RURAL ECONOMY AND CONNECTIVITY COMMITTEE

AGENDA

17th Meeting, 2019 (Session 5)

Wednesday 22 May 2019

The Committee will meet at 8.45 am in the Sir Alexander Fleming Room (CR3).

1. Restricted Roads (20 mph Speed Limit) (Scotland) Bill (in private): The Committee will consider a draft Stage 1 report.

   The Committee will move to the Robert Burns Room (CR1) for agenda items 2 to 7.

   Not before 09.45 am

2. Subordinate legislation: The Committee will take evidence on the Welfare of Farmed Animals (Scotland) Amendment Regulations 2019 [draft] from—

   Mairi Gougeon, Minister for Rural Affairs and Natural Environment, Andrew Voas, Veterinary Head of Animal Welfare, and Grant McLarty, Solicitor, Scottish Government.

3. Subordinate legislation: Mairi Gougeon (Minister for Rural Affairs and the Natural Environment) to move—

   S5M-17291—That the Rural Economy and Connectivity Committee recommends that the Welfare of Farmed Animals (Scotland) Amendment Regulations 2019 [draft] be approved.


   Mairi Gougeon, Minister for Rural Affairs and Natural Environment, Andrew Voas, Veterinary Head of Animal Welfare, and Grant McLarty, Solicitor, Scottish Government.

5. Draft Notice: Mairi Gougeon (Minister for Rural Affairs and the Natural Environment) to move—
S5M-17290—That the Rural Economy and Connectivity Committee recommends that the Code for the Welfare of Meat Chickens and Breeding Chickens (Revocation) (Scotland) Notice 2019 [draft] be approved.

6. **Subordinate legislation:** The Committee will consider the following negative instrument—

   The Road Works (Qualifications of Operatives and Supervisors) (Scotland) Amendment Regulations 2019.

7. **Transport (Scotland) Bill:** The Committee will take evidence on the policy intention of the Stage 2 amendments on a proposed workplace parking levy from—

   Professor Stephen Ison, Professor of Transport Policy, Loughborough University;

   Chris Carter, Head of Transport Strategy, Nottingham City Council;

   and then from—

   Jim Grieve, Interim Partnership Director, SEStran, and Member of Society of Chief Officers of Transportation in Scotland;

   Councillor Anna Richardson, City Convener for Sustainability and Carbon Reduction, Glasgow City Council;

   Richard Sweetnam, Chief Officer for City Growth, Aberdeen City Council.

Steve Farrell
Clerk to the Rural Economy and Connectivity Committee
Room T3.40
The Scottish Parliament
Edinburgh
Tel: 0131 348 5211
Email: steve.farrell@parliament.scot
The papers for this meeting are as follows—

**Agenda Item 1**

PRIVATE PAPER  
REC/S5/19/17/1 (P)

**Agenda Item 2 to 5**

SSI Cover Note  
REC/S5/19/17/2

**Agenda Item 6**

SSI Cover Note  
REC/S5/19/17/3

**Agenda Item 7**

Note by the Clerk  
REC/S5/19/17/4

PRIVATE PAPER  
REC/S5/19/17/5 (P)
Rural Economy and Connectivity Committee

17th Meeting, 2019 (Session 5), Wednesday 22 May 2019

Subordinate Legislation and Draft Notice

1. The Committee will consider the following documents:

Affirmative procedure

- Welfare of Farmed Animals (Scotland) Amendment Regulations 2019 (Annex A)

Draft Notice

- Code for the Welfare of Meat Chickens and Breeding Chickens (Revocation) (Scotland) Notice 2019 (Annex B)

2. The Annexes, for each document respectively, contain the clerk’s note, the document itself and the Scottish Government’s policy note.

Rural Economy and Connectivity Committee Clerks

May 2019
Annex A

Draft SSI: The Welfare of Farmed Animals (Scotland) Amendment Regulations 2019

Type of Instrument: Draft Affirmative

Laid Date: 1 May 2019

Minister to attend the meeting: Yes

Procedure

1. The Rural Economy and Connectivity (REC) Committee is lead committee for this instrument and is required to report to the Parliament on its considerations.

2. Under Rule 10.6.1 (a), these regulations are subject to affirmative resolution before they can be made. It is for the REC Committee to recommend to the Parliament whether these draft regulations should be approved.

3. The Minister for Rural Affairs and Natural Environment has, by motion S5M-17291 (as set out in the agenda), proposed that the Committee should recommend the approval of this instrument.

4. The Minister will attend to explain the purpose and policy objective of the instrument and to answer any questions from members. She will then (under a subsequent agenda item) be invited to speak to and move the motion seeking approval. The formal debate on the motion may last for up to 90 minutes.

5. At the end of the debate, the Committee must decide whether it agrees or disagrees with the motion, and then report to the Parliament accordingly. Such a report need only be a short statement of the Committee’s recommendations.

Purpose

6. The draft Regulations provide that any person responsible for a farmed animal must not attend to that animal unless they are acquainted with, and have access to, the Meat Chickens Guidance, if such guidance is relevant to that animal. The person must also take all reasonable steps to ensure that anyone they employ does not attend to the animal unless they are acquainted with, have access to and have received instruction on how to comply with the Meat Chickens Guidance if relevant to the animal.

7. The Instrument and Policy Note are attached and are also available online at the first link above.

Consideration by the Delegated Powers and Law Reform Committee

8. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 14 May 2019 and determined that it did not need to draw the
Parliament’s attention to the instrument on any grounds within its remit.

Recommendation

The Committee is invited to consider any issues it wishes to raise in reporting to the Parliament on this instrument.

Clerking Team
Rural Economy and Connectivity Committee
May 2019

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

ANIMALS

The Welfare of Farmed Animals (Scotland) Amendment Regulations 2019

Made - - - - 2019

Coming into force - - 29th June 2019

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 26 and 51(2) of the Animal Health and Welfare (Scotland) Act 2006(1) and all other powers enabling them to do so.

In accordance with section 26(5) of that Act, the Scottish Ministers have consulted such persons appearing to them to represent relevant interests, and such other persons, as they consider appropriate.

In accordance with section 51(3) of that Act(2), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Welfare of Farmed Animals (Scotland) Amendment Regulations 2019 and come into force on 29 June 2019.

Amendment of the Welfare of Farmed Animals (Scotland) Regulations 2010

2. After regulation 7 (animal welfare codes) of the Welfare of Farmed Animals (Scotland) Regulations 2010(3) insert—

“Animal welfare guidance

7A.—(1) A person responsible for a farmed animal—

(a) must not attend to that animal unless that person—

(i) is acquainted with any relevant animal welfare guidance, and

(ii) has access to the guidance while attending to that animal, and

(b) must take all reasonable steps to ensure that a person employed or engaged by the person responsible does not attend to that animal unless that employed or engaged person—

(1) 2006 asp 11, to which there are amendments not relevant to these Regulations.

(2) Section 51(3) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(3) S.S.I. 2010/388, to which there is an amending instrument not relevant to these Regulations.
(i) is acquainted with any relevant animal welfare guidance relating to the animal being
attended to,

(ii) has access to a copy of the guidance while that person is attending to that animal, and

(iii) has received appropriate instruction on how to comply with the guidance.

(2) In paragraph (1), “animal welfare guidance” means the guidance contained in the document
titled “Guidance for the Welfare of Meat Chickens and Meat Breeding Chickens” and dated April
2019, which was first published by the Scottish Government on its website on 1 April 2019(4).

Name

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations insert a new regulation 7A into the Welfare of Farmed Animals (Scotland) Regulations 2010 (“the 2010 Regulations”). The new regulation 7A provides that a person responsible for a farmed animal must not attend to that animal, unless that person is acquainted with any relevant animal welfare guidance and has access to it while attending to that animal.

The person responsible must also take all reasonable steps to ensure that any other person employed or engaged by the person responsible does not attend to any such animal, unless that other person is acquainted with any relevant animal welfare guidance (as defined in the Regulations), has access to a copy of it while attending to the animal, and has received instruction on how to comply with the guidance.

By virtue of regulation 11 (offences) of the 2010 Regulations, it is an offence for a person responsible for a farmed animal to, without lawful authority or reasonable excuse, contravene or fail to comply with new regulation 7A (or to cause or permit any such contravention or failure).

A copy of the animal welfare guidance referred to in new regulation 7A(2) can be viewed on, or downloaded from, the Scottish Government’s website. Copies can also be obtained from, or inspected at, the offices of the Scottish Government’s Agriculture and Rural Economy Directorate, Animal Health and Welfare Division, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.
POLICY NOTE

THE WELFARE OF FARMED ANIMALS (SCOTLAND) AMENDMENT REGULATIONS 2019
S.S.I. 2019/

The above instrument is made by Scottish Ministers in exercise of powers conferred by sections 26 and 51(2) of the Animal Health and Welfare (Scotland) Act 2006 (“the 2006 Act”). The instrument is subject to affirmative procedure.

