 3.26** Section 189 also provides that the Lord Chancellor may make regulations about the notification, adjudication and enforcement of licensing scheme penalty charges.
- 3.27** Regulation 7 provides for notification of penalty charges to be given to the business which has been identified as being liable to apply for a WPL licence (as discussed in paragraph 3.16 above) and for the charges to be paid by that business. Regulation 8 specifies the information that must be included in a PCN. Regulation 17 specifies the procedure for serving notice by first-class post or electronically (this also applies to other forms of notice given under regulations 9, 11 and 13). Your views are invited on whether these provisions for specifying penalties and serving PCNs and other notices are appropriate and adequate, and whether other methods of service need to be included.
- 3.28** Regulation 9 of the draft regulations makes provision for representations against PCNs to be made to the licensing authority, and sets out the grounds on which a PCN may be challenged. It also requires the licensing authority to consider representations, provided these are made within 28 days of the PCN being served, and serve notice of their decision. Your

views are invited on whether the grounds proposed for contesting a PCN are appropriate and adequate.

- 3.29** Regulation 10 provides that the licensing authority must cancel a PCN – and serve notice that they have done so – if they accept the ground(s) on which the representation was made. It also provides that a fresh PCN may be served on the chargee or on another person. Your views are invited on whether it would be helpful to specify that the licensing authority may agree not to enforce the PCN if the chargee pays a mutually agreed amount which is different from that specified in the PCN.
- 3.30** Regulation 11 specifies the procedure for notifying a chargee that a representation has been rejected, and the information that must be included in a notice of rejection. It also permits the inclusion of such other information as the authority may consider appropriate. We would welcome your views on whether there is a need to provide discretion for other information to be included, and what sort of information it might be appropriate to include.

Appeals, disputes and appointment of adjudicators

- 3.31** Section 195(1) provides that the Lord Chancellor may make regulations to make provision for appeals against decisions relating to licences, determination of disputes relating to licensing schemes, appeals against such determinations and the appointment of persons to hear any such appeals.
- 3.32** It is not currently expected that there will be very many disputes and appeals, or that there will be many cases that need to be referred to an independent adjudicator. This is partly because we do not expect many WPL schemes and partly because of the nature of schemes. Unlike parking or road user charging, where enforcement would be against a wide range of individuals, under WPL schemes the employer is liable so the number of potential offenders is much smaller. Also, local authorities have no powers to vary or limit the number of workplace parking places provided – section 178(4) of TA 2000 specifies that a licence relating to premises must cover the provision at the premises of the number of workplace parking places requested by the applicant for the licence.
- 3.33** However, if there are disputes leading to appeals the issues could be complex and involve large businesses (and relatively large amounts of money). For these reasons, we believe that a County Court would be the appropriate body to hear appeals. The draft regulations therefore make provision in regulation 12 for appeals to be referred to a County Court, and be dealt with in accordance with standard court procedures.
- 3.34** Regulation 13 makes provision for the licensing authority to issue a charge certificate (increasing the amount of penalty charge payable) if a penalty

charge has not been paid within the specified period. It also specifies the period within which the increased charge must be paid, depending on whether or not a representation or appeal has been made (and if made, rejected). Regulations 14-15 provide for the payment of penalty charges and their recovery by court order if necessary, and regulation 16 provides for a court order to be revoked and the PCN and charge certificate cancelled if there has been a breakdown in the procedure for serving them so that the person charged has been unfairly prejudiced.

Other issues:

London

3.35 We are not aware of any plans for WPL schemes in London. In keeping with the principle (set out in the draft impact assessment at Annex B) of proposing regulations only where they are essential to the operation of a scheme, the draft regulations do not cover schemes made by London authorities under the Greater London Authority (GLA) Act 1999. They would also not apply to schemes made under TA2000 by London authorities jointly with another, non-metropolitan local traffic authority. The draft regulation 1(2) specifies that the regulations do not apply in Greater London.

Joint licensing schemes

3.36 Section 178(5) of TA 2000 provides that licensing schemes may be made jointly by more than one authority. We consider that it should be permissible for a joint scheme to be administered by one lead authority on behalf of the other authority or authorities. Provision for a lead authority to exercise the functions of licensing authority for the scheme generally is made in regulation 2(b)(ii).

4. Questions for consultees – see also the consultation response questionnaire at Annex C

- Q1** Are you content with the proposal for determining who is liable to apply for a WPL licence and pay charges (and penalty charges) where arrangements are made between the owner of car park premises and another person or firm for the use, say, of part of that car park? (see paragraph 3.16 in the detailed proposals above and draft regulations 4 and 7). If not, what alternative do you propose, and why?
- Q2** Do you agree that decisions about WPL exemptions, discounts and the level of charges should be the responsibility of the local authority making the scheme (see paragraphs 3.19 and 20 above)? If not, why not?
- Q3** There are concerns about the impact of WPL schemes on small businesses. Is there a role for the Government in addressing these through regulations? If yes, how should this be done? If no, what other approaches could be adopted?
- Q4** Do you agree that national regulations should specify the contraventions proposed in paragraph 3.22 above and draft regulation 5?
- Q5** Are there other contraventions that you consider need to be included?
- Q6** Do you agree that it should be for the licensing authority to set the rates of penalty charges? If not, what arrangements do you consider appropriate for setting rates of penalty charges?
- Q7** Are you content with the procedures proposed for considering representations, and appeals and for appeals to be referred to a County Court (see paragraphs 3.31 – 3.34)? If not, what alternative procedure do you think should be used and why?
- Q8** Are you content with the procedures proposed in regulation 17 for serving notices? If not, what changes need to be made?
- Q9** Are there issues not covered by the draft regulations that you think need to be covered? If so, what are they and what would be the consequences of not including them?

