



AYLESBURY VALE DISTRICT COUNCIL

THE AYLESBURY VALE (AQUA VALE OFF-STREET PARKING PLACE, AYLESBURY) ORDER 2008

Made on the 31st March 2008

In effect from 3rd April 2008

AYLESBURY VALE DISTRICT COUNCIL

**THE AYLESBURY VALE
(AQUA VALE OFF-STREET PARKING PLACE, AYLESBURY)
ORDER 2008**

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AYLESBURY VALE DISTRICT COUNCIL

THE AYLESBURY VALE (AQUA VALE OFF-STREET PARKING PLACE, AYLESBURY) ORDER 2008

Aylesbury Vale District Council (hereinafter referred to as “the Council”) in exercise of powers conferred by Sections 32 – 35, 35A, 39, 44, 63A, 99, 100, 116 and Schedules 4 and 9 of the Road Traffic Regulation Act 1984, and Sections 72 – 93 and Schedules 7 – 12 of the Traffic Management Act 2004 and of all other enabling powers, and having regard to Section 122 of the Road Traffic Regulation Act 1984, and with the consent of Buckinghamshire County Council given under Section 39(3) of the said Act, and after consultation with the relevant Chief Officer of Police in accordance with Part III of Schedule 9 of the said Act, hereby make the following Order:

PART I INTERPRETATION

1. This Order may be cited as the Aylesbury Vale (Aqua Vale Off-Street Parking Place, Aylesbury) Order 2008.
2. In this Order except where the context otherwise requires the following words and expressions shall have the meanings hereby respectively assigned to them:

“Aqua Vale” means the Aqua Vale Swimming Centre situate at Park Street, Aylesbury, Buckinghamshire.

“Authorised Officer” means:

- (i) any person employed by the Council under a contract of service, or any other person authorised in writing by the Council to perform the function concerned, and/or
- (ii) any person employed under a contract of service by any person or body engaged by the Council to manage and operate Aqua Vale;

“Bank Holiday” means the public holidays set out hereafter and any other day which may be designated as such in England:

Christmas Day; Boxing Day; New Year’s Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday; Summer Bank Holiday;

“Charging Hours” means in respect of the Parking Place, those

	hours during which a vehicle may only be permitted to wait in the Parking Place upon payment of a charge, as specified in Schedule 1;
"Civil Enforcement Officer"	means a person provided by the Council for the enforcement of road traffic contraventions for which the Council is the enforcement authority (including enforcement of the provisions of this Order) and the supervision of Off-Street Parking Places situate within the Aylesbury Vale District, and duly authorised in that behalf. Such a person may be either an individual employed by the Council for that purpose, or, where the Council has made arrangements with any person for the purposes of Section 63A of the Road Traffic Regulation Act 1984 and/or Section 76 of the Traffic Management Act 2004, an individual employed by that person to act as a Civil Enforcement Officer;
"Council"	means the Aylesbury Vale District Council or a statutory successor thereto;
"Disabled Person's Badge"	has the same meaning as in Section 142(1) of the Road Traffic Regulation Act 1984 (as amended), which badge remains in force on the relevant day;
"Enactment"	means any enactment, whether public, general or local, and includes any order, bye-law, rule, regulation, scheme, or other instrument having effect by virtue of any enactment;
"Goods"	means any goods of any kind whether animate or inanimate, and includes postal packets of any description, and "delivering" and "collecting" in relation to any such goods includes checking the goods for the purpose of their delivery or collection;
"Goods Vehicle"	means a Motor Vehicle, the overall height and width of which does not exceed 2.3 metres and the overall length of which does not exceed 5.3 metres, constructed or adapted for use for the carriage or haulage of Goods or burden of any description, and

	having no more than four wheels and shall exclude trailers or caravans;
“Identification Number”	means the number, signature or other mark recognised by the Council as that to be used by a Civil Enforcement Officer when issuing a Penalty Charge Notice;
“Immobilisation Device”	has the same meaning as given in Section 104(9) of the Road Traffic Regulation Act 1984;
“Invalid Carriage”	has the same meaning as given in Section 136 of the Road Traffic Regulation Act 1984;
“Motor Cycle”	has the same meaning as given in Section 136 of the Road Traffic Regulation Act 1984;
“Motor Vehicle”	has the same meaning as given in Section 136 of the Road Traffic Regulation Act 1984;
“Notice to Owner”	has the same meaning as in the Relevant Legislation;
“Operational Bay”	means a Parking Bay to which reference is made in Article 24;
“Operational Permit”	means a permit issued by the Council pursuant to the provisions of Article 24 which expressly permits the holder to permit a vehicle to wait in an Operational Bay;
“Operational Vehicle of the Council”	means a vehicle which is in use for the performance of any function of the Council, whether the same be operated directly by the Council or by any other person carrying out such function on the Council’s behalf;
“Parking Bay”	means an area of land within the Parking Place intended to be used for the parking of a single vehicle, delineated or indicated by one or more of the following: <ul style="list-style-type: none"> (i) boundary markings painted upon the surface of the Parking Place sufficient to differentiate the area within such markings from the adjacent surface of

	the Parking Place;
	(ii) writing on the surface of the Parking Place indicating the area concerned is a parking bay;
	(iii) boundary markings formed of tarmac, paving or pavements of a colour sufficient to differentiate the area within such markings from the adjacent surface of the Parking Place;
	(iv) asphalt, paving or pavements set in the surface of the Parking Place in such a manner as to differentiate the area concerned from the adjacent surface of the Parking Place;
	(v) signage located on or adjacent to the area of land forming the parking bay;
"[Higher or Lower] Parking Contravention"	has the same meaning as in the Relevant Legislation;
"Parking Place"	means the area of land (including any structures thereon) which has been provided by the Council for use as the Parking Place pursuant to Sections 32 and 33 of the Road Traffic Regulation Act 1984 (as amended), and which is identified by name in Column 1 of Schedule 1, and includes any part thereof;
"Passenger Vehicle"	means a Motor Vehicle (other than a Motor Cycle or Invalid Carriage) constructed or adapted solely for the carriage of not more than 12 passengers (exclusive of the driver) and their effects and not drawing a trailer;
"[Higher or Lower] Penalty Charge"	means the relevant level of Penalty Charge or other charge from time to time set by the Council under the Relevant Legislation and in accordance with guidelines issued by the Secretary of State, and which is to be paid to the Council by not later than the last day of the period of 28 days beginning with the date on which the relevant Penalty Charge Notice was served;
"Penalty Charge Notice"	means a notice in relation to a Parking

