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M. Gadsden
FCLLEX Solicitor

DATED 8TH NOVEMBER 2012

ERIC 13804

THE EAST RIDING OF YORKSHIRE COUNCIL
(OFF STREET PARKING PLACES)
(CIVIL ENFORCEMENT) (CONSOLIDATION)
ORDER 2012

MG/70748

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The East Riding of Yorkshire Council (hereinafter called "the Council") in exercise of its powers under Sections 32, 33 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (the 1984 Act) as amended and in pursuance of powers granted by the Secretary of State under Section 74 and Part 2 of Schedule 8 and under Paragraph 8 of Schedule 9 of the Traffic Management Act 2004 and of all other enabling powers, after consultation with the Chief Constable of Humberside Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

PART 1
GENERAL

Commencement and Citation

1. This Order shall come into operation on the 8th day of November 2012 and may be cited as The East Riding of Yorkshire Council (Off Street Parking Places) (Civil Enforcement) (Consolidation) Order 2012.
2. The East Riding of Yorkshire Council (Off Street Parking Places) (Civil Enforcement) (Consolidation) Order Plans including the key ("the Plans") are incorporated into this Order.

Interpretation

3. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:

"Council" means The East Riding of Yorkshire Council and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

"1984 Act" means the Road Traffic Regulation Act 1984

"2004 Act" means the Traffic Management Act 2004

“the 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002

“administration fee” means a non-refundable charge levied by the Council for undertaking the administration work associated with all parking permits and vouchers;

“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;

“ambulance” means a motor vehicle which is constructed or adapted, and primarily used for carriage of person to a place where they will receive, or from a place they have received, medical treatment and which by reason of design, marking, livery or equipment is readily identifiable as an emergency vehicle;

“alternative approved method of payment” means cashless payments, park and phone, payment by debit or credit card facilitated by on site or remote verification by, for example, card reader or mobile phone text or phone call or decrementing card;

“bank holiday” has the same meaning as described in the ‘Banking and Financial dealings Act 1971 (C.80);

“card” means either a “credit card” or a “debit card” where “credit Card” and “debit Card” have the same meanings as given by Section 35A (6) of the Act of 1984 and an “approved card” shall be one which is listed on the Council’s web site and/or parking place information board as a card approved for the purposes of payment for parking charges;

“charging days” means days, including Bank Holidays, as specified in Schedule 2 and by notice at each parking place respectively;

“charging hours” means the period as specified in Schedule 2 and by notice at each parking place respectively;

“civil enforcement officer” means a person employed by, or on behalf of, the Council under Part 6 of the Traffic Management Act 2004 and in accordance with Section 76 of the Traffic Management Act 2004 authorised to supervise and enforce the restrictions imposed by this Order and to carry out the functions therein;

“delivering” or “delivery” or “collection” means the transfer of goods to or from a stationary vehicle, to or from a place adjacent to or in close proximity to the location of that stationary vehicle, including postal packets of any description, and reasonable time for checking the goods for the purpose of their delivery or collection;

“disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, a badge coloured blue in accordance with the Department for Transport Blue Badge scheme;

“disabled person’s parking disc” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; means a disc, issued by a Local Authority, 125 millimetres square, coloured blue and capable of showing the quarter hour period during which a period of waiting or parking begins;

“disc” means a circular permit issued by the Council and bearing printed instructions for its validation on the front or back, designed to indicate a period of time when a vehicle may park within a specified parking place, street or pay and display bay in accordance with the provisions of this order.

“dispensation certificate” means a certificate issued on or behalf of the Council under the provisions of this Order permitting a specified vehicle to park or wait in specified circumstances in a parking place, where the parking or waiting of that vehicle would otherwise be restricted or prohibited;

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

“east riding wide daily ticket” means a ticket issued by a pay and display ticket machine to permit parking between the hours of 8am to 6pm in any long stay parking place on the day of purchase (except South Cliff Park and Ride Site, Bridlington) which are subject to parking charges on the day of purchase;

“enactment” means any enactment, whether public, general or local, and includes any order, byelaw rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“event times” means periods on any specific day when special events are taking place which require regular but temporary prohibition or restriction of waiting or loading or parking. At event times, appropriate signs to the 2002 Regulations will be in place to indicate the any specific required restrictions;

“expiry time” is the time indicated on the pay and display ticket and is the time by which the vehicle must leave the parking place;

“free 30 minute parking period ticket” means a ticket issued by a pay and display ticket machine to permit free parking for the first period of parking between 8am and 6pm in Bishops Manor House Car Park and Hailgate Car Park, Howden and for the first period of parking between 8am and 12 noon in Newbegin Car Park, Hornsea and Cross Hill Car Park, Driffield and for the first period of parking between 12 noon and 6pm in Newbegin Car Park, Hornsea and Cross Hill Car Park, Driffield

“goods” and “merchandise” means goods of any kind whether animate or inanimate and includes postal packets of any kind;

“goods vehicle” means a motor vehicle which is constructed or adapted for the carriage of goods or merchandise or burden of any description or a trailer so constructed or adapted for the carriage of goods or merchandise or burden of any description provided that a trailer (including for this purpose when the trailer forms part of an articulated vehicle) shall not be deemed to be a goods vehicle for the purpose of this Order unless it is attached at all times to the vehicle towing it;

"hackney carriage" means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847;