Purpose of the Instrument

The purpose of the instrument is to insert a new provision, regulation 7A, into the Welfare of Farmed Animals (Scotland) Regulations 2010 (“the 2010 Regulations”). The purpose of the new provision is to place certain requirements on persons responsible for farmed animals in relation to the recently published Guidance for the Welfare of Meat Chickens and Meat Breeding Chickens (“the Meat Chickens Guidance”).

Policy Objectives

1. The Scottish Government has in the past issued a number of codes of practice that have the status of “animal welfare codes”, as defined by section 37 of the 2006 Act. These codes of practice provide recommendations in relation to the welfare of various types of farmed animal. The Scottish Government is in the process of reviewing the content of these codes of practice, with a view to publishing updated recommendations.

2. What is considered to be good practice in the area of animal welfare is constantly changing, and it is important that the recommendations made by Government are kept up to date. Codes of practice require significant official and parliamentary time, and do not therefore allow the agility required for quick publication and updating.

3. An alternative is to issue Scottish Government guidance under section 38 of the 2006 Act. Guidance can be produced, amended and replaced more quickly, and the Scottish Government therefore considers that proceeding by way of guidance made under section 38 of the 2006 Act should assist in keeping the recommendations issued by Government up to date and in line with evolving good practice. The Scottish Government therefore took the decision that the existing code of practice on meat chickens and breeding chickens should be replaced by Scottish Government Guidance. The Guidance for the Welfare of Meat Chickens and Meat Breeding Chickens was published on 1 April 2019.

4. Regulation 7 of the 2010 Regulations requires anyone responsible for a farmed animal to be acquainted with, and have access to, any relevant code of practice and to ensure that anyone employed or engaged by them is also acquainted with the code, has access to it and has received instruction in it. Regulation 11 of the 2010 Regulations makes non-compliance with any of these requirements an offence.

5. The purpose of this instrument is to insert a new provision, regulation 7A, into the 2010 Regulations, setting out similar requirements as those in regulation 7, but in relation to the Meat
Chickens Guidance rather than codes of practice. It will provide that any person responsible for a farmed animal must not attend to that animal unless they are acquainted with, and have access to, the Meat Chickens Guidance, if such guidance is relevant to that animal. The new regulation also requires that the person responsible for the farmed animal must take all reasonable steps to ensure that anyone they employ does not attend to the animal unless they are acquainted with, have access to and have received instruction on how to comply with the Meat Chickens Guidance if relevant to the animal. This will ensure that the Meat Chickens Guidance has a status similar to that of code of practice in terms of the requirements placed on a person responsible for farmed animals. As and when any new guidance documents for other types of animal are published by Scottish Ministers in future, the 2010 Regulations can be further amended to refer to additional guidance documents and thereby extend the requirements of regulation 7A to such other guidance documents.

6. Non-compliance with the new regulation 7A will be an offence. The maximum penalties available to a court upon conviction for such an offence will be the same as those currently available for any offence under the 2010 Regulations, namely a fine of up to level 4 on the standard scale (£2,500), or imprisonment of up to 3 months, or both.

7. A notice to revoke the code on meat chickens has been laid alongside this SSI.

Consultation

8. Farming and animal welfare stakeholders have been consulted on these proposals and are largely content.

Impact Assessments

9. No impact assessments were required in relation to these amendments. Those responsible for farmed animals will be under no more onerous requirements as a result of these amendments than they are currently, because the new requirements mirror those that currently exist in relation to being acquainted with, having access to, and having received instruction on animal welfare codes. The legal requirements to which the Meat Chickens Guidance refers have been in place for some time, and those responsible for meat chickens are therefore already working to meet the recommendations in the Guidance.

Financial Effects

10. These changes will not impose any additional financial burdens on the farming industry, and so a Business and Regulatory Impact Assessment has not been carried out.

Timing

11. The Instrument will come into force on 29 June 2019.

Scottish Government
Directorate for Agriculture and Rural Economy
May 2019
Annex B

The Code for the Welfare of Meat Chickens and Breeding Chickens (Revocation) (Scotland) Notice 2019 (draft)

Type of Instrument: This Notice is a document subject to approval by resolution, which follows the same procedure as for an affirmative instrument.

Laid Date: 1 May 2019

Minister to attend the meeting: Yes

Procedure

9. The Rural Economy and Connectivity (REC) Committee is lead committee for this document and is required to report to the Parliament on its considerations.

10. The laying power for the Notice is section 37(7)(a) of the Animal Health and Welfare (Scotland) Act 2006 which states: “A notice revoking an animal welfare code— (a) requires to be laid before, and approved by resolution of, the Parliament,”.

11. Under the Scottish Parliament’s Standing Orders (Rules 10.6.1 (a) and 10.10), the document is subject to affirmative resolution before it can be made. It is for the REC Committee to recommend to the Parliament whether this draft Notice should be approved.

12. The Minister for Rural Affairs and the Natural Environment, has, by motion S5M-17290 (as set out in the agenda), proposed that the Committee should recommend the approval of this document.

13. The Minister for Rural Affairs and the Natural Environment will attend to explain the purpose and policy objective of the document and to answer any questions from members. She will then (under a subsequent agenda item) be invited to speak to and move the motion seeking approval. The formal debate on the motion may last for up to 90 minutes.

14. At the end of the debate, the Committee must decide whether it agrees or disagrees with the motion, and then report to Parliament accordingly. Such a report need only be a short statement of the Committee’s recommendations.

Purpose

15. This Notice revokes the code entitled “Codes of Recommendations for the Welfare of Livestock: Meat Chickens and Breeding Chickens”, which was published by the Scottish Ministers on 18 July 2005. This follows the publication by the Scottish Ministers of “Guidance for the Welfare of Meat Chickens and Meat Breeding Chickens” on 1 April 2019.

17. The draft Notice and Policy Note are attached.

Consideration by the Delegated Powers and Law Reform Committee

18. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 14 April 2019, and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

Recommendation

The Committee is invited to consider any issues that it wishes to raise in reporting to the Parliament on this instrument.

Clerking Team
Rural Economy and Connectivity Committee
May 2019
NOTICE

ANIMALS

The Code for the Welfare of Meat Chickens and Breeding Chickens (Revocation) (Scotland) Notice 2019

Made - - - - 30th April 2019
3. Laid before the Scottish Parliament 1st May 2019
Coming into effect in accordance with article 1(2) and 1(3)

The Scottish Ministers in exercise of the powers conferred by section 37(4) of the Animal Health and Welfare (Scotland) Act 2006(5) make the following Notice:

Citation and commencement

—(1) This Notice may be cited as the Code for the Welfare of Meat Chickens and Breeding Chickens (Revocation) (Scotland) Notice 2019.

Where this Notice is approved by resolution of the Scottish Parliament before 29 June 2019, it comes into effect on 29 June 2019.

Where this Notice is approved by resolution of the Scottish Parliament on or after 29 June 2019, it comes into effect on the day after the day it is approved.

Revocation of the code for the welfare of meat chickens and breeding chickens

The code entitled “Codes of Recommendations for the Welfare of Livestock: Meat Chickens and Breeding Chickens”, which was prepared by the Scottish Ministers under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968(6) and published on 18 July 2005(7) is revoked.

Saving provision

—(2) Paragraph (2) applies in relation to any proceedings for an offence under Part 2 of the Animal Health and Welfare (Scotland) Act 2006, or under regulations made under section 26 or 27 of that Act, in relation to conduct which took place before the coming into effect of this Notice.

(5) 2006 asp 11, to which there are amendments not relevant to this Notice.
(6) 1968 c.34. Section 3 of the Agriculture (Miscellaneous Provisions) Act 1968 was repealed by section 52 and paragraph 8 of schedule 2 of the Animal Health and Welfare (Scotland) Act 2006 (“the Act”). By virtue of article 4(2) of S.S.I. 2006/482 (C.41), the code is treated as an animal welfare code of practice made by the Scottish Ministers under section 37 of the Act and approved by resolution of the Scottish Parliament.
(7) ISBN 0 7559 1175 X.
Where this paragraph applies, the code referred to in article 2 continues to have effect for the purposes of sections 19(4)(b) and 37(9) of the Animal Health and Welfare (Scotland) Act 2006.

