

## BRIGHTON & HOVE CITY COUNCIL

### ROAD TRAFFIC REGULATION ACT 1984

#### BRIGHTON & HOVE (CHAPEL STREET OFF-STREET PARKING PLACES) ORDER 2019

Brighton & Hove City Council ("the Council"), in exercise of their powers under section 35 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following order:

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#### PART 1 - GENERAL

1. This Order shall come into operation on the 21<sup>st</sup> of *October* 2019 and may be cited as the "Brighton & Hove (Chapel Street Off-Street Parking Places) Order 2019"
2. This Order is made for the purpose of a general scheme of control of the various restrictions in the car park identified in Schedule 1 to this Order.
3. In this Order, except where the context otherwise requires, the following expressions have the meanings assigned to them:-
  - **"Ambulance"** means a vehicle which is constructed or adapted and is being used primarily for the carriage of persons to a place where they will receive or from a place they have received medical treatment and which by reason of design marking or equipment is readily identifiable;
  - **"Authorised agent"** means a parking services contractor appointed by and acting on behalf of the Council for the purposes of the supervision and enforcement of the provisions of this Order;
  - **"Bay markings"** means white or yellow lines marked on the surface of a parking place (or, where an access way is within the limits of a parking place, on the carriageway of that access way), to show the limits of each individual parking and loading bay;

- **“Blue Badge Scheme”** means the national arrangement of parking concessions for disabled and blind persons as described in the Chronically Sick and Disabled Persons Act 1970 (as amended);
- **“Charging Hours”** means the period of time specified in column (4) of Schedule 1 in relation to a parking place or part thereof;
- **“Civil Enforcement Officer”** has the same meaning as in Section 76 of the Traffic Management Act 2004;
- **“Disabled Person’s Badge”** has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
- **“Dispensation”** means a permission in writing constrained by time issued by the Council at its discretion subject to the provisions of Part 4 Article 6;
- **“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;
- **“Enactment”** means any enactment, whether public, general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- **“Hotel”** means premises wholly or principally used or adapted for hotel use such premises being listed in either a local or central non-domestic rating list;
- **“Invalid Carriage”** for the purposes of this Order has the same meaning as in Section 136 of the Act of 1984;
- **“Motor Car”** has the same meaning as in Section 136(2) of the Act;
- **“Motor Vehicle”** means a mechanically propelled vehicle (without trailer) with 3 or more wheels not being an Invalid Carriage or a Motorcycle and which:
  - (a) has an unladen weight not exceeding 2540 Kilograms.
  - (b) does not exceed 2.25 metres in overall height.
  - (c) does not exceed 6.00 metres in overall length
- **“Owner”** has the same meaning as in Section 92 of the Traffic Management Act 2004;
- **“Opening hours”**, in relation to a parking place, means any time of the day or night, excluding any time during which the parking place is closed or suspended under the provisions of Part 3 Article 1;
- **“Parking Bay”** means an area within the limits of a Parking Place indicated by Traffic Signs authorising it to be used for the leaving of an individual vehicle in accordance with the provisions of this Order;
- **“Parking Charge”** means an amount specified in column (6) of Schedule 1 under the sub-heading “Parking period and parking charge”, which is payable, subject to the provisions of this Order, at a ticket parking meter or by any other means

prescribed by the Council, in respect of a vehicle parked in a parking place for the parking period specified in relation to that parking charge;

- **"Parking Period"** means a period of time specified in column (6) of Schedule 1 under the sub-heading "Parking period and parking charge", for which payment of the parking charge specified in relation thereto has been made and during which, subject to the provisions of this Order, a vehicle may be parked in a parking place;
- **"Parking Place"** means an area of land or building, including any access way, that is provided by the Council under section 32 of the Act, for use as an off-street parking place and which is specified by name in column (2) of Schedule 1;
- **"Particulars"** means –
  - (a) in relation to a ticket issued in a parking place referred to in Schedule 1 those particulars which indicate that a parking charge has been paid and the date and time by which the parking period will expire;
  - (b) in relation to a season ticket or dispensation, those particulars specified in Part 4 Article 5;
- **"Penalty Charge"** means a charge set by the Council under the provisions of Section 77 of the Traffic Management Act 2004 with the approval of the Secretary of State for Transport which is to be paid in the manner described in the Penalty Charge Notice;
- **"Penalty Charge Notice"** has the meaning given by regulation 8 (1) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;
- **"Relevant Position"** in the case of a Disabled Person's Badge and Disabled Person's Parking Disc the meanings are as described in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 respectively;
- **"Season Ticket"** means any type of season ticket issued under the provisions of Part 4 Article 1 and identified in Schedules 1;
- **"Season Ticket Holder"** means a person to whom a season ticket has been issued under the provisions of Part 4 Article 1;
- **"Ticket"** means a ticket issued by a ticket dispensing machine or by any other means prescribed by the Council in accordance with Part 2 Article 3 for a parking place referred to in Schedule 1 containing the date and time of entry of that vehicle into the parking place;
- **"Ticket Dispensing Machine"** means an apparatus or device installed at the entrance barrier to a parking place in Schedule 1 that dispenses tickets to vehicles entering that parking place;

