

**DONCASTER BOROUGH COUNCIL
ELMFIELD HOUSE CAR PARK
(OFF STREET PARKING PLACES) ORDER 2009**

Doncaster Borough Council (hereinafter referred to as "the Council") in exercise of its powers under Section 35 of the Road Traffic Regulation Act 1984 and Part 6 of the Traffic Management Act 2004 and all other enabling powers hereby makes the following Order: -

1. This Order shall come into operation on the *second* day of *March* 2009 and may be cited as the Doncaster Borough Council (Elmfield House Car Park) (Off-Street Parking Places) Order 2009

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 Schedules to this Order

2. (2) In this Order: -

"1984 Act" means the Road Traffic Regulation Act 1984

"2004 Act" means the Traffic Management Act 2004

"Article" means an Article of the Order unless otherwise stated and includes reference to any paragraph of that Article referred to by number or letter

"Bank Holiday" means a day which is or is observed as a bank holiday or a holiday under the Banking and Financial Dealings Act 1971 or any statutory re-enactment or modification for the time being in force

"bus" means a motor vehicle as defined by the Traffic Signs and General Directions 2002

"Civil Enforcement Officer" means a person employed by the Doncaster Borough Council for the purposes of the enforcement (inter alia) of this Order;

"concessionary permit" means a permit issued by the Council to either a person employed at the Register Office or Elmfield House or to a visitor to the Register Office or Elmfield House to be displayed in a vehicle for the duration of the vehicles stay in the Elmfield House Car Park

"Council" means the Doncaster Borough Council

"disabled persons badge" as defined by the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

"disabled persons vehicle" has the same meaning as in the Local Authority Traffic Orders (Exemptions for Disabled Persons)

(England and Wales) Regulations 1986

“driver” in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place or the person deemed to be the driver under the terms of this Order

“Large Goods Vehicle” has the same meaning as defined in the Road Traffic Act 1988

“invalid carriage” has the same meaning as defined by The Use of Invalid Carriages on Highways Regulations 1988 and used within the terms of those Regulations

“operational hours” means any period specified in column 5 of the First Schedule to this Order

“owner” in relation to a vehicle means the person by whom such vehicle is kept and used

“paragraph” means a paragraph or sub-paragraph of the Article in which the word appears

“parking bay” means any area of a 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 any area of land specified by name in column 1 of the First Schedule to this Order provided by the Council under Section 32(1) of the 1984 Act for use as a parking place

“Parking Services Manager” means an Officer for the time being appointed to that post by the Council

“Penalty Charge” means a charge set by the Parking Authority in accordance with guidance given by the Secretary of State under the provisions of the 2004 Act and specified in the Penalty Charge Notice

“Penalty Charge Notice” means a Notice issued a Civil Enforcement Officer pursuant to the provisions of the 2004 Act

“Relevant position” means:

- (a) In the case of a vehicle fitted with a front windscreen the badge is exhibited thereon with the obverse side facing forwards on the nearside of and immediately behind the windscreen
- (b) In the case of a vehicle not fitted with a front windscreen the badge is exhibited in a conspicuous position on the front or nearside of the vehicle

“Secretary of State” means the Secretary of State for Transport

“Schedule” means a schedule of this Order unless otherwise stated

“Traffic sign” means a sign of any size colour and type prescribed or authorised under or having effect as though prescribed or authorised in the Traffic Signs Regulations and General Directions 2002

“Uniform” in relation to the 2004 Act means a mode of dress worn by a Civil Enforcement Officer as determined and supplied by the Parking Authority provided that such mode of dress shall at all times clearly identify that the wearer is engaged on parking enforcement duties for the Council and includes the personal identification number of the Civil Enforcement Officer

2. (3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies to an Act of Parliament

USE OF LAND AND PARKING PLACE

3. (1) Each area of land specified by name in Column 1 of the Schedule to this Order 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 that area in that Schedule
3. (2) Where in the Schedule to this Order a 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 that parking place unless it is of the class and in the position so specified
3. (3) Where within a 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 displaying a current disabled person’s badge
3. (4) The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in Column 6 of the Schedule to this Order
3. (5) When a vehicle has left a parking place after waiting therein the driver thereof shall not within two hours after its leaving permit it to wait again in that parking place
3. (6) Nothing in sub paragraph 3(1) above shall restrict the power of the Council to close any parking place or part thereof for the purpose of carrying out alterations or repairs or for such other reasons as may be specified
3. (7) The Council shall be entitled to suspend any or all of the provisions of this Order on such occasions and for such purposes as it thinks fit

