

DATED

10TH

SEPTEMBER

2013

**THE FLINTSHIRE COUNTY COUNCIL
(OFF-STREET PARKING PLACE -
BRUNSWICK ROAD, BUCKLEY)
(CIVIL ENFORCEMENT AND CONSOLIDATION)
ORDER 2013**

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DMD/T470242

THE FLINTSHIRE COUNTY COUNCIL
(OFF-STREET PARKING PLACE -
BRUNSWICK ROAD, BUCKLEY)
(CIVIL ENFORCEMENT AND CONSOLIDATION)
ORDER 2013

Flintshire County Council (hereinafter called "the Council") in exercise of its powers under Sections 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended ("the 1984 Act"), the Traffic Management Act 2004 ("the 2004 Act") 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 1984 Act hereby makes the following Order:

PART 1
GENERAL

Commencement and Citation

1. This Order shall come into operation on 1 October 2013 and may be cited as the Flintshire County Council (Off-Street Parking Place - Brunswick Road, Buckley) (Civil Enforcement and Consolidation) Order 2013.

Interpretation

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

"civil enforcement officer" means a person employed in accordance with Section 76 of the 2004 Act to carry out the functions thereof;

"Council" means Flintshire County Council or its successor authority;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000;

"light 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 parking 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 civil enforcement officer 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 “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;

“parking bay” means an area of the 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 or staff permit of a type and design issued by the Council;

“the Parking Place” means the area of land off Brunswick Road, Buckley, specified by name in column 1 of the Schedule, and on the plan accompanying this Order, 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;

“penalty charge” means the charge set by the Council under section 77 of and Schedule 9 to the 2004 Act which is to be paid to the Council following the issue of a penalty charge notice;

“penalty charge notice” means a penalty charge notice issued or served by a civil enforcement officer pursuant to the provisions of the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013;

“relevant position” means 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;

“vehicle” includes any motor car, motor cycle or other mechanically propelled vehicle.

3. Except where the context requires otherwise, any reference in this Order to a numbered Article or to the Schedule shall be construed as a reference to the Article bearing that number in, and to the Schedule to, 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 2

DESIGNATION AND USE OF PARKING PLACES

Designation, hours of operation and maximum period of stay

7. The Parking Place 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 and for such periods as are specified in relation to the Parking Place in the Schedule.
8. When a vehicle has left the Parking Place after waiting therein, the driver thereof shall not within one hour after its leaving cause or permit it to wait again in the Parking Place.

Class and position of vehicle

9. Where by notice at the Parking Place, the 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 shall cause or permit a vehicle to be parked in the Parking Place or in any parking bay within the Parking Place,
- (i) unless it is of the specified class;
 - (iii) that is in a position other than that specified; or
 - (iv) for a purpose other than provided for in this Order.

Classes of vehicle

10. No person shall cause or permit a vehicle to be parked in a parking bay unless it is a passenger vehicle, light goods vehicle, a vehicle displaying a disabled person's badge, motor cycle or a class specifically prescribed in the Schedule or as advertised on site.

Position of vehicle

11. If parking bays are marked out in the Parking Place the driver of a vehicle shall ensure that it is not parked beyond the parking bay markings and shall not permit it to remain parked in the Parking Place unless it is so positioned.
12. If parking bays are not marked out in the Parking Place the driver of a vehicle shall ensure that it is parked 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

13. 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.

Loading and unloading bays

14. No person shall cause or permit a vehicle to park in any area marked as a loading bay unless the vehicle is being used for the purpose of loading or unloading.

Motor cycle parking bays

15. 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.

Power to close or suspend the Parking Place

16. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed or erected in the Parking Place:
 - (i) from closing the Parking Place or any part thereof for any period; and/or
 - (ii) from setting aside the 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.