- **“Ticket Parking Meter”** means an apparatus or device installed in a parking place which, for the purposes of this Order, is designed to accept payment of the parking charge and to issue or reissue a ticket in accordance with Part 2 Article 4;
  - **“Transaction Fee”** means a fee payable to the service provider in respect of a parking charge paid by means of the telephone payment system as identified on a ticket parking meter installed in that parking place or sign or notice displayed within or on that parking place.’
4. Any such reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted or having effect by virtue of any subsequent enactment.
  5. Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.
  6. Neither the Council nor its authorised representatives shall be liable for any loss of or damage to any vehicle in a Parking Place or its fittings or contents or in consequence of any vehicle being removed from a Parking Place identified in this Order.

#### Revocation of Order

7. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into force of this Order, item 2 High Street in Schedule 1.1 is hereby revoked from the Brighton & Hove (Off-Street Parking Places) Consolidation Order 2019.

### **PART 2 - PARKING PLACES**

#### During the opening hours of a parking place

1. (1) Subject to Part 4 Article 4 (1), no person shall cause or permit any vehicle to enter or be parked in a parking place unless the vehicle is of the class specified for that parking place in column (3) of Schedule 1;
- (2) No person shall cause or permit any vehicle to be parked in a parking place other than wholly within the limits of a parking bay;
- (3) Where there is a sign or surface marking within or adjacent to a parking bay indicating that the parking bay may be used only by vehicles displaying a disabled person’s badge, no person shall leave any vehicle in that parking bay other than a vehicle displaying a disabled person’s badge in the relevant position;
- (4 )Where there is a sign or surface marking within or adjacent to a part of a parking place or a parking bay, indicating that that part of the parking place or that parking bay may only be used by certain specified vehicles (other than a vehicle displaying a disabled person’s badge), no person shall leave a vehicle

in that part of a parking place or in that parking bay, unless that vehicle is one of the specified vehicles;

(5) Where in a parking place signs or surface markings are placed for the purpose of indicating the entrance to or exit from the parking place, no person shall cause or permit any vehicle to enter the parking place other than by that entrance so indicated or to leave the parking place other than by the exit so indicated;

(6) Where in a parking place signs or surface markings are placed for the purpose of indicating the direction in which or the speed at which a vehicle shall proceed, no person shall cause or permit any vehicle to proceed in that parking place otherwise than in the direction or at the speed indicated, as the case may be;

(7) No person shall cause or permit any vehicle to be parked in a parking place so that it causes an obstruction;

#### Conditions of use of a parking place during the charging hours

2. (1) To enable a vehicle to enter a parking place referred to in Schedule 1:

(i) a ticket shall be taken from the ticket dispensing machine and retained for payment of the parking charge or for validation in cases where the parking charge has been paid in advance before the vehicle exits the parking place, or

(ii) if the vehicle has a valid pass under Article 5 of Part 4 for a season ticket or dispensation, that pass shall be inserted into the designated slot at the ticket dispensing machine and shall be removed from the slot following its reissue;

(2) To enable a vehicle to exit a parking place referred to in Schedule, the following shall be inserted into the designated slot at the exit barrier:

(i) a ticket reissued by a ticket parking meter under Article 4 of this part, indicating that the parking charge has been paid for that vehicle, or a pre-validated ticket if the parking charge has been paid in advance, or

(ii) where a season ticket or dispensation for that vehicle has been issued, a valid pass for that vehicle under Article 5 of Part 4.

#### Payment of parking charge

3. (1) Subject to Article 5 of this Part the parking charge for a vehicle parked in a parking place at any time during the charging hours shall be the amount specified for that parking place in column (6) of Schedule 1 under the sub-heading "Parking period and parking charge" for the period of parking for which payment of such parking charge is required.

- (2) Subject to Article 5 of this part and paragraph (3) of this Article, the parking charge shall be payable in a parking place referred to in Schedule 1, no more than 15 minutes before the vehicle exits the parking place by the insertion of the ticket for that vehicle in a ticket parking meter installed in that parking place and also any credit/ debit card or cash accepted by that ticket parking meter (together making up the amount of the parking charge for the parking period for which payment is being made).
- (3) In the case of a parking charge for a parking place referred to in Schedule 1 having been paid in advance should the vehicle not have exited the parking place within 15 minutes of the expiration of the parking period paid for any additional parking period must be paid for in accordance with the scale of charges for that parking place.

