

BRIGHTON & HOVE CITY COUNCIL

BRIGHTON & HOVE SEAFRONT (VARIOUS RESTRICTIONS) CONSOLIDATION ORDER 2008

Brighton & Hove City Council (hereinafter referred to as "the Council"), in exercise of their powers under Sections 1, 2, 3, 4, 19, 32, 35, 35A, 44, 45, 46, 46A, 47, 49, 51, 53, 55, 61, 63, 63A, 66, 117 and 124 (1) (c) & (d) to the Road Traffic Regulation Act 1984 ("the Act") as amended and by Part 6 of the Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers hereby make the following Order :-

Index

PART 1 – GENERAL	1
PART 2 - WAITING OF VEHICLES	7
PART 3 – PARKING PLACES	9
PART 4 – PARKING PERMITS	12
PART 5 – PAY & DISPLAY PARKING PLACES	16
PART 6 – PAY & DISPLAY COACH PARKING PLACES	18
PART 7 – SUSPENSIONS	20
PART 8 – CONTRAVENTIONS	22
PART 9 – LIST OF SCHEDULES	23
PART 10 – INDEX OF SCHEDULE 1	24
PART 11 – HIERARCHY OF RESTRICTIONS	24

PART 1 – GENERAL

1. This Order shall come into operation on the 1st day of December 2008 and may be cited as the "Brighton & Hove Seafrost (Various Restrictions) Consolidation Order 2008".
2.
 - (1) This Order is made for the purpose of a general scheme of control of the various restrictions in the roads identified in Schedule 1 to this Order.
 - (2) This Order consolidates in whole or in part the Orders listed in Schedule 3 and for those parts only that the Council can enforce under the powers vested in it by the Traffic Management Act 2004, where there appears the definition of "Traffic Warden" or "Parking Attendant" it now means "Civil Enforcement Officer", the definition of "Excess Charge" no longer applies and contraventions to Waiting Loading/Unloading restrictions and Parking Places will now incur a penalty charge and the vehicle could be towed away.

1. In this Order, except where the context otherwise requires, the following expressions have the meanings assigned to them:-
- **“Administration Charge”** means a charge as set out in Schedule 2 Part 1 Item 5;
 - **“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;
 - **“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);
 - **“Carriageway”** means a way consisting of or comprised in a road being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles and a surface suitable for the exercise of that right but excluding any Layby;
 - **“Chief Officer of Police”** means the Chief Officer of Police for Brighton & Hove;
 - **“Civil Enforcement Officer”** has the same meaning as in Section 76 of the Traffic Management Act 2004;
 - **“Coach”** has the same meaning as in Regulation 3 (2) of the Road Vehicles (Construction and Use) Regulations 1986;
 - **“Director of Environment”** means an officer appointed by the Council for the time being and shall include her authorized agent and representative and any successor of hers;
 - **“Disabled Person’s Parking Bay”** means an area within the limits of a Disabled Person’s Parking Place indicated by Traffic Signs authorizing it to be used for the leaving of an individual vehicle in accordance with the provisions of this Order;
 - **“Disabled Person’s Parking Place”** means a length of road indicated by Traffic Signs authorizing it to be used for the leaving of vehicles in accordance with the provisions of this Order;
 - **“Disabled Person’s Badge”** has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
 - **“Disabled Person’s Parking Disc”** has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

- **“Dispensation”** means a permission in writing constrained by time issued by the Council at its discretion subject to the charge specified in Schedule 2 Part I for display in a vehicle permitting that vehicle to be left in a Restricted Road on yellow lines subject to the provisions of this Order;
- **“Driver”** in relation to a vehicle waiting in a Parking Place or any Restricted Road referred to in this Order means the person driving the vehicle at the time it was parked in the Parking Place or Restricted Road;
- **“Fire Service Vehicle”** means any vehicle used operationally by the Fire Service;
- **“Goods”** means any item (including cash or other valuable securities) that needs to be transported by vehicle for the purpose of delivering or collecting (including checking the item for delivery or collection) usually but not exclusively in the course of trade or business;
- **“Goods Vehicle”** means a vehicle constructed or adapted for use for the carriage of goods or burden of any description and not drawing a trailer;
- **“Initial Charge”** has the meaning assigned to it by Section 46(1) of the Act of 1984;
- **“Invalid Carriage”** for the purposes of this Order has the same meaning as in Section 136 of the Act of 1984;
- **“Layby”** means an area of Carriageway intended for the waiting of vehicles and indicated by the appropriate Traffic Signs;
- **“Licensed Taxi”** means in England and Wales, a vehicle licensed under section 37 of the Town Police Clauses Act 1847;
- **“Lifeguard Vehicle”** means a vehicle which is constructed or adapted and primarily used for the carriage of lifeguards to any place on the foreshore within the administrative boundary of the Council to enable them to carry out their functions or to assist in the exercising of those functions and which by reason of design, marking or equipment is readily identifiable
- **“Lifeguard Parking Bay”** means a length of road indicated by Traffic Signs authorizing it to be used for the leaving of a Lifeguard Vehicle in accordance with the provisions of this Order;
- **“Local Service”** has the same meaning as in Section 2 of the Transport Act 1985;
- **“Loading Bay”** means an area on a road indicated by Traffic Signs authorizing it to be used for the purposes of loading or unloading a vehicle;
- **“Motorcycle”** means a mechanically propelled vehicle with two wheels (not being an Invalid Carriage) without trailer or sidecar;