CIRCUMSTANCES IN WHICH A PENALTY CHARGE WILL BE PAYABLE

4. (1) If a vehicle is left in a parking place during the operational hours either:-
 - (i) without a valid concessionary permit being displayed which is left in a parking place for a longer period than specified in Article 6 to this Order
 - (ii) if a vehicle other than a disabled persons vehicle displaying a disabled persons badge in the relevant position is parked in a parking bay marked as available only for a disabled persons vehicle
 - (iii) returning within two hours of leaving the same parking place in contravention of Article 3(5) of this Order
 - (iv) if the vehicle is left in a parking place other than wholly within a marked parking bay
 - (v) if the vehicle is an large goods vehicle
 - (vi) if the vehicle is a bus which is left in a parking place without a valid concessionary permit being displayed

CONCESSIONARY PERMITS

5. (1) The owner of any vehicle may on application to the Council apply for a concessionary permit in respect of that vehicle which shall be displayed in a conspicuous position on the vehicle in respect of which it is issued
5. (2) Any concessionary permit applied for under the provisions of Article 5(1) above will only be valid when the vehicle is left in a parking bay on the Elmfield House Car Park
5. (3) The Council may by notice in writing served on the concessionary permit holder withdraw any concessionary permit if the Council considers it appropriate to do so on the expiry of one month from the date of the notice
5. (4) The Council may require an applicant for a concessionary permit to produce to an officer of the Council such evidence in respect of the application as may reasonably be required to verify any particulars or information given
 - (i) The concessionary permit may be surrendered to the Council at any time and must be surrendered to the Council on the occurrence of any of the events set out in paragraph (iii) of this Article
 - (ii) The Council may by notice in writing served on the

concessionary permit holder at the address shown by that person on the application for the concessionary permit or at any other address considered appropriate by the Council withdraw a concessionary permit if it appears to the Council that any of the events set out in paragraph (iii) of this Article has occurred and the concessionary permit shall be surrendered to the Council within 48 hours of the receipt of the said notice

- (iii) the events referred to in the foregoing provisions of this Article are:-
- (a) the concessionary permit holder causing or permitting the concessionary permit to be used for reward
 - (b) if in the opinion of the Council the use of the concessionary permit is being abused
 - (c) the issue of a duplicate concessionary permit by the Council under the provisions of Article 11(i) or (ii) of this Order
 - (d) The concessionary permit holder ceasing to be a person employed at the Register Office or Elmfield House

A concessionary permit shall cease to be valid on the occurrence of any of the events set out in paragraph (iii) above

- (5)
- (i) If a concessionary permit is mutilated or defaced or the particulars on it have become illegible or it has become altered by fading or otherwise the concessionary permit holder shall surrender it to the Council and may then apply to the Council for the issue of a duplicate concessionary permit
 - (ii) If a concessionary permit is lost or destroyed the holder may apply to the Council for the issue of a duplicate concessionary permit
 - (iii) The provisions of this Order shall apply to a duplicate concessionary permit and an application for such concessionary permit as if it were a concessionary permit or as the case may be an application for a concessionary permit
 - (iv) The issue of a duplicate concessionary permit by virtue of the provisions of paragraph (i) or (ii) of this Article shall render the original concessionary permit invalid

PENALTY CHARGE AND PAYMENT

6. (1) In the case of a vehicle in respect of which a Penalty Charge is payable under the provisions of Article 4, 16 and 17 of this Order a Penalty Charge Notice may be issued by a Civil Enforcement Officer in accordance with the requirements of the 2004 Act
6. (2) A Penalty Charge Notice shall contain the details required by the 2004 Act
6. (3) Where a Penalty Charge Notice has been issued the Penalty Charge shall be payable by the owner of the vehicle in respect of which the Notice was issued in accordance with the 2004 Act
6. (4) The Penalty Charge shall be paid to the Council in the manner specified in the Notice referred to in Article 6(1) of this Order

RESTRICTION OF REMOVAL OF NOTICES

7. When a Notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the Notice from the vehicle

OTHER PROVISIONS

8. Pursuant to powers given for the purpose in Sections 35(A) and 47(4) and (6) of the Road Traffic Regulation Act 1984 the following shall apply:-
- (a) if on the date a vehicle is left in a parking place a person is shown to have been the Registered Owner or Keeper thereof in writing from the Vehicle Registration Authority then for the purpose of this Order and any legal proceedings in relation thereto it shall be conclusively presumed (notwithstanding that such a person may not be an individual) that he was the driver of the vehicle at that time and accordingly that acts or omissions of the driver of the vehicle at that time were his acts or omissions unless the Registered Keeper can prove that at the relevant time the vehicle was in the possession of some other person without his consent or that he was not the owner of the vehicle
 - (b) the date and time printed on any ticket from a ticket machine at a parking place shall be good evidence in any legal proceedings in relation to this Order that the ticket was purchased on that date and at that time
 - (c) where in any legal proceedings in relation to the failure to pay any charge under this Order it is proved to the satisfaction of the Court that the amount which has become due or any part thereof has not been paid the Court shall order the payment of the sum not paid which shall then become recoverable as a penalty

9. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994 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 vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place

11. (1) No person shall use a vehicle while it is in a 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

(2) No person shall use any part of a parking place or any vehicle left in a parking place -

(a) for sleeping or camping or cooking or

(b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place

12. 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

13. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 3 of this Order 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. (2) If 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 from that parking place or arrange for such removal

13. (3) For the purpose of meeting the requirements of an emergency a person authorised in that behalf by the Council 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

13. (4) Any person altering or causing the alteration of the position of a vehicle by virtue of paragraph (1) of this Article or removing or causing the removal of a vehicle by virtue of paragraphs (2) and (3) of this Article may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed

13. (5) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (2) and (3) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed

14. 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

15. 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 purpose of departing from the parking place

16. Where in the parking place signs are erected or surface markings are laid for the purpose of indicating disabled bays the driver of a disabled person's vehicle which is displaying a current disabled person's badge shall be exempt from the time limit specified in Column 6 of the Schedule to this Order when the vehicle is parked in one of the aforementioned bays

17. A disabled persons vehicle which is parked in a parking bay other than in a marked disabled parking bay shall park for the maximum length of stay specified in Column 6 of the Schedule to this Order

18. Where in the parking place signs are erected or surface markings are laid for the purpose of indicating motor cycle bays the rider of a motor cycle shall park in one of the bays provided for a maximum length of stay specified in Column 6 of the Schedule to this Order

19. No vehicle shall be left in a parking place other than in a position indicated by a sign or by white lines on the surface of the parking place and in particular no vehicle shall be left in a parking place in such a position so as to obstruct the entrance thereto or the exit there from nor in such a position so as to prevent the driving away of any vehicle already in a parking place or in such a position so as to cause an obstruction to other vehicles

20. The Council may suspend the operation of this Order on any day when any area of land specified in Column 1 of the Schedule to this Order is required in connection with any official function or business of the Council or on account of any security reasons or for any other purpose whatsoever

21. No person shall in the 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

22. No person shall in a parking place use 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

DISPOSAL OF VEHICLES ON PARKING PLACES

23. Pursuant to powers given for the purpose in Sections 99 and 101 of the Act the Council may sell or otherwise dispose of any vehicle that has been or could at any time be removed from a parking place in pursuance of Article 13(5) of this Order

Provided that the power of disposal conferred by this Article shall not be exercisable unless the Council has taken such of the following steps as are applicable to the vehicle and there has elapsed a period of six weeks beginning with the taking of the first of those steps

24. (1) Subject to the provisions of Article 30 of this Order where a vehicle carries a registration mark issued under the Vehicle Excise and Registration Act 1994 the Council shall ascertain in writing from the Vehicle Registration Authority the name and address of the person who it appears is the owner of that vehicle

24. (2) For the purposes of Articles 23 and 25 the first steps shall be taken to be the sending of the notice mentioned in Article 25

25. The Council shall send by recorded delivery service a notice to the address of the person who by virtue of Article 24 of this Order it appears is the owner of the vehicle stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after the specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as may be specified by the Council in the said notice or from such other place as may be subsequently notified in writing by the Council to that person

26. If any person to whom a notice is sent in accordance with Article 25 of this Order informs the Council of the name and address of some other person who he alleges may be the owner of the vehicle a notice stating the particulars mentioned in Article 25 shall be sent by recorded delivery service to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the owner of the vehicle

27. Subject to the provisions of Article 30 of this Order where a vehicle does not carry a registration mark issued under the Vehicle Excise and Registration Act 1994 the first step to be taken by the Council shall be to apply in writing to the Chief Officer of the Police Force in whose area is the parking place from which the vehicle has been or could at any time be removed inquiring who that Officer considers is the owner of the vehicle and the address of that person

28. If after steps have been taken under the foregoing provisions of this Part of this Order a vehicle is not claimed the Council shall make such further inquiries (if any) as it considers reasonable as to who may be the owner of the vehicle and the address of that person