St Andrew’s House,
Edinburgh
30th April 2019

MAIRI GOUGEON
Authorised to sign by the Scottish Ministers
EXPLANATORY NOTE
(This note is not part of the Notice)

This Notice revokes the code entitled “Codes of Recommendations for the Welfare of Livestock: Meat Chickens and Breeding Chickens”, which was published by the Scottish Ministers on 18 July 2005. This follows the publication by the Scottish Ministers of “Guidance for the Welfare of Meat Chickens and Meat Breeding Chickens” on 1 April 2019 (ISBN 978-1-78781-646-6 (web only)).

But in relation to any proceedings for an offence under Part 2 of the Animal Health and Welfare (Scotland) Act 2006, or under regulations made under section 26 or 27 of that Act, in relation to conduct which took place before the coming into effect of this Notice, the code continues to have effect for the purposes of sections 19(4)(b) and 37(9) of that Act. Section 19(4)(b) provides that whether conduct was in compliance with any relevant code of practice issued under an enactment is a consideration to which regard is to be had in determining whether suffering is unnecessary for the purposes of section 19(1) to (3) of the Act. Section 37(9) provides that failure to comply with a relevant provision of an animal welfare code may be relied upon as tending to establish liability and that compliance with a relevant provision of an animal welfare code may be relied upon as tending to negative liability.
POLICY NOTE

THE CODE FOR THE WELFARE OF MEAT CHICKENS AND BREEDING CHICKENS
(REVOCATION) (SCOTLAND) NOTICE 2019

The above Notice is made by Scottish Ministers in exercise of powers conferred by section 37(4) of the Animal Health and Welfare (Scotland) Act 2006 (“the 2006 Act”). By virtue of section 37(7) of the 2006 Act, the Notice must be laid before and approved by resolution of the Scottish Parliament.

Purpose

The purpose of the Notice is to revoke the code entitled “Codes of Recommendations for the Welfare of Livestock: Meat Chickens and Breeding Chickens”, which was prepared by the Scottish Ministers under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968 and published on 18 July 2005 (“the Code”). The Code is being revoked following the Scottish Government’s publication of the Guidance for the Welfare of Meat Chickens and Meat Breeding Chickens on 1 April 2019.

Legislative Background

1. Section 37 of the 2006 Act confers upon Scottish Ministers the power to make codes of practice for the purpose of providing practical guidance in relation to animal welfare. The Code is treated as a code of practice made under section 37 of the 2006 Act by virtue of section 4(2) of the Animal Health and Welfare (Scotland) Act 2006 (Commencement No. 1, Savings and Transitional Provisions) Order 2006. Section 38 of the 2006 Act provides that Scottish Ministers may, with a view to securing the welfare of protected animals, issue guidance on matters as they consider appropriate.

Policy Objectives

2. The Scottish Government has issued a number of codes of practice that have the status of “animal welfare codes”, as defined by section 37 of the 2006 Act, providing good practice recommendations in relation to various types of farmed animal. The Scottish Government is currently reviewing these codes of practice, with a view to publishing new, updated, good practice recommendations. It is important from an animal welfare point of view that the recommendations made by Government are kept up to date and in line with evolving good practice. Codes of practice require significant official and parliamentary time, and do not therefore allow the agility required for quick publication and updating. An alternative is to issue Scottish Government guidance, under section 38 of the 2006 Act, which can be produced, amended and replaced more quickly. The Scottish Government has therefore published its new set of recommendations for the welfare of meat chickens as guidance rather than a code.

3. The Meat Chickens Guidance provides updated recommendations to persons responsible for meat chickens and meat breeding chickens in relation to the welfare of such animals. It sets out current good practice and takes into account significant EU legal requirements for meat chicken production that came into force after publication of the Code.

4. There are no offences or other enforcement measures attached directly to non-compliance with either codes of practice or guidance made under the 2006 Act. While the ability to use codes of
practice to assess whether an offence has been committed under the 2006 Act or under regulations made under section 26 or 27 of the 2006 Act is set out in statute (section 37(9) of the 2006 Act), there is no equivalent statutory provision expressly setting out the ability to use guidance made under section 38 of the Act in the same way. However, activities carried out in accordance with the guidance may be regarded as good practice. The Meat Chickens Guidance might also be considered relevant by the courts in the prosecution of offences under the Act and regulations made under it. The relevance of the Meat Chickens Guidance, if any, to a prosecution will depend on the circumstances.

5. Regulation 7 of the Welfare of Farmed Animals (Scotland) Regulations 2010 (“the 2010 Regulations”) requires any person responsible for a farmed animal to be acquainted with, and have access to, any relevant code of practice and to ensure that anyone employed or engaged by him/her is acquainted with it, has access to it and has received instruction on it. Non-compliance with any of these requirements is an offence. The Scottish Government is laying regulations, by way of a draft SSI, at the same time as this present Notice, which seek to amend the 2010 Regulations so that they also include a new regulation in relation to the Meat Chickens Guidance, equivalent to the requirements in relation to codes of practice imposed by regulation 7.

6. Revocation of the Code is considered to be appropriate after the 2010 Regulations have been amended to include the new regulation 7A, in order to prevent persons responsible for farmed animals being required to be acquainted etc. with the outdated Code in addition to being required to be acquainted etc. with the Meat Chickens Guidance. It is intended, however, that the Code should continue to have effect in relation to any proceedings for an offence under Part 2 of the 2006 Act, or under regulations made under section 26 or 27 of the 2006 Act, in relation to conduct which took place before the coming into effect of the Notice, and the Notice therefore makes provision for this.

Consultation

7. The move from codes to guidance has been discussed with the meat chicken industry and animal welfare organisations and they are largely content. These organisations were also involved in the development of the Meat Chickens Guidance.

Timing

8. It is intended that the Code be revoked on 29 June 2019 if the Notice is approved by Parliament before that date. If the Notice is approved on or after 29 June 2019, it is intended that the Code be revoked on the day after it has been approved. The draft instrument which seeks to insert the new regulation 7A into the 2010 Regulations is intended to come into force on 29 June 2019.

Scottish Government
Directorate for Agriculture and Rural Economy

May 2019
Title of Instrument

- The Road Works (Qualifications of Operatives and Supervisors) (Scotland) Amendment Regulations 2019

Type of Instrument: Negative

Coming into force: 11 June 2019

Laid Date: 2 May 2019

Minister to attend the meeting: No

Procedure

1. Under the negative procedure, an instrument comes into force on the date specified on it (the “coming into force date”) unless a motion to annul is agreed to by the Parliament within the 40-day period. Lead committees are not obliged to report to the Parliament on negative instruments, except where a motion recommending annulment has been lodged.

Purpose

2. The purpose of this instrument is to amend the Road Works (Qualifications of Operatives and Supervisors) (Scotland) Regulations 2017 (“the 2017 Regulations”) to add a fourth body to the existing list of bodies approved to issue certificates of competence in respect of certain types of road works.

3. In early 2018 the training organisation “Lantra” began the process of seeking to be recognised as an approved body by the Scottish Ministers. The objective of this instrument is to amend the 2017 Regulations to include Lantra as a fourth approved body in Scotland.

4. The instrument and Policy Note are attached and available online at the above link. A Business and Regulatory Impact Assessment is also available online at the above link.

Consideration by the Delegated Powers and Law Reform Committee

5. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 14 May 2019 and had no points to raise.
Recommendation

The Committee is invited to consider any issues that it wishes to raise in relation to this instrument.

Clerking Team
Rural Economy and Connectivity Committee
May 2019
The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 126 and 163(1) of the New Roads and Street Works Act 1991(a) and all other powers enabling them to do so.

In accordance with section 163A(b) of that Act they have consulted with such—

(a) persons considered by them to be representative of the interests of undertakers,
(b) road works authorities, and
(c) other persons,

as they think appropriate.

Citation and commencement

1. These Regulations may be cited as the Road Works (Qualifications of Operatives and Supervisors) (Scotland) Amendment Regulations 2019 and come into force on 11 June 2019.

Amendment of the Road Works (Qualifications of Operatives and Supervisors) (Scotland) Regulations 2017

2.—(1) The Road Works (Qualifications of Operatives and Supervisors) (Scotland) Regulations 2017(c) are amended in accordance with paragraph (2).

(2) In regulation 8(1) (qualification registration)—

(a) in sub-paragraph (b) omit the second “and”, and
(b) at the end of sub-paragraph (c) insert—

“; and

(d) Lantra(a).”.

St Andrew’s House,
Edinburgh
30th April 2019

MICHAEL MATHESON
A member of the Scottish Government

(a) Lantra is a company limited by guarantee and registered in England and Wales under company number 02823181, a charity registered in England and Wales under charity number 1022991 and a charity registered in Scotland under charity number SC039039.
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Works (Qualifications of Operatives and Supervisors) (Scotland) Regulations 2017 (“the 2017 Regulations”). The 2017 Regulations prescribe the qualifications required of supervisors and trained operatives executing certain types of road works.