“hotel” or “guest house” means any property used for the purpose of a business of letting rooms to individuals upon payment and with or without a meal;

“hourly charge” means the charge imposed by the Council for parking in a parking place on any one day and for a specified period of time as is identified in the scale of charges specified in Schedule 2 or as may be varied in accordance with Section 35C of the Act of 1984 and by notice at each parking place respectively;

“household” means a house or flat which has its own postal address. In the case of sub-divided properties the establishment of an individual address is subject to any

appropriate planning consent having been obtained for the sub-division of the property and the paying of separate Council Tax;

“key” means the key attached to the plans to be read in conjunction with the plans;

“loading” and “unloading” means a vehicle parked or waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises or adjacent to premises or nearby premises provided that the vehicle does not park or wait for more than twenty minutes or such longer period as a duly authorised by a civil enforcement officer or a person authorised by the Council. Loading and unloading is a continuous activity and if no signs of this activity are observed over a five minute period it will be deemed that this activity is not taking place;

“licensed taxi” means in England and Wales, a vehicle licensed under Section 37 of the Town Police Clauses Act 1847;

“motor car” has the same meaning as that in S136 of the Act of 1984;

“motor cycle” has the same meaning as that in S136 of the 1984 Act;

“motor cycle and sidecar” has the same meaning as that in S136 and 137 of the 1984 Act;

“motor tricycle” means a mechanically propelled vehicle with three wheels, a design speed greater than 50km per hour and an unladen weight of no more than 550kg, not being a motor cycle with three wheels;

“motor quadricycle” means a mechanically propelled vehicle with four wheels, a design speed greater than 50km per hour and an unladen weight of no more than 550kg;

“motor vehicle” has the same meaning as that in S136 of the Act of 1984;

“official funeral vehicle” means a vehicle specifically adapted for the transportation of corpses or a vehicle that carries the livery of the operating Funeral Directors;

“official wedding vehicle” means a vehicle used for the transportation of the persons being married;

“operating hours and days” means the times during which payment parking places are available for use;

“owner” in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the owner on the date on which the vehicle was parked or waiting it shall be presumed that the owner is the person as recorded as the registered keeper by the Driver and Vehicle Licensing Agency and or named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

“park” and “parked” refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle and a vehicle shall be deemed to be parked for any period in the same parking place or parking bay (as the case may be) if any part of it is below the vehicle or the vehicle’s load (if any) whether or not the vehicle is moved during that period;

“park and phone” means a method of payment of the parking charge involving registration of payment by phone or electronic means and, on first use, registration of the relevant registration number of the vehicle, location of the parking place, credit or debit card details or any such other details as the Council may from time to time require which is accepted by the Council as a valid method of payment for the relevant time of use of the parking place;

“parking bay” means an area of a parking place, which is provided for the leaving of a vehicle of a class specified and indicated by markings on the surface of the parking place or signed or otherwise indicated by signs in the parking place;

“parking device” has the meaning given by Sections 35(3)(b) and Section 51(4) of the 1984 Act;

“parking place” or “car park” means an area of land provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of parking of vehicles and not closed (in part or in whole) by a notice erected thereon by authority of the Council;

“passenger vehicle” means a motor vehicle (other than a motor-cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

“pay and display ticket machine” means an apparatus of a type and design approved by the Secretary of State for the purpose of the 1984 Act, being apparatus designed to

indicate the time by a clock and to issue a ticket indicating the payment of a charge, the date on which the issued ticket is valid and either the time of such payment or the expiry time of the parking period for which payment has been made;

“penalty charge” means a penalty charge relating to a parking contravention and payable in accordance with Regulation 4 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;

“penalty charge notice” has the meaning given by Regulation 8(1) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;

“permit” means any parking permit being a resident or staff permit or annual/6 monthly long stay parking permit issued by the Council under the provisions of this Order;

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

“permitted hours” means the periods specified for each parking place during which parking by vehicles of a specific class is permitted as specified on the Plans;

“a person authorised by the Council” means a person employed in accordance with Section 76 of the Traffic Management Act 2004 to carry out the functions therein;

“the plans” means the digitally held plans which are held at the Offices of The East Riding of Yorkshire Council showing the parking controls referred to in this order, the reference numbers for which are listed in Schedule 1;

“police vehicle” means a vehicle used by a warranted police officer in exercise of their duties whether or not that vehicle displays any insignia or livery;

“postal packet/s” has the same meaning as in Section 87 of the Post Office Act 1953;

“public holiday” means Christmas Day, Good Friday and any other day designated by the Government as a public holiday;

“Public Service Vehicle” has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981, as amended by the Transport Act 1985;

“Public Telecommunications Operator” has the same meaning as in Section 9 of the Telecommunications Act 1984;

“qualified medical practitioner” means a fully registered person within the meaning of the Medical Act 1983;

“registered carer” means any person employed by the Council or the National Health Service to provide medical or clinical care regularly away from their usual place of work to individuals in their homes or to other people in the exercise of its functions under any enactment;

