

DORSET COUNTY COUNCIL

**THE COUNTY OF DORSET
(OFF STREET PARKING PLACES)
(COUNTY HALL, DORCHESTER)
ORDER 2009**

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DORSET COUNTY COUNCIL
THE COUNTY OF DORSET
(OFF-STREET PARKING PLACES)
(COUNTY HALL, DORCHESTER)
ORDER 2009

Dorset County Council being the Highway authority in exercise of powers under the Road Traffic Regulation Act 1984 ("the Act of 1984") and of Part IV of Schedule 9 of the Act of 1984 of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984 and under Part 6 of the Traffic Management Act 2004 and in compliance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 hereby make the following Order:-

PART I
INTERPRETATION
REGULATIONS AND COMMENCEMENT

- 1.1 The restrictions imposed by this Order are in addition to and not in derogation of any restrictions or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or any other enactment.

This Order may be cited as "The County of Dorset (Off-Street Parking Places) (County Hall, Dorchester) Order 2009" and shall come into operation on the 27th day of February 2009.

Dated this day of 2009

The Common Seal of the Dorset
County Council was affixed
hereunto in the presence of:-

Authorised signatory

PART II
OFF-STREET PARKING
PLACES PROVISIONS

PART A

1. Definitions

- 1.1 In This Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

“charging hours” means any period specified in column 6 of Schedule 1 in respect of which a charge is specified in Article 4;

“day” means a period of twenty-four hours from midnight to midnight;

“disabled person’s badge” means a badge which was

- issued, or has effect as if issued, to a disabled person or an institution under the Badges Regulations or under regulations having effect in Scotland or Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970; and
- has not ceased to be in force;

“disabled person’s vehicle” means a vehicle which is

- being used by or for the benefit of a person suffering from sickness or disability by reason of which the Blue Badge has been issued and
- parked in the parking bay and
- displaying a Blue Badge and Parking Disc in the relevant position

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

“initial period” shall mean the period that an authorised vehicle may properly be left in the designated parking place up to a maximum as set out in column 7 of Schedule 1 for each parking place such period to be ascertained by reference to the charge prepaid for parking as set out in Schedule 1;

“owner” means the person by whom the vehicle is kept and used and in determining for the purposes of this Order who was the owner of the vehicle at the 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 and where the vehicle is the subject of a hiring agreement or hire purchase agreement “Owner” includes the person entitled to possession of the vehicle under the agreement;

“parking bay” means any area of the parking place which is provided for the leaving of a vehicle and delineated on the surface of the parking place;

“parking disc” means the disc issued with the disabled persons badge which is used for the purpose of indicating the time of arrival of the vehicle at the parking place;

“parking place” means any area of land specified by name in Schedule 1 to this Order;

“relevant position” means

- a vehicle displaying a disabled person’s badge in the relevant position if it is displayed in the manner prescribed by regulation 12 of the Badges Regulations
- a vehicle displaying a parking disc in the relevant position if
 - (a) the disc is exhibited on the dashboard or facia of the vehicle; or
 - (b) where the vehicle does not have a dashboard or facia, the disc is exhibited in a conspicuous position on the vehicle,

so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle:

“ticket machine” means an apparatus or device designed to issue parking tickets indicating the payment of a charge and the date and time at which the charge was paid and the period in respect of which it has been paid, or the expiry time of the period paid for in respect of the parking of a vehicle in a parking place;

“trailer” means a vehicle not being self propelled the only or main method of propulsion of which is by means of being towed or otherwise propelled by another vehicle and for the purpose of this Order shall include caravans;

- 1.3 In the event that no definition of a term or wording is shown herein, the Interpretation Act 1978 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

PART B

USE OF PARKING PLACES

2. Use of Areas as Parking Places

- 2.1 Those areas of land more particularly referred to in column 1 of Schedule 1 are hereby designated as parking places pursuant to Sections 32 and 35 of the Act of 1984 the said parking places to be used by the vehicles and in the manner hereinafter provided.
- 2.2 Each parking place may be used for the parking of such classes of vehicles, in such positions on such days and during such hours as are specified in relation to those areas in Schedule 1.
- 2.3 Where in Schedule 1 a parking place or part thereof is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not without the prior authority of any person authorised by the Council permit it to wait in that parking place:-
- unless it is of the specified class; or
 - in a position other than that specified
- 2.4 Insofar as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.

3. Maximum Period of Waiting

- 3.1 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 7 of Schedule 1 in respect of that parking place nor permit the vehicle to return to the same parking place within the period specified in column 7 of Schedule 1.
- 3.2 The period for which a vehicle may be left in a parking place after the penalty charge has been incurred shall not exceed twelve hours and the driver of the vehicle shall not leave it in a parking place for longer than the said period.

