

# TRANSPORT ACT 2000

## The City of Nottingham Workplace Parking Levy Order 2008

*Made* - - - - - 2008  
*Confirmed [with modifications]* [2008]  
*Coming into force* - - - *In accordance with article 1*

### ARRANGEMENT OF INSTRUMENT

#### THE ORDER

##### Article

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

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Whereas Nottingham 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) 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 second Local Transport Plan for Greater Nottingham, published in March 2006, references to its proposal to introduce a workplace parking levy and it appears to the Council desirable that it should make such an Order for the purpose of directly and indirectly facilitating the achievement of that proposal and of other policies and proposals in the Local Transport Plan;

And whereas the Council considers that such a licensing scheme for a workplace parking levy licensing 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, Nottingham City Council, in exercise of the powers conferred on it by sections 178 and 183 of the Transport Act 2000 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 City of Nottingham Workplace Parking Levy Order 2008 and shall come into force on the day following the day on which the Secretary of State confirms it.

### **Workplace Parking Levy Licensing Scheme**

2.—(1) The Scheme in the Schedule to this Order shall have effect upon the Council making a resolution to that effect in accordance with the provisions of paragraph (2).

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

- (a) the day on which paragraphs 1, 2, 3(3) to (6), 4 to 8 and 10 to 12 of the Schedule shall come into force; and
- (b) the day on which paragraphs 3(1) and (2) and 9 of the Schedule shall come into force,

provided that the day appointed in relation to sub-paragraph (b) shall be no earlier than three calendar months after the day appointed in relation to sub-paragraph (a).

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

Signed by authority of  
Nottingham City Council

Dated [     ] 2008

*Name*  
Authorised Signatory

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(a) 1984 c. 27.

(b) 2000 c.38; see, in particular, sections 178 (preliminary), 179 (local licensing schemes) and 183 (licensing schemes to be made by order).

# THE SCHEDULE

Article 2(1)

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

### Interpretation

1.—(1) In this Scheme—

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

“the additional charge” means the charge payable under paragraph 7;

“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 holder of a licence under paragraphs 7 or 8;

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

“the charge payer” shall be construed in accordance with sub-paragraphs (3) and (4);

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

“the Council” means Nottingham City Council;

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

“the licensing area” means the City of Nottingham;

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

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

“licensing year” means the period of 12 months running from 1 April in any year to 31 March in the following year;

“motorcycle” means a motor vehicle which is a motor bicycle for the purposes of paragraph 2 of Schedule 1 to the Vehicle Excise and Registration Act 1994(c);

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

“occupier”, in relation to any premises, includes the person having the charge, management or control of the premises, or of a building of which the premises form part;

“premises” means any land or building;

“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” shall be construed in accordance with paragraph 3(3).

(2) In this Scheme “the annual charge” means—

(a) in relation to Year 1 mentioned in the following table—

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(a) 2000 c. 38.  
(b) 1984 c. 27.  
(c) 1994 c. 22.  
(d) 1988 c. 52.

- (i) £185, where the day appointed in relation to the paragraphs of this Schedule mentioned in article 2(2)(b) occurs in 2010; or
  - (ii) where that day occurs after 2010, the amount arrived at by increasing the charge mentioned in the right hand column of the table opposite Year 1 by the same percentage as the percentage increase between the retail prices index for November 2007 and the retail prices index for the month that is five months before the month of commencement of Year 1;
- (b) in relation to each of Years 2 to 6 mentioned in the following table, the amount arrived at by increasing the charge listed in the right hand column of the table opposite that year by the same percentage as the percentage increase between the retail prices index for November 2007 and the retail prices index for the November immediately preceding the commencement of that year;

<i>Year</i>	<i>Annual Charge (at April 2008 prices)</i>
The period running from the day appointed under article 2(1) in relation to the paragraphs of this Schedule mentioned in article 2(2)(b) to the 31 March immediately following (“Year 1”)	£176
The licensing year immediately following Year 1 (“Year 2”)	£222
The licensing year immediately following Year 2 (“Year 3”)	£253
The licensing year immediately following Year 3 (“Year 4”)	£285
The licensing year immediately following Year 4 (“Year 5”)	£301
The licensing year immediately following Year 5 (“Year 6”)	£306

and

- (c) in relation to any licensing year after Year 6, the amount arrived at by increasing the sum of £306 by the same percentage as the percentage increase between the retail prices index for November 2007 and the retail prices index for the November immediately preceding the commencement of that licensing year,

and rounding the resulting figure up to the nearest one pound.

