

**DONCASTER BOROUGH COUNCIL
(CIVIC QUARTER MULTI STOREY)(OFF STREET PARKING PLACES)
ORDER 2022**

Doncaster Borough Council (hereinafter referred to as “the Council”) in exercise of its powers under Section 35, and Schedule 9 of the Road Traffic Regulation Act 1984 and of all other powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order: -

1 This Order shall come into operation on the 17th day of January 2022 and may be cited as the Doncaster Borough Council (Civic Quarter Multi Storey) (Off Street Parking Places) Order 2022.

2 (1) In this Order: -

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

“1991 Act” means the Road Traffic Act 1991;

“2004 Act” means the Traffic Management Act 2004;

“Article” means an Article of this 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;

“Barrier Card” means an electronic device that allows a Permit Holder to enter and exit the parking place;

“Bus” means a motor vehicle as defined by the Traffic Signs Regulations and General Directions 2016;

“Charging Hours” means any period specified in column 5 of the First Schedule to this Order in respect of which a charge is specified in Article 6 to this Order;

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

“Concessionary Electronic Daily Ticket” means a ticket purchased electronically from the Service provider pursuant to the provisions of Articles 6(7) and 6(8) of this Order;

“Concessionary Electronic Permit” means a parking permit purchased electronically from the Service provider pursuant to the provisions of Articles 6(3) and 6(4) of this Order;

“Council” means Doncaster Borough Council;

“Credit Card” means a written authorisation issued by a bank or other finance institution allowing the holder to obtain credit within a specific limit to make a direct payment for goods or services

“Debit Card” means a written authorisation issued by a bank or other finance institution allowing the holder to directly pay for goods or services from an account held at a bank or other financial institution

“Disabled persons badge” as defined by the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“Disabled persons parking bay” means any area of a parking place that is provided for the use of disabled drivers for the parking of a Disabled persons vehicle and is indicated by symbols and or signage located within the boundaries of the parking bay;

“Disabled persons vehicle” has the same meaning as defined by the 1984 Act;

“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;

“Electric Vehicle” means a Plug-in Electric Vehicle or a Plug-in Hybrid Electric Vehicle which use one or more electric motors for propulsion ;

“Electric Vehicle Parking Bay” means an area, if any, of a parking place that is provided for the use of drivers of Electric Vehicles in order to recharge their vehicle by using the electric plug-in points in the parking place and is indicated by blue lines, symbols and or signage located within the boundaries of the parking bay”;

“Electric Vehicle Charging Point” means a purpose built unit designed specifically for the charging of electric vehicles;

“Enforcement Manager” means an Officer appointed to that post by the Council;

“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;

“Opening Hours” means the days and times at which a Parking Place is open for access for use by the public, as specified in Column 4 of 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 Ticket” means a ticket issued by an entry barrier system indicating the date and time of arrival at a Parking Place;

“Pay on Foot” means payment of the Specified Parking Charge is made by the driver of a vehicle via an automated payment station before reaching the exit point of the Parking Place

“Payment Station” means apparatus used for the payment of the Specified parking charge.

“Penalty Charge” means a charge set by the Council 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 by a Civil Enforcement Officer pursuant to the provisions of the 2004 Act;

“Permit” means any Season Permit, Concessionary Electronic Permit and Concessionary Electronic Daily ticket issued by the Service Provider

“Permit Holder” means a person issued with a Permit by the Service Provider

“Relevant position” means:

(a) In the case of a vehicle fitted with a front windscreen the parking ticket, disabled persons badge, Business user permit or season permit 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 parking ticket, disabled persons badge, Business user permit or season permit is exhibited in a conspicuous position on the front or nearside of the vehicle;

“Season Permit” means a parking permit purchased from the Service Provider pursuant to the provisions of Articles 6(5) and 6(6) of this Order;

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

“Service Provider” means The Council or any contractor authorised and/or engaged by the Council to manage and operate the Parking Place and whose identity and contact details will be notified to the public by signs displayed in a prominent position within the Parking Place

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

“Specified Parking Charge” is defined in Article 6 of this Order;

“Term Time Only” means the Doncaster Metropolitan Borough Councils academic year;

“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) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies to the interpretation of an Act of Parliament.
- (3) Where a power is given to the Council pursuant to this Order then that power shall be exercisable by a person duly authorised by the Council to exercise that power on its behalf.

