

DRAFT

THE CITY OF LEICESTER WORKPLACE PARKING LEVY ORDER

EXPLANATORY NOTE – DRAFT FOR CONSULTATION

DECEMBER 2021

1 Introduction

- 1.1 This document is to be read alongside the draft City of Leicester Workplace Parking Levy Order (“the Order”) being published for consultation by Leicester City Council (“the Council”). It provides an explanation of the provisions in the draft Order. It has been prepared for consultation to assist understanding of the purpose and effect of the proposals in the draft Order.

2 Structure of the Order

- 2.1 The Order is structured in four key parts:
- 2.1.1 the preamble, on page 2 of the Order, which provides a short introduction to the Order and sets out the legal basis for implementing a workplace parking levy (“WPL”) scheme;
 - 2.1.2 the articles of the Order, on pages 2 and 3 (note that each article is divided into “paragraphs”, and each paragraph is divided into “sub-paragraphs”);
 - 2.1.3 the Schedule to the Order, on pages 4 to 13, which contains the proposed WPL Scheme itself (“the Scheme”) (note that the Schedule is divided into “paragraphs”, with each paragraph divided into “sub-paragraphs”); and
 - 2.1.4 the Annexes to the Scheme, on pages 14 to 16.

3 Articles

Article 1 – Citation and commencement

- 3.1 Article 1 provides that the full title of the Order is the Leicester Workplace Parking Levy Order 20[]. It also sets out that it would come into force on the day following the day on which it is confirmed by the Secretary of State.
- 3.2 However, the Scheme does not have to start on the date on which the Order comes into force. Article 2 makes separate provision for setting the dates from which the various elements of the Scheme would “have effect” (i.e. start).

Article 2 – Workplace Parking Levy Licensing Scheme

- 3.3 The Scheme is set out in the Schedule to the Order. This is typically the way such schemes are presented.

- 3.4 Article 2, paragraphs (1) and (2) prescribe a procedure for setting the date on which the Scheme would start and provides for a phased implementation of the Scheme. This would be necessary because whilst the legal requirement to hold a WPL licence for any workplace parking places provided would not take effect until “day 1” of the Scheme, the Council would need the legal powers to start the licensing process before this date so that on “day 1” all those organisations who wish to provide workplace parking places would have had sufficient time in advance to obtain a licence.
- 3.5 Article 2, paragraph (3) requires the Council to publish a notice in a local newspaper informing the public of the resolution appointing the dates on which the parts of the scheme would have effect, effectively notifying organisations of the need to obtain a licence should they wish to provide workplace parking places.

4 The Schedule to the Order (“the Scheme”)

Paragraph 1 – Interpretation

- 4.1 Paragraph 1 contains definitions of the various terms used elsewhere in the Scheme, and should be referred to when reading other paragraphs of the Scheme.
- 4.2 The proposed annual charge is specified by sub-paragraph 1(2). This provides for a figure of £550 to be used for the first year which is then increased in line with RPI each year. A variation order would be required to vary the amount in any other way.
- 4.3 Sub-paragraphs 1(3)-(5) determine the identity of “the charge payer”, the person liable for obtaining and paying for a licence to provide workplace parking places. This is the occupier of the premises at which the workplace parking place is provided, subject to the following qualifications:
- 4.3.1 if there is more than one occupier of those premises, the “charge payer” is the occupier for the time being responsible for providing the workplace parking place – generally meaning the occupier in respect of whom the person using the parking place is:
- (a) an employee, agent, supplier, business customer or business visitor;
 - (b) a pupil or student attending a course of education or training;
 - (c) a member, where the occupier is a body whose affairs are controlled by its members, and the member is engaged in the carrying on of any business of the body.
- 4.3.2 if an occupier of the premises has entered into arrangements with an organisation under which that organisation can provide workplace parking places at the premises, that organisation becomes the “charge payer” – subject to the proviso that, if the Council has not been provided with such evidence of the arrangements as it may reasonably require, the occupier remains the “charge payer”.
- 4.4 Sub-paragraph 1(6)(b) is intended to prevent a multi-location business avoiding the levy by setting up separate companies for each of its locations. The effect of the provision is that all

associated companies / organisations must aggregate car parking numbers for the purposes of determining eligibility for the small business discount.

Paragraph 2 – The licensing area

- 4.5 Paragraph 2 specifies the area in which the Scheme would apply. This is proposed to be the entire administrative area of Leicester City Council.

Paragraph 3 – Licences for workplace parking places

- 4.6 Paragraph 3(1) creates the requirement for a licence to be held where a workplace parking place is provided.
- 4.7 Paragraph 3(2) explains that the “charge payer” for a workplace parking place is responsible for obtaining the licence for it.
- 4.8 Paragraph 3(2)(a) confirms that where there is more than one charge payer at the same premises (i.e. there are multiple occupiers providing workplace parking places) then each charge payer must obtain their own licence. Where multiple occupiers share a car park on a “free for all” basis, with no parking places allocated to a particular occupier, then each occupier is simply required to license their maximum provision of workplace parking places at the premises at any one time; they are not licensing specific parking places.
- 4.9 Paragraph 3(2)(b) confirms that where an organisation is “charge payer” for a number of premises in the licensing area, it must obtain a separate licence for each premises. In other words a business with multiple sites in the licensing area cannot obtain a single licence covering all of those sites. However, this does not preclude a business with a number of sites in the licensing area making one licence application in respect of those sites.
- 4.10 It is important to note that a licence is only required where an organisation wishes to provide “workplace parking places” as defined by paragraphs 3(3) to (7). In other words, where no “workplace parking places” as so defined are being provided, there is no need to obtain a licence.
- 4.11 Paragraphs 3(3)-(6) mirror the definition of “workplace parking places” in section 182 of the Transport Act 2000, save that locally-defined definitions for “pupil” and “student” have been added to the Order.
- 4.12 Paragraph 3(7) provides exemptions in respect of certain categories of workplace parking that would otherwise be caught by paragraphs 3(3)-(6) – hence there would be no need for these types of parking to be licensed. The exempted categories are as follows:
- 4.12.1 “business customers” – defined in paragraph 3(6)(b) as a client or customer of the relevant person who is attending at the premises of the relevant person for the purposes of a business carried on by that client or customer;
- 4.12.2 a supplier or business visitor not attending their regular place of work – the Council proposes that the “regular place of work” exemption would apply to a parking place used by a supplier or business visitor where:

