

**DONCASTER BOROUGH COUNCIL
(CUSWORTH HALL) (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 18th day of July 2022 and may be cited as the Doncaster Borough Council (Cusworth Hall) (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;

"Annual parking permit" means a parking permit purchased from the Service Provider pursuant to the provisions of Articles 6(5) and 6(8) of this Order;

"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;

"Cashless Parking" means a method of payment by which the driver of a vehicle, on arrival at a parking place, registers the vehicle by contacting the service provider, whose details are displayed with the parking place, by mobile phone or similar device, to supply sufficient information regarding the details of the location of the parking place; the time of arrival at the parking place and the registration details of the vehicle, to be recorded to allow the vehicle to park within the parking place in compliance with the provisions of this Order;

"Charging hours" means any period specified in item (i) of 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;

"Council" means the Doncaster Borough Council;

"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 person's 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;

"Electronic one day parking permit" means a permit purchased electronically from the Service Provider pursuant to the provisions of Articles 6(6) and 6(8) of this Order;

"Electronic season parking permit" means a parking permit purchased electronically from the Service Provider pursuant to the provisions of Articles 6(6) and 6(8) of this Order;

"Evening charging hours" means any period specified in items (ii) and (iii) inclusive, of column 5 of the First Schedule to this order in respect of which a charge is specified in Article 6 of this Order,

"Large Goods Vehicle" has the same meaning as defined in the Road Traffic Act 1988;

"One day parking permit" means a parking permit purchased from the Service Provider pursuant to the provisions of Articles 6(5) and 6(8) of 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 indicating the payment of a charge and the date and time at which the charge was paid;

"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 annual parking permit, one day parking permit, electronic season parking permit and electronic one day parking permit 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, annual parking permit, or one day parking 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, annual parking permit, or one day parking permit is exhibited in a conspicuous position on the front or nearside of the vehicle;

"Schedule" means a schedule of this Order unless otherwise stated;

"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;

"Specified parking charge" is defined in Article 6 of this Order;

"Ticket machine" for the purpose of this Order means an apparatus designed to issue parking tickets indicating the payment of a charge and the date and time at which the charge was paid;

"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;

"Valid Ticket" means a parking ticket which has not become invalid and is not being used in circumstances where it is not valid;

"Valid Permit" means a permit which has not become invalid and is not being used in circumstances where it is not valid.

- (2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies to 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) The 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) 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 Article 6 of this Order.
- 3 (5) No person shall cause or permit a vehicle to remain in the parking place during the charging hours period and/or the evening charging hours period specified for that parking place unless there has been paid in respect of that vehicle, such parking charge or charges as are specified in the following provisions of this Order.
- 3 (6) No person shall cause or permit a vehicle to remain in the parking place during the charging hours period and/or the evening charging hours period specified for that parking place after the period for which the parking charge required to be paid as provided in the following provisions of this Order has elapsed.
- 3 (7) No person shall cause or permit a vehicle to remain in a Parking Place during the charging hours period and/or the evening charging hours period specified for that Parking Place with an invalid permit.
- 3 (8) Nothing in sub paragraph 3(1) above shall restrict the power of the Council to close the parking place or part thereof at any time for such reasons as may be specified.
- 3 (9) 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 (1) Without prejudice to Article 5(2) of this Order the driver of a disabled person's vehicle which displays in a relevant position a disabled person's badge shall be exempt from any payment specified in Articles 6(1) of this Order subject to the provisions of Article 18 of this Order provided that vehicle is parked in a marked disabled persons parking bay.
- 4 (2) A liveried vehicle belonging to the emergency services when on operational duties which is left in a parking place during the charging hours and/or evening charging hours shall be exempt from any payment specified in Article 6(1) to this Order.
- 4 (3) A liveried vehicle which is left in any parking place specified in Column 1 of the First Schedule to this Order in furtherance of the driver's employment by the Council and is left in the parking place while the driver undertakes duties in relation to the Council during the charging hours

and/or evening charging hours specified in that Schedule shall be exempt from the provisions of this Order.