	Contravention in such form and given in such manner as is required by the Relevant Legislation;
“PSV Bay”	means a part of the Parking Place or Parking Bay identified by means of appropriately worded signs, surface markings and/or writing indicating that between specified hours on specified days only a Public Service Vehicle may be caused or permitted to wait in that part or Parking Bay;
“Public Service Vehicle”	means a public service vehicle adapted to carry more than 8 passengers, as defined in Section 1(a) of the Public Passenger Vehicles Act 1981;
“Relevant Legislation”	means Part IV and Schedules 4 and 9 of the Road Traffic Regulation Act 1984 and Part 6 and Schedules 7–12 of the Traffic Management Act 2004, and any subordinate legislation made thereunder;
“Restricted Area”	means any part of the Parking Place which is not designated as a Parking Bay by means of appropriately worded signs, surface markings or writing;
“Secretary of State”	means the Secretary of State for Transport or such other minister of the Crown as may be authorised to enact, authorise or approve the relevant provisions;
“Ticket”	means a Ticket issued by a Ticket Machine;
“Ticket Machine”	means an apparatus or device of a type or design approved by the Secretary of State, and designed to issue a Ticket indicating whether the charge referred to in Article 25 of this Order has been paid and when the period for which payment has been made has elapsed;

3. In this Order:

- (1) a reference to any Enactment shall be construed as a reference to that Enactment as amended, applied, consolidated, re-enacted by, or as having effect by virtue of, any subsequent Enactment, or any Enactment amending, applying, consolidating or re-enacting the same;

- (2) words importing the masculine gender include the feminine gender, words in the singular include the plural and vice versa and words importing individuals shall be treated as importing corporations and vice versa;
- (3) headings are for ease of reference only and shall not affect construction;
- (4) a reference to a numbered Article, Part or Schedule(s) shall, unless the context otherwise requires, be construed as a reference to the Article, Part or Schedule(s) bearing that number in this Order.
4. The requirements, prohibitions and restrictions imposed by this Order shall be in addition and not in derogation from any requirement, prohibition or restriction imposed by any regulation made or having effect as made under the Road Traffic Regulation Act 1984, or under any other Enactment.
5. Any reference in this Order to a Ticket Machine shall be construed as a reference to any Ticket Machine which is provided by the Council and situated within the boundaries of the Parking Place.

PART II MAKING OF ORDER

6. This Order shall come into effect on 3rd April 2008, and shall be called the Aylesbury Vale (Aqua Vale Off-Street Parking Place, Aylesbury) Order 2008.
7. The Aylesbury Vale (Aqua Vale Off-Street Parking Place, Aylesbury) Order 2001 (as amended) (hereinafter referred to as "the 2001 Order") shall be revoked with effect from the date upon which this Order comes into force.
8. Nothing in this Order shall or shall be deemed to affect the validity, or prevent or prohibit the collection, of any charge (including any Penalty Charge) which is or has become due and payable under the terms of the 2001 Order in respect of the use of the parking place which is the subject of the 2001 Order at any time prior to the date upon which this Order takes effect.

PART III USE OF THE PARKING PLACE

General provisions

9. **SUBJECT TO** the following provisions of this Order, the Parking Place (or any identified part thereof) may be used as a place for the waiting of such classes of vehicles in such positions and on such days and during such hours and on payment of such charges as are specified in relation to the Parking Place in the Articles and/or Schedule 1.

- 10.⁷⁹ A vehicle caused or permitted to wait in the Parking Place, or to make use of any part of the Parking Place may not be used for or in connection with the sale or exposing for sale of any article to persons in or near the Parking Place, or for or in connection with the selling or offering for hire of any person's skill or services.
11. Save as provided in Part XIV, a vehicle may not be caused or permitted to wait in a Restricted Area within the Parking Place.
12. Where within the Parking Place a Parking Bay is marked by means of appropriately worded signs, surface markings or writing as being reserved exclusively for the parking of a vehicle on which a valid Operational Permit is displayed, only a vehicle on which such an Operational Permit is displayed in accordance with the relevant provisions contained in Part IX may be caused or permitted to wait in that Parking Bay.
13. Where within the Parking Place a Parking Bay is marked by means of appropriately worded signs, surface markings or writing as being reserved exclusively for the parking of a vehicle on which a valid Disabled Person's Badge is displayed, only a vehicle on which such a Disabled Person's Badge is displayed in accordance with the relevant provisions contained in Part IX may be caused or permitted to wait in that Parking Bay.
14. Where:
 - (1) in the Articles and/or Schedule 1 the whole or any part of the Parking Place is described as only being available for use by vehicles not exceeding a specified weight and/or height and/or length, or
 - (2) within the Parking Place a Parking Bay is marked by means of appropriately worded signs, surface markings or writing as being reserved exclusively for the parking of such vehicles,only vehicles not exceeding the specified weight and/or height and/or length may be caused or permitted to wait in the Parking Place or the specified part thereof, or in the designated Parking Bay.
15. Where:
 - (1) in the Articles and/or Schedule 1 the whole or any part of a Parking Place is described as only being available for use by vehicles of a specified class, or
 - (2) within a Parking Place a Parking Bay is marked by means of appropriately worded signs, surface markings or writing as being reserved exclusively for the parking of such vehicles,only vehicles of the specified class may be caused or permitted to wait in the Parking Place or the specified part thereof, or in the designated Parking Bay.
16. Where in the Articles and/or Schedule 1 any part of the Parking Place is described as only being available for use by Public Service Vehicles, or a Parking Bay is marked

by means of appropriately worded signs, surface markings or writing as being reserved exclusively for the parking of such Vehicles (whether such restriction is stated to be applicable throughout the days and hours of operation of the Parking Place, or only during the Charging Hours, or only between certain specified hours within the same):