“relevant position” in respect of: -

- a) a disabled person’s badge means exhibited on the windscreen, dashboard or fascia of the vehicle with the obverse side facing forwards on the near side of and immediately behind the windscreen or where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle orientated so that the whole of the information on the front of the permit is clearly legible from outside the vehicle;
- b) a permit means exhibited on the windscreen, dashboard or fascia of the vehicle with the obverse side facing forwards on the near side of and immediately behind the windscreen or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle orientated so that the whole of the information on the front of the permit is clearly legible from outside the vehicle;
- c) a pay and display ticket means exhibited on the windscreen, dashboard or fascia of the vehicle with the obverse side facing forwards on the near side of and immediately behind the windscreen or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle orientated so that the whole of the information on the front of the ticket is clearly legible from outside the vehicle;
- d) a disc means exhibited on the windscreen, dashboard or fascia of the vehicle with the obverse side facing forwards on the near side of and immediately behind the

windscreen or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle orientated so that the whole of the information on the front of the disc is clearly legible from outside the vehicle;

- e) a scratchcard means exhibited on the windscreen, dashboard or fascia of the vehicle with the obverse side facing forwards on the near side of and immediately behind the windscreen or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle orientated so that the whole of the information on the front of the scratch card is clearly legible from outside the vehicle;
- f) a permit card means exhibited on the windscreen, dashboard or fascia of the vehicle with the obverse side facing forwards on the near side of and immediately behind the windscreen or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle orientated so that the whole of the information on the front of the permit is clearly legible from outside the vehicle;
- g) a hackney carriage plate means the plate must be affixed to the vehicle in accordance with the instructions given within the licence as issued by the East Riding of Yorkshire Council or in the case of another Council in accordance with their instructions;

“resident” means a person whose principal residence is at premises the postal address of which is in any road or part of road in which a resident is entitled to a permit as specified in this order;

“statutory undertaker/s” has the same meaning as in Section 329 of the Highways Act 1980;

“security carrier” means a vehicle designed or adapted for or in use for the conveyance of bullion, monies and currency and other securities;

“taxi rank” means an area of carriageway which is indicated by road markings complying with a diagram in the 2002 Regulations for use by hackney carriages and licensed taxis;

“telecommunication system” has the same meaning as in the Telecommunications Act 1984;

“ticket” means a ticket issued by a pay and display ticket machine located in the parking place in which the vehicle has been parked or issued by a person nominated by the Council on payment of a charge and valid for a parking period as advertised at that parking place;

“traffic regulation order” or “TRO” have the same meaning respectively, that being an Order made under the Section 1 of the 1984 Act;

“Traffic Sign” means a sign or road marking of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act;

“trailer” means a vehicle drawn by a motor vehicle;

“universal service provider” and “universal postal service” shall bear the same meanings as in the Postal Services Act 2000;

“wait” and “waiting” refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle other than for the purposes of delivering, delivery or collection of goods; and a vehicle shall be deemed to be waiting for any period in the same parking place or parking bay (as the case may be) if any part of it is below the vehicle or the vehicle’s load (if any) whether or not the vehicle is moved during that period;

“waiver certificate” means a certificate issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited.

4. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to the Plans is a reference to the Plans incorporated into this Order.
5. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

6. Unless the context otherwise requires, words denoting the singular shall include the plural and vice versa and words denoting the persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
7. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the 1984 Act or by or under any other enactment.
8. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by this Order were Acts of Parliament thereby repealed.
9. If a court, the Department for Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or un-enforceable, such declaration shall not invalidate the remainder of the Order.

PART 2

DESIGNATION AND USE OF PARKING PLACES

Designation

10. Each area of land or building as specified on the plans may be used, subject to the provisions of this Order, as a place to park vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are advertised at each parking place.

Class and position of vehicle

11. Whereby notice at a parking place or any parking bay within the parking place, is described as available for vehicles of a specified class or vehicles to be parked in a specified location, no person except upon the direction of a person authorised by the Council shall cause or permit a vehicle to be parked in that parking place or in any parking bay within the parking place -
 - i) unless it is of the specified class;
 - ii) in a position other than that specified;
 - iii) for a purpose other than provided for in this Order.

Classes of vehicle

12. No person except upon the direction or with the permission of a person authorised by the Council shall cause or permit a vehicle to be parked in a parking place or bay unless it is a motor car, motor cycle, motor cycle with sidecar, motor tricycle, motor quadricycle, vehicle displaying a disabled persons' badge, or a class of vehicle specifically advertised or prescribed on site.

Position of vehicle

13. If parking bays are marked out in a parking place the driver of a vehicle shall ensure that all tyres on the vehicle lie wholly within the markings of the parking bay and not more than 300mm of the vehicle, including any load, overhangs into any adjacent parking bay and shall not permit it to wait in that parking place unless it is so positioned.
14. If parking bays are not marked out in a parking place the driver of a vehicle shall ensure that it is positioned so that it does not obstruct other vehicles using the parking place, the free flow of traffic circulating within the parking place and the entrances to and exits from the parking place.

Disabled person's parking bays

15. No person except upon the direction or with the permission of a person authorised by the Council shall cause or permit a vehicle to be parked in a parking bay marked for disabled persons unless the vehicle displays a valid disabled person's badge in the relevant position and immediately before or immediately after the act of parking the vehicle has been or is about to be used by the person(s) in respect of whom the disabled person's badge has been issued.

Permit parking bays

16. No person except upon the direction or with the permission of a person authorised by the Council shall cause or permit a vehicle to park in a parking bay or place marked for permit holders unless the vehicle is displaying a permit valid for that time and that parking bay.

