



**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE
SERVICES COMMITTEE ON 11 JUNE 2019**

SUBJECT: STAFF CAR PARKING

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING & INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee of the responses to the advertisement of the Car Park Order Amendment relating to Greyfriars Street Car Park and The Annexe Car Park.
- 1.2 This report is submitted to Committee in terms of Section III (F) (20) of the Council's Scheme of Administration relating to making traffic regulation orders.

2. RECOMMENDATION

- 2.1 **It is recommended that Committee:**
 - i) **consider the responses to the statutory advertisement of the Car Park Order Amendment; and**
 - ii) **approve implementation of the Order as advertised.**

3. BACKGROUND

- 3.1 The Council operates 40 car parks regulated by the Grampian Regional Council (Off Street Car Parks) Order 1989. Greyfriars Street and The Annexe Car Parks are restricted to council staff only Monday to Friday 0800h – 1800h.
- 3.2 Full council on 26 September 2018 (para 6 of the minute refers) made a budget decision to introduce charges for staff parking at the Elgin HQ Campus by the introduction of parking permits for council staff. This decision was purely a financial one, and any introduction of charges still has to follow the correct statutory process.
- 3.3 The two car parks affected are the Greyfriars Street car park and The Annexe car park. Both are within the Car Park Order but are restricted to council staff only Monday – Friday, 0800h – 1800h. They are open to the public outwith those hours with charges already levied on a Saturday.

- 3.4 The advertisement setting out the proposed amendment to the car park order was published in the Northern Scot on 5 April 2019 and also advertised on tellymesotland.org.uk with a closing date of 3 May 2019 for representations. On 22 April 2019 the information was also published on the council's intranet page to encourage staff in particular to submit representations.
- 3.5 As objections have been received to the proposed amendment, the matter is now duly brought to this Committee as it is the responsible committee for considering the objections. However, given the standing budget decision, should the Committee wish to make a decision that does not deliver the agreed budget savings then the matter would need to be referred to Full Council to consider the financial implications.
- 3.6 The information in the Car Park Order amendment is the high level proposal to introduce charges for staff use of the car parks via the use of parking permits. The amendment to the Order itself does not set out the detailed administration of parking permits or alternative income generation methods, and therefore this information did not form part of the process. This is different to other types of public consultation where more detailed information is given on proposals so that different options can be assessed and discussed. The matter under advertisement was confined to the formal Order amendment, not its wider context. That being said, a Statement of Reasons must be provided as part of the statutory process, and this cited income generation as the reason – in line with the fact that the proposed amendment comes from a budget decision.
- 3.7 The budget implications will be finalised following the decision of this Committee on the Car Park Order and other aspects such as planning conditions. Any variance to the predicted budget impact will be taken through the financial management process.
- 3.8 The current parking arrangements operate on a 'first come first served' basis, with all spaces routinely occupied before 8am. The current visitor parking facilities (the part of the Annexe car park without barriers) is consistently misused as staff parking – as can be observed by the occupancy levels prior to the council buildings opening for customers, and the number of people using these spaces and then entering the buildings using staff swipe cards. At the moment there is no way for Facilities or the Car Park team to take enforcement action on this.
- 3.9 Free council staff parking in central Elgin was a consistent issue raised by members of the public during the car park order consultation for the increase in parking charges for the public car parks in 2017/18.
- 3.10 Including the spaces for pool cars and blue badge spaces, there are a total of 190 spaces in the two car parks. There are 845 employees based in the HQ Campus (Rose Cottage, HQ building and the Annexe).
- 3.11 As background information for Committee, in putting forward this proposal for consideration as a budget saving, alternative options were examined by officers, including £1 per day Pay & Display for staff, and converting the car park into a public car park on a permanent basis. In line with the planning

consent for the buildings, the parking provision should remain dedicated to staff, rather than being a public car park.