A person has a prescribed qualification for a type of work listed in schedules 1 or 2 of the 2017 Regulations if the person is qualified in that type of work and the additional types of work specified in regulation 3(1)(b) (for trained operatives) or regulation 3(2)(b) (for supervisors). A person is qualified in a type of work if an approved body has issued a certificate of competence showing that the person has been assessed as having the required level of competence in that type of work (regulation 3(3)(a)). Regulation 8(1) sets out the approved bodies for the purposes of issuing certificates of competence.

Regulation 2 of these Regulations amends the 2017 Regulations to add an approved body (Lantra) to the list set out at regulation 8(1) of the 2017 Regulations.
POLICY NOTE

The Road Works (Qualifications of Operatives and Supervisors) (Scotland) Amendment Regulations 2019
SSI 2019/159

The above instrument is made in exercise of powers conferred on the Scottish Ministers by sections 126 and 163(1) of the New Roads and Street Works Act 1991 (“the 1991 Act”). The instrument is subject to the negative resolution procedure.

The purpose of this instrument is to amend the Road Works (Qualifications of Operatives and Supervisors) (Scotland) Regulations 2017 (“the 2017 Regulations”) to add a fourth body to the existing list of bodies approved to issue certificates of competence in respect of certain types of road works.

Policy Objectives

The policy aim of this instrument is to amend the 2017 Regulations to include a fourth approved body in the list set out at regulation 8(1). This instrument will include “Lantra” as the fourth approved body, that organisation having sufficiently demonstrated the ability to act in that capacity.

In terms of section 126 of the 1991 Act, it is the duty of undertakers executing certain types of road works to ensure that they are supervised by a person who holds a prescribed qualification as a supervisor and that there is on site at all times at least one person who holds a prescribed qualification as a trained operative.

The 2017 Regulations prescribe the qualifications required of such supervisors and trained operatives. In particular, they provide that a person is qualified in a type of work if they hold a certificate of competence issued by an approved body.

The 2017 Regulations currently specify three bodies approved to issue certificates of competence. They are: the Scottish Qualifications Authority, the City and Guilds of London Institute and the CABWI Awarding Body.

Only bodies the Scottish Ministers have approved may issue certificates of competence. This instrument is necessary because, in terms of section 126(4) of the 1991 Act, the Scottish Ministers approve bodies (or withdraw their approval) by way of Regulations.

Consultation

To comply with the requirements of section 163A of the 1991 Act, the Scottish Government carried out a 12 week public consultation in relation to the inclusion of Lantra as an approved body. This consultation ran between 14 December 2018 and 8 March 2019. A full list of respondents to the consultation, most of whom agreed to the release of their response, is published on the Scottish Government website and is contained within the Business and Regulatory Impact Assessment (BRIA), which is attached. It includes Moray Council, Aberdeenshire Council and Glasgow City Council.
There was general support for the proposal. No respondents objected to expanding the list of approved bodies. All responses either supported the inclusion of Lantra specifically, subject to a full review, or were generally supportive of having a wider range of approved bodies.

**Impact Assessments**

There are no aspects of the proposal which have a differential or discriminatory impact on equality groups. The proposal is a minor amendment which does not alter the policy position of the earlier Regulations, and no additional impact assessments have been carried out for this reason.

**Financial Effects**

A BRIA has been completed and is attached. The impact of this instrument will be to allow Lantra to issue certificates of competence for operatives and supervisors of road works. The costs of this will be borne by Lantra itself.

**Date of implementation**

This instrument will be effective from 11 June 2019.

Scottish Government
Transport Strategy and Analysis

April 2019
Introduction

1. The Committee will take oral evidence on a proposed workplace parking levy from two panels of witnesses. Written submissions from those who are providing oral evidence are contained in the Annex, other submissions received are available here.

Background

2. John Finnie MSP, supported by the Scottish Government, has lodged amendments to the Transport (Scotland) Bill concerning a workplace parking levy. The amendments and an accompanying policy note provided by Mr Finnie are available here.

3. The Committee will formally consider these and all other amendments to the Bill at its meetings in June. The purpose of today’s meeting is to discuss in more general terms the policy intentions of the proposed levy.

4. The Committee has launched a public online survey on the levy, the results of which will be available to inform the Committee’s final evidence-taking session on 29 May. SPICe has produced a short briefing on the levy, to inform those considering making a submission.

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1 https://www.smartsurvey.co.uk/s/WorkplaceParkingLevy/
2 https://spice-spotlight.scot/2019/05/10/the-proposed-workplace-parking-levy/
RURAL ECONOMY AND CONNECTIVITY COMMITTEE

TRANSPORT (SCOTLAND) BILL – WORKPLACE PARKING LEVY AMENDMENTS

SUBMISSION FROM NOTTINGHAM CITY COUNCIL

This submission covers three parts as follows:

Part 1 - background to the Workplace Parking Levy scheme in Nottingham
Part 2 - top ten list of facts that underpin the Workplace Parking Levy scheme
Part 3 - a summary of the detailed evaluation that was carried out on the impact of the scheme.

PART 1

Workplace Parking Levy NOTTINGHAM

About Nottingham
Nottingham is an ambitious and vibrant city. It is designated as a core city and is ranked as a top ten UK retail centre. The Greater Nottingham economy is worth more than £11bn per annum with more than 300,000 people working in the City and a student population of 60,000 attending the City’s two universities.

The city centre has undergone significant development in recent years with major improvements to the public transport network central to this. The introduction of the NET Line One tram system in 2004 has been a key driver of growth.

The City Council is a Unitary Authority with responsibility for planning, transport and economic development within its boundary. The main bus operator, Nottingham City Transport is still in public ownership. The Robin Hood multi operator multi-modal, pay as you go smartcard, with discounted daily capping, has also recently been introduced. More widely, the city is committed to low carbon energy and transport and has recently been confirmed as one of four winning Go Ultra Low Cities with funding to support the uptake of ultra-low emission vehicles including conversion of the Council’s own fleet. The City is also working with Defra on the implementation of a Clean Air Zone. Through its own energy company ‘Robin Hood Energy’, the council is also looking to integrate energy generation and distribution with the local vehicle charge point network.

Background
Nottingham’s WPL scheme is the first of its kind in Europe, although there have been similar measures introduced in Australia (in Sydney, Melbourne and in Perth).
The principal of the scheme is to place a modest charge upon the use of commuter parking places, to encourage employers to manage and potentially reduce the amount of free workplace parking places they provide and promote the use of sustainable modes of transport as a means of reducing congestion. It also provides the city with a source of revenue for funding a step change in the provision of public transport infrastructure and service provision.

There are a number of exemptions associated with the scheme (i.e. these places are not charged for) such as parking for customer vehicles, fleet vehicles, disabled blue badge holders, and a number of employers who are 100% discounted from the charge such as Ambulance, Police, Fire and qualifying NHS premises.

From the 1st October 2011, all employers within the city boundary were legally required to license their workplace parking provision and from 1st April 2012 those providing 11 or more liable places had to pay a charge equating to £288 per liable place (this has now risen to £402 per place with future rises linked to inflation). In its first six years of operation the scheme raised £53.m; this revenue is ring fenced for the following transport improvements:

- Two further lines of the Nottingham Express Transit tram system (local contribution to £570m scheme)
- The upgrading of passenger facilities at Nottingham Station (local contribution to £60m scheme)
- Ongoing support for our Linkbus network which fills in gaps in the commercial network serving key employment sites, hospitals, and Park and Ride services (now developed into the UK’s largest electric bus fleet with 45 electric buses in operation) (approx. £2m per annum)
- Business support to assist employers to better manage commuter travel through travel planning and parking management (£0.250m per annum)

Why WPL?
Nottingham’s influence as an employment centre is felt far beyond its administrative boundary with a potential catchment of 3 million people within 1 hour’s travel time. Evidence shows local congestion is strongly linked to commuter travel, accounting for around 70% of peak travel and costs around £160 million every year – over half of this cost falls directly to businesses. High levels of congestion threaten business competitiveness and pose a risk to economic efficiency. The City Council has pursued a WPL scheme to remain economically vibrant through investment in a high quality integrated transport system.