- (a) they attend the premises in question on two or fewer days over any 14-day period; or
 - (b) they are contracted to work at the premises in question for six weeks or fewer, and are not subsequently contracted again within a three month period.
- 4.12.3 vehicles used for the delivery of goods and services provided they are not used for the journey to and from work (e.g. fleet vehicles);
- 4.12.4 motor cycles as defined in section 185(1) of the Road Traffic Act 1988;
- 4.12.5 such other categories of electrically propelled vehicle as may be set out in a list on the Council's website; and
- 4.12.6 emergency services vehicles.
- 4.13 The definition of "motor cycle" in section 185(1) of the Road Traffic Act 1988 is broad, and includes any mechanically propelled vehicle with less than four wheels and weighing 410 kilograms. This exemption would therefore cover two or three-wheeled electrically propelled micro-mobility devices, as well as tricycles, motorbikes and mopeds.
- 4.14 Nevertheless, given that the law and technology surrounding micro-mobility devices is fast-changing at the current time, paragraph 3(7)(e) permits the Council to extend the exemption to other electrically propelled vehicles by publishing a list on its website. This is intended to allow the Council, should it decide in the future, to extend the exemption to micro-mobility devices which are not covered by the "motor cycle" definition e.g. micro-mobility devices with four wheels. For the avoidance of doubt it is *not* intended to be used to exempt electric cars.
- 4.15 Paragraph (8) gives the Council a general discretion to waive or suspend the obligation to obtain a licence in particular circumstances. This is intended to permit the Council to respond to unforeseen circumstances or categories warranting further exemption from licensing requirements from time to time. The particular circumstances would be set out on the Council's website.
- 4.16 Mobility scooters which are "invalid carriages" and electrically assisted pedal cycles (EAPCs) would fall outside of the Order definition of a "motor vehicle". A parking place provided for a mobility scooter or an EAPC would therefore not be classed as a workplace parking place as defined by the Order, and would not require a licence.

Paragraph 4 – Charges for licences and discounts

- 4.17 Paragraphs 4(1) and (2) specify how the charge for a licence (known as "the licence charge") would be calculated.
- 4.18 Paragraph 4(1) explains that the "licence charge" is calculated by multiplying the annual charge in force at that time by the number of workplace parking places to be covered by the licence.
- 4.19 However, if the licence is to run for a period of less than one year, the licence charge must be reduced accordingly. Paragraph 4(2) provides that this would be calculated by dividing what

would have been the full licence charge for that year by 12, and multiplying the resulting figure by the number of months (rounded up) for which the licence will be valid.

- 4.20 Paragraphs 4(3) to (7) and (10) specify the categories of workplace parking places that are proposed to receive a 100% charge discount:
- 4.20.1 workplace parking places provided to disabled persons. Further explanation of when this discount would apply is included at sub-paragraph 4(4).
 - 4.20.2 small businesses (charge payers providing not more than 10 workplace parking places in the licensing area).
 - 4.20.3 workplace parking places at fire and rescue service premises, police premises, or National Crime Agency (“NCA”) premises, provided that:
 - (a) the fire and rescue service, police and NCA (as the case may be) must be the charge payer; and
 - (b) the parking place has not been contracted out for use by any organisation other than one of those three bodies.
 - 4.20.4 workplace parking places provided for use by unpaid volunteers at the premises of a registered charity.
- 4.21 These workplace parking places would still need to be licensed in accordance with paragraph 3 of the Scheme, but would not be subject to any charge.
- 4.22 Paragraph 4(8) applies a proposed 50% charge discount for workplace parking places at “qualifying NHS premises” for a period of three years from the date the Scheme comes into effect. For the discount to apply, the charge-payer must be an NHS body or an organisation commissioned to provide primary medical services by a Clinical Commissioning Group.
- 4.23 “Qualifying NHS premises” are defined as:
- 4.23.1 a health service hospital as defined in the National Health Service Act 2006;
 - 4.23.2 premises that are used by a National Health Service trust for the purpose of providing ambulance services; and
 - 4.23.3 premises that are primarily used for the provision of “primary medical services” under arrangements made by a Clinical Commissioning Group under the National Health Service Act 2006. Primary medical services are defined under Part 4 of the NHS Act 2006, and are intended to include services provided by GPs, but not include dental, ophthalmological or pharmaceutical services.
- 4.24 The Council proposes to apply the qualification “primarily used for the provision of primary medical services”, as follows:
- 4.24.1 the primary purpose of activities undertaken at the premises must be the delivery of primary medical services;

- 4.24.2 the monetary value of the services delivered to the NHS under the contract(s) from those premises must be more than 80% of the total financial turnover generated at those premises; and
- 4.24.3 more than 80% of patients treated at those premises must be receiving treatment commissioned under NHS contract(s).
- 4.25 Where necessary the provider would need to provide evidence to demonstrate how it meets that above-mentioned requirements, to the reasonable satisfaction of the Council.

Paragraph 5 – Applications for licences

- 4.26 Paragraph 5(1) confirms that the application for a licence must be made by the charge payer, i.e. the person responsible, by virtue of paragraph 3, for obtaining the licence for a workplace parking place provided at premises in the licensing area. Where premises are shared, each occupier who provides workplace parking places would need to make an application in respect their own usage.
- 4.27 A separate licence would be required for each of the premises at which the charge payer provides workplace parking. However, to minimise the administrative burden for both businesses and the Council, and to allow the appropriate charges to be calculated, paragraph 5(2) provides that a single application should provide the necessary information about all of the premises in the licensing area at which the charge payer provides workplace parking places.
- 4.28 Paragraph 5(2)(a)(iii) allows the commencement date to be a date earlier than the date the licence is applied for, in order to provide flexibility in the enforcement process. Where an employer has neglected to obtain a licence, the Council could offer them the opportunity of obtaining a back-dated licence as opposed to issuing a penalty charge.
- 4.29 Paragraphs 5(3), (4) and (5) provide that the Council may specify on its website the methods by which the application can be submitted to the Council and explains how payment of the licence charge is to be made.
- 4.30 Paragraph 5(6) includes provisions to prevent a short-term temporary surrender of a licence, by removing any financial benefit from doing so.