5 Code of Practice on Consultation

The Government has adopted a code of practice on consultations. The code of practice applies to all UK public consultations by government departments and agencies, including consultations on EU directives.

Though the code does not have legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), it should otherwise generally be regarded as binding unless Ministers conclude that exceptional circumstances require a departure.

The code contains seven criteria. They should be reproduced in all consultation documents. There should be an explanation of any departure from the criteria and confirmation that they have otherwise been followed.

Consultation criteria

Criterion 1 – When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 – Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 – Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 – Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 – The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 – Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 – Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

These criteria should be reproduced in consultation documents

A full version of the code of practice is available on the Better Regulation Executive web-site at:

<http://www.berr.gov.uk/files/file47158.pdf>

If you consider that this consultation does not comply with the criteria or have comments about the **consultation process** please contact:

Lec Napal
Consultation Co-ordinator
Department for Transport
Zone 1/33 Great Minster House
76 Marsham Street
London, SW1P 4DR

email: consultation@dft.gsi.gov.uk

6. List of those consulted

There are no statutory consultees. The Department has specifically sought views from:

All local authorities in England (except Parish and Community Councils)

Association of Car Fleet Operators

Association of Chief Police Officers

Alliance of Small Firms and Self-Employed People

Association of Independent Businesses

Association of Justices Chief Executive

Association of Magistrates' Officers

Automobile Association

British Chambers of Commerce

British Motorcycle Federation

British Parking Association

British Retail Consortium

British Vehicle Rental and Leasing Association (BVRLA)

Campaign for Better Transport

Chief Fire Officers Association

Confederation of British Industry

Confederation of Passenger Transport UK

County Surveyors Society

Disabled Persons Transport Advisory Committee (DPTAC)

Environmental Transport Association

Federation of Small Businesses

Forum of Private Business

Freight Transport Association

General Executive Council of the TGWU

Institute of Highway Incorporated Engineers

Institute of Logistics and Transport

Institution of Highways and Transportation

Institute of Transport Administration

Local Government Association

Mobilise Organisation

Motorcycle Action Group

Motorcycle Industry Association

Motorists Forum

National Association of Local Councils

National Taxi Association
National Union of Teachers
NHS confederation
Passenger Transport Executive Group
Police Federation of England and Wales
RAC Foundation
Retail Motor Industry Federation
Road Haulage Association
Road Users' Alliance
Society of Motor Manufacturers and Traders Ltd
TUC
Union of Shop, Distributive and Allied Workers (USDAW)
University and College Union

STATUTORY INSTRUMENTS

2009 No. 000

ROAD TRAFFIC, ENGLAND

The Workplace Parking Levy (England) Regulations 2009

<i>Made</i> - - - -	***2009
<i>Laid before Parliament</i>	***2009
<i>Coming into force</i> - -	***2009

The Secretary of State for Transport, in exercise of the powers conferred by sections 178(2), 184(2), 189(1) to (3) and 197(1) of the Transport Act 2000(a), and the Lord Chancellor, in exercise of the powers conferred on him by sections 189(4), 195(1) and 197(1) of that Act, together make the following Regulations:

PART 1

PRELIMINARY

Citation, commencement and application

1.—(1) These Regulations may be cited as the Workplace Parking Levy (England) Regulations 2009 and come into force on [] 2009.

(2) These Regulations apply in England except Greater London.

Interpretation

2. In these Regulations—

“charge certificate” has the meaning given in regulation 13(1);

“chargee” has the meaning given in regulation 8(4);

“licensing authority” means—

(a) in relation to a local licensing scheme made or proposed to be made by one local traffic authority, the authority by which the licensing scheme is or is proposed to be made,

(b) in relation to a joint local licensing scheme—

(i) the local traffic authorities by which the licensing scheme is or is proposed to be made, or

(a) 2000 c.38. By virtue of section 198(1) the Secretary of State is the appropriate national authority in relation to licensing schemes relating only to England.

- (ii) where an arrangement has been made for any function under a joint scheme to be discharged by one of those authorities, the authority on whom the function has been conferred by the arrangement;

“licence charge” means the charge for the grant of a licence;

“licensed premises”, in the case of any licence, means the premises in respect of which the licence is granted;

“notice of rejection” means a notice served under regulation 11(1);

“penalty charge” means a charge imposed under regulation 5;

“penalty charge notice” means a notice served under regulation 8.

PART 2

LICENSING SCHEMES AND LICENCE CHARGES

Exemption of licensing scheme orders from confirmation requirement

3.—(1) Section 184(1) of the Transport Act 2000 (confirmation of licensing schemes) does not apply to a licensing scheme order if—

- (a) the order varies a licensing scheme, and
- (b) its sole purpose is to provide for licence charges to be increased in line with increases in the retail prices index.

(2) In this regulation “retail prices index” means the general index of retail prices (for all items) published by the Statistics Board.