- **“Motorcycle Parking Place”** means a length of road indicated by Traffic Signs authorizing it to be used for the leaving of Motorcycles in accordance with the provisions of this Order;
- **“Owner”** has the same meaning as in Section 92 of the Traffic Management Act 2004;
- **“Parking Bay”** means an area within the limits of a Parking Place indicated by Traffic Signs authorizing it to be used for the leaving of an individual vehicle in accordance with the provisions of this Order;
- **“Parking Place”** means a length of road indicated by Traffic Signs authorizing it to be used by vehicles in accordance with the provisions of this Order;
- **“Pay & Display Coach Parking Bay”** means an area within the limits of a Pay & Display Coach Parking Place indicated by Traffic Signs authorizing it to be used for the leaving of an individual vehicle in accordance with the provisions of this Order;
- **“Pay & Display Coach Parking Place”** means a length of road indicated by Traffic Signs authorizing it to be used for the leaving of vehicles in accordance with the provisions of this Order;
- **“Pay & Display Parking Bay”** means an area within the limits of a Pay & Display Parking Place indicated by Traffic Signs authorizing it to be used for the leaving of an individual vehicle in accordance with the provisions of this Order;
- **“Pay & Display Parking Place”** means a length of road indicated by Traffic Signs authorizing it to be used for the leaving of vehicles in accordance with the provisions of this Order;
- **“Pay & Display Ticket”** means a ticket which allows a vehicle to be parked in a Pay & Display Parking Place or Pay & Display Coach Parking Place upon payment of the appropriate charge as set out in Schedule 2 Parts 2, 3 and 4.
- **“Pedal Cycle”** means a pedal bicycle, pedal tricycle or a pedal cycle having four or more wheels, not being in any case capable of being mechanically propelled;
- **“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;
- **“Permit”** means a permission in writing issued by the Council at its absolute discretion allowing a vehicle or vehicle of a specific class to park or wait in any

Parking Place where such a Permit is required in accordance with the provisions of this Order;

- **“Permit Holder”** means a person to whom a Permit has been issued under the provisions of Part 4 of this Order;
- **“Police Vehicle”** means a vehicle used by a police officer in exercise of his duties;
- **“Postal Packets”** has the same meaning as in Section 125 of the Postal Services Act 2000;
- **“Prescribed Hours”** means those days and hours specified in:

Schedule 1 Parts 1 and 2 during which parking, waiting, stopping or loading/unloading is restricted in the Restricted Roads or parts thereof described therein subject to the provisions of this Order and

Schedule 1 Parts 3 to 9 (inclusive) during which vehicles or classes of vehicles may park, wait, stop or load/unload in the Parking Places described therein subject to the provisions of this Order;
- **“Professional Carer”** means a person who is employed professionally to provide medical or clinical care regularly away from their usual place of work to individuals in their homes;
- **“Professional Carer Badge”** means a badge issued by the Council to a Professional Carer under the provisions of Part 4 of this Order;
- **“Protective Cover”** means a transparent holder issued by the Council for the protection and display of a Permit under the provisions of Part 4 of this Order;
- **“Public Service Vehicle”** has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981;
- **“Public Telecommunications Operator”** has the same meaning as in Section 9 of the Telecommunications Act 1984;
- **“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;
- **“Restricted Road”** means any road or part of a road specified in Schedule 1 Parts 1 and 2 in which parking, waiting, stopping or loading/unloading is restricted by reference to time and/or place and/or day as indicated therein and in accordance with the provisions of this Order.

PROVIDED that the expression “Restricted Road” shall not for the purposes of Part 2 of this Order include any part of a highway designated or authorized to be used as a Parking Place by any Order for the time being in force in respect of a Restricted Road.

- **“Telecommunications Apparatus”** has the same meaning as in the Telecommunications Act 1984 Schedule 2;
- **“Ticket Machine”** means an apparatus of a type and design approved by the Secretary of State for the Environment being apparatus designed to indicate the time by a clock and to issue numbered Parking Tickets indicating that a charge has been paid and showing the date and time of their validity;
- **“Trader”** means any tradesperson or business engaged in work that requires the use of a vehicle for the carrying of tools goods or materials to a number of different places of work during each working day;
- **“Trader’s Permit”** means a Permit issued by the Council to a Trader under the provisions of Part 4 of this Order;
- **“Traffic Sign”** has the same meaning as in Section 64 (1) of the Act;
- **“Undertaker”** has the same meaning as in Section 48 (4) of the New Roads and Street Works Act 1991;
- **“Waiver ”** means a permission in writing issued by the Council at its discretion subject to the charge specified in Schedule 2 Part 1 for display in a vehicle permitting that vehicle to park in a specified Restricted Road or part of a Restricted Road on yellow lines.

2.

- (1) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended applied consolidated or re-enacted by or as having effect by virtue of any subsequent enactment.
- (2) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in that same Part of this Order and any reference to a numbered Schedule or Part thereof is a reference to the Schedule or Part thereof to this Order bearing that number unless specified otherwise;
- (3) The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made by the Act or by any other enactment.

3. Nothing in this Order unless otherwise specified shall apply to a Pedal Cycle.

4. Motorcycles may not be left in any Parking Place described in this Order unless otherwise specified.
5. Neither the Council nor its authorized representatives shall be liable for any loss or damage occurring to any vehicle or its fittings or contents or to any property during or in consequence of any vehicle or property being taken or left at or removed from a Parking Place.