Paragraph 6 – Grant of licences

- 4.31 Paragraph 6(1) confirms that, provided a valid application is made, the Council would grant to the charge payer who submitted it a licence for each premises which the employer included on the application. Each licence would cover the maximum number of workplace parking places that the charge payer stated that it would provide at the particular premises at any one time.
- 4.32 Paragraph 6(2) explains the information that must be specified on the licence.
- 4.33 Paragraph 6(3) confirms that the date of commencement of the licence may be a date earlier than the date on which the licence is granted. This would allow an application for a back-dated licence to be granted.
- 4.34 Paragraph 6(3) also provides that a licence shall expire at the end of the licensing year following the grant of the licence, unless the Council in the particular circumstances of the case accepts

an alternative date. This provision means that, irrespective of the date on which a licence commences, it would terminate at the end of the licensing year and the renewal date will be the same for all licences. Provision has been made for the Council to accept an alternative termination date. This will allow a licence to be granted for a short period (e.g. where an organisation is temporarily based in the licensing area).

- 4.35 Paragraph 6(4) provides that the Council must publish the set of standard conditions referred to in paragraph 6(2)(f), which it may revise from time to time.
- 4.36 Paragraph 6(5) provides that where any payment due (e.g. by way of an invoice, or an instalment) is not subsequently received in the time and manner required by the Council, then the Council may treat the licence as terminated. Paragraph 1(5)(a) makes clear that a payment has been “paid” when cleared funds have been received by the Council.

Paragraph 7 – Variation of licences

- 4.37 Paragraph 7 allows a licence holder to make an application to increase or decrease the maximum number of workplace parking places that may be provided at any one time during the period of the licence and sets out the procedure for making an application and granting a licence.
- 4.38 This includes provisions explaining how additional charges and refunds would be calculated and handled. Provision is also made a sub-paragraph 7(9) to prevent short-term temporary reductions in the number of workplace parking places covered by the licence.

Paragraph 8 – Surrender of licences

- 4.39 Paragraph 8 provides that a charge payer may apply to the Council to surrender a licence and sets out the procedure for making such an application and for the Council to consent to it. It also includes provision for calculating and handling any refunds payable.

Paragraph 9 – Penalty charges

- 4.40 Paragraph 9(1) sets out the circumstances in which a penalty charge would be payable – namely that a penalty charge would be payable for each day on which unlicensed workplace parking places are provided, or on which a condition of a licence has been contravened.
- 4.41 Paragraph 9(2) provides that the charge payer who is responsible for provision of the unlicensed workplace parking place is liable for payment of the penalty charge.
- 4.42 Paragraph 9(3) sets out how the penalty charge is to be calculated:
- 4.42.1 in the case of unlicensed workplace parking place, the penalty charge for each day would be half the annual charge payable at that time for each workplace parking place being provided without a licence covering it; and
 - 4.42.2 in the case of a breach of the conditions of a licence, the penalty charge for each day would be the annual charge at that time.
- 4.43 Paragraph 9(4) provides that where the penalty charge is paid within 14 days of service of the notice, the amount would be reduced by one quarter.

4.44 Paragraph 9(5) allows for the issue of an increased penalty charge (by way of service of a “charge certificate”) if the penalty charge is not paid (or appealed) within 28 days.

4.45 The effect of paragraph 9(6) is that there would be a 28-day suspension of any further enforcement action at the same premises for the same offence, from the date on which notice of the penalty charge is served. This is to give the recipient time to take steps to address the contravention.

Paragraphs 10 and 11 and Annexes 1 and 2

4.46 The Transport Act 2000 requires that the Scheme must include a ten-year general plan, as well as a detailed five-year programme, setting out how the net revenue will be spent. The proposed plan and programme referred to in paragraphs 10 and 11 above are set out in Annexes 1 and 2 to the Scheme.

Paragraph 12 – Duration of Scheme

4.47 Paragraph 12 provides that the scheme would remain in force indefinitely, i.e. until any future order is made to revoke it.

December 2021

TRANSPORT ACT 2000

The City of Leicester Workplace Parking Levy Order 202[]

<i>Made</i> - - - -	202[]
<i>Confirmed [with or without modification]</i>	202[]
<i>Coming into force</i> - -	202[]

ARRANGEMENT OF INSTRUMENT

THE ORDER

Article

1. Citation and commencement
2. Workplace Parking Levy Licensing Scheme

THE SCHEDULE

SCHEME FOR IMPOSING CHARGES IN RESPECT OF THE PROVISION OF WORKPLACE PARKING PLACES IN THE CITY OF LEICESTER

Paragraph

1. Interpretation
2. The licensing area
3. Licences for workplace parking places
4. Charges for licences
5. Application for licences
6. Grant of licences
7. Variation of licences
8. Surrender of licences
9. Penalty charges
10. Ten year general plan for net proceeds
11. Five year detailed programme for net proceeds
12. Duration of Scheme

ANNEXES TO THE SCHEME

Annex

1. Leicester City Council's general plan for applying the net proceeds of this Scheme during the opening ten year period

2. Leicester City Council’s detailed programme for applying the net proceeds of this Scheme during the opening five year period.

Whereas Leicester City Council (“the Council”) is a local traffic authority within the meaning of the Road Traffic Regulation Act 1984^(a) and by virtue of provisions of the Transport Act 2000^(b) (“the 2000 Act”) has power by order of the Council to make a licensing scheme for imposing charges in respect of the provision of workplace parking places at premises in the area covered by the scheme (referred to below as a workplace parking levy);

And whereas the Council included in the Local Transport Plan published in [], references to its proposal to introduce a workplace parking levy and it appears to the Council desirable that it should make such an Order and Scheme for the purpose of directly and indirectly facilitating the achievement of the Council’s local transport policies;

And whereas the Council considers that such a Scheme should cover the whole of its area;

And whereas the Council has consulted with regard to its proposals for such a Scheme and considered the responses to that consultation;

And whereas the Council has determined to make this Order.