Liability to pay licence charge

4.—(1) This paragraph applies where the occupier of any premises has—

- (a) entered into arrangements with another person (P) for the provision by P of a parking place at those premises (whether or not for P’s own use), and
- (b) provided the licensing authority with evidence of those arrangements.

(2) Where paragraph (1) applies, the licence charge imposed in respect of those premises by a licensing scheme must be paid by P.

PART 3

PENALTY CHARGES

Imposition of penalty charges

Imposition of penalty charges

5.—(1) A licensing scheme may provide for the imposition of a penalty charge in any of the following circumstances—

- (a) where a person is providing a workplace parking place at any premises in the area covered by a licensing scheme and there is no licence in force in respect of those premises;
- (b) where a person is providing a workplace parking place at licensed premises in circumstances where the maximum number of vehicles (excluding exempt vehicles) parked at those premises exceeds the maximum number specified in the licence;

- (c) if a condition in a licence (other than a condition as to the maximum number of vehicles which may be parked at licensed premises) has been contravened.
- (2) Where a licensing scheme provides for the imposition of a penalty charge it must specify the period within which the charge must be paid and may specify different periods for different circumstances.
- (3) A licensing scheme may not specify a period within which the penalty charge must be paid of less than 28 days from the date on which the penalty charge notice is served.

Rates of penalty charges

- 6.—(1) A licensing scheme which provides for penalty charges must specify the amount of the penalty charge and may specify different amounts in different circumstances.
- (2) A licensing scheme may provide for the amount of the penalty charge to be reduced if it is paid before the expiry of a specified period.

Liability to pay penalty charges

- 7.—(1) This paragraph applies where the occupier of any premises has—
 - (a) entered into arrangements with another person (P) for the provision by P of a parking place at those premises (whether or not for P’s own use), and
 - (b) provided the licensing authority with evidence of those arrangements.
- (2) Where paragraph (1) applies, any penalty charge imposed in respect of those premises must be paid by P.

Enforcement of penalty charges

Penalty charge notices

- 8.—(1) Where a licensing authority believes that a penalty charge is payable under the terms of a licensing scheme, the authority may serve a notice (“a penalty charge notice”).
- (2) A penalty charge notice must be served on the person liable to pay the penalty charge.
- (3) A penalty charge notice must state—
 - (a) the amount of the penalty charge to which it relates;
 - (b) all the circumstances in which, by virtue of the licensing scheme, a penalty charge is payable and the date and time at which each of those circumstances occurred;
 - (c) the time, in accordance with the licensing scheme under which it is imposed, and the manner in which the penalty charge must be paid;
 - (d) if the licensing scheme so provides, the amount of the reduced penalty charge if it is duly paid in the time specified in the notice;
 - (e) the grounds on which the chargee may make representations under regulation 9;
 - (f) the amount of the increased penalty charge if, before the end of the relevant period determined under regulation 13—
 - (i) the penalty charge is not paid, or
 - (ii) no representations are made under regulation 9, and
 - (g) the address to which payment of the penalty charge must be sent.
- (4) In this regulation and regulations 9 to 16 “chargee” means—
 - (a) the person on whom the penalty charge notice is served; or
 - (b) where it is alleged that the penalty charge notice was sent but never received, the person to whom the licensing authority sent that notice.

Representations against penalty charge notices

9.—(1) Where it appears that any of the grounds mentioned in paragraph (2) are satisfied, the chargee may make representations in writing to that effect to the licensing authority who served the penalty charge notice.

(2) The grounds are that—

- (a) the circumstances stated in the penalty charge notice—
 - (i) did not occur, or
 - (ii) did not occur at the date or time or in the manner specified in the notice;
- (b) the penalty charge exceeded the amount applicable in the circumstances of the case.

(3) The licensing authority may disregard any representations which are received by them after the end of the period of 28 days beginning with the date on which the penalty charge notice is served.

(4) It is the duty of a licensing authority to whom representations are duly made under this regulation—

- (a) to consider them and any supporting evidence which is provided with them, and
- (b) to serve on the chargee notice of their decision as to whether or not they accept that the ground in question has been established.

Cancellation of penalty charge notices

10.—(1) Where representations are made under regulation 9 and the licensing authority accept that the ground in question has been established they shall—

- (a) cancel the penalty charge notice; and
- (b) state in the notice served under regulation 9(4)(b) that the notice has been cancelled.

(2) The cancellation of a penalty charge notice does not prevent the licensing authority from serving a fresh penalty charge notice on the chargee or another person.

Rejection of representations against penalty charge notices

11.—(1) Where representations are made under regulation 9 and the licensing authority decide that none of the grounds in regulation 9(2) has been established, the notice served under regulation 9(4)(b) must be a notice of rejection stating that—

- (a) a charge certificate may be served under regulation 13 unless—
 - (i) the penalty charge is paid, or
 - (ii) the chargee appeals against the licensing authority's decision, and
- (b) the chargee has a right of appeal to a county court and specifying the period within which an appeal must be made.

(2) A notice of rejection may contain such other information as the licensing authority think appropriate.

Appeals

12.—(1) Where a licensing authority have served a notice of rejection, the chargee may appeal to a county court against the licensing authority's decision.

