

ELLESMERE PORT & NESTON BOROUGH COUNCIL (OFF-STREET PARKING PLACES) (NESTON) ORDER 2008

Ellesmere Port and Neston Borough Council (hereinafter referred to as "the Council") with the consent of the Cheshire County Council in exercise of their powers under Sections 32(1)(a) and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984") and of all other enabling powers and after consultation with the Chief Officer of Police and in accordance with Parts I to IV of Schedule 9 to the Act of 1984 and Part 6 of the Traffic Management Act 2004 ("the Act of 2004") hereby make the following Order:

USE OF THE PARKING PLACES

1. The area of land specified in the first Column of Schedule 1 or Schedule 2 to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicle and on such days and during such hours and on payment of such charges as are specified in relation to the area in this Order and in Schedule 1 and Schedule 2.
2. The driver of a vehicle shall, unless the vehicle is displaying a valid parking permit issued by the Borough Council or is being used as provided for in Articles 15 and 18 of this order, be required to pay such charges specified in the third Column of Schedule 1, to permit the vehicle to wait in a parking place within the controlled hours as specified in the second Column of Schedule 1.
3. The driver of a vehicle shall not cause or permit to cause a vehicle to wait in the parking place specified in the first Column of Schedule 2 unless it is within the controlled hours as specified in the second Column of Schedule 2.
4. The driver of a vehicle shall not cause or permit the vehicle to wait in the parking place unless it is of such specified class of vehicle prescribed in the fourth Column of Schedule 1 or the third Column of Schedule 2.
5. No person shall use a vehicle whilst it is in the parking place in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services or use the vehicle in any way whatsoever to direct members of the public to any place or building or display any form of advertisement whatsoever without prior arrangement with and the permission of the Council in writing.
6. No driver of a vehicle shall cause or permit the vehicle to wait in a position other than in a parking bay or specified position in the parking place except with the permission of the Council. Every part of the vehicle must be within the limits of the parking bay and not more than one motor vehicle shall occupy any one such parking bay.
7. No person shall, except with the permission of any person duly authorised by the Council in that behalf, drive any vehicle in the parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

8. All vehicles shall be driven in a reasonable manner with due care and consideration for other users of the parking places.
9. No person shall, in a parking place, use any threatening, abusive or insulting language, gesture or behaviour with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
10. No person shall use any part of a parking place or any vehicle left in a parking place for:
 - (a) sleeping or camping purposes; or
 - (b) eating or cooking purposes; or
 - (c) the purposes of servicing, washing, cleaning, constructing, maintaining or repairing any vehicle or part thereof other than is reasonably necessary to enable that person to depart from the parking place.
11. In a parking place no person shall:
 - (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council, nor
 - (b) light or cause or permit to be lit any fire.
12. No person shall use any parking place in an improper and disorderly manner, particularly for the use of ball games or any other activity that is likely to cause annoyance and nuisance to other users of the parking place or residents of premises in the neighborhood.
13. Where in the parking place signs are erected or surface markings laid for the purpose of:
 - (a) indicating the entrance to or exit from the parking place; or
 - (b) indicating that a vehicle using the parking place shall proceed in a specified direction in the parking placedrivers should follow the sign posted directions.
14. Notwithstanding the provisions of this Order the Council may, by notice displayed at or near the parking place, close the parking place or part thereof for any period of time and no driver of any vehicle shall cause or permit the use of such a parking place or part thereof when it is so closed.
15. If at any time in a parking bay or bays there is displayed a notice that a particular bay or bays is or are reserved for the leaving of pedal cycles, solo motor cycles or vehicles specified in Articles 18 and 19 hereof no person shall leave a vehicle in any such parking bay or bays other than for the purposes so specified. Motorcycles with a sidecar attached will be treated as a private motor car.
16. When a vehicle is accompanied by a trailer, the trailer must be parked in

a parking bay and a charge must be paid for the trailer equivalent to the charge payable in respect of the vehicle. Both tickets must be displayed in the vehicle bearing the registration mark of such trailer.

17. The Borough Council may enter into contracts for;

- (a) the issue of an annual or seasonal parking permit at full reduced seasonal rates or,
- (b) for specific uses at designated locations at charges to be agreed and published to include for the continued free use of the parking bays for Borough Council staff and Borough Councillors displaying a valid permit issued by the Borough Council. No driver shall cause or permit a vehicle to be parked in a parking bay marked "disabled" unless the vehicle;
- (a) is carrying a disabled person who is in possession of a disabled persons badge in accordance with Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 which must be displayed on the vehicle in accordance with Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and
- (b) is displaying a disabled persons badge on the vehicle in accordance with the regulations referred to in 18(a) above.

