

**BRIGHTON & HOVE CITY COUNCIL  
ROAD TRAFFIC REGULATION ACT 1984**

**BRIGHTON & HOVE (EAST BRIGHTON PARK)  
VARIOUS RESTRICTIONS ORDER 2016**

Brighton & Hove City Council ("the Council"), in exercise of their powers under sections 32 and 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 above named Order:

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**PART 1 – GENERAL**

1. This Order may be cited as the Brighton & Hove (East Brighton Park) Various Restrictions Order 2016 and shall come into operation on the ~~2<sup>nd</sup>~~ day of ~~November~~ 2016.
2. The Brighton & Hove (East Brighton Park) Various Restrictions Order 2014 is hereby revoked.
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;
  - **"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);
  - **"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;

- **“Disabled Badge Holder’s Parking Bay”** means an area within the limits of a Disabled Badge Holders Parking Place indicated by signs authorising it to be used for the leaving of an individual Motor Vehicle in accordance with the provisions of this Order;
- **“Disabled Badge Holder’s Parking Place”** means a length of road or area authorised to be used by Disabled Persons Badge holders for the leaving of Motor 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;
- **“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;
- **“Executive Director Economy, Environment & Culture”** means an officer appointed by the Council for the time being and shall include their authorised agent and representative and any successor of theirs;
- **“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;
- **“Hand-held Device”** means a wireless hand-held computer which is programmed to interface with the Telephone Payment System
- **“Invalid Carriage”** for the purposes of this Order has the same meaning as in Section 136 of the Act of 1984;
- **“Motor Vehicle”** means a mechanically propelled vehicle (without trailer) with 3 or more wheels not being an Invalid Carriage or a Motorcycle and which does not exceed 2 metres in overall height;
- **“Order Key”** means the key shown on the Order Plan to be read in conjunction with that plan which identifies the Prescribed Hours of the Parking Bays, Parking Places, Pay & Display Zones, Pedestrian Zones and Restricted Roads described in this Order;

- **“Order Plan”** means the East Brighton Park Parking Plan contained in Schedule 1 to this Order;
- **“Parking Bay”** means an area within a Parking Place indicated by signs authorising it to be used for the leaving of an individual vehicle in accordance with the provisions of this Order;
- **“Parking Place”** means any Pay & Display Parking Place or Disabled Badge Holders Parking Place shown on the Order Plan for the parking 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 signs authorising 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 signs authorising it to be used as a Pay & Display Parking Place for the leaving of vehicles in accordance with the provisions of this Order;
- **“Pay & Display Ticket”** means a ticket which allows a Motor Vehicle to be parked in a Pay & Display Zone upon payment of the appropriate charge as set out in Part 5 of this Order;
- **“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;
- **“Police Vehicle”** means a vehicle used by a police officer in exercise of his duties;
- **“Prescribed Hours”** means those days and hours specified in the Order Key during which parking, waiting, stopping, loading/unloading or the passage of vehicles is restricted or prohibited within the areas identified on the Order Plan subject to the provisions of this Order;
- **“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, part of a road or other area identified on the Order Plan where a restriction on parking applies in accordance with the provisions of this Order;
- **“Restricted Parking Zone”** means an area identified on the Order Plan where it is regulated by where a restriction on parking applies in accordance with the provisions of this Order;
- **“Service Provider”** means the contractor authorised by the Council to accept payment of the parking charge on its behalf and to keep a record of that parking charge and the vehicle, Parking Place and parking period in respect of which that payment has been made by the Telephone Payment System;
- **“Telecommunications Apparatus”** has the same meaning as in the Telecommunications Act 1984 Schedule 2;
- **“Telephone Payment System”** means an electronic system, using a telephone connection set up and maintained by the Service Provider whereby:
  - (a) the driver of a vehicle, or some other person authorised by that driver on their behalf, uses a telephone to communicate with the Service Provider and make payment of the parking charge and any additional Transaction Fee in respect of a specified vehicle, a specified Parking Place and for a specified parking period by use of a debit or credit card; and
  - (b) the Service Provider, on behalf of the Council, accepts payment of the parking charge by the method referred to in paragraph (a) of this definition and records such payment together with the parking period for which payment has been made, the Parking Place in which the vehicle is left, and the registration mark of the vehicle in respect of which payment has been made;'
- **“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 Pay & Display Tickets indicating that a charge has been paid and showing the date and time of their validity;
- **“Transaction Fee”** means a fee payable to the Service Provider in respect of a parking charge paid by means of the Telephone Payment System and indicated on a sign or Ticket Machine associated with the Parking Place in which the vehicle for which the parking charge has been paid has been left
- **“Undertaker”** has the same meaning as in Section 48 (4) of the New Roads and Street Works Act 1991;