(2) An appeal under this regulation—

- (a) is a re-hearing of the licensing authority's decision to impose a charge, and
- (b) may be determined having regard to matters of which the licensing authority was unaware.

(3) On an appeal the court may either—

- (a) quash the notice of rejection and substitute its own decision for that of the licensing authority under regulation 9(4), or
- (b) dismiss the appeal.

(4) If the court makes an order under paragraph (3)(a), the penalty charge notice to which the notice of rejection relates is cancelled but the cancellation does not prevent the licensing authority from serving a fresh penalty charge notice on the chargee or another person if that is consistent with the decision which the court has substituted.

Charge certificates

13.—(1) Where a chargee has not paid the penalty charge specified in a penalty charge notice before the end of the relevant period, the licensing authority may serve on the chargee a statement (a “charge certificate”) to the effect that the penalty charge is increased to such an amount as is provided in the licensing scheme.

(2) The licensing authority may—

- (a) cancel a charge certificate, and
- (b) if they think fit, serve a further charge certificate.

(3) For the purposes of paragraph (1), the relevant period in relation to a penalty charge notice is—

- (a) where no representations are made, the period specified in the licensing scheme within which the penalty charge must be paid;
- (b) where—
 - (i) representations are made,
 - (ii) a notice of rejection is served, and
 - (iii) no appeal against the notice of rejection is made,the period of 28 days beginning with the date on which the notice of rejection is served;
- (c) where an appeal against a notice of rejection is dismissed, the period of 28 days beginning with the date of service of the order dismissing the appeal.
- (d) where an appeal against a notice of rejection is made but is withdrawn before a county court makes an order under regulation 12(3), the period of 14 days beginning with the date on which the appeal is withdrawn.

Payment of increased penalty charge

14. The chargee must pay the increased penalty charge specified in the charge certificate before the end of the period of 14 days beginning with the date on which the certificate is served.

Recovery of unpaid penalty charges

15. The licensing authority may, if a county court so orders, recover a penalty charge as if it were payable under a county court order—

- (a) in a case where the authority has served a charge certificate, if the chargee has not paid the increased penalty charge provided for in the charge certificate before the end of the period specified in regulation 14, or
- (b) in a case where the authority has not served a charge certificate, if the chargee has not paid the penalty charge specified in the penalty charge notice before the end of the relevant period specified in regulation 13(3).

Invalid notices

16.—(1) This regulation applies where—

- (a) a county court makes an order under regulation 15,
 - (b) the chargee makes a statutory declaration complying with paragraph (2), and
 - (c) that declaration is, before the end of the period of 21 days beginning with the date on which notice of the order is served on the chargee, served on the county court which made the order.
- (2) The statutory declaration must state that the chargee—
- (a) did not receive the penalty charge notice in question,
 - (b) made representations to the licensing authority but did not receive a notice of rejection, or
 - (c) appealed to the county court under regulation 12 but had no response to the appeal.
- (3) This paragraph applies where it appears to a district judge, on the application of a chargee, that it would be unreasonable in the circumstances of the case to insist on service of the statutory declaration within the period of 21 days specified in paragraph (1).
- (4) Where paragraph (3) applies, the district judge may allow such longer period for service of the statutory declaration as is considered appropriate.
- (5) Where a statutory declaration is served under paragraph (1)—
- (a) the order of the court is deemed to have been revoked;
 - (b) the charge certificate (if any) is deemed to have been cancelled;
 - (c) in the case of a declaration made under paragraph (2)(a), the penalty charge notice is deemed to have been cancelled; and
 - (d) the district judge must serve written notice of the effect of service of the declaration on the chargee and on the licensing authority concerned.
- (6) Service of a declaration made under paragraph (2)(a) does not prevent the licensing authority from serving a fresh penalty charge notice on the chargee or another person.

Service of notices etc

17.—(1) Any penalty charge notice, charge certificate or other notice, (“a relevant notice”) to be served by the licensing authority under these Regulations may be served by—

- (a) first class (but not second class) post, and where the person to be served is a body corporate, is duly served if it is sent by first class post to the secretary or clerk of that body, or
 - (b) fax or by other means of electronic data transmission where—
 - (i) the person to be served has indicated in writing to the licensing authority that he is willing to regard a relevant notice as having been duly sent to him if it is transmitted to a specified fax telephone number or, as the case may be, a specified electronic address, and
 - (ii) the relevant notice is transmitted to that number or address.
- (2) Service of a relevant notice—
- (a) contained in a letter sent by first class post which has been properly addressed, pre-paid and posted shall, unless the contrary is proved, be taken to have been effected on the second working day after the day of posting; or
 - (b) sent by fax or other means of electronic transmission shall, unless the contrary is proved, be taken to have been effected on the first working day after the day on which it was transmitted.
- (3) In paragraph (2), “working day” means any day except—
- (a) a Saturday or a Sunday;
 - (b) New Year’s Day;
 - (c) Good Friday;

- (d) Christmas Day;
- (e) any other day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971^(a)

Signed by authority of the Secretary of State for Transport

	<i>Name</i>
Date	Minister/Parliamentary Under Secretary of State, Department for Transport

Signed by authority of the Lord Chancellor

	<i>Name</i>
Date	Parliamentary Secretary, Ministry of Justice

^(a) c. 80.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to licensing schemes under Chapter 2 of Part 3 of the Transport Act 2000 (the workplace parking levy). Part 2 of the Regulations makes provision about general issues concerning schemes and charges and Part 3 makes specific provision about penalty charges for breach of licensing requirements.

