

## **THE BASINGSTOKE & DEANE (OFF STREET PARKING PLACES) (LODDON PARADE, BASING VIEW) ORDER 2015**

The Borough Council of Basingstoke & Deane (hereinafter called "The Council") in exercise of its power under Sections 32, 35 and 124 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984"), and all other enabling powers, with the consent of the County Council of Hampshire in accordance with Section 39 (3) of the Act of 1984, and after consulting the Chief of the Police in accordance with Paragraph 20 (1) of Schedule 9 to the Act of 1984, hereby makes the following Order:

### **PART I - GENERAL**

1. This Order shall come into operation on the 18<sup>th</sup> September 2015 and may be cited as THE BASINGSTOKE & DEANE (OFF STREET PARKING PLACES)(LODDON PARADE, BASING VIEW) ORDER 2015.
2. (1) Any reference in this Order to a numbered Article is a reference to the article bearing that number in this Order, and any reference in this Order to a numbered Schedule is a reference to the corresponding Schedule to this Order.  
  
(2) In this Order-  
  
"Disabled Person's Badge" has the same meaning as in the 2004 Act;  
  
"Disabled Person's Vehicle" means a Permitted Vehicle lawfully displaying a Disabled Person's Badge in the Relevant Position;  
  
"Dispensation Permit" means a permit issued by the Council in accordance with the Council's Dispensation Scheme;  
  
"Dispensation Permit Holder's Vehicle" means a Permitted Vehicle lawfully displaying a Dispensation Permit in the Relevant Position;  
  
"Dispensation Scheme" means a scheme introduced by the Council to allow specified vehicles to park in specified locations within designated Parking Places for the purposes of maintenance or other works to be carried out in the locality of the said Parking Places;  
  
"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  
  
"Hand-held Device" means a wireless hand-held computer used by a civil enforcement officer which is programmed to interface with the Telephone Payment Parking System.  
"Owner" has the same meaning as in the 2004 Act;

“Parking Bay” means any area of a Parking Place, which is provided for the leaving of a vehicle and indicated by markings on the surface of the Parking Place;

“Parking Place” means any area of land specified by name in Schedule 1 provided by the Council under Section 32 (1) of the Act of 1984 for use as a parking place;

“Penalty Charge Band” means the band of penalty charges published by the Council in accordance with Part 3 of Schedule 9 of the 2004 Act

“Parking Permit” means a permit to be displayed when using the designated parking place for longer than the maximum period which vehicles are permitted to stay;

“Permitted Vehicles” means private motor cars (containing seats for not more than 7 persons), motor cycle combinations and solo motor cycles, of width not exceeding 1.52 metres (5'0")

“Relevant Position” means displaying a badge or permit as follows:

- (a) In the case of a vehicle fitted with a front windscreen, exhibited on the dashboard in such a way that the details of date of issue, issuing authority, and serial number may be read easily by civil enforcement officers;
- (b) in the case of a vehicle not fitted with a front windscreen, exhibited in a conspicuous position on the front or near side of the vehicle.

“The 2004 Act” means the Traffic Management Act 2004 and in the application of this Order a reference to any provision of the 2004 Act is a reference to the provisions of the 2004 Act as applied to the Special Parking Area by virtue of The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire)(Borough of Basingstoke & Deane) Order 2002 made under the provisions of paragraphs 1(1) and 2(1) of Schedule 3 of the Road Traffic Act 1991.

“The Special Parking Area” means the Borough of Basingstoke & Deane apart from the M3 Motorway, the A303 and A34 for their entire length in the borough including all their on and off slip roads.

- (3) The Council reserves the right:-
  - (i) to suspend the effect of all or part of this Order by means of appropriate signing;

- (ii) to close a Parking Place, or any part of it, for any period and for any reason, and no driver of any vehicle shall use the Parking Place, or any part of it, when it is so closed;
- (iii) to vary temporarily or permanently the classes of vehicles that may use a Parking Place.

## **PART II – USE OF PARKING PLACES**

### **Use of Land and Parking Places**

3. (1) Each area of land in Column 2 of Schedule 1 (Parking Places as specified in Schedule 1 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 positions, on such days, during such hours and subject to such waiting restrictions as are specified in relation to that area in Schedule 1.
- (2) Where in Schedule 1 a Parking Place (or part thereof) 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 of the class and in the position specified.
- (3) Insofar as a vehicle is left in a Parking Place (or part thereof) during the charging hours, the driver thereof shall pay such charge or charges or display such permits as are specified in the following provisions of this Order.
- (4) The driver of a vehicle shall not permit it to wait in a Parking Place (or part thereof) if it is:-
  - (a) of a class other than that specified in relation to that Parking Place (or part of that Parking Place) in Schedule 1; or
  - (b) in a position other than that so specified for that Parking Place (or part of that Parking Place) in Schedule 1; or
  - (c) in a position where waiting is by notice declared to be prohibited; or
  - (d) in such a position as to cause a nuisance or obstruction to other vehicles and/or pedestrians; or
  - (e) positioned in or across bays marked with yellow hatching; or
  - (f) in excess of the waiting limit period specified for that Parking Place (or part of that Parking Place) in Schedule I except when displaying an approved permit