19. Permit Parking Bay

- (a) No driver shall cause or permit a vehicle to be parked in a parking bay marked for permit holders unless the vehicle is displaying a current and valid parking permit.
- (b) A permit holder will be subject to the provisions of this Order whilst parked in a parking place.

20. No driver of a vehicle parked in an area marked as pick up point shall leave the vehicle unattended.

21. AMOUNT AND METHOD OF PAYMENT OF THE CHARGE AND DISPLAY OF TICKETS

- (a) Except for vehicles referred to in Article 15, 18 and 19 of this Order the charge for a vehicle left in the parking place will be that specified in the third Column of Schedule 1 to this Order being a charge payable for the periods of leaving a vehicle in a parking place prescribed in the second Column of Schedule 1 during the controlled hours specified thereof.
- (b) Except for the charges payable in accordance with Article 17, the charge specified in Article 21(a) of this Order shall be payable on leaving the vehicle in the parking place by the insertion in the ticket machine provided in the parking place (being a machine, apparatus or device approved by the Secretary of State for Transport for such purposes) a coin or coins, notes or payment, debit or cards (if applicable) of at least to the value specified of the stay.

- (c) Payment of the charge for the vehicle left in the parking space shall be evidenced by the issue of a numbered ticket from the ticket machine indicating the day and the time and the manner of display specified in paragraph (d) of this Article.
- (d) Upon payment of the charge for the vehicle the driver thereof shall exhibit on the vehicle the ticket issued by the ticket machine or in the case of a driver who is the holder of a contract with the Council in accordance with Article 17 above, a parking permit, by affixing the ticket or parking permit to the inside surface of the windscreen so that it is facing forwards and the time, date, payment and the other details on the face of the ticket or permit can be easily seen from the front of the vehicle.
- (e) No vehicle which, having displayed a ticket, has been taken away from a parking place during the controlled hours shall, until the 'no return' period as defined in the third Column Schedule 1, again be left in that parking place during the controlled hours.

22. PENALTY CHARGE

- (a) If a vehicle is left in the parking place specified in:
 - i. Schedule 1 where no ticket is exhibited on the vehicle in accordance with Article 21d of this Order; or
 - ii. Schedules 1 for longer than the period for which payment was made; or
 - iii. Schedules 1 and 2 the vehicle is parked outside a marked parking bay; or
 - iv. Schedules 1 and 2 the vehicle is parked in contravention of Articles 14, 15, 16, 18, 19 or 20.
 - v. Schedule 1 the driver of the vehicle does not use the parking place for its proper purpose in contravention of Articles 3 and 4; or
 - vi. Schedule 2 the driver of the vehicle does not use the parking place for its proper purpose in contravention of Articles 5, 6, 7, 8, 9, 10, 11, 12, or 13; or
 - vii. Schedules 1 and 2 where the vehicle is carrying a disabled person and has been left in the parking place for a period longer than the four hours without further payment; or
 - viii. Schedule 1 where the vehicle is not displaying a current and valid Ellesmere Port and Neston Borough Council car parking permit; or
 - ix. where a solo motorcycle is parked within a bay not designated for motorcycle use

a penalty charge shall be payable as detailed in Schedule 3 of this order.

- (b) In the case of a vehicle in respect to which a penalty charge is

payable, a penalty charge notice showing the information required by the Act of 2004 may then be issued by a civil enforcement officer in accordance with the said Act.

23. RESTRICTION ON REMOVAL OF NOTICES

Where a notice has been attached to a vehicle in accordance with the provisions of Article 22 of this Order, no person not being the driver of the vehicle or a duly authorised representative of the Council shall remove the notice from the vehicle unless authorised to do so by the driver.

- 24.** In the case of an emergency any civil enforcement officer or other person duly authorised by the Council a Police Constable may move or cause to be moved vehicles left in the parking place to any place they consider fit.

25. REVOCATION

None.

- 26.** In this Order, except where the context otherwise states the following expressions have the meanings hereby respectively assigned to them:

"Civil Enforcement Officer" has the same meaning as in section 76 of the Act of 2004.