Now, therefore, the Council, in exercise of the powers conferred on it by sections 178 and 183 of the 2000 Act and of all other powers enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Leicester Workplace Parking Levy Order 202[] and comes into force on the day following the day on which the Secretary of State confirms it under section 184(1) of the 2000 Act.

Workplace Parking Levy Licensing Scheme

2.—(1) The Scheme in the Schedule to this Order has effect upon the Council making a resolution that the Scheme should do so, in accordance with paragraph (2).

(2) If the Council resolves to give effect to the Scheme, the Council must by resolution appoint—

(a) the day on which paragraphs 1, 2, 3(3) to (8), 4 to 8 and 10 and 11 of the Scheme comes into force; and

(b) the day on which paragraphs 3(1) and (2) and 9 of the Scheme comes into force,

and the day appointed in relation to the paragraphs of the Scheme mentioned in sub-paragraph (b) must be no earlier than three months after the day appointed in relation to the paragraphs of the Scheme mentioned in sub-paragraph (a).

(a) 1984 c. 27.
(b) 2000 c. 38.

(3) No later than the day appointed in relation to the paragraphs of the Scheme mentioned in paragraph (2)(a), the Council must publish a notice of the resolution in at least one newspaper circulating in the City of Leicester, specifying the days appointed in relation to the paragraphs of the Scheme mentioned in paragraphs (2)(a) and (2)(b).

The Common Seal of
Leicester City Council
was hereunto affixed in the presence of:

.....

[Name]
[Designation]
Duly authorised representative

Dated []

SCHEME FOR IMPOSING CHARGES IN RESPECT OF THE
PROVISION OF WORKPLACE PARKING PLACES IN THE CITY OF
LEICESTER

Interpretation

1.—(1) In this Scheme—

“the 2000 Act” means the Transport Act 2000(a);

“the 2006 Act” means the National Health Service Act 2006(b);

“the additional charge” means the charge payable under paragraph 7(9);

“the administration charge” means the charge, of a sum to be determined by the Council from time to time, payable on the making of an application by the charge payer under paragraph 7 or 8;

“the annual charge” has the meaning given in sub-paragraph (2);

“the charge payer” is to be construed in accordance with sub-paragraphs (3) and (4) and includes a person who would have been liable to pay a licence charge but for paragraph 4(3);

“the City of Leicester” means the area within the Council’s jurisdiction as a local traffic authority pursuant to the Road Traffic Regulation Act 1984(c);

“commissioned provider” means an organisation providing primary medical services under arrangements made with a Clinical Commissioning Group under the 2006 Act;

“the Council” means Leicester City Council;

“emergency services vehicle” means a vehicle which is an exempt vehicle for the purposes of the Vehicle Excise and Registration Act 1994(d) by virtue of its falling within any of the following paragraphs of Schedule 2 to that Act—

(a) paragraph 3A (police vehicles);

(b) paragraphs 4 and 5 (fire engines etc.);

(c) paragraphs 6, 7 and 8 (ambulances and health service vehicles);

(d) paragraph 11 (lifeboat vehicles);

(e) paragraphs 18, 19 and 20 (certain vehicles used by or for the carriage of disabled persons);

“licence” means the licence required by paragraph 3(1);

“the licence charge” means the charge payable for a licence under paragraph 4(1);

“the licensing area” means the City of Leicester;

“licensing day” means the period of twenty four hours from midnight on any day of the year;

“licensing year” means the period of 12 months running from [] in any year to [] in the following year;

“motor vehicle” has the meaning given in section 185(1) of the Road Traffic Act 1988(e), except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of what that Act refers to as the Road Traffic Acts;

“NHS body” has the meaning given in section 275 of the 2006 Act;

“premises” means any land or building;

(a) 2000 c. 38.
(b) 2006 c. 41.
(c) 1984 c. 52.
(d) 1994 c. 22.
(e) 1988 c. 52.

“qualifying NHS premises” means—

- (a) a health service hospital within the meaning of the 2006 Act;
- (b) premises that are used by a National Health Service trust for the purpose of providing ambulance services; or
- (c) premises that are primarily used for the provision of primary medical services under arrangements made with a Clinical Commissioning Group under the 2006 Act.

“Registered Charity” is a charity which appears on the Register of Charities, which is maintained by the Charity Commission and contains details of charities registered in England and Wales;

“the retail prices index” means the general index of retail prices (for all items) published monthly by the Office for National Statistics, or any replacement of that index or, if that index is not published for any month, such other index or substitute for an index as the Council may specify for the purposes of this Scheme; and

“workplace parking place” is to be construed in accordance with paragraphs 3(3) and 3(6).

(2) In this Scheme “the annual charge” means £550, which will be increased annually by a percentage equivalent to the percentage increase between the retail prices index for [*insert date order is made*] and the retail prices index for the [*insert month [] months before start of licencing year*] immediately preceding the commencement of that year, and rounding the resulting figure to the nearest one pound.

(3) Subject to sub-paragraph (4), in this Scheme “the charge payer” means the occupier of the premises at which the workplace parking place is provided and if there is more than one occupier of those premises the charge payer is the occupier for the time being responsible for providing the workplace parking place.

(4) Where the occupier of any premises has—

- (a) entered into arrangements with another person (P) for the provision by P of a parking place at those premises (whether or not for P’s own use); and
- (b) provided the Council with such evidence of those arrangements as the Council may reasonably require,

the charge payer shall be P.

(5) For the purposes of this Scheme—

- (a) a licence charge, additional charge, administration charge, or an instalment of any of those charges, is to be taken to have been paid on the date on which cleared funds are received by the Council; and
- (b) except as is provided for in paragraph 3(5), any two persons are associated if—
 - (i) one is directly or indirectly controlled by the other; or
 - (ii) both are directly or indirectly controlled by a third person.

The licensing area

2. The City of Leicester is the area to which this Scheme applies.

Licences for workplace parking places

3.—(1) Subject to the following provisions of this paragraph, a licence is required for each licensing day on which a workplace parking place is provided at any premises within the licensing area.