4. Charges

- 4.1 The driver of a vehicle using any part of a parking place shall subject to Article 13:-
- 4.1.1 on leaving the vehicle in a parking bay proceed immediately on foot to a ticket machine and pay the appropriate charge for that parking place in accordance with the Scale of Charges specified in column 7 of Schedule 1 and shall exhibit the parking ticket obtained from the said machine on the vehicle in accordance with the provisions of this Article; or
 - 4.1.2 if there is no ticket machine in that parking place, on leaving the vehicle in a parking bay, proceed immediately on foot to such ticket machine as may be specified by a notice displayed in or adjacent to that parking place, and pay the appropriate charge for that parking place in accordance with the Scale of Charges specified in column 7

of Schedule 1 and shall exhibit the parking ticket obtained from the said machine on the vehicle in accordance with the provisions of this Article.

4.2 The following exemptions from Pay and Display parking charges shall apply;

4.2.1 A disabled persons vehicle, which displays in the relevant position a disabled persons badge and a parking disc (on which the driver or other person in charge of the motor vehicle has marked the time at which the period of waiting began) shall, provided that it is parked in accordance with all other provisions of this Order, when using a pay and display parking place, be exempted from the pay and display charges set out in the scale of charges relating to that parking place in Schedule 1 to this Order for a maximum period of three hours from the time at which the period of waiting within that parking place began, provided that:

- The motor vehicle clearly displays, at all times whilst parked, a valid Disabled Persons Nil Paid Road Fund Licence, or,
- The person in respect of whom the disabled persons badge has been issued is in receipt of one of the following allowances:-
 - The higher rate mobility component of the Disabled Living Allowance,
 - The Higher Rate Attendance Allowance (if over 65 years of age),
 - The Lower Rate Attendance Allowance (if over 65 years of age) and who are incapable of walking more than 30 metres (written doctors statement required),
 - The War Pensions Mobility Supplement
 - The Constant Attendance Allowance
 - The Severe Disablement Allowance

And has applied to the Council for, and been issued with, a disabled badge holders pay and display car parks parking dispensation, which is clearly displayed on the motor vehicle in the relevant position.

- The motor vehicle shall be subject to any maximum period of stay which may be applicable to that parking place.

Disabled persons wishing to extend their motor vehicle stay beyond the initial free parking period of three hours may, at any time during that initial period, purchase and display a parking ticket in accordance with the foregoing provisions of this Order and of the scale of charges relating to that parking place specified in the schedule to this Order. The parking time paid for, as evidence by the amount paid shown on the ticket thus displayed, shall commence immediately upon the expiry of the three hour free parking period.

Additional periods of parking cannot be paid for by the retrospective purchase of tickets and no further such periods of free parking shall be accorded to a motor vehicle whilst it remains within that parking place.

A motor vehicle which leaves and returns to the same parking place on the same day shall not be entitled to a second period of such free parking.

- 4.2.2 A solo motor cycle shall, when using a pay and display parking place, be exempted from the charges set out in the scale of charges relating to that parking place in the schedule to this Order, provided that, if there is an area within that parking place which has been specifically designated for the parking of that class of vehicle, it is parked wholly within that designated area.
- 4.2.3 Emergency vehicles of the Fire, police, Ambulance and HM Coastguard services shall be exempted from the pay and display charges and/or from any maximum period of stay specified in the schedule to this Order whilst using the parking places specified therein, provided that they are in active use on service.
- 4.2.4 the foregoing exemptions to pay and display parking charges only and do not apply to the penalty charges or reduced penalty charges specified in Schedule 2 to this Order.
- 4.3 For the purpose of this Order a parking ticket is a ticket purchased from a ticket machine at a parking place for one or more charging periods at the charge specified in relation to that parking place in column 7 of Schedule 1.
- 4.4 A parking ticket shall be valid for a parking place if and so long as the following condition are satisfied:-
- 4.4.1 the parking ticket is exhibited on the vehicle:-
- in the case of a vehicle which is fitted with a transparent windscreen by either sticking the parking ticket to the inside surface of the windscreen or by displaying the parking ticket inside the vehicle so that it is facing forwards and can be easily seen through the windscreen at the front of the vehicle;
 - in the case of a vehicle which is not fitted with a transparent windscreen by affixing one-half of the parking ticket (torn vertically) on the front of the vehicle so that it is facing forwards and can be easily seen from the front of the vehicle, the other half of the parking ticket to be retained by the driver and produced on demand;
 - the ticket referred to in paragraph 3 shall be so exhibited on the vehicle that the time shown on the front of the ticket is clearly visible to a person standing at the near side of the vehicle.
- 4.4.2 the period applicable to the parking ticket, calculated from the date and time of purchase indicated on the parking ticket, has not expired;

- 4.4.3 the parking ticket, which is non-transferable to any other parking place specified in column 1 of Schedule 1, is used for the parking of one vehicle only (being the original vehicle for which it was purchased).

