

TENDRING DISTRICT COUNCIL
THE DISTRICT OF TENDRING
(OFF-STREET PARKING PLACES)
CONSOLIDATION ORDER 2005

The Tendring District Council (hereinafter referred to as “the Council”) in exercise of the powers conferred on the Council under Section 35(1) and (3) of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act”), as amended, and Schedule 9 of the Act and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, hereby makes the following Order:-

PART I
CITATION AND INTERPRETATION

1. This Order shall come into operation on the 19th day of December 2005 and may be cited as “The District of Tendring (Off-Street Parking Places) Consolidation Order 2005”.

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

“disabled person’s badge”, “disabled person’s vehicle” and “parking disc” have the same meanings as in the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

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

“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 and 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;

“machine” means a device approved in accordance with Section 35(3) of the Act, and the provisions of Section 47(5) of the Act shall apply in respect of such device;

“motor car” means a mechanically propelled vehicle not being a motor cycle or a disabled persons’ vehicle which is constructed itself to carry a load or passengers and the weight of which unladen does not exceed two tons;

“motorcycle” and “invalid carriage” have the same meaning as in Section 136 of the Act;

“parking attendant” means a person authorised by or on behalf of the Council to supervise and carry out enforcement in respect of any parking area;

“parking bay” means an area within a parking place marked out for the leaving of a vehicle;

“parking place” means any area of land specified by name in Column 1 of the Schedule to this Order provided by the Council under Section 32(1) of the Act or by agreement under Section 33 of the Act as a parking place;

“penalty charge” and “reduced penalty charge” mean a charge set by the Council under the provisions of Section 66 of the Road Traffic Act 1991 and with the approval of the

Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice;

“penalty charge notice” means a notice issued or served by a parking attendant pursuant to the provisions of Section 66 of the Road Traffic Act 1991;

“relevant position” in respect of:

- (a) a disabled person’s badge means:
 - (i) in the case of a vehicle fitted with a front windscreen, that the badge is exhibited on the nearside of and immediately behind the windscreen with the front facing forward so as to be visible and legible from the outside of the vehicle; or
 - (ii) the case of a vehicle not fitted with a front windscreen, that the badge is exhibited on the front or nearside of the vehicle;
- (b) a disabled person’s parking disc, means that the side showing the time is facing forward or outward and immediately behind the windscreen or side window on the front or nearside of the vehicle;

“specified position” a vehicle left in a parking place shall cause it so to stand so that every part of a vehicle is within the limits of a parking bay;

“vehicle” means a mechanically propelled vehicle intended or adapted for use on roads (motor vehicle as defined in Section 136(1) of the Act) and a vehicle drawn by a motor vehicle (trailer as defined in Section 136(1) of the Act);

- 3. Except where otherwise stated, any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order.
- 4. The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act, or by or under any other enactment.
- 5. Save where the contrary is indicated, any reference in this Order to:-
 - (a) This Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;
 - (b) A Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted.

PART II
OFF-STREET PARKING PLACES

USE OF PARKING PLACES:

6. Each area of land specified in Column 1 of the Schedule to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such position and on such days and during such hours and on payment of such charges as are specified in relation to that area in the said Schedule.
7.
 - (1) The Driver of a vehicle upon entering the parking place or having parked in an empty parking bay in the parking place within the charging hours specified in Column 5 of the Schedule to this Order shall take a ticket or tickets from the machine by the insertion of coins of the appropriate denomination. Provided that no charge shall be payable by the driver of a vehicle left in that parking place who exhibits a valid unexpired parking permit issued in respect of that vehicle in accordance with the provisions of paragraphs (2) and (3) of this Article.
 - (2)
 - (a) Subject to the discretion of the Council the owner of a vehicle may, on application to the Council, purchase an annual parking permit in respect of that vehicle for a particular parking place,
 - (b) Subject to the discretion of the Council, parking permits may be issued to employees of the Council for such periods as are specified on those permits when the employees concerned are engaged on official duties.
 - (3) The driver of a vehicle leaving a vehicle in a parking bay in the parking place during the charging hours specified shall display or attach the ticket(s) or parking permit (and continue to display/attach the ticket(s) or the parking permit throughout the period the vehicle is left in the parking place) referred to in paragraph 1 of this Article so that the validity of the ticket(s) or parking permit can be checked by a person standing at the offside of a vehicle:
 - (a) In the case of a motor cycle in a conspicuous position on the offside of the vehicle in front of the driving seat;
 - (b) In the case of all other vehicles in such a position as to be clearly visible through the offside of the windscreen facing frontwards.