#### Ticket Parking Metre and hand-held device indications as evidence

4. (1) When payment of the parking charge has been made at a parking meter in accordance with Article 3 (2) the ticket parking meter;
  - (i) shall reissue the ticket indicating that the parking charge has been paid.
- (2) If the ticket issued on entry to a parking place referred to in Schedule 1 is lost the amount of the full daily charge together with the lost ticket administration fee specified in column (6) of Schedule 1 shall be payable to release the car from the parking place except in the case of the parking charge having been paid in advance in which case the administration fee only shall be payable.
- (3) For a parking place referred to in Schedule 1 it will be presumed that the parking charge has not been paid if someone attempts to exit the parking place in a vehicle without presenting a ticket for that vehicle or if the ticket presented has not been reissued under Article 4(1)(i) of this Part.
- (4) A ticket shall be presumed, in all cases, to have been issued on the date shown thereon.

#### Exemptions from the parking charge

5. Notwithstanding the provisions of Article 3 (1) and (2), a vehicle may be parked in a parking place without payment of the parking charge if:
  - (ii) in respect of a parking place referred to in Schedule 1, it is a vehicle being used for fire and rescue, ambulance, police or coastguard purposes or a vehicle in the service of the Council, in either case being used in pursuance of statutory powers and duties; or
  - (iii) in respect of a parking place referred to in Schedule 1, that vehicle has a valid season ticket or dispensation.

#### Movement of a vehicle parked in a parking place

6. A civil enforcement officer may, in an emergency, move, cause or permit to be moved any vehicle parked in a parking place, to any place they think fit.

#### Removal of a vehicle from a parking place

7. (1) Where a civil enforcement officer or an officer of the council or representative of an authorised agent is of the opinion that any of the provisions of this Order have been contravened or not complied with, they may remove or cause or permit to be removed the vehicle from a parking place and where it is so removed, shall provide for the safe custody of the vehicle.
- (2) Where a vehicle has been removed from a parking place in accordance with the provisions of paragraph (1) of this Article, a fee shall be payable to the Council in respect of the removal of that vehicle and a daily charge shall be payable in respect of the storage of that vehicle.

#### Installation of ticket parking meters, placing of signs etc

- 8 The Council shall:

- (i) install and maintain in proper working order, a ticket parking meter or meters in a parking place referred to in Schedule 1 and also a ticket dispensing machine or machines in a parking place referred to in Schedule 1, in such position or positions as they think fit;
- (ii) in a parking place cause or permit the limits of each parking bay to be indicated on the surface of that parking place (or, where an access way is within the limits of a parking place, on the carriageway of that access way), by placing and maintaining bay markings thereon;
- (iii) install signs or notices in the parking places indicating the parking charges, parking periods and means of payment as imposed or provided for by the provisions of this Order
- (iv) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

### **PART 3 SUSPENSIONS**

1. (1) The Council may by notice or sign displayed at or near a parking place close, suspend or reserve for particular vehicles the use of that parking place or any part thereof for any purpose.
- (2) No person shall cause or permit any vehicle to be in a parking place or any part thereof if there is a notice or sign indicating that the use of that parking place or part thereof is closed, suspended or reserved for particular vehicles:

Provided that nothing in this paragraph shall apply if the vehicle displays a valid dispensation and such conditions as that dispensation prescribes are being complied with.

#### **PART 4 SEASON TICKETS & PERMITS**

##### **Application for and issue of Season Tickets**

1. (1) Subject to any qualification criteria described in column (6) of Schedule 1 for those parking places where season tickets are issued as identified therein any person may apply to the Council or authorised agent for the issue of a season ticket in respect of a vehicle of the class specified in column (3) of Schedule 1 in relation to that parking place or part thereof and any such application shall be made on a form issued by and obtainable from the Council or authorised agent and shall include the particulars and information required by such form to be supplied.  
  
(2) Upon receipt of an application duly made under the provisions of paragraph (1) of this Article and upon receipt of the charge specified in paragraph (3) of this Article, the Council or authorised agent shall issue to the applicant one season ticket allowing them to park a particular vehicle in a specified parking place or part thereof, during the charging hours relating to that parking place or part thereof subject to the provisions of paragraph (4) of this Article.  
  
(3) The charge for a season ticket referred to in paragraph (2) of this Article shall be the amount specified immediately after the reference to "Season ticket" in column (6) of Schedule 1 in relation to the parking place or part thereof in respect of which the season ticket is to be issued.  
  
(4) The total number of any type of season ticket issued for any parking place may be limited at the absolute discretion of the Council and there will be no guarantee that a season ticket will be available immediately on application.