- (1) only Public Service Vehicles may be caused or permitted to wait in that part of the Parking Place, or in any Parking Bay reserved for the parking of such Vehicles during those days and hours during which that part or Bay (as appropriate) is reserved exclusively for the parking of such Vehicles, and
 - (2) no Public Service Vehicle may be caused or permitted to wait in that part of the Parking Place, or in any Parking Bay reserved for the parking of such Vehicles outside of those days and hours during which that part or Bay (as appropriate) is reserved exclusively for the parking of such Vehicles.
17. A Public Service Vehicle may not during those days and hours during which any part of the Parking Place or any Parking Bay (as appropriate) is reserved exclusively for the parking of Public Service Vehicles be caused or permitted to wait within such part or Parking Bay for a continuous period in excess of one hour during the relevant hours on any day during which use of such part or Bay is so reserved.
18. Vehicles may not be caused or permitted to wait within the Parking Place in such a manner as to:
 - (1) obstruct vehicular access to or egress from the Parking Place or any Parking Bay in the Parking Place, or
 - (2) obstruct any footway, footpath or pedestrian access way in the Parking Place, or
 - (3) otherwise obstruct the free flow of pedestrian or vehicular traffic within the Parking Place.
19. A vehicle may not be caused or permitted to wait in the Parking Place for longer than the maximum period of waiting in the Parking Place specified in Column 5 of Schedule 1.
20. A vehicle may not be caused or permitted to wait in the Parking Place other than in a Parking Bay, or in such a manner that any wheel of that vehicle is located outside the markings defining the boundaries of that Parking Bay.
21. A vehicle may not be caused or permitted to wait in the Parking Place save for the purposes designated in, and as provided by, this Order.
22. A vehicle may not be caused or permitted to wait in the Parking Place with the engine running once in position in a Parking Bay and thereafter the engine shall not be started save for the purposes of changing the position of the vehicle in, or departing from, the Parking Place.

Use of rights of way

23. Nothing in this Order shall authorise the Council or any Civil Enforcement Officer exercising powers hereunder to interfere with or restrict the free use of any right of way granted by the Council or any predecessor in title of the Council over the Parking Place or any part thereof.

PART IV OPERATIONAL BAYS AND OPERATIONAL PERMITS

24. (1) Any Operational Bay located in the Parking Place is reserved for the exclusive use of persons holding and displaying a valid Operational Permit in accordance with the provisions of this Order.
- (2) A Operational Bay is identified by means of appropriately worded signs, surface markings or writing indicating that it is reserved for the exclusive use of persons holding and displaying a valid Operational Permit in accordance with the provisions of this Order.
- (3) The number of Operational Bays and their location within the Parking Place may be varied by the Council at any time.
- (4) Only a vehicle on which a valid Operational Permit is displayed in accordance with the relevant provisions contained in Part IX may be caused or permitted to wait in a Operational Bay.
- (5) The grounds of eligibility for a Operational Permit shall be such as may from time to time be determined by the Council at its absolute discretion.
- (6) Any application for a Operational Permit shall be made to the Council at such location(s) and at such times as the Council may from time to time determine. Any Operational Permit issued by the Council in response to such an application shall only be valid for use in the Operational Bays in the Parking Place and by such classes of vehicles and on such days and during such hours and upon such other terms (subject to the provisions of this Order) as may from time to time be specified by the Council.
- (7) An application for a Operational Permit shall be made in such form as may from time to time be specified by the Council, and an applicant shall produce such documentary evidence as to entitlement and any other matters considered relevant by the Council as may from time to time be specified by the Council.
- (8) The payment (if any) to be made for a Operational Permit shall be such as is specified Column 6 of Schedule 1. Issue, refusal and withdrawal of a Operational Permit shall be at the discretion of the Council.
- (9) A Operational Permit shall only permit a vehicle to wait in an Operational Bay, and irrespective of the number of Operational Permits that are or may be

concurrently issued by the Council, no Operational Permit shall be valid at any time whatsoever in respect of any other Parking Place or Parking Bay.

- (10) A vehicle on which a valid Operational Permit is displayed in accordance with the relevant provisions contained in Part IX may not be caused or permitted to wait in a Operational Bay for longer than the maximum permitted period of waiting in respect of that Bay, as specified from time to time by the Council.
- (11) Subject to the aforementioned provisions of this Article, the provisions of this Order shall apply in full to the Operational Bays and holders of Operational Permits.

PART V CHARGES

- 25. Any person proposing to cause or permit a vehicle to wait in the Parking Place during the Charging Hours shall immediately upon entering the Parking Place pay the appropriate charge in accordance with the scale of charges specified in Column 6 of Schedule 1, by obtaining or purchasing an appropriate Ticket according to the proposed period of waiting (and where a charge is specified for a period the whole of that charge shall be due and payable for use of the Parking Place for any part of that period), PROVIDED THAT no charge shall be payable:
 - (1) with the exception of any Operational Bay, in respect of the use of the Parking Place for the waiting of a vehicle where a valid Disabled Person's Badge is duly displayed on the vehicle in accordance with the relevant provisions of Part IX throughout the period during which that vehicle is caused or permitted to wait in the Parking, or
 - (2) in respect of the use of any Operational Bay for the waiting of a vehicle where a valid Operational Permit permitting that vehicle to wait in a Operational Bay is duly displayed on the vehicle in accordance with the relevant provisions of Part IX throughout the period during which that vehicle is permitted to wait in such a Bay, or
 - (3) in respect of the use of a Parking Bay within the Parking Place for the waiting of a Motorcycle or Invalid Carriage where the Parking Bay concerned is marked as being reserved exclusively for the use of Motorcycles or Invalid Carriages (as appropriate), or
 - (4) in respect of the use of any part of the Parking Place or any Parking Bay designated as only being available for use by Public Service Vehicles during certain days and hours for the waiting of such a Public Service Vehicle PROVIDED THAT such waiting occurs on a designated day and between the specified hours.
- 26. (1) A vehicle shall not be caused or permitted to wait in the Parking Place for longer than the maximum period for which a Ticket permitting waiting in the

Parking Place has been purchased or otherwise obtained in accordance with the terms of this Order.

- (2) A vehicle on which a valid Disabled Person's Badge is displayed in accordance with the relevant provisions of Part IX shall not be caused or permitted to wait in the Parking Place for a period in excess of the maximum period of waiting specified in Column 5 of Schedule 1 in relation to the Parking Place.

PART VI METHOD OF PAYMENT OF CHARGES

27. Any charge to which reference is made in Article 25 shall be paid by the insertion of a coin or coins to the appropriate value into a Ticket Machine provided for receipt of the same in the Parking Place. Payment may only be made in sterling, using coins of a denomination or denominations accepted by the Ticket Machine(s) concerned. Where more than one coin is required in order to make up the total value of the payment to be made, the coins shall be inserted in the Ticket Machine one immediately after the other. Any overpayment made shall not be refundable, nor shall it otherwise affect the operation of any provision of the Order.