A vehicle shall not be left in a parking place if it displays an out-of-date ticket(s) or parking permit.
- (4) The driver of a vehicle having parked in an empty parking bay in the parking place shall be allowed a period not exceeding 5 minutes to purchase and display a parking ticket or obtain a parking permit in accordance with Article 7(1) and (3) of this Order.
8. Where a parking ticket or permit have been displayed or affixed to a vehicle in accordance with the provisions of the preceding Article, no person shall remove the parking ticket or permit while the said vehicle remains at the parking place.
9. No person shall knowingly exhibit on any vehicle any parking ticket or permit which has been altered, defaced, mutilated or added to or upon which the figures or particulars have become illegible.

10. Parking permits issued under this Order shall not be transferable from one vehicle to another without the prior approval of the Council and any vehicle exhibiting a parking permit indicating a registration mark issued pursuant to the Vehicle Excise and Registration Act 1994 other than that borne by the vehicle on which the said parking permit is exhibited, shall be deemed not to be exhibiting a valid unexpired parking permit.
11. The holder of a parking permit issued under this Order may at any time surrender the parking permit by delivering it to the Council's Head of Technical and Procurement Services and where a parking permit is surrendered, the holder thereof shall be entitled to be repaid by the Council by way of rebate an amount equal to one twelfth of the amount paid in respect of each complete calendar month of the period of the currency of the parking permit which is unexpired at the date of the surrender.
12. Nothing in Article 7 of this Order shall apply in respect of a disabled person's vehicle on which a disabled person's badge and parking disk on which the driver, or other person in charge of the vehicle has marked the time of which the period of waiting began are displayed.
13. No person shall use a parking place so as to be or cause or permit a nuisance.
14. No person shall park a vehicle in a parking bay in the parking place which has been specifically reserved for use by disabled drivers unless that vehicle has a disabled person's badge and parking disk displayed thereon, or in a parking bay reserved for Council employees.
15. The Council may close any parking place or part thereof either temporarily or permanently and shall exhibit notice of such closing on or near the parking place or the part closed as the case may be, and no vehicle shall be parked in any parking place or part thereof so closed.
16. 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 or for the purpose of departing from the parking place.
17. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in a parking bay in the parking place, and shall not start the engine or sound any horn or similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
18. No person shall without the written consent of the Council use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
19. No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.
20. No person shall use any part of a parking place or any vehicle left in a parking place:
 - (a) for sleeping or camping purposes;
 - (b) For cooking purposes; or

- (c) for the purpose of repairing, servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
21. No vehicle shall use a parking place as a means of passage to proceed from one road to either the same road or another road unless the vehicle has in the meantime been properly parked therein and the appropriate fee paid.
22. 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 cause 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 that specified, as the case may be.
23. Where in a parking place signs are erected or surface markings are laid for the purpose of identification of a parking bay no person shall cause or permit a vehicle to be parked in the parking place other than within a parking bay so identified.
24. In a parking place no person shall:
- (a) erect or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council;
 - (b) light or cause or permit to be lit any fire or heating device.
26. The driver of a vehicle shall not cause it to exceed 10 mph when it is being driven within the parking place.
26. When a vehicle is left in a parking place in contravention of any of the provisions contained in this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place or alter or cause to be altered the position of the vehicle so that its position shall comply with the provisions of this Order.
27. Any person removing or altering the position of a vehicle by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary.
28. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
29. In the case of an emergency, a person duly authorised by the Council or a Police Constable in uniform may move or cause to be moved a vehicle left in the parking place to any place considered more appropriate.

**PART III
CONTRAVENTION OF ORDER**

30. If a vehicle is left in contravention of any provisions of this Order, a penalty charge shall become payable in respect of each day or part thereof that the vehicle is left and in the case of a vehicle in respect of which a penalty charge has been incurred, the parking attendant shall attach to the vehicle in a conspicuous position a penalty charge notice which shall indicate the following particulars:-
- (1) The date and time of the alleged offence.
 - (2) The vehicle registration number.
 - (3) The make and colour of the vehicle.
 - (4) The location of the vehicle.
 - (5) Details of the alleged offence.
 - (6) Details of the penalty payable.
 - (7) Instructions on how and where to pay.
 - (8) Instructions on how and when an enquiry and/or a formal representation against the issue of the penalty may be made.
 - (9) The reference number of the penalty charge notice.
31. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 30 of this Order, no person shall remove the notice from the vehicle other than the driver of the vehicle or a person duly authorised to do so by the driver.
32. The penalty charge shall be paid to the Council in accordance with the instructions contained on the penalty charge notice.

