

THE DISTRICT OF ROCHFORD (OFF STREET PARKING PLACES) ORDER 2003

The Council of the District of Rochford (hereinafter called "the Council") in exercise of its powers under Sections 32,35 and 35A of the Road Traffic Regulation Act 1984 ("the Act") (as amended) and of all other enabling powers, with the consent of Essex County Council and after consultation with the Chief Officer of Police in accordance with Paragraph 20, Part III of Schedule 9 of the Act and after consultation in accordance with Regulation 6(1) of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996, hereby makes the following Order:-

PART I

GENERAL

1. This Order shall come into operation on 14th April 2003 and may be cited as the District of Rochford (Off-Street Parking Places) Order 2003

2. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order, and any reference in this Order to "the Schedule" is a reference to the Schedule to this Order.

(2) In this Order –

"charging hours" means any period specified in column 5 of the Schedule in respect of which a charge is specified in Article 4;

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

"the 1982 Regulations" refers to the Disabled Persons (Badges for Motor Vehicles) Regulations 1982

"disabled person's badge" has the same meaning as in Regulation 3 of the 1982 Regulations.

"owner", in relation to any vehicle, means the person by whom such vehicle is kept and used;

"parking place" means any area of land specified by name in column 1 of the Schedule, provided by the Council under Section 32 of the Act for use as a parking place.

"parking bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place; and

"relevant position" means the positions complying with Regulations 4A, 4C and 4D of the 1982 Regulations.

PART II

USE OF A PARKING PLACE

3. Use of a parking place

- (1) Each area of land specified by name in column 1 of the Schedule may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions on such days and during such hours as are specified in relation to that area in the Schedule.
- (2) Where in the Schedule a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place unless it is of the class and in the position so specified.
- (3) Insofar as a vehicle is left in a parking place where charges apply during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.

4. Amount of initial charge at parking places

- (1) This Article applies to the parking places specified by name in column 1 of the Schedule.
- (2) The initial charge for a vehicle left in a parking place where charges apply (other than The Approach, Rayleigh) during the charging hours shall be as follows:-

Not exceeding 0.5 hours	25p	
Exceeding 0.5 hours but not exceeding 2 hours	50p	
Exceeding 2 hours but not exceeding 4 hours	£1.00	
Exceeding 4 hours but not exceeding 5 hours	£1.50)
)
Day ticket	£2.50)
)
Weekly ticket	£10.00)

These charges do not apply to Websters Way short stay and Mill Hall short stay

- (3) The day ticket charge for a vehicle left in a parking bay at The Approach, Rayleigh, shall be £2.50.
- (4) The charges referred to in Paragraphs (2) and (3) of this Article shall be payable by the insertion of an appropriate coin or coins magnetic data or similar stored value cards into the apparatus provided, being an apparatus approved for the purpose of Section 35 of the Act.

- (5) Any ticket or device issued on payment of the charge referred to in Paragraphs (2) and (3) of this Article shall be attached in a conspicuous position to the vehicle in respect of which it was issued.
- (6)
 - (a) Any ticket or device issued on payment of the charge referred to in Paragraph (2) of this Article shall be valid at the parking places where charges apply numbered 1 – 9 (inclusive) and referred to in column 1 of the Schedule hereto, irrespective of the parking place at which the ticket was purchased.
 - (b) Any ticket or device issued on payment of the charge referred to in Paragraph (3) of this Article shall only be valid at The Approach.
- (7) The Council may from time to time resolve to waive or reduce the charges in the Order during the period immediately preceding the Christmas Holiday Season or at any other time for a temporary or limited period.
- (8) The owner of a vehicle may by payment into the apparatus provided purchase a weekly season ticket in respect of that vehicle. A weekly season ticket shall be valid for 7 days from the time of issue and shall cost £10.00. A weekly season ticket is not available at The Approach.
- (9) A section of The Approach Car Park shall be set aside for exclusive use by season ticket holders. A quarterly season ticket shall be valid for three months from the time of issue and shall cost £95.00. An annual season ticket shall be valid for one year from the time of issue and shall cost £350.00. An administrative fee of £18.00 will be charged for the refund of season tickets. It shall be an offence for non-season ticket holders to park in this section.
- (10) The section of the Civic Suite Car Park, Hockley Road, Rayleigh hatched in blue on plan 8 attached shall be set aside from Monday to Friday inclusive for the exclusive use of authorised persons displaying a valid permit issued by Rochford District Council to that effect and it shall be an offence to park in this section without displaying a valid permit during this period.
- (11) The Freight House Car Park, Bradley Way, Rochford shall be set aside from Monday to Friday inclusive for the exclusive use of authorised persons displaying a valid permit issued by Rochford District Council to that effect. It shall be an offence to park in this parking place without displaying a valid permit during this period between the hours of 6.00am and 9.00am.

5. Amount of penalties and excess charge at parking places.

- (1) If a vehicle is left in any parking place in any parking bay designated for disabled persons whether during the charging hours or not which vehicle does not display the disabled persons badge in accordance with the 1982 Regulations the penalty shall be £80.00.
- (2) If a vehicle is left in any parking place where charges apply in any parking bay other than described in Article 5(1) during the charging hours for longer than the initial period for which payment was made an additional amount of £60.00 (which additional amount is hereinafter referred to as the "excess charge") shall be payable.