PART 2 - WAITING OF VEHICLES

1. Subject to the provisions of Article 2 of this Part no person shall except upon the direction or with the permission of a Civil Enforcement Officer Police Constable in uniform or person authorized by the Council cause or permit any vehicle to park, stop or wait in any Restricted Road during the Prescribed Hours.
2. Nothing in Article 1 of this Part shall prevent any person from using causing or permitting a vehicle to park, stop or wait in a Restricted Road during the Prescribed Hours;
 - (1) to enable a person or persons to board or alight from the vehicle provided that the vehicle cannot reasonably be used for the same purpose in any other road.
 - (2) if the vehicle is being used for the purpose of delivering or collecting Goods including loading or unloading the vehicle at premises adjoining that road.
 - (3) for the purpose of loading or unloading the vehicle while the vehicle is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository.
 - (4) to enable the vehicle (if it cannot reasonably be used for the same purpose in any other road) to be used in connection with any of the following operations in an emergency; building works, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any Restricted Road, or the laying, erection, alteration or repair in or adjacent to any Restricted Road by an Undertaker of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus.
 - (5) if the vehicle is being used in the course of an emergency for Fire Service Ambulance Service or Police purposes or it is a vehicle in the service of a local authority being used in pursuance of its statutory powers or duties and that vehicle cannot reasonably be used for the same purpose in any other road.

- (6) if the vehicle is a Licensed Taxi waiting upon any duly authorized stand and is available for hire.
- (7) if the vehicle is waiting owing to the Driver being prevented from proceeding by circumstances beyond his control or if he is required by law to stop or if such waiting is necessary in order to avoid an accident.
- (8) if the vehicle is in the service of or employed by a provider of a postal service licensed by the Postal Services Commission pursuant to the provisions of the Postal Services Act 2000 and is waiting while Postal Packets addressed to premises adjacent to that road are being unloaded from the vehicle or having unloaded therefrom are being delivered or while Postal Packets are being collected from premises or posting boxes adjacent to that road or is in use in conjunction with the cleaning of telephone kiosks adjacent to that road provided that the vehicle cannot reasonably be used for such purpose in any other road and for as long as may be necessary in conjunction with these purposes.
- (9) to enable the vehicle to take in petrol oil water or air from any garage situated on or adjacent to any Restricted Road.
- (10) if goods are sold from the vehicle by a person licensed by the Council to sell goods from a stationary pitch situated in that Restricted Road.
- (11) if the vehicle is displaying a Disabled Person's Badge and a Disabled Person's Parking Disc (on which the badge holder or other person in charge of the vehicle has indicated the time at which the period of waiting began) in the Relevant Positions and is waiting for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in such Restricted Road).

PROVIDED that the badge is being used in accordance with the provisions of the Blue Badge Scheme.

- (12) if the vehicle is displaying a Dispensation issued for that vehicle and is left for a period not exceeding 20 minutes or such other period specified by the Council on the Dispensation and is being used for a purpose for which the Dispensation was issued.
- (13) if the vehicle is displaying a Waiver issued for that vehicle and is left at a location and during a day and time period agreed by the Council and is being used for a purpose for which the Waiver was issued.
- (14) if the vehicle is displaying a Professional Carer's Badge and has been left in such a place for no longer than one hour or such other period authorized by the Council and because no suitable Parking Place was available and if the vehicle is being used for a purpose for which the Professional Carer's Badge was issued.

- (15) if the vehicle is being used in connection with the posting or removing of advertising material in the form of posters on or from, or the cleaning of windows or chimneys in, premises adjacent to that road and cannot reasonably be used for such purposes in any other road.

PROVIDED that:

- (i) in the case of Article 2 (12) and (13) a Dispensation or Waiver must be displayed in the front of the vehicle either on the inside of the windscreen or on the dashboard or fascia so that the details printed or written thereon on the front side are clearly visible and can be read in their entirety from the outside of the vehicle from the front or nearside.
- (ii) in the case of Article 2 (14) a Professional Carer's Badge must be displayed in accordance with the provisions of Part 4.1 Article 8 (i).
- (iii) any vehicle left in accordance with the provisions of Article 2 of this Part is left in a position that does not cause an obstruction or danger to others and that the Driver shall move the vehicle on the instructions of a Civil Enforcement Officer Police Constable in uniform or person authorized by the Council whenever such moving may be reasonably necessary for the purpose of preventing obstruction or danger.
- (iv) no vehicle except in the case of Article 2 (4) (5) and (7) of this Part shall wait in any part of a Restricted Road specified in Schedule 1 Part 2 during the Prescribed Hours for any purpose unless notice is given 48 hours in advance to the Council and a Waiver has been issued in accordance with Article 2 (13) of this Part.

PART 3 – PARKING PLACES

- I. Each length of road identified in Schedule 1 to which any of Parts 3 to 9 (inclusive) of that Schedule apply is hereby authorized to be used as a Parking Place during the Prescribed Hours for vehicles or classes of vehicles as set out below:
- (1) Pay & Display Parking Places (Schedule 1 Part 3) for use by vehicles in accordance with Part 5 of this Order.
 - (2) Pay & Display Coach Parking Places (Schedule 1 Part 4) for use by Coaches only in accordance with Part 6 of this Order or by other vehicles under the provisions of the same Part.
 - (3) Disabled Person's Parking Places (Schedule 1 Part 5) for use by vehicles displaying a valid Disabled Person's Badge only provided that the

Disabled Person's Badge is being displayed in the Relevant Position and is being used in accordance with the provisions of the Blue Badge Scheme.

