

ROAD TRAFFIC REGULATION ACT 1984

ROAD TRAFFIC ACT 1991

TRAFFIC MANAGEMENT ACT 2004

HASTINGS BOROUGH COUNCIL (GROSVENOR GARDENS)
PARKING PLACE ORDER 2017

Reference: 2/HIGH/PP/00226

HASTINGS BOROUGH COUNCIL ("the Council") in the exercise of its powers, namely:

the Road Traffic Regulation Act 1984 ("the 1984 Act"), sections 32, 33, 35 and 39, as amended;

the Road Traffic Act 1991 ("the 1991 Act") as amended;

Part 6 of the Traffic Management Act 2004;

the Road Traffic (Permitted Parking Area and Special Parking Area) (County of East Sussex) (Borough of Hastings) Order 1999 (S.I. 1999 No. 1112);

and all other powers enabling the Council in that behalf;

with the consent of East Sussex County Council in accordance with section 39(3) of the 1984 Act;

after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act; and

in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (S.I. 1996 No 2489);

MAKES THIS PARKING PLACE ORDER in respect of Grosvenor Gardens as follows, namely:

PART 1: GENERAL

1. (1) This Order may be cited as the Hastings Borough Council (Grosvenor Gardens) Parking Place Order 2017.

- (2) This Order shall come into operation on the 1st day of May 2017

2. Interpretation

(1) In this order:

"Reference to any statute or statutory provision includes a reference to that statute or statutory provision as from time to time amended, extended, re-enacted or consolidated or modified whether substantial or not and whether before or after the date of this Order and all statutory instruments or orders made pursuant to it"

"Civil Enforcement Officer" has the same meaning as defined in Section 76 of the Traffic Management Act 2004"

"Council" means the Hastings Borough Council.

"Credit Card" means a card or similar thing issued by any person, use of which enables the holder to defer payment by him of the charge for parking a vehicle

"Debit Card" means a card or similar thing issued by any person, use of which by the holder causes the charge for parking a vehicle to be paid by the electronic transfer of funds from any current account of his at a bank or other institution providing banking services

"Disabled Person's Badge" has the same meaning as in regulation 3 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (S.I. 2000 No. 683).

"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.

"Higher Level Contravention" has the same meaning as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007

"Higher Level Penalty Charge" has the same meaning as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007

"Invalid Carriage" has the same meaning as in section 136 of the 1984 Act.

"Motorcar" has the same meaning as in section 136 of the 1984 Act.

"Motorcycle" has the same meaning as in section 136 of the 1984 Act.

"Operational hours" are hours of opening of the Parking Place which may be specified by a site notice board.

"Owner", in relation to a vehicle, has the same meaning as defined in Section 92 of the Traffic Management Act 2004

"Parking Charge" means the charge paid by the Driver of a vehicle, by which he is authorised under this Order to leave the vehicle in a Parking Place.

"Parking Place" means the parking place specified by name in column 1 of Schedule 1 to this Order.

"Penalty Charge" means a Penalty Charge imposed under Part 6 of the Traffic Management Act 2004

"Penalty Charge Notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Part 6 of the Traffic Management Act 2004

"Registered Keeper" in relation to a vehicle waiting in a Parking Place means the person named in the Register kept by or on behalf of the Secretary of State under the Vehicle Excise and Registration Act 1994 and the Road Vehicles (Registration and Licensing) Regulations 2002 (SI 2002 No. 2742) as the keeper of the vehicle at the time it was left in the Parking Place.

(2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) The Parking Place is shown for the purpose of identification only and edged with red on plan annexed to this Order. The plan is drawn to the scale as stated. The reference of the plan is given in Schedule 1, column 2.

PART II: USE OF PARKING PLACES

1. The Parking Place specified in column 1 of Schedule 1 to this Order may be used subject to the following provisions of this Order as a Parking Place for such vehicles or classes of vehicles as are specified in column 3 of that Schedule.
2. The Driver of a vehicle shall not permit the vehicle to wait in a Parking Place unless:-
 - (a) it is of the class specified in Schedule 1, and
 - (b) in a parking space clearly marked on the surface thereof.
3. The Driver of a vehicle shall not permit the vehicle to wait in a Parking Place for more than 24 hours, without the express consent of the Council.
4. No person may enter the Parking Place for any purpose whatsoever other than a person authorised by the Council, the Driver of or a passenger in a vehicle parked or intended to be parked in the Parking Place, or a person authorised by such a Driver or passenger
5. No person may drive or permit to be driven any vehicle in a Parking Place for any purpose other than the purpose of leaving the vehicle in or for departing from the Parking Place in accordance with the provisions of this Order, except with the express consent of the Council.
6. the Driver of a vehicle shall not permit the vehicle to wait in the Parking Place for more than 4 hours and shall not return to the Parking Place within the following 2 hour period without the express consent of the Council.
7. The Driver of a motor vehicle using the Parking Place shall stop the engine as soon as the vehicle is in position in the Parking Place, and shall not start the engine except when for the purpose of changing the position of the vehicle or departing from the Parking Place.
8. The Driver of a vehicle using the Parking Place may not sound a horn or similar instrument except when the engine is running.
9. While a vehicle is in the Parking Place, no person may carry out or permit the carrying out of any work of construction or repair to that vehicle except such repair as may be necessary to enable the vehicle to be moved from the Parking Place.