Taxi ranks and taxi bays, and Hackney carriage stands

17. No person except upon the direction or with the permission of a person authorised by the Council shall cause or permit a vehicle to park in an area marked as a taxi bay or taxi rank or hackney carriage stand unless the vehicle displays in the relevant position a valid hackney carriage plate or permit issued by the Council.

Private Parking bays

18. No person except upon the direction or with the permission of a person authorised by the Council shall cause or permit a vehicle to park in an area marked as a private parking bay or place unless the vehicle displays in the relevant position a valid permit issued by the Council.

Loading and unloading bays

19. No person except upon the direction or with the permission of a person authorised by the Council shall cause or permit a vehicle to park in any area marked as a loading bay or place unless the vehicle is being used for the purpose of loading or unloading.

Motor cycle parking bays

20. No person except upon the direction or with the permission of a person authorised by the Council shall cause or permit a vehicle to park in a parking bay or place marked for motor cycles unless the vehicle is a motor cycle.

Hours of operation and maximum period of stay

21. Where by notice on site and in Schedule 2 of this Order, a parking place or in any parking bay within the parking place is described as being in operation on specified days, during specified hours or for a maximum period of stay, no person except upon the direction or with the permission of a person authorised by the Council shall cause or permit a vehicle to be parked in that parking place or in any parking bay within the parking place on any day, during such hours or for any period other or longer than those specified.

Period of no return

22. Where by notice on site and in Schedule 2 of this Order, a parking place is described as having a period within which a vehicle may not return, no person except upon the direction or with the permission of a person authorised by the Council shall cause or permit a vehicle to be parked again in that parking place on any day, during such hours within which the vehicle is excluded from waiting in the parking place.

Power to close or suspend parking places

23. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed or erected in a parking place;
- i) from closing a parking place or any part thereof for any period; and/or
 - ii) from setting aside a parking place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations or permit holders.
24. Any person closing or suspending the use of a parking place or any part thereof shall thereupon place or cause to be placed in or adjacent to that parking place or that part thereof a notice or traffic sign indicating that of that parking place or that part thereof is closed or the use is suspended and that parking by vehicles is prohibited.
25. No person except upon the direction or with the permission of a person authorised by the Council shall cause or permit a vehicle to be parked in a parking place or any part thereof during such periods that the parking place or that part thereof is closed or the use is suspended or during such period as there is in or adjacent thereto a notice or traffic sign indicating the closure or suspension placed by or on behalf of the Council.

Sale of Goods

26. No person shall in a parking place without the express written permission of the Council, use a vehicle, in connection with the sale of any article, including the vehicle itself, to any person in or near the parking place or in connection with the selling or offering for hire of skill or services in any other capacity.

Parked with engine running

27. No person except upon the direction or with the permission of a person authorised by the Council shall in a parking place continue to run the engine when the vehicle is in the parking space and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

Parked causing an obstruction

28. No person except upon the direction or with the permission of a person authorised by the Council shall in a parking place park the vehicle in such a manner or place where it causes an obstruction to any other users of the parking place.

PART 3

CHARGES FOR PARKING

Payment

29. No person except upon the direction or with the permission of a person authorised by the Council shall cause or permit any vehicle to be parked in a parking place without arranging for the hourly charge (if any) to be paid in accordance with the scale of current charges as specified for that parking place in Schedule 2 of this Order and displayed by notice at or close to the parking place.

Means of payment

30. The charges referred to in the preceding Article shall be payable in the manner as advertised at that parking place.

Pay and display parking places

31. The person in charge of a vehicle, upon parking the vehicle in a parking bay, shall immediately
- i) arrange for the purchase of a ticket from a pay and display ticket machine situated at that parking place at the level of charge and for the period required in accordance with the scale of hourly charges as advertised at that parking place or;

- (ii) obtain a free 30 minute parking period ticket from a pay and display ticket machine (applies only to Newbegin Car Park, Hornsea, Cross Street Car Park, Driffield, Bishops Manor Car Park and Hailgate Car Park, Howden) or;
- iii) make arrangements to pay the appropriate fee through an alternative approved method of payment such as Park and Phone at the level of hourly charge and for the period required in accordance with the scale of charges as advertised at that parking place.

Display of ticket

32. Save for payment by an alternative approved method of payment or upon the direction or with the permission of a person authorised by the Council, once a vehicle has been parked within a pay and display parking bay or place the person in charge of the vehicle shall ensure that:
- (i) a valid ticket has been obtained to cover the entire period that the vehicle is parked in the parking place, and
 - (ii) the valid ticket is displayed in the relevant position on the vehicle in respect of which it was issued at all times the vehicle is parked.

Validity of tickets

33. A ticket is not transferable from one vehicle to another and on transfer the ticket ceases to be valid.
34. A ticket is valid only in the parking place in which it was issued. This is defined by the reference code of the pay and display ticket machine located in that parking place printed on the ticket.
35. Nothing in Article 34 shall prevent a long stay ticket being valid in another long stay parking place in the same town.
36. Nothing in Article 34 shall prevent an East Riding Wide Daily Ticket being valid in any long stay parking place on the day of purchase (except South Cliff Park and Ride Site, Bridlington) which are subject to parking charges on the day of purchase;

Expiry of parking period

37. The expiry of the period for which the appropriate charge has been paid shall be:

- i. where a ticket has been purchased, when the time shown on the clock of the issuing pay and display ticket machine is later than the Expiry time shown on the ticket displayed, or
- ii. where an alternative approved method of payment has been used, when the period for which payment has been made and recorded has been exceeded.