- (4) Motorcycle Parking Places (Schedule I Part 6) for use by Motorcycles only.
 - (5) Loading Bays (Schedule I Part 7) for use by vehicles for the purpose of delivering or collecting Goods including loading or unloading the vehicle only.
 - (6) Taxi Rank (Schedule I Part 8) for use by Licensed Taxis which are available for hire only.
 - (7) Lifeguard Parking Bays (Schedule I Part 9) for use by Lifeguard Vehicles only.
2. The limits of each Parking Place shall be indicated by Traffic Signs and any vehicle standing in a Parking Place shall stand wholly within the marked limits.
3. Without prejudice to the foregoing provisions of this Part any vehicle may wait in a Parking Place during the Prescribed Hours other than a Parking Place or part thereof the use of which has been suspended if it cannot conveniently be used for such purposes in any other road if:
 - (1) in the case of Pay & Display Parking Places the vehicle is being used for any purpose or eventuality specified in Part 2 Article 2 (1) (4) (5) (7) or (8) of this Order which said Articles shall be construed as if "Parking Place" was substituted for "Restricted Road" wherever the latter expression occurs or
 - (2) in the case of all other Parking Places described in Article 1 of this Part the vehicle is being used for any purpose or eventuality specified in Part 2 Article 2 (4) (5) and (7) of this Order which said Articles shall be construed as if "Parking Place" was substituted for "Restricted Road" wherever the latter expression occurs.
4. No person shall except upon the direction or with the permission of a Civil Enforcement Officer Police Constable in uniform or person authorized by the Council cause or permit any vehicle other than a vehicle left in accordance with the provisions of this Part to wait at any time in any of the Parking Places specified in this Part.
5. A Driver of a vehicle shall not use a Parking Place:
 - (1) so as unreasonably to prevent access to any premises adjoining the road or the use of the road by other persons or so as to be a nuisance.
 - (2) when for preventing obstruction of the streets the Council shall by order made on the occasion of any public procession rejoicing or illumination or when the streets are thronged or liable to be obstructed

have closed all or any of such Parking Places and exhibited notice of such closing on or near such Parking Places.

- (3) where under the provisions of Part 7 of this Order the Parking Place has been suspended.
6. The Driver of a 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 in or to depart from the Parking Place.
7. No person shall use any vehicle while it is in a Parking Place or any part thereof without the written consent from the Director of Environment in connection with the sale or attempted sale of any article or in connection with the selling or offering for hire of his skill or services to any person in or near the Parking Place or for the purpose of any exhibition and no vehicle shall be advertised for sale while it is standing in a Parking Place.
- PROVIDED that nothing in this Article shall:
- (i) prevent the sale of goods from a vehicle if the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected or
 - (ii) prevent the use of a Parking Place described in Article 1 (6) of this Part by a Licensed Taxi available for hire.
8. Where a vehicle having been left in a Parking Place remains there at the beginning of the Prescribed Hours either on the same day or on any subsequent day then the vehicle shall be treated for the purposes of this Part as if it had arrived in the Parking Place at the beginning of those hours.
9. No person shall at any time (whether or not within the Prescribed Hours) cause or permit any Goods Vehicle the maximum gross weight of which exceeds 7.5 tonnes to wait in a Parking Place provided that the provisions of this Article shall not apply to any Loading Bay unless otherwise specified.
10. The provisions of this Part shall apply to any Parking Bay as if it were a Parking Place unless specified otherwise.
11. Any person who wilfully or carelessly damages in any way or interferes with the fabric or structure or equipment of a Parking Place or Ticket Machine shall be in contravention of this Order and shall be liable for the cost of repair of the damage.

PART 4 – PARKING PERMITS

PART 4.1 - General

1. The provisions of this Part apply to all Permits referred to herein including replacement Permits unless otherwise specified.
2. For the purposes of this Part any reference to a Permit shall include reference to a Professional Carer's Badge except where a particular type of Permit is referred to expressly or unless specified otherwise.

Application and Issue

3. An application for a Permit shall be made on a form issued by and obtainable from the Council and shall when stipulated be accompanied by the appropriate charge for that Permit as set out in Schedule 2 Part 1.
4. The Council may at any time in addition to the evidence required by the application form and that identified in Part 4.2 of this Order in respect of all different types of Permit require an applicant for a Permit or a Permit Holder to produce to an officer of the Council such evidence as may reasonably be required to verify any particulars or information given or in respect of any Permit issued to verify that the Permit is valid.
5. Upon receipt of an application duly made under the foregoing provisions of this Part the Council upon being satisfied that the applicant has provided the requisite documentation and meets the criteria necessary for the issue of that particular type of Permit shall at its absolute discretion issue to the applicant one Permit and Protective Cover for leaving the vehicle to which such Permit relates during the Prescribed Hours in such Parking Place or Places as is permitted by the particular Permit.

PROVIDED that the provisions of this Article shall apply to any application for the renewal of a Permit save that a further Protective Cover will not be issued unless requested.

6. If a Permit is lost or destroyed the Permit Holder must notify the Council and may apply for the issue to him of a replacement Permit and the Council upon being satisfied as to such loss or destruction shall at its absolute discretion issue a replacement Permit and upon such issue the previous Permit shall become invalid.

Permit Particulars

7. A Permit shall have the following particulars printed thereon:
 - (1) the registration mark of the vehicle in respect of which the Permit has been issued.
 - (2) the period during which subject to the provisions of Article 14 of this Part the Permit shall remain valid.

- (3) the type of Permit and indication that it has been issued by the Council.