4. CONSULTATION RESPONSES

4.1 The consultation received 150 individual responses and a response from both Unison and Unite. Many of the responses were detailed questions or statements, which have also been incorporated in the analysis below. Of the 152 responses received:

- 12 were supportive in overall content,
- 21 were supportive of charging staff for parking but objected to the specific proposal for permit parking at Greyfriars Street and The Annexe,
- 88 were stated to be outright objections or are considered as such from the detailed content
- 31 were neutral – mainly information seeking.

4.2 The feedback has been grouped and summarised to enable Committee to give it consideration.

4.3 Firstly, there were responses which related to procedural matters:

- i) The proposed amendment is not within the scope of the Road Traffic Regulation Act 1984.
The amendment to the car park order is in accordance with sections 32 and 35 of the Road Traffic Regulation Act which set out the powers for designating an area as a parking place, including making charges for parking. These powers do not stipulate 'public' parking, but are based on a broad purpose of relieving or preventing congestion.
- ii) Staff parking charges were not in the original budget proposals.
The proposal to introduce charges for staff parking at the HQ campus was approved in the first round of budget savings by Council at its meeting on 26 September 2018 (para 6 of the minute refers).
- iii) The consultation was in the newspaper before staff were consulted / there was a short timescale in communicating to staff.
This consultation is on the amendment of a legal order and follows the statutory process and timescales – the first requirement of which is to advertise the amendment in a local newspaper. This was further promoted on the intranet to highlight it to staff.
- iv) The consultation was not on the council's list of consultations.
This is not a general consultation, it is a statutory process – a very similar process to Traffic Regulation Orders. As well as advertising the amendment through the Northern Scot, it was promoted on tellmescotland.gov.uk and internally on the Interchange.
- v) The Equalities Impact Assessment is not available / hasn't been carried out.
The proposal was reviewed with the Equalities Officer prior to consideration by Full Council and it was agreed that an Equalities

Impact Assessment was not required because a) the parking facility is not large enough to be available for all staff, and b) there are uncharged blue badge spaces in the car parks for disabled staff.

- vi) It is a pre-determined consultation – the budget decision has already been made.

Whilst Council has made a budget decision, if there are any objections to the Order amendment that this Committee cannot resolve to its satisfaction, which then leave a potential budget deficit, then the matter would be referred on to Full Council to re-assess the budget implications.

- vii) Does it meet planning conditions?

There are planning conditions for the provision of staff parking relating to the use of the buildings as offices, this does not restrict the Council's ability to charge for use of the parking facilities.

- viii) Why have staff not been consulted?

The proposal has followed the same internal process as other budget savings, and is following the correct legal process for implementation of an amendment to the existing Car Park order, which has involved consultation with staff and public alike.

- ix) The Statement of Reasons is inadequate to provide any meaningful level of detail.

The reason to introduce the change is quite simply a budgetary pressure and this was stated in the Statement of Reasons that accompanies the legal order. In terms of the Car Park Order amendment this is the information that needs to be provided. Further detail about how the scheme might operate in detail is a level of information that is not covered by the Order and therefore is not included in the statutory information.

4.4 23 responses outright supported the proposal, or stated a willingness to pay (separate to those who recommended a £1 Pay & Display option). These responses are noted and are highlighted to Committee as being in line with the proposals.

4.5 18 respondents felt that the proposal is unfair on staff – with statements that it is a stealth tax, imposing additional costs on to staff and a sense that staff now have to pay to come to work. These statements also emphasised low morale. Whilst Committee should take note of these concerns, they are not directly related to the implementation of the car park order amendment.

4.6 There is a series of responses that relate to the relationship between staff parking and other ways of getting to work:

- i) This may push people into other travel modes.

Although this was stated as a reason *not* to introduce the changes, any mode shift to active travel or public transport would have benefits on traffic levels, health and the environment, so would be seen as a positive change.