No pay and display ticket displayed

38. Save for payment by an alternative approved method of payment, if at any time while a vehicle is parked in a parking place, no ticket is displayed on that vehicle in the relevant position and in accordance with the provisions of this order, it shall be deemed that the charge has not been paid.
39. If at the time when a vehicle is parked during the charging hours in a parking place and the nearest pay and display ticket machine in that parking place is out of order, then a ticket shall be obtained from another pay and display ticket machine within the same parking place (where provided) or as directed in the parking place.
40. Where no valid ticket can be obtained from a pay and display ticket machine within a parking place, vehicles may be parked in a parking place without charge but may not be parked for longer than the maximum period of parking in that parking place as advertised at the parking place.

Permits

41. Permits are available from the Council at the appropriate fee, for vehicles of a specific class and for a specific parking place subject to conditions determined by the Council.
42. Annual and 6 monthly long stay permits may be used in any one of four vehicles but must only be used in one vehicle at a time.
43. A permit is only valid in the parking place(s) in respect of which it was issued, for the vehicle(s) in respect of which it was issued and up to the date of expiry shown on the permit.
44. The driver shall abide by the terms stipulated from time to time by the Council for the use of the permit.

45. Residents of Moorfield Road, Bridlington are eligible for a concessionary discount of 75% on the cost of permits for the Moorfield Road car park, Bridlington reducing to a concessionary discount of 25% when closed circuit television is introduced in the car park. The concession applies only when the permit is used in the parking spaces reserved for the use of Moorfield Road residents. The concession will be completely removed if Moorfield Road is included in the Bridlington Controlled Parking Zone.
46. Members of the Bridlington Sports and Community Club are eligible for a concessionary discount of 100% on the cost of permits for the Moorfield Road car park, Bridlington but only when the permits are used in the parking spaces reserved for the use of club members and their visitors.
47. Businesses in the Palace car park, Bridlington that hold a permit(s) are eligible to use those parking spaces in the car park reserved for business use for loading and unloading only.

Display of permit

48. A permit shall be displayed in the relevant position on the vehicle in respect of the parking place for which it was issued at all times during which the vehicle is parked in the parking place.

Replacement permits

49. Damaged or lost permits will be replaced on application to the Council and on payment of an administration fee in accordance with Council policies. The damaged or lost permit will then become immediately invalid.

Surrender and refunds

50. A permit remains the property of the Council and must be surrendered on request. In such instances any refund of fee paid will be provided in accordance with the Council policy in place at that time.
51. The holder of a permit may, on surrendering the permit, be entitled to a refund based upon the Council policy in place at that time.

Restriction on removal

52. When a ticket or permit has been exhibited on a vehicle in the relevant position no person except upon the direction or with the permission of a person authorised by the Council shall remove the ticket or permit from the vehicle until the vehicle is removed from the parking place.

PART 4 **EXEMPTIONS**

Exemption from hourly charge

53. No hourly charge shall be payable in respect of;
- i) a vehicle parked displaying in the relevant position a permit valid for that parking place;
 - ii) a motorcycle parked in a designated motorcycle parking bay
 - iii) a vehicle parked for so long as may be necessary to enable the vehicle to be used in an emergency for fire and rescue, coastguard, ambulance or police purposes
 - iv) a vehicle parked for so long as may be necessary to enable the maintenance, improvement or reconstruction of any parking place; and the laying, erection, alteration or repair in or on land adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system;
 - v) a vehicle of the Royal Mail or other universal service provider as defined in the Postal Services Act 2000 to be used for the purpose of delivering and/or collecting mail and/or postal packet/s.

Absence of pay and display ticket machine

54. If at the time when a vehicle is parked in a parking place during the charging hours there is no pay and display ticket machine at the parking place, or all the pay and display ticket machines at that parking place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order, the driver of that vehicle shall be exempt from purchasing a ticket.

Payment by alternative approved method of payment

55. Where arrangements to pay the hourly charge have been made through an alternative approved method of payment and no ticket is produced by following the process, the driver of a vehicle shall be exempt from the requirement to display such a ticket.

PART 5

RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES

Emergencies

56. A person authorised by the Council may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any vehicle parked in a parking place.

Contraventions in suspended parking place

57. A person authorised by the Council may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any vehicle parked in a parking place which has been closed or suspended in whole or in part by the Council and the cost of movement or removal and safe keeping shall be the liability of the owner of the vehicle.

Safe keeping

58. Any person removing a vehicle from a parking place under the provisions of this Order shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

Disposal of vehicles abandoned in parking places

59. The Council may sell or otherwise dispose of, in accordance with current legislation, a vehicle which has been, or could at any time be, removed from a parking place if the vehicle appears to have been abandoned.

PART 6
CONTRAVENTION AND PENALTY CHARGE

Contravention

60. Save for the provisions in Part 7, if a vehicle is parked in a parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable.

Restriction on removal of notices

61. Any notice fixed to a vehicle in accordance with this Order shall not be removed or interfered with except by or under the authority of:
- (i) the Owner, or person in charge of, the vehicle;
 - (ii) the Council for the parking place in which the vehicle in question was found.