PART VII APPLICATION OF CHARGES TO USERS OF AQUA VALE

28. The driver of a vehicle which is caused or permitted to wait in the Parking Place for which the charge appropriate to the proposed period of waiting of that vehicle has been paid in accordance with the scale of charges specified in Column 6 of Schedule 1 by means of the purchase of an appropriately priced Ticket may obtain a refund of the charge paid, subject to the following conditions:
 - (1) the driver or a person travelling in the vehicle in relation to the waiting of which the charge has been paid must make use of a facility, service or course of activities provided at Aqua Vale within 15 minutes of the time recorded on the Ticket concerned as being the time of purchase of that Ticket;
 - (2) payment for use of that facility, service or course of activities must be made within 15 minutes of the time recorded on the Ticket concerned as being the time of purchase of that Ticket;
 - (3) the facility, service or course of activities concerned must be one for which a charge for admission, use or participation is due and payable by the user (and in this context payment for use of the Parking Place (or any use of the same) shall not be 'use of a facility, service or course of activities provided at Aqua Vale' for the purposes of this Article);
 - (4) no refund shall be due or payable in respect of any period of waiting exceeding 4 hours, save in circumstances where the person claiming the refund is able to demonstrate to the reasonable satisfaction of an Authorised Officer that he has

made arrangements to attend a display, event, performance or course of activities at Aqua Vale scheduled to last in excess of 4 hours.

29. Refunds may only be obtained at such location(s) as may from time to time be designated for that purpose by the Council.

PART VIII SURRENDER, LOSS AND WITHDRAWAL OF OPERATIONAL PERMITS

Lost or destroyed Operational Permit

30. If an Operational Permit is lost or destroyed the holder thereof may apply to the Council for the issue of a duplicate, and the Council on being satisfied as to the loss or destruction thereof may upon payment of the administrative charge specified in Schedule 1 issue a duplicate Operational Permit (marked as such). Upon such issue the Operational Permit which it duplicated shall become invalid. If the original thereof is subsequently found, it shall be immediately returned to the Council.

Mutilated, damaged or defaced Operational Permit

31. If an Operational Permit is mutilated, damaged, defaced or otherwise becomes illegible the holder of the same shall surrender it to the Council for the issue of a duplicate, and the Council shall upon being satisfied as to the veracity of the Operational Permit concerned, and upon payment of the administrative charge specified in Schedule 1, issue a duplicate Operational Permit (marked as such). Upon issue of the duplicate Operational Permit the original shall become invalid.

Withdrawal of Operational Permit

32. Withdrawal of any Operational Permit may be effected by notice in writing given to the holder or sent by ordinary first class post to the address stated on the application for the Operational Permit concerned. The holder thereof shall surrender the Operational Permit concerned to the Council within seventy-two hours of the dispatch of the aforementioned notice.

Dishonouring of payment made for Operational Permit

33. Where an Operational Permit is issued to any person upon receipt of payment made by cheque or credit card and that payment is subsequently dishonoured that Operational Permit shall cease to be of any effect, and the Council may by notice in writing given to the holder or sent by ordinary first class post to the address stated on the application for the Operational Permit concerned require the holder thereof to immediately surrender it to the Council. The holder thereof shall surrender the Operational Permit concerned to the Council within seventy-two hours of the dispatch of the aforementioned notice.

PART IX
DISPLAY OF TICKETS, BADGES, PERMITS ETC

Display of Ticket

34. Immediately after a Ticket having a face value corresponding to not less than the appropriate charge specified in this Order for the proposed period of parking has been obtained or purchased, it shall be displayed in accordance with the provisions of Article 35 (but subject to the provisions of Article 39). That Ticket shall continue to be so displayed throughout the period during which the vehicle is caused or permitted to wait in the Parking Place.
35. Any Ticket which has been obtained or purchased in accordance with the terms of this Order shall be displayed in a conspicuous position on the fascia or dashboard of the vehicle in respect of which it was issued, so that the details shown on the front of the Ticket are clearly visible to, and legible by, a person standing outside the vehicle and immediately adjacent to its front windscreen. In the case of a vehicle having no fascia or dashboard the Ticket shall be displayed in a conspicuous position on the body of the vehicle, and such Ticket shall be displayed so that the details shown on the front of the Ticket are clearly visible to, and legible by, a person standing immediately adjacent to the vehicle.
36. No person shall display on a vehicle which is caused or permitted to wait in the Parking Place during the Charging Hours any Ticket other than that purchased in respect of the current period during which the vehicle is caused or permitted to wait in the Parking Place. A Ticket purchased in respect of a period of waiting by one vehicle shall not authorise or permit a period of waiting by another vehicle during any part of the period for which that Ticket is (or remains) valid.

Display of Disabled Person's Badge

37. Subject to the provisions of Article 39, any Disabled Person's Badge which is required to be displayed on a vehicle under the provisions of this Order shall be displayed in a conspicuous position on the fascia or dashboard of the vehicle in respect of which it was issued, so that the details shown on the front of the Badge are clearly visible to, and legible by, a person standing outside the vehicle and immediately adjacent to its front windscreen.

Display of Operational Permit

38. Subject to the provisions of Article 39, any Operational Permit which is required to be displayed on a vehicle under the provisions of this Order shall be displayed in a conspicuous position on the fascia or dashboard of the vehicle in respect of which it was issued, so that the details shown on the front of the Operational Permit concerned are clearly visible to, and legible by, a person standing outside the vehicle and immediately adjacent to its front windscreen. In the case of a vehicle having no fascia or dashboard such Operational Permit shall be displayed in a conspicuous position on the body of the vehicle, and shall be displayed so that the details shown on the front of the Operational Permit concerned are clearly visible to, and legible by, a person standing immediately adjacent to the vehicle. In every instance the Operational Permit

shall be so displayed throughout the period during which the vehicle is caused or permitted to wait in the Parking Place or Parking Bay in respect of which it was issued.

General provisions

39. Notwithstanding any other provision of this Order, a Ticket, Disabled Person's Badge or Operational Permit shall not be treated as being validly displayed on a vehicle for the purposes of this Order unless at all times during which the vehicle is caused or permitted to wait in the Parking Place during the Charging Hours a valid vehicle excise licence for that vehicle is displayed on the vehicle in the manner required by law.
40. For the purposes of this Order:
- (a) the front of a Ticket shall be that face of the Ticket which records the fee paid and the date of purchase and time of expiry of that Ticket;
 - (b) the front of a Disabled Person's Badge or Operational Permit shall be that face of the Disabled Person's Badge or Operational Permit which records the serial number and date of expiry of that Disabled Person's Badge or Operational Permit.