- ii) Public transport around Moray is not adequate for home to work journeys or business travel.
The provision of public transport is unchanged by these proposals. The challenges of public transport across Moray is one that the council recognises, but is outside the remit of this process.
- iii) A complaint that currently the staff parking spaces are occupied by those who live close to Elgin HQ.
Whilst unproven, this is a known concern. By moving to a permit system with a guarantee of a space, this takes away the time constraint currently experienced with the car parks being full by around 7.45am – this means that there is no differential for people coming from further afield and makes access to a parking space close to HQ more equitable
- iv) Suggestions around increasing active & sustainable travel including:
 - Charge £5 for parking to those who live within active travel distance. This is outside the scope of this proposal, but measures such as this could be considered by Committee at a future point as part of a planned incentivisation of Active Travel for employees.
 - Restrict the parking to employees from further away. As above – this is outside the scope of this proposal but could be considered in the future.
 - Put real time public transport information into break out areas. This is not part of the remit of this proposal, but the promotion of public transport for employees will be discussed with the Public Transport team
 - Increase cycle storage. Again, whilst outside the remit of this proposal, the Sustainable Travel Officer has been asked to look at the level of cycle storage across the HQ campus.
 - Managers to be more flexible about the use of public transport. Information to support managers could be provided as part of a planned approach to Active & Sustainable Travel for employees.
 - In a similar vein there were responses that asked how the proposal catered for car sharing, and also whether incentives/benefits could be introduced for car sharing. Those car sharing would be able to share a parking permit – as long as only one vehicle is present in the car parks at one time. The application process will allow for this.

4.7 There were 53 statements objecting on the grounds that the charges are not being rolled out to other work sites, and asking if there was a longer term plan

to cover all council sites. Some statements were specific to other locations in Elgin such as Ashgrove, and schools. Other statements were broader, and generally of the view that it was unfair that the HQ campus was being 'singled out'. The proposal reflects the central location of these car parks, and the fact that there are only 190 spaces for 845 employees so currently no staff are guaranteed a space. For the HQ campus, the majority of employees already make other travel or parking arrangements. There are other locations with no staff parking facilities at all – including Elgin Library.

- 4.8 The fact that the Glover Street car park was excluded attracted a lot of criticism with 42 statements of objection on that issue. This car park was excluded from the Car Park Order because of the complexities of the shared arrangements with the Courts Service. Group Leaders have agreed that a voluntary payment scheme will be in place, and whilst not mandatory for Councillors, this will allow those who use Glover Street car park to contribute financially for their parking facilities in a similar way to employees. Directors will require to purchase a permit in the same way as any other employee, but will retain access to Glover Street as an alternative where capacity allows.
- 4.9 Many of the responses were questions around how the car parks would operate and be managed with a permit system in place:
- i) Will there be a restriction on which council staff will be permitted to use the car parks? The Annexe car park should be restricted to Annexe employees. The proposal doesn't consider who uses the car parks or give priority to HQ campus employees.
Any staff member with a HQ swipe card will be able to apply for a permit – thus there will be no change in who is permitted to use the car parks, other than the requirement to be in possession of a valid permit.
 - ii) How many permits will be issued / are you guaranteed a space?
In the first instance we will only issue as many permits as there are spaces, in order to ensure all permit holders a space. Robust monitoring will establish if there is a guaranteed number of vacant spaces each day from absences / work in other locations etc. If this can be established then additional permits may be issued. Following a review period consideration will be given to short term permits during holiday periods – again based on being able to guarantee spaces.
 - iii) Statements that the system will not guarantee a space.
See above.
 - iv) How applications will be processed / allocated.
Applications will be through submitting an electronic form from an opening date. Advance applications will not be accepted. Permits will be issued on a 'first come first served' basis.
 - v) How the parking will be monitored and enforced.
The car parks will be monitored and restrictions enforced by the existing car park attendants, who already monitor and enforce the blue badge spaces and address some specific contraventions. There is no additional resource required.

