

EREWASH BOROUGH COUNCIL
(CIVIL ENFORCEMENT OFF-STREET PARKING PLACES) ORDER 2014

Erewash Borough Council (hereinafter called "the Council) in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended ("the 1984 Act") and of all other enabling powers, with the consent of the Derbyshire County Council in accordance with section 39(3) of 1984 Act.

PART I
GENERAL

Commencement and Citation

1. This Order shall come into operation on the 05 day of January 2015 and will be cited as the Erewash Borough Council (Civil Enforcement Off-Street Parking Places) Order 2014

Interpretation

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

"Approved Method of Payment" means 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). The first Monday of May shall be treated as if it were a Bank Holiday for the purposes of this order;

"Charging Days", means those days other than Christmas Day and Easter Sunday, which are as specified at each Parking Place respectively;

“Charging Hours”, means the period as specified at each Parking Place on all charging days;

“Council” means Erewash Borough Council or its successor authority;

“Disabled Persons’ Badge means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities’ Traffic Orders (exemptions for Disabled Persons) (England) Regulations 2000 or a badge having effect under those regulations as if it were a Disabled Person’s Badge.”

“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;

“Goods Vehicle” means a Vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, the overall height of which does not exceed 1.85 metres and the unladen weight of which does not exceed 2540 kilograms and is not drawing a trailer;

“Loading/Unloading” refers to when a Vehicle is parked wholly in a parking Place or bay marked for that purpose on site, for the purpose of delivering or collecting goods or merchandise or loading or unloading the Vehicle at premises adjacent to the Parking Place or bay and the Vehicle does not park for more than twenty minutes or such longer period as a duly authorized officer of the Council may authorise;

“Motor Cycle” refers to a solo motorcycle only and excludes any motor cycle which has a side-car or trailer, or which has more than two wheels;

“Owner” in relation to a Vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the Vehicle was parked in the Parking Place in question;

“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 Permit” means a season ticket, contract permit, business permit, staff permit or resident’s permit of a type and design issued by the Council;

“Parking Place” 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;

“Pay and Display Ticket” means a ticket issued by a 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;

“Penalty Charge” means a charge imposed by legislation in respect of parking contraventions that are subject to civil enforcement and has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

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

"Relevant Position" means

- a) In respect of a Vehicle displaying a valid Disabled Person's Badge –
 - i. In the case of a Vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 (the front of the badge), is legible from outside the Vehicle; or
 - ii. In the case of a Vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the Vehicle so that Part 1 of the badge is legible from outside the Vehicle;
- b) In respect of a Vehicle displaying a Pay and Display Ticket or Parking Permit –
 - i. The ticket or permit is exhibited on the inside surface of the windscreen or in a clearly visible position so that it is facing forwards and the expiry time can be easily seen and read from the front or side of the Vehicle; or
 - ii. In the case of a Vehicle that is not fitted with a transparent windscreen, the ticket or permit is exhibited on the front of the Vehicle facing forwards and the expiry time is clearly visible; or
- c) In respect of a Vehicle displaying a Hackney Carriage Plate
 - i. The plate must be affixed to the Vehicle in accordance with the instructions given within the licence as issued by the Borough Council;

"Ticket Machine" means an apparatus of a type and design approved by the appropriate Minister for the purpose of the 1984 Act, being apparatus designed to indicate the time by a clock and to issue parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and, either the time of such payment, or the expiry time of the parking period for which payment has been made;

"Vehicle" means any motor car, Motor Cycle or other mechanically propelled automobile.

3. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.
4. 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.
5. 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.
6. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II

DESIGNATION AND USE OF PARKING PLACES

Designation

7. Each area of land or building specified by the accompanying plans and by name in the Schedule 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

8. Where by notice at a Parking Place, a Parking Place is described as available for Vehicles of a specified class or Vehicles to be parked in a specified location, no person 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. that is parked beyond the Parking Bay markings;
- iii. in a position other than that specified; or
- iv. for a purpose other than provided for in this Order.

Disabled person's parking bays

- 9. No person 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

- 10. No person shall cause or permit a Vehicle to park in a Parking Bay marked for permit holders unless the Vehicle is displaying a Permit valid for that time and that Parking Bay.

Motor Cycle Parking Bays

- 11. No person shall cause or permit a Vehicle to park in a Parking Bay marked for Motor Cycles unless the Vehicle is a Motor Cycle.

Maximum Period of Stay

- 12. Where by notice on site, 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 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

13. Where by notice on site, a Parking Place is described as having a period within which a Vehicle may not return, no person shall cause or permit a Vehicle to be parked again in that Parking Place on any day, during such period.

Power to Close or Suspend Parking Places

14. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed 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 of parts thereof on all days or on certain days or during certain parts of days for use only by particular Vehicles or organisations.
15. 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.
16. No person 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

17. 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, 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

18. The driver of a Vehicle using a Parking Place shall stop the engine as soon as 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.

PART III
CHARGES FOR PARKING

Payment

19. No person shall cause or permit any Vehicle to be parked in a Parking Place without arranging for the appropriate charge (if any) to be paid in accordance with the scale of current charges as advertised at the Parking Place.

