

CHESHIRE WEST AND CHESTER BOROUGH COUNCIL
(OFF-STREET PARKING PLACES, ELLESMERE PORT)
ORDER 2013

Cheshire West and Chester Borough Council (hereinafter called "the Council") in exercise of its powers under Sections 32 and 35 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984, as amended ("the 1984 Act"), the Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers and after consulting with the chief officer of police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

PART I
GENERAL

Commencement and Citation

1. This Order shall come into operation on 12 April 2013 and may be cited as the Cheshire West and Chester Borough Council (Off-Street Parking Places, Ellesmere Port) Order 2013.

Interpretation

2.1 In this Order:

"Charging Days" means every day of every year (including bank holidays);

"Charging Hours" means the period in respect of each Parking Place as specified in the Schedules to this Order (as amended from time to time) and as advertised at each respective Parking Place on all Charging Days;

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council in accordance with Section 76 of the 2004 Act to supervise the Parking Places and enforce the restrictions imposed by this Order;

"Disabled Person's Badge" means a badge issued by any Local Authority for use in a Vehicle in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or a badge having effect under those Regulations as if it were a Disabled Person's Badge;

"Expiry Time" is the time indicated on the Pay and Display Ticket and is the time by which the Vehicle must leave the Parking Place;

"Hackney Carriage" means a vehicle that is licensed by the Council denoted by a white licence plate that is permitted to ply for hire on the street;

"Loading/Unloading" refers to when a Vehicle is parked wholly in a Parking Place or Parking Bay marked for that purpose on site, for the purpose of delivering or collecting goods or merchandise or loading or unloading the Vehicle at premises adjacent to the Parking Place or Parking Bay and the Vehicle does not park for more than thirty minutes or such longer period as a duly authorised officer of the Council may authorise;

"Motor Cycle" refers to a solo motorcycle only and excludes any motor cycle which has a side-car or trailer, or which has more than two wheels;

"Owner" in relation to a Vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the Vehicle was left in the Parking Place in question;

"Parking Bay" means an area of a Parking Place, which is provided for the leaving of a Vehicle of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place;

"Parking Charge" means the cost of purchasing a Pay and Display Ticket at the respective Parking Places as set out in the Schedules to this Order (as amended from time to time) and as advertised at each respective Parking Place;

"Parking Disc" means a blue parking disc which indicates the time of arrival and is issued with a Disabled Person's Badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"Parking Permit" means a season ticket, contract permit, business permit, staff permit, visitor permit or resident's permit of a type and design issued by the Council 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;

"Parking Place" means an area of land provided by the Council pursuant to Section 32(1) of the 1984 Act designated by this Order for the purpose of leaving of Vehicles and not closed (in part or in whole) by a notice erected thereon by authority of the Council;

"Pay and Display Ticket" means a ticket issued by a Ticket Machine located in the Parking Place in which the Vehicle has been left or issued by a person nominated by the Council on payment of the appropriate charge and valid for a parking period as advertised at that Parking Place;

"Penalty Charge" and **"Penalty Charge Notice"** have the same respective meanings as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Permit Holder" means a person to whom a Parking Permit has been issued;

"Permit Parking Bay" means a Parking Bay allocated to or useable by a Permit Holder;

"Pick Up Point" means any area within a Parking Place marked on site as a pick up point;

"Relevant Position" means that:

- (a) in respect of a Vehicle displaying a valid Disabled Person's Badge:
 - (i) in the case of a Vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 (the front of the badge), is legible from outside the Vehicle; or
 - (ii) in the case of a Vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the Vehicle so that Part 1 of the badge is legible from outside the Vehicle;

- (b) in respect of a Vehicle displaying a Pay and Display Ticket or Parking Permit:
 - (i) the ticket or permit is exhibited on the inside surface of the windscreen or in a clearly visible position so that it is facing forwards and can be easily seen and read from the front or side of the Vehicle; or
 - (ii) in the case of a Vehicle that is not fitted with a transparent windscreen, the ticket or permit is exhibited on the front of the Vehicle facing forwards and clearly visible;
- (c) in respect of a Vehicle displaying a Hackney Carriage plate the plate must be affixed to the Vehicle in accordance with the instructions given within the licence as issued by the Council

“Ticket Machine” means an apparatus of a type and design approved by the appropriate Minister for the purpose of the 1984 Act, being apparatus designed to issue Pay and Display Tickets which indicate the payment of a charge, and the date and time of such payment, or the time at which the Vehicle must leave the Parking Place;

“Trailer” has the same meaning as the definition used in the Road Vehicles (Construction and Use) Regulations 1986;

“Vehicle” means any motor car, Motor Cycle or other mechanically propelled automobile.

- 2.2 The Interpretation Act 1978 shall apply for the purposes of interpreting this Order as if it was an enactment and any reference in this Order to any enactment shall include subordinate legislation and shall be construed as a reference to that enactment as amended, applied, consolidated or re-enacted by, or having effect by virtue of, any subsequent enactment.

PART II

DESIGNATION AND USE OF PARKING PLACES

Designation

3. Each area of land specified in the Schedules to this Order may be used, subject to the provisions of this Order, as a place to leave Vehicles of such classes, in such positions as are marked on site, on such days, during such hours, for such periods and on payment of such charges as specified in the Schedules to this Order (as amended from time to time) and as advertised at each respective Parking Place (and for the avoidance of doubt the Council reserves the right to vary the number and location of the Parking Bays within each Parking Place from time to time).

Class and position of Vehicle

4. Where by notice at a Parking Place, a Parking Place is described as available for Vehicles of a specified class or Vehicles to be left in a specified location, no person shall cause or permit a Vehicle to wait in that Parking Place or in any Parking Bay within the Parking Place: (i) unless it is of the specified class; (ii) that is parked beyond the Parking Bay markings; or (iii) in a position other than that specified.
5. 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 Pay and Display Tickets must be displayed in the Relevant Position in the Vehicle bearing the registration mark of such Trailer.

Permit bays

6. No person shall cause or permit a Vehicle to wait in a Parking Bay marked as reserved for Permit Holders unless it is displaying in the Relevant Position a valid Parking Permit and (where appropriate) does not exceed any maximum time period marked on site.

Pick Up Points

7. No person shall leave a Vehicle unattended in a Pick Up Point at any time nor cause or permit a Vehicle to wait in a Pick Up Point for a period in excess of five minutes.

Disabled Persons' Parking Bays

8. No person shall cause or permit a Vehicle to wait in a Parking Bay marked for disabled persons unless the vehicle displays a valid Disabled Person's Badge and correctly set time clock in the Relevant Position and immediately before or immediately after the act of parking the Vehicle has been or is about to be used by the person(s) in respect of whom the Disabled Person's Badge has been issued.

Hackney Carriage bays

9. No person shall cause or permit a Vehicle to park in an area marked as a Parking Bay for use by Hackney Carriages unless the vehicle displays in the Relevant Position a valid Hackney Carriage plate issued by the Council.

Loading/Unloading bays

10. No person shall cause or permit a Vehicle to park in any area marked as a Parking Bay for the purpose of Loading/Unloading unless the Vehicle is being used for the purpose of Loading/Unloading.

Motor Cycle parking bays

11. No person shall cause or permit a Vehicle to park in a Parking Bay marked for Motor Cycles unless the Vehicle is a Motor Cycle.

Driving within a Parking Place

12. Where in a Parking Place signs are erected or surface markings are 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 within the Parking Place, no person shall drive or permit to be driven any Vehicle (i) so that it enters the Parking Place otherwise than by an entrance, or leaves the Parking

Place otherwise than by an exit, so indicated or, (ii) in a direction other than so specified.

13. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any Vehicle in a Parking Place for any purpose other than the purpose of leaving that Vehicle in the Parking Place in accordance with the provisions of this Order or for the purposes of departing from the Parking Place.

Maximum period of stay

14. Where by notice, a Parking Place or a Parking Bay within a Parking Place is described as available on specified days, during specified hours or for a maximum period of stay, no person shall cause or permit a Vehicle to park in that Parking Place or Parking Bay on any day, during such hours or for any period other or longer than those specified.

Period of no return

15. Where by notice, a Parking Place is described as having a period within which a Vehicle may not return, no person shall cause or permit that Vehicle to park again in that Parking Place on that day, during such period.

Power to close or set aside Parking Places

16. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in a Parking Place:
 - (i) from closing a Parking Place or any part thereof for any period; and/or
 - (ii) from setting aside a Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular Vehicles or organisations.
17. Any person closing or setting aside the use of a Parking Place or any part thereof in accordance with the provisions of the preceding Article shall thereupon place or cause to be placed in or adjacent to that Parking Place or that part thereof a notice or traffic sign indicating that the use of that Parking Place or that part thereof is (as the case may be) closed or set aside and that parking by unauthorised Vehicles is prohibited.

18. No person shall cause or permit a Vehicle to be left in a Parking Place or any part thereof during such periods as there is in or adjacent thereto a notice or traffic sign placed by or on behalf of the Council in pursuance of the preceding two Articles.

Use of Parking Places

19. No person shall in a Parking Place without the express written permission of the Council, use a Vehicle, in connection with the sale of any article, including the Vehicle itself, to any person in or near the Parking Place or in connection with the selling or offering for hire of skill or services in any other capacity.
20. No person shall: (a) use any Vehicle left in a Parking Place for sleeping or camping or cooking; or (b) service any Vehicle or part thereof other than is reasonably necessary to enable that Vehicle to depart from the Parking Place.
21. All Vehicles shall be driven in a reasonable manner with due care and consideration for other users of the Parking Places.

Parked with engine running

22. The driver of a Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in the Parking Bay and shall not start the engine except when about to change the position of the Vehicle in or to depart from the Parking Place.

Parked causing an obstruction

23. The driver of a Vehicle using Parking Place shall not park the vehicle in such a manner or place where it causes an obstruction to any other users of the Parking Place.

PART III

CHARGES FOR PARKING

Payment

24. The driver of a Vehicle using a Parking Place shall upon leaving the Vehicle in the Parking Place pay the appropriate Parking Charge in accordance with the scale of current charges set out in the Schedules to this Order (as amended from time to time) and as advertised at that Parking Place.

Pay and Display Parking Places

25. The driver of a Vehicle using a Parking Bay within the Parking Place, shall upon parking the Vehicle in a Parking Bay and prior to leaving the Parking Place, obtain a Pay and Display Ticket at the level of charge and for the period required in accordance with the scale of current charges as set out in the Schedules to this Order (as amended from time to time) and as advertised at that Parking Place.

Means of payment

26. The Parking Charges shall be payable in the manner and by the amount advertised at that Parking Place.

Display of ticket

27. The driver of a Vehicle shall ensure that a valid Pay and Display Ticket has been obtained to cover the entire period that the Vehicle is parked in the Parking Bay, and display the Pay and Display Ticket issued at that Parking Place in the Relevant Position on the Vehicle in respect of which it was issued.
28. Insofar as a Vehicle is left in a Parking Place where a free parking period is available the driver thereof shall obtain and display in the Relevant Position a Pay and Display Ticket and the Parking Charge for the free period shall for the purposes of this Order be deemed to have been paid.

Validity of Pay and Display Tickets

29. A Pay and Display Ticket is not transferable from one Vehicle to another and on any purported transfer the Pay and Display Ticket ceases to be valid.
30. A Pay and Display Ticket is valid only in the Parking Place in which it was issued. This is defined by the reference code of the Ticket Machine located in that Parking Place printed on the Pay and Display Ticket.

Expiry of parking period

31. The expiry of the period for which the appropriate Parking Charge has been paid shall be indicated when the time shown on the clock of the issuing Ticket Machine is later than the Expiry Time shown on the Pay and Display Ticket.

No Pay and Display Ticket displayed

32. If at any time a Vehicle is left in a Parking Place and no Pay and Display Ticket is displayed on that Vehicle in the Relevant Position, it shall be deemed that the Parking Charge has not been paid.
33. If at the time when a Vehicle is left during the Charging Hours in a Parking Place and on the nearest Ticket Machine in that Parking Place there is a notice placed by any person duly authorised by the Council, indicating that the Ticket Machine is out of order, then a Pay and Display Ticket shall be obtained from another Ticket Machine within the same Parking Place (where provided).
34. Where no valid Pay and Display Ticket can be obtained and displayed (as a result of all Ticket Machines in a Parking Place being out of order), Vehicles may be left in that Parking Place for no longer than the maximum period of parking in that Parking Place as specified in the Schedules to this Order (as amended from time to time) and as advertised at the parking place and the drivers of those Vehicles shall be exempt from the requirement to purchase a Pay and Display Ticket.

Restriction on removal

35. When a Pay and Display Ticket or Parking Permit has been exhibited on a Vehicle in the Relevant Position, no person shall remove the Pay and Display Ticket or Parking Permit from the Vehicle until the Vehicle is removed from the parking place.

PART IV
EXEMPTIONS FROM CHARGES

36. No Parking Charge shall be payable in respect of:
- (i) Emergency services vehicles while in use for such purposes,
 - (ii) Vehicles authorised by the Council for specified purposes,
 - (iii) Motor Cycles when parked in areas marked as reserved for Motor Cycles,
 - (iv) Vehicles displaying a Disabled Person's Badge in the Relevant Position provided that the Vehicle immediately before or after the act of parking has been used or is about to be used by the person(s) in respect of whom the Disabled Person's Badge is issued.

PART V
RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES

Removal of vehicle

37. A person authorised by the Council may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any Vehicle left in a closed or set aside Parking Place and the cost of movement or removal and safe keeping shall be the recoverable from the Owner of the Vehicle.

Emergencies

38. A person authorised by the Council or a Police Constable in uniform may, using such measures as appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any Vehicle left in a Parking Place. Any person removing a Vehicle from a Parking Place under the provisions of this Article shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the Vehicle.

Disposal of Vehicles abandoned in Parking Places

39. The Council may sell or otherwise dispose of, in accordance with current legislation, a Vehicle which has been, or could at any time be, removed from a Parking Place if the Vehicle appears to have been abandoned.

PART VI CONTRAVENTION AND PENALTY CHARGE

Contravention

40. If a Vehicle is left in a Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable for each day of the said contravention or non-compliance. A Penalty Charge Notice showing the information required by the 2004 Act may then be issued by a Civil Enforcement Officer in accordance with the requirements of the 2004 Act.

PART VII OTHER PROVISIONS

Behaviour

41. The driver of a Vehicle using a Parking Place shall not sound any horn or other similar instrument except when about to change the position of the Vehicle in or to depart from the Parking Place.
42. 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.
43. 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 neighbourhood.

44. No person shall erect or cause or permit to be erected any tent, booth, stand, building or other structure without the consent of the Council or light or cause or permit to be lit any fire

Liability

45. The Council accepts no liability for the loss or damage to Vehicles or other property left in any of the Parking Places to which this Order applies except as a result of negligence of the Council.

PART VIII REVOCATION

Revocation

46. The Ellesmere Port and Neston Borough Council (Off-street Parking Places) (Consolidation and Civil Enforcement) Order 2008 is hereby revoked with effect from the date of the coming into force of this Order.

The Common Seal of

Cheshire West and Chester Borough Council

was hereunto affixed this 2nd day of April 2013

in the presence of:

Authorised Signatory



CHESHIRE WEST AND CHESTER BOROUGH COUNCIL (OFF-STREET PARKING PLACES, ELLESMERE PORT) ORDER 2013 SCHEDULES

SCHEDULE 1

Name of Parking Place	Classes of Permitted Vehicles	Hours of Operation	Charging Hours	Charges	Maximum Period for which Vehicle may wait
Civic Centre Car Park	Motor cars Goods vehicles 3.5 tonnes maximum gross weight Motor Cycles	24 hours	Monday to Sunday including bank holidays 8am – 6pm	Arrivals before 3pm Up to 2 hours 50p Up to 4 hours 70p Up to 6 hours £1.00 Over 6 hours £1.50 Arrivals after 3pm Free	No limit
	Vehicles displaying in the relevant position a valid disabled person's badge and parking disc, and being used for the conveyance of a person with disabilities	24 hours	Monday to Sunday including bank holidays	Free	For a period not exceeding 4 hours by the same vehicle on the same day in the same parking place
	Vehicles displaying a valid parking permit as required by the Council	24 hours	Monday to Sunday including bank holidays	In accordance with terms and conditions of issue	

SCHEDULE 2

Name of Parking Place	Classes of Permitted Vehicles	Hours of Operation	Charging Hours	Charges	Maximum Period for which Vehicle may wait
Westminster Car Park	Motor cars Goods vehicles 3.5 tonnes maximum gross weight Motor Cycles	24 hours	Monday to Sunday including bank holidays 8am – 6pm	Arrivals before 3pm Up to 2 hours 50p Over 2 hours £1.00 Arrivals after 3pm Free	No limit
	Vehicles displaying in the relevant position a valid disabled person's badge and parking disc, and being used for the conveyance of a person with disabilities	24 hours	Monday to Sunday including bank holidays	Free	For a period not exceeding 4 hours by the same vehicle on the same day in the same parking place
	Vehicles displaying a valid parking permit as required by the Council	24 hours	Monday to Sunday including bank holidays	In accordance with terms and conditions of issue	

SCHEDULE 3

Name of Parking Place	Classes of Permitted Vehicles	Hours of Operation	Charging Hours	Charges	Maximum Period for which Vehicle may wait
Wellington Road Car Park	Motor cars Goods vehicles 3.5 tonnes maximum gross weight Motor Cycles	Monday to Sunday including bank holidays 7am - 7pm	Monday to Sunday including bank holidays 8am – 6pm	Arrivals before 3pm Up to 2 hours 50p Over 2 hours £1.00 Arrivals after 3pm Free	No limit.
	Vehicles displaying in the relevant position a valid disabled person's badge and parking disc, and being used for the conveyance of a person with disabilities	Monday to Sunday including bank holidays 7am - 7pm	Monday to Sunday including bank holidays	Free	For a period not exceeding 4 hours by the same vehicle on the same day in the same parking place
	Vehicles displaying a valid parking permit as required by the Council	Monday to Sunday including bank holidays 7am - 7pm	Monday to Sunday including bank holidays	In accordance with terms and conditions of issue	