USE OF LAND AND PARKING PLACE

- 3 (1) Each area of land specified by name in column 1 of the First 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 a 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) No person shall cause or permit a vehicle to remain in a Parking Place during the Charging Hours period specified for that Parking Place unless there has been paid in respect of that vehicle, such specified parking charge or charges as are specified in the following provisions of this Order.
- 3 (5) No person shall cause or permit a vehicle to remain in a Parking Place during the Charging Hours period specified for that Parking Place with an invalid permit.
- 3 (6) No person shall cause or permit a vehicle to remain in a Parking Place during the Charging Hours period specified for that Parking Place after the period for which the specified parking charge required to be paid as provided in the following provisions of this Order has elapsed.
- 3 (7) Where within a Parking Place there is a sign or surface marking, if any, which indicates that a parking bay is available only for use by an Electric Vehicle the driver of a vehicle shall not permit it to wait in that parking bay unless it is an Electric Vehicle and the Electric Vehicle is being recharged at the Electric Vehicle Charging Point contained within that parking bay
- 3 (8) The Parking Place specified by name in column 1 of the First Schedule to this Order is operated by a Pay On Foot system where the driver of a vehicle shall be required to pay the specified parking charge at the payment station prior to exit.
- 3 (9) Nothing in sub paragraph 3(1) above shall restrict the power of the Council or service provider to close any parking bay, parking place or part thereof at any time and for such reasons as may be specified.
- 3 (10) 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.

EXEMPTIONS TO PAYMENT OF CHARGES

- 4 A vehicle which is registered with the Service Provider as holding either a valid Concessionary Electronic Daily Ticket, a valid Concessionary Electronic Permit or a valid Season Permit that is parked in a parking place specified in Articles 6 (4), 6(6) or 6(8) of this Order shall be exempt from any payment specified in Article 6(1) of this Order

CIRCUMSTANCES IN WHICH A PENALTY CHARGE WILL BE PAYABLE

- 5 (1) A Penalty Charge will be payable by the driver of the vehicle if a vehicle is parked in a parking place during the charging hours

either:-

- (i) without a valid Concessionary Electronic Permit, Season Permit or concessionary electronic daily ticket being registered with the Service Provider;
- (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) if a vehicle is left in a parking place other than wholly within a marked parking bay;
- (iv) if a vehicle, other than an Electric Vehicle, is left in a parking bay marked as available only for an Electric Vehicle
- (v) If an Electric Vehicle is parked in an Electric Vehicle Parking Bay and the vehicle is not actively using the Electric Vehicle Charging Point

AMOUNT OF SPECIFIED PARKING CHARGE AT PARKING PLACES AND METHODS OF PAYMENT

6 (1)

The specified parking charge for a vehicle left in a parking place during the charging hours specified in column 5 of the First Schedule shall be: -

Civic Quarter Multi – Storey Car Park Doncaster	£1.20 pence for a period not exceeding 1hour
	£2.20 pence for a period exceeding 1 hour but not exceeding 2 hours
	£2.90 pence for a period exceeding 2 hours but not exceeding 3 hours
	£5.00 pence for a period exceeding 3 hours but not exceeding 4 hours
	£6.60 pence for a period exceeding 4 hours but not exceeding 9.5 hours(after 8.30am)
	£4.00 pence for a period exceeding 4 hours but not exceeding 13 hours (before 8.30am)
	£2.50 pence for a period exceeding 4 hours but not exceeding 10 hours (Saturdays/Sundays)
£1.00 pence for a period not exceeding 12 hours (after 18.00)	