- vi) Whether pool cars would be re-located to free up spaces.
This is being discussed with Fleet Services in relation to general pool cars. Team vehicles / vans that currently have no specific parking allocation will be provided with a space in Lossie Green or St Giles car parks.
- vii) What visitor parking facilities will there be – including visiting staff with pool cars/vans.
Visitor parking will remain, however, this will have to be pre-booked to reserve a space to prevent misuse.
- viii) Is the permit for the person or the car? Staff members who drive more than one vehicle.
The permits allow more than one vehicle, although all registrations should be included on the application form. If an employee has a temporary vehicle (eg courtesy car) then the car park team should be advised.
- ix) Will more information be on the website?
Yes – a comprehensive Q&A along with details on how to apply and pay will be on the intranet.
- x) Will the direct debit run for 6 months like other car park permits? Is the parking a taxable benefit? Is salary deduction before or after tax? Why payroll deduction rather than direct debit? It should be the employee's choice.

Payment will be taken monthly through payroll deduction. This has been discussed with the Payments Manager, and this is the easiest method both administratively for the council, and for employees – it can be introduced or stopped by simple notification. It also provides a means of knowing if an employee leaves the council. The payroll deduction would be after tax, staff parking of this nature is not a benefit, and is not something that can be paid pre-tax.

- xi) Can I get a refund for holidays / sickness / absence? Not fair to pay for parking at times when you aren't at work.
No – this is the same as all other car park permits in Moray.
- xii) Can you use the permit in other car parks?
No, members of the public are not allowed to use these car parks, so the permits will not be valid in other car parks.
- xiii) It doesn't allow parking outside Monday – Friday 0900-1700
The proposed amendment to the Order clearly states 08:00-18:00 which is the time the car parks are currently reserved for staff use. The permit will allow parking Monday to Friday 8am to 6pm as dedicated staff parking. The permit will also be valid on Saturdays when the car park is available to the public. This is in line with other £20 per month permits.

- xiv) Will staff be able to use school car parks if there are no permits left?
Use of parking at other locations will be subject to existing restrictions.
- xv) Frustration of seeing empty spaces in holidays etc.
This was considered when the proposal was developed – it is a necessary outcome of guaranteeing each permit holder a space. As described above, short term permits for holiday periods are being considered subject to space monitoring. This would not be in place immediately.
- xvi) What about Integration Joint Board staff who aren't council employees?
Permits can be applied for by anyone who currently has access to the staff car parks.
- xvii) Why / how are social care exempt?
Social care staff are not exempt. The order amendment makes reference to social care as there is a 'parent and child' space adjacent to Rose Cottage which is specifically for the short term use by social care staff bringing vulnerable young people to Rose Cottage, and is not for all day parking. This is managed by Rose Cottage.

4.10 Some respondents were concerned about the impact the proposal will have on their working day:

- i) Loss of efficiency / creation of stress in the working day by having to walk from a parking space not in the car park.
The majority of staff already make alternative arrangements like this
- ii) How will staff drop off or collect equipment.
There are loading facilities at the rear of the Annexe and a loading bay outside the HQ building.

4.11 There was a strong sentiment about using personal cars for work and the pool cars:

- i) Staff who believe they are essential car users / have to supply their own vehicle if a pool vehicle is unavailable.
The council moved away from Essential Car Users in 2012, and the allowance was bought out. Payroll have confirmed that no employee receives essential car user allowance. Individual job descriptions do refer to the need to have access to a vehicle for work purposes. The mode of travel for work is set out through the Council's driving policy and travel expenses policy – including the use of public transport, pool cars, hire cars and the payment of travel expenses. Regardless of the policy position on vehicle use, at no time has guaranteed parking been provided to specific personal car users – essential car user or otherwise. The spaces have always been occupied on a first come first served basis. There are 845 employees based in the HQ campus and

190 spaces between the two car parks – so the overwhelming majority of employees are already making travel and/or parking arrangements that do not involve these two car parks, and that would include anyone rightly or wrongly using their personal car for work purposes.

