

**NORTH YORKSHIRE COUNTY COUNCIL**

**(VARIOUS ROADS, BOROUGH OF HARROGATE) (PARKING AND WAITING)**  
**(NO 32) ORDER 2010**

North Yorkshire County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1), 2(1) to (3), 4(2), 32(1) and 35(1) of the Road Traffic Regulation Act 1984 ("the Act") and 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 Act, hereby make the following Order:-

**PART 1**

**GENERAL**

1. (1) When used in this Order each of the following expressions has the meaning assigned to it below:-

"authorised parking place" means any parking place on a road authorised or designated by an Order, including this Order, made or having effect as if made under the Act being an area designated as a parking place, comprised within and indicated by a road marking complying with Diagram 1028.4 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002 (as amended by the Traffic Signs (Amendment) Regulations 2005);

"charge certificate" means the statement that the penalty charge has been increased in accordance with Regulation 21 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"civil enforcement officer" means any officer of the Council who is authorised to supervise and control vehicles in the parking place and enforce the provisions of this Order pursuant to Section 76 of the 2004 Act and Section 63A of the 1984 Act;

"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 (and shall, as appropriate, bear the meaning assigned by Section 142 of the 1984 Act);

"higher level contraventions" are as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

"lower level contraventions" means all parking contraventions which are not higher level contraventions as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

"operative hours" means between 9.00 am and 1.00 pm, Monday to Friday;

"parking permit" means a permit issued by Harrogate Borough Council in accordance with the provisions of this Order;

"penalty charge" means a charge set by the Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 28 days beginning with the date of service endorsed upon the penalty charge notice in the manner set out in the penalty charge notice;

"penalty charge notice" means a notice issued or served by a civil enforcement officer or posted by the Council pursuant to the provisions of Section 78 of the 2004 Act and The

Civil Enforcement of Parking Contraventions (England) Regulations 2007;

"post office" and any reference to "post office vehicle" or "postal packets" shall be construed in the context of the Postal Services Act 2000 and the Consequential Amendments Order 2001 (No. 2001/648) and shall include therefore references to "universal service providers" such as Royal Mail, as the context shall require;

"reduced penalty charge" means a charge set by the Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 14 days following the date of service endorsed upon the penalty charge notice in the manner set out in the penalty charge notice;

"relevant position" means in relation to a parking permit:-

- (i) in the case of a vehicle fitted with a front windscreen the permit is exhibited thereon on the near side of and immediately behind the windscreen and with the front facing forward so as to be clearly legible from the outside of the vehicle; or
- (ii) in the case of a vehicle not fitted with a front windscreen, the permit is exhibited in a conspicuous position on the front or nearside of the vehicle;

"road" means the full width of the highway including the carriageway and footway;

"service" in respect of a penalty charge notice means the forms of service specified in regulations 9 and 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any amendment or re-enactment thereof;

- (2) Except where otherwise stated, any reference in this Order to a numbered article or Schedule is a reference to the article or Schedule bearing that number in this Order.
2. For the purposes of this Order any reference to a length of road shall be construed as a reference to the length specified in column 4 of Part 1 of the Schedule to this Order of the side or sides of road specified in respect of that length in column 3 thereof in relation to the road named in respect of that side or those sides in column 2 of Part 1 of that Schedule.

## **PART 2**

### **AUTHORISATION AND USE OF PARKING PLACES FOR PERMIT HOLDERS ONLY**

3. Save as provided in article 4 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform, or of a Civil Enforcement Officer, cause or permit any vehicle to wait between 9.00 am and 1.00 pm, Monday to Friday, in the length of road specified in the Schedule to this Order, such length of road being designated as an authorised parking place, except for such vehicles as display in the relevant position a parking permit specific to the parking place specified in Schedule 1 within the positions marked for them.

### **Exemptions**

4. (1) Nothing in article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait in the length of road specified in the Schedule to this Order during the operative hours for so long as may be necessary to enable:-
- (a) the vehicle if it cannot conveniently be used for such purposes in any other road to be used in connection with any of the following operations:-
    - (i) building, industrial or demolition operations
    - (ii) the removal of any obstruction to traffic

- (iii) the maintenance, improvement or reconstruction of the length of road specified in the said Schedule or
  - (iv) the laying, erection, alteration or repair, in or in land adjacent to, the length of road specified in the said Schedule of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line or telecommunications apparatus as defined in the Telecommunications Act 1984;
  - (v) the delivery or collection of postal packets as defined in Section 87 of the Post Office Act 1953 at or from premises fronting the length of road specified in the said Schedule.
- (b) the vehicle if it cannot conveniently be used for such purpose in any other road to be used in the service of a local authority or a water authority for the purpose of the performance of the statutory functions of such authority;
  - (c) the vehicle to be used for fire brigade, ambulance or police purposes.
- (2) The following vehicles left in a parking place on the length of road specified in Part 1 of the Schedule to this Order during the operative hours shall be exempt from compliance with any limitation of time during which a vehicle may be left in such a parking place specified in the foregoing provisions of this Order:-
- (a) a vehicle left by the driver thereof being a vehicle which bears in a conspicuous position a permit issued by the Director of Development Services at Harrogate Borough Council, or a certificate signed by the Chief Executive and the Assistant Chief Executive (Legal and Democratic Services) of North Yorkshire County Council (after consultation with Harrogate Borough Council) stating that the vehicle is exempted under this provision – such certificates to be granted only in exceptional circumstances.
  - (b) A motor vehicle left by the driver thereof being a motor vehicle which displays in the relevant position a parking permit specific to the Zone reference number in which the motor vehicle is parked.