### **Payment of Penalty Charge at Parking Places**



4. If a vehicle is left or used in a Parking Place during the Charging Hours in a manner specified in column 1 of Schedule 2 or otherwise in breach of the terms of this Order (a "Parking Contravention") an additional sum (a "Penalty Charge") shall be payable

#### **Amount of Penalty Charge at Parking Places**

5. For the purpose of Article 4 the amount of the Penalty Charge shall be as specified in the Charge Order for the Parking Contravention at the level corresponding to the Penalty Charge Band.

#### **Other Provisions**

6.
  - (1) If a vehicle is left in a Parking Place in a position other than in accordance with the provisions of Article 3, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
  - (2) If a vehicle is left in a Parking Place in contravention of any of the foregoing provisions of this Order, a person authorised by the Council in that behalf may remove the vehicle from that Parking Place or arrange for such removal, and the costs specified in the Charge Order for the removal and storage of that vehicle shall be paid by the Owner of the vehicle and may be recovered from the Owner as a civil debt.
  - (3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council, or a police constable in uniform, may alter or cause to be altered the position of a vehicle in a Parking Place or remove or arrange for the removal of a vehicle from a Parking Place.
  - (4) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or moving it in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed. Neither such person nor the Council shall be responsible for loss of, or damage to, the vehicle or of or to anything contained therein and thereon arising from, or in consequence of, the powers contained in this Article.
7. The driver of a motor vehicle using a Parking Place shall stop the engine as soon as the vehicle is in position in the Parking Place, and shall not start the engine except when about to change the position of the vehicle within or to depart from the Parking Place.
8. No person shall in a Parking Place:-
  - (a) play any ball game or game using a ball; or

- (b) ride any bicycle, moped, scooter or motorcycle unless proceeding directly to or from an area designated or otherwise permitted to be used for the parking of these vehicles; or
- (c) be in the Parking Place other than for the purpose of parking a vehicle or purposes connected thereto; or
- (d) use any roller skates or blades, skate or snake board; or
- (e) remain in the Parking Place after being told to leave by an officer, employee or person engaged by the Council, a Civil Enforcement Officer or police officer; or
- (f) sound any vehicle horn or other similar instrument except when about to change the position of the vehicle in, or to depart from, the Parking Place; or
- (g) except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a Parking Place for any purpose other than 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; or
- (h) wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the Parking Place or occupants of premises in the neighbourhood; or
- (i) 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
- (k) drive or cause to be driven any vehicle onto or over any kerb or verge within the Parking Place

9. No person or company shall in a Parking Place:-

- (a) use a vehicle while it is in a Parking Place in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of his skills or services unless such person has been so authorised by the Council in writing;
- (b) offer a vehicle for sale while it is in a Parking Place;
- (c) carry out or permit the carrying out of any work of construction, repair or maintenance (including washing) on or to a vehicle in a Parking Place, except such as may be necessary to enable it to be moved from the Parking Place;

- (d) place or cause to be placed on a vehicle while it is in a Parking Place any leaflet, handbill or advertising material other than a ticket or notice authorised elsewhere in this Order or by or on behalf of the Council;
  - (e) use any part of a Parking Place or any vehicle left in a Parking Place for sleeping or camping or cooking purposes;
  - (f) light any fire in a Parking Place, or erect any tent, booth, standing, building or structure in a Parking Place without the written consent of the Council;
  - (g) use any part of a Parking Place or any vehicle left in the Parking Place for vending including sales of food and car boot sales without the written consent of the Council.
10. Where, in any Parking Place, signs are erected or surface markings are laid for the purpose of:-
- (i) indicating the entrance to or exit from the Parking Place, or
  - (ii) indicating that a vehicle using the Parking Place shall proceed in a specified direction within the Parking Place,
- no person shall drive or permit to be driven any vehicle so that it enters or leaves the Parking Place otherwise than by using the entrance or exit indicated, or is driven in a direction other than the specified direction.

### **PART III - EXEMPTIONS**

11. The Driver of a Disabled Person's Vehicle shall be exempt from any limitation of time specified in Article 3.
12. The Driver of a Dispensation Permit Holder's Vehicle shall be exempt from any limitation of time specified in Article 3.

### **PART IV – PERMITS**

13. Proprietors and staff working at the premises of 1 to 6 Loddon Parade, Basing View who park in the designated parking places, and stay for longer than the maximum period which vehicles are permitted to stay, are required to display an approved parking permit.
14. A parking permit will only be issued in respect of a class of vehicle specified in Schedule 3.
15. A parking permit will only be valid during the days and times of operation specified in Schedule 3.