Developing the scheme
The Transport Act 2000 gave Local Authorities the power in principle to introduce a WPL. However, as the trailblazer, Nottingham has determined how such schemes can be implemented at the local level. It has been a long journey with scheme development beginning in 1998. Key milestones have been:

- 2006 – 2008
  - WPL scheme business case drafted in 2007
  - Public consultation undertaken between July and October 2007
  - Public examination held early in October 2007
City Council Executive Board approval to proceed with developing the scheme in December 2007
WPL scheme business case updated in April 2008
Draft Legal Order and business case submitted for approval at Full Council in May 2008
Legal Order and business case submitted to Secretary of State for Transport for approval in 2008

2009 – 2012
The WPL Legal Order confirmed by the Secretary of State for Transport in July 2009 with condition to include two-year delay before introduction and 6-month period with 100% discount on licence
Full Council decision in September 2009 taken to pursue the WPL scheme
Scheme operational activities e.g. online registration system, front and back office IT developed during 2010
City-wide communications campaign undertaken from May 2011
Programme of business support offered to business around travel planning and parking management
Three month period allowing workplace parking places registration between July - October 2011
Introduction of WPL scheme (no charge) commenced 1st October 2011
Compliance and enforcement activities begin to ensure employers are licensed correctly
By 1st April 2012 employers were legally required to renew their WPL licences and charging commenced

An employer handbook, small employers’ leaflet and online licence registration and management system have been developed in support of the scheme.

A crucial part to its acceptance has been a comprehensive communications campaign:

- Mailouts to over 5,000 employers in the city
- Dedicated hotline and email contact with trained staff to deal with day to day inquiries
- Workshops for employers liable to pay a charge
- 1:1 meetings with individual employers
- Meetings with specific groups of employers, such as those on business parks
- Consultations and presentations to employer organisations including the Chamber of Commerce
- A dedicated website and user-friendly online licence registration system

Successful delivery
The scheme focuses heavily on compliance with officers working with employers to assist them in licensing their parking spaces correctly and encouraging them to take advantage of the business support available. In order to optimise compliance it is necessary to ensure that all employers are informed, understand how the scheme works and are aware of their legal obligation to license their parking spaces. The WPL is in its fourth year of operation and continues to achieve a 100% compliance of all liable employers.
42,000 workplace parking places had been licensed with 25,000 of these chargeable, at 2,900 premises around the city. Feedback from employers shows that two-thirds of employers are able to complete the online registration in less than 15 minutes.

A key advantage of the scheme is the modest operating cost. The WPL operational budget is currently £0.485m per year. This is proportionally much lower than for road user charging schemes.

There are civil and criminal sanctions available in respect of the WPL scheme but to date no employer has received a sanction due to the focus on compliance as opposed to enforcement. A bespoke Automatic Number Plate Recognition vehicle was purchased which allows compliance officers to record the number of vehicles parked on premises in a matter of minutes. This minimises the administrative burden on both the employer and Council in operating the scheme.

Proactive traffic management work has been undertaken to avoid any displaced parking arising from the scheme.

**Business Support**

Business support has been provided to over 300 companies which has included running workshops, hosting on-site events to share sustainable transport advice and information to staff, providing travel planning support, presentations to staff and personal journey planning. The City Council is working with local service providers Ridewise to offer cycle training and Dr Bike services to staff. Further support is provided to companies relocating within the city and to those moving to it.

In 2012/13 the Council also launched a small grants scheme (grants up to £10,000) to encourage the uptake of sustainable transport and to enable companies to put car park management schemes in place. This has been supported by site specific advice and one to one business engagement, a workplace challenge and other events funded through complimentary Local Sustainable Transport Fund programme measures. Similarly community travel planning activity has been delivered through five Community Smarter Travel Hubs.

**Intelligent Energy Europe Project**

This project is examining ways to combine “Push” measures which aim to discourage commuting by car with “Pull” measures designed to encourage the take up of more sustainable modes. The consortium comprises local authorities, academic institutions and private partners from across the EU. Nottingham is receiving 0.082m euros. This is funding further intensive area wide travel planning measures, the outcome of which is being monitored to see how this has combined with the “Push” of WPL to achieve desired outcomes.

An additional travel planner has been recruited to work intensively with the companies located on three businesses parks. An extensive package of measures including bespoke personal travel planning, salary sacrifice, public transport information screens and discounted season tickets has been put together to offer to the companies with support through regular promotional events.
Impacts
Direct transport impacts arise where employee travel behaviour is altered directly by the imposition of the WPL charge. These impacts have a positive but modest impact on modal shift due to the fact that the measure is targeted only at larger employers located within the City boundary and it does not impact on through trips. The majority of employers do not pass on the charge to their staff although the numbers are greater with larger employers. Due to the relatively low charge in relation to total motoring costs many employees just choose to pay and continue to drive. Additional direct positive impacts also arise where companies take up travel plan measures or parking management.

More significant in terms of modal change however are the indirect transport impacts arising from the increased investment in public transport which in Nottingham’s case includes doubling the coverage of the tram network with two new lines and increasing the capacity of it to 20 million passengers a year. NET Phase Two has linked in a further 1,800 city workplaces, to which 55,000 employees commute. The throughput at Nottingham Station is 6.8 million passengers a year. The Linkbus network carries over 6 million passengers a year.

Remaining road users benefit through reduced growth in congestion and improved journey times as a result of travellers shifting to the improved public transport. It is forecast that the WPL package of improvements will take 2.5 million cars off the roads, reduce traffic growth by around 7% thereby helping to reduce pollution and carbon emissions.

By funding a step change in public transport provision, the WPL will assist in maintaining and enhancing sustainable economic activity in Nottingham ensuring that network capacity exists to support growth. However there was concern that for some employers the benefits of improved transport provision would be insufficient to offset the costs of the charge and so could become a deciding factor in influencing some business investment decisions, or potentially persuade them to relocate from the City. However economic evaluation undertaken by consultants in advance of the WPL being introduced concluded that the scheme was unlikely to have a significant adverse effect on local employers’ investment decisions.

Monitoring and evaluation
An evaluation framework has been agreed that sets out the range of performance indicators being monitored to assess the impact of the WPL scheme. This is being complemented by part funding from Loughborough University who have agreed to fund a PHD post to broaden the scope of the monitoring programme. In addition, the DfT have expressed an interest in supporting an independent study into the economic impact of the WPL in Nottingham although this has yet to be undertaken.

Initial monitoring results show:
- 1m increase in total public transport patronage since the opening of NET Phase 2 Station usage up 700,000 since passenger facilities were upgraded
- No increase in traffic within the City since the scheme was introduced
- There is some evidence of reduced congestion, although account needs to be taken of the removal of construction works associated with tram network
expansion and the completion of major road scheme improvements on two principal routes.

- The major public transport construction projects have provided employment for 1,500 people.
- The council has supported more companies moving into the city since the WPL was introduced than the previous five years, with the new companies creating over 2,000 additional jobs.
- For every £1 raised the Levy helps to lever in at least £3 of external funding.

Lessons for the future
A few key lessons learned and points to consider for others interested in taking their own schemes forward:

- Nottingham has taken the risk of being first and as such has done the heavy lifting in establishing the regulations and forming the process for establishing a workable WPL scheme.
- The WPL is a flexible demand management tool that can be tailored to meet local requirements in terms of coverage, charge levels, exemptions, support package etc.
- Nottingham has the expertise and is willing to support other authorities thinking about taking their own scheme forward with less risk, reduced costs and quicker timescale than we could achieve (3 to 5 years is probably now a realistic timescale).
- There is the opportunity to buy into Nottingham’s established backoffice and online management systems for more streamlined delivery.
- We have tied WPL income to a very specific set of measures, most notably expansion of the tram network. This has been a strength in articulating what the introduction of the scheme will achieve but does reduce the ability to react to new opportunities in the future.
- Any change to a WPL Order currently requires Secretary of State approval. There may be scope to change this through the devolution process.
- The Red Tape Review places additional requirements to address business concerns for any future WPL scheme.
- Fears that the WPL would have a significant impact on business location decisions and inward investment do not appear to have materialised although more work is necessary to properly evidence this.

Conclusion
From the outset the scheme has been backed by strong political leadership and perseverance to see the project through. Brave decision making has not been without political risk however the scheme is considered a risk worth taking to achieve a state
of the art and integrated transport system that supports Nottingham’s economy and will allow the city to prosper in the future.
PART 2

The Nottingham Workplace Parking Levy, congestion and the impact on business

While the current global economic circumstances are constrained, in Nottingham we’re looking ahead at the longer term to keep our city moving. Forecasts tell us that car use is set to increase and congestion levels will get much worse. We’ve got to reduce our reliance on the car before the traffic jams literally put the brakes on our competitiveness – it’s not good for businesses, not good for residents, not good for anybody, even those driving the cars. Businesses tell us they want a public transport system fit for the 21st century and with the Workplace Parking Levy that’s exactly what they’ll get.