17. On closing or suspending the use of the Parking Place or any part thereof the Council shall place or cause to be placed in or adjacent to the Parking Place or that part thereof a notice or traffic sign indicating that the Parking Place or that part thereof is closed or the use is suspended and that parking by vehicles is prohibited.
18. No person shall cause or permit a vehicle to be parked in the 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

19. No person shall in the 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 skills or services in any other capacity.

Parked with engine running

20. The driver of a motor vehicle using the Parking Place shall stop the engine as soon as the vehicle is parked in a parking bay and shall not start the engine except when about to change the position of the vehicle or to depart from the parking place.

Parked causing an obstruction

21. No person shall in the 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 RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES

Emergencies

22. A person authorised by the Council or a police officer 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 the Parking Place.

Contraventions in suspended parking place

23. 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 the 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

24. Any person removing a vehicle from the 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 a parking place

25. 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 the Parking Place if the vehicle appears to the Council to have been abandoned.

PART 4

CONTRAVENTION AND PENALTY CHARGE

Contravention

26. If a vehicle is parked in the Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable and a penalty charge notice may then be issued.

Restriction on removal of notices

27. Any penalty charge 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; or
 - (ii) the Council.

Indications as Evidence

28. The particulars given in any penalty charge notice attached to 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 5

LIABILITY AND OTHER PROVISIONS

Liability

29. The Council accepts no liability for loss or damage to vehicles or other property left in the Parking Place save for that arising from the negligence of the Council.

Validity

30. If a court, the Department for Transport, the Welsh Ministers, 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 the Parking Place

31. Where in the 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;
- 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 so specified.

Disabled etc.

32. The following vehicles left in the Parking Place shall be exempt from any limitation on the time specified in the Schedule, namely:-
- (a) an invalid carriage;

- (b) a vehicle issued to a disabled person by the Department for Work and Pensions or the Welsh Government in lieu of an invalid carriage;
 - (c) a disabled person's vehicle which displays in the relevant position a disabled person's badge; and
 - (d) a vehicle which has displayed on it in a conspicuous position a valid parking permit issued by the Council in respect of that vehicle and for the Parking Place provided that the conditions subject to which it is issued have been complied with.
33. No person shall, without the permission of a person authorised by the Council in that behalf, drive or cause or permit to be driven any vehicle in the 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.
34. No person shall use the Parking Place as a means of proceeding from one road to another road.

Domestic purposes

35. No person shall use any part of the Parking Place or any vehicle parked in the 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.

Behaviour

36. The driver of a motor vehicle using the Parking Place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in, or to depart from, the Parking Place.
37. No person shall in the Parking Place shout or otherwise make any loud noise to the disturbance or annoyance of users of the Parking Place or residents or premises in the neighbourhood.

38. No person shall in the Parking Place use 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.

Other activities

39. No person shall in the Parking Place
- (i) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council, or
 - (ii) light or cause to be lit any fire.

Revocations

38. The County Council of Flintshire (Brunswick Road, Buckley) (Off Street Parking Places) Order 1999 is hereby revoked.

THE COMMON SEAL of)
FLINTSHIRE COUNTY COUNCIL)
was hereunto affixed)
this 10th day of September 2013)
in the presence of:-)