Regulation 3 exempts local authorities from the requirement to have a scheme confirmed if its only purpose is to provide for licence charges to be increased in line with inflation.

Regulation 4 provides that where the occupier has made arrangements with another person for the provision of parking places at those premises a licence charge is not payable by the occupier of premises but by that other person.

Regulation 5 specifies when penalty charges may be imposed and *regulation 6* makes provision about rates of charge.

Regulation 7 provides that where the occupier has made arrangements with another person for the provision of parking places at those premises a penalty charge imposed under the licence is not payable by the occupier of premises but by that other person.

Regulation 8 prescribes the content and mode of service of penalty charge notices. *Regulations 9 to 11* provide for the making of representations to the licensing authority by a person on whom such a notice is served and for the subsequent cancellation or upholding of the notice.

Regulation 12 provides that appeals against the rejection of those representations must be to a county court.

Regulation 13 provides for the issue of a charge certificate where a penalty charge is not paid within the prescribed time and for the charge to be increased in such a case.

Regulations 14 and 15 provide for the payment of penalty charges and for their recovery by court order if necessary. *Regulation 16* enables a person on whom a penalty charge notice or charge certificate is served to have the court order revoked if the procedure has broken down to that person's detriment.

Regulation 17 provides for the service of notices.

A full Impact Assessment of the effect this instrument will have on the costs of business and the voluntary and public sectors has been produced and is available from the Roads Strategy Division, Department for Transport, Zone 3/5 Great Minster House, 76 Marsham Street, London SW1P 4DR or may be accessed via the Department's website at www.dft.gov.uk. A copy has been placed in the library of each House of Parliament.

Summary: Intervention & Options

Annex B

Department /Agency: Department for Transport	Title: Impact Assessment of Draft Workplace Parking Levy Regulations	
Stage: Consultation	Version: 1	Date: 10 November 2008
Related Publications:		

Available to view or download at:

<http://www.dft.gov.uk/consultations>

Contact for enquiries: Kitty Vernon

Telephone: 02079443855

What is the problem under consideration? Why is government intervention necessary?

Workplace parking levy (WPL) schemes have been identified as measures which could contribute to local strategies to reduce the substantial costs of congestion in urban areas, and therefore to help the local economy and quality of life. The TA2000 did not set out all the detailed provisions that would be necessary to provide the full legal framework for a WPL scheme. These regulations are designed to complete the statutory framework to enable local authorities to implement Workplace Parking Levy (WPL) schemes.

What are the policy objectives and the intended effects?

The objective is to enable appropriate workplace parking levy schemes to be implemented that facilitate the achievement of policies in local authorities transport plans (consistent with the wording in s179(2) of the Transport Act 2000), in order to deliver packages of interventions which can improve transport and reduce congestion levels and environmental impacts.

What policy options have been considered? Please justify any preferred option.

The main policy choices were

- (i) whether to make regulations on wider issues, such as the form of Scheme Orders and the consultation process for WPL schemes. We have decided to propose regulations only where they are essential to the operation of a scheme
- (ii) which approach to adopt in respect of definition of offences, penalties, enforcement and appeals. We have opted to keep the approach as simple as possible. Further details are provided in the 'Evidence Base' section.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? After a local WPL scheme has been implemented and operated for a couple of years (not expected before 2012).

Ministerial Sign-off For Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

..... Date:

Summary: Analysis & Evidence

Policy Option: 1

Description: Implement Workplace Parking Levy regulations to enable the introduction of such schemes by local authorities

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' It is not possible to attribute costs and benefits to the regulations in isolation. Individual schemes will entail costs which would be quantifiable on an individual basis. Regulations are intended to be light touch and will enable WPL schemes to be enforced more cost-effectively than with other approaches.
	One-off (Transition)	Yrs	
	£		
	Average Annual Cost (excluding one-off)		
	£		Total Cost (PV) £
Other key non-monetised costs by 'main affected groups' Local authorities will incur costs where they choose to implement such schemes, but will be compensated through levy revenues. Local businesses and employees will incur costs in paying levies, employees may face increased transport costs, such costs will vary from scheme to scheme.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' It is not possible to attribute benefits to these regulations in isolation. The merits of WPL schemes would be quantifiable on an individual basis.
	One-off	Yrs	
	£		
	Average Annual Benefit (excluding one-off)		
	£		Total Benefit (PV) £
Other key non-monetised benefits by 'main affected groups' Discouragement of workplace parking may reduce congestion and pollution caused by commuter trips, to the benefit of other transport users and people in the urban area. The schemes are designed to reinvest revenues in a package of wider transport improvements, to the benefit of employees and others in the area.			

Key Assumptions/Sensitivities/Risks The benefits of reduced congestion and environmental improvements rely on the assumption that firms do not relocate to areas which are not covered by the levy, to the detriment of transport elsewhere. The benefits are likely to be greatest where the scheme forms part of an effective package of interventions.