PROVIDED that for Professional Carer's Badges Article 7 (1) of this Part shall not apply.

Display of Permit

8. At all times during which a vehicle is left in a Parking Place where a Permit is required to be displayed during the Prescribed Hours the Driver thereof shall cause to be displayed in a Protective Cover affixed to the inside of the front windscreen of the vehicle a valid Permit relating to that Parking Place so that all of the particulars referred to in Article 7 of this Part are visible and can be read in their entirety from the outside of the vehicle either from the front or nearside.

PROVIDED that:

- (i) in the case of a Professional Carer's Badge the badge may be displayed as referred to herein or alternatively suspended from the Driver's rear view mirror in a plastic holder provided by the Council for that purpose provided that the particulars referred to in Article 7 of this Part are visible and can be read in their entirety from the outside of the vehicle either from the front or nearside.
- (ii) where the vehicle is fitted with a windscreen that is not enclosed or is not fitted with a windscreen the Permit is to be displayed on the dashboard or fascia in a suitable and securely affixed holder so that all of the particulars referred to in Article 7 of this Part are visible and can be read in their entirety from the outside of the vehicle either from the front or nearside.
- (iii) where the vehicle is fitted with neither a windscreen, dashboard or fascia the Permit is to be displayed in a conspicuous and secure position on the vehicle so that the particulars referred to Article 7 of this Part are visible and can be read in their entirety from the outside of the vehicle either from the front or nearside.

9.

- (1) Where a Permit has been displayed on a vehicle in accordance with the provisions of Article 8 of this Part no person not being the Driver of the vehicle shall remove the Permit from the vehicle unless authorized to do so by the Driver.
- (2) In the event that a Permit has not been displayed in accordance with the provisions of Article 8 of this Part or its details are illegible because of one or more of the events described in Article 10 of this Part then in such circumstances there shall be a contravention of this Order.

10. If a Permit is mutilated or accidentally defaced or the figures or particulars thereon have been altered or become illegible or the colour of the Permit has

become altered by fading or otherwise the Permit shall become invalid and the Permit Holder must surrender it to the Council and apply to the Council for the issue to him of a replacement Permit.

PROVIDED that if the Council is satisfied that a Permit has been obtained defaced or altered in an attempt to defraud the Council then the Council shall at its absolute discretion be entitled to refuse to issue a replacement Permit.

Dishonoured Cheques

11. Where a Permit is issued pursuant to Article 5 of this Part upon receipt of a cheque and the cheque is subsequently dishonoured the Permit shall cease to be valid and the Council shall, by notice in writing served on the Permit Holder by sending the same by Recorded Delivery to him at the address shown by that person on the application for the Permit or at any other address believed to be that person's place of abode place of business or in the case of a company it's registered office, require that person to surrender the Permit to the Council within the time period prescribed in that notice.

PROVIDED that nothing in this Article shall prevent the Council from requesting a replacement payment by such means and within such time period as shall be prescribed so that upon receipt of such payment the Permit shall remain valid.

Surrender and Withdrawal of Permits

12. A Permit Holder may surrender their Permit to the Council at any time and shall be required to do on the occurrence of any one of the events set out in Article 14 of this Part.
13. Where a charge has been paid for a Permit which is being surrendered under the provisions of the preceding Article the Permit Holder shall be entitled to a refund subject to the provisions of Articles 18 and 19 of this Part.
14. The events referred to in Article 12 of this Part are:
- (1) the Permit Holder ceasing to use the vehicle for the purposes for which the Permit was issued.
 - (2) the Permit Holder ceases to carry out the duties or functions for which the Permit was issued.
 - (3) the issue of a replacement Permit by the Council under the provisions of Article 10 of this Part.
15. The Council may at its absolute discretion should any of the events in Article 14 of this Part occur withdraw the Permit by sending a notice in writing to the Permit Holder by the recorded delivery service and the Permit Holder shall surrender the Permit to the Council upon receipt of that notice before the expiration of the time period specified in the notice.

16. If the Permit Holder fails to surrender the Permit under the provisions of the preceding Article the Council may record in its records that the Permit has been cancelled and the Permit shall be deemed to be invalid from the date of cancellation and if it is then used in such circumstances that shall be deemed to be a contravention under Part 8 of this Order.
17. Notwithstanding the provisions of Articles 15 and 16 of this Part a Permit shall be deemed to be invalid on the occurrence of any of the events referred to in Article 14 of this Part or after the expiry date or period of validity specified thereon and if a Permit is then used in such circumstances that shall be deemed to be a contravention under Part 8 of this Order.

Refund of Charges

18. A Permit Holder who surrenders their Permit to the Council at any time or in respect of any of the events described in Article 14 of this Part with the exception of Article 14 (3) shall be entitled to a refund of part of the charge paid in connection with the issue thereof.
19. The part of the charge which is refundable under the provisions of the preceding Article shall be the amount paid for any complete months of the period specified on the Permit which remain unexpired at the time when the Permit is surrendered to the Council calculated on a monthly pro rata basis and rounded up to the nearest whole pound.

PART 4.2 – Types of Permit

20. The provisions of Part 4.1 of this Order apply to each type of Permit described in this Part in addition to the provisions described herein unless specified otherwise.

Trader's Permits

21. Any applicant for a Trader's Permit shall produce such evidence as may be required by the Council to satisfy itself that the applicant is a Trader and that the vehicle for which the application is made will be used for purposes essential to their trade or business.
22. The total number of Trader's Permits available will be limited and in the event of excess demand there can be no guarantee that every applicant will be issued with a permit or that more than one permit shall be allowed per Trader or that a permit will be available immediately.
23. The issue and display of a valid Trader's Permit allows the Permit Holder to park the vehicle during the Prescribed Hours in a Pay & Display Parking Place as identified in Schedule 1 Part 3 provided that the vehicle is being used for a purpose for which the Permit was issued.