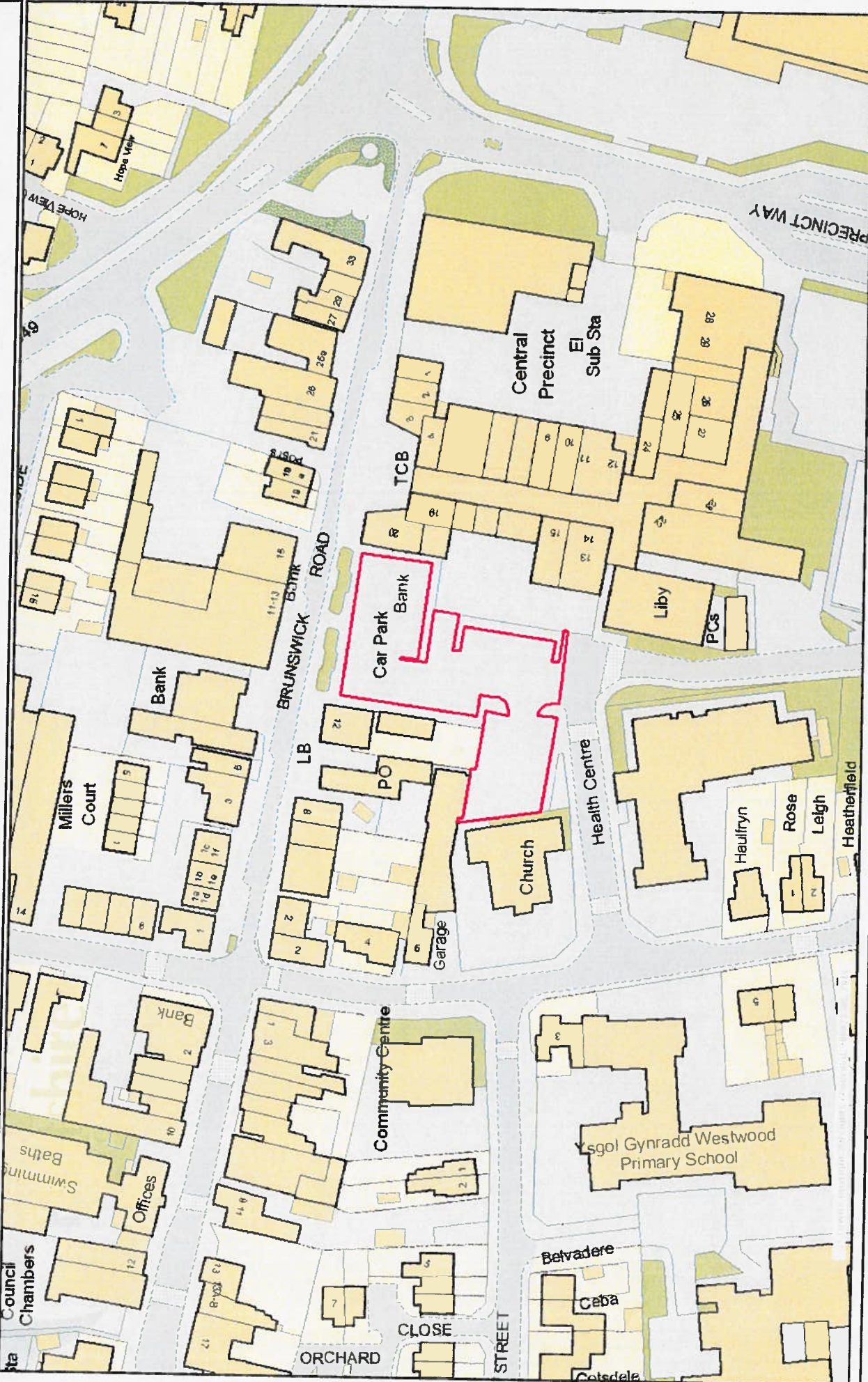
Chairman *Carl Alous*

Principal Solicitor *David M. Jones*

SCHEDULE

Name of Parking Place	Classification of Parking Place	Class of Vehicle	Position in Which Vehicle may Wait	Days and Hours of Operation of Parking Places	Restricted Hours	Maximum Period for which Vehicles may stay
1	2	3	4	5	6	7
Car park adjacent to Health Centre, Brunswick Road, Buckley, as shown edged red on the plan attached to this Order.	Free parking place.	Vehicle, light goods vehicle, and motor cycle.	Wholly within a parking bay.	Mondays to Saturdays inclusive.	8 a.m. to 5 p.m.	2 hours.

Brunswick Road, Buckley



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Scale 1/1250
 Centre = 327806 E 363958 N
 Date 12/8/2013
 Name



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 Andrew Jones*