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Net Zero, Energy and Transport Committee

Workplace Parking Licensing (Scotland) Regulations 2022



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Net Zero, Energy and Transport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport.



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Introduction

1. The [Workplace Parking Licensing \(Scotland\) Regulations 2022 \(SSI 2022/4\)](#) were laid in the Scottish Parliament on 12 January 2022.
2. The Regulations make provision in relation to workplace parking licensing schemes made under Part 7 of the Transport (Scotland) Act 2019 so that councils may go ahead to introduce them. They make detailed provision in relation to:
 - The consultation, reporting and publication requirements on licensing proposals for workplace parking as set out in the 2019 Act;
 - The process for examination of the proposals;
 - The circumstances in which persons other than the occupier of premises will be liable to obtain a licence and pay the licence charge;
 - The process for reviews and appeals of licensing decisions;
 - The ability for schemes to provide for penalty charges and enforcement and appeals in that connection; and
 - Accounts.
3. In her introductory comments at the 8 February meeting (see below), the Minister for Transport said:
 - ” The purpose of the regulations is to make detailed and technical provision on certain elements of the framework already set out in the 2019 act so that local authorities can use the tool that Parliament has provided to implement workplace parking licensing schemes that suit their local circumstances. The provisions will ensure that the schemes operate effectively and fairly.

Delegated Powers and Law Reform Committee consideration

4. The DPLR Committee considered the Regulations at its [meeting on 25 January 2022](#) and determined that they did not need to draw the attention of Parliament to the instrument on any grounds within its remit.

[Read the official report for the meeting on 25 January 2022.](#)

Net Zero, Energy and Transport Committee consideration

5. In view of the potential public interest in the new system, the Convener decided to take evidence on the instrument before formally disposing of it. The Committee invited the Minister for Transport and officials to answer Members' questions on it at the 8 February 2022 meeting. Issues discussed included:
 - Who the costs of any scheme would fall on. The Minister confirmed costs would fall in the first place on the employer, but they could pass costs onto employees;
 - The discretionary nature of the scheme, with the Minister confirming that two or more councils could implement a joint scheme;
 - Monitoring of schemes and the role of the reporter in monitoring;
 - Measuring what impact schemes have. The Minister indicated it would be for local authorities to decide whether to do this, and in what way;
 - How monies from schemes must be spent (to support local transport strategies)
 - Confirmation that councils have discretion as to the size of levies, with no upper limit, and discussion on what discretion they have to create exemptions. Reference was made to the three mandatory exemptions in the 2019 Act
 - The prospect of schemes being set up in situations where there are poor public transport links to a workplace.
6. [Read the official report for the meeting on 8 February 2022.](#)
7. See Annexe A for links to all written evidence received during the Committee's scrutiny, including a letter from the Minister following up on matters raised at the 8 February meeting, including further information on:
 - Licensing charge;
 - Modelling on driver behaviour change;
 - Licensing conditions;
 - Local exemption;
 - Compliance.
8. On 9 February 2022, Graham Simpson MSP lodged motion [S6M-03166](#) - that the Committee recommends that the instrument be annulled.
9. At its meeting on 22 February 2022, the Committee held a further evidence session and debate on the motion to annul. During the evidence session, a number of the issues discussed on 8 February were revisited in more detail. Amongst additional

issues raised were:

- Confirmation from the Minister concerned that the Scottish Government could appoint a reporter;
- Timing: the Minister said Glasgow City Council had indicated it could take up to three years to introduce a scheme;
- Whether the Scottish Government had carried out modelling on the effects of schemes. The Minister said "it is quite difficult to model a scheme that has not yet existed in Scotland. I therefore think that the best way that local authorities can learn is by modelling with regard to what happened in Nottingham City Council." (Nottingham has introduced a workplace parking levy);
- Confirmation from the Minister that Transport Scotland would produce national guidance if the regulations are agreed to;
- Whether the regulations amount in effect to a form of "double taxation" on businesses paying business rates for parking spaces, and whether legal advice had been taken. Officials said the legality of the 2019 Act had not been called into question;
- Whether the Scottish Government has spoken to unions about the proposed levy. Officials said there had been discussions at the time of the passing of the 2019 Act;
- Whether the Scottish Government is satisfied that the levy would address the concerns of those who do not feel safe using the public transport that is available to them at certain times of the day;
- Whether introduction of the levy might encourage some employers to relocate to town and city centres;
- Support for the levy from the local government sector;
- Concerns from the business sector about the impact of the levy on businesses recovering from the pandemic.

10. After the evidence session, Graham Simpson MSP moved the motion—

[S6M-03166](#)— That the Net Zero, Energy and Transport Committee recommends that the Workplace Parking Licensing (Scotland) Regulations 2022 be annulled.

11. There was a debate in which various Members contributed, referring to matters covered in the two evidence sessions as reasons why they would, or would not, support the motion. After the debate, motion [S6M-03166](#) was disagreed to by division (For: 3, Against: 4, Abstain: 0).

12. [Read the Official Report of the Net Zero, Energy and Transport Committee on 22 February 2022.](#)

Annexe A

13. On 17 February 2022, Jenny Gilruth MSP, Minister for Transport, [provided further information on the instrument as requested by Members on 8 February 2022](#).

The Committee received written submissions from:

- [Food and Drink Federation Scotland](#)
- [Scottish Retail Consortium](#)
- [Transform Scotland](#)
- [Scottish Chambers of Commerce Network](#)