Indications as Evidence

62. The particulars given in any notice served on a vehicle in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay the penalty charge.

PART 7
LIABILITY AND OTHER PROVISIONS

Liability

63. The Council accepts no liability for the loss or damage to vehicles or other property left in any of the parking places to which this Order applies save for that arising from the negligence of the Council.

Validity

64. If a court, the Department for Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

Driving within a parking place

65. 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,
- any person who drives or permits 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
- shall be liable to prosecution.
66. Any person who, without with the permission of a person authorised by the Council in that behalf, drives or permits 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 shall be liable to prosecution.

Wilful damage

67. Any person who, with intent to defraud interferes with a pay and display ticket machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination, shall be liable to prosecution.

Domestic purposes

68. Any person who uses any part of the parking place or any vehicle parked in a parking place
- (i) for sleeping or camping or cooking, or
 - (ii) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable the vehicle to depart from the parking place,
- shall be liable to prosecution.

Behaviour

69. Any person who wilfully sounds any horn or any other similar instrument on a vehicle except when about to change the position of the vehicle in or to depart from the parking place shall be liable to prosecution.
70. Any person who in a parking place shouts or otherwise makes any loud noise to the disturbance or annoyance of users of the parking place or residents or premises in the neighbourhood shall be liable to prosecution.
71. Any person who in a parking place uses any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned shall be liable to prosecution.

Other activities

72. Any person who in a parking place
- (i) erects or causes or permits to be erected any tent, booth, stand, building or other structure without the written consent of the Council, or
 - (ii) lights or causes to be lit any fire,
- shall be liable to prosecution.

PART 8

REVOCATIONS

Revocations

73. The orders specified in Column 1 of Schedule 3 are hereby revoked to the extent specified in Column 2 of the said Schedule.

SCHEDULE 1
(PLAN REFERENCE NUMBERS – TILE NUMBERS)

Plans showing the location of parking controls referred to in this order

<u>LOCATION</u>	<u>PLAN REFERENCE NUMBER</u> <u>(TILE NUMBER)</u>
Anlaby	ET120, ET121
Beverley	DM119, DM120B, DM121, DN119, DN120, DN121, DO121, DO122
Bridlington	AB166, AB170, AE162, AF160, AF161, AG160, AG161, AI157, AI159, AJ157A, AJ158, AJ159, AK157, AK158, AP155, AQ155, Y176
Cottingham	EG123, EH123
Driffield	BK117, BK118, BL117, BL118
Goole	FI46, FI47, FJ47
Hedon	ET159, ET160, EU160
Hessle	FA120, FD117, FD118
Hornsea	CN164, CO164, CO163, CM164, CP164, CP165, DA169
Howden	EU47, EV47
Market Weighton	DG80
Pocklington	CL60, CL61
South Cave	EM91, EM92
Stamford Bridge	BR37, BR38
Willerby	EP118
Withernsea	EW198, EW199

1,
57,
55,

SCHEDULE 2
PAY & DISPLAY CHARGES

<u>AREA</u>	<u>CAR PARK</u>	<u>OPERATING DAYS AND HOURS</u>	<u>CHARGING HOURS AND DAYS</u>	<u>MAXIMUM DURATION OF STAY (WHEN CHARGES APPLY)</u>	<u>HOURLY CHARGES</u>	<u>ANNUAL LONG STAY PERMIT COST</u>	<u>6 MONTH LONG STAY PERMIT COST</u>	<u>VALIDITY OF LONG STAY PERMIT (see note below)</u>
Anlaby	Hull Road (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
	Wilson Street (Short Stay)	All days All hours	n/a	2 hours No return within 1 hour	Free	n/a	n/a	n/a
Beverley	Butcher Row (Short Stay)	All days All hours	8am to 6pm Mon to Sat	2 hours No return within 1 hour	30p ½ hour, 50p first hour, £1.10 second hour	n/a	n/a	n/a
	Spencer Street (Medium Stay)	All days All hours	8am to 6pm Mon to Sat	4 hours No return within 1 hour	50p first hour, then £1.10 per hour, £3.50 up to 4 hours	n/a	n/a	n/a
	Lord Roberts Road (Medium Stay)	Saturdays & Sundays All hours	8am to 6pm Saturdays only	4 hours No return within 1 hour	50p first hour, then £1.10 per hour, £3.50 up to 4 hours	n/a	n/a	n/a
	Grovehill (Long Stay)	Saturdays & Sundays All hours	8am to 6pm Saturdays only	No limit	50p first hour, then 70p per hour, £2.50 all day East Riding Wide Daily Ticket £5.00	n/a	n/a	n/a
	Grayburn Lane (part) (Medium)	All days All hours	8am to 6pm Mon to Sat	4 hours No return within 1 hour	£1.30 first hour, then £1.50 per hour,	n/a	n/a	n/a