5. Liability to a Penalty Charge

- 5.1 Contravention of the foregoing provisions of this Order shall render the owner or registered keeper of the vehicle legally liable for the charge even if they were not the driver at the time of the contravention.
- 5.2 Where a vehicle has incurred a penalty charge, a Civil Enforcement Officer shall attach to the vehicle in a conspicuous position a Penalty Charge Notice (hereinafter called the "notice").

6. Payment of Penalty Charge

- 6.1 Parking contraventions and the level of charge applicable to each contravention shall be as set out in Schedule 2 to this Order.
- 6.2 Payment of the penalty charge shall be as set out on the reverse of the notice.

7. Restrictions on Removal of Tickets and Notices

- 7.1 When the ticket has been displayed on a vehicle in accordance with Article 4.4.1 hereof no person shall remove the ticket from the vehicle until the vehicle is removed from the parking place.
- 7.2 Where a notice has been attached to a vehicle in accordance with the provisions of Article 5.2 hereof, no person not being the driver of the vehicle or person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the driver and in any event the said notice shall not be removed from the vehicle until the vehicle is removed from the parking place.

8. Indications by Ticket Machines and Tickets as Evidence

- 8.1 Unless the contrary is proved:-
- 8.1.1 if at any time a vehicle is left in a parking place without any parking ticket displayed indicating payment of the appropriate charge in accordance with column 7 of Schedule 1 it shall be presumed that no parking charge has been paid in respect of that vehicle
- 8.1.2 if at any time while a vehicle is left in the parking place there is displayed on the vehicle a ticket issued by a ticket machine indicating the day and the time of issue of the ticket and the time indicated on the ticket machine clock shows that the period for which the ticket is valid has expired it shall be presumed that the charge specified in column 7 of Schedule 1 has been duly paid for the vehicle and that the period for which the payment was made by the charge has already expired.
- 8.1.3 if at any time there is waiting in a parking place a vehicle whereon there is displayed one or more parking tickets purchased from a parking place other than the parking place in which the vehicle is waiting it shall be presumed that no parking charge has been paid in respect of that vehicle.

9. Use of Vehicle Engines

- 9.1 The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in that 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.

10. Prohibition of Sales etc

- 10.1 No person shall use a vehicle while it is in a parking place in connection with the sale or hire of any article to persons in or near that parking place or in connection with the selling or offering for hire of his skill or services otherwise than in accordance with a written consent of the Council.
- 10.2 No person shall in a parking place sell or hire any article to persons or sell or offer for hire his skill or services or that of any other person or do any other thing other than as authorised by this Order otherwise than in accordance with a written consent of the Council.

11. Removal and Disposal of Vehicles

11.1 Removal of Vehicle

11.1.1 Subject to the provisions contained within the Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007 and the proviso hereto when a vehicle is left in a parking place in contravention of any of the provisions of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from the parking place.

11.1.2 Provided that when a vehicle is waiting in the parking place in contravention of the provision of Article 2.3 of this Order, a person authorised in that behalf by the Council, may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision. The driver of the vehicle shall be liable to pay to the Council such reasonable charges that the Council has incurred in altering the position of the vehicle in order that its position shall comply with the said provision set out in Article 2.2.

11.2 Manner of Removal of Vehicles from Parking Places

11.2.1 Any person removing or altering the position of a vehicle by virtue of 11.1 may do so by towing or driving the vehicle or in such other 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.

11.3 Safe Custody of Vehicles Removed from Parking Places

11.3.1 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of this Article, he shall make such arrangements as may be

reasonably necessary for the safe custody of the vehicle but neither he nor the Council shall be liable for any damage which a vehicle may sustain in the course of such removal.

11.3.2 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 11.1 he or she shall make arrangements as may be reasonably necessary for the safe custody of the vehicle following such removal. Section 101 and 102 of the Act shall be applicable by the Council in respect of the vehicle insofar as the Council shall desire.

11.4 Disposal of Vehicles Removed from Parking Places

11.4.1 after a vehicle has been removed from a parking place in accordance with the foregoing provisions of this Order the Council may dispose of the said vehicle in accordance with the provisions of Sections 101 and 102 of the Act.

