

EAST SUSSEX COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984, ROAD TRAFFIC ACT 1991 & TRAFFIC MANAGEMENT ACT 2004

THE EAST SUSSEX (BOROUGH OF HASTINGS) (TRAFFIC REGULATION) (CONSOLIDATION) ORDER 2013 AMENDMENT ORDER No.1 2014

East Sussex County Council, in exercise of their powers under Sections 1(1), 2(1) to (4), 3(2), 4(2), 32, 35(1) and (3), 45, 46, 49, 51, 52 and 53 of, and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act"), as amended, the Road Traffic Act 1991, as amended, Part 6 of the Traffic Management Act 2004, and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

1. (a) This Order may be cited as "The East Sussex (Borough of Hastings) (Traffic Regulation) (Consolidation) Order 2013 Amendment Order No 1 2014" and shall come into effect on 21st July 2014.
 - (b) The East Sussex (Borough of Hastings) (Traffic Regulation) (Consolidation) Order 2013, as amended, shall have effect except as hereinafter contained.
- (i) Following Article 2.8, new Articles 2.9 to Article 2.13 shall be inserted as follows:
- 2.9 Payment of charge in Parking Places**
- 2.9.1** *Pursuant to other provisions in this Order, the driver of a vehicle using a parking place designated by this Order shall pay the parking charge relevant to that parking place.*
- 2.9.2** *The parking charge shall be paid:*
- (a) *where facilities allow, by the insertion of coins into a pay and display ticket machine which is approved in accordance with Section 35(3) of the Road Traffic Regulation Act 1984 (as amended); or*
 - (b) *where facilities allow, by a pre-paid card at a pay and display ticket machine which is approved in accordance with Section 35(3) of the Road Traffic Regulation Act 1984 (as amended); or*
 - (c) *where facilities allow, by a mobile telephone payment; or*
 - (d) *where facilities allow, in the case of a Permit, by a mobile telephone payment or by any other method described in this Order.*

2.9.3 When payment of a parking charge is made using a pay and display ticket machine, a ticket will be issued by the machine identifying the amount paid and the expiry time of the parking period. This ticket is non-transferable between parking places or vehicles and must be displayed in the vehicle as set out in Article 2.11.1.

2.9.4 When payment is made by mobile telephone, the parking place will be identified by the Location Identification Number (LIN) displayed on the information signs and the parking period paid for will only be valid for that specific parking place and vehicle. The LIN, parking charge paid and parking period will be available for CEOs to view on their hand-held devices when the VRM (Vehicle Registration Mark) is entered, (where "hand-held device" means a wireless hand-held computer used by a Civil Enforcement Officer, which is programmed to interface with the telephone payment system) .

2.9.5 If, when a vehicle is parked in a parking place, payment of the parking charge is not possible using the drivers preferred method, it should be paid using any alternative method available. Where there is a problem with a pay and display ticket machine, the driver should check if there is another machine in that parking place that could be used.

2.9.6 Only if all of the facilities for paying the parking charge at a parking place are not working or have been covered by an authorised agent, will the driver of that vehicle be exempt from paying the parking charge, provided that if the said facilities are rectified or replaced not later than two hours before the expiration of the permitted hours, the vehicle is removed within two hours of such rectification or replacement. If the vehicle is not so removed the parking charge for a period of two hours shall be deemed to have been incurred and paid at the time when the vehicle was left in the parking place and all the provisions of this Order shall apply accordingly.

2.10 Issuing of permits

2.10.1 Permits may be issued to an individual or organisation by the Council according to its own permit policies.

2.10.2 A permit will be issued with a particular code on it which identifies where the permit can be used. The permit is valid for use in a parking place where the permit code is shown on the upright traffic sign adjacent or near to the parking place.

2.11 Display of tickets, permits, waivers and blue badges

2.11.1 A valid ticket shall be clearly and continuously displayed in a vehicle so that the amount paid, expiry date and expiry time of the parking period is clearly visible from the front or nearside of the vehicle, for its entire length of stay in that parking place.

2.11.2 A valid permit shall be clearly and continuously displayed in a vehicle so that the VRM, permit code and expiry date, or in the case of a scratch card permit the VRM, permit code and date when parking is allowed, including the time where applicable, is clearly visible from the front or nearside of the vehicle, for its entire length of stay in that parking place.

2.11.3 A valid waiver shall be clearly and continuously displayed in a vehicle so that the location, dates and times of the waiver are clearly visible from the front or nearside of the vehicle, for its entire length of stay in that parking place.

2.11.4 A valid blue badge shall be clearly and continuously displayed in a vehicle so that the serial number, issuing authority and expiry date, and where applicable, the time clock set at the time of arrival, are clearly visible from the front or nearside of the vehicle, for its entire length of stay in that parking place.