Price Base Year	Time Period Years	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £
--------------------	----------------------	-------------------------------------	---

What is the geographic coverage of the policy/option?		England (not London)	
On what date will the policy be implemented?			
Which organisation(s) will enforce the policy?		Local authorities	
What is the total annual cost of enforcement for these organisations?		£	
Does enforcement comply with Hampton principles?		Yes	
Will implementation go beyond minimum EU requirements?		N/A	
What is the value of the proposed offsetting measure per year?		£	
What is the value of changes in greenhouse gas emissions?		£	
Will the proposal have a significant impact on competition?		No	
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium Large
Are any of these organisations exempt?	Yes/No	Yes/No	N/A N/A

Impact on Admin Burdens Baseline (2005 Prices) (Increase - Decrease)
 Increase of £ Decrease of £ **Net Impact** £

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

Context

The Eddington Transport Study (published in 2006) confirmed that delays and unreliability increased business costs, affected productivity and inhibited innovation. It is estimated that 89 per cent of current delay caused by road congestion is in our urban areas.

Local authorities are best placed to tackle their local congestion problems and they have the ability to create innovative packages that bring together initiatives to manage demand, manage traffic flow and invest (for example in public transport, walking and cycling) to give people real choices on how they travel. It is within this context that Nottingham City Council have brought forward their proposals for a workplace parking levy as part of a package to tackle congestion and put the funds raised back into the improvement of their local transport network.

The background to the workplace parking levy is set out in the main part of the consultation document.

Options Considered

The provisions for WPL schemes in the Transport Act cannot meaningfully be brought into force without regulations giving local authorities appropriate enforcement powers. Without an enforcement capability for a workplace parking levy an authority would have no powers to ensure compliance with the scheme.

The main policy choices were therefore -

- (i) whether to make regulations where this was not essential. Details are given below but we have decided to propose regulations only where they are essential
- (ii) which approach to adopt in respect of definition of offences, penalties, enforcement and appeals.

On the first of these points, the Government does not intend to make regulations -

- specifying the form of Scheme Orders, how proposed Orders should be published, and objections considered, and how the final Order itself should be published, on the grounds that this is a matter for the local authority. The Order will need to be approved by the Secretary of State who also has powers to consult other people or require the authority to consult other people before he confirms the scheme order.
- specifying charging levels, exemptions and discounts. The draft regulations do not exercise this regulation making power, but the consultation document is seeking views on whether they should.

On the second of these policy choices options are limited but we have tried to keep the approach as simple as possible. The main choice was whether disputes and appeals should be heard by the County Court rather than a body such as the parking adjudicator. We have provided for a two stage approach -

- businesses are able to make representations about alleged contraventions and penalty charge notices and have them considered by the local authority;
- if the dispute is not resolved by that process, businesses will be able to appeal to the County Court.

We decided against a specially created adjudication system or relying on the parking adjudicator service because of the nature and low number of appeals expected. It is not currently expected that there will be very many disputes and appeals. Unlike parking or road user charging, where enforcement would be against individuals, under WPL schemes the employer is liable so the number of potential offenders is much smaller. However, if there are disputes or appeals the issues could be complex and involve large businesses (and we would assume relatively large amounts of money). For these reasons, we believe that a County Court would be the appropriate body to hear appeals.

Costs and benefits

The key policy objective of these regulations is to enable any local authority who wishes to implement a workplace parking levy to be able to do so by giving them the necessary powers to enforce a scheme. The regulations themselves set out the overall framework for a workplace parking levy and so it is not possible to assign costs and benefits of each individual proposal.

It will be possible to assess the costs and benefits when a particular scheme is designed and we would expect local authorities to do so when considering a scheme for their area. Overall the types of benefits we would expect a scheme to achieve include tackling congestion, environmental improvements, public transport improvements delivered through use of levy revenues and health and safety improvements.

In terms of costs, employers who provide parking spaces for their employees are the ones liable to pay the levy. Again, each scheme will be different and as such costs can not be quantified at this stage. The workplace parking levy is as yet untested as a policy, and the costs and benefits will depend on the design of schemes. Local authorities proposing schemes will be expected to have assessed the costs and benefits of their proposed schemes.

Tackling Congestion and improving journeys

The Eddington Transport Study suggested that, if left unchecked, by 2025 there will be a 30 per cent increase in congestion, losing an extra £22 billion worth of time in England alone. It also highlighted that currently 55 per cent of commuter journeys are to large urban areas and 89 per cent of delay caused by congestion is in urban areas.

The aim of a workplace parking levy is to provide local authorities with a tool to tackle congestion. The levy provides an incentive to employers to reduce car commuting and use alternative modes of transport (including car-sharing). The revenue from such a scheme has to be spent on achieving the local authority's transport policies, for example by investing in improvements to public transport.

Tackling congestion can bring benefits to a wide range of people. For instance freight and delivery companies operating in the area should experience benefits if journey times are reduced. Similarly, businesses and tradespeople providing services to customers in their homes should benefit from reduced travel time and hence have a greater proportion of their working day available to meet customers' needs. Individuals using transport networks for leisure and education trips also stand to benefit.

There is some uncertainty attached to these decongestion benefits. The reaction of businesses and their employees will be important in determining the overall effect on traffic levels. Should employers fail to encourage public transport use among employees, there is a risk that they will continue to drive, but use public car parks as an alternative. To the extent that this happens, it would compromise efforts to reduce urban congestion. Another unintended consequence could involve the relocation of businesses to other urban centres. Such risks should be considered in analysing the effectiveness of individual schemes.