1. Congestion costs money
   Commuters account for about 70% of congested peak traffic in Nottingham. Congestion costs Nottingham £160m every year. Over half of this cost falls directly to businesses. Therefore reducing congestion will directly benefit businesses.

2. Businesses directly benefit from better transport
   The public transport improvements serve key employment sites. NET Phase Two alone serves around 1,800 city workplaces, to which about 55,000 employees commute. Link buses, which provide 5.5 million passenger journeys a year, are dependent on levy funds to continue to serve key employment sites, such as Boots where buses run every 7 minutes, and The Hub developments has modernised the Railway Station turning it into a 21st Century Transport hub and gateway to the city.

3. Most small businesses do not have to pay the levy
   Smaller employers with 10 or fewer workplace parking places do not have to pay. There is also a 100% discount given to emergency and NHS frontline services as well as places occupied by vehicles used by disabled Blue Badge holders.

4. The levy is not a major contributor to business costs
   For the vast majority of employers who pay a WPL charge, the cost amounts to less than 1% of their turnover.

5. The levy is not a barrier to investment
   There is no evidence that businesses are moving away or avoiding Nottingham since the levy was introduced. In fact, the council has supported more companies moving into the city than in the previous five years, with new companies creating around 1,600 jobs during that time.

6. The money collected is ring-fenced for public transport
   The cost of the levy is currently £402 per year per workplace parking place. This charge is payable by the employer, although some employers choose to reimburse some or all of the cost of the levy from their employees or other car park users.
In future years the cost of the levy will increase in line with inflation. During the life of Nottingham’s scheme (23 years), we expect to raise an average of £12 million a year. The scheme has been designed to raise less in the early years, and more in future years. In the first 5 years of operation the WPL has raised over £53 million. WPL operational costs are less than 5% of total income.

7. The levy creates access to more funding
Nottingham’s WPL has helped to lever in funding to more than double the size of the city’s tram network through a £570m extension to our tram system, a £60m redevelopment of the city’s Railway Station and to support our award-winning Link bus network. Since the WPL was introduced an additional £200m has been levered in for improvements to the bus fleet using WPL revenue as seed, match or grant funding.

8. The Levy package will tackle congestion
Together with the tram, train and bus improvements, the Levy is predicted to reduce traffic growth from 15% to only 8%. The number of public transport journeys in and out of the city centre will increase by 20% and the demand for Park & Ride will increase by 45% with an extra 2,500 park and ride spaces. An academic study (Doctorate) on the impacts of the WPL scheme has been completed and although it is still too early to assess the long term impacts there are positive indicators that the WPL scheme is positively impacting upon travel behaviour.

9. The transport improvements creates jobs, infrastructure and investment
Some £100 million has been invested back into Nottingham firms through contracts generated by the tram and station construction works, with the NET Phase Two scheme alone employing around 1,200 people.

10. The levy encourages commuter travel planning
Employers have been giving more consideration to staff journeys, introducing travel plans, and managing their car parks. Of the vast majority of major employers in the city have taken steps to introduce parking management schemes and more than 1 in 3 large employers now with travel plans in place.

The council continues to offer free parking management and travel planning advice and support to employers in Nottingham. Parking management and cycling support grants are also available.
The principal objectives of the Nottingham WPL Package (the WPL scheme and the public transport (PT) improvements which it part funds) are to constrain congestion levels and promote economic growth. The WPL evaluation seeks to assess these impacts and Figure 1 below summarises the relationships between the WPL, the PT improvements and these intended impacts.

The following is a brief summary of the evidence and conclusions concerning the above impacts to date.

Change in employer behaviour

Figure 2 on page 2 shows that the supply of Liable Workplace Parking Places (LWPP) decreased by 17.5% prior to the WPL being introduced as employers sought to limit their liability, or introduced parking management schemes that passed the cost on to their employees. After introduction, there has been a much more gradual reduction. Currently the number is showing signs of stabilising out at around 75% of its pre WPL level.

WPL revenue has continued to rise primarily due to the escalation of the real term charge per space. It continues to rise at the rate of inflation after the escalator ended in 2015/16. In 2016, just over 53% of LWPP were covered by parking management schemes that pass on the cost of the WPL to employees. This mitigates the cost of the WPL on employers.
**Table 1 WPL Revenue**

<table>
<thead>
<tr>
<th>Year</th>
<th>Charge (£)</th>
<th>WPL Gross Revenue (£)</th>
<th>Liable Workplace parking Places</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/13</td>
<td>288</td>
<td>7,773,406</td>
<td>26464</td>
</tr>
<tr>
<td>13/14</td>
<td>334</td>
<td>8,453,026</td>
<td>25302</td>
</tr>
<tr>
<td>14/15</td>
<td>362</td>
<td>9,274,009</td>
<td>25275</td>
</tr>
<tr>
<td>15/16</td>
<td>375</td>
<td>9,298,370</td>
<td>24895</td>
</tr>
<tr>
<td>16/17</td>
<td>379</td>
<td>9,401,084</td>
<td>24970</td>
</tr>
</tbody>
</table>

Source: Nottingham City Council

**Figure 2 Liable Workplace Parking Places 2009 to 2015**

Additionally, the percentage of all employees in the City covered by a Workplace Travel Plan has increased from 25% in 2010 to 33% in 2016.

The behavioural changes outlined above should all contribute to congestion constraint.

**Initial impact on congestion**

Figure 3 on page 3 shows how the fall in the number of LWPP appears to correspond with a fall in congestion (delay per vehicle mile (DVM)) between late 2010 and early to mid 2012.
However, it is also true that other factors have moved in a direction that could also lead to a fall in congestion levels in this period;

- The period 2011 – 2012 was relatively mild and dry.
- A fall in Real Adjusted Disposable Household Income (RADHI)
- An increase in the number of out of work benefit claimants

However, the number of jobs located in Nottingham and the working age population continued to grow strongly throughout the period and this could lead to a rise in congestion levels.

Figure 3 Delay per Vehicle Mile and Liable Workplace Parking Places 2009 –2013.

Given these contradictory indicators, the following hypothesis was tested by a statistical model;

“The fall in LWPP from 2010 to early 2012 has contributed to the observed reduction in DVM from late 2010 to mid 2012”

The results of this work\(^1\) show that there is a statistically significant link between the fall in LWPP and the reduction in congestion. Additionally the work suggests that any further
beneficial effects of the WPL on congestion were masked by other explanatory factors. In the short term, the most important factor is the impact of roadworks due to the construction phase of public transport improvements. As well as the construction of the two new tramlines part funded by the WPL, there was also a major road improvement scheme on the Nottingham Ring Road and the dualling of the A453 link road to the M1 all of which were implemented between mid 2012 and mid 2016. However, in the longer term, the research showed that economic and population growth together with an underlying suppressed demand for travel by car places an upward pressure on traffic congestion and is offsetting the beneficial impact of the WPL.


**Long term impacts on congestion and mode share**

With a presumption of economic growth, any long term congestion constraint must be associated with a decline in the percentage mode share of commuters using the private car. This is because the capacity of the road network cannot be expanded to cater for the extra demand for travel. The WPL package is intended to cater for this by providing additional Public Transport (PT) capacity.

**Comparison of traffic congestion in Greater Nottingham and other Core / East Midland Cities**

From summer 2012, the road works associated with the construction works for NET Phase 2 (two new tramlines), the A453 dualling and the Ring Road Major Improvement scheme have contributed to a rise in morning peak period congestion on the southern and western approaches to the city. This has almost certainly masked any congestion impact that the WPL has had up to 2015. Figure 4 below illustrates this effect.

**Figure 4 Journey Time per Vehicle Mile in Nottingham on routes affected/unaffected by construction works AM Peak Period (07:00 – 10:00)**
Figure 5 on page 5 illustrates how the trend in AM peak period congestion in this period is comparable to other similar Cities. It should be noted that is not valid to compare the absolute values of journey time per vehicle mile in each city as the morphology of the road network is different in each city with significant variation in the type of route and relative proportion of high and low speed routes. Nottingham City has very few high speed roads within the A road network.

Given the disruption caused by the construction works, it is encouraging that Nottingham performed similarly to other comparable Cities during the period up to 2014. More recently, as these roadworks were progressively lifted as the schemes neared completion, there have been some positive changes in key indicators that indicate that the WPL package is continuing to contribute to congestion constraint in Nottingham.

Figure 5, below, shows that between July 2014 and July 2015, Nottingham was the only Core City in England to observe a reduction in JTVM on Locally Managed A Roads in the AM Peak Period. This fall in the level of congestion means that the overall rise in congestion between 2010 and 2015 has been less than that observed in Leicester, Sheffield and Newcastle. Liverpool took a policy decision to suspend their bus lanes in October 2013, which may explain the low growth in JTVM compared to the other Cities.