Professional Carer's Badge

24. Any Professional Carer or organisation employing Professional Carer's may apply for a Professional Carer's Badge and shall produce such evidence in support of the application as may be reasonably required by the Council to verify any particulars or information given.
25. The issue and display of a Professional Carer's Badge allows the Professional Carer to park a vehicle during the Prescribed Hours in a Pay & Display Parking Place identified in Schedule I Part 3 for up to one hour or such other period authorized by the Council or, if there is no such place available, in a Restricted Road (on yellow lines) identified in Schedule I Part I for up to one hour or such other period authorized by the Council provided that it is not left in a position that causes an obstruction or danger to others.

PROVIDED that the vehicle is being used for a purpose for which the badge was issued.

PART 5 – PAY & DISPLAY PARKING PLACES

1. Each length of road identified in Schedule I Part 3 is hereby authorized to be used as a Pay & Display Parking Place during the Prescribed Hours for vehicles and or classes of vehicles as described herein.
2. The provisions of Part 3 of this Order apply to this Part and any contravention thereof shall be deemed to be a contravention under this Part and where in Part 3 the words "Parking Place" appear the words "Pay & Display Parking Place" shall be substituted.
3. The number of Parking Bays in the Parking Places described in Article I of this Part shall not exceed the number specified in column 5 of Schedule I Part 3. I and the number and situation of such Parking Bays in the Parking Places shall be as may be determined by the Council.
4. Each Pay & Display Parking Place identified in Schedule I Part 3 may be used subject to the provisions of this Part by vehicles during the Prescribed Hours on payment of such charges as are specified in Schedule 2 Parts 2 and 3 provided that:
 - (1) those vehicles that display a valid Trader's Permit may be left in any of the Parking Places specified in Schedule I Part 3 with exemption from payment of the charges and any limits on time provided that the vehicle is being used for the purposes for which the Permit has been issued.
 - (2) those vehicles that display in the Relevant Position a valid Disabled Person's Badge may be left in any of the Parking Places specified in Schedule I Part 3 with exemption from payment of the charges and any

limits on time provided that the badge is being used in accordance with the provisions of the Blue Badge Scheme.

- (3) those vehicles that display a valid Professional Carer's Badge may be left in any of the Parking Places specified in Schedule I Part 3 with exemption from payment of the charges for a maximum period of one hour or such other period authorised by the Council provided that the vehicle is being used for the purposes for which the badge has been issued.
5. The Driver of a vehicle shall not permit it to wait in a Pay & Display Parking Place for longer than any maximum period permitted for waiting in that Parking Place as specified in Schedule I Part 3 and after a period of waiting shall not return the vehicle to the same Parking Place before the elapse of any no return period specified in that Schedule and shown on the Traffic Sign subject to the provisions of Article 4 of this Part.
6. No person shall insert in a Ticket Machine relating to the Parking Place in which the vehicle is left any additional coin or coins or make additional payment by any other means identified on the machine after payment of the Initial Charge paid in respect of that vehicle.
7. Any person who wilfully avoids or seeks to avoid or assists in avoiding the payment of a parking charge at a Pay & Display Parking Place shall be in contravention of this Order.
8.
 - (1) The charge referred to in Article 4 of this Part shall be payable on the leaving of the vehicle in the Pay & Display Parking Place by the insertion of an appropriate coin or coins into the Ticket Machine provided for the purpose or by such other means as are identified on the Ticket Machine.
 - (2) No change shall be given if any sum is inserted into a Ticket Machine in addition to the Initial Charge referred to in the preceding part of this Article.
 - (3) Any Pay & Display Ticket issued on payment of the charge referred to in the preceding parts of this Article shall be valid for a Pay & Display Parking Place if and so long as the following conditions are satisfied:
 - (a) the ticket is exhibited on the vehicle in the following manner throughout the period of parking paid for;
 - (i) in the case of a vehicle which is fitted with a transparent windscreen by sticking the Pay & Display Ticket on the inside surface of the windscreen on the nearside facing forwards so that the expiry details are clearly visible and readable from the front or nearside of the vehicle or

- (ii) in the case of a vehicle which is not fitted with a transparent windscreen by affixing the Pay & Display Ticket securely on the front of the vehicle on the nearside facing forwards so that the expiry details are clearly visible and readable from the front or nearside of the vehicle.
 - (b) the period paid for by the Initial Charge has not expired as indicated by the expiry date and time printed and displayed on the ticket.
 - (c) the payment made for the Initial Charge is correct for the Parking Place in which the vehicle has been left.
- 9. When a Pay & Display ticket has been exhibited on a vehicle in accordance with the provisions of Article 8 (3) of this Part no person not being the Driver of the vehicle shall remove the ticket or tickets from the vehicle unless authorized to do so by the Driver.
- 10. If at the time when a vehicle is left in a Pay & Display Parking Place during the Prescribed Hours the Ticket Machine nearest to that Pay & Display Parking Place is out of order payment should be made at another machine unless the machine carries a notice affixed by a person authorized by the Council indicating that the Driver shall be exempt from payment of the charge.
- 11. The provisions of this Part shall apply to any Parking Bay as if it were a Parking Place unless specified otherwise.