29. Where by virtue of Articles 27 and 28 of this Order the Council is informed of the name and address of a person who it considers may be the owner of the vehicle Articles 25 and 26 of this Order as respects the sending of notices shall apply in relation to the person mentioned in the said Article 25

30. Nothing in the foregoing provisions in this Part of the Order shall require the Council to take any such steps as is therein mentioned for the purpose of inquiring who is the owner of a vehicle to which Article 23 of this Order applies if the Council has found a person who it is satisfied is in fact the owner of that vehicle and a notice in the manner and containing the particulars specified in Article 25 of this Order has been sent to him at his address the sending of the notice being treated as the first step for the purposes of that Article and Article 23

31. The Council shall apply the proceeds from any vehicle sold under the provisions of this part of this Order in or towards the satisfaction of any costs incurred in connection with the disposal thereof and of any charge to payment of which the Council is entitled as regards the vehicle under the provisions of the Act

32. In the event of any such costs incurred by the Council in connection with the disposal of the vehicle not being satisfied by virtue of Article 30 of this Order the Council may recoup those costs so far as not satisfied from the person who was the last owner of the vehicle before it was removed from the parking place either in pursuance of Article 13 of this Order or after it has been disposed of by virtue of the power of disposal conferred by Article 23 of this Order except in a case where that person satisfies the Council that he was not responsible for the vehicle being in the place from which it was removed and in that case the person by whom the said cost shall be payable shall be the person driving the vehicle at the time it was left in that place

33. Any sums received by the Council on the sale of the vehicle after deducting any sum applied thereto by virtue of Article 31 of this Order shall be payable to any person who satisfies the Council within a period of one year from the date of the sale of the vehicle that but for such sale the vehicle would have belonged to him and insofar as any such sums are not claimed within the said period they shall be retained by the Council

RIGHT OF OWNER TO RECOVER VEHICLE OR PROCEEDS FROM SALE OF VEHICLE

34. (1) Pursuant to Section 101A of the 1984 Act if before a vehicle is disposed of by the Council pursuant to the provisions of Section 101 of the 1984 Act and under the provisions of Article 23 of this Order it is claimed by a person who;
- (a) satisfies the Council that he is its owner and,
 - (b) pays the relevant charges

the Council shall permit him to remove the vehicle from its custody within such

the Council shall permit him to remove the vehicle from its custody within such period as the Council may specify

34. (2) If before the end of the period of one year beginning with the date on which a vehicle is sold by the Council under Section 101 of the 1984 Act a person satisfies the Council that at the time of the sale he was the owner of the vehicle the Council shall pay him any sum by which the proceeds of sale exceed the amount of the relevant charges specified below;
- (a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed; or
 - (b) such unpaid earlier penalty charges relating to the vehicle as may be prescribed; and
 - (c) such sums in respect of the removal and storage of the vehicle as the Council may require in accordance with Section 9 of the 2004 Act
34. (3) In any other case the relevant charges are such sums in respect of the removal and storage of the vehicle as may be prescribed
34. (4) If in the case of any vehicle it appears to the Council that more than one person is or was its owner at the relevant time such one of them as the Council thinks fit shall be treated as its owner for the purposes of this section

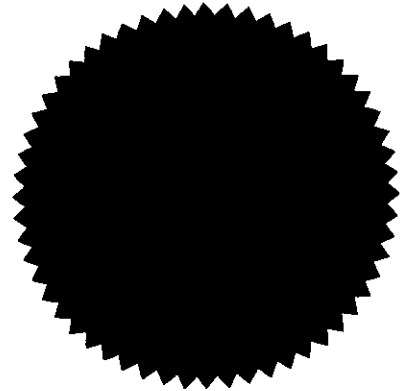
GIVEN under the Common Seal of the Doncaster Borough Council this *Twenty Fifth* day of *February* 2009

THE COMMON SEAL of DONCASTER)
BOROUGH COUNCIL was hereunto)
affixed in the presence of :-)