##### **Refund of charge paid in respect of a season ticket**

2. (1) A season ticket holder who surrenders a season ticket to the Council or authorised agent before it becomes valid shall be entitled to a refund of the full charge paid in respect of that season ticket, less any charge made by the Council or authorised agent for administration.  
  
a) A season ticket holder who surrenders a season ticket to the Council or authorised agent after it has become valid shall be entitled to a refund of part of the charge paid in respect of that season ticket and this shall be calculated as the total sum of the charge paid in respect of the season ticket, divided by the number of days for which the season ticket is valid and multiplied by the number of complete calendar days which remain unexpired at the time the season ticket is surrendered to the Council or authorised agent less any charge made by the Council or authorised agent for administration:

Provided that if no money remains, after the calculation described in this



paragraph, then no refund shall be payable.

b) Where the amount of any refund calculated in accordance with paragraph (1a) of this Article includes a fraction of a penny, the amount of the refund shall be reduced to the nearest full penny.

#### Application for and issue of duplicate season tickets

3. (1) If a season ticket is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the season ticket has become altered by fading or otherwise, the season ticket holder, if they wish to continue using a season ticket, shall surrender it to the Council or authorised agent and apply to the Council or authorised agent for the issue to them of a duplicate season ticket. The Council or authorised agent, upon receipt of the original season ticket, shall issue a duplicate season ticket so marked, and upon such issue the original season ticket shall become invalid.
- (2) If a season ticket is lost, destroyed or stolen, the season ticket holder may apply to the Council or authorised agent for the issue to them of a duplicate season ticket and the Council or authorised agent, upon being satisfied as to such loss, destruction or theft, may issue a duplicate season ticket so marked, and upon such issue the original season ticket shall become invalid.
- (3) The provisions of this Order shall apply to a duplicate season ticket and an application thereof as if it were a season ticket or, as the case may be, an application thereof.

#### Application for and issue of dispensations

4. (1) A person may apply to the Council or authorised agent, in writing or in person, for the issue to them of a dispensation to leave a vehicle in a parking place, whether that vehicle is of the class specified in column (3) of Schedule 1 or not.
- (2) Upon receipt of an application duly made under the provisions of paragraph (1) of this Article, and at the discretion of the Council or authorised agent, the Council or authorised agent may issue to the applicant a dispensation to park a particular vehicle in a specified parking place.
- (3) The dispensation may stipulate such conditions of use as the Council or authorised agent deem appropriate and it may be withdrawn or amended by the Council or authorised agent at any time, by giving notice in writing to the person to whom the dispensation is issued at the last known address of that person.
- (4) Where a dispensation is withdrawn or amended in accordance with paragraph (3) of this Article, the person to whom the dispensation is issued shall return that dispensation to the Council or authorised agent.
- (5) Where a dispensation stipulates conditions of use; those conditions shall be complied with when the dispensation is being used.

## Form of season tickets and dispensations

5. A season ticket or a dispensation for the parking places referred to in Schedule 1 shall take the form of a pass which will be inserted into the designated slot at the entrance and exit barriers, to allow the vehicle to enter or exit the parking place under Part 2 Articles 2 (1) and 2(2).

## **PART 5 - CONTRAVENTIONS**

1. If a vehicle is parked in a parking place at any time or leaves a parking place, without complying with the provisions of this Order, then a contravention of or failure to comply with the provisions of this Order shall be deemed to have occurred and a civil enforcement officer may issue a penalty charge notice in accordance with the provisions of the Traffic Management Act 2004.

### **Schedule 1 Parking Places with Barrier on Entrance/Exit**

Item (1)	Name of Off Street Parking Place (2)	Classes of Vehicle (3)	Charging Hours (4)	Maximum Period (5)	Tariffs (6)
1	Chapel Street Car Park	Motor Cars and Invalid Carriages, the height of which must not exceed 1.93 metres.	All days 24 hours	24 hours	<div>Parking period and parking charge</div> <div><div>2 hours</div><div>£4.20</div></div> <div><div>4 hours</div><div>£8.40</div></div> <div><div>9 hours</div><div>£11.00</div></div> <div><div>24 hours</div><div>£18.20</div></div> <div><div>Quarterly season ticket</div><div>£780.00</div></div> <div><div>Annual season ticket</div><div>£2080.00</div></div> <div><div>Lost Ticket Administration Fee</div><div>£5.00</div></div>

**MADE UNDER THE COMMON SEAL OF  
BRIGHTON & HOVE CITY COUNCIL**

this 16<sup>th</sup> day of ...October... 2019

Executed as a deed by affixing the common seal of  
**BRIGHTON & HOVE CITY COUNCIL** in the presence of

.....[Signature].....

Authorised Officer

