

St Endellion Parish Council
(Off Street Parking Places)
Order 2013

ST ENDELLION PARISH COUNCIL (OFF STREET PARKING PLACES) ORDER 2013

The St Endellion Parish Council (hereinafter referred to as 'The Council' in exercise of its Powers under section 35,57 and 59 of (and Part IV of Schedule 9 to) The Road Traffic Act 1984 (hereinafter referred to as 'The Act 1984') and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of The Act 1984 and with consent of Cornwall Council given under Section 59 of The Act 1984 hereby make the following Order:-

PART 1 – GENERAL

1. (a) This Order shall come into force on ***** and may be cited as St Endellion Parish Council (Off Street Parking Places) Order 2013

2. (a) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

'caravan' means a mobile home incapable of self-propulsion but capable of being towed by another vehicle and which for charging purposes is as specified in column 1. of the Schedule of this Order is treated as a motor vehicle.

'driver' in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place and for the purposes of this Order and any legal proceedings taken thereunder if on the date a vehicle is left in a parking place a person is shown to have been the Registered Owner or Keeper thereof by notification in writing from the appropriate Registration Authority he shall be deemed to be the owner.

'enactment' means any enactment whether public, general or local and include any Order, Bylaw, rule, regulation, scheme or other instrument having effect by virtue of any enactment.

'owner' has the same meaning as in Section 111 and 142 of The Act 1984

'parking place' means any area of land specified by name in column 1 of the Schedule to this Order provided by the Council under Section 57 of the Act 1984 for use as a parking place

'parking attendant' means a person authorised by or on behalf of the Council to supervise any parking place

'parking bay' means a space in a parking place which is provided for the leaving of a vehicle.

'trailer' means a device constructed for the purpose of carrying goods, materials or animals which is incapable of self-propulsion but capable of being towed by another vehicle and which for charging purposes is as specified in Column 3. of the Schedule to this Order is treated as a motor vehicle

(b) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated or re-enacted by or as having effect by virtue of any subsequent enactment

PART II – AUTHORISATION AND USE OF PARKING PLACES

Use of an Area as a Parking Place

3. Each area of land specified by name in Column 1 of the Schedule to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such position and on such days and during such hours and payment of such charges as are specified to that area in the Schedule.
4. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place
5. No person shall without prior written consent of the Council use a vehicle, while it is in the parking place, in connection with any sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
6. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions of Article 3, Article 7, Article 19 or Article 20 of this Order, a person authorised on behalf of the Council may remove the vehicle or arrange for it to be removed from the parking place
7. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such as a policy of insurance as complies with the requirement of Part VI of the Road Traffic Act 1972.
8. The driver of a motor vehicle using a parking place shall not sound any horn or any other similar instrument when about to change the position of the vehicle in or to depart from the parking place.
9. No person shall except with the permission of any person duly authorised by the Council drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place
10. No person shall in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
11. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
12. No person shall, except with the consent of the Council, use any part of a parking place or any vehicle left in a parking place:-
 - (a) For sleeping or camping purposes
 - (b) For cooking purposes
 - (c) For the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place
 - (d) Retail sales from any type of vehicle
 - (e) Parking of lorries
13. No person shall use a parking place as a means of passage from one road to another

14. Wherein parking places signs are erected or surface markings are laid for the purpose of:-
- (a) Indicating the entrance to or exit from the parking place or
 - (b) Indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place
- No person shall drive or use or permit to be driven any vehicle:-
- (i) So that it enters the parking place other than by an entrance or leaves the parking place other than by an exit so indicated or
 - (ii) In a direction other than that specified as the case may be
15. In a parking place no person shall:-
- (a) Erect or cause or permit to be erected any tent, booth, stand or building or other structure, without written consent of the Council
 - (b) Light or cause or permit to be lit any fire
- 16.
- (a) Where a driver of the vehicle is alleged to have contravened any of the provisions of this Order, the owner of the vehicle shall give any such information as to the identity of the driver as he may be required to give by or on behalf of the Council and :-
 - (b) any other person shall if required as aforesaid give any information they are in power to give which may lead to the identification of the driver
17. Any person removing or altering the position of a vehicle by virtue of Article 6 of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and make take such measures in relation to the vehicle as he may thin necessary to enable him to remove it or alter its position as the case may be.
18. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 6 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Class and Position of a Vehicle

- 19.
- (a) Where in the Schedule to this Order a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place unless it is:-
 - (i) Of the specified class
 - (ii) In a specified position
 - (b) Where a parking place is described as available for Invalid Carriages and areas of parking bays of that parking place are specifically marked as available to the disabled or such Invalid Carriages the driver of any vehicle other than an Invalid Carriage shall not permit it to wait in such marked area or parking place.
 - (c) A vehicle (including a caravan or trailer) being towed by another vehicle shall be deemed to be a separate vehicle and the driver of the towing vehicle shall ensure that each vehicle is neatly parked in a separate parking bay and shall pay a separate parking charge in respect of each vehicle.