The money from any workplace parking levy scheme has to be reinvested in a local authority's transport policies. Local authorities wishing to implement a workplace parking levy could therefore ensure that a viable alternative for car users was available. Therefore, employees could be offered a better choice of how to get work, which could offset the costs which may be imposed on them through the scheme (see below). For example, Nottingham City Council has indicated that they intend to spend the revenues from a workplace parking levy mainly on the extension to their tram.

Health and Safety

Depending on the design of the scheme, it could have benefits for health and safety. Through effective workplace travelling planning more people may be encouraged to walk or cycle to work. Employers could help by introducing or enhancing facilities for their employees to cycle to work. Both of these activities can have positive health benefits, as evidence suggests that regular exercise of this sort can improve health outcomes¹.

There may also be an impact on accident risks. Depending on local circumstances, and the number of vehicles involved, transferring car trips to cycling can reduce the number of traffic accidents. However, in some cases an increase in cyclists can increase the number of road users at risk from serious injury. The net impact will depend upon local traffic conditions and cycling provision, which could be influenced by other measures forming part of an integrated package of improvements.

Environmental Benefits

A reduction in congestion would be associated with decreases in the environmental costs of car use, including noise pollution, air quality impacts and greenhouse gas emissions. It would only be possible to quantify this effect on scheme by scheme basis.

Costs

Administrative Costs

Local authorities will need to consider a workplace parking levy in the context of their overall package of transport measures, but the establishment of a scheme would incur administrative costs in the employment of extra staff to manage and enforce the scheme.

The immediate cost for businesses would involve paying the levy itself, though this cost would depend on the price set by the local authority. There will also be administrative burdens where firms have to demonstrate compliance and make payments in respect of the levy. The cost of

¹ See http://www.webtag.org.uk/webdocuments/3_Expert/3_Environment_Objective/3.3.12.htm for evidence on health impacts

complying with a scheme can be minimised if schemes are structured transparently and with careful consideration of this burden.

Effects of levy charges and penalties

Firms will incur costs where they are required to make payments in respect of car parking for their employees. A key principle underpinning the workplace parking levy is that it should encourage the employer to provide incentives for their employees to choose different ways of travelling to work. The more effective employers are at doing this, the more their levy costs will reduce.

It is important for local authorities to consider the impact on particular sectors and businesses, including small businesses, as part of their overall assessment of the costs and benefits of implementing a pricing scheme in their areas. We encourage local authorities to work with businesses and to discuss these issues during the development of the proposals and consultation on a levy.

The individual employee is not liable to pay the charge. It will be for the employer to decide whether costs should be passed on to employees, but they may be constrained in their ability to do so. If the levy is set high enough, parking spaces may be reduced or firms may relocate to areas free from the levy. In the former case, if employees are not provided with suitable alternatives for transport, either through other interventions in a transport package or through the actions of their employers, they may incur additional transport costs through having to use more expensive or time consuming modes of transport, or parking further away from their place of work. This may then place pressure on future wage demands.

The employer may also attempt to pass on costs to consumers. The extent to which a firm can do this will depend upon the level of competition in their product markets, and in particular whether their competitors are based locally and therefore subject to the same costs.

The costs of non-compliance will vary depending on the scheme but we have clearly set out that an authority is able to set and enforce penalties that reflect the seriousness of the contravention. For example, if the business provides workplace parking places without a licence they could be liable for a higher penalty charge than if they already had a licence but provided more workplace parking places than the maximum covered by the licence.

The net impact on employers and workers will depend upon the level of charges, local circumstances, and the package of transport improvements designed to complement the levy.

Beyond the immediate transport and levy costs that firms and employees may experience, there might also be wider economic costs. A restriction in parking spaces may reduce the available pool of labour for firms to those living in close proximity or with good access to public transport, preventing the labour market from effectively matching jobs to workers' skills. If a restriction in parking restricts the ability of employees to meet with clients and other firms, there may also be a reduction in economic interaction and knowledge exchange. These impacts would have an impact on productivity, beyond the costs immediately associated with transport and levy charges. It also brings a risk of cutting off those living in more isolated areas from employment opportunities, with associated social impacts.

Specific Interest Tests

(a) Small firms

The extent to which smaller businesses are affected by workplace parking levy would depend on the composition of the scheme. It will be important for local authorities to consult with small businesses in their areas and to assess the potential impacts a scheme might have on those businesses.

As an example of the way in which these issues can be dealt with, Nottingham City Council have decided in their scheme that organisations providing 10 or fewer liable workplace parking places in the City would need to be licensed but would receive a 100% discount.

(b) Sustainable development

A workplace parking levy is consistent with the Government's principles of sustainable development. In particular enabling local authorities to use this tool to tackle congestion and invest in local transport can help to promote greater choice for the road user and could result in the use of more environmentally sustainable forms of transport. As already stated, congestion affects the economic performance of the country and tackling this problem should help to sustain future economic growth.

(c) Carbon assessment and other environmental impacts

A workplace parking levy has the potential to deliver carbon savings. The amounts of savings will depend on how local authorities make use of the enabling powers set out in the Transport Act 2000 and the regulations set out here. Encouraging modal shift and tackling congestion can produce carbon savings. The carbon impact would therefore depend on the complementary transport measures which local authorities choose to fund with the revenue and how far employers provide incentives for their employees to use alternative, lower carbon, modes of transport.