- 6 (2) The Driver of a vehicle wishing to park a vehicle in a Parking Place specified by name in column 1 of the First Schedule to this Order during the Charging Hours period relating to that Parking Place shall take the following action:
- i. Immediately after entering the Parking Place, the driver of a vehicle shall take a Parking Ticket from the barrier system located at the entrance to the Parking Place and retain this until leaving the Parking Place.
 - ii. Immediately upon leaving the Parking Place, the driver of a vehicle shall pay the specified parking charge by inserting the Parking Ticket and the required appropriate coins into the Payment Station or present a Credit Card or Debit Card at the Payment Station by any means indicated on that Payment Station (such as inserting the Credit Card or Debit Card into the Payment Station, or tapping the Credit Card or Debit Card onto the appropriate part of the Payment Station to enable a contactless payment), which shall be used as a means of collecting the specified parking charge imposed by paragraph 6(1) of this Article and take such further steps as may be necessary to cause the Payment Station to validate the Parking Ticket (such as pressing a button to confirm that they have paid the charge for the period parked); the driver of the vehicle should then immediately cause the removal of the vehicle from the Parking Place by inserting the Parking Ticket into the barrier system located at the exit to the Parking Place.
- 6 (3) The driver of a vehicle who is employed by the Council or partnership organisations may on application to the Service Provider purchase a Concessionary Electronic Permit in respect of that vehicle for a charge ascertained by reference to the scale of charges specified below. The Concessionary Electronic Permit will be in an electronic format and shall be valid for the vehicle identified within the said application and any further amendment. Scale of charges:-
- (i) £36.50 per month for a Concessionary Electronic Permit on a six day basis
 - (ii) £34.00 per month for a Concessionary Electronic Permit on a five day basis
 - (iii) £28.00 per month for a Concessionary Electronic Permit on a four day basis
 - (iv) £20.50 per month for a Concessionary Electronic Permit on a three day basis
 - (v) £13.50 per month for a Concessionary Electronic Permit on a two day basis
 - (vi) £7.50 per month for a Concessionary Electronic Permit on a one day basis

- (vii) £26.00 per month for a Concessionary Electronic Permit on a five day basis Monday to Friday (Term Time Only)
- 6 (4) Any Concessionary Electronic Permit applied for under the provisions of Article 6(3) of this Order may be used for parking at:-
- (i) Civic Quarter Multi – Storey Car Park Doncaster only
- 6 (5) The driver of a vehicle may on application to the Service Provider purchase a Season Permit in respect of that vehicle for a charge ascertained by reference to the scale of charges specified below. The Season Permit will be in an electronic format and shall be valid for the vehicle identified within the said application and any further amendment. Scale of charges:-
- (i) £60 per month for a Season Permit valid on a six day basis Monday to Saturday
- 6 (6) Any Season Permit applied for under the provisions of Article 6(5) of this Order may be used for parking at:-
- (i) Civic Quarter Multi – Storey Car Park Doncaster only
- 6 (7) The driver of a vehicle, who meets the criteria set from time to time by the Service provider, may on application to the Service Provider purchase a Concessionary Electronic Daily Ticket in respect of that vehicle for a charge ascertained by reference to the scale of charges specified below. The Concessionary Electronic Daily Ticket will be in an electronic format and shall be valid for the vehicle identified within the said application and any further amendment. Scale of charges:-
- (i) £1 for a Concessionary Electronic Daily Ticket valid on a seven day basis Monday to Sunday
- 6 (8) Any Concessionary Electronic Daily Ticket applied for under the provisions of Article 6(7) of this Order may be used for parking at:-
- (i) Civic Quarter Multi – Storey Car Park Doncaster only
- 6 (9) (i) The Service Provider may require an applicant for any permit to produce such evidence in respect of the application as may reasonably be required to verify any particulars or information given. Any Permit and it's accompanying Barrier Card may be surrendered to the Service Provider at any time and must be surrendered to the Service Provider on the occurrence of any of the events set out in paragraph (iii) of this Article.
- (ii) The Service Provider may by notice in writing served on a Permit Holder at the address shown by that person on the

application for any permit or at any other address considered appropriate by the Service Provider withdraw a Permit if it appears to the Service Provider that any of the events set out in paragraph (iii) of this Article have occurred and any barrier card issued in connection with the Permit shall be surrendered to the Service Provider 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 Permit Holder causing or permitting a permit and its accompanying barrier card to be used for reward;
- (b) if in the opinion of the Service Provider the use of the Permit and Barrier Card is being abused;
- (c) the issue of a replacement Barrier Card by the Service Provider under the provisions of Article 6(10)(i) or (ii) of this Order.

(iv) Any Permit and accompanying Barrier Card shall cease to be valid on the occurrence of any of the events set out in paragraph (iii) above

6 (10) (i) If any Barrier Card is mutilated or damaged or otherwise the Permit holder shall surrender it to the Service Provider and may then apply to the Service Provider for the issue of a replacement Barrier Card.