### **PART 3**

#### **PENALTY CHARGE AND PAYMENT**

5. (1) "Where a Motor Vehicle:-
- (a) waits, parks or is left on a Road in contravention of the foregoing provisions of this Order or otherwise contravenes or fails to comply with the provisions of this Order, insofar as it relates to a Motor Vehicle waiting, parking or being left on a Road; or
  - (b) waits, parks or is left on a Road in contravention of any other Traffic Regulation Order the provisions of which are not consolidated into this Order or fails to comply with the provisions of any such Order insofar as it relates to a vehicle waiting, parking or being left on a Road; or
  - (c) parks in contravention of the provisions of Sections 19 or 21 of the Road Traffic Act 1988 (prohibition of parking of HGVs on Verges, central reservations and footways), and (driving or parking on Cycle Tracks);
- a penalty charge shall be payable by the owner for each day of the said contravention or non-compliance.
- (2) The penalty charge or reduced penalty charge shall be in the sum of the following amounts:-

- (a) The penalty charge - Band 2 as set out in Section 1 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 subject to payment being received by the Council as provided in Article 5(6) within 28 days beginning with the date of service of the penalty charge notice.
  - (b) The reduced penalty charge - a 50 per cent reduction of the penalty charge subject to payment being received by the Council as provided in Article 5(7) within 14 days beginning with the date of service of the penalty charge notice.
  - (c) On the issue of a charge certificate in accordance with the provisions of Regulation 21 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 to the effect that the penalty charge in question is increased by 50 per cent.
- (3) Service of a penalty charge notice or charge certificate by post is deemed effective on the second working day after the day of posting.
  - (4) In the case of a motor vehicle in respect of which a penalty charge is payable under Article 5(1) a penalty charge notice, which shall comply with the requirements of Regulation 9 and the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, may be issued by a civil enforcement officer and may accordingly be affixed to the motor vehicle in a conspicuous position or given to the person appearing to be in charge of the vehicle.
  - (5) In the case of a motor vehicle in respect of which a penalty charge is payable under Article 5(1) a penalty charge notice, which shall comply with the requirements of Regulation 10 and the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, may be issued by post by the Council if the owner of the vehicle drives the vehicle away before the civil enforcement officer has issued a penalty charge notice or the civil enforcement officer has been prevented from issuing a penalty charge notice.
  - (6) Payment of the penalty charge to the Council shall be paid by electronic transfer, cash or by credit card or debit card, cheque or postal order in each case crossed and made payable to Harrogate Borough Council which shall be delivered or sent by post so as to reach the relevant Department/ Office of the Council as stated on the penalty charge notice not later than 4:30pm, within 28 days beginning with the date of service of the penalty charge notice, but should the said Council Department/ Office be closed on that day, the period for receiving payment may be extended until 4:30pm on the next full working day. Payment may also be made in person or by phone as detailed on the penalty charge notice.
  - (7) Payment of the reduced penalty charge to the Council shall be paid by electronic transfer, cash or by credit card or debit card, cheque or postal order in each case crossed and made payable to Harrogate Borough Council which shall be delivered or sent by post so as to reach the relevant Department/ Office of the Council as stated on the penalty charge notice not later than 4:30pm, within 14 days beginning with the date of service of the penalty charge notice, but should the said Council Department/ Office be closed on that day, the period for receiving payment may be extended until 4:30pm on the next full working day. Payment may also be made in person or by phone as detailed on the Penalty Charge Notice.
  - (8) The particulars given in the penalty charge notice attached to a vehicle, given to the person appearing to be in charge of the vehicle or issued by post by the Council in accordance with Articles 5(1) – (7) shall be treated as evidence in any proceedings relating to failure to pay such penalty charge."

## **PART 4**

### **OPERATION OF THE ORDER**

6. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any Order or regulations made or having effect as if made under the Act or by or under any other enactment.
7. This Order shall come into operation on 2 August 2010 and may be cited as "North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No 32) Order 2010".

## **THE SCHEDULE**

### **ROAD IN THE VILLAGE OF KIRKBY MALZEARD**

#### **PART 1**

#### **WAITING PROHIBITED BETWEEN 9.00 AM AND 1.00 PM, MONDAY TO FRIDAY, EXCEPT FOR PERMIT HOLDERS**

<b><u>Column 1</u></b> <b><u>Item</u></b>	<b><u>Column 2</u></b> <b><u>Road</u></b>	<b><u>Column 3</u></b> <b><u>Side</u></b>	<b><u>Column 4</u></b> <b><u>Length</u></b>
1	Main Street (C372), Kirkby Malzeard	North kerb line of Main Street	From the centre line of Long Swales Lane (U2958), to a point 115 metres east, terminating at a point 121.6 metres east, both measured along the centre line of Main Street (C372).

#### **PART 2**

#### **TYPES OF PERMITS, PARKING PLACES AND ENTITLEMENTS**

<b>Type of Permit or Authorisation Card</b>	<b>Reservations</b>	<b>Charges</b>
Parish Council Permit	Mobile Post Office	£16 per annum £28 per 2 year permit

#### **PART 3**

#### **PARKING ZONE – ZONE AND MAXIMUM NUMBER OF PERMITS**

<b>Schedule</b>	<b>Zone Number/ Zone Reference</b>	<b>Maximum Parish Council Permits</b>	<b>Maximum Business Permits</b>	<b>Maximum Additional Household Permits Available</b>	<b>Maximum Guest Permit Entitlement</b>
Schedule 1	Parking Zone outside the Mechanics Institute	1	0	0	0

Given under **THE COMMON SEAL** of  
**NORTH YORKSHIRE COUNTY COUNCIL**  
this 26<sup>th</sup> day of July 2010 in the  
presence of: -

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*Alma M. Bodd*

**AUTHORISED  
SIGNATORY**