11.4.2 Where any sum may be payable to the owner of a vehicle pursuant to Section 101(5) of the Act and that sum of money is not claimed within the period of one year as therein provided the said sum shall be paid into the General Rate fund of the Council.

11.4.3 Where under the foregoing provisions of this part of this Order a notice is required to be or may be sent to a person, the despatching of such a notice by registered post or by the recorded delivery service shall be sufficient compliance with such provisions without proof of delivery.

12. Closure of Parking Places

12.1 Nothing in this Order shall prevent or otherwise restrict the power of the Council to close to the public the whole or any part of any parking place for any purpose or occasion as it shall in its absolute discretion deem proper either temporarily or permanently pursuant to Section 49(4) of the Act of 1984.

12.2 A driver shall not use a parking place when that parking place or any part thereof has been closed by the Council in accordance with this Article unless that driver is using the parking place for a purpose permitted by this Article or is authorised in writing by the Council to do so.

13. Vehicle to be Licensed

13.1 The owner/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 Vehicles (Excise) Act 1971 or any statutory re-enactment thereof and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the provisions of the Road Traffic Acts.

14. Restrictions on the Use of Parking Places

14.1 In a parking place no person shall:

14.1.1 erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council;

14.1.2 install tables, chairs, benches or other similar items without the written consent of the Council;

14.1.3 light or cause or permit to be lit any fire;

14.1.4 affix or attach posters, bills or any advertising material whatsoever to either the walls or structure of that parking place or to any vehicle parked in that parking place;

14.1.5 operate any loud speaker fitted in or fixed or connected to an authorised vehicle, wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of that parking place or residents or premises in the neighbourhood thereof;

14.1.6 use any part of it or vehicle left in it for camping purposes or overnight sleeping, cooking or sanitary purposes or for the purpose of carrying out any work of washing maintenance or repair to a vehicle parked thereon except such as may be reasonably necessary to enable the vehicle to be moved from the parking place.

15. Driving of Vehicles in Parking Places

15.1 No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in that parking place in accordance with the provisions of this Order or for the purpose of departing from that parking place.

15.2 Where in a parking place signs are erected or surface markings are laid for the purpose of:-

15.2.1 Indicating the entrance to or exit from; or

15.2.2 Indicating that a vehicle using that parking place shall proceed in a specified direction within that parking place

15.2.3 No person shall drive or permit to be driven any vehicle:

- So that it enters that parking place otherwise than by an entrance so indicated or leaves that parking place otherwise than by the exit so indicated; or
- In a direction other than so specified.

16. Liable to Enforcement

16.1 Failure to comply with any provision of this Order will render the person liable to enforcement pursuant to the guidance issued under Part 6 of the Traffic Management Act 2004.

PART IV

SCHEDULE 1 – PARKING PLACES

(1) Name of Parking Place	(2) Class of vehicle which may use Parking Place	(3) Position in which vehicle may wait	(4) Days of operation of Parking Place	(5) Hours of operation of Parking Place	(6) Days and Hours for charging	(7) Charges and maximum period for which vehicle may wait
Dorchester County Hall Staff and Members Car Parks	All vehicles except:- (a) goods vehicles exceeding 3,500 kg maximum gross weight (b) passenger vehicles adapted to carry more than 8 passengers exclusive of the driver, and (c) caravans and trailers	Wholly within a marked parking bay not otherwise reserved for specific classes of vehicle	All days	All hours	7.00am to 7.00pm Saturday	<u>Charge</u> Up to 1hr – £0.60 Up to 2hrs – £1.00 Up to 3hrs – £2.00 All day - £3.40
					7.00am to 7.00pm Sunday and Bank Holidays	<u>Charge</u> £0.50
					7.00pm to 7.00am all days	<u>Charge</u> £0.50
	All vehicles with DCC or Dorset Fire and Rescue Service or Library Service livery	Not applicable	All days	All hours	Not applicable	Not applicable
	DCC Permit Holders only	Wholly within a marked parking bay not otherwise reserved for specific classes of vehicle	All days	All hours	Not applicable	Free of charge Monday to Friday 7.00am to 7.00pm
	DCC Caretaking Permit Holders only	Wholly within a marked parking bay not otherwise reserved for specific classes of vehicle or caretakers parking bay	All days	All hours	Not applicable	Not applicable
	DCC Resident Permit Holders RPD and RPH Zones only	Wholly within a marked parking bay not otherwise reserved for specific classes of vehicle	All days	All hours	Not applicable	Free of charge 6.00pm to 8.00am Monday to Friday and all day Saturday, Sunday and Bank Holidays
Dorchester County Hall North-east and North- west Courtyards	All vehicles with DCC or Dorset Fire and Rescue Service livery	Not applicable	All days	All hours	Not applicable	Not applicable
	DCC permit holders only	Wholly within a marked parking bay not otherwise reserved for specific classes of vehicle	All days	All hours	Not applicable	Not applicable