PART X PENALTY CHARGES

41. Subject to the provisions of Part XIV, if at any time during the days and hours of operation of the Parking Place:
- (1) a vehicle is caused or permitted to wait in the Parking Place, or to make use of any part of the Parking Place for or in connection with the sale or exposing for sale of any article to persons in or near the Parking Place, or for or in connection with the selling or offering for hire of any person's skill or services, or
 - (2) a vehicle is caused or permitted to wait in a Restricted Area within the Parking Place, or
 - (3) a vehicle is caused or permitted to wait in a Parking Bay designated as only being available for use by vehicles on which a valid Operational Permit is displayed in accordance with the relevant provisions contained in Part IX, and such an Operational Permit is not so displayed, or
 - (4) a vehicle is caused or permitted to wait in a Parking Bay designated as only being available for use by vehicles on which a valid Disabled Person's Badge is displayed in accordance with the relevant provisions contained in Part IX, and such a Disabled Person's Badge is not so displayed, or

- (5) a vehicle is caused or permitted to wait in the Parking Place, a part of the Parking Place or a Parking Bay designated as only being available for use by vehicles not exceeding a specified weight and/or height and/or length, and that vehicle exceeds the specified weight and/or height and/or length, or
- (6) a vehicle is caused or permitted to wait in a Parking Place, a part of a Parking Place or a Parking Bay designated as only being available for use by vehicles of a specified class, and that vehicle is not of the specified class, or
- (7) where any part of the Parking Place or a Parking Bay is designated as only being available for use by Public Service Vehicles during the days and hours of operation of the Parking Place, or during the Charging Hours, or between certain specified hours within the same, and either:
 - (a) a vehicle which is not a Public Service Vehicle is caused or permitted to wait in the relevant part of the Parking Place or the relevant Parking Bay during the days and hours during which usage of the same is restricted to Public Service Vehicles, or
 - (b) a Public Service Vehicle is caused or permitted to wait in the relevant part of the Parking Place or the relevant Parking Bay outside of the days and hours during which usage of the same is restricted to Public Service Vehicles, or
- (8) a vehicle is caused or permitted to wait in the Parking Place in such a manner as to:
 - (a) obstruct vehicular access to or egress from the Parking Place or any Parking Bay in the Parking Place, or
 - (b) obstruct any footway, footpath or pedestrian access way in the Parking Place, or
 - (c) otherwise obstruct the free flow of pedestrian or vehicular traffic within the Parking Place.

the same shall constitute a higher level parking contravention for the purposes of the Relevant Legislation and a Higher Level Penalty Charge shall be payable to the Council in respect thereof.

42. Subject to the provisions of Part IX, if at any time during the Charging Hours:

- (1) a vehicle is caused or permitted to wait in the Parking Place for longer than the maximum period of waiting in that Parking Place specified in Column 5 of Schedule 1, or
- (2) a vehicle is caused or permitted to wait in the Parking Place for longer than the period for which advance payment has been made, or

- (3) a valid Ticket is not purchased and displayed in accordance with the relevant provisions of Part IX on any vehicle caused or permitted to wait in the Parking Place, or
- (4) a vehicle is caused or permitted to wait in the Parking Place other than in a Parking Bay, or in such a manner that any wheel of that vehicle is located outside the markings defining the boundaries of that Parking Bay, or
- (5) a vehicle is caused or permitted to wait in the Parking Place for a purpose other than the designated purpose for the Parking Place, or
- (6) a vehicle is caused or permitted to wait in the Parking Place with the engine running once in position in a Parking Bay or thereafter the engine is started save for the purposes of changing the position of the vehicle in, or departing from, the Parking Place, or
- (7) a vehicle is caused or permitted to wait in the Parking Place contrary to the terms upon which any Operational Permit has been issued,

the same shall constitute a Lower Level Parking Contravention for the purposes of the Relevant Legislation and a Lower Level Penalty Charge shall be payable to the Council in respect thereof.

- 43. The period during which a vehicle may be permitted to wait in the Parking Place after a Penalty Charge Notice has been served in accordance with either Article 41 or 42 shall not exceed 30 minutes. If a vehicle is permitted to wait in the Parking Place after a Penalty Charge Notice has been served in accordance with either Article 41 or 42 and the 30 minute time period has expired the same shall constitute a further parking contravention for the purposes of the Relevant Legislation and a further Penalty Charge at the appropriate level shall be payable to the Council in respect thereof.
- 44. A Penalty Charge Notice may be in such form as may from time to time be considered appropriate by the Council, provided that it shall display such information as may be required by the Relevant Legislation.
- 45. A Penalty Charge Notice shall be served by a Civil Enforcement Officer or otherwise in accordance with the Relevant Legislation.
- 46. Insofar as there may be any requirement that the identity of the Civil Enforcement Officer serving such a Penalty Charge Notice be set out in that Notice, that requirement shall be deemed to have been met if the Civil Enforcement Officer inserts his Identification Number in the Notice at the time at which he serves the Notice.
- 47. If a Penalty Charge is paid not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge Notice is served the Penalty Charge shall be reduced by the amount of any applicable discount.
- 48. If after the last day of the period of 28 days beginning with the date on which a Notice to Owner was served no representations have been made in accordance with the

- Relevant Legislation and the Penalty Charge has not been paid, the Council may increase the Penalty Charge by the amount of any applicable surcharge.
49. The amount of any applicable discount or any applicable surcharge for the purposes of Articles 47 and 48 respectively shall be determined from time to time by the Council in accordance with the Relevant Legislation.
50. The amount due in respect of a Penalty Charge shall be paid to the Council in cash or by means of cheque, postal order, debit or credit card payment or such other means of payment as may be acceptable to the Council. Payment shall be made at the Council's cashier's office or at such other office of the Council or any appointed agent of the Council as the Council may from time to time determine and specify in the Penalty Charge Notice.
51. Where the date for payment of a Penalty Charge falls upon a day on which the specified place(s) for payment is closed, the period within which payment is to be made shall be extended until 23.59 hours on the next full day on which that place(s) is open to receive payment.

PART XI EVIDENCE ETC

52. Payment of the charge specified in this Order for any period of waiting in the Parking Place shall be indicated by:
- (1) the issue by a Ticket Machine located in the Parking Place of a Ticket for use of the Parking Place indicating upon its face:
 - (a) payment of a sum which is not less than the appropriate charge for the proposed period of waiting in the Parking Place as specified in Schedule 1,
 - (b) the day and date of issue of the Ticket,
 - (c) the time at which the purchased period of waiting will expire,and display of that Ticket in the manner specified in the relevant provisions of Part IX, or
 - (2) the display of a valid Operational Permit on the vehicle concerned in the manner specified in the relevant provisions of Part IX.
53. The expiry of any period of waiting for which a charge has been paid in respect of a vehicle permitted to wait in the Parking Place shall be indicated when there is displayed on that vehicle:
- (a) a Ticket issued by a Ticket Machine located in the Parking Place showing the day and time upon which the period for which payment has been made will expire, and either the day so shown is not the day upon which the vehicle is

observed to be waiting in the Parking Place by a Civil Enforcement Officer, or if it is, the time of expiry shown upon the Ticket is prior to the time at which the vehicle is observed to be waiting by a Civil Enforcement Officer; or

- (b) an Operational Permit showing the date upon which the period for which payment has been made will expire, and the day upon which the vehicle is observed to be waiting in the Parking Place by a Civil Enforcement Officer is subsequent to that date,

and in such circumstances it shall be presumed that the period of waiting for which payment has been made has expired, unless the contrary be proved.