Stay)					£5.00 up to 4 hours			
Princes Gardens (Medium Stay)	Monday to Friday 6pm to 6am Saturdays & Sundays All hours	8am to 6pm Saturdays only	No return within 1 hour	4 hours	50p first hour, then £1.10 per hour, £3.50 up to 4 hours	n/a	n/a	n/a
School Lane (part) (Medium Stay)	All days All hours	8am to 6pm Mon to Sat	No return within 1 hour	4 hours	£1.30p first hour, then £1.50 per hour, £5.00 up to 4 hours	n/a	n/a	n/a
Beverley Leisure Centre (Medium Stay)	All days All hours	8am to 6pm Mon to Sat	No return within 1 hour	4 hours	£1.30p first hour, then £1.50 per hour, £5.00 up to 4 hours	n/a	n/a	n/a
Trinity Lane (Long Stay)	All days All hours	8am to 6pm Mon to Sat	No limit		50p first hour, then £1.10 per hour, £3.50 all day East Riding Wide Daily Ticket £5.00	£500	£265	Class A
George Street (Long Stay)	All days All hours	8am to 6pm Mon to Sat	No limit		£1.30 first hour, then £1.50 per hour, £5.00 all day East Riding Wide Daily Ticket £5.00	£500	£265	Class A
Grayburn Lane (part) (Long Stay)	All days All hours	8am to 6pm Mon to Sat	No limit		£1.30 first hour, then £1.50 per hour, £5.00 up to 4 hours	£500	£265	Class A

					day East Riding Wide Daily Ticket £5.00				
	Nelson Street (Long Stay)	All days All hours	8am to 6pm All days	No limit	50p first hour, then £1.10 per hour, £3.50 all day East Riding Wide Daily Ticket £5.00	£350	£190	Class B	
	North Street (Medium Stay)	All days All hours	8am to 6pm All days	4 hours No return within 1 hour	50p first hour, then £1.10 per hour, £3.50 up to 4 hours	n/a	n/a	n/a	
	Stepney Grove (Medium Stay)	All days All hours	n/a	4 hours No return within 1 hour	Free	n/a	n/a	n/a	
	Moorfield Road (Long Stay)	All days All hours	8am to 6pm All days	No limit	50p first hour, then £1.10 per hour, £3.50 all day East Riding Wide Daily Ticket £5.00	£100	£65	Class D	
	Flamborough Road (Long Stay)	All days All hours	8am to 6pm All days	No limit	50p first hour, then 70p per hour, £2.50 all day East Riding Wide Daily Ticket £5.00	£100	£65	Class D	
	Hilderthorpe Road (Long Stay)	All days All hours	8am to 6pm All days	No limit	50p first hour, then 70p per hour, £2.50 all day	£250	£140	Class C	

					East Riding Wide Daily Ticket £5.00 Coaches and HGV's £9.00 all day summer, £7.00 all day winter and £5.50 ½ day summer, £4.00 ½ day winter				
	Langdale Wharf (Long Stay)	All days All hours	8am to 6pm and 8pm to 8am All days	No limit	£1.30 first hour, then £1.50 per hour, £5.00 all day East Riding Wide Daily Ticket £5.00 Overnight 8pm - 8am £1.30	£500	£265		Class A
	Bridlington Park and Ride (Long Stay)	All days All hours	8am to 6pm All days	No limit	£3.50 all day	n/a	n/a	n/a	
	Danes Dyke (Long Stay)	All days All hours	8am to 6pm All days	No limit	50p first hour, then 70p per hour, £2.50 all day East Riding Wide Daily Ticket £5.00	£250	£140		Class C
	South Landing, Flamborough (Long Stay)	All days All hours	8am to 6pm All days	No limit	50p first hour, then 70p per hour, £2.50 all day East Riding Wide Daily	£250	£140		Class C

						Ticket £5.00 Coaches £7.00 all day summer				
	Flamborough Head (Long Stay)	All days All hours	8am to 6pm All days	No limit	50p first hour, then 70p per hour, £2.50 all day East Riding Wide Daily Ticket £5.00 Coaches £7.00 all day summer	£250	£140	Class C		
	Limekiln Lane (Long Stay)	All days All hours	8am to 6pm All days	No limit	50p first hour, then 70p per hour, £2.50 all day East Riding Wide Daily Ticket £5.00	£250	£140	Class C		
	Sewerby (picnic) (Long Stay)	All days All hours	8am to 6pm All days	No limit	50p first hour, then 70p per hour, £2.50 all day East Riding Wide Daily Ticket £5.00	£250	£140	Class C		
Brough Haven	Brough Haven (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a		
Cottingham	King Street (part) (Short Stay)	All days All hours	n/a	2 hours No return within 1 hour	Free	n/a	n/a	n/a		
	King Street (part) (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a		

	Market Green (Short Stay)	All days All hours	n/a	No return within 1 hour	Free	n/a	n/a	n/a
	Kingtree (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
Drifffield	Cross Hill (Short Stay)	All days All hours	8am to 6pm Mon to Sat	2 hours No return within 1 hour	First ½ hour free between 8am and 12 noon and between 12 noon and 6pm, £1.30p first hour, £1.50 second hour	n/a	n/a	n/a
	Beckside (Long Stay)	All days All hours	8am to 6pm Mon to Sat	No limit	50p first hour, then £1.10 per hour, £3.50 all day East Riding Wide Daily Ticket £5.00	£350	£190	Class A
	Eastgate (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
Goole	Leisure Centre (Medium Stay)	All days All hours	n/a	4 hours No return within 1 hour	Free	n/a	n/a	n/a
	Estcourt Street (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
	Burlington Crescent (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
Hedon	Iveson Close (Short Stay)	All days All hours	n/a	2 hours No return within 1 hour	Free	n/a	n/a	n/a