(1) Name of Parking Place	(2) Class of vehicle which may use Parking Place	(3) Position in which vehicle may wait	(4) Days of operation of Parking Place	(5) Hours of operation of Parking Place	(6) Days and Hours for charging	(7) Charges and maximum period for which vehicle may wait
Dorchester County Hall Library Car Park	All vehicles except:- (a)goods vehicles exceeding 3,500 kg maximum gross weight (b)passenger vehicles adapted to carry more than 8 passengers exclusive of the driver, and (c)caravans and trailers	Wholly within a marked parking bay not otherwise reserved for specific classes of vehicle	All days	All hours	Outside Library operating hours Monday to Saturday up to 7.00pm	<u>Charge</u> Up to 1hr – £0.60 Up to 2hrs – £1.00 Up to 3hrs – £2.00 All day - £3.40
					7.00am to 7.00pm Sunday and Bank Holidays	<u>Charge</u> £0.50
					7.00pm to 7.00am all days	<u>Charge</u> £0.50
					During library operating hours	Free of charge <u>Maximum period of stay</u> 1/2 hour No return within 1 hour

SCHEDULE 2 – PARKING CONTRAVENTIONS AND LEVEL OF CHARGE

Code	Description	Differential Level
80	Parked for longer than the maximum period permitted	Lower
81	Parked in a restricted area in a car park	Higher
82	Parked after the expiry of time paid for in a pay & display car park	Lower
83	Parked in a pay & display car park without clearly displaying a valid pay & display ticket	Lower
85	Parked in a permit bay without clearly displaying a valid permit	Higher
86	Parked beyond the bay markings	Lower
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	Higher
89	Vehicle parked exceeds maximum weight and/or height permitted in the area	Higher
90	Re-parked within prohibited time for return to a parking space/bay	Lower
91	Parked in an area not designated for that class of vehicle	Higher
92	Parked causing an obstruction	Higher

PART IV

SCHEDULE 1 – PARKING PLACES

(1) Name of Parking Place	(2) Class of vehicle which may use Parking Place	(3) Position in which vehicle may wait	(4) Days of operation of Parking Place	(5) Hours of operation of Parking Place	(6) Days and Hours for charging	(7) Charges and maximum period for which vehicle may wait
Dorchester, Colliton Car Park County Hall	All vehicles except:- (a) goods vehicles exceeding 3,500 kg maximum gross weight (b) passenger vehicles adapted to carry more than 8 passengers exclusive of the driver, and (c) caravans and trailers	Wholly within a marked parking bay not otherwise reserved for specific classes of vehicle	All days	All hours	8.00am to 6.00pm Monday to Saturday including Bank Holidays	<u>Charge</u> Up to 30 mins – 50p Up to 1hr – £0.70p Up to 2hrs – £1.00 Up to 3hrs – £2.00 Up to 4hrs - £3.00
					8.00am to 6.00pm Sunday	<u>Charge</u> All day - £0.50
					6.00pm to 8.00am all days	<u>Charge</u> £0.50
	All vehicles with DCC or Library Service livery	Not applicable	All days	All hours	Not applicable	Not applicable
	DCC Resident Permit Holders RPD and RPH Zones only	Wholly within a marked parking bay not otherwise reserved for specific classes of vehicle	All days	All hours	Not applicable	Free of charge 6.00pm to 8.00am Monday to Friday and all day Saturday, Sunday and Bank Holidays
Dorchester County Hall Council Chamber and Colliton Annexe Courtyards	All vehicles with DCC livery	Not applicable	All days	All hours	Not applicable	Not applicable

(1) Name of Parking Place	(2) Class of vehicle which may use Parking Place	(3) Position in which vehicle may wait	(4) Days of operation of Parking Place	(5) Hours of operation of Parking Place	(6) Days and Hours for charging	(7) Charges and maximum period for which vehicle may wait
	All vehicles except:- (a)goods vehicles exceeding 3,500 kg maximum gross weight (b)passenger vehicles adapted to carry more than 8 passengers exclusive of the driver, and (c)caravans and trailers	Wholly within a marked parking bay not otherwise reserved for specific classes of vehicle	All days	All hours	Not applicable	Free of charge Maximum period of stay 1 hour No return within 1 hour