- (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 is a reference to the Schedule 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.
4. Nothing in this Order unless otherwise specified shall apply to a Pedal Cycle.
  5. Neither the Council nor its authorised representatives shall be liable for any loss of or damage to any vehicle in a Restricted Road, Parking Bay or Parking Place or its fittings or contents or in consequence of any vehicle being removed from such a place identified in this Order.

## **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 authorised by the Council cause or permit any vehicle to park, stop or wait in any Restricted Road identified on the Order Plan during the Prescribed Hours.

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) 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.

- (4) 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.
- (5) 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.

PROVIDED that:

- (i) 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 authorised by the Council whenever such moving may be reasonably necessary for the purpose of preventing obstruction or danger.

### **PART 3 – PARKING PLACES**

1. Each length of road or area identified on the Order Plan as a Parking Place is hereby authorised to be used during the Prescribed Hours for the parking of vehicles or classes of vehicles as set out below.
  - (1) Pay & Display Parking Places for use by Motor Vehicles only in accordance with Part 4 of this Order.
  - (2) Disabled Badge Holder's Parking Place for use by Motor 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.
2. The limits of each Parking Place shall be indicated by signs and any vehicle standing in a Parking Place shall stand wholly within any 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 Places only the vehicle is being used for any purpose or eventuality specified in Part 2 Article 2 (1) (2) (3) (4) (5) ~~(6)~~ and ~~(8)~~ of this Order which said Articles shall be construed as if "Parking Place" was substituted for "Restricted Road" wherever the latter expression occurs
  - (2) in the case of all other Parking Places identified on the Order Plan the vehicle is being used for any purpose or eventuality specified in Part 2 Article 2 (3) (4) and (5) 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 authorised 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 Parking Place or the use of the Parking Place by other persons or so as to be a nuisance.
  - (2) when for preventing obstruction of the streets or East Brighton Park 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 6 of this Order the Parking Place has been suspended.
6. The Driver of a vehicle using 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 Executive Director Economy, Environment & Culture 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 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
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. 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.
10. The provisions of this Part shall apply to any Parking Bay as if it were a Parking Place unless specified otherwise.

#### **PART 4 – PAY & DISPLAY PARKING PLACES**

11. Each area shown on the Order Plan as a Pay & Display Parking Place is hereby authorised to be used during the Prescribed Hours for vehicles and or classes of vehicles as described herein.
12. 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.
13. Each Pay & Display Parking Place may be used subject to the provisions of this Part by Motor Vehicles during the Prescribed Hours on payment of such charges as are specified in Article 4 of this Part.

PROVIDED that those vehicles that display in the Relevant Position a valid Disabled Person's Badge may be left in a Pay & Display Parking Place 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.

4. The charges referred to in Article 3 of this Part shall be as follows:

- |                                   |       |
|-----------------------------------|-------|
| (a) for a period of up to 1 hour  | £0.50 |
| (b) for a period of up to 2 hours | £1.00 |
| (c) for a period of up to 4 hours | £2.00 |
| (d) for a period of up to 6 hours | £3.00 |

5. The Driver of a vehicle shall not permit it to wait in a Pay & Display Place for longer than any maximum period permitted for waiting in that zone as specified in the Order Key and upon leaving that place shall not return the vehicle to the same place before the elapse of any no return period specified in that key and shown on the sign subject to the provisions of Article 3 of this Part.
6. Any person who wilfully avoids or seeks to avoid or assists in avoiding the payment of a parking charge at a Pay & Display Place shall be in contravention of this Order.
  - 1) A charge as referred to in Articles 3 and 4 of this Part shall be payable on the leaving of a vehicle in a Pay & Display Zone by one of the following means as identified on a Ticket Machine or Traffic Sign associated with that zone:

- (a) the insertion of the appropriate coin or combination of coins accepted by that Ticket Machine for the amount of the parking charge for the parking period for which payment is being made;
- (b) the insertion into that Ticket Machine of a valid credit or debit card which shall be debited with the amount of the parking charge for the parking period for which payment is being made; or
- (c) the Telephone Payment System.