"Disabled person and Disabled person's badge" shall have the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

"Disabled person's vehicle" is a vehicle carrying a disabled person and displaying a disabled person's badge as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

"Driver" in relation to an alleged offence under Section 35(A) of the Act, shall have the same meaning as that defined in section 142(1) of the Road Traffic Regulation Act 1984.

"Loading" means the loading of goods in to a vehicle.

"Market Traders Permit" means a permit issued by the council to market traders for the use of a parking place which is for that vehicle only so identified on the duly authorised permit.

"Motor car" shall have the same meaning as that defined in Section 136(2) of the Road Traffic Regulation Act 1984.

"Motorcycle" has the same meaning as in Section 136 of the Act of 1984.

"Owner" in relation to a vehicle, has the same meaning as in Section 92(1) of the Act of 2004 or the person who has the use of such a vehicle in the course of his/her employment and is entitled to use a vehicle as though he/she were the registered keeper thereof.

"Parking Bay" means any part of the parking place marked out by means of white lines or otherwise for the leaving of a vehicle.

"Parking Place" means the parking place specified in the first Column of Schedule 1 or Schedule 2.

"Penalty charge" has the same meaning as in Section 92(1) of the Act of 2004.

"Penalty charge notice" has the same meaning as in section 8(1) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

"Permit Holder" means the owner of a vehicle who has a permit issued by the Council for the use of a parking place which is for the use of that vehicle only so identified on the duly authorised permit.

"Permit Parking Bay" means a parking bay allocated to a Permit holder in accordance with and subject to any provisions imposed by the Council contained in a separate contract made between the Permit Holder and the Council.

"Pick Up Point" means any part of the Parking Place marked out as pick up point.

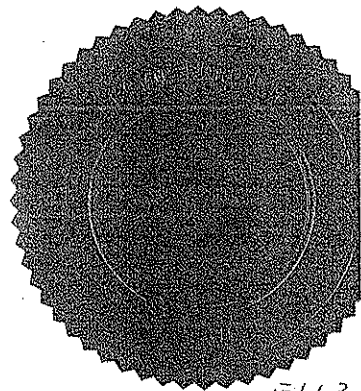
"The Charge" means the appropriate charge to be paid by the driver of a vehicle using the parking place in accordance with the third Column of Schedule 1 hereto.

"Ticket Machine" means apparatus of a type and design approved by the Secretary of State for Transport for the purpose of this Order being apparatus designed to issue parking tickets indicating the payment of a charge and the date and time at which the charge was paid.

"Unloading" means the unloading of goods from a vehicle.

27. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
28. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
29. This Order shall come into effect on the 1st day of April 2009 and may be cited as the Borough of Ellesmere Port & Neston (Off Street Parking Places) (Charging) Order 2008.

THE COMMON SEAL of ELLESMERE PORT)
AND NESTON BOROUGH COUNCIL)
was hereby affixed this 27 day of March)
Two thousand and nine in the presence of:)



15663

Mayor

Karl Field

Rosemary Hyson

Interim Head of Legal and Member Services

SCHEDULE 1 – Charging car parks

No.	Column 1 Location of parking place	Column 2 Controlled hours	Column 3 Charge per parking place	Column 4 Class of vehicles permitted to park in parking place
1	Chester Road car park – being generally bounded by Chester Road, Brook Street, High Street and the railway line and shown on plan numbered PPO/Neston/01	<p>Monday to Sunday</p> <p>8am to 6pm</p> <p>Up to 3 hours</p> <p>No return in 1 hour</p> <p>Except on market days and during the holding of a fair when no parking is permitted</p>	Nil charge	<p>Motor cars licensed as private</p> <p>Motor vehicles displaying a valid parking permit issued by the Borough Council</p> <p>Motorcycles with or without sidecar</p> <p>Goods vehicles not exceeding 3000 kilograms unladen weight</p> <p>Vehicles displaying in the relevant position a current disabled persons badge and being used for the conveyance of a person with disabilities</p>