**PART IV
REVOCATIONS**

33. The provisions of The District of Tendring (Various Roads, Tendring District) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions Street Parking Places and Off-Street Parking Places) Consolidation Order 2005 are hereby revoked insofar as they relate to Off-Street Parking Places as mentioned in Part VII and the Schedule thereof.

GIVEN under the Common Seal of the Tendring District Council this 6th day of December 2005.

The **COMMON SEAL** of

TENDRING DISTRICT COUNCIL

was hereunto affixed in the presence of:-

Principal Solicitor

SCHEDULE

Name of Parking Place	Position in which Vehicle may wait	Classes of Vehicle	Days of operation of Parking Place	Hours of operation of Parking Place	Maximum period for which Vehicles may wait	Scale of Charges	
							£
Ipswich Road Car Park, Holland-on-Sea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	24 hours daily	24 hours	Up to 30 minutes 30 minutes to 1 hour 1 to 3 hours 3 to 4 hours over 4 hours Season Ticket	0.40 0.60 1.00 3.00 10.00 150.00
Tower Street Car Park, Brightlingsea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	24 hours daily	24 hours	Up to 2 hours 2 to 4 hours Over 4 hours Time restricted permit (Yearly) (Before 9.00 a.m. and after 4.00 p.m.) Season Ticket	1.30 3.00 6.00 10.00 150.00
Promenade Way Car Park, Brightlingsea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	1 June – 30 September in each year	24 hours daily	24 hours	Up to 2 hours 2 to 4 hours Over 4 hours Time restricted permit (Yearly) (Before 9.00 a.m. and after 4.00 p.m.) Seasonal permit – Beach Hut Owners Only Season Ticket	1.30 2.20 5.00 10.00 5.00 150.00
Lower Marine Parade Car Park, Dovercourt	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	1 June – 30 September in each year	24 hours daily	24 hours	Up to 2 hours 2 to 4 hours Over 4 hours Time restricted permit (Yearly) (Before 9.00 a.m. and after 4.00 p.m.) Seasonal permit Beach Hut Owners Only Season Ticket	1.30 2.20 5.00 10.00 5.00 150.00

Wellington Road, Car Park, Harwich	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	24 hours daily	24 hours	Up to 1 hour 0.70 1 to 4 hours 3.00 Over 4 hours 5.00 Time restricted permit (Yearly) (Before 9.00 a.m. and after 4.00 p.m.) 10.00 Season Ticket 150.00
The Quay Car Park, Harwich	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	24 hours daily	24 hours	Up to 1 hour 0.60 1 to 4 hours 3.00 Over 4 hours 5.00 Time restricted permit (Yearly) (Before 9.00 a.m. and after 4.00 p.m.) 10.00 (No Season Tickets)
Tamarisk Way Car Park, Jaywick	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	24 hours daily	24 hours	Up to 30 minutes 0.30 30 minutes to 1 hour 0.90 1 to 4 hours 3.30 Over 4 hours 5.00 Season Ticket 150.00
Old Road Car Park, Clacton-on-Sea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	Between the hours of 07.30 and 23.00 Mondays to Saturdays in any week	Between the hours of 07.30 and 23.00 in any day of operation of the car park	Up to 1 hour 0.90 1 to 2 hours 1.30 2 to 4 hours 2.20 4 to 6 hours 3.50 Over 6 hours 5.50 Season Ticket 150.00
Frinton and Walton Swimming Pool Car Park, Princes Esplanade, Walton- on-the-Naze	Within a recognised parking bay	Cars, minibuses, motor-cycles and motor-cycle combinations only	All year round	Between the hours of 06.00 and 21.00 daily	24 hours	Up to 3 hours 3.00 3 to 5 hours 5.00 Over 6 hours 6.50 Pool users only – Up to 3 hours (refundable on the day of issue) (No Season Tickets)
York Road Car Park, Holland-on-Sea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	22 May – 12 September in each year	24 hours daily	24 hours	Free