**Figure 5 Journey Time per Vehicle Mile in Nottingham and Comparator Cities AM Peak Period (07:00 – 10:00)**
Source: DfT Table cgn206b Journey Time per Vehicle Mile on Locally Managed A Roads in the AM Peak Period

Unfortunately the Department for Transport discontinued this metric at the start of 2015/16 academic year, replacing it with Average Delay. However, analysis by Nottingham City in conjunction with Loughborough University\(^2\) showed a 2.4% fall in average journey time per vehicle mile in 2015/16 compared with the previous year.

Table 6 below shows the data for Nottingham and the comparator Cities since 2015 when the DfT have measured congestion using Average Delay rather than JTVM.
Table 2 Average delay on locally managed 'A' roads by local authority in England: annual from 2015

<table>
<thead>
<tr>
<th>Area</th>
<th>2015</th>
<th>2016</th>
<th>% increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENGLAND</td>
<td>44.6</td>
<td>45.9</td>
<td>2.8%</td>
</tr>
<tr>
<td>Newcastle upon Tyne</td>
<td>65.4</td>
<td>69.8</td>
<td>6.8%</td>
</tr>
<tr>
<td>Liverpool</td>
<td>80.5</td>
<td>83.9</td>
<td>4.2%</td>
</tr>
<tr>
<td>Sheffield</td>
<td>59.5</td>
<td>57.8</td>
<td>-2.8%</td>
</tr>
<tr>
<td>Leicester UA</td>
<td>79.9</td>
<td>80.8</td>
<td>1.2%</td>
</tr>
<tr>
<td>Nottingham UA</td>
<td>77.1</td>
<td>78.8</td>
<td>2.1%</td>
</tr>
</tbody>
</table>

Source: DfT Table cgn502b Journey Time per Vehicle Mile on Locally Managed A Roads in the AM Peak Period


The data shown in Table 2 is not directly comparable with the previous indicator but shows that congestion in Nottingham has risen slower (2.1%) than the average for all 5 Cities (2.3%) and also that of England as whole (2.8%).

The three data sets discussed above indicate that Nottingham is performing relatively well with regards to constraining congestion compared to other similar English Cities.

A further positive change has been that, in Autumn 2015, the proportion of people travelling by public transport crossing a cordon around central Nottingham in the AM peak period inbound to the City, jumped by 2%, driven by both a growth in travellers using Nottingham Station and the opening of the two additional tram lines. This increase pushed PT mode share over 40% for the first time. While PT mode share fell back in autumn 2016 it remains above the pre 2015 level.

A survey of 1984 commuters was carried out in late 2016. They were asked if they had switched to that mode since 2010 and if so why. Table 3 below summarises the results.

This research demonstrates that there is a causal link between individuals switching away from the car as mode for commuting and the WPL and the transport improvements which it part funds. Once the data has been weighted for the known modal split in Nottingham it shows that 8.6% of those currently using sustainable modes have indicated that the WPL Package has played an important part in their decision to swap away from the car. The data suggests that this causality is split roughly 50/50 between the PT/cycle improvements and the WPL itself with 4.4% of commuters on sustainable modes switching from the car in part due to, either an increase in the cost of parking at work, or the removal of parking at work.
Table 3 Results of the 2016 Survey of Commuters in Greater Nottingham

<table>
<thead>
<tr>
<th>Mode</th>
<th>Total Sample</th>
<th>% Respondents swapped away from car</th>
<th>% Respondents swapped away from car</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>WPL = important reason</td>
<td>WPL Package = important reason</td>
</tr>
<tr>
<td>Cycle</td>
<td>168</td>
<td>26.8</td>
<td>4.2</td>
</tr>
<tr>
<td>Bus</td>
<td>496</td>
<td>16.1</td>
<td>5.4</td>
</tr>
<tr>
<td>Tram 1</td>
<td>290</td>
<td>17.6</td>
<td>2.8</td>
</tr>
<tr>
<td>Tram 2&amp;3</td>
<td>719</td>
<td>29.5</td>
<td>0.3</td>
</tr>
<tr>
<td>Train</td>
<td>311</td>
<td>20.9</td>
<td>3.5</td>
</tr>
<tr>
<td>All (*weighted average)</td>
<td>1984</td>
<td>22.8</td>
<td>4.4*</td>
</tr>
</tbody>
</table>

Source

It should also be noted that despite this there is also a strong modal switch of individuals from these sustainable modes to the car. This demonstrates that there is still a strong demand for travel by car which may be partially offsetting the beneficial impact of the WPL Package on modal share.


Table 4 below highlights a recent increase in PT patronage. The opening of the two additional tramlines (NET Phase 2) has significantly increased PT capacity in the SW of the City catering for a rise in demand for travel associated with forecasted economic growth. Table 4 shows that in 2015/16 quarter 3, following the opening of these two new tram lines, public transport patronage increased by almost 1 million passengers compared to the same quarter in 2014.

Table 4 Bus and Tram Patronage in Greater Nottingham

<table>
<thead>
<tr>
<th>Bus and Tram (millions)</th>
<th>City</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>City</td>
<td>Apr-Jun</td>
<td>Jul-Sep</td>
<td>Oct-Dec</td>
<td>Jan-Mar</td>
<td>Total</td>
</tr>
<tr>
<td>2012/13</td>
<td></td>
<td>18.01</td>
<td>17.46</td>
<td>19.78</td>
<td>18.88</td>
<td>74.13</td>
</tr>
</tbody>
</table>
**Economic Impact**

A basket of indicators has been used to build an evidence base for assessing the economic impact of the WPL Package and specifically the impact on inward investment. These are illustrated in the following figures and tables:

**Figure 6 Number of jobs based in Nottingham and Comparator Cities.**

![Graph showing number of jobs based in Nottingham and Comparator Cities from 2009 to 2016](image)

Source: Nottingham City Council from the ONS 2014

**Table 5 Enquiries to Nottingham City Council's Inward Investment Team**

<table>
<thead>
<tr>
<th>Year</th>
<th>Enquiries</th>
<th>No. of successes</th>
<th>% Successes</th>
<th>Jobs created</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/09</td>
<td>91</td>
<td>3</td>
<td>3.3</td>
<td>360</td>
</tr>
<tr>
<td>2009/10</td>
<td>156</td>
<td>5</td>
<td>3.2</td>
<td>85</td>
</tr>
<tr>
<td>2010/11</td>
<td>110</td>
<td>2</td>
<td>1.8</td>
<td>85</td>
</tr>
<tr>
<td>2011/12</td>
<td>146</td>
<td>5</td>
<td>3.4</td>
<td>65</td>
</tr>
<tr>
<td>2012/13</td>
<td>175</td>
<td>9</td>
<td>5.1</td>
<td>1100</td>
</tr>
<tr>
<td>2013/14</td>
<td>176</td>
<td>18</td>
<td>10.2</td>
<td>304</td>
</tr>
<tr>
<td>2014/15</td>
<td>189</td>
<td>9</td>
<td>4.7</td>
<td>303</td>
</tr>
</tbody>
</table>

Source: Nottingham City Council, Inward Investment Team
Table 6 Activity in the commercial property rental market in Nottingham

<table>
<thead>
<tr>
<th>Year</th>
<th>Floor space Sq. Ft</th>
<th>Number of deals</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>251768</td>
<td>42</td>
</tr>
<tr>
<td>2012</td>
<td>241900</td>
<td>43</td>
</tr>
<tr>
<td>2013</td>
<td>190789</td>
<td>50</td>
</tr>
<tr>
<td>2014</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>2015</td>
<td>469364</td>
<td>51</td>
</tr>
<tr>
<td>2016</td>
<td>391271</td>
<td>71</td>
</tr>
</tbody>
</table>

Source: Nottingham Office Review

Additional to indicators outlined above, there is evidence, from press statements and other sources that a number of major employers (e.g. VF, Paraexcel and Eon) moved into, or consolidated to, City Centre locations with good PT accessibility in part to remove the need for the provision of parking and improve accessibility. This evidence provides a causal link between the WPL package and the observed changes to the other indicators shown above.

When all the economic indicators are triangulated, it is possible to conclude that:\n
- There is strong evidence that the WPL is having no significant negative impact on economic growth. This is supported by case study evidence that suggests that the WPL plays a very small role in business location decisions.
- The strong growth in employment, combined with a positive movement in the inward investment specific indicators, suggests that Nottingham continues to be relatively attractive to potential investors. There is positive evidence from case studies of major inward investments that the public transport improvement components of the WPL package are playing a role in this.