D Ran

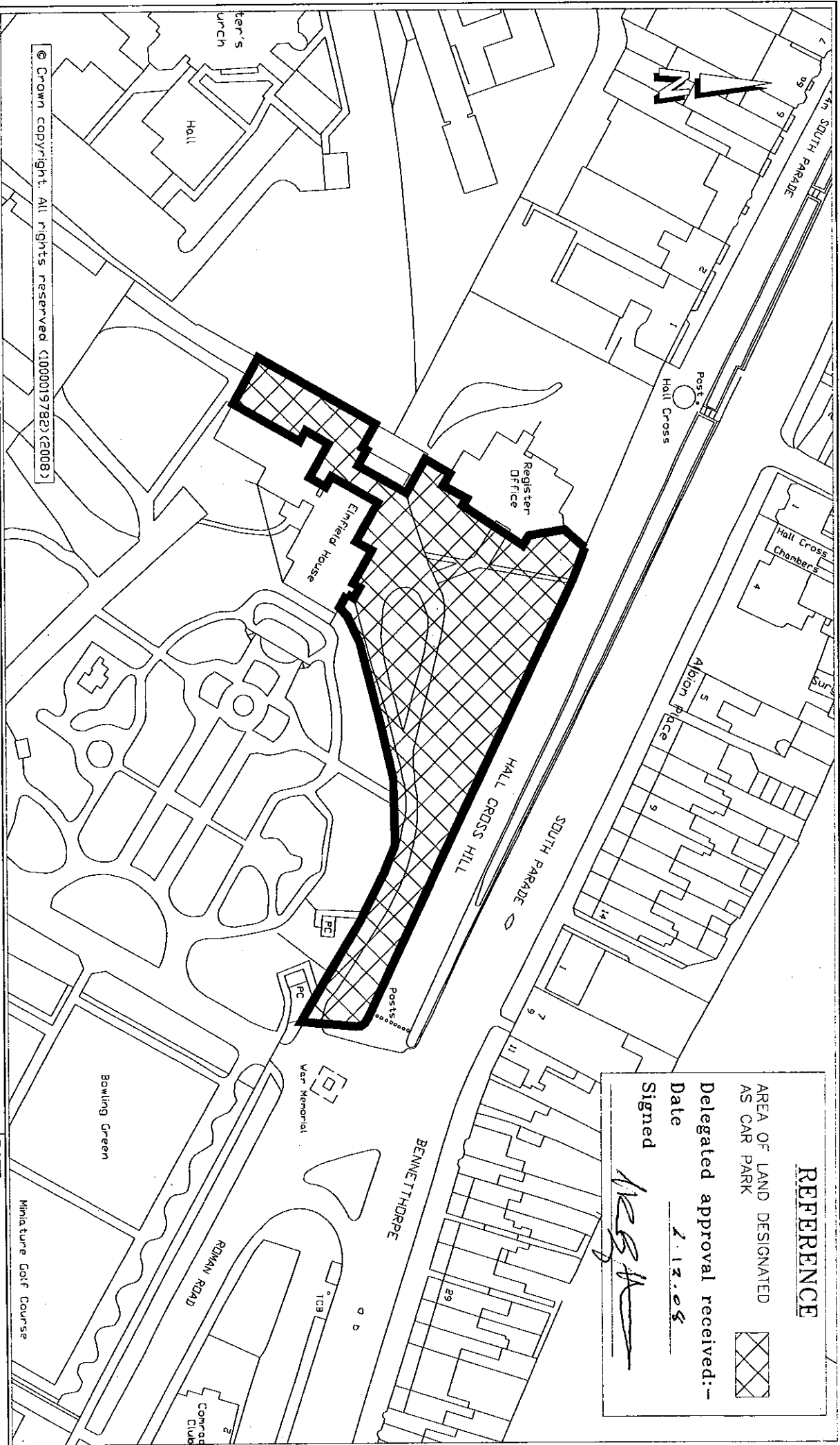
Authorised by the Director of Legal and Democratic Services

No. in Seal Register *57346.*




SCHEDULE


Name of parking place	Position in which vehicle may wait	Classes of Vehicle	Days of operation of parking place	Hours of operation of parking place	Maximum period for which a vehicle not displaying a concessionary permit may wait
1	2	3	4	5	6
Elmfield House Car Park	Wholly within a parking bay	(i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1.5 tonnes (iv) Disabled persons vehicles (v) bus	Mondays to Fridays inclusive excluding Bank Holidays and Public Holidays other than Good Friday parking for visitors to Elmfield House and the Register Office and concessionary permit parking only	8.00 a.m. to 6.00 p.m.	Two hours



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REFERENCE

AREA OF LAND DESIGNATED AS CAR PARK 

Delegated approval received:-
 Date 2.12.08
 Signed 

TITLE:

PROPOSED CAR PARK FOR
 ELMFIELD HOUSE AND REGISTER OFFICE
 DONCASTER

DATE: NOV. 2008

SCALE: 1 : 1250

DRAWING NO: 45001/ELMFIELD

Doncaster MBC
 Scarborough House, Chequer Road
 DONCASTER DN1 2DB