(3) Subject to sub-paragraphs (4) and (5), 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 shall be—

- (a) the occupier (if any) who has sole charge, management or control of the workplace parking place; or
- (b) if no occupier has sole charge, management or control, all occupiers of the premises or any one of them.

(4) Subject to sub-paragraph (5), where an arrangement of the kind described by paragraph 3(4)(b) has been entered into the Council may designate as the charge payer the relevant person of the kind described in paragraph 3(4)(b) or (c).

(5) Sub-paragraph (4) only applies if any regulations made under section 178(2)(b) of the Act permit the Council to designate such a person as is mentioned in that sub-paragraph as the charge payer.

(6) For the purposes of this Scheme—

- (a) a licence charge, additional charge, administration charge, or an instalment of any of those charges, shall be taken to have been paid on the date on which cleared funds are received by the Council;
- (b) two persons are associated if and only if—
  - (i) one is a company of which the other (directly or indirectly) has control; or
  - (ii) both are companies of which a third person (directly or indirectly) has control.

### **The licensing area**

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

### **Licences for workplace parking places**

3.—(1) Except as provided for by sub-paragraph (6), a licence is required for each licensing day on which a workplace parking place is provided at any premises that are 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 for each premises at which a workplace parking place is provided by the charge payer.

(3) For the purposes of this Scheme a workplace parking place is provided at any premises that are 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 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 (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 visitor”, in relation to a relevant person, means an individual who—
  - (i) in the course of his employment, or

- (ii) in the course of carrying on a business or for the purposes of a business carried on by him,  
is visiting the relevant person or any premises occupied by the relevant person;
  - (c) “employee”, means a person employed under a contract of service or apprenticeship, whether express or implied, and (if express) whether oral or in writing; and
  - (d) “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.
- (6) No licence shall be required in respect of any workplace parking place occupied by—
- (a) a motorcycle;
  - (b) a motor vehicle used by an agent, supplier or business visitor who is not attending his regular place of work; or
  - (c) a motor vehicle parked primarily for the purpose of delivering or collecting goods.

### **Charges for licences**

4.—(1) Subject to the following provisions of this paragraph, the charge for a licence (“the licence charge”) shall be calculated by multiplying the annual charge by the maximum number of workplace parking places to be provided at the premises under cover of the licence.

(2) Where a licence is to run for a period of less than one year, the licence charge shall 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 shall be payable in respect of any workplace parking place provided at any premises which the Council is satisfied on the information available to it are—

- (a) fire or police service premises; or
- (b) qualifying NHS premises.

(4) In sub-paragraph (3)(b) “qualifying NHS premises” means—

- (a) a health service hospital within the meaning of the National Health Service Act 2006(a);
- (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 by a Primary Care Trust under section 83 of the National Health Service Act 2006.

(5) No licence charge shall be payable in respect of a disabled person’s parking place provided that it is clearly identified through signage or other markings and that it is used exclusively for that purpose.

(6) In sub-paragraph (5) “disabled person’s workplace parking place” means a parking place for 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 and 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

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(a) 2006 c. 41

- (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 other Member State of the European Union, which card 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<sup>(a)</sup> or under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978<sup>(b)</sup>.

(7) No licence charge shall be 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, charge payer in respect of 10 or fewer liable workplace parking places in total within the licensing area.

(8) In sub-paragraph (7) “liable workplace parking place” means workplace parking places in respect of which, but for sub-paragraph (7), a licence charge would be payable under this Scheme.

### **Applications for licences**

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

(2) The application shall be made by completing the form specified by the Council for the purpose and in doing so the applicant shall, for each premises included in the application, give details of—

- (a) the maximum number of workplace parking places the applicant wishes to provide at the premises at any one time during the period of the licence;
- (b) the location and nature of those workplace parking places;
- (c) 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
- (d) such other information and supporting details as the Council may require.