### **PART V- DISPENSATION PERMITS**



16. The Council upon being satisfied that an applicant is the keeper or user of a vehicle of a class specified and on receipt of the appropriate fee as specified for that permit in Schedule 4 (or as subsequently specified from time to time in public notices or orders made by the Council pursuant to the Act of 1984), may issue to that applicant a permit, for the leaving of that vehicle at any time in a parking place to which such permit relates by the owner or by any person using such vehicle with the consent of the owner such permits being issued in accordance with the Council's Dispensation Scheme.
17. Dispensation permits shall only be issued, in accordance with Article 16, to owners of vehicles who are contractors working at any of the premises of 1-6 Loddon Parade.

#### **Format of general permits**

18. A parking permit issued by proprietors of the premises of 1 to 6 Loddon Parade shall be of a type and design authorised and provided to them by the Council and shall include the following :-
- (a) the parking area or areas in respect of which the Parking Permit is valid;
  - (b) the period during which the Parking Permit shall remain valid;
  - and
  - (c) an authentication that the Parking Permit has been issued by, or on behalf of, the Council

#### **Display of general permits**

19. Whenever a vehicle has been left in the designated Parking Place during any part of any period of restricted waiting in that Parking Place there shall be displayed on the front of the vehicle a Parking Permit valid in respect of that vehicle so that all the particulars referred to in Article 18 of this Order are readily visible from outside the vehicle.
20. When a Parking Permit has been displayed on a vehicle in accordance with the provisions of Article 19 of this Order, no person shall remove the permit from the vehicle unless authorised to do so by the Driver of the vehicle.

THE COMMON SEAL of THE  
BOROUGH COUNCIL OF  
BASINGSTOKE AND DEANE was  
hereunto affixed and this document  
thereby executed as a deed in the  
presence of:-

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)



  
Authorised Signatory

Schedule 1- Parking Places

<u>Situation of Parking Place</u>	<u>Position in which Vehicles can park</u>	<u>Class of Vehicles</u>	<u>Days of Operation</u>	<u>Charging Hours</u>	<u>Maximum Period which vehicle may stay</u>
Loddon Parade, Basing View	Wholly within a Parking Bay indicated by surface markings within the area outlined in red on the attached plan labelled "Car Park area at Loddon Parade, Basing View"	Permitted Vehicles	Monday to Sunday	All times	3 hours with no return within 3 hours
	Wholly within a disabled Parking Bay defined by yellow lines, disabled symbols and signage located within the boundaries of the Parking Place	Disabled Person's Vehicles	Monday to Sunday	All times	No limit



## Schedule 2 – Contraventions

Parking Contravention	Standard PCN Code	Standard PCN Description
1. The use of a vehicle, whilst it is in a parking place, in connection with the 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 without the consent of the Council in writing first being obtained	74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited
2. Parked for longer than permitted	80	Parked for longer than permitted
3. Parking in a restricted area in a parking place	81	Parked in a restricted area in a car park
4. Vehicle left without displaying a permit and the vehicle is left in a parking place which is notified for use only by permit holders	85	Parked without clearly displaying a valid permit where required
5. Vehicle left not parked in a position in accordance with column 3 of Schedule 1 to this Order	86	Parked beyond the bay markings
6. Vehicle left in a parking bay designated as being reserved for drivers of vehicles displaying a disabled person's badge or for any other class of driver, unless the vehicle displays in the relevant position a disabled person badge or the driver belongs to the class of driver specified, as the case may be	87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner
7. Vehicle parked exceeds maximum weight or height or length permitted in the area	89	Vehicle parked exceeds maximum weight or height or length permitted in the area
8. Vehicle left having returned to a parking place during a period in which return is prohibited	90	Re-parked in the same car park within one hour (or other specified time) after leaving

9. Parking in a car park or area not designated for that class of vehicle	91	Parked in a car park or area not designated for that class of vehicle
10. Parking causing an obstruction	92	Parked causing an obstruction
11. Parking in a closed car park or place	93	Parked in car park when closed
12. Parking in a parking place for a purpose other than the designated purpose for the parking place	95	Parked in a parking place for a purpose other than that designated
13. 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 about to depart from, the parking place	96	Parked with engine running where prohibited