(2) The obligation to have a licence for each licensing day on which a workplace parking place is provided at any premises within the licensing area lies with the charge payer, and a separate licence is required—

- (a) in respect of any premises, for each charge payer occupying those premises; and

- (b) in respect of any one charge payer, for each premises within the licensing area at which a workplace parking place is provided by the charge payer.

(3) Subject to sub-paragraph (7), for the purposes of this Scheme a workplace parking place is provided at any premises within the licensing area if a parking place provided at the premises is occupied by a motor vehicle used—

- (a) by a relevant person;
- (b) by an employee, agent, supplier, business customer or business visitor of a relevant person;
- (c) by a pupil or student attending a course of education or training provided by a relevant person; or
- (d) where a body whose affairs are controlled by its members is a relevant person, by a member of the body engaged in the carrying on of any business of the body,

for attending a place at which the relevant person carries on business at or in the vicinity of the premises.

(4) In sub-paragraph (3) “relevant person” means—

- (a) the person who provides the parking place in question (“the provider”);
- (b) any person with whom the provider has entered into arrangements to provide the parking place (whether or not for that person’s own use); or
- (c) any person who is associated with the provider or a person within paragraph (b).

(5) For the purposes of sub-paragraph (4)(c) any two persons are associated if and only if—

- (a) one is a company of which the other (directly or indirectly) has control; or
- (b) both are companies of which a third person (directly or indirectly) has control.

(6) For the purposes of sub-paragraph (3)—

- (a) “business” includes—
 - (i) any trade, profession, vocation or undertaking;
 - (ii) the functions of any office holder;
 - (iii) the provision of any course of education or training; and
 - (iv) the functions of, or any activities carried on by, a government department or a local authority or other statutory body;
- (b) “business customer”, in relation to a relevant person, means a client or customer of the relevant person who is attending at the premises of the relevant person for the purposes of a business carried on by that client or customer;
- (c) “business visitor”, in relation to a relevant person, means an individual who—
 - (i) in the course of their employment, or
 - (ii) in the course of carrying on a business or for the purposes of a business carried on by them, is visiting the relevant person or any premises occupied by the relevant person;
- (d) “employee”, means a person employed under a contract of service or apprenticeship, whether express or implied, and (if express) whether oral or in writing;
- (e) “pupil” means a person for whom a course of secondary education is being provided at a school;
- (f) “student” means a person aged 16 or over, not qualifying as a “pupil” under sub-paragraph (e), who is enrolled to attend a full time course of education or training, or a part time course of education or training which lasts for at least three months; and
- (g) “supplier”, in relation to a relevant person, means—
 - (i) a person supplying, or seeking to supply, goods or services to the relevant person for the purposes of a business carried on by the relevant person, or
 - (ii) any agent or sub-contractor of such a person.

(7) A workplace parking place is not provided at any premises within the licensing area for the purposes of this Scheme if a parking place provided at the premises is occupied by—

- (a) a motor vehicle used by a business customer;
- (b) a motor vehicle used by a supplier or business visitor of a relevant person who is not attending their regular place of work;
- (c) a motor vehicle parked for the purpose of delivering or collecting goods or providing services in the course of the relevant person’s business, provided it is not also used by a person referred to in sub-paragraph (3) for the journey between their place of residence and place of work;
- (d) a motor cycle as defined in section 185(1) of the Road Traffic Act 1988;
- (e) such other categories of electrically propelled vehicle as may be set out in a list on the Council’s website; or
- (f) an emergency services vehicle.

(8) Subject to any regulation made by the Secretary of State under section 187(1) of the 2000 Act, the Council may, from time to time, waive or suspend the obligation to obtain a licence in such circumstances as must be set out on the Council’s website.

Charges for licences

4.—(1) Subject to the following provisions of this paragraph, the charge for a licence is to be calculated by multiplying the annual charge at that time by the maximum number of workplace parking places to be provided at the premises at any one time during the period of the licence.

(2) Where a licence is to run for a period of less than one year, the licence charge is to be calculated by dividing the amount arrived at in accordance with sub-paragraph (1) by 12 and multiplying it by the number of months, rounded up to the next month, running from the date of commencement of the licence to the date the licence expires.

(3) No licence charge is payable in respect of a disabled person’s workplace parking place.

(4) In sub-paragraph (3) “disabled person’s workplace parking place” means a parking place occupied by a motor vehicle—

- (a) whose driver or one of whose passengers is the holder of any badge issued, or having effect as issued, to that person under the badges regulations which is fully displayed in accordance with those regulations;
- (b) used to carry disabled persons by or on behalf of an institution concerned with the care of the disabled, which has been issued a badge under the badges regulations which is fully displayed in accordance with those regulations; or
- (c) whose driver or one of whose passengers is the holder of any parking card for people with disabilities issued to that person by the competent authority of any Member State of the European Union, which takes the form of the Community-model parking card set out in the Annex to Council Recommendation 98/376/EC and is fully displayed;

and in this sub-paragraph, “the badges regulations” means the regulations for the time being in force under section 21 of the Chronically Sick and Disabled Persons Act 1970(a) or section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(b).

(5) No licence charge is payable in respect of any workplace parking place where the charge payer in relation to that workplace parking place, and any person associated with the charge payer are, when taken together, the charge payer in respect of 10 or fewer liable workplace parking places in total within the licensing area.

(6) In sub-paragraph (5) “liable workplace parking places” means workplace parking places in respect of which, but for sub-paragraph (5), the licence charge would be payable under this Scheme.

(a) 1970 c. 44.
(b) 1978 c. 53.

