
Report To:	Environment & Regeneration Committee	Date:	9 March 2023
Report By:	Shared Head of Roads & Environmental Services	Report No:	ERC/RT/GMcF/18.639
Contact Officer:	Gail MacFarlane	Contact No:	01475 714800
Subject:	Business Parking Permits – Terms and Conditions		

1.0 PURPOSE AND SUMMARY

- 1.1 For Decision For Information/Noting
- 1.2 Local Authorities are empowered to make Orders under the Road Traffic Regulation Act 1984 as amended and under the Council's Scheme of Administration the Head of Environmental and Commercial Services is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders (TROs).
- 1.3 At the Inverclyde Council meeting of 15 December 2022, it was agreed that Business Parking Permits should be introduced in locations with waiting limits and parking charges.
- 1.4 In order to ensure a fair and consistent system of issuing Business Parking Permits, a list of Terms and Conditions has been prepared detailing the rules for applying for, obtaining and using Business Parking Permits.
- 1.5 The purpose of the report is to seek approval of the Terms and Conditions of the Business Parking Permits.

2.0 RECOMMENDATIONS

- 2.1 That the Committee:
1. Approve the Terms and Conditions for applying for, obtaining and using Business Parking Permits.
 2. Note the requirement to promote a variation to "The Inverclyde Council (Off-Street Parking Places) Order 2013", as varied which will be subject to the due legal process outlined in "The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999".
 3. Notes the cost of a permit is £150/year (incl VAT) and this cost will be reviewed annually.

Gail MacFarlane
Shared Head of Roads & Environmental Services

3.0 BACKGROUND

- 3.1 Decriminalised parking enforcement was introduced in Inverclyde in October 2014. At this time the decision was taken not to introduce Business Parking Permits in Inverclyde. Since this time a number of businesses have asked for the introduction of permits to allow them to park vehicles used in the delivery of services near their businesses.
- 3.2 At the Inverclyde Council Committee of 15 December 2022 it was agreed that Business Parking Permits should be provided to businesses where there are parking charges in car parks and the business is located within an existing permit zone.
- 3.3 In order to ensure a fair and consistent system of issuing Business Parking Permits, a list of Terms and Conditions has been prepared detailing the rules for applying for, obtaining and using Business Parking Permits.
- 3.4 Research was undertaken to review the Terms and Conditions of other Local Authorities throughout Scotland which currently operate a Business Permit Parking scheme. Based on this research, Terms and Conditions for Inverclyde Council were drawn up. These were issued for comment and revision to the Council's Legal Services and the Public Protection Team which manages the Parking Attendants.
- 3.5 As a result, the Terms and Conditions contained within Appendix 1 have been developed.
- 3.6 Prior to the introduction of Business Parking Permits it will be necessary to promote a variation to "The Inverclyde Council (Off-Street Parking Places) Order 2013", as varied which will be subject to the due legal process outlined in "The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999". This includes public consultation on the Order with opportunity for the submission of objections.
- 3.7 Currently the total occupancy of car parks in Greenock, Port Glasgow and Gourock is around 50% meaning there are a significant number of empty spaces. By offering business parking permits at £150 per permit per year we are therefore filling spaces and generating income at the same time. It is estimated that 212 permits will be purchased each year. To maintain off-street parking spaces for visitors and shoppers and to improve the vibrancy of the town centre a maximum of 250 permits will be sold pro-rata across Port Glasgow, Greenock and Gourock. Applications for permits will be assessed in the order received and on business operational needs and up to a maximum capacity. Applications are required to be renewed annually and consideration will be given to existing applications first, over new applications.
- 3.8 There are no additional costs associated with parking enforcement as Parking Attendants are currently working in these car parks checking vehicles for contraventions.
- 3.9 For every change that is made to a Business Parking Permit the Council will have to pay their Contractor to process this. In order to cover this cost it is proposed that a £20 charge is applied for each change requested by a Business Parking Permit holder.