Amount of Charge at Parking Place

- 20.
- (a) The driver of a vehicle using a parking place shall either on entering the parking place or on leaving a vehicle in the parking place, pay the appropriate charge in accordance with the Scale of Charges specified in

Column 7 of the Schedule to this Order. There are no concessions for the Disabled. There is no free parking.

- (b) The charge referred to in the last preceding paragraph shall be payable on leaving the vehicle in the parking place by the insertion of an appropriate coin or coins into the apparatus or device there provided having been specifically or generally approved by the Secretary of State for Transport for such purposes. Payment by mobile phone and credit card is not currently available but such provision will be made in the future.
- (c) The driver of a vehicle shall attach any ticket issued in respect of which is issued on payment of the charge referred to in Article 20(a) of this Order on the front dashboard of the vehicle in a conspicuous position and in a manner where the details of the ticket can be easily read from outside the vehicle and shall cause the said ticket to be exhibited in that position at all times while the vehicle is parked in the parking place.

Notice of Excess Charge

21. Where :-

- (a) Any vehicle is left in a parking place for longer than the period paid for under this Order
- (b) Where following the parking of a vehicle at a parking place the driver has failed to pay the appropriate charge during the charging hours or
- (c) Following the parking of a vehicle on arrival at the parking place the driver has failed to display the ticket to the vehicle in accordance with Article 20(b) and 20(c) of this Order or
- (d) The vehicle is parked in a space which is marked as reserved or
- (e) Any vehicle is left in an access road to a parking space or
- (f) Any vehicle shall be left in a parking place and used for sleeping between the hours of 9pm and 9am or overnight accommodation or occupation or camping purposes or any driver or owner of any vehicle shall pitch or leave in any parking place a tent or other temporary accommodation or
- (g) Any vehicle shall be left:-
 - (i) within a parking place but outside a parking bay (if any) or
 - (ii) on any access road or way within or adjoining any parking place

And which shall cause an obstruction to the other users thereof :-

An excess charge (or penalty in the case where no initial charge is payable) of ONE HUNDRED POUNDS (£100)(inclusive of VAT) but subject and without prejudice to the foregoing to a reduction of SIXTY POUNDS (£60) (inclusive of VAT) if payment is made within fourteen days shall become due in respect of each period for which a parking ticket is required and a notice shall be attached to the vehicle in a conspicuous position by a parking attendant which shall include the following particulars:-

- (a) The registration mark of the vehicle or where the vehicle is being used under a trade licence the number of the trade licence plate carried by the vehicle
- (b) The time at which it was noticed that the excess charge has been incurred
- (c) A statement that the excess charge of ONE HUNDRED POUNDS (inclusive of VAT) is required to be made
- (d) The manner in which and the time within which the excess charges should be paid and

- (e) A statement that it is an offence under this Order and Section 31 of The 1984 Act for the driver of a vehicle who has left the vehicle in the parking place to fail duly to pay the excess charge

22. Where a notice has been attached to a vehicle in accordance with the provisions of Article 21 of this Order no person not being the driver of a vehicle or a parking attendant shall remove the notice on the vehicle unless authorised to do so by the driver of the vehicle.

Manner of Payment of Excess Charge

23. The driver of a vehicle in respect of which the excess charge (or penalty in the case where no initial charge is payable) has been incurred shall pay the excess charge of ONE HUNDRED POUNDS (inclusive of VAT) to the Enforcement Agency or as detailed on the notice either by cheque, Banker's Draft, money order, postal order or by credit card or debit card by the fourteenth day following the day on which the excess charge was incurred. Payment by Credit or Debit Card is subject to a surcharge by the Enforcement Agency (currently 3%).

Given under the Signature of the Chairman of St Endellion Parish Council this ***** day of *****2013 in the presence of:-

Elizabeth Banfield
Parish Clerk
St Endellion Parish Council

SCHEDULE

1	2	3	4	5	6	7
Name of Parking Place	Position in which vehicles may wait	Permitted Classes of Vehicles as Defined in Part II of the Order	Period of Operation of parking Place	Charging Hours	Maximum Period for which a vehicle may wait	Scale of Charges
The Main Car Park, Port Isaac	Wholly within a parking bay	Motor vehicles Motor Cycles Light motor vans Invalid Carriages	All hours of all days	24 hours	Unlimited waiting	Up to 3 hours £3. All Day (expires midnight) £5. All day and night (expires 9am the following day) £7. 24 Hour ticket £10. No concessions for Disabled. No free parking. Penalty for non-payment or non-display or contravention of Part II of

						this Order £100.
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ST ENDELLION PARISH COUNCIL (OFF STREET PARKING PLACES) ORDER 2013

STATEMENT OF REASONS

The Council proposes to make the above named Order for the following reasons:-

- To ensure the provision of well maintained and safe off-street parking facilities through improved asset management arrangements
- To ensure a consistent charging regime is in place which is affordable and fair
- To support local businesses by ensuring that the Council operated car park is being used for its intended purpose
- To ensure suitable conditions are in place to control the use of the Council operated car park
- To ease traffic congestion by ensuring that off-street parking provision and controls align with on-street availability
- To provide effective and targeted parking enforcement in the Council 's parking place

The Parish Clerk
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