(3) The application shall be submitted to the Council by post, by e-mail, on-line or in any other manner by agreement with the Council and it must be accompanied, for each premises included in the application, by payment of—

- (a) the licence charge in full; or
- (b) where the Council provides for payment of the licence charge 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 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)—

- (a) an application is submitted by post if the form specified by the Council under sub-paragraph (2) is duly completed and sent by post to the address given on the form and, where any charge is required to be paid by sub-paragraph (3), the application shall be accompanied by a cheque in payment of that charge or the form completed to enable that payment to be made by BACS or by credit or debit card;
- (b) an application is submitted by e-mail if the form specified by the Council under sub-paragraph (2) is duly completed and sent by electronic communication to the number or address provided for the purpose by the Council and, where any charge is required to be paid by sub-paragraph (3), the form shall be completed to enable payment of that charge to be made by BACS or by credit or debit card;
- (c) an application is submitted on-line if the form specified by the Council under sub-paragraph (2) and published on the website maintained for that purpose by the Council is duly completed and, where any charge is required to be paid by sub-paragraph (3), the

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

form shall be completed to enable payment of that charge to be made by credit or debit card;

- (d) an application is submitted in any other manner by agreement with the Council if it is submitted and any charge required to be paid by sub-paragraph (3) is paid, by such means as the applicant and the Council may agree between them;
  - (e) where the Council provides for payment of the licence charge to be made by instalments, an application to pay by instalments is submitted if it complies with paragraph (a), (b), (c) or (d) (as the case may be) and also provides sufficient information to enable any outstanding charge to be paid in instalments of a frequency and in such proportions as may be determined by the Council, by direct debit or standing order to such bank account as the Council may specify;
  - (f) “BACS” means the method of payment whereby funds are transferred from one bank to another by means of an automated system;
  - (g) “cheque” means a cheque, or postal order, crossed “account payee” and drawn in favour of such account as the Council may specify; and
  - (h) “credit card” and “debit card” have the same meaning as in section 35A(6) of the Road Traffic Regulation Act 1984(a).
- (5) Where, within the same licensing year—
- (a) a licence in respect of premises at which workplace parking is being provided is surrendered; 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 commencement date for the purposes of calculating the licence charge payable for the licence being applied for shall, unless in the particular circumstances of the case the Council agrees otherwise, be the date on which consent was given by the Council under paragraph 8 to surrender the licence referred to in paragraph (a).

### **Grant of licences**

**6.**—(1) The Council shall grant to the applicant, in respect of each premises included in the application, a licence in respect of the maximum number of workplace parking places the applicant wishes to provide at the premises pursuant to the licence, if the Council is satisfied that the application has been validly made and the licence charge payable, or any instalment of it (as the case may be) has been paid.

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

- (a) state the name of the person to whom it is granted;
- (b) identify the premises to which it relates;
- (c) specify the maximum number of motor vehicles which may be parked at those premises at any one time pursuant to the licence;
- (d) state the dates on which the licence commences and expires; and
- (e) state the amount of the licence charge and set out the calculation of that amount.

(3) A licence may commence on a date earlier than the date on which the licence is granted if specified by the applicant pursuant to paragraph 5(2)(c), and shall expire on the 31st March immediately following the commencement of the licence, unless the Council in the particular circumstances of the case accepts an alternative expiry date.

(4) The licence will be granted subject to a standard set of conditions.

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(a) 1984 c.27.



(5) The Council may from time to time publish the standard conditions referred to in sub-paragraph (4).

(6) Where the Council grants a licence to be paid by instalments and an instalment is not received in the time and in the manner required by the Council, the licence charge shall be treated as not paid and the licence may be treated by the Council as void.

### **Variation of licences**

7.—(1) An application may be made by the holder of a licence to vary the licence in order to—

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

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

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

- (a) give details of the revised maximum number of workplace parking places the applicant 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; and
- (c) give details of the commencement date for the variation, 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), shall 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) shall be submitted to the Council by post, by e-mail, on-line 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 be accompanied by payment of—

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

(4) Paragraph 5(4) shall apply for the purposes of this paragraph and references in paragraph 5(4) to “sub-paragraph (2)” and “sub-paragraph (3)” shall be read as references to sub-paragraphs (2) and (3) of this paragraph.

(5) The Council shall grant to the licence holder a variation in respect of the maximum number of workplace parking places covered by the licence if the Council is satisfied that the application under sub-paragraph (1) has been validly made and any additional charge payable under sub-paragraph (3) has been paid.

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

- (a) take effect from the commencement date for the variation specified by the applicant 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) have effect until the licence expires, unless a later application made under sub-paragraph (1) is granted.

(7) Where the Council grants a licence variation under sub-paragraph (5) with an additional charge to be paid by instalments, and an instalment is not received in the time and in the manner

required by the Council, the additional charge shall be treated as not having been paid and the licence to which it relates shall be treated as not having been varied.

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

- (a) multiplying the annual charge by the additional number of workplace parking places being provided; and
- (b) reducing the amount arrived at in accordance with paragraph (a) by a percentage which is the same as the percentage of the original period of validity of the licence that has expired at the date of commencement of the variation.

