

BRIGHTON & HOVE CITY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

Brighton & Hove (Off-Street Parking Places) Consolidation Order 2019 Amendment No.1 2021

Brighton & Hove City Council ("the Council") in exercise of its powers under Sections 1(1), 2 (1) to (3), 4, 32, 35 and 124 (1) (c) & (d) to the Road Traffic Regulation Act 1984 ("the 1984 Act") as amended and Part 6 of the Traffic Management Act 2004 and of all other enabling powers after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order.

1. This Order may be cited as Brighton & Hove (Off-Street Parking Places) Consolidation Order 2019 Amendment No.1 2021 and shall come into operation on the 10th day of May 2021.
2. Brighton & Hove (Off-Street Parking Places) Consolidation Order 2019 is amended as follows:

ARTICLE AMENDMENTS

In paragraph 3 add the following definitions:-

- **"Councillor Permit"** means a permit issued under the provisions of Part 4 Article 6;
- **"Councillor Permit holder"** means an elected ward councillor to whom a councillor permit has been issued;
- **"Electric Vehicle"** means a vehicle including a Motorcycle in which the electrical motive power is derived from an electrical storage battery which is not connected to any source of power when the vehicle is in motion;
- **"Electric Vehicle Charging Point"** means a parking place indicated by Traffic Signs authorising it to be used for the leaving of vehicles in accordance with the provisions of this order;

Delete the following:-

- **"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;
- **"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, a staff, councillor permit or dispensation permit, those particulars specified in Part 4 Article 7;

- **"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 15;

And replace with:-

- **"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, a staff or councillor permit those particulars specified in Part 4 Article 8;
- **"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;

PART 2 - PARKING PLACES

Conditions of use of a parking place during the charging hours

In Paragraph 2 (1) delete:

- (vi) a vehicle in respect of which a dispensation has been issued by the Council or authorised agent and any such conditions as the Council or authorised agent may impose are being complied with and the vehicle displays the dispensation on the inside of its windscreen or window so that all the particulars on that dispensation are readily visible from outside the vehicle;

In Paragraph 2 (4) delete:

- (4) No person shall cause or permit any vehicle to be parked in a parking place for longer than the period of time specified in column (5) of Schedule 1 Part 1.1 in relation to that parking place:

Provided that nothing in this paragraph shall apply to a vehicle displaying a dispensation which stipulates that the provisions of this paragraph do not apply or a vehicle specified in paragraph (1) (iii) of this Article;

Replace with:

- (4) No person shall cause or permit any vehicle to be parked in a parking place for longer than the period of time specified in column (5) of Schedule 1 Part 1.1 in relation to that parking place:

In Paragraph 2 (7) delete:

- (ii) if the vehicle has a valid pass under Article 7 (b) of Part 4 for a season ticket, staff permit 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;

Replace with:

- (ii) if the vehicle has a valid pass under Article 8 (b) of Part 4 for a season ticket or staff permit that pass shall be inserted into the designated slot at the ticket dispensing machine and shall be removed from the slot following its reissue;

In Paragraph 2 (8) delete:

- (ii) where a season ticket, staff permit or dispensation for that vehicle has been issued, a valid pass for that vehicle under Article 7(b) of Part 4.

Replace with:

- (ii) where a season ticket or a staff permit for that vehicle has been issued, a valid pass for that vehicle under Article 8(b) of Part 4.

Exemptions from the parking charge

In Paragraph 5 delete:

- (iii) in respect of a parking place referred to in Schedule 1 Part 1.2, that vehicle has a valid season ticket, staff permit or dispensation.

Replace with:

- (iii) in respect of a parking place referred to in Schedule 1 Part 1.2, that vehicle has a valid season ticket or a staff permit

PART 3 SUSPENSIONS

In Paragraph 1 delete:

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 staff permits

Delete existing:

4. (2) Upon receipt of an application duly made under the provisions of paragraph (1) of this Article, and upon being satisfied that the applicant is a member of staff or an officer or member of the Council, the Council or authorised agent shall issue to the applicant one staff permit

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.

Replace with:

4.(2). Upon receipt of an application duly made under the provisions of paragraph (1) of this Article, and upon being satisfied that the applicant is a member of staff or an officer or member of the Council and that the applicant meets the terms and conditions for a staff permit, the Council or authorised agent shall issue to the applicant one staff permit 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.

Delete existing:

Application for and issue of dispensations

6. (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.

Insert new paragraph 6 as follows:

Application for and issue of Councillor Permits

6. (1) In relation to Norton Road car park only, an elected Brighton & Hove City Councillor may apply to the Council for the issue of a councillor permit 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 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 being satisfied that the applicant is an elected member and eligible for a permit, the Council shall issue to the applicant one councillor permit 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.

(3) A councillor permit shall be valid for the period specified thereon.

Delete the following:

Form of season tickets, staff permits and dispensations

7. A season ticket, a staff permit or a dispensation for -

a) parking places referred to in Schedule 1 Part 1.1 shall be in writing and in the form of a letter, badge, permit, sticker or similar device for displaying in a vehicle and shall include the following particulars:-

- i. the registration mark of the vehicle in respect of which the season ticket, staff permit or dispensation has been issued;
- ii. the period during which the season ticket, staff permit or dispensation shall remain valid;
- iii. an indication that the season ticket, staff permit or dispensation has been issued by the Council or authorised agent; and
- iv. an indication of the parking place in which the season ticket, staff permit or dispensation is valid.

b) parking places referred to in Schedule 1 Part 1.2 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 Articles 2 (7) and 2(8).