	Church Lane (Short Stay)	All days All hours	n/a	2 hours No return within 1 hour	Free	n/a	n/a	n/a
	Magdalen Gate (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
	Thorn Road (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
Hessle	Swinegate (part) (Short Stay)	All days All hours	n/a	2 hours No return within 1 hour	Free	n/a	n/a	n/a
	Swinegate (part) (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
	The Square (off street) (Medium Stay)	All days All hours	n/a	4 hours No return within 1 hour	Free	n/a	n/a	n/a
	Foreshore Car Parks (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
Hornsea	Newbegin (Short Stay)	All days All hours	8am to 6pm All days	2 hours No return within 1 hour	First ½ hour free between 8am and 12 noon and between 12 noon and 6pm, 50p first hour, £1.10p second hour	n/a	n/a	n/a
	Leisure Centre (Long Stay)	All days All hours	8am to 6pm All days	No limit	50p first hour, then 70p per hour, £2.50 all day East Riding Wide Daily	£250	£140	Class A

						Ticket £5.00				
	Eastgate (Long Stay)	All days All hours	8am to 6pm All days	No limit	50p first hour, then 70p per hour, £2.50 all day East Riding Wide Daily Ticket £5.00	£250	£140	Class A		
	Broadway (Long Stay)	All days All hours	8am to 6pm All days	No limit	50p first hour, then 70p per hour, £2.50 all day East Riding Wide Daily Ticket £5.00	£250	£140	Class A		
	Sands Lane (Long Stay)	All days All hours	8am to 6pm All days	No limit	50p first hour, then 70p per hour, £2.50 all day East Riding Wide Daily Ticket £5.00	£250	£140	Class A		
	Morrow Avenue (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a		
	Mappleton (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a		
	Burton Road (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a		
Howden	Bishops Manor House (part) (Short Stay)	All days All hours	8am to 6pm Mon to Sat	2 hours No return within 1 hour	First ½ hour free between 8am and 6pm, 50p first hour, £1.10 second hour	n/a	n/a	n/a		

	Hailgate (part) (Short Stay)	All days All hours	8am to 6pm Mon to Sat	2 hours No return within 1 hour	First ½ hour free between 8am and 6pm, 50p first hour, £1.10p second hour	n/a	n/a	n/a
	Hailgate (part) (Long Stay)	All days All hours	8am to 6pm Mon to Sat	No limit	50p first hour, then £1.10 per hour, £3.50 all day East Riding Wide Daily Ticket £5.00	£350	£190	Class A
	Bishops Manor House (part) (Long Stay)	All days All hours	8am to 6pm Mon to Sat	No limit	50p first hour, then £1.10 per hour, £3.50 all day East Riding Wide Daily Ticket £5.00	£350	£190	Class A
Market Weighton	Finkle Street (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
Pocklington	Railway Station (front) (Short Stay)	All days All hours	n/a	2 hours No return within 1 hour	Free	n/a	n/a	n/a
	West Green (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
	Railway Station (rear) (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
South Cave	Church Street (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
Stamford Bridge	Shallows (part) (Short Stay)	All days All hours	n/a	2 hours No return within 1 hour	Free	n/a	n/a	n/a

	Shallows (part) (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
Willerby	Willerby: Square (part) (Short Stay)	All days All hours	n/a	2 hours No return within 1 hour	Free	n/a	n/a	n/a
	Willerby Square (part) (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
Withernsea	Market (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a
	Lee Avenue (Long Stay)	All days All hours	n/a	No limit	Free	n/a	n/a	n/a

Additional parking time for any overpayment of the above parking charges is available pro rata up to any defined maximum duration of stay. Any overpayment up to the maximum duration of stay will not be refunded but will allow parking pro rata and any overpayment that exceeds the maximum amount for the maximum duration of stay will not be refunded.

Validity of long stay permits

Class A permits are authorised for use in any long stay car park in the respective town for which it is issued.

Class B permits are authorised for use in the Beaconsfield, Nelson Street, Hilderthorpe Road, Danes Dyke, South Landing, Flamborough Head, Limekiln Lane, Sewerby Picnic, Moorfield Road and Flamborough Road car parks, Bridlington.

Class C permits are authorised for use in the Hilderthorpe Road, Danes Dyke, South Landing, Flamborough Head, Limekiln Lane, Sewerby Picnic, Moorfield Road and Flamborough Road car parks, Bridlington.

Class D permits are authorised for use in the Moorfield Road and Flamborough Road car parks, Bridlington

SCHEDULE 3
(PARKMAP SCHEDULE 24.01)
REVOCATION

	<u>Order</u>	<u>Extent of Revocation</u>
1	The East Riding of Yorkshire Council (Off Street Parking Places and Revocation) (Civil Enforcement) Order 2011	The Entire Order
2	The East Riding of Yorkshire Council (Off Street Parking Places and Revocation) (Civil Enforcement) (Amendment No.1) Order 2012	The Entire Order
3	The East Riding of Yorkshire Council (Off Street Parking Places and Revocation) (Civil Enforcement) (Amendment No.2) Order 2012	The Entire Order

Given under the Common Seal of The East Riding of Yorkshire Council the 8th day of November
2012

THE COMMON SEAL of THE EAST RIDING

OF YORKSHIRE COUNCIL was hereunto

affixed in the presence of:-



A. J. Winter

PROPERTY LAW MANAGER