PART 6 – PAY & DISPLAY COACH PARKING PLACES

- 1. Each length of road identified in Schedule 1 Part 4 is hereby authorized to be used as a Pay & Display Coach Parking Place during the Prescribed Hours for Coaches only on payment of such charges as are specified in Schedule 2 Part 4 or by other vehicles in accordance with Article 2 of this Part.
- 2. A vehicle other than a Coach may only park in a length of road identified in Schedule 1 Part 4 if a written form of consent for the period of parking has been obtained from the Council and is displayed clearly in the front windscreen of the vehicle and on payment of such charges as are specified in Schedule 2 Part 4.
- 3. The provisions of Part 3 of this Order shall apply to this Part and any contravention thereof shall be deemed to be a contravention under this Part and where in Part 3 the words “Parking Place” appear the words “Pay & Display Coach Parking Place” shall be substituted.
- 4. The number of Parking Bays in the Parking Places described in Article 1 shall not exceed the number specified in column 5 of Schedule 1 Part 4.1 and the number

and situation of such Parking Bays in the Parking Places shall be as may be determined by the Council.

5. The Driver of a Coach or other vehicle permitted under the provisions of Article 2 shall not permit it to wait in a Pay & Display Coach Parking Place for longer than any maximum period permitted for waiting in that Parking Place as specified in Schedule I Part 4 and after a period of waiting shall not return the vehicle to the same Parking Place before the elapse of any no return period specified in that Schedule and shown on the Traffic Sign.
6. Any person who wilfully avoids or seeks to avoid or assists in avoiding the payment of a parking charge at a Pay & Display Coach Parking Place shall be in contravention of this Order.
7.
 - (1) The charge referred to in Article 1 of this Part shall be payable on the leaving of the vehicle in the Pay & Display Coach Parking Place by the insertion of an appropriate coin or coins into the Ticket Machine provided for the purpose or by such other means as are identified on the Ticket Machine.
 - (2) No change shall be given if any sum is inserted into a Ticket Machine in addition to the Initial Charge referred to in the preceding part of this Article.
 - (3) Any Pay & Display Ticket issued on payment of the charge referred to in the preceding parts of this Article shall be valid for a Pay & Display Coach Parking Place if and so long as the following conditions are satisfied:
 - (a) the ticket is exhibited on the vehicle in the following manner throughout the period of parking paid for;
 - (i) in the case of a vehicle which is fitted with a transparent windscreen by sticking the Pay & Display Ticket on the inside surface of the windscreen on the nearside facing forwards so that the expiry details are clearly visible and readable from the front or nearside of the vehicle or
 - (ii) in the case of a vehicle which is not fitted with a transparent windscreen by affixing the Pay & Display Ticket securely on the front of the vehicle on the nearside facing forwards so that the expiry details are clearly visible and readable from the front or nearside of the vehicle.
 - (b) the period paid for by the Initial Charge has not expired as indicated by the expiry date and time printed and displayed on the ticket.

8. When a Pay & Display ticket has been exhibited on a vehicle in accordance with the provisions of Article 7 (3) of this Part no person not being the Driver of the vehicle shall remove the ticket or tickets from the vehicle unless authorized to do so by the Driver.
9. If at the time when a vehicle is left in a Pay & Display Coach Parking Place during the Prescribed Hours the Ticket Machine nearest to that Parking Place is out of order payment should be made at another machine unless the machine carries a notice affixed by a person authorized by the Council indicating that the Driver shall be exempt from payment of the charge.
10. The provisions of this Part shall apply to any Parking Bay as if it were a Parking Place unless specified otherwise.

PART 7 – SUSPENSIONS

1. Any person authorized by the Council may temporarily suspend for as long as may be necessary the use of any Parking Place referred to in this Order or any part thereof for the following reasons:
 - (1) on any occasion when it is considered necessary or desirable for traffic management reasons or in the interests of public safety.
 - (2) for any special occasion, street festival, march etc. when the street will be thronged or obstructed in any way.
 - (3) for the purpose of enabling a Public Service Vehicle to wait there.
 - (4) for the purposes of any works by an Undertaker required in connection with any sewer, main, pipe or apparatus for the supply of gas, water or electricity or any telecommunication apparatus as defined in the Telecommunications Act 1984 in or adjacent to the Parking Place.
 - (5) for the purposes of any emergency building operation demolition or excavation works in or adjacent to the Parking Place.
 - (6) for any vehicle in the service of the Council being used in pursuance of its statutory powers or duties and that vehicle cannot reasonably be used for the same purpose in any other road.
 - (7) for the removal or delivery of furniture, plant, machinery, etc. from or to premises adjacent to the Parking Place or for any general building operation, wedding, funeral or other activity connected with premises adjacent to the Parking Place upon application and at the discretion of the Council.
2. Upon receipt of any request to suspend the use of any Parking Place or any part thereof in accordance with Article 1 of this Part the Council may charge such

amount in respect of the implementation of that suspension as is set out in Schedule 2 Part 1.

3. Any person suspending the use of a Parking Place or any part thereof in accordance with the preceding Articles of this Part shall where appropriate:
 - (1) place or cause to be placed over the Ticket Machines within that Parking Place or part thereof hoods or other covers indicating that the use of the Parking Place or part thereof is suspended and that waiting vehicles are prohibited and/or
 - (2) place or cause to be placed in or as close as possible to that Parking Place or part thereof the use of which is to be suspended a Traffic Sign indicating the period during which waiting by vehicles is prohibited.
4. Where hoods or covers or a Traffic Sign indicating the suspension of a Parking Place or any part thereof have been left in accordance with the provisions of Article 3 of this Part no person except a Civil Enforcement Officer Police Constable in uniform or a person authorized by the Council shall remove those hoods or covers or sign.
5. No person shall at any time whether or not within the Prescribed Hours cause or permit a vehicle to be left in any Parking Place or part of a Parking Place during any period when the use of that place has been suspended as indicated under the provisions of Article 3 of this Part.