- (3) If a vehicle is left in any parking place where charges apply in any parking bay and does not display any ticket or device for the day or time at which a Parking Patrol Officer observes the vehicle so parked a penalty of £60.00 shall be payable.
- (4) If a vehicle is left in any parking place where charges do not apply in a parking bay other than described in Article 5(1) for longer than the period from time to time prescribed under Column 6 of the Schedule a penalty of £60.00 shall be payable.
- (5) If a vehicle is left in the section of The Approach reserved for season ticket holders without displaying a valid season ticket the penalty shall be £60.00.
- (6) If a vehicle is left in the Freight House Car Park or Civic Suite Car Park without displaying a valid permit during the requisite times the penalty shall be £60.00.
- (7) In the case of a vehicle in respect of which a penalty or an excess charge may have been incurred, it shall be the duty of a Parking Patrol Officer to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-
 - (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) the time at which he or she first observed that the initial period for which payment was made by the initial charge had expired;
 - (c) a statement that the penalty of £80.00 (Article 5(1)), the excess charge of £60.00 (Article 5(2)), or the penalty of £60.00 (Articles 5(3)(4) and (5)), is required to be paid;
 - (d) the manner in which, and the time within which, the penalty or excess charge should be paid; and
 - (e) a statement that a person shall be guilty of an offence:-
 - (i) in the event of any contravention of or non-compliance with a provision of this Order
 - (ii) if that person who, with an intent to defraud interferes with any apparatus operating for the purposes of Article 4(4) of this Order
 - (iii) if that person displays a parking ticket or device other than in the manner prescribed
- (8) The excess or penalty charges referred to in Articles 5(2) – (6) inclusive above shall be reduced to £30.00 if paid to the Council Corporate Director (Finance & External Services) within 10 working days from the date of issue of the notice referred to in Article 5(7) and £10.00 in the case of the excess or penalty charges referred to in Article 5(2) if paid before the expiry of the second day following the date of the offence.

6. Period for which vehicle may be left after penalty or excess charge incurred.

- (1) The period for which a vehicle may be left in a parking place where charges apply during the charging hours after the penalty or excess charge has been incurred shall not exceed two hours.
- (2) If a vehicle is left in a parking place where charges apply during the charging hours for more than two hours after the penalty or excess charge has been incurred, it shall be the duty of a Parking Patrol Officer to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-
 - (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) the time at which he or she first observed that the vehicle had been left in the parking place for more than two hours after the penalty or excess charge had been incurred;
 - (c) a statement that it is an offence under section 35A of the Act for the driver of a vehicle who has left the vehicle in a parking place to leave the vehicle therein for longer than two hours after the penalty or excess charge has been incurred and that if the vehicle is so left it will be subject to the service of a further penalty or excess charge notice.

7. Restriction on removal of notices.

When a notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the notice from the vehicle.

8. Other provisions.

- (1) The driver of a vehicle shall not permit that vehicle to wait in any parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.
- (2) The driver of a motor vehicle using any parking place shall stop the engine as soon as the vehicle is in a position in the parking place, and shall not start the engine except when about to change the position of the vehicle or to depart from the parking place.
- (3) No person shall use:-
 - (a) a vehicle, while it is in any parking place, in connection with the sale of any vehicle to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
 - (b) any part of any parking place or any vehicle left in any 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 that vehicle to depart from the parking place.
- (4) Where the Council set aside a part of any parking place to which the Order applies for the use of persons using vehicles displaying disabled persons badges, no person shall leave a vehicle in such part of that parking place unless such vehicle is displaying a disabled persons badge in accordance with the 1982 Regulations.
- (5) The driver of a vehicle using any parking place shall not sound any horn or other similar instrument except when the need arises as a consequence of changing the position of the vehicle or to depart from the parking place.
- (6) (1) It is an offence for any vehicle not to be parked wholly within a parking bay or to be parked in any part of any parking place other than in a parking bay
- (2) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 3 and Article 8(6)(1) a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
- (3) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.
- (4) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
- (5) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he or she may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
- (6) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (2) or (3) of this Article shall make such arrangements as he or she considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.
- (7) Where in a parking place signs are erected or surface markings are laid for the purpose of:-
- (a) indicating the entrance to or exit from the parking place, or
 - (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,

no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.

(8) No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

(9) No person shall, having obtained a ticket in payment of a charge referred to in Article 4(2) on leaving a parking place, hand that ticket to any other person with the intention of permitting that person to represent that he or she had themselves purchased the ticket.

(10) No person shall, unless he or she has previously obtained the written consent of the Council, place or cause to be placed on any vehicle which has been left in a parking place any poster, leaflet, placard, device or representation intended or employed for the purposes of advertisement.

(11) No vehicle shall be permitted to park overnight in any parking place.

PART III

EXEMPTION

9. The driver of a vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation of time specified in Article 3 and from any payment specified in Articles 4 and 5.

PART IV

REVOCATION

10. The District of Rochford (Off-Street Parking Places) Order 2001 is hereby revoked.

The Common Seal of the **Rochford District Council** was hereunto affixed
this 10th day of April 2003

in the presence of

A. J. BUGEJA

Head of Legal Services

(Seal)
Min. No.36/03
Seal No. 6087