SCHEDULE 2 – Non-charging car parks

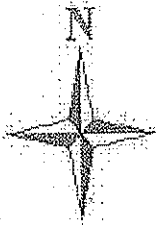
No.	Column 1 Location of parking place	Column 2 Controlled hours	Column 3 Class of vehicles permitted to park in parking place
1	British Legion car park – being generally bounded by Chester Road, the Bowling Green and the railway line and shown on plan numbered PPO/Neston/02	Monday to Saturday 8am to 6pm 6pm to 8am	Motor cars licensed as private Motor vehicles displaying a valid parking permit issued by the Borough Council Motorcycles with or without sidecar Goods vehicles not exceeding 3000 kilograms unladen weight Vehicles displaying in the relevant position a current disabled persons badge and being used for the conveyance of a person with disabilities No parking without a permit issued by the British Legion
2	Neston Library car park – being generally bounded by Beechways Drive, the alleyway running between Parkgate Road and Beechway Drive and surrounded by areas of turf and shown on plan numbered PPO/Neston/03	Monday to Sunday 8am to 6pm	Motor cars licensed as private Motor vehicles displaying a valid parking permit issued by the Borough Council Motorcycles with or without sidecar Goods vehicles not exceeding 3000 kilograms unladen weight Vehicles displaying in the relevant position a current disabled persons badge and being used for the conveyance of a person with disabilities

SCHEDULE 3

The penalty charge for higher level contraventions will be set at Band 2 as defined in the provisions of the Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof.

All other contraventions of the Order not so defined as higher level contraventions in accordance with the Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 or any amendment or re-enact thereof, will be set at the lower level of penalty charge as defined in those regulations.

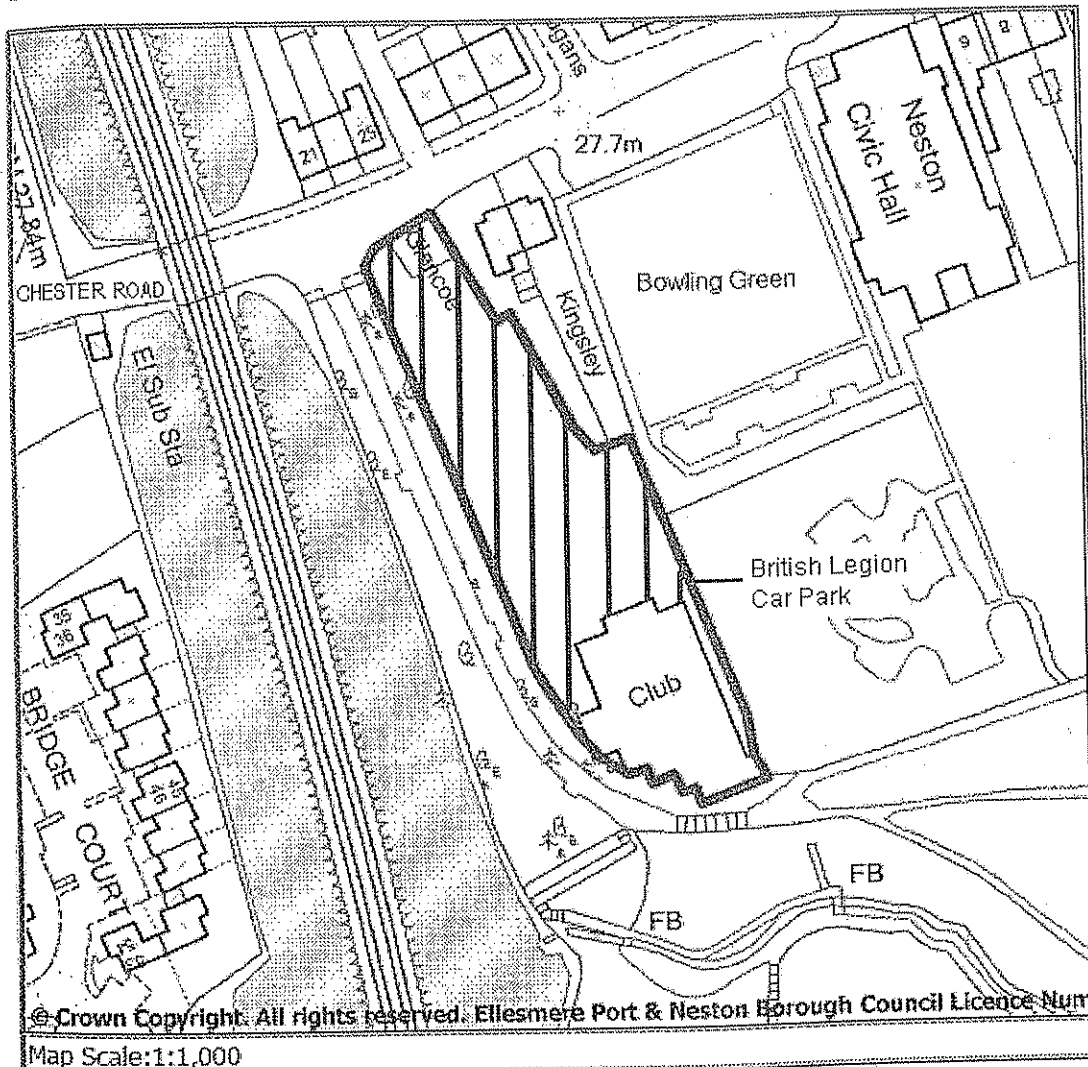
If no payment is made within 28 days of the serving of the Penalty Charge Notice the Council may issue a Charge Certificate in accordance with the provisions of Regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.