Restriction on the removal of season tickets, staff permits and dispensations

8. Where a season ticket, staff permit or a dispensation has been displayed in accordance with the proviso to paragraph (1) of Article 2, no person, other than the driver of the vehicle, shall remove the season ticket, staff permit or dispensation unless authorised to do so by the driver of the vehicle:

Provided that nothing in this Article shall apply in relation to a civil enforcement officer or an officer of the Council or a representative of the authorised agent who removes the season ticket, staff permit or dispensation in the process of the vehicle being removed in accordance with Article 8.

And replace with:-

Form of season tickets, staff permits and councillor permits

8. A season ticket, a staff permit or a councillor permit for -

a) parking places referred to in Schedule 1 Part 1.1 shall be in writing and in the form of a letter, badge, permit, sticker or similar device for displaying in a vehicle and shall include the following particulars:-

- i. the registration mark of the vehicle in respect of which the season ticket, staff permit or councillor permit has been issued;
- ii. the period during which the season ticket, staff permit or councillor permit shall remain valid;
- iii. an indication that the season ticket, staff permit or councillor permit has been issued by the Council or authorised agent; and
- iv. an indication of the parking place in which the season ticket, staff permit or councillor permit is valid.

b) parking places referred to in Schedule 1 Part 1.2 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 Articles 2 (7) and 2(8) of Part 2 of this order and are only applicable to season tickets and staff permits.

Restriction on the removal of season tickets, staff permits and councillor permits

9. Where a season ticket, staff permit or a councillor permit has been displayed in accordance with the proviso to paragraph (1) of Article 2, no person, other than the driver of the vehicle, shall remove the season ticket or staff permit unless authorised to do so by the driver of the vehicle:

Provided that nothing in this Article shall apply in relation to a civil enforcement officer or an officer of the Council or a representative of the authorised agent who removes the season ticket, staff permit or councillor permit in the process of the vehicle being removed in accordance with Part 2 Article 8.

10. If the council finds that a season ticket or a permit is used outside the terms and conditions of use, the council may withdraw that season ticket or permit and any other permits issued to that person/organisation.

Schedule 1 Amendments

Part 1.1 Parking Places with No Barrier on Entrance/Exit

Item 1 Black Rock Car Park – in the Tariffs column (6) delete “11 hours” and “£7.20” and replace with “12 hours” and “£9.00”

Item 2 King Alfred Car Park – in the Tariffs column (6) additional row after “4 hours” insert “12 hours” and “£10.00”

Item 4 Marine Cliffs Car Park, Rottingdean – in the Tariffs column (6) delete “11 hours” and “£5.00” and replace with “12 hours” and “£6.00”

Item 5 Norton Road Car Park -in the Tariffs column (6)

Under Staff annual permit add:

In column (2) delete:

"(b) the loading bay on the southern access way shown in stipple on the plan in Schedule 4"

And replace with:

"(b) the loading bay on the southern access way shown in red on the plan in Schedule 4"

Delete item 6 – Oxford Court Car Park

Part 1.2 Parking Places with Barrier on Entrance/Exit

Item 1 The Lanes Car Park in the Tariffs column (6) delete "Night 00.00 – 11.00" and insert "Night 00.00 – 08.00" and £5.00 add additional row after "Night 00.00 – 08.00" and insert "Weekend Evenings 18.00 – 00.00" and "£6.00", add an additional row after "Weekend Evenings 18.00 – 00.00" and insert "Weekend Night 00.00 – 08.00" and "£6.00"

Item 2 London Road Car Park in the Tariffs column (6) delete "Night 00.00 – 11.00" and insert "Night 00.00 – 08.00" and £5.00

Item 3 Regency Square Car Park in the Tariff column (6) delete "Monday to Sunday" and insert "Monday to Friday", 1 hour delete "£3.00" and insert "£3.50", 2 hours delete "£5.50" and insert "£6.50", 4 hours delete "£10.50" and insert "£12.00", 9 hours delete "£14.00" and insert "£16.00", 24 hours delete "£20.00" and insert "£23.00", Lost Ticket delete "£20.00" and insert "£23.00" Evenings 18.00 -24.00 delete " £4.50" and insert "£5.00" delete Night 24.00 -11.00 " and insert "Night 24.00 – 08.00" and £5.00, in next column to Monday to Friday insert "Weekends, 1 hour insert "£4.00", 2 hours insert "£7.00", 4 hours insert "£12.50", 9 hours insert "£17.50", 24 hours insert "£25.00", Lost ticket insert "£25.00", Evenings 18.00-2400 insert "£6.00" and Night 24.00-08.00 insert "£6.00".

Item 4 Trafalgar Street Car Park in the Tariffs column (6) delete "Night 00.00 – 11.00" and replace with "Night 00.00 – 08.00" and £5.00

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

this 5th day of May 2021

**THE COMMON SEAL OF BRIGHTON & HOVE CITY
COUNCIL** was affixed to this Order in the presence of



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

Authorised Officer