(9) Where a licence holder 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 date of commencement of the variation for the purpose of the calculation mentioned in sub-paragraph (8)(b) shall be taken to be the date of commencement of the variation consequent on the application made under sub-paragraph (1)(b), 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 original licence 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 is being paid for 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).

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

- (a) dividing the original licence charge paid by the number of workplace parking places originally covered by the licence;
- (b) multiplying the amount arrived at in accordance with paragraph (a) by the number of workplace parking places removed from the scope of the licence on its variation; and
- (c) reducing the amount arrived at in accordance with paragraph (b) by a percentage, which is the same as the percentage of the original period of validity of the licence that has expired at the date of commencement of the variation.

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

- (a) the original licence charge paid 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) the amount calculated by—
  - (i) dividing the original licence charge paid by the number of workplace parking places originally covered by the licence;
  - (ii) multiplying the amount arrived at in accordance with sub-paragraph (i) by the revised number of workplace parking places to be provided under cover of the licence on its variation; and
  - (iii) reducing the amount arrived at in accordance with sub-paragraph (ii) which is the same as the percentage of the original period of validity of the licence that has expired at the date of commencement of the variation; and
- (c) the administration charge,

less the amount of the licence charge paid at the date the variation is granted.

(13) Any variation of the maximum number of workplace parking places which 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, a licence holder may apply to the Council to surrender a licence.

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

- (a) be made by completing the form specified by the Council for the purpose and submitting it to the Council by post, by email, on-line or in any other manner by agreement with the Council;
- (b) specify the date on which the licence is to be surrendered, which shall 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 shall consent to the surrender of the licence and—

- (a) where the licence charge has been paid for in full at the date on which consent is given to surrender the licence, shall issue to the charge payer a refund of the amount specified in sub-paragraph (4), less the administration charge; or
- (b) where the licence is being paid for 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) shall 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, shall 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) shall be 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 has expired at the date the licence is surrendered.

(5) The amount referred to in sub-paragraph (3)(b)(ii) shall be the amount of the licence charge paid at the date the licence is surrendered less—

- (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 the licence is surrendered; and
- (b) the administration charge.

## **Penalty charges**

**9.**—(1) This paragraph shall have effect provided that any regulations made under sections 189(1), 189(2), 189(3)(b) and 189(4) of the Act so permit.

(2) A penalty charge shall be payable for each licensing day where—

- (a) any workplace parking places 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.

(3) A penalty charge payable by virtue of sub-paragraph (2) shall—

- (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.

(4) The amount of a penalty charge payable in accordance with sub-paragraph (2) shall—

- (a) in the case of a penalty charge payable under sub-paragraph (2)(a), be half the licence charge payable at that time for a licence for one workplace parking place for a year, in respect of each unlicensed workplace parking place being provided; and
- (b) in the case of a penalty charge payable under sub-paragraph (2)(b), be the annual charge.

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

(6) Where a charge certificate is issued pursuant to regulations mentioned in sub-paragraph (1), the amount of the penalty charge to which it relates shall be increased by one half.

(7) Where notice of a penalty charge payable under sub-paragraphs (2)(a) or (2)(b) is served on the charge payer, no further penalty charge shall be payable under the same sub-paragraph by the charge payer within 28 days of service of the notice.

#### **Ten year general plan for net proceeds**

10. Annex 1 to this Scheme constitutes the general plan, under paragraph 10(1)(a) of Schedule 12 to the 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 detailed programme, under paragraph 10(1)(b) of Schedule 12 to the 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 at the time by when the Council's local transport plan is next required by the Act to be replaced.

#### **Duration of Scheme**

12. This Scheme shall remain in force indefinitely.

**NOTTINGHAM 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 in April 2010. Paragraph 10(1)(a) of Schedule 12 to the Act applies to the period that is partly covered by the long term vision for Greater Nottingham that provides context for the current Local Transport Plan (LTP2). The expenditure plan fully supports this vision. However, the LTP2 programme runs to 2011 when the Scheme may have only been operating for one year, or may not have commenced. Assuming the LTP (or an equivalent) process is retained beyond 2011 the third LTP (LTP3) will begin in April 2011 and run to March 2016. It is expected that the third LTP will have to be submitted to DfT for approval in summer 2010 and that both LTP and Government objectives will remain broadly similar to those currently in use for LTP2. It is likely that LTP3 would maintain progress on maintenance and integrated transport measures in LTP2 but also support initiatives to accommodate future growth in the conurbation, including the Housing Growth Point proposals and the development required by the emerging Regional Spatial Strategy. During the period of LTP3 it is expected that a number of the WPL funded schemes will become operable.