4.0 IMPLICATIONS

- 4.1 The table below shows whether risks and implications apply if the recommendations are agreed:

SUBJECT	YES	NO	N/A
Financial	x		
Legal/Risk	x		

Human Resources		x	
Strategic (LOIP/Corporate Plan)		x	
Equalities & Fairer Scotland Duty		x	
Children & Young People's Rights & Wellbeing		x	
Environmental & Sustainability		x	
Data Protection	x		

4.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
02506	Parking	2023/24	(£26.5k)		Estimated income 212 permits
02506	Parking	2023/24	£1.5k		Processing Permits

4.3 Legal/Risk

Prior to the introduction of Business Parking Permits it will be necessary to promote a variation to "The Inverclyde Council (Off-Street Parking Places) Order 2013", as varied which will be subject to the due legal process outlined in "The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999". This includes a public consultation on the Order which may result in objections which would require to be heard, if not withdrawn. The timescales are uncertain; however, the TRO process can take between 6-18 months depending on whether there are objections and the means by which objections will be heard i.e. by Council Committee or an Independent Reporter.

4.4 Human Resources

None.

4.5 Strategic

None.

4.6 Equalities and Fairer Scotland Duty

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

	YES
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. Provide any other relevant reasons why an EqIA is not necessary/screening statement.

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

4.7 **Children and Young People**

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
X	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

4.8 **Environmental/Sustainability**

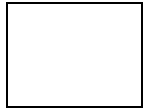
Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
X	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

4.9 **Data Protection**

Has a Data Protection Impact Assessment been carried out?

X	YES –Data Protection is part of the current Back Office Contract.
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NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

5.0 CONSULTATION

5.1 The Head of Legal and Democratic Services, Public Protection Team and the Chief Financial Officer will be consulted on this report.

6.0 BACKGROUND PAPERS

6.1 A report entitled “2023/25 Budget Update & Proposals” was considered by the Inverclyde Council Committee on 15 December 2022 and agreed the introduction of Business Parking Permits.

Business Parking Permit – Terms and Conditions of Use

Please note that all business parking permit holders hold a permit subject to the following terms and conditions of Use (“Terms and Conditions”):

Business Parking Permit details

For the purposes of the following Terms and Conditions, a ‘business’ is defined as any use of premises falling within Class 1, Class 2 or Class 3 as specified in the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997.

Only businesses located within a Parking Permit Zone are entitled to a Business Parking Permit. There is a limit of two permits per business, under exceptional circumstances and taking into account business needs and/or size of the business additional permits may be granted up to a maximum of 10 per business. The registration number of each permitted vehicle (“specified vehicle”) will be recorded on the Business Parking Permit.

To maintain off-street parking spaces for visitors and shoppers and to improve the vibrancy of the town centres, a maximum of 250 permits will be sold pro-rata across the three towns of Port Glasgow, Greenock and Gourock. Applications for permits will be assessed in the order received and on business operational needs and up to a maximum capacity per town. Applications are required to be renewed annually and consideration will be given to existing applications first, over new applications.

You can find Business Parking Permit prices on the Council’s website.

Your entitlement to a Business Parking Permit (hereinafter referred to as a “Permit”)

- A Permit is specific to an individual business, the normal permanent address of the business (specified business address) and a specified vehicle.
- A Permit will last for a period of 12 months. You must renew your Permit annually or earlier if you change your specified vehicle or specified business address.
- You are entitled to a maximum of two Permits per specified business address so long as all the available permits for each town centre have not been purchased
- Additional permits may be granted up to a maximum of 10 per business, under exceptional circumstances,
- You can only apply for a Permit for use in an off-street car park in the Zone within which the specified business address is located.
- The specified vehicle must be registered in the name of the business at the specified business address or, if the specified vehicle is a hire vehicle, you must provide either the contract hire agreement or proof of business use for the specified business on liveried stationery.
- The specified vehicle may be a Motor Vehicle or a Goods Vehicle. The overall height of the specified vehicle must not exceed 2.1m, the length must not exceed 5.0m and the unladen weight must not exceed 5 tonnes.
- The specified vehicle must not be built to carry 8 or more passengers and cannot be drawing a trailer when using a Permit.
- A Permit will only be issued where use of the vehicle is essential to the daily operation of the business throughout the business day.

The specified vehicle must:

- have a valid MOT test certificate throughout the life of the Permit;
- have a valid road fund licence (vehicle tax) throughout the life of the Permit; and
- be insured for business purposes.