- ii) People who don't currently claim petrol expenses will start to do so. Statements that the parking costs will be claimed through expenses.

Any expense claim made has to fall within the current expenses policy. Parking at your principle place of work is not a legitimate expense.

- iii) Who is going to pay for the pool car permits?
Pool cars in the correct dedicated pool car space will be issued with a nil-value permit.
- iv) The pool car system doesn't work / there is block booking of pool cars. Any concerns about the pool car system are a separate matter, and don't directly relate to the provision of staff parking. A new pool car booking system is being introduced in August which will mitigate these concerns.

4.12 Other responses considered the impact to be negative on their personal lives:

- i) Parking elsewhere would negatively impact on home / work life balance
- ii) Commute to work from New Elgin is already 45 minutes
- iii) There will no longer be the option to use the car park on an occasional basis

As stated above, the majority of employees working in the HQ campus already make alternative travel / parking arrangements that do not involve the two car parks in question.

4.13 A series of responses questioned whether any aspects of the proposal were discriminatory, and asked if there were any exemptions to the charges:

- i) It is discriminatory against part time staff or those who only drive sometimes.
Part-time staff will be able to permit share either with job share partners, or those who work different days/hours. Parking is not guaranteed for any member of staff. A part-time staff member is still able to apply for a permit, even if they only use it for part of the week, in the same way that some members of staff can choose to pay up to £5 per day for parking eg by parking in North Port car park. Parking location will remain an individual choice from the options available.
- ii) It discriminates against those that can't work flexibly.
If flexible working arrangements are not in place then an employee is more likely to be travelling to the HQ campus every day and the permit system does not negatively impact this group of workers. The permit

system will ensure a fairer use of the spaces available as they will not necessarily all be utilised by staff able to start work early.

- iii) It discriminates against working mothers / parents / carers.
Working mothers/parents/carers are less likely to be able to arrive at work before 7.45am, and therefore are currently less likely to get a space under the current parking arrangements. By having a permit you will be able to arrive at any time of the day with the guarantee of a space, so this is actually an improvement for this group of workers albeit there is a charge.
- iv) Are employees with disabilities excluded?
Blue Badge holders will not be charged for parking, in line with all Moray car parks.
- v) A staff member who is registered disabled but does not currently have a blue badge.
We would encourage anyone with a disability that impacts on mobility to apply for a blue badge as it improves accessibility not just for work. Blue badge spaces are also closer to the HQ buildings and are wider than normal spaces, which improves accessibility.
- vi) Are there any exemptions other than blue badge holders? Is there a charge for motorcycle parking?
Motorcycles will not be charged if using the dedicated motorcycle spaces, in line with other car parks.

4.14 The following group of responses were concerned with the financial aspects of the proposal:

- i) £20 per month is a lot of money / the proposal discriminates against those paid less.
This charge is in line with the lowest parking charges made elsewhere in Elgin. Free parking is available on residential streets around Elgin, as currently used by other employees.
- ii) It doesn't maximise income generation.
Permit parking provides a guaranteed income source based on the number of permits sold. It is anticipated that the maximum number of permits will be sold.
- iii) The charges should be £1 per day Pay & Display.
This is an option that was considered by officers, but was discounted for the original proposal as it did not provide any guarantee of parking for staff in the two car parks, and did not improve the position for those less able to arrive before 7.45am.
- iv) All council staff car parks should be charged.
This is something that Council could consider separately, but has not been evaluated at this time.