Hastings Avenue Car Park, Clacton-on-Sea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	24 hours daily	24 hours	Up to 1 hours 1 to 4 hours Over 4 hours Car/Trailer combinations (all day) Season Ticket	1.00 4.00 6.00 5.50 150.00
The Leas Car Park, Frinton-on-Sea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	1 April – 30 September in each year	Between sunrise and sunset daily	24 hours	Free	
Mill Lane Car Park, Walton-on-the-Naze	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	24 hours daily	24 hours	Up to 1 hour 1 to 3 hours 3 to 5 hours Over 5 hours Season Ticket	0.70 1.70 3.70 5.00 150.00
Ace Garage Car Park, Clacton-on-Sea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	24 hours daily	24 hours	Up to 1 hour 1 to 2 hours 2 to 4 hours 4 to 6 hours Over 6 hours Season Ticket	0.70 1.10 1.80 3.50 4.50 150.00
Alton Road Car Park, Clacton-on-Sea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	24 hours daily	24 hours	Up to 1 hour 1 to 2 hours 2 to 4 hours 4 to 6 hours Over 6 hours Season Ticket	0.70 1.10 1.80 3.50 4.50 150.00
Wellesley Road Car Park, Clacton-on-Sea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	24 hours daily	24 hours	Up to 1 hour 1 to 2 hours 2 to 4 hours 4 to 6 hours Over 6 hours Season Ticket	1.20 2.00 4.00 5.00 6.00 150.00

Holland Haven Car Park, Clacton-on-Sea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	24 hours daily	24 hours	Up to 1 hour 1.00 1 to 4 hours 3.00 Over 4 hours 5.50 Tendring Resident and Beach hut Holder Permit 20.00 (NB Free to residents of the Tendring District until 10.30 a.m.) (No Season Tickets)
The Naze Car Park Walton-on-the-Naze	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	Between sunrise and sunset daily	24 hours	Up to 1 hour 1.00 1 to 4 hours 3.00 Over 4 hours 5.50 Tendring resident and Beach Hut holder Permit 20.00 (NB Free to residents of the Tendring District until 10.30 .a.m.) (No Season Ticket)
Station Yard Car Park, Walton-on-the-Naze	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations, double-decker buses, coaches and commercial vehicles	All year round	24 hours daily	24 hours	Up to 2 hours 1.30 2 to 4 hours 2.60 4 to 6 hours 3.50 Over 6 hours 5.00 Double-decker buses, coaches and commercial vehicles under 3 hours 4.00 Double-decker buses, coaches and commercial vehicles over 3 hours 6.50 Season Ticket 150.00
Coronation Car Park, Princes Esplanade, Walton-on-the-Naze	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations, double-decker buses, coaches and commercial vehicles	All year round	24 hours daily	24 hours	Up to 1 hour 1.00 1 to 3 hours 3.00 Over 3 hours 6.00 Double-decker buses, coaches, and commercial vehicles 6.50 Season Ticket 150.00
Agate Road Car Park, Clacton-on-Sea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	24 hours daily	24 hours	Up to 1 hour 1.20 1 to 2 hours 2.00 2 to 3 hours 3.40 Over 3 hours 7.00 Season Ticket 300.00
	Within a	Cars, motor-cycles	All year round	Between sunrise	24 hours	Up to 2 hours 1.30

Church Road Car Park, Walton-on-the-Naze	recognised parking bay	and motor-cycle combinations only		and sunset daily		2 to 4 hours 4 to 6 hours Over 6 hours Season Ticket	2.80 4.20 5.50 150.00
High Street Car Park, Clacton-on-Sea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations. Commercial vehicles (after 18.00 only)	All year round	24 hours daily	24 hours	Up to 1 hour 1 to 2 hours 2 to 4 hours 4 to 6 hours Over 6 hours Commercial Vehicles (after 18.00 only) Cars (after 19.00 only) Over 3 hours upper levels Multi-storey only Season Ticket	1.20 2.00 3.80 5.00 6.00 6.50 1.00 4.00 300.00
Milton Road Car Park, Dovercourt	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	Between the hours of 08.00 and 21.00 Mondays to Saturdays in any week		Up to 1 hour 1 to 2 hours 2 to 4 hours 4 to 6 hours Over 6 hours Season Ticket	0.70 1.30 2.90 4.50 5.50 300.00
High Street Car Park, Walton-on-the-Naze	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations only	All year round	24 hours daily	24 hours	Up to 1 hour 1 to 2 hours 2 to 4 hours 4 to 6 hours Over 6 hours Season Ticket	0.70 1.30 2.80 5.00 6.00 300.00
Martello Bay Car Park, Clacton-on-Sea	Within a recognised parking bay	Cars, motor-cycles and motor-cycle combinations, double-decker buses, coaches and commercial vehicles	All year round	24 hours daily	24 hours	Up to 4 hours 4 to 8 hours Over 8 hours (No Season Tickets)	4.00 7.00 10.00