- 54. If at any time a vehicle is caused or permitted to wait in the Parking Place during the Charging Hours and a valid Ticket, Disabled Person's Badge or Operational Permit (as appropriate to the location of the vehicle in the Parking Place) is not displayed on that vehicle in accordance with the relevant provisions of Part IX, it shall be presumed that no charge for use of the Parking Place has been paid, unless the contrary be proved.
- 55. If at any time a vehicle is caused or permitted to wait in the Parking Place during the Charging Hours and a Ticket is displayed on that vehicle in accordance with the relevant provisions of Part IX, the particulars recorded upon the face thereof shall be deemed to be conclusive evidence as to the location of the Parking Place, the day and date of issue of the Ticket, the time of expiry of the period of waiting for which payment has been made, the charge paid and any other matters so recorded, unless the contrary be proved.

PART XII

PROHIBITION ON REMOVAL OF TICKETS ETC

- 56. When a Ticket, Disabled Person's Badge or Operational Permit has been displayed in or on a vehicle in accordance with the provisions of this Order no person other than the driver of the vehicle concerned (or a person authorised by the driver of the vehicle in that behalf) shall remove that Ticket, Badge or Permit from the vehicle concerned, or otherwise interfere with it.

PART XIII

SUSPENSION OF USE OF THE PARKING PLACE AND/OR PARKING BAYS

- 57. A Civil Enforcement Officer or any other person duly authorised by the Council may suspend the use of the Parking Place or of a Parking Bay or Parking Bays within the Parking Place or of any other part thereof whenever he considers such suspension reasonably necessary and for whatsoever period he considers reasonable:
 - (1) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (2) for the purpose of any building operation, demolition or excavation in or over or under or adjacent to any part of the Parking Place or Parking Bay concerned or the maintenance, improvement or reconstruction of any part of the Parking

Place or Parking Bay or the laying, erection, alteration, removal or repair in or adjacent to any part of the Parking Place or Parking Bay of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication system or the placing, maintenance or removal of any traffic or other sign;

- (3) on any occasion on which it is likely that the Parking Place or Parking Bay will be required for the exclusive use of specific individual groups of persons or organisations, or for the parking of a particular class or classes of vehicle, or
 - (4) for the purpose of holding any display, public show, performance or exhibition authorised by any authorised officer of the Council, and for activities subsidiary thereto, or for such other purposes as may be authorised by any authorised officer of the Council, or
 - (5) by reason of the likelihood of danger to the public, serious damage to the Parking Place or any adjoining premises, or any other emergency.
58. A police officer in uniform may suspend for not longer than twenty-four hours the use of the Parking Place or of a Parking Bay or Parking Bays in the Parking Place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety, or that such action is necessary by reason of the likelihood of danger to the public, serious damage to the Parking Place or any adjoining premises, or any other emergency.
59. Any person suspending the use of the Parking Place or of a Parking Bay or Parking Bays in the Parking Place or any part thereof in accordance with the provisions of Article 57 shall thereupon place or cause to be placed in or adjacent to that Parking Place or Parking Bay, or the relevant part thereof the use of which is suspended, a sign or notice indicating that its use by vehicles for the purposes of waiting is prohibited.
60. No person shall cause or permit a vehicle to wait in the Parking Place or in a Parking Bay or Parking Bays in the Parking Place or any part thereof during such period as there is in or adjacent to that Parking Place, Parking Bay or part of the Parking Place a sign or notice placed in pursuance of Article 59, provided that nothing in this Article shall render it unlawful to cause or permit any vehicle being used for emergency purposes by the fire, ambulance, police or armed services of the Crown to wait in the Parking Place, Parking Bay or part of the Parking Place concerned during any such period or to cause or permit any other vehicle to be so parked if that vehicle is parked with the permission:
- (1) of the person suspending the use of the Parking Place, Parking Bay or part thereof in pursuance of Article 57, or
 - (2) of a police officer in uniform.

PART XIV
EXEMPTIONS FROM RESTRICTIONS ON WAITING

61. Notwithstanding the foregoing provisions of this Order a vehicle may wait during the Charging Hours in any part of the Parking Place if the use of that part has not been suspended and if:
- (1) the vehicle is caused or permitted to wait for a period not exceeding two minutes (or such longer period a Civil Enforcement Officer may approve) in order to enable a person to board or alight from the vehicle or to load or unload his personal luggage, provided that if the said person is a person suffering from any disability or injury which seriously impairs their ability to walk, or who is registered blind, the vehicle may wait for as long as may be necessary in order to enable that person to board or alight from the vehicle or load or unload their personal luggage;
 - (2) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his/her control or to such waiting being necessary as a direct consequence of, or in order to avoid, an accident;
 - (3) the vehicle is being used for fire brigade, ambulance or police purposes or, not being a Passenger Vehicle, is being used in the service of the Council or of any utilities undertaking or other statutory public authority in pursuance of statutory powers or duties, provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is permitted to wait;
 - (4) the vehicle is waiting only for so long as may be necessary to enable it to be used in connected with the removal of any obstruction preventing or hindering the free flow of traffic in the Parking Place, or access to or egress from the Parking Place or a Parking Bay in the Parking Place;
 - (5) the vehicle is waiting:
 - (a) while postal packets addressed to premises adjacent to the Parking Place in which the vehicle is permitted to wait are being unloaded from the vehicle or, having been unloaded are being delivered to those premises, or
 - (b) while postal packets are being collected for loading on the vehicle from premises or posting boxes adjacent to the Parking Place in which the vehicle is permitted to wait or, having been so collected, are being loaded thereon;
 - (6) the vehicle, not being a Passenger Vehicle, is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 57(2);
 - (7) the vehicle has been authorised by the Council to wait in the Parking Place in connection with any purpose specified in Article 57(4), provided that the

vehicle is permitted to wait in compliance with the terms and conditions upon which that authorisation has been given;

- (8) the vehicle is waiting in order to enable Goods to be loaded onto, or unloaded from, the vehicle.
- 62. Notwithstanding the foregoing provisions of this Order, an Operational Vehicle of the Council may wait for an unlimited period in any Parking Bay within a Parking Place marked as reserved for use by such Vehicles, provided that the use of that Parking Bay has not been suspended and that the driver of that Vehicle has been authorised by the Council to make use of the Parking Bay concerned for such purposes.
- 63. No charge specified in Schedule 1 of this Order shall be payable in respect of any vehicle caused or permitted to wait in a Parking Place in accordance with the provisions of Articles 61 or 62.