We cannot issue a Permit if:

- your specified business address is subject to car free development. Please speak to your solicitor, seller or landlord for this information as we will not be able to confirm this information for you.
- you cannot provide the correct documents.
- you submit fraudulent documents.
- you have three or more outstanding Penalty Charge Notices.
- you already have two valid Permits for the same specified business address.

Where you can use the Permit

- You can only use your Permit in an off-street car park within the Zone for which it has been issued. You must always park legally, in accordance with the sign plates and road markings in the vicinity.
- Specified vehicles must park correctly within the markings of the bay or space.
- A Permit can only be used in Council operated off-street car parks within the specified Zone for which it has been issued.
- Permits do not guarantee a parking space.
- The specified Zone name and any restrictions on the use of the parking bays by Permit holders will be shown on sign plates in the off-street car park.
- Permits are only valid for the specified vehicle indicated on the Permit, as referred to in the Business Parking Permit Application Form and on the submitted documentation.

Where you cannot use the Permit

- Permits cannot be used in Disabled Persons' Parking Places (with the exception of times during which Permit holder only parking applies, when a valid Disabled Persons' Badge shall also have to be displayed), police bays, ambulance bays, loading bays, taxi bays, bus bays, EV bays, single and double yellow lines.
- Permits are not valid in suspended bays. This will result in a Penalty Charge Notice being issued and specified vehicles may be relocated or removed.
- Permits are not valid in private car parks.
- Permits are non-transferable and cannot be used for any vehicle other than the specified vehicle.

Business and vehicle application requirements

Business Requirements:

The applicant must pay non-domestic rates for the business premises. Any business claiming small business relief should indicate this on the application form in the space provided.

The business must undertake, from the specified business address, a Class 1, Class 2 or Class 3 use as specified in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997.

You must provide a Non Domestic Rates demand dated within the last 3 months, and a document from the list below:

- A current utility bill (dated within the last 3 months).
- A current bank/credit card statement (dated within the last 3 months).
- A mortgage agreement (dated within the last 3 months).
- A current tenancy agreement issued by a solicitor or leasing agent on headed paper and dated within the last 3 months.

The document must clearly show your business name and specified business address.

You must submit the following in relation to the specified vehicle

- The vehicle registration document (V5C) showing that the specified vehicle is registered at the applicant's specified business address. If the vehicle is not registered to the business address you must provide proof of business use for the specified business on liveried stationery.
- A copy of your Insurance Certificate showing the registration of the specified vehicle, expiry date and confirmation that the specified vehicle is insured for business purposes.

We can only issue a 6 week permit if you are unable to supply the V5C documentation but have the bill of sale or insurance documentation confirming the make, model and registration of the specified vehicle. There will be an administration charge at the cost detailed on the Council's website.

Following receipt of all of the documents which prove your entitlement to a Permit you will be issued with a permit for 12 months at the cost detailed on the Council's website.

If after the 6 weeks you are still unable to produce the V5C as form of proof your application will be rejected.

If you are hiring the vehicle, please provide the contract hire agreement showing your name/the business name and the vehicle registration number.

Permitted parking areas

The Permit is valid for parking in parking spaces in off-street car parks within the specified parking zone marked on the Permit (i.e. the zone in which the business address is located), provided that there are no further waiting restrictions in force. Permits do not allow parking in any other designated parking bays or restricted areas e.g. disabled bays, ambulance bays, etc and vehicles must comply with the relevant waiting restrictions at all times.

Assigning a Permit to a vehicle

Any specified vehicle for which a Paper Permit has been issued and which are not clearly displaying a Permit on the vehicle's front windscreen must park in accordance with the parking restrictions and will not be afforded any parking Permit holder concessions.

How to use your Permit

- You will be issued with a virtual Permit. Details of the specified vehicle and the Permit issued to that specified vehicle will be recorded on an electronic database which can be accessed from the hand-held devices used by Parking Attendants.
- Should a Paper Permit be provided, your Permit must be clearly displayed on the specified vehicle's front windscreen so that its details can be easily read. You must display your original Permit; copies are not acceptable.
- Every Permit has a unique identification reference number. Whenever you contact us about your Permit, please quote this unique reference number.
- The use of a Permit contrary to the Terms and Conditions and the relevant Traffic Regulation Order (TRO) may result in the cancellation of that Permit.
- The misuse of Permits should be reported to 01475 714800.