- 4 (4) A vehicle which displays in the relevant position a valid permit that is parked in the parking place specified in Article 6(6) shall be exempt from any payment specified in Article 6(1) of this Order.
- 4 (5) A vehicle which is registered with the Service Provider as holding either a valid electronic season parking permit or a valid electronic one day parking permit that is parked in the parking place specified in Article 6(8) 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 the parking place during the charging hours and/or evening charging hours
 - (i) for a longer period than that for which a payment was made;
 - (ii) without a valid Parking Ticket or Permit being displayed, or a valid electronic season parking permit or electronic one day parking permit being registered with the Service Provider;
 - (iii) if a vehicle other than a disabled person's vehicle displaying a disabled person's badge in the relevant position is parked in a parking bay marked as available only for a disabled person's vehicle;
 - (iv) if the vehicle is left in a parking place other than wholly within a marked parking bay;
 - (v) if the vehicle is a large goods vehicle;
- 5 (2) If a disabled person's vehicle, displaying a disabled person's badge in the relevant position, is left in a parking place other than in a marked disabled persons parking bay then the penalty charge shall be payable by the driver of the disabled person's vehicle.

AMOUNT OF SPECIFIED PARKING CHARGE AT PARKING PLACE

- 6 (1) (i) The specified parking charge, for any of the classes of vehicle specified in (i) to (iv) inclusive in Column 3 of the First Schedule to this Order, that is left in the parking place identified in column 1 of the First Schedule to this order, during:-
 - (i) The charging hours shall be:
 - £1.10 for a period not exceeding 1 hour
 - £1.60 for a period exceeding 1 hour but not exceeding 2 hours
 - £2.60 for a period exceeding 2 hours but not exceeding 3 hours

£6.20 for a period exceeding 3 hours but not exceeding 10.5 hours or until 6pm whichever is earlier

(ii) The evening charging hours shall be:

£0.00 for any period after 6pm until the end of the evening charging hours period for that day.

(iii) The specified parking charge for the class of vehicle specified in (v) in Column 3 of the First Schedule to this Order, that is left in the parking place identified in column 1 of the First Schedule to this order, during:-

(i) The charging hours shall be:

£10.50 for a period not exceeding 10.5 hours or until 6pm whichever is earlier

(ii) The evening charging hours shall be:

£0.00 for any period after 6pm until the end of the evening charging hours period for that day

- 6 (2) When a vehicle is left in a parking place the driver of a vehicle on parking can either opt for the cashless parking system by registering the details of the vehicle with the Service Provider or shall purchase a parking ticket for the value of the specified parking charge fixed by this Order for the period the vehicle remains in the parking place. The parking ticket shall be displayed on the vehicle in respect of which it is issued in accordance with the provisions of Article 6(3) of this Order.
- 6 (3) A parking ticket and/or valid permit should be attached to a vehicle in the relevant position and shall be kept in the relevant position until leaving the parking place. The parking ticket and/or valid permit shall not be valid unless so displayed.
- 6 (4) A parking ticket issued at a parking place is not transferable between parking places or vehicles
- 6 (5) The owner of a vehicle, the class of which is specified in (i) to (iv) inclusive in Column 3 of the First Schedule to this Order, may on application to the Service Provider purchase a permit in respect of that vehicle for a charge ascertained by reference to the scale of charges specified below and that permit shall be displayed on the vehicle in respect of which it is issued in accordance with the provisions of Article 6(3) of this Order.

Scale of charges:

- (i) £52.00 for an annual parking permit valid on a seven day basis, Monday to Sunday throughout the charging hours and evening charging hours for a period of one year from the date of issue;

- (ii) £6.20 for a one day parking permit valid for one day only; throughout the charging hours and evening charging hours;

- 6 (6) The owner of a vehicle the class of which is specified in (i) to (iv) inclusive in Column 3 of the First Schedule to this Order may on application to the Service Provider purchase an electronic season parking permit or an electronic one day parking permit in respect of that vehicle for a charge ascertained by reference to the scale of charges specified below.

The electronic season parking permit or electronic one day parking permit shall be valid for the vehicle identified within the said application and any further amendment.

Scale of charges:

- (i) £52.00 for an electronic season parking permit valid on a seven day basis, Monday to Sunday throughout the charging hours and evening charging hours for a period of one year from the date of issue;
- (ii) £6.20 for an electronic one day parking permit valid for one day only; throughout the charging hours and evening charging hours;

- 6 (7) The owner of a coach as specified at (v) in Column 3 of the First Schedule to this Order may on application to the Service Provider purchase either a one day parking permit or an electronic one day parking permit in respect of that vehicle for a charge ascertained by reference to the scale of charges specified below.