2.11.4 When payment has been made according to Article 2.9.4, there shall be no requirement to display a ticket or permit, and evidence that the charge has been paid shall be provided by the appearance on a hand-held device of:

(a) an indication that the correct payment for a valid permit applicable to the parking place in which the vehicle has been left has been made in respect of that vehicle; or

(b) an indication that the correct payment applicable to the parking place in which the vehicle has been left has been made in respect of that vehicle, together with details of the date and time of the expiry of the parking period for which that payment has been made; and

(c) an indication that the parking period for which the payment has been made has not expired.

2.12 Contraventions in a parking place and penalty charges

2.12.1 A penalty charge will be payable if a vehicle is left in a parking place without complying with the provisions of this Order. A contravention shall be deemed to have occurred if:

(a) a vehicle is parked after expiry of the parking period for which the parking charge (where applicable) was paid; or

(b) a vehicle is parked without displaying a valid ticket in accordance with Article 2.11.1 or a valid permit in accordance with Article 2.11.2, or where necessary both, or a valid waiver in accordance with Article 2.11.3, or a valid blue badge in accordance with Article 2.11.4, as required for that parking place; or

(c) where facilities allow payment by a mobile telephone, confirmation of a valid parking period or parking charge paid for that parking place does not appear on the CEO's hand held device when the VRM is entered; or

- (d) a vehicle is parked in a parking space or part of a parking place designated for a specific user and it is not of that class of vehicle or driver; or
- (e) where there are marked bays in a parking place, a vehicle is not parked fully within a marked bay; or
- (f) a vehicle is parked obstructing the entrance or exit of the parking place or causing an obstruction to other vehicles using the parking place; or
- (g) a vehicle exceeds the permitted length, height or weight for that parking place; or
- (h) a vehicle exceeds the maximum length of stay for that parking place; or
- (i) a vehicle returns to the same parking place before the minimum length of time between stays has elapsed; or
- (j) a vehicle is using the parking place for any purpose other than parking.

2.12.2 When a CEO identifies a contravention as having occurred they will issue a Penalty Charge Notice (PCN) which they will either attach to the vehicle in a noticeable position or hand to the driver of the vehicle.

2.12.3 The driver of a vehicle which has been issued a PCN can pay the penalty charge to the Council by:

- (a) telephone, using a secure line which is available 24 hours, 7 days a week; or
- (b) in person at the Parking Shop by cash, cheque or postal order; or
- (c) online, using a secure link from the Council's website; or
- (d) sending credit or debit card details using the tear off slip at the bottom of a PCN, cheque or postal orders, by post to:
East Sussex County Council, The Parking Shop, PO Box 80, Lewes, BN7 2WU

2.12.4 The amount of penalty charge referred to in Article 2.12.3 above shall be £70 for a Higher Level Contravention and £50 for all other contraventions.

2.13 Clamping, moving and removal of a vehicle

2.13.1 When a persistent evader is identified in a parking place, a person authorised on behalf of the Council may clamp the vehicle. The owner is responsible for the payment of the clamping fees before their vehicle will be released. If the vehicle is in contravention at the time it is identified and a PCN is issued, this must also be paid before the vehicle is released.

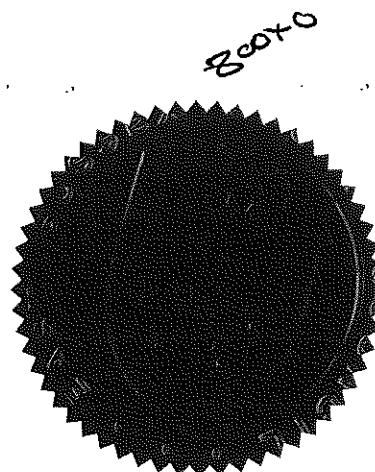
2.13.2 When a contravention of this Order has occurred or a persistent evader is identified, a person authorised on behalf of the Council may move the vehicle to a different position within that parking place so that it complies with the provisions of this Order, or remove the vehicle completely from the parking place.

2.13.3 Any person authorised by the Council for moving or removal of vehicles in a parking place may do so by any manner they think necessary and when removing a vehicle from a parking place, will make sure the vehicle is stored securely until such time as the owner claims the vehicle. The owner is responsible for the payment of any removal and storage charges before their car will be released.

THE COMMON SEAL of
EAST SUSSEX COUNTY COUNCIL
was affixed hereto
on the 14th day of July
Two Thousand and Fourteen
in the presence of:-

Michael Wren

AUTHORISED SIGNATORY



H & T Cttee.2.4.74 para 4.2 Jnt report of
Director of Legal & Community Services
& County Engineer – Para 4.