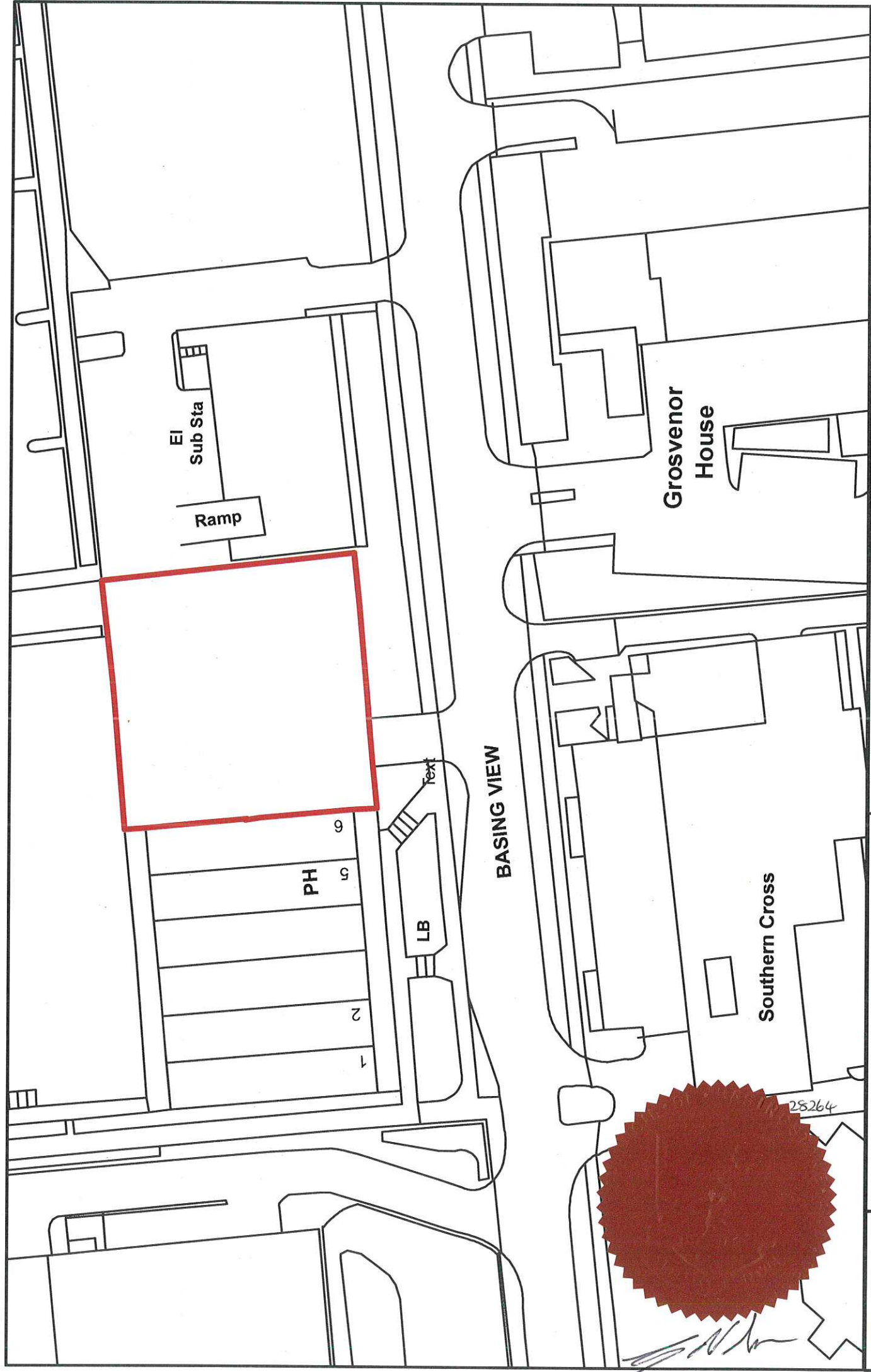
### Schedule 3 – Parking Permits

<u>Class of Permit</u>	<u>Situation of Parking Place</u>	<u>Positions in which Vehicles can park</u>	<u>Class of Vehicles</u>	<u>Days of Charging</u>	<u>Hours of Charging</u>
Parking Permit	Loddon Parade, Basing View	In the Parking Bays defined by white lines within the area shown outlined in red on the attached plan labelled "Car Park area at Loddon Parade, Basing View"	Permitted Vehicles with height not exceeding 1.9m (6'3")	All times	All times
Dispensation Permit (issued for such period as may be appropriate in accordance with the Dispensation Permit Scheme)	Those Parking Places identified in the Dispensation Permit	Those locations identified in the Dispensation Permit	Dispensation Permit Holder's Vehicles	Those days specified in the Dispensation Permit	Those hours specified in the Dispensation Permit



Schedule 4 – Charges

<b><u>Type of Permit</u></b>	<b><u>Parking Place</u></b>	<b><u>Duration of Permit</u></b>	<b><u>Charges</u></b>
Parking Permit	Loddon Parade, Basing View	As specified on the permit	No charge
Dispensation Permit (Builders)	As specified on the permit	As specified on the permit (maximum period one calendar month)	£15.00



1:600  
@A4

Car Park Area at Loddon Parade, Basing View

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