Conditions of use

Permits can only be used for specified vehicles which must meet the application requirements at all times when using the Permit. If, for any reason, the business or specified vehicle no longer meets the Permit application requirements then the Permit can no longer be used for that business or specified vehicle. The Council reserves the right to request an inspection of any specified vehicle at any time.

A Permit is only considered to be valid when displayed on a specified vehicle or details contained on the Parking Attendant's handheld computer. Any specified vehicle not displaying a Permit must park in accordance with the parking regulations. Permits will not be recognised if displayed on vehicles which are not specified vehicles.

A Paper Permit must be clearly displayed on the front windscreen of the specified vehicle. Any specified vehicle displaying an obscured or illegible Permit may be issued with a Penalty Charge Notice (PCN).

Permit holders must obey the relevant parking restrictions at all times and must move or relocate their vehicle if requested to do so by a Police Officer or Parking Attendant.

Change of vehicle

Permit holders can amend the details of their specified vehicles for an administration charge, at the cost detailed on the Council's website. For each amendment, however, each new specified vehicle must meet the application requirements before a Permit can be issued for it. The registration number of the specified vehicle will appear on the Permit. Applicants wishing to add or remove specified vehicles should do so using the online application portal.

Change of address

In the event that a business changes address, the Permit holder must contact the Permit Team at the earliest opportunity to arrange for the cancellation or amendment of their Permit. There will be an administration charge at the cost detailed on the Council's website.

Permit renewals

Permits are valid for 12 months and it is the responsibility of the Permit holder to ensure that their Permit is renewed on time. You can renew your Permit up to 28 days before it expires. Please allow at least 10 working days for a Permit to be issued if you apply online. Permit holders can

renew their Permit on the Council's website. You will be required to provide proof of eligibility.

Failure to renew your Permit on time may result in you receiving a Penalty Charge Notice unless you park in accordance with the parking restrictions at the location at which you park.

Voluntary surrender of Permit

A Permit holder may relinquish their Permit at any time. Refunds are only available for complete months which remain unexpired and an administration charge, at the cost detailed on the Council's website, will be deducted.

Misuse of Permits

The Council reserves the right to revoke a Permit without refund if they have reason to believe that it is being used in breach of the Terms and Conditions

Permit holders will, if required by the Council at any time throughout the duration of the Permit, provide the Council with evidence of business use throughout the business day. The Council will assess the evidence and decide if it is satisfactory, which decision will be at the absolute discretion of the Council. If the Council decides that the evidence of business use throughout the business day is not satisfactory, the Council will be entitled to revoke the Permit.

Permit holders are also required to relinquish their Permit if their business or specified vehicle no longer meets the permit application requirements, if a new/replacement Permit is issued by the Permit Team or if they are requested to do so in writing by the Council.

Examples of misuse of the business parking permit scheme, including if you:

- Provide false information to get a Permit.
- Allow non-specified business vehicles to use your address to get a Permit.
- Use the Permit for non-business purposes.

Offences and penalties

It is an offence to mishandle, alter, make or fake any parking document with intent to deceive or to make a false statement in order to obtain such a document for yourself or any other person by virtue of section 115 of the Road Traffic Regulation Act 1984.

Data Protection

The issuing authority (The Inverclyde Council) will process all information in accordance with the requirements of the Data Protection Act 2018. The enforcement authority (The Inverclyde Council) will use any data collected through the issuing of a Permit for other associated purposes. We are required by law to protect the public funds we administer and we may share/check this information with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud. These bodies include but are not limited to: other Council departments, other public authorities and other enforcement agencies.

When can you use your Permit?

1. You will be advised by email / letter confirming that your documents are in order and that you have been approved for a Permit.
2. Do not presume you have been approved for a Permit until you have been formally advised.

Proposed business parking permit charges which will be displayed on the Council's website should any changes be required throughout the duration of this permit scheme. They will not be included on the Terms and Conditions.

Type	Cost
Business Permit – 12 months	£150
Business Permit – Temporary for 6 weeks	£20
Permit – Change of details (address or vehicle)	£20
Refund	Only available for complete months which remain unexpired and an administration charge of £20 will be deducted.