The one day parking permit and/or the electronic one day parking permit shall be valid for the vehicle identified within the said application.

Scale of charges

- (i) £10.50 for a one day parking permit valid for one day only; throughout the charging hours and evening charging hours
- (ii) £10.50 for an electronic one day parking permit valid for one day only; throughout the charging hours and evening charging hours;

- 6 (8) Any permit applied for under the provisions of Article 6(5), 6(6) and 6(7) above may be used for parking at the Cusworth Hall Car Park only.

- 6 (9) 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.

- (i) Any permit 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 any 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 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 the permit to be used for reward;
- (b) if in the opinion of the Service Provider the use of the permit is being abused;
- (c) the issue of a duplicate permit by the Service Provider under the provisions of Article 6 (10) (i) or (ii) of this Order.

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

6 (10) (i) If any permit is mutilated or defaced or the particulars on it have become illegible or it has become altered by fading 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 duplicate permit.

(ii) If a permit is lost or destroyed the holder may apply to the Service Provider for the issue of a duplicate permit.

(iii) The provisions of this Order shall apply to a duplicate permit and an application for such permit as if it were a permit, or as the case may be, an application for any permit.

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

(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 on said notice.

6 (11) If the permit holder applies to the Service Provider for a duplicate permit then the permit holder shall be liable to a charge of £5.00

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 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.

- (ii) A permit holder who surrenders a permit to the Service Provider after the permit has become valid shall, provided that they have given to the Service Provider a notice of ten (10) working days, be entitled to a refund of that part of the charge paid in respect of the issue of the permit as is attributable to the period from receipt by the Service Provider of the surrendered permit to the expiry of the period for which the permit was issued.

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, 18 and 19 of this Order a Penalty Charge Notice may be issued by a Civil Enforcement Officer in accordance with the requirements of the 2004 Act.
 - (2) A Penalty Charge Notice shall contain the details required by the 2004 Act.
 - (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.
 - (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
- Pursuant to powers given for the purpose in Sections 35(A) of the 1984 Act the following 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 they shall be conclusively presumed (notwithstanding that such a person may not be an individual) that they were the driver of the vehicle at that time and accordingly that acts or omissions of the driver of the vehicle at that time were their 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 their consent or that they were not the owner of the vehicle;
 - (ii) the date and time printed on any parking ticket from a ticket machine at a parking place shall be good evidence in any legal proceedings in relation

to this Order that the parking ticket was purchased on that date and at that time.

- 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 their skill or services.

(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
 - (iii) 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 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
- (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 they 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 they consider 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 Where, in the parking place, signs are erected or surface markings are laid for the purpose of indicating disabled persons' parking bays, the driver of a disabled person's vehicle, which is displaying a current disabled person's badge, parks the said vehicle in one of the said bays provided shall be exempt from any payments provided specified in Articles 6 and 7 of this Order.
- 18 A disabled person's vehicle which is parked in a parking bay other than a marked disabled persons parking bay shall not be exempt from any payment specified in Articles 6 and 7 of this Order.
- 19 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 Article 6 of this Order for that car park and shall be exempt from any payment in the bays provided as specified in Articles 6 and 7 of this Order.
- 20 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 therefrom 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.
- 21 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.

- 22 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.
- 23 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.
- 36 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.
- 37 The Orders shown in the Second Schedule to this Order are hereby revoked

GIVEN under the Common Seal of the Doncaster Borough Council this 13th day of July 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