2. In the opening ten year period the net proceeds of the Scheme will be applied, in such proportions to be decided, towards:

- (a) the local funding element of the NET Phase Two light rail routes to Chilwell/Beeston and Clifton, which will further expand the success of NET Line One to develop a network of routes serving residents and employers; and
- (b) a range of transport measures including:
  - (i) continued support to, and expansion, of 'Link' bus services and routes serving major out-of-centre employment sites, education, health and retail facilities and improvements to bus passenger information, ticketing and safety;
  - (ii) contributions to integrated major schemes, initially the enhancement of Nottingham Station to improve passenger facilities, enhance local interchange and help drive regeneration in the surrounding Southside development area; and
  - (iii) enhanced assistance to businesses in developing 'smarter travel choices', company travel plans and on and off street parking management schemes.

## NOTTINGHAM CITY COUNCIL'S DETAILED PROGRAMME FOR APPLYING THE NET PROCEEDS OF THIS SCHEME DURING THE EXISTING LOCAL TRANSPORT PLAN PERIOD

1.—(1) It is proposed that the Scheme will start in April 2010. The existing Local Transport Plan (LTP2) period runs from April 2006 to March 2011. Therefore it is expected that paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000 will apply to LTP2. However, at March 2011 the Scheme may have only been operating for one year, or may not have commenced. Assuming the LTP (or an equivalent) process is retained beyond 2011 the third LTP (LTP3) will begin in April 2011 and run to March 2016. It is expected that the third LTP will have to be submitted to DfT for approval in summer 2010 and that both LTP and Government objectives will remain broadly similar to those currently in use for LTP2. It is likely that LTP3 would maintain progress on maintenance and integrated transport measures in LTP2 but also support initiatives to accommodate future growth in the conurbation, including the Housing Growth Point proposals and the development required by the emerging Regional Spatial Strategy. During the period of LTP3 it is expected that a number of the WPL funded schemes will become operable.

(2) It should be noted that the LTP is written and implemented jointly with Nottinghamshire County Council and relates to the Greater Nottingham area.

2. The expenditure plans for WPL receipts will complement the current LTP2 programme (and expected LTP3 programme) and contribute towards meeting the following LTP and Government objectives:—

- (a) better manage and where possible reduce the problems of congestion;
- (b) improve accessibility and social inclusion (by increasing rail, bus and tram use and improving interchange between modes);
- (c) improve road safety;
- (d) better air quality and protection of the environment;
- (e) support regeneration and neighbourhood renewal; and
- (f) enhance people's quality of life.

3. The programme for the LTP2 period (2006/7–2010/11) will include the elements set out below:—

- (a) **Maintenance** — of carriageways, bridges and footways, with an emphasis on maximising the life of key highway assets;
- (b) **Integrated Transport Measures** — including bus service development and priority measures, information, ticketing, fares and interchanges; walking and cycling improvements; Park and Ride and other elements of the City's parking strategy; road safety and traffic management schemes; transport demand management; marketing and monitoring; and
- (c) **Integrated Transport Major Schemes** — including NET Phase Two and the Ring Road Major Scheme. Schemes will be subject to the necessary Government approvals. Other proposals may emerge to accommodate future growth, linked in with wider development proposals with regeneration areas and new Growth Point Commitments.

4. Priorities for the WPL revenue expenditure are:

- (a) **NET Phase Two** — a local contribution to the financial package to develop and build network extensions to Chilwell/Beeston and Clifton, including interchanges and joint ticketing, and development costs for further lines;

- (b) **‘Link’ buses** — to pump-prime, enhance and provide continued support to the network of ‘Link’ bus services and routes serving major out-of-town employment sites, education sites, health and retail facilities and network of local neighbourhood services to enhance local accessibility through connecting areas into the main bus network;
- (c) **Integrated major schemes** — contribution to enhancements to Nottingham Station to provide a 21<sup>st</sup> century facility worthy of a major European city, including enhancing local interchange, improving passenger facilities and driving regeneration in the surrounding Southside development area; and
- (d) **Smarter choices and travel plans** — to provide enhanced assistance in developing ‘smarter travel choices’, company travel plans and on and off street parking management schemes.

# **TRANSPORT ACT 2000**

The City of Nottingham Workplace Parking Levy Order 2008

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