(7) No licence charge is payable in respect of any workplace parking place where the Council is satisfied on the information available to it that—

- (a) the workplace parking place is provided at fire and rescue service premises, police premises or National Crime Agency premises; and
- (b) the charge payer in respect of the workplace parking place is a fire and rescue service, a police force or the Serious Organised Crime Agency, as the case may be;

(8) A discount of 50% applies to the licence charge for a period of three years from the day appointed under article 2 (2)(b) of the Order in respect of any workplace parking place where the Council is satisfied on the information available to it that—

- (a) the workplace parking place is provided at qualifying NHS premises; and
- (b) the charge payer in respect of the workplace parking place is an NHS body or commissioned provider;

(9) Sub-paragraphs (7) and (8) shall not apply to a workplace parking place provided at fire and rescue service premises, police premises, National Crime Agency premises or qualifying NHS premises in respect of which the fire and rescue service, the police force, the National Crime Agency, NHS body or commissioned provider (as the case may be) has entered into arrangements with another person (P) for the provision by P of that workplace parking place at those premises (whether or not for P's own use).

(10) No licence charge is payable in respect of a workplace parking place provided for use by an unpaid volunteer at the premises of a Registered Charity.

(11) The Council may from time to time waive, suspend or discount any charge payable under this paragraph in such circumstances as must be set out on the Council's website.

Application for licences

5.—(1) Application for a licence must be made by the charge payer and may be made at any time.

(2) The application must be made by completing the form specified by the Council for the purpose and in doing so the charge payer must—

- (a) for each premises within the licensing area at which a workplace parking place is provided by the charge payer, give details of—
 - (i) the maximum number of workplace parking places the charge payer wishes to provide at the premises at any one time during the period of the licence;
 - (ii) the location and nature of those workplace parking places;
 - (iii) the commencement date for the licence for the premises, which may be a date earlier than the date on which the licence is applied for; and
 - (iv) such other information and supporting details as the Council may require; and
- (b) give such information and supporting details as the Council may require about persons associated with the charge payer who are providing workplace parking places within the licensing area.

(3) The application must be submitted to the Council in such manner as the Council may specify on its website and subject to sub-paragraph (5) it must be accompanied, for each premises included in the application, by payment of—

- (a) any licence charge payable in full; or
- (b) where the Council provides for payment of any licence charge payable to be made by instalments, such proportion of the licence charge (if any) as the Council may in the particular circumstances of the case require to be paid on submission of the application; or
- (c) such other sum as the Council may in the particular circumstances of the case accept.

(4) For the purposes of sub-paragraph (3), where the Council provides for payment of any licence charge payable to be made by instalments, an application that proposes to pay the licence charge by instalments must provide sufficient information to enable any outstanding amount of the licence

charge to be paid in instalments of a frequency and in such proportions as may be determined by the Council by direct debit to such bank account as the Council may specify.

(5) Where the Council permits all or part of the licence charge to be paid after the application is submitted, payment of the outstanding sum must be made by the date and in the manner specified in an invoice provided by the Council.

(6) Where, within the same licensing year—

- (a) a licence in respect of premises at which workplace parking is being provided is surrendered under paragraph 8; and
- (b) the holder of the licence referred to in paragraph (a), or a person associated with the holder, makes an application for a licence in respect of the same premises with a commencement date within three months of the date on which the licence referred to in paragraph (a) was surrendered,

the licence charge payable includes the sum that would have been payable had the application to surrender the licence under paragraph 8 not been made, unless the Council in the particular circumstances of the case accepts otherwise.

Grant of licences

6.—(1) The Council must grant to the charge payer applying for a licence, in respect of each premises included in the application, a licence for the maximum number of workplace parking places the charge payer wishes to provide at the premises pursuant to the licence, if the Council is satisfied that the application has been validly made.

(2) Any licence granted by the Council pursuant to this Scheme must—

- (a) state the name of the charge payer to whom it is granted;
- (b) identify each premises to which it relates;
- (c) specify the maximum number of workplace parking places that may be provided at each premises at any one time pursuant to the licence;
- (d) state the dates on which the licence commences and expires;
- (e) state the amount of any licence charge payable and set out how that amount has been calculated; and
- (f) be subject to a set of standard conditions.

(3) A licence may commence on a date earlier than the date on which the licence is granted if specified by the charge payer pursuant to paragraph 5(2)(a)(iii), and it expires on 1 April immediately following the commencement of the licence unless the Council in the particular circumstances of the case accepts an alternative expiry date, but no licence granted by the Council may be valid for a period of more than one year.

(4) The Council may from time to time publish the set of standard conditions referred to in subparagraph (2)(f) in such manner as it may determine.

(5) Where the Council grants a licence in respect of which payment due is not subsequently received in the time and in the manner required by the Council, the licence may be treated by the Council as terminated.

Variation of licences

7.—(1) Subject to the provisions of this paragraph, an application may be made by the charge payer to the Council to vary a licence in order to—

- (a) increase; or
- (b) decrease,

the maximum number of workplace parking places that may be provided at the premises at any one time during the period of the licence.

(2) An application under sub-paragraph (1) must be made by completing the form specified by the Council for the purpose and in so doing the charge payer must—

- (a) give details of the revised maximum number of workplace parking places that the charge payer wishes to provide at any one time during the period of the licence;
- (b) give details of the location and nature of those workplace parking places;
- (c) give details of the commencement date for the variation concerned, which—
 - (i) in the case of an application under sub-paragraph (1)(a), may be a date earlier than the date on which the variation is applied for; and
 - (ii) in the case of an application under sub-paragraph (1)(b), must be a date no earlier than one month after the date on which the application is submitted to the Council; and
- (d) provide such other information and supporting details as the Council may require.

(3) An application under sub-paragraph (1) must be submitted to the Council in such manner as the Council may specify on its website or in any other manner by agreement with the Council and, where an additional charge is payable pursuant to sub-paragraph (8) the application must, subject to sub-paragraph (4), be accompanied by payment of—

- (a) the additional charge in full; or
- (b) where the Council provides for payment of the additional charge to be made by instalments, such proportion of the additional charge (if any) as the Council may in the particular circumstances of the case require to be paid on submission of the application; or
- (c) such other sum as the Council may in the particular circumstances of the case accept.

(4) Where the Council permits all or part of the additional charge to be paid after the application under sub-paragraph (1) is submitted, payment of the outstanding sum must be made by the date and in the manner specified in an invoice provided by the Council.

(5) The Council must grant to the charge payer a variation in respect of the maximum number of workplace parking places that the charge payer wishes to provide at any one time during the period of the licence if the Council is satisfied that the application under sub-paragraph (1) has been validly made.