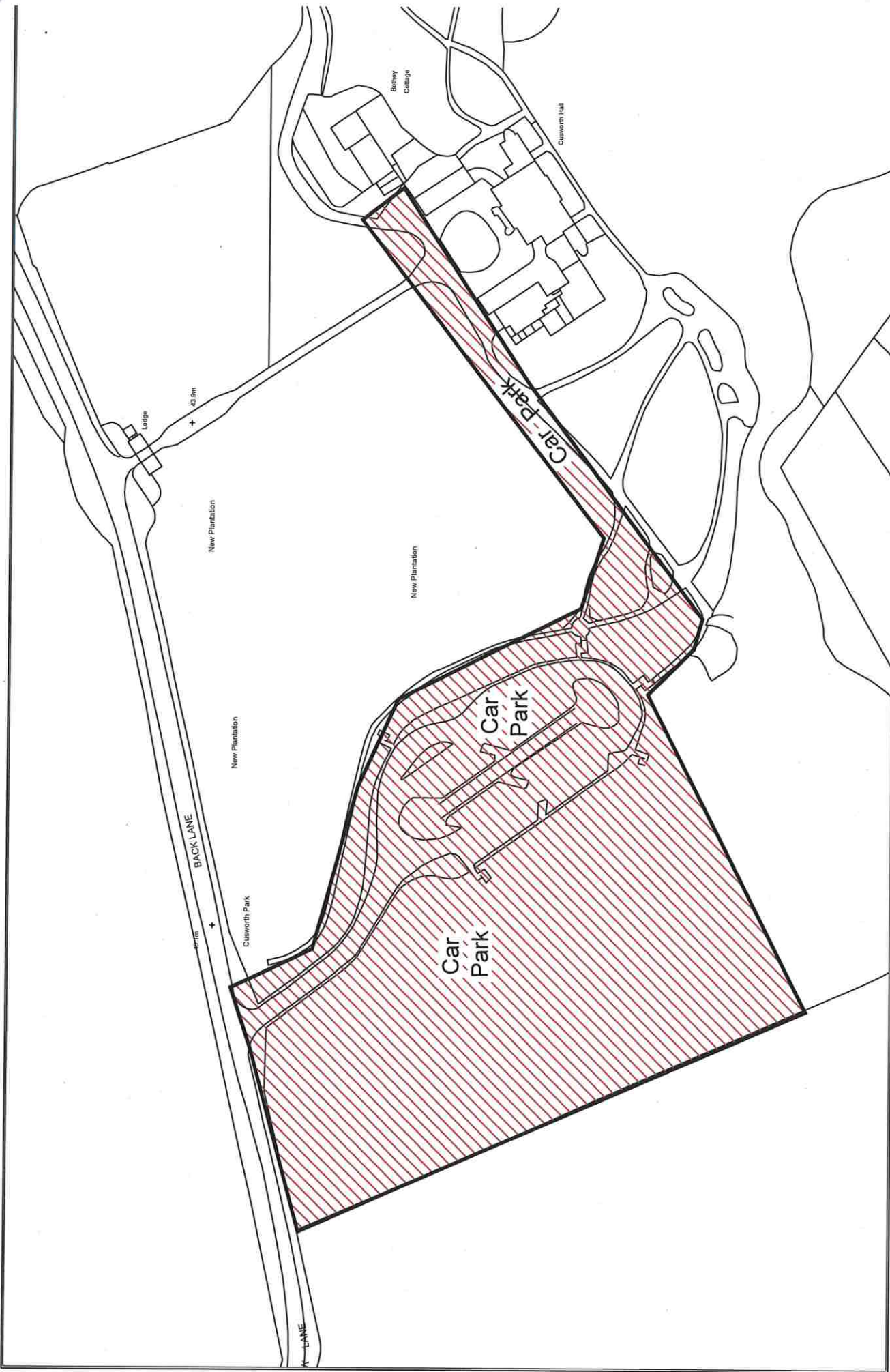
No. 70735 in Seal Register

FIRST 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 vehicle may wait	Scale of Charges
1	2	3	4	5	6	7
Cusworth Hall Car Park	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 (v) Coach	Monday to Sunday inclusive Includes Bank Holidays.	Charging Hours (i) Monday to Sunday 07:30 to 18:00	10.5hrs	As specified in Article 6 and 7
				Evening Charging Hours (ii) Sunday to Thursday 18:00 – 21:00	3hrs	
				Evening Charging Hours (iii) Friday and Saturday 18:00 – 23:30	5.5hrs	

SCHEDULE 2

Doncaster Borough Council (Cusworth Hall) (Off-Street Parking Places) (Consolidation)
Order 2008



DATE:	<p style="text-align: center;">Proposed TRO For Cusworth Hall Car Park</p>
SCALE: N.T.S	
DRAWING NO:	
TITLE:	