Means of Payment

20. 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

21. The person in charge of a Vehicle, upon parking the Vehicle in a Parking Bay, shall immediately
 - i. arrange for the purchase of a Pay and Display Ticket from a Ticket Machine situated in that parking place at the level of charge and for the period required in accordance with the scale of daily charges as advertised at that Parking Place, or
 - ii. make arrangements to pay the appropriate fee through an Approved Method of Payment such as Park and Phone at the level of daily charge and for the period required in accordance with the scale of charges as

advertised at that Parking Place.

Display of Ticket

22. Save for payment by an Approved Method of Payment, once a Vehicle has been parked within a pay and display Parking Place the person in charge of the Vehicle shall:
- i. ensure that a valid Pay and Display Ticket has been obtained and is displayed at all times and that the Vehicle is parked and payment to cover the entire period that the Vehicle is parked in the Parking Place, and
 - ii. display the valid Pay and display ticket in the Relevant Position on the Vehicle in respect of which it was issued. The ticket should be clearly displayed with the expiry time visible.

Validity of Pay and Display Tickets

23. A Pay and Display Ticket is not transferable from one Vehicle to another and on transfer the Pay and Display Ticket ceases to be valid.
24. A Pay and Display Ticket purchased in any specific designation of car park, that is long stay, short stay and cheap long stay, will be valid in any other car park of the same designation on the day of purchase. Pay and display tickets transferred between car parks of the same designation shall only be valid for the period for which the payment has been made.

Expiry of Parking Period

25. The expiry of the period for which the appropriate charge has been paid shall be:
- i. where a Pay and Display Ticket has been purchased, when the time shown on the clock of the issuing Ticket Machine is later than the Expiry Time shown on the Pay and Display Ticket displayed, or

- ii. where an Approved Method of Payment has been used, the period for which payment has been made and recorded has been exceeded.

No Pay and Display Ticket Displayed

- 26. If at any time while a Vehicle is parked in a Parking Place no Pay and Display 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.
- 27. If at the time when a Vehicle is parked during the Charging Hours in a Parking Place and the nearest Ticket Machine in that Parking Place is out of order, then a ticket shall be obtained from another Ticket Machine within the same Parking Place (where provided) or as directed on site.
- 28. Where no valid Pay and Display Ticket can be obtained from a Ticket Machine within a Parking Place, Vehicles may be parked in a Parking Place but may not be parked for longer than the maximum period of parking in that Parking Place as advertised at the Parking Place.

Parking Permits

- 29. Parking Permits are available from the Council at the appropriate fee, for a Vehicle of a specific class and for a specific Parking Place subject to conditions determined by the Council.
- 30. The driver shall abide by the terms stipulated by the Council for the use of the Parking Permit.
- 31. A Parking Permit is only valid in the Parking Place in respect of which it was issued, for the Vehicle in respect of which it was issued and up to the date of expiry shown on the Parking Permit.

32. A Parking 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's policies.

Display of Parking Permit

33. A Parking Permit shall be displayed in the Relevant Position on the Vehicle in respect of which it was issued at all times during which the Vehicle is parked in the Parking Place.

Replacement Parking Permits

34. Damaged or lost Parking 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 Parking Permit will then become immediately invalid.

Surrender of Parking Permit

35. The holder of a Parking Permit may, on surrendering the Parking Permit, be entitled to a refund based upon the Council policy in place at that time.

Restriction on Removal

36. When a Pay and Display Ticket or Parking Permit has been exhibited on a Vehicle in the relevant position no person shall remove the Pay and Display Ticket or Parking Permit from the Vehicle until the Vehicle is removed from the Parking Place.

PART IV EXEMPTIONS

Exemption from Daily Charge

37. No daily charge shall be payable in respect of;
- i. a Vehicle which displays in the relevant position a valid Disabled Person's Badge provided that the Vehicle immediately before or after the

act of parking has been used or is about to be used by the person(s) in respect of whom the badge is issued;

- ii. a Motor Cycle; or
- iii. a Vehicle parked displaying in a relevant position a valid Parking Permit valid for that Parking Place.

Absence of Ticket Machine

38. If at the time when a Vehicle is parked in a Parking Place during the charging hours there is no Ticket Machine at the Parking Place, or all the Ticket Machines at that Parking Place carry notices placed upon them by a person duly authorized by the Council indicating that they are out of order, the driver of that Vehicle shall be exempt from purchasing a Pay and Display Ticket.

Payment by Approved Method of Payment

39. Where arrangements to pay the Daily Charge have been made through an Approved Method of Payment and no Pay and Display Ticket is produced by following the process, the driver of a vehicle shall be exempt from the requirement to display such a ticket.

PART V

RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES

Emergencies

40. A person authorized by the Council or a Police Constable in uniform 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. This can include moving the vehicle to a safe place of storage.

Contraventions in Suspended Parking Place

41. A person authorized 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

42. 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.

PART VI CONTRAVENTION AND PENALTY CHARGE

Contravention

43. Save for the provisions in Part VII, 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 and/or the vehicle may be removed from this location. Where a contravention has occurred a notice shall be served by affixing it to the Vehicle or giving it to the person appearing to be in charge of the Vehicle.