- v) Parking charges should be introduced in all public car parks across Moray.
The process to extend car park charges to other locations is underway in line with the council's budget position.
 - vi) The Greyfriars Street and Annexe car parks should be made public car parks.
There are planning requirements around the provision of staff parking which restrict this option. Whilst it is supported by some respondents, it is likely to be received negatively by most employees.
 - vii) There is no consideration given to extending public car park charges to a Sunday.
This would be a separate consideration. At this time the demand on a Sunday is not sufficient to merit introducing charges and increasing working hours for car park attendants.
 - viii) All car parks in Moray should be £1 per day.
The charges at other car parks would be subject to separate consideration by Committee. The current charges in Elgin are as set through the Parking Strategy in 2017 and are performing well both operationally and financially.
 - ix) The income is unreliable and will drop off over time.
There is no evidence that this would be the case. It is anticipated that a waiting list for a permit is a more likely scenario. As with any such scheme there will be monitoring and review of the delivery and effectiveness of the scheme.
- 4.15 A number of responses referred to Workplace Parking Levy – either stating that this was outright introduction of Workplace Parking Levy, claiming it was similar, or asking if we were considering Workplace Parking Levy. The Workplace Parking Levy is not yet a legal power for local authorities. When it is introduced it is an option for local authorities to consider, however, if it were to be introduced it would apply as a levy on employers – it would be up to individual employers as to whether the costs were passed on to employees. The exact details of the legal powers have yet to be set out, and the matter has not been considered by Council. The Council has separate powers to introduce direct charges for parking at car parks that it owns and operates – either as an employer, or under the Road Traffic Regulation Act 1984.
- 4.16 The administrative burden of introducing the charges was raised by some, with questions about the budget allowance for the management of car parks and permits, and a request for breakdown of costs. One respondent felt it would cost more to implement than it would generate. The implementation costs are negligible as all administration is covered by existing resources. Permits are produced in house, and enforcement will be carried out by the existing car park attendants.
- 4.17 Finally, there were some other comments that did not easily group with other responses:

- i) 3 general statements of objection with no reasons given.
These are noted.
- ii) It will push more vehicles on to residential streets.
The total number of employees driving to and/or around Elgin on a daily basis will not increase, however, it is possible that some employees will park on residential streets slightly earlier than is currently the case. The change is to which vehicles are parking in the car parks / in other locations, rather than the total number.
- iii) It will create negative publicity for the council.
Free parking for council staff was raised by the public in the Parking Strategy consultation, with the view that council employees should have to pay for parking in the same way as many other people parking in Elgin.
- iv) Delivery vehicles to the Muckle Cross are not in the Car Park Order and cause obstruction.
The access rights for deliveries to the Muckle Cross are not a matter for the Car Park Order. They are formalised through a separate legal agreement. Any potential obstruction should be raised as and when it occurs for the Transportation and Estates teams to deal with.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

These proposals fit with the objectives of economic development, and are part of the Council's identified budget savings.

(b) Policy and Legal

Information regarding the statutory process for amending the existing Car Park Order is incorporated in the body of the report.

(c) Financial implications

The implementation of the scheme is an identified budget saving measure.

(d) Risk Implications

There are no specific risks, although the proposal has attracted criticism from some staff and from the trades unions.

(e) Staffing Implications

There are no staffing implications.

(f) Property

There are no property implications.

(g) Equalities/Socio Economic Impact

There are no negative impacts on protected groups arising from the content of this report.

(h) Consultations

The Corporate Director (Economic Development, Planning & Infrastructure), Legal Services Manager, Principal Accountant (P Connor), Equalities Officer, Payments Manager, and Committee Services Officer (L Rowan) have been consulted and their comments incorporated into this report.

5. CONCLUSION

- 5.1 There was a material number of responses, and all except two responses could be clearly identified as members of staff.**
- 5.2 Whilst clearly there are a number of people currently using the car parks who are unhappy about the proposals, there are no objections that identify a barrier to implementing the amendment to the Car Park Order.**
- 5.3 It remains the case that the majority of employees do not currently use the car parks, and it is highly likely that all permits will be sold as originally anticipated.**

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Background Papers:
Ref: