

DENBIGHSHIRE COUNTY COUNCIL
ROYAL PAVILION CAR PARK LLANGOLLEN
(OFF-STREET PARKING PLACE) ORDER 2011

DENBIGHSHIRE COUNTY COUNCIL ("the Council") in exercise of its powers under Section 35(1) and (3) of the Road Traffic Regulation Act 1984 as amended) ("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 MAKES the following Order:-

PART 1
CITATION & INTERPRETATION

1. This Order shall come into operation on the 24th January 2011 and may be cited as the "Denbighshire County Council (Royal Pavilion Car Park) (Off-Street Parking Place) Order 2011"

2. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to "the Schedule" is a reference to the Schedule to this Order

(2) In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

"authorised agent" means the parking services contractor appointed by or duly authorised to act on behalf of the Council for the purposes of the supervision and enforcement of this Order;

"authorised officer" means the Head of Transport and Infrastructure for the Council or any other officer of the Council to be designated by the Council;

"charging hours" means any period specified in column 5 of the Schedule in respect of which a charge is specified in column 7 of the Schedule

"civil enforcement officer" shall have the same meaning as in Section 76 of the Traffic Management Act 2004

"disabled person's vehicle" has the same meanings as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (Wales) Regulations 2000;

"disabled person's badge " and "parking disc" mean the badge and disc issued by a local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 or being a badge having effect under these regulations as if it were a disabled person's badge;

"driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in that parking place;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;

"goods" means goods or burden of any description and includes postal packets of any description;

"immobilisation device" has the same meaning as in Section 104(9) of the Act of 1984;

"institution" means an institution concerned with the care of disabled persons to which a disabled persons badge may be issued in accordance with Section 21(4) of the Chronically Sick and Disabled Persons Act, 1970;

"institutional badge" means a disabled persons badge issued to an institution;

"loading" means the loading or unloading of goods to or from a vehicle;

"motor cycle" and "invalid carriage" have the same meanings as in Section 136 of the Act of 1984;

"owner", in relation to a vehicle means the person by whom the vehicle is kept. In determining who was the owner of the vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

"parking attendant" means a person authorised by or on behalf of the Council to supervise any Parking Place

"parking bay" means any area of the Parking Place which is provided for the leaving of a vehicle and indicated by markings on the surface of the Parking Place

"parking place" means the area of land specified by name and description in column 1 of the Schedule provided by the Council under Section 32(1) of the Act for use as a Parking Place

"parking ticket" means a ticket lawfully obtained from a ticket machine provided by the Council at the Parking Place for the period and at the charge and on the days respectively specified in relation to the Parking Place

"penalty charge" shall have the same meaning as in Sections 72, 77 and 78 of the Traffic Management Act 2004

"permit" means a permit issued under the provisions of this order;

“permit holder” means a person to whom a permit has been issued under the provisions of this order;

“permitted hours” means the hours identified in the Schedule to this Order;

“relevant position” in respect of: -

- (a) a disabled person’s badge, means
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that part 1 of the badge is legible from the outside of the vehicle; or
 - (ii) 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 the outside of the vehicle;
- (b) a disabled person’s parking disc, means that the side showing the quarter hour during which the period of waiting began is legible from outside the vehicle;
- (c) a parking ticket or permit:-
 - (i) in the case of a vehicle fitted with a front windscreen a permit or parking ticket as the case may be is exhibited thereon with the front side facing forwards on the near side of and immediately behind the windscreen so that the same is readable from the outside of the vehicle
 - (ii) in the case of a vehicle not fitted with a front windscreen the permit or parking ticket as the case may be is exhibited in a conspicuous and readable position on the vehicle

“sign” means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act of 1984.

“specified position” a vehicle left in a parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand:-

in the case of the parking place in relation to which special provisions as to the manner of standing of a vehicle in that place are specified so as to be in accordance with those provisions;

“The Act of 1984” means the Road Traffic Regulation Act 1984;

“ticket machine” means the apparatus or device provided by the Council for the issue of parking tickets appropriately dated and time stamped such apparatus or device having been specifically or generally approved by the National Assembly for Wales for such purpose

"vehicle" shall have the same meaning as "motor vehicle" under Section 136 of the Act

(3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament

PART II AUTHORISATION AND USE

3. (1) The area of land specified by name in column 1 of the Schedule may be used SUBJECT TO the following provisions of this Order as a Parking Place for such classes of vehicles in such positions on such days and during such hours as are specified in relation to the area in the Schedule

(2) Where in columns 2 and 3 of the Schedule the Parking Place is described as available for vehicles of a specified class or in a specified position the driver of a vehicle shall not permit it to wait in the Parking Place unless it is of the class and in the position so specified

(3) Where within the Parking Place there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person's vehicle

(4) In the case where parking bays are marked on the surface by white lines the driver of a vehicle shall not permit it to wait in the Parking Place unless the vehicle is parked wholly within such a parking bay

(5) where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a vehicle bearing a permit issued under Article 4(6) the driver of a vehicle shall not permit it to wait in that parking bay unless it is a vehicle bearing such a permit

(6) where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a motorcycle the driver of a vehicle shall not permit it to wait in that parking bay unless it is a motorcycle

(7) The driver of a vehicle shall not permit it to wait in the Parking Place for longer than the maximum period permitted for waiting specified in column 6 of the Schedule in relation to the Parking Place and

(8) Not later than the expiry of the parking period in respect of which the appropriate charge has been paid under Article 4(2) the driver shall remove the vehicle from the Parking Place and when a vehicle has left the Parking Place after waiting therein the driver thereof shall not within one hour after its leaving permit it to wait again in the Parking Place

PART III
PAYMENT FOR PARKING AT PARKING PLACE

4. (1) This Article applies to the Parking Places specified by name and description in column 1 of the Schedule
- (2) Insofar as a vehicle is left in a Parking Place during the charging hours the driver thereof shall immediately on leaving the vehicle in the Parking Place pay the appropriate charge as specified in column 7 of the Schedule
- (3) The charge referred to in the last preceding paragraph shall be payable by the insertion of an appropriate coin or coins into the ticket machine provided being an apparatus or device approved in accordance with Section 35(3) of the 1984 Act (or making payment by means of a mobile phone using a debit or credit card if applicable)
- (4) If no such ticket machine as referred to in paragraph (3) of this Article is provided in any particular Parking Place specified in column 1 of the Schedule then the charge shall be payable to a parking attendant
- (5) Any parking ticket issued on payment of the charge referred to in paragraph (2) of this Article shall be attached and displayed in a conspicuous position to the vehicle in respect of which it was issued
- (6) The owner of a vehicle may on application to the Council purchase a permit in respect of that vehicle for such charge as shall be specified from time to time by the Council and that permit shall be valid in such parking places and subject to such conditions as are specified thereon during the period for which it is issued

PART IV
PENALTY CHARGE

5. If a person contravenes any provision(s) of this Order they will be liable to pay a penalty charge
6. The penalty charge shall be paid in the manner specified on the penalty charge notice

PART V
OTHER PROVISIONS

7. The driver of a motor 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 or to depart from the Parking Place
8. No person shall use a vehicle while it is in a Parking Place in connection with the sale of the said vehicle or any other article to persons in or near the Parking Place or in connection with the selling or offering for hire of his skills or services

9. The driver of a vehicle shall not permit that vehicle to wait in a Parking Place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988

10. The driver of a motor 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

11. No person shall use any part of a Parking Place or any vehicle left in a Parking Place:-

(a) for sleeping or camping purposes

(b) for cooking purposes or

(c) for the purposes of servicing or washing or carrying out any work of maintenance or repair to any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place

12. Subject to the proviso hereto when a vehicle is left in a Parking Place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle or arrange for it to be removed from that Parking Place and the cost to the Council of removing any vehicle from a Parking Place pursuant hereto and thereafter of making such arrangements as may be reasonably necessary for the safe custody thereof in accordance with Article 23 shall be rechargeable to the driver and shall be recoverable from him as a debt provided that when a vehicle is waiting in a Parking Place in contravention of the provisions of Article 3(2) and (4) a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions

13. For the purpose of meeting the requirements of an emergency a person authorised by the Council in that behalf or a police constable in uniform may alter or cause to be altered the position of a vehicle in a Parking Place or remove or arrange for the removal of a vehicle from a Parking Place

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

15. No person shall in a Parking Place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the Parking Place or residents of premises in the neighbourhood

16. No person shall in a Parking Place use any threatening abusive or insulting language gesture or conduct 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

17. No person shall knowingly exhibit on any vehicle any parking ticket which has been altered defaced mutilated or added to or upon which the figures or particulars have become illegible

18. When a parking ticket has been exhibited on a vehicle in accordance with the provisions of Article 4(5) no person shall remove the parking ticket from the vehicle until the vehicle is removed from the Parking Place

19. No person shall use the Parking Place as a means of passage proceeding from one road to another road

20. Where in a Parking Place signs are erected or surface markings are laid for the purposes 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 cause 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 that specified as the case may be

21. The following vehicles left in a Parking Place shall be exempt from any limitation on time and from the payment of any charge specified in the Schedule namely:-

- (i) an invalid carriage
- (ii) a vehicle issued to a disabled person by the Department for Work and Pensions in lieu of an invalid carriage

22. 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 or
- (b) light or cause or permit to be lit any fire

23. Any person removing or altering the position of a vehicle by virtue of Article 12 may do so by towing or driving the vehicle in such 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

24. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a Parking Place by virtue of Article 12 he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle

PART VI
CLOSURE OF PARKING PLACES AND SUSPENSION OF OPERATION OF
ORDER

25. (1) Nothing in Article 3(1) of this Order shall restrict the power of the Council to close the Parking Place or any part thereof
(2) Without prejudice to the provisions of Article 25(1) the Council shall be entitled to suspend any or all of the provisions of this Order on such occasions and for such periods as they shall think fit

GIVEN UNDER THE COMMON SEAL)
of DENBIGHSHIRE COUNTY COUNCIL)

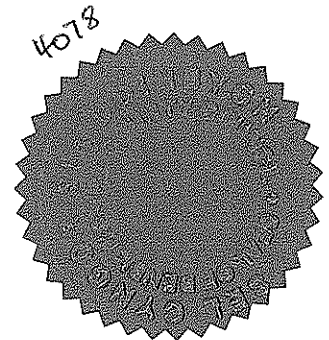
This 18th day of February 2011)

Chairman

Meirick S. Davies

Authorised Signatory

Janet Kennedy



1. Name of Parking Place/Car Park	2. Position in which vehicle may wait	3. Class of Vehicle	4. Days of Operation of Parking Place	5. Hours of Operation of Parking Place when Charge is payable	6. Maximum Period for which vehicles may wait	7. Scale of Charges
Royal Pavilion Car Park Llangollen Upper and Lower car parks	Wholly within a parking bay where such bays are marked or as directed by the parking attendant	Motor Car motor cycle and invalid carriage and motor vehicles not exceeding 30 cwts unladen weight constructed or adapted solely for the purpose of carrying goods	Monday to Sunday	8.00 a.m. to 12.00 midnight	A 16 hour period between the hours of 8.00 a.m. to 12.00 midnight subject to Column 5	The charges will be as displayed on site