Summary of Key Findings to Date

- The WPL has been implemented as planned, there has been close to 100% compliance from employers and no Penalty Charge Notices have needed to be issued. The WPL revenue is stable.
- There have been encouraging changes to employer behaviour with a decrease in the supply of workplace parking places and an increased uptake
of workplace travel planning and active car park management that passes on the cost of the WPL to employees.

- The key public transport improvements that the WPL is part funding have now been completed, i.e. two new tramlines (NET Phase 2), the refurbishment of Nottingham Station and capital investment in the Linkbus fleet. This has both increased PT capacity and improved quality.

- Congestion in England as a whole and within comparable English Core Cities has been increasing since 2011/12. However:
  - From September 2010 to July 2015, congestion rose less in Nottingham than 3 out of four comparable English Cities.
  - Between July 2014 and July 2015 Nottingham was the only Core City in England to observe a reduction in journey time per vehicle mile on Locally Managed A Roads in the AM Peak Period.
  - From July 2015, Nottingham has continued to see congestion growth lower than England as a whole and the average for the four comparable core Cities.

The above suggests, when combined with additional research noted below, that the WPL Package is constraining congestion growth in Nottingham.

- A recent academic study has identified a statistical link between congestion constraint and the introduction of the WPL. The study also identifies a number of factors which place upward pressure on congestion. Construction works associated with the transport improvements obscured the congestion benefits of the WPL, while this effect was largely temporary, economic and population growth together with suppressed demand for travel by car continue to mask these benefits in the longer term.

- Public transport mode share in the AM peak period rose in autumn 2015 to above 40% for the first time and remains at a historically high level.

- Additionally, a survey of 2000 commuters has demonstrated that 8.6% of those currently using sustainable modes have indicated that the WPL Package has played an important part in their decision to swap away from the car since 2010. This provides attribution for changes observed to mode shift and thus congestion to the WPL Package.

- Evidence suggests that the WPL has no significant negative impact on economic growth.

- There is some evidence that the availability of a high quality public transport system is attractive to potential employers, especially for locations on the tramlines or in the City Centre.
SEStran is supportive in principle of the introduction of provisions within the Transport (Scotland) Bill to enable Local Authorities to introduce a Work Place Levy.

The proposed Workplace Parking Levy (WPL) is suitable as one of the measures available to local authorities as a 'tool in the tool box' and has the potential to disincentivise private car use.

The proposed provisions in the amendment recognise the potential need for the obvious issue of wider regional impact to be taken account of, by allowing local authorities to work jointly in relation to a workplace parking licensing scheme.

The proposal to introduce a WPL will require the Local Authority to prepare and publish an assessment of the impacts of the proposal WPL and this assessment must identify any wider regional impacts and clearly identify that the proposals is fair and equitable across all groups affected by the WPL.

It is most likely that a WPL will be delivered by a major City local authority enabling them to raise some additional funds for transport support / spend. Therefore, there is a risk that this could widen a gap between those local authorities who can raise funding by this mechanism and other authorities. It certainly means that smaller authorities will not be as well placed to generating funding which could be used to support match funding bids to Community Links / Places for Everyone funds for example.
WORKPLACE PARKING LEVY

Purpose of Report:
To provide committee with an update on the ongoing debate regarding the introduction of powers to allow local authorities to create Workplace Parking Levy (WPL) schemes.

Recommendations:
It is recommended that the committee -

1. notes that a change in national transport legislation is required for the Council to put in place Workplace Parking Levy schemes;

2. requests the power to deliver Non-residential parking levy (including Workplace Parking Levy) schemes from the Scottish Government.

Ward No(s): Citywide: ✓
Local member(s) advised: Yes □ No □ consulted: Yes □ No □
1 Introduction

Although charging for on street parking is legally possible, primary legislation is not currently in place to allow charging for private non – residential (PNR) parking in Scotland. In England, powers to allow local authorities to introduce Workplace Parking Levy (WPL) schemes were contained in the Transport Act 2000.

A Workplace Parking Levy would allow local authorities to charge for PNR parking spaces. In such a scheme, any charge would be levied on premise owners, not individuals, based on the number of parking spaces available.

As reported to the Environment, Sustainability & Carbon Reduction Committee on 28 August 2018 (link below) - [http://www.glasgow.gov.uk/councillorsandcommittees/viewDoc.asp?c=P62AFQDN2UZ3UTT1Z3](http://www.glasgow.gov.uk/councillorsandcommittees/viewDoc.asp?c=P62AFQDN2UZ3UTT1Z3), the Transport (Scotland) Bill 2018 is progressing through the Scottish Parliament and is currently under consideration by the Rural Economy and Connectivity Committee at Stage 1.

The Bill includes legislation regarding Low Emission Zones, Local Bus Services, Parking, Smart Ticketing and Road Works. Currently, there is no provision in relation to WPLs, however, due to growing interest from a number of stakeholders, it is possible that there will be an amendment to include this at stage 2.

2 Background

The potential advantages to introducing a WPL would be to encourage a modal shift towards more sustainable and active travel options and reduce congestion caused by single occupancy private car trips. A WPL scheme would also complement the Low Emission Zone, the first phase of which comes into force in Glasgow at the end of 2018, in terms of reducing harmful traffic emissions.

A WPL scheme could also provide a funding stream for major transport improvement schemes. An example of this is in Nottingham, where WPL funds have been used as a contribution towards major sustainable transport improvements including electric buses and extensions to the tram network. The scheme in Nottingham has generated around £25million in its first three years of operation.

3 Way Forward

The independent Glasgow Connectivity Commission launched its phase one report on 29 November 2018 which includes the following recommendations -

- Local authorities in Scotland should be given the powers in the Scottish Transport Bill to introduce non-residential parking charges;
- Glasgow City Council should propose the transport projects that could be funded from this revenue stream and assess the economic, social and environmental case for using these powers;
- A particular emphasis should however be placed on supporting city centre retail and leisure at a time of intense pressure from online platforms and appreciating
the impact policy can have by creating an uneven playing field against both online and out of town alternatives.

An updated Local Transport Strategy (LTS) will be developed and it is recommended that an investigation into the potential benefits of introducing of a WPL is undertaken as part of this process. With this in mind, the Council would support the inclusion of legislative powers within the Transport Bill to allow local authorities to introduce WPLs so that this is an option that can be considered.

It should also be noted that the COSLA Environment and Economy Board has recently approved a paper supporting Workplace Parking Levies in principle.

If the legislation becomes available, careful consideration would have to be taken with regard to the form any WPL scheme would take in Glasgow.

It may be that any scheme would have to be considered on a regional basis and/or cover all non-residential parking, including parking at shopping centres etc, in order to avoid spatial inequality. Legislation that enables non-residential parking levy could offer local authorities greater flexibility in designing a scheme to take these issues into account.

4 ESCR City Policy Committee - 27 November 2018

Following consideration at its meeting on 27 November 2018, the Environment, Sustainability and Carbon Reduction City Policy Committee agreed to refer this report to the City Administration Committee to note a change of national transport legislation was required for the Council to put in place WPL schemes; and also to request that this Committee requests the power to deliver non-residential parking levy schemes, including WPL schemes from the Scottish Government.

5 Policy and Resource Implications

Resource Implications:

Financial: None at this stage

Legal: Any introduction of a WPL scheme would require additional legislation.

Personnel: None at this stage.

Procurement: None

Council Strategic Plan: Investigating a potential WPL scheme contributes to several themes in the CSP, including:
A Thriving Economy
A Vibrant City
A Healthy City
A Sustainable and Low Carbon City
and is aligned to CSP Priority Nos 54, 55, & 65.

Equality and socio-economic impacts:

Does the proposal support the Council’s Equality Outcomes 2017-22

Yes

What are the potential equality impacts as a result of this report?

If the powers for local authorities to introduce WPLs become available through the Transport Bill, equality impacts will be fully considered during the assessment of whether the Council should adopt their introduction as a policy.

Please highlight if the policy/proposal will help address socio economic disadvantage:

If the Council adopts WPLs as a policy, this would address social / economic disadvantage by providing funding to improve access to sustainable transport.

Sustainability Impacts:

Environmental: Dependent on policy developed re WPL schemes.

Social including Article 19: Dependent on policy developed re WPL schemes.

Economic: Dependent on policy developed re WPL schemes.

Privacy and Data Protection impacts: None at this stage.

6 Recommendations

It is recommended that the committee -

1. notes that a change in national transport legislation is required for the Council to put in place Workplace Parking Levy schemes; and

2. requests the power to deliver Non-residential parking levy (including Workplace Parking Levy) schemes from the Scottish Government.