PART XV EQUIPMENT, SIGNAGE AND WORKS IN THE PARKING PLACE

- 64. The Council may install in the Parking Place such number of Ticket Machines and such other numbers and types of equipment as they consider necessary for the purpose of permitting vehicles to wait in the Parking Place pursuant to the provisions of this Order. The Council shall ensure that at least one Ticket Machine is maintained in proper working order in the Parking Place at all times during the Charging Hours.
- 65. The Council may cause the limits of the Parking Place and of each Parking Bay in the Parking Place to be indicated by the placing and maintaining of such markings and/or writing on the surface of the Parking Place or Parking Bay, and/or signs located in, on or adjacent to the Parking Place or Parking Bay as they consider necessary for the purpose of permitting vehicles to wait in the Parking Place pursuant to the provisions of this Order.
- 66. The Council may:
 - (1) execute or cause to be executed in the Parking Place such building operations and/or demolition or excavation works in or over or under or adjacent to any part of the Parking Place, or
 - (2) place and maintain such markings and/or writing on the surface of the Parking Place, and/or such signs located in, on or adjacent to the Parking Place,

as it may consider necessary, whether for the purpose of permitting vehicles to wait in that Parking Place pursuant to the provisions of this Order, or for any other purpose.

PART XVI
USE OF THE PARKING PLACE: ADDITIONAL PROVISIONS

67. No person shall except with the permission of a Civil Enforcement Officer drive any vehicle in the 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.
68. Where in the Parking Place signs are erected, or surface or other markings are laid for the purpose of:
- (1) indicating the entrance to, or exit from, the Parking Place, or
 - (2) indicating that a vehicle using the Parking Place shall proceed in a specified direction within the Parking Place,
- no person shall drive or cause to permit to be driven any vehicle
- (a) so that it enters the Parking Place otherwise than by an entrance or leaves the Parking Place otherwise than by an exit so indicated, or
 - (b) in a direction other than that specified,
- as the case may be.
69. No person shall use any part of the Parking Place:
- (1) as a means of proceeding by vehicle between one highway and another (whether any such highway shall be maintainable at the public expense or otherwise), or
 - (2) save with the prior written consent of the Council, as a means of vehicular access to any premises adjoining the Parking Place.
70. No person shall:
- (1) ride or otherwise use any bicycle in the Parking Place save for the purposes of obtaining access to any area allocated by the Council for the parking of bicycles within the Parking Place;
 - (2) cause or permit any bicycle to wait in the Parking Place, other than in any area allocated by the Council for the waiting of bicycles within the Parking Place,
- and in either case only during the days and hours of operation of the Parking Place, as specified in Schedule 1.
71. No person shall in the Parking Place:
- (1) by shouting or singing,

- (2) by playing on a musical instrument, or
- (3) by operating or permitting to be operated, any radio, gramophone, amplifier, tape recorder, compact disc player or similar equipment

cause or permit to be made any noise which is so loud or so continuous or repeated as would in the opinion of a Civil Enforcement Officer or other Council officer authorised in that behalf give reasonable cause for annoyance to other persons in or adjacent to the Parking Place.

72. No person shall in the Parking Place:

- (1) 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, or
- (2) throw or discharge any missile to the danger or annoyance of any other person in or adjacent to the Parking Place.

73. No person shall, without the prior written consent of the Council, hold or take part in any display, public show, performance or exhibition in the Parking Place, or place any vehicle or equipment in the Parking Place in connection with the same.

74. No person shall, without reasonable excuse, climb any wall or fence in or enclosing the Parking Place, or any tree, barrier, railing, post or other structure in the Parking Place.

75. No person shall wilfully damage or deface:

- (1) any wall, fence, barrier, railing, post or other structure or surface,
- (2) any vehicle, plant, equipment or apparatus, or
- (3) any tree, bush, shrub or other soft landscaping

in the Parking Place.

76. No person shall use any part of the Parking Place or any vehicle left in the Parking Place:

- (1) for sleeping or camping purposes, or
- (2) for eating or cooking purposes, or
- (3) save with the consent of the Council (which may be given upon such terms (including terms as to payment) as it considers to be appropriate):
 - (a) for the purpose of washing any vehicle, or

- (b) for the purpose of servicing, modifying or repairing any vehicle or part thereof (other than as may be reasonably necessary to enable that vehicle to depart from the Parking Place).
77. No person shall in the Parking Place:
- (1) skate or use any skateboard or similar mechanical device, or
 - (2) play or take part in any ball game.
78. No person shall:
- (1) use the Parking Place for the purpose of displaying or distributing advertising material, or
 - (2) place any advertising material on any vehicle left in the Parking Place,
- save with the prior written consent of the Council, and in the case of (2) above, unless the express prior written consent of the vehicle owner has also been obtained.
79. No person shall in the Parking Place:
- (1) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the prior written consent of the Council, or
 - (2) light or cause or permit to be lit any fire.
80. No person shall in the Parking Place:
- (1) intentionally obstruct any Civil Enforcement Officer in the proper execution of his duties, or
 - (2) intentionally obstruct any person carrying out any act which is necessary to the proper execution of, or authorised by, any contract made by the Council, or
 - (3) intentionally obstruct any other person in the proper use of the Parking Place, or
 - (4) behave in such a manner as would in the opinion of a Civil Enforcement Officer give reasonable cause for annoyance or offence to other persons in or adjacent to the Parking Place.
81. No person shall in the Parking Place sound the horn of any vehicle or other similar instrument except when necessary as a warning when about to put the vehicle concerned in motion, or when changing the position or direction of the vehicle concerned, or otherwise with a view to protecting the health and safety of any person.
82. No person shall in the Parking Place cause or permit to be emitted from a vehicle (whether continuously or intermittently) any noise originating from any fitment or

alarm on the vehicle such as would in the opinion of a Civil Enforcement Officer cause disturbance or annoyance to users of the Parking Place or to occupiers of premises in the neighbourhood, save that this Article shall not be deemed to have been breached if any fitment or alarm on the vehicle shall have been activated by any unauthorised person improperly tampering with the vehicle, but such unauthorised activation of the fitment or alarm shall not prohibit or prevent a Civil Enforcement Officer:

- (1) immobilising the vehicle or causing it to be immobilised pursuant to the Relevant Legislation, or
- (2) moving the vehicle or causing it to be moved within the Parking Place, or
- (3) removing the vehicle or causing it to be removed from the Parking Place pursuant to the Relevant Legislation, or
- (4) in the alternative making arrangements for that fitment or alarm to be rendered inoperable or silenced.