SCHEDULE 4

Name of Parking Place	Classes of Permitted Vehicles	Hours of Operation	Charging Hours	Charges	Maximum Period for which Vehicle may wait
Marina Drive	Motor cars Goods vehicles 3.5 tonnes maximum gross weight Motor Cycles	24 hours	Monday to Sunday including bank holidays 8am – 6pm	Arrivals before 3pm Up to 1 hour 70p Arrivals after 3pm Free	Maximum stay of 1 hour with no return within 1 hour
	Vehicles displaying in the relevant position a valid disabled person's badge and parking disc, and being used for the conveyance of a person with disabilities	24 hours	Monday to Sunday including bank holidays	Free	For a period not exceeding 4 hours by the same vehicle on the same day in the same parking place

SCHEDULE 5

Name of Parking Place	Classes of Permitted Vehicles	Hours of Operation	Charging Hours	Charges	Maximum Period for which Vehicle may wait
Civic Way Service Road	Motor cars Goods vehicles 3.5 tonnes maximum gross weight Motor Cycles	24 hours	Monday to Sunday including bank holidays 8am – 6pm	Arrivals before 3pm Up to 1 hour 70p Arrivals after 3pm Free	Maximum stay of 1 hour with no return within 1 hour
	Vehicles displaying in the relevant position a valid disabled person's badge and parking disc, and being used for the conveyance of a person with disabilities	24 hours	Monday to Sunday including bank holidays	Free	For a period not exceeding 4 hours by the same vehicle on the same day in the same parking place

SCHEDULE 6

Name of Parking Place	Classes of Permitted Vehicles	Hours of Operation	Charging Hours	Charges	Maximum Period for which Vehicle may wait
Shrewsbury Road Car Park	Motor cars Goods vehicles 3.5 tonnes maximum gross weight Motor Cycles	24 hours	Monday to Sunday including bank holidays 8am – 6pm	Arrivals before 3pm Up to 2 hours 50p Up to 4 hours 70p Over 4 hours £3.00 Arrivals after 3pm Free	No limit
	Vehicles displaying in the relevant position a valid disabled person's badge and parking disc, and being used for the conveyance of a person with disabilities	24 hours	Monday to Sunday including bank holidays	Free	For a period not exceeding 4 hours by the same vehicle on the same day in the same parking place
	Vehicles displaying a valid parking permit as required by the Council	24 hours	Monday to Sunday including bank holidays	In accordance with terms and conditions of issue	

SCHEDULE 7

Name of Parking Place	Classes of Permitted Vehicles	Hours of Operation	Charging Hours	Charges	Maximum Period for which Vehicle may wait
McGarva Way Car Park	Motor cars Goods vehicles 3.5 tonnes maximum gross weight Motor Cycles	24 hours	Monday to Sunday including bank holidays 8am – 6pm	Arrivals before 3pm Up to 2 hours 50p Up to 4 hours 70p Over 4 hours £3.00 Arrivals after 3pm Free	No limit
	Vehicles displaying in the relevant position a valid disabled person's badge and parking disc, and being used for the conveyance of a person with disabilities	24 hours	Monday to Sunday including bank holidays	Free	For a period not exceeding 4 hours by the same vehicle on the same day in the same parking place
	Vehicles displaying a valid parking permit as required by the Council	24 hours	Monday to Sunday including bank holidays	In accordance with terms and conditions of issue	

SCHEDULE 8

Name of Parking Place	Classes of Permitted Vehicles	Hours of Operation	Charging Hours	Charges	Maximum Period for which Vehicle may wait
Town Centre Car Park	Motor cars Goods vehicles 3.5 tonnes maximum gross weight Motor Cycles	24 hours	Monday to Sunday including bank holidays 8am – 6pm	Arrivals before 3pm Up to 2 hours 50p Up to 4 hours 70p Arrivals after 3pm Free	For a period not exceeding 4 hours by the same vehicle on the same day in the same parking place
	Vehicles displaying in the relevant position a valid disabled person's badge and parking disc, and being used for the conveyance of a person with disabilities	24 hours	Monday to Sunday including bank holidays	Free	For a period not exceeding 4 hours by the same vehicle on the same day in the same parking place
	Vehicles displaying a valid parking permit as required by the Council	24 hours	Monday to Sunday including bank holidays	In accordance with terms and conditions of issue	