PROVIDED that additional payment(s) may be made by one of the means described for a further period or periods of parking subject to the total period of parking by that vehicle in that Parking Place not exceeding the maximum period permitted in accordance with Article 5.

- (2) If the sum of any coin or coins inserted into a Ticket Machine exceeds any of the exact amounts identified in Article 4 and a Pay & Display Ticket has been issued by the machine then no change shall be given.
- (3) Upon payment of a charge by the means specified in either Article 8 (1) (a) or (b) a Pay & Display Ticket issued by the Ticket Machine shall be valid if and for 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 either sticking the Pay & Display Ticket on the inside surface of the windscreen on the nearside facing forwards or by placing it on the dashboard on the nearside facing upwards so that in either case 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 dashboard on the nearside facing upwards so that the expiry details are clearly visible and readable from the front or nearside of the vehicle.
  - (b) the period paid for has not expired as indicated by the expiry date and time printed and displayed on the ticket and subject to the provisions of Article 5.
- (4) When payment has been made in accordance with Article 8 (1) (c) there shall be no requirement to display a Pay & Display Ticket and evidence of that the charge as referred to in Article 3 and 4 has been paid shall be provided by the appearance on a Hand-held Device of

- (a) an indication that the correct payment has been made in respect of that vehicle together with details of the date and time of expiry of the parking period for which that payment has been made; and
  - (b) an indication that the parking period for which payment has been made has not expired.
- 8. 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 authorised to do so by the Driver.
- 9. In the case of either of the means of payment described in Articles 8 (1) (a) and (b) if at the time when a vehicle is left in a Pay & Display Zone during the Prescribed Hours a Ticket Machine is out of order payment should be made at another machine either within that zone or another zone situated within East Brighton Park unless the machine carries a notice affixed by a person authorised by the Council indicating that the Driver shall be exempt from payment of the charge.

#### **PART 5 – SUSPENSIONS**

- 1. Any person authorised 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, festival, march etc. when the streets or East Brighton Park will be thronged or obstructed in any way.
  - (3) 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.
  - (4) for the purposes of any emergency building operation demolition or excavation works in or adjacent to the Parking Place.
  - (5) 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 or area.
  - (6) 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 at its discretion charge such amount in respect of the implementation of that suspension as it considers to be reasonable.
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 any 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 sign indicating the period during which waiting by vehicles is prohibited.
4. Where hoods or covers or a 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 authorised by the Council shall remove those hoods 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 authorised 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. 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.
7. The provisions of this Part shall apply to any Parking Bay as if it were a Parking Place.

## **PART 6 – CONTRAVENTIONS**

### **Penalty Charge Notices**

1. If a vehicle is left in any Restricted Road or Parking Place identified in the Order Plan 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 authorised 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 authorised 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 authorised 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 authorised 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 authorised 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 7 - LIST OF SCHEDULES**