Restriction on Removal of Notices

44. A 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

45. The particulars given in the notice attached to a Vehicle in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

PART VII

LIABILITY AND OTHER PROVISIONS

Driving within a Parking Place

46. 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.
47. Any person who, without the permission of a person authorised by the Council, 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 departure from the Parking Place shall be liable to prosecution.

Domestic Purposes

48. Any person who used 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.

PART VIII
REVOCATIONS

Revocations

49. The following Order made by Erewash Borough Council is hereby revoked.

The Erewash Borough Council (Off-Street Parking Places) (Civil Enforcement and Consolidation) Order 2008

SCHEDULE 1 OF CHARGES VARIED UNDER SECTION 35C OF THE ROAD TRAFFIC REGULATION ACT 1984 WITH EFFECT FROM 01 APRIL 2020

**Standard Car Parks
Part I – Standard Charge**

1	2	3	4	5	6	7	8
NAME OF PARKING PLACE	PLAN REFERENCE	POSITION IN WHICH VEHICLE MAY WAIT	CLASSES OF VEHICLE	DAYS AND HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	CHARGING DAYS AND HOURS	SCALE OF CHARGES
ILKESTON East Street, Ilkeston Baker Street, Ilkeston Chapel Street, Ilkeston Pimlico, Ilkeston Station Road, Ilkeston Wilton Place, Ilkeston Albion Centre, Ilkeston Lower Bath Street, Ilkeston Club Row, Ilkeston Queen Street, Ilkeston South Street, Ilkeston Northgate Street, Ilkeston Stanton Road, Ilkeston	H/1131/02/01 Electronic Ref: EBC_CPE_01	Wholly within a marked parking bay	Vehicles as defined in Article 2 of this Order excluding motor cycles	All days: All hours	No Limit	8am to 8pm Monday to Saturday inclusive (No charges on Bank Holidays)	Up to 3 hours - £1.00p Over 3 hours - £3.00p
	H/1131/03/01 Electronic Ref: EBC_CPE_02						
	H/1131/05/01 Electronic Ref: EBC_CPE_03	In bays designated disabled	Vehicles correctly displaying a disabled persons badge				
	H/1131/10/01 Electronic Ref: EBC_CPE_04						
	H/1131/14/01 Electronic Ref: EBC_CPE_05	Within the parking place	Motor cycles as defined in Article 2 of this Order				
	H/1131/21/01 Electronic Ref: EBC_CPE_06						
	H/1131/01/01 Electronic Ref: EBC_CPE_10(a)						
	H/1131/04/01 Electronic Ref: EBC_CPE_30						
	H/1131/06/01 Electronic Ref: EBC_CPE_11						
	H/1131/12/01 Electronic Ref: EBC_CPE_12						
LONG EATON Claye Street, Long Eaton Gibb Street, Long Eaton Beaconsfield St, Long Eaton Lawrence Street, Long Eaton Town Hall (Lower), Long Eaton New Street, Long Eaton Waverley Street, Long Eaton	H/1131/23/01 Electronic Ref: EBC_CPE_07	Wholly within a marked parking bay	Vehicles as defined in Article 2 of this Order excluding motor cycles	All days: All hours	No Limit	8am to 8pm Monday to Saturday inclusive (No charges on Bank Holidays)	Up to 2 hours - £1.50p Up to 18 hours - £4.00p Up to 48 hours - £7.00p Over 48 hours & up to 6 days - £15.00p Free 30 minute parking in marked bays only. No voucher required.
	H/1131/24/01 Electronic Ref: EBC_CPE_08						
	H/1131/22/01 Electronic Ref: EBC_CPE_14	In bays displaying a disabled persons badge	Vehicles correctly displaying a disabled persons badge				
	H/1131/25/01 Electronic Ref: EBC_CPE_09						
	H/1131/28/01 Electronic Ref: EBC_CPE_15	Within the parking place	Motor cycles as defined in Article 2 of this Order				
	H/1131/26/01 Electronic Ref: EBC_CPE_18						
	H/1131/33/01 Electronic Ref: EBC_CPE_19						

NAME OF PARKING PLACE	PLAN REFERENCE	POSITION IN WHICH VEHICLE MAY WAIT	CLASSES OF VEHICLE	DAYS AND HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	CHARGING DAYS AND HOURS	SCALE OF CHARGES
LONG EATON Train Station	H/1131/37/01 Electronic Ref: EBC_CPE_20)	Wholly within a marked parking bay	Vehicles as defined in Article 2 of this Order excluding motor cycles	All days: All hours	No Limit	8am to 8pm Monday to Saturday inclusive (No charges on Bank Holidays)	Up to 2 hours - £1.50p Up to 18 hours - £4.00p Up to 48 hours - £7.00p Over 48 hours & up to 6 days - £15.00p Free 30 minute parking in marked bays only. No voucher required.

**EXECUTED as a Deed by affixing the COMMON SEAL
Of Erewash Borough Council
In the presence of**



Authorised Officer

Dated this 05 day of January 2015