British Legion Car Park, Neston

DRAWING No.: PPO/Neston/02

Date: Nov 2008

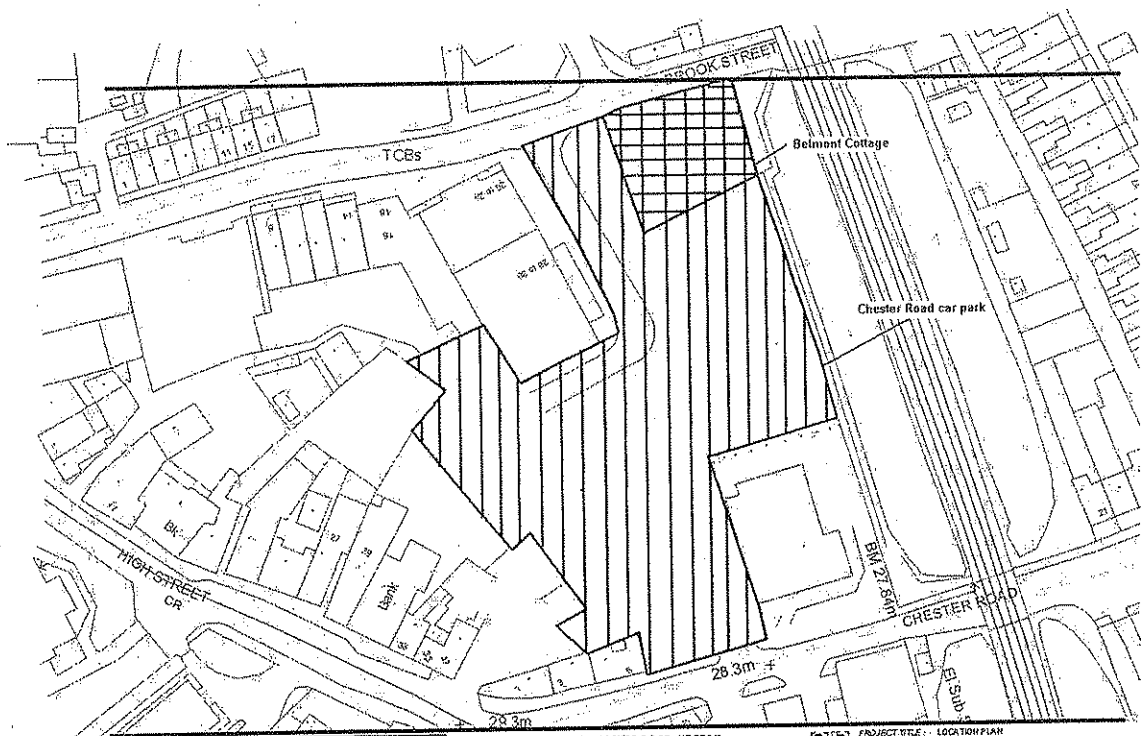



About This Map

This map has been created for the purpose of showing basic locality information over Ellesmere Port & Neston Borough Council. Any error should be reported to the ICT Support Unit.

Disclaimer

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APPROVALS		REVISIONS		CAR PARK, CHESTER ROAD, NESTON		PROJECT TITLE: LOCATION PLAN	
Client Auto. Reg. Planning Supervisor Planning Env. Officer Highway Engineering Other				Project: Chester Road & Brook Street Client: Neston Council Drawn: P. J. Jones Checked: M. J. Jones		DRAWING TITLE: CAR PARK, CHESTER ROAD, NESTON	
						SCALE: 1:1000	
						DRAWN BY: MARTIN CLAYDON	
						DRAWING NO: PPO/Neston/01	
						DATE: Nov 2000	