(6) A licence variation granted under sub-paragraph (5)—

- (a) takes effect from the commencement date for the variation specified by the charge payer and, where an application is made under sub-paragraph (1)(a), that date may be earlier than the date on which the variation is granted; and
- (b) has effect until the licence expires, unless a subsequent application made under sub-paragraph (1) is granted.

(7) Where the Council grants a licence variation under sub-paragraph (5) in respect of which payment due is not subsequently received in the time and in the manner required by the Council, the licence may be treated by the Council as not having been varied.

(8) Where an application is made under sub-paragraph (1)(a), an additional charge is payable which, subject to sub-paragraph (9), is to be the sum of the administration charge and the amount arrived at by—

- (a) multiplying the annual charge by—
 - (i) the additional number of workplace parking places that may be provided at the premises at any one time during the period of the licence; or
 - (ii) the revised total number of workplace parking places that may be provided at the premises at any one time during the period of the licence, where the result of the application made under sub-paragraph (1)(a) is that paragraph 4(7) no longer applies to the charge payer; and
- (b) reducing the amount arrived at in accordance with paragraph (a) by a percentage, which is the same as the percentage of the licensing year that has expired at the date of commencement of the variation.

(9) Where the charge payer makes an application under sub-paragraph (1)(a) within three months of an application made under sub-paragraph (1)(b) in respect of the same licence, the additional charge must include the sum that would have been payable had the application under sub-paragraph (1)(b) not been made, unless the Council in the particular circumstances of the case accepts otherwise.

(10) Where an application is made under sub-paragraph (1)(b) the Council must, on granting the variation of the licence—

- (a) where the licence charge (and any previous additional charge) has been paid in full at the date the variation is granted, issue to the charge payer a refund of the amount specified in sub-paragraph (11), less the administration charge; or
- (b) where the licence charge (and any previous additional charge) is being paid by instalments, and payment is due on one or more of those instalments after the date the variation is granted, adjust the amount of those remaining instalments by such amounts as the Council may determine, so that the sum of those remaining instalments is equal to the amount specified in sub-paragraph (12); or
- (c) where the licence charge (and any previous additional charge) is being paid by instalments, and the result of the application made under sub-paragraph (1)(b) is that paragraph 4(5) now applies to the charge payer, cancel payment of any instalments due after the date of commencement of the variation and issue to the charge payer a refund (if any) of the amount specified in sub-paragraph (13).

(11) The amount referred to in sub-paragraph (10)(a) is to be calculated by—

- (a) multiplying the annual charge by—
 - (i) the number of workplace parking places removed from the scope of the licence on its variation; or
 - (ii) the total number of workplace parking places covered by the licence prior to the application under sub-paragraph (1)(b), where the result of the application made under sub-paragraph (1)(b) is that paragraph 4(5) now applies to the charge payer; and
- (b) reducing the amount arrived at in accordance with paragraph (a) by a percentage, which is the same as the percentage of the licensing year that has expired at the date of commencement of the variation.

(12) The amount referred to in sub-paragraph (10)(b) is to be the sum of—

- (a) the licence charge less a percentage of that amount, which is the same as the percentage of the period of validity of the licence that remains at the date of commencement of the variation;
- (b) such proportion of any previous additional charge payable at the date of commencement of such variation;
- (c) the amount calculated by—
 - (i) multiplying the annual charge by the revised number of workplace parking places that may be provided at any one time during the period of the licence on its variation; and
 - (ii) reducing the amount arrived at in accordance with sub-paragraph (i) by a percentage, which is the same as the percentage of the licensing year that has expired at the date of commencement of the variation; and
- (d) the administration charge,

less such proportion of the licence charge and any previous additional charge that has already been paid at the date the variation is granted.

(13) The amount referred to in sub-paragraph (10)(c) is to be such proportion of the licence charge and any previous additional charge that has already been paid at the date of commencement of the variation less—

- (a) the licence charge, reduced by a percentage, which is the same as the percentage of the period of validity of the licence that remains at the date of commencement of the variation;

- (b) such proportion of any previous additional charge payable at the date of commencement of the variation; and
- (c) the administration charge.

(14) Any variation of the maximum number of workplace parking places that may be provided at any one time under a licence must apply for a minimum period of one month.

Surrender of licences

8.—(1) Subject to the provisions of this paragraph, the charge payer may apply to the Council to surrender a licence.

(2) An application under sub-paragraph (1) must—

- (a) be made by completing the form specified by the Council for the purpose and submitting it to the Council in such manner as the Council may specify on its website or in any other manner by agreement with the Council;
- (b) specify the date on which the licence is to be surrendered, which must be a date no earlier than one month after the date on which the application is submitted to the Council; and
- (c) include such other information as the Council may require.

(3) On receipt of a valid application for surrender of a licence, the Council must consent to the surrender of the licence and—

- (a) where the licence charge has been paid in full at the date on which consent is given to surrender the licence, the Council must issue to the charge payer a refund of the amount specified in sub-paragraph (4), less the administration charge; or
- (b) where the licence charge is being paid by instalments, and payment is due on one or more of those instalments after the date on which the licence is to be surrendered—
 - (i) the Council must cancel payment of any instalments due after the date on which the licence is to be surrendered; and
 - (ii) after the date on which the licence is surrendered, the Council must issue to the charge payer a refund of the amount specified in sub-paragraph (5).

(4) The amount referred to in sub-paragraph (3)(a) is to be the licence charge less a percentage of that amount, which is the same as the percentage of the original period of validity of the licence that has expired at the date the licence is surrendered.

(5) The amount referred to in sub-paragraph (3)(b)(ii) is to be such proportion of the licence charge that has already been paid at the date the licence is surrendered less—

- (a) the licence charge, reduced by a percentage, which is the same as the percentage of the period of validity of the licence that remains at the date the licence is surrendered; and
- (b) the administration charge.

Penalty charges

9.—(1) A penalty charge is payable for each licensing day where—

- (a) any workplace parking place is being provided at premises without a licence or a licence covering all the workplace parking places being provided; or
- (b) there is or has been any contravention of the conditions of a licence in respect of the premises.