PROVIDED that nothing in this article shall prevent a vehicle from waiting in a Parking Place or part thereof the use of which has been suspended if it is being used for the purpose for which the suspension has been arranged or with the consent of a Civil Enforcement Officer or person authorized by the Council or in the case of Article 1 (1) or (2) of this Part with the consent of a Police Constable in uniform.
6. A Police Constable in uniform may suspend a Parking Place or any part thereof for a period not longer than 7 days for the purpose of promoting traffic movement or in the interests of public safety.
7. Nothing in this Part shall prevent any Ambulance Police or Fire Service Vehicle from waiting in any suspended Parking Place or part thereof if the vehicle is being used for emergency purposes.
8. The provisions of this Part shall apply to any Parking Bay as if it were a Parking Place.

PART 8 – CONTRAVENTIONS

Penalty Charge Notices

1. If a vehicle is left in any Restricted Road or Parking Place identified in Schedule I to this Order during the Prescribed Hours without complying with the requirements of this Order a contravention shall have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice showing the information required by the Traffic Management Act 2004 may then be issued by a Civil Enforcement Officer or the Council, as the enforcement authority for the purposes of the 2004 Act, in accordance with the requirements of that Act and the Penalty Charge shall be paid in accordance with the payment instructions on the Penalty Charge Notice.
2. Where a Penalty Charge Notice has been attached to a vehicle in accordance with this Part no person not being the Driver of the vehicle a Civil Enforcement Officer Police Constable in uniform or person authorized by the Council shall remove the notice from the vehicle until the vehicle is removed from the Restricted Road or Parking Place.

Removal of a vehicle from a Restricted Road or Parking Place

3. A Civil Enforcement Officer Police Constable in uniform or person authorized by the Council may, if he is of the opinion that any of the provisions contained in this Order have been contravened or not complied with and a Penalty Charge Notice has been issued or in the event of an emergency, in respect of a vehicle left in a Restricted Road or Parking Place, remove the vehicle or cause it to be removed and make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

PROVIDED that:

- (i) when a vehicle is waiting in a Restricted Road or Parking Place in a position contravening any of the provisions of this Order a Civil Enforcement Officer Police Constable in uniform or person authorized by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions or
- (ii) a Civil Enforcement Officer Police Constable in uniform or person authorized by the Council may in the case of an emergency move or cause to be moved to any place he thinks fit any vehicle left in a Restricted Road or Parking Place and
- (iii) any person authorized to either remove or move a vehicle or alter its position by virtue of the provisions of this Part may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.

4. If a vehicle is removed to a car pound after a Penalty Charge Notice has been issued under the provisions of Article 3 of this Part a fee shall be payable to the Council in respect of the removal of the vehicle and a charge per day commencing on midnight after the day of the removal of the vehicle shall be payable in respect of the storage of the vehicle.

General

5. The provisions of this Part shall apply to any Parking Bay as if it were a Parking Place.

PART 9 – LIST OF SCHEDULES

Schedule 1: Waiting, Loading and Parking restrictions

Schedule 2: Charges and Tariffs

Part 1: Permit, Dispensation, Waiver and Administration Charges

Part 2: Pay & Display Charges (on-street, excluding High Street Rottingdean and Coaches)

Part 3: Pay & Display Charges (High Street, Rottingdean only)

Part 4: Pay & Display Charges – Coaches only (on-street)

Schedule 3: Orders to be consolidated

PART 10 – INDEX OF SCHEDULE 1

Index to the Waiting, Loading and Parking restrictions identified in Schedule 1

Parts	
1	No Waiting Restrictions
1.1	At Any Time
1.2	Monday to Sunday 8am to 8pm
1.3	Monday to Sunday 9am to 6pm
2	No Loading/Unloading
2.1	At Any Time
2.2	Monday to Saturday 8am to 9am and 4.30pm to 6pm
3	Pay & Display Parking Places
3.1	Monday to Sunday 9am to 6pm
4	Pay & Display Coach Parking Places
4.1	Monday to Sunday 24 hours of any day
5	Disabled Badge Holders Parking Places
5.1	At Any Time
6	Motorcycle Parking Places
6.1	At Any Time
6.2	Monday to Sunday 9am to 6pm
7	Loading Bays
7.1	At Any Time
7.2	Monday to Sunday 30 mins no return in 1 hour
8	Taxi Ranks
8.1	At Any Time
9	Lifeguard Parking Bays
9.1	At Any Time

PART 11 – HIERARCHY OF RESTRICTIONS

1. The waiting restrictions imposed by Schedule 1 Part 1 in relation to any road do not apply to any length of that road which is subject to parking restrictions specified in Schedule 1 Parts 3 and 4. The restrictions in Schedule 1 Parts 1, 3 and 4 (inclusive) shall not apply to any length of a road specified in Schedule 1 Parts 5, 6, 7, 8 and 9 (inclusive).

The Common Seal of Brighton & Hove)
City Council was affixed on the 28th day)
of November two thousand and eight in)
the presence of)

Amalissa Mackenzie
Authorised Person

