

# Net Zero, Energy and Transport Committee 5th Meeting, 2022 (session 6), Tuesday, 08 February 2022

## Evidence session on the Workplace Parking Licensing (Scotland) Regulations 2022

### Note by the clerk

#### Introduction

1. [The Workplace Parking Licensing \(Scotland\) Regulations 2022](#) (SSI 2022/4) were laid in the Scottish Parliament on 12 January 2022. These Regulations are subject to the “negative procedure”. This means they will come into law unless, within 40 days, a motion to annul has been laid. If a motion to annul is laid, the instrument must be debated in by the lead Committee, which is the Net Zero, Energy and Transport Committee.
2. Where this happens, the debate will often be preceded by a short evidence session involving the relevant Minister and, on occasion, other stakeholders. However, a Committee always has the option to take evidence on a negative instrument before formally disposing of it, whether or not a motion to annul has been made.
3. In this instance, the Convener considers that it would be helpful for the Committee to take evidence on the instrument before formally disposing of it and has invited the Minister for Transport and officials to answer Members’ questions on it at the 8 February 2022 meeting.

#### What the Regulations do

4. The instrument was made in exercise of the powers conferred by sections 74, 75(6), 76(5), 80(1)(b), 82(1) and 83(1) of the Transport (Scotland) Act 2019 which came into force on 10 January 2022.
5. The 2019 Act includes provisions introducing a discretionary power available to local authorities to make workplace licensing schemes in their area. It will be for local authorities to decide whether they wish to use that power and, if so, to shape proposals to suit local circumstances.
6. The purpose of the instrument is to make detailed provision in relation to:
  - The consultation, report 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
  - Accounts.
7. Where a workplace parking licencing scheme is in place, persons may be required to obtain a licence from the local authority for each workplace parking place made available for use by employees and certain visitors to premises covered by the Act.
  8. A charge may be levied for such a licence based on the number of places specified in the licence. Obtaining a license and paying any levies would be the responsibility of the occupier of the premises, i.e. the employer or business. Individual employees or business visitors would not be liable for the licence or charge. However, there is nothing to stop individual businesses from charging employees or certain visitors a fee to park on their premises.
  9. Parking places provided for use by non-business visitors would not be liable for the charge: for example, customer parking places at a supermarket or shopping centre would not need to be licenced. The Act provides for certain national exemptions from levies, although these workplace parking places may still be required to be licenced. These exemptions include parking places reserved for Blue Badge holders, certain parking places at qualifying NHS premises, and parking places at hospices.
  10. Local authorities will have the discretion to make local exemptions that support their local objectives and circumstances (beyond the fixed national exemptions) but are not required to do so. Two or more local authorities can choose to jointly implement a licensing scheme for workplace parking. Local authorities may use revenues from them only to cover the costs of the scheme and to support the policies in their Local Transport Strategy.
  11. [Further information on the instrument is available in the Policy Note.](#)

## Delegated Powers and Law Reform Committee consideration

12. 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.](#)

## Next steps

13. Later in the 8 February 2022 meeting, there will be an agenda item where the Committee will be invited to consider and discuss the evidence it heard on the Regulations. The Regulations will then be formally disposed of at the committee meeting on 22 February 2022.