(ii) If a Barrier Card is lost or destroyed the Permit holder may apply to the Service Provider for the issue of a replacement Barrier Card.

(iii) The provisions of this Order shall apply to a replacement Permit and any replacement Barrier Card as if they were a Permit and Barrier Card

(iv) The issue of a duplicate Barrier Card by virtue of the provisions of paragraph (i) or (ii) of this Article shall render the original Barrier Card invalid.

(v) The Permit Holder will have their Permit revoked by the Service Provider for none payment of a direct debit.

(vi) The Service Provider may withdraw any Permit after providing the Permit Holder with a notice period of ten (10) working days informing of its intention to withdraw the Permit and that notice period shall run from the date specified in said notice.

6 (11) If the Permit Holder applies to the Service Provider for a duplicate Barrier Card then the Permit Holder shall be liable to a charge of £10

REFUND OF CHARGE IN CONNECTION WITH THE ISSUE OF ANY PERMIT

- 6 (12) (i) A Permit Holder who surrenders to the Service Provider any permit and its accompanying Barrier Card before the permit becomes valid shall, provided that they have given to the Service Provider a notice of ten (10) working days, be entitled to a refund of any charge paid in respect of the issue thereof

PENALTY CHARGE AND PAYMENT

- 7 (1) In the case of a vehicle in respect of which a Penalty Charge is payable under the provisions of Article 5 of this Order a Penalty Charge Notice may be issued by a Civil Enforcement Officer in accordance with the requirements of the 2004 Act
- 7 (2) A Penalty Charge Notice shall contain the details required by the 2004 Act
- 7 (3) Where a Penalty Charge Notice has been issued the Penalty Charge Notice shall be payable by the owner of the vehicle in respect of which the Notice was issued in accordance with the 2004 Act
- 7 (4) The Penalty Charge shall be paid to the Council in the manner specified in the Notice referred to in Article 7(1) of this Order

RESTRICTION OF REMOVAL OF NOTICES

- 8 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

- 9 The following provisions shall apply:-
- (i) 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
10. 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 or other statutory re-enactment and there is in place in relation to the use of the vehicle by the driver such policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988 or other statutory re-enactment

11. 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
- 12 (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
- 12 (2) No person shall use any part of a parking place or any vehicle left in a parking place -
 - (i) for sleeping or camping or cooking purposes;
 - (ii) for lighting or causing to be lit any fire; or
 - (ii) 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
13. 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
- 14 (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 3 and the First Schedule 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
- 14 (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
- 14 (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
- 14 (4) Any person altering or causing the alteration of the position of a vehicle or removing or causing the removal of a vehicle 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

- 14 (5) Any person removing or arranging for the removal of a vehicle 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
- 15 Where in a parking place signs are erected or surface markings are laid for the purpose of: -
- (i) indicating the entrance to or exit from the parking place or
 - (ii) 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

- 16 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
- 17 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
- 18 The Council may suspend the operation of this Order or any provision of the Order on any day at any time when any area of land specified in column 1 of the First 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
- 19 No person shall in any 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
- 20 No person shall in any 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
- 21 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under either the 1984 Act or the 2004 Act or by or under any other enactment.

GIVEN under the Common Seal of the Doncaster Borough Council this 12th day of January 2022

THE COMMON SEAL of DONCASTER)
BOROUGH COUNCIL was here unto)
Affixed in the presence of :-)



Authorised by the Assistant Director of Legal
and Democratic Services

No. _____ in Seal Register

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70133

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FIRST SCHEDULE

Name of parking place	Position in which vehicle may wait	Classes of Vehicle	Opening Hours	Charging hours for all parking places	Maximum period for which vehicle may wait	Scale of Charges
1	2	3	4	5	6	7
Civic Quarter Multi – Storey Car Park Doncaster	Wholly within a parking bay	(i) Motor cars within the provisions of Section 136(2)(a) of the 1984 Act (ii) Motor cycles as defined in Section 136(4) of the 1984 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	Mondays to Saturdays inclusive between the hours of Mon - Sat 05:00 - 24:00 Sunday Inclusive between the hours of 09:00 - 24:00	24 hours	As specified in Article 6	As specified in Article 6 and 7