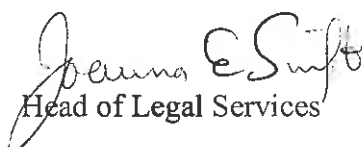
PART XVII HOLDING AND USE OF DATA

83. Any data obtained by the Council for the purposes of, or in connection with, the issuing of any Penalty Charge, Penalty Charge Notice or Notice to Owner, or which is provided to the Council by any person subsequent to the service of the same may be held and used by the Council for the purposes of traffic management administration and/or the taking of legal proceedings or other enforcement action in respect of any contravention of this Order. This data may be used for these purposes by the Council, the Buckinghamshire County Council and/or their respective servants and agents, and may be disclosed to other law enforcement agencies for such purposes, when considered necessary by either authority for the prevention and detection of crime, or when otherwise required by law.

THE COMMON SEAL of)
AYLESBURY VALE DISTRICT COUNCIL)
was hereunto affixed this thirty first day of March)
two thousand and eight in the presence of:)



Chairman



Head of Legal Services



SCHEDULE 1
OPERATION OF THE PARKING PLACE (PART III)

SCHEDULE 1

(1)	(2)	(3)	(4)	(5)	(6)
NAME OF PARKING PLACE	CLASS OF VEHICLE	DAYS OF OPERATION OF PARKING PLACE	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD OF WAITING	SCALE OF CHARGES
1. Aqua Vale, Park Street, Aylesbury	i) Passenger Vehicles and Goods Vehicles not exceeding 2500 kilograms unladen weight; ii) Public Service Vehicles in relation to use of PSV Bays during specified days and hours only.	All days (including Sundays and Bank Holidays)	All hours	No limit	<u>Per day</u> 0 – 2 hours : £1.00 2 – 4 hours : £3.00 Over 4 hours in any 24 hours: £6.00 Operational Permit: no charge Annual Season Ticket not available

Administrative charge for issue of a duplicate Operational Permit: £25.00 per Permit.

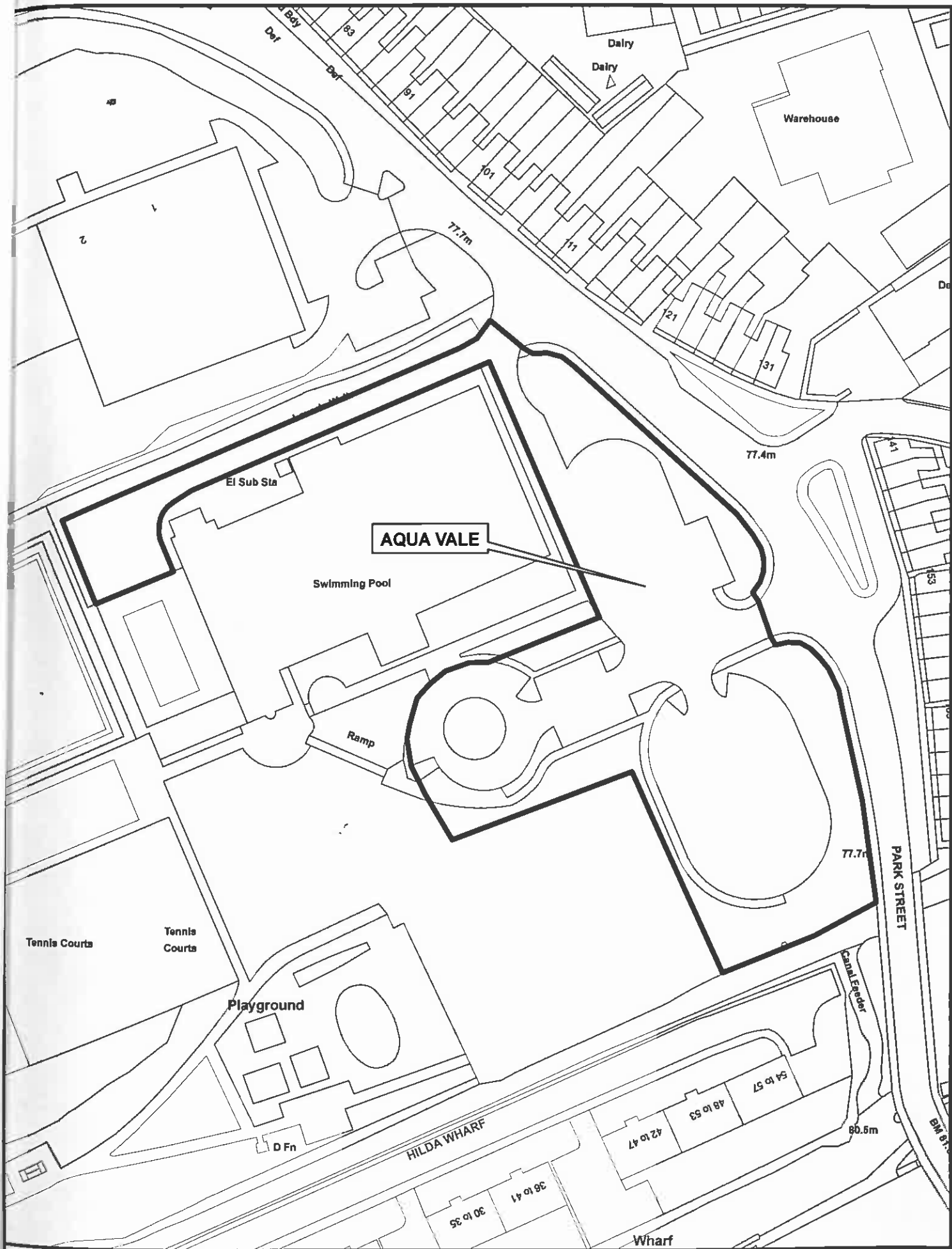
Notes:

(1) In this Schedule references to "The Act" are to the Road Traffic Regulation Act 1984 (as amended).

(2) In this Schedule charges are specified inclusive of Value Added Tax.

(3) For terms and conditions upon which Operational Permits are available, see the provisions of the Order and the specific terms and conditions upon which the Council issues the Permits concerned.

PLAN SHOWING LOCATION OF PARKING PLACE



Scale :- 1:1,000