(2) A penalty charge payable under sub-paragraph (1) must—

- (a) be paid by the charge payer; and
- (b) be paid within the period (“the payment period”) of 28 days beginning with the date on which notice of the penalty charge is served on the charge payer.

(3) The amount of a penalty charge payable under sub-paragraph (1) is to be—

- (a) in the case of a penalty charge payable under sub-paragraph (1)(a), half the licence charge payable at that time for a licence for one workplace parking place for a year, in respect of each workplace parking place being provided without a licence; and
- (b) in the case of a penalty charge payable under sub-paragraph (1)(b), the annual charge at that time.

(4) If the penalty charge is paid before the end of the fourteenth day of the payment period, the amount of the penalty charge is to be reduced by one quarter.

(5) Where a charge certificate is issued by the Council pursuant to the Workplace Parking Levy (England) Regulations 2009, the amount of the penalty charge to which it relates is to be increased by one half.

(6) Where notice of a penalty charge payable under sub-paragraph (1)(a) or (1)(b) is served on the charge payer, no further penalty charge is payable under the same sub-paragraph by the charge payer in respect of the same premises within 28 days of service of the notice.

Ten year general plan for net proceeds

10. Annex 1 to this Scheme constitutes the Council's general plan, under paragraph 10(1)(a) of Schedule 12 to the 2000 Act, relating to the application of the net proceeds of this Scheme during the period which begins with the date on which this Scheme comes into force and ends with the tenth financial year that commences on or after that date.

Detailed programme for net proceeds

11. Annex 2 to this Scheme constitutes the Council's detailed programme, under paragraph 10(1)(b) of Schedule 12 to the 2000 Act, for the application of the net proceeds of this Scheme during the period which begins with the date on which this Scheme comes into force and ends with the fifth financial year that commences on or after that date.

Duration of Scheme

12. This Scheme will remain in force indefinitely.

**LEICESTER CITY COUNCIL'S GENERAL PLAN FOR APPLYING
THE NET PROCEEDS OF THIS SCHEME DURING THE OPENING
TEN YEAR PERIOD**

1. It is proposed that the Scheme will start and charging will commence in April 2023.
2. Paragraph 10(1)(a) of Schedule 12 to the 2000 Act applies to the period that is covered by the draft (to be approved) Local Transport Plan ("LTP4"), which will run from 2022 until 2036, and covers the first 10 years of WPL operation.
3. The expenditure plan fully supports the vision and objectives in the LTP.
4. In the opening ten-year period the net proceeds of the Scheme will be applied, in such proportions to be decided by the Council, towards a range of transport measures including—
 - (a) contributions to the Bus Services Improvement Plan (BSIP) proposals including the Greenlines electric bus network and associated initiatives on ticketing, fares and infrastructure;
 - (b) contributions to active travel initiatives including infrastructure and behavioural change activities;
 - (c) contributions to Phase 2 and future phases of the Rail Station Masterplan (in the second 5 year programme);
 - (d) enhanced assistance to employers (including UHL) in developing 'smarter travel choices', travel plans and on and off-street parking management schemes;
 - (e) a Displaced Parking Task Force to handle environmental issues caused by employees deciding to park on-street around workplaces, especially in residential areas.

LEICESTER CITY COUNCIL'S DETAILED PROGRAMME FOR APPLYING THE NET PROCEEDS OF THIS SCHEME DURING THE OPENING FIVE YEAR PERIOD

1. It is proposed that the Scheme will start and charging will commence in April 2023.
2. During the opening five year period referred to in paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000, the expenditure plans for workplace parking levy receipts will complement the Local Transport Plan (LTP) implementation plan.
3. The LTP runs from 2022 until 2036 and covers the first 5 years of WPL operation.
4. Priorities for the workplace parking levy revenue expenditure in the opening five year period of the scheme are—
 - (a) contributions to the Bus Services Improvement Plan (BSIP) proposals including the Greenlines electric bus network and associated initiatives on ticketing, fares and infrastructure;
 - (b) contributions to active travel initiatives including infrastructure and behavioural change activities;
 - (c) enhanced assistance to employers (including UHL) in developing 'smarter travel choices', travel plans and on and off-street parking management schemes;
 - (d) a Displaced Parking Task Force to handle environmental issues caused by employees deciding to park on-street around workplaces, especially in residential areas.
5. The expenditure plans for workplace parking levy receipts during the opening five year period of the scheme will contribute towards meeting the following Local Transport Plan objectives, which reflect the wider objectives of reducing carbon emissions, improving health and well-being, supporting the economy and growth proposals and increasing accessibility—

Reduce the need to travel by car
Support zero emission vehicles and new models of transport
Make transport more resilient to planned and unplanned events such as flooding or pandemics
Make public transport, Park and Ride, cycling or personal e-mobility the first choice for longer journeys for most people
Make city centre interchanges easy and attractive to use for everyone
Make the city centre easy to get around by foot, cycle or personal e-mobility
Make active transport the first choice for shorter journeys for most people
Make zero emission vehicles the first choice for remaining car journeys
Ensure neighbourhoods are better connected throughout the city
Manage the road network and improve public transport to tackle congestion across the urban area
Improve air quality across the city
Improve road safety across the city

6. The Implementation Plan for the LTP4 period (2022 - 2036) includes the following themes, which will all form part of the first 5-year programme – however, the focus will not be on the Rail Station until the second 5 year programme.

Connected Corridors & Hubs

- Greenlines electric bus network
- New and improved Park & Ride sites
- Connected commuter corridors for buses, cycling and walking
- Transformed Leicester Rail Station

Connected Healthy Neighbourhoods

- Connected cycling and walking networks (city centre and local neighbourhoods)
- Good local bus network
- Fewer and cleaner vehicles in neighbourhoods

Managing Demand for Car Use

- Parking management and co-ordination
- Behaviour change
- Smart transport
- Network management
- Workplace parking levy

TRANSPORT ACT 2000

The City of Leicester Workplace Parking Levy Order 202[]

BDB Pitmans LLP
Solicitors and Parliamentary Agents
One Bartholomew Close, London EC1A 7BL