Similarly, reducing congestion and improving public transport could have significant impacts on local air quality and to a lesser extent noise pollution. The exact benefits would be dependent on the scheme design.

(d) Health

A workplace parking levy could have a positive impact on physical activity. There are well known health benefits arising from increased activity such as walking and cycling. The extent of such benefits will depend on how and where an authority invests the revenue from the levy and the extent to which employers encourage their staff to change the way they travel to work. There may also be an impact on accident rates, although this would be heavily influenced by local factors.

If there is investment in public transport from the revenues of a scheme, it would help improve access to health and social care facilities, particularly for more vulnerable members of society.

(e) Equality and accessibility

Transport improvements funded from WPL could help support government objectives for race, disability and gender equality. Ethnic minority groups, disabled people, women and low-income households tend, on average, to have lower rates of car ownership and to use public transport more than other social groups. Revenue from local schemes could be invested in local transport, promoting better access to essential goods and services, education and employment for such groups.

(f) Rural Proofing

The opportunity to set up a workplace parking levy exists across the country. The one authority that has developed detailed proposals for such a scheme is focussing on tackling congestion and investing in public transport in its urban area. However, the legal powers in the Act and those contained in these draft regulations are not restricted to urban local areas.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	<input type="checkbox"/> No	<input type="checkbox"/> Yes/ <input type="checkbox"/> No
Small Firms Impact Test	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes/ <input type="checkbox"/> No
Legal Aid	<input type="checkbox"/> No	<input type="checkbox"/> Yes/ <input type="checkbox"/> No
Sustainable Development	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes/ <input type="checkbox"/> No
Carbon Assessment	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes/ <input type="checkbox"/> No
Other Environment	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes/ <input type="checkbox"/> No
Health Impact Assessment	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes/ <input type="checkbox"/> No
Race Equality	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes/ <input type="checkbox"/> No
Disability Equality	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes/ <input type="checkbox"/> No
Gender Equality	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes/ <input type="checkbox"/> No
Human Rights	<input type="checkbox"/> No	<input type="checkbox"/> Yes/ <input type="checkbox"/> No
Rural Proofing	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes/ <input type="checkbox"/> No

Annexes

< Click once and paste, or double click to paste in this style.>

CONSULTATION ON PROPOSED REGULATIONS FOR WORKPLACE PARKING LEVY SCHEMES – CONSULTATION RESPONSE FORM

Please send responses to

Julian Smith
 Workplace Parking Levy Consultation
 Zone 3/5, Great Minster House
 76 Marsham Street
 London, SW1P 4DR

Email wpl.consultation@dft.gsi.gov.uk

Name of respondent/ organisation

No.	Question	Yes	No	Don't know	Comment (may be continued on separate sheet)
Q1	Are you content with the proposal for determining who is liable to apply for a WPL licence and pay charges (and penalty charges) where arrangements are made between the owner of car park premises and another person or firm for the use, say, of part of that car park? (see paragraph 3.16 in the detailed proposals and draft regulations 4 and 7 in Annex A).				
Q1a	If your answer to Q1 is “no”, what alternative do you propose, and why? (Please use the comment column to specify and explain your proposed alternative.)				
Q2	Do you agree that decisions about WPL exemptions, discounts and the level of charges should be the responsibility of the local authority making the scheme (see paragraphs 3.19 and 20 in the detailed proposals)?				

No.	Question	Yes	No	Don't know	Comment
Q2a	If your answer to Q2 is “no”, what alternative do you propose, and why? (Please use the comment column to specify and explain your proposed alternative.)				
Q3	There are concerns about the impact of WPL schemes on small businesses (see paragraph 3.20 of the detailed proposals). Is there a role for the Government in addressing these through regulations? If yes, how should this be done? If no, what other approaches could be adopted? (Please use the comment column to specify and explain your proposals.)				
Q4	Do you agree that national regulations should specify the contraventions proposed in paragraph 3.22 of the detailed proposals and draft regulation 5?				
Q5	Are there other contraventions that you consider need to be included? (Please use the comment column to specify and explain these other contraventions.)				
Q6	Do you agree that it should be for the licensing authority to set the rates of penalty charges?				
Q6a	If your answer to Q6 is “no”, what arrangements do you consider appropriate for setting rates of penalty charges? (Please use the comment column to specify and explain these other arrangements.)				

No.	Question	Yes	No	Don't know	Comment
Q7	Are you content with the procedures proposed for considering representations, and appeals and for appeals to be referred to a County Court (see paragraphs 3.31 – 3.34 of the detailed proposals)?				
Q7a	If your answer to Q7 is “no”, what alternative procedure do you think should be used and why? (Please use the comment column to specify and explain this alternative procedure.)				
Q8	Are you content with the procedures proposed in regulation 17 for serving notices?				
Q8a	If your answer to Q8 is “no”, what changes to procedures need to be made? (Please use the comment column to specify and explain this alternative procedure.)				
Q9	Are there issues not covered by the draft regulations that you think need to be covered?				
Q9a	If your answer to Q9 is “yes”, what are these issues and what would be the consequences of not including them? (Please use the comment column to specify and explain these issues.)				

ISBN 978-1-90658-165-7



9 781906 581657