Schedule 1: Order Plan and Order Key

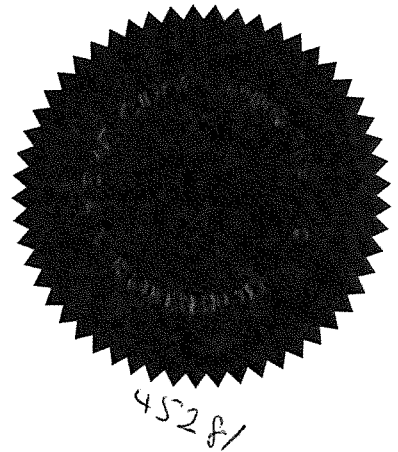
**MADE UNDER THE COMMON SEAL OF  
BRIGHTON & HOVE CITY COUNCIL**

this *23<sup>rd</sup>* day of *November* 2016

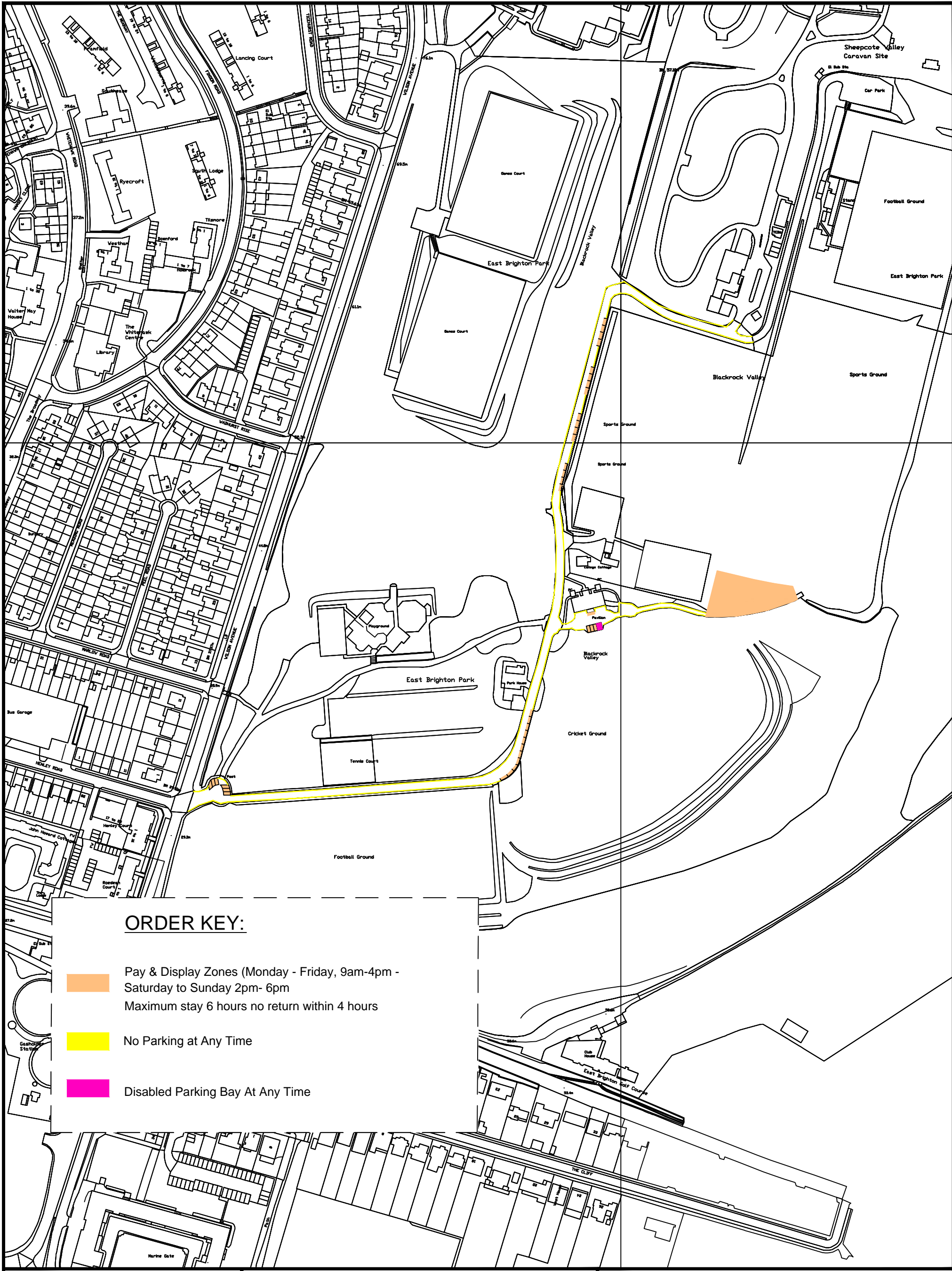
Executed as a deed by affixing the common seal of  
**BRIGHTON & HOVE CITY COUNCIL** in the presence of






.....  
Authorised Officer







**ORDER KEY:**

-  Pay & Display Zones (Monday - Friday, 9am-4pm - Saturday to Sunday 2pm- 6pm  
Maximum stay 6 hours no return within 4 hours
-  No Parking at Any Time
-  Disabled Parking Bay At Any Time

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**EAST BRIGHTON PARK  
PARKING PLAN  
SCHEDULE 1**

Scale : 1:2500  
Sheet active from : 28th November 2016