10. No person may wash, clean or service any vehicle or any part thereof while the vehicle is in the Parking Place.
11. No person may use a vehicle while it is in the Parking Place, in connection with the sale of any goods or services to persons at or near the Parking Place without the express consent of the Council.
12. No person may in any vehicle while the vehicle is in the Parking Place:
 - (a) wash any part of his person;
 - (b) sleep between the hours of 10.00 p.m. and 8.00 a.m.;
 - (c) light any fire, stove or cooker; or
 - (d) expose any washing to dry.
13. No person may, at or near to the Parking Place, without the written consent of the Council (which may be given on such terms and conditions as the Council think fit):
 - (i) sell or offer for sale any goods or services;
 - (ii) make any collection of money or articles for charitable or other purposes;
 - (iii) advertise or publish by any means any event display entertainment sale business shop organisation collection or other thing;
14. The Driver of a vehicle shall not permit the vehicle to wait in the Parking Place unless:
 - (i) the vehicle is licensed in accordance with the provisions of section 1 of the Vehicle Excise and Registration Act 1994; and
 - (ii) unless there is in relation to the use of the vehicle by the Driver such a policy of insurance which complies with the requirements of Part VI of the Road Traffic Act 1988.

Any unlicensed vehicle found in the Parking Place can be subject to having the vehicle removed by the Council. Removal fees and storage charges will be levied on the registered keeper of the vehicle.

15. No person may:
 - (a) shout or otherwise make a noise which causes or is likely to cause a nuisance or annoyance to users of the Parking Place or residents of premises in the neighbourhood;
 - (b) use threatening, abusive or insulting language, gesture or conduct which causes or is likely to cause a nuisance or annoyance to users of the Parking Place or residents of premises in the neighbourhood;
 - (c) leave or cause any shopping or supermarket trolley to be left unattended in any Parking Place; or
 - (d) erect or cause to be erected any tent booth stand building or other structure in the Parking Place without the written consent of the Council
 - (e) play any game within a Parking Place;
 - (f) ride a pedal cycle within the Parking Place, except with the express consent of the Council;
16. Any person who wilfully or carelessly damages or interferes with the fabric or structure of the Parking Place or equipment therein shall be guilty of an offence under this Order, and in addition to the penalty provided by Section 35A of the 1984 Act shall be liable for the cost of repair of the damage;

17. No vehicle carrying inflammable or dangerous substances, including substances which might cause damage by fire or explosion or might endanger human life in any other way (with the exception of fuel in the fuel tank of the vehicle) shall be parked in the Parking Place;
18. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the Parking Place:
 - (a) from suspending the requirement that a Parking Charge be payable for the parking a vehicle in the Parking Place;
 - (b) from specifying an alternative method of payment of the Parking Charge;
 - (c) from suspending the Parking Place or any part thereof for any purpose for any period; or
 - (d) from setting aside the Parking Place or any part or parts thereof on certain days or during certain parts of days for specified vehicles or class of vehicles.

Any such notice, sign or barrier shall be displayed prominently on or near to the Parking Place.

No person shall cause or permit a vehicle to be left in a Parking Place or any part thereof during such periods as the use of that Parking Place or the part thereof is suspended or set aside in accordance with paragraphs (a) and (d) of this Article.

PART III: PROVISION FOR DISABLED BADGE HOLDERS

1. A vehicle, which displays a Disabled Person's Badge and special parking disc (clock) set at time of arrival, which is left in a bay which is designated for use as a disabled person's parking space, shall be exempt for the first three hours of any day from payment of any charge imposed by the provisions of this Order. This exemption does not apply in any other area of the Parking Place.
2. The Driver of a vehicle shall not permit it to wait in any of the bays marked as being available for use by 'disabled badge holders only' unless it is a vehicle which is clearly and continuously displaying a valid Disabled Person's Badge, positioned either on the dashboard or in the front windscreen of the vehicle, so that the serial number and expiry date of the badge can be clearly read from outside the vehicle. Additionally, a special parking disc (clock) must also be displayed next to the badge, set at time of arrival (3 hours free parking).

PART IV: PARKING CHARGES

1. The charges for parking vehicles in the Parking Place shall continue to be and shall remain in full force and effect in all respects as set out in Schedule 2 or as amended by Notice or Order and as indicated on the tariff board in the Parking Place.
2. The Driver of a vehicle which is left in the Parking Place during Operational Hours shall pay a Parking Charge. The Parking Charge must be paid by the methods and manner specified within this Order.

Pre-paid Parking

3. The Parking Charge shall be paid by a mobile telephone payment

The Driver, of a vehicle to be parked in the Parking Place, shall on entering the car park pay the Parking Charge of the appropriate sum for the period for which he intends to park his vehicle, except where the Council decide on the occasion of any conference, carnival, public entertainment or other special occasion that a Parking Place may be closed and that no charge is payable.

4. When paying, the Parking Place will be identified by the Location Identification Number (LIN) displayed on the information signs and the parking period paid for will only be valid for that specific Parking Place and vehicle.
5. The LIN, Parking Charge paid and parking period will be available for the Civil Enforcement Officer's view on their hand-held device (which is programmed to interface with the telephone payment system) when the vehicle registration mark is entered.
6. Only if all of the facilities for paying the Parking Charge at a Parking Place are unavailable or not working, will the Driver of that vehicle be exempt from paying the Parking Charge' for the remainder of that days charging period.
7. If a vehicle is left in the Parking Place in contravention of or without complying with any Article of this Order a Penalty Charge shall be payable and/or the vehicle may be removed from that location or Parking Place for any one of the following parking contraventions;
 - (i) parked without payment of the Parking Charge;
 - (ii) parked for longer than permitted;
 - (iii) parked in a restricted area in a car park;
 - (iv) parked after the expiry of paid for time;
 - (v) not parked correctly within the marking of a bay or space;
 - (vi) parked in a designated disabled person's parking space, without displaying a valid disabled person's badge in the prescribed manner;
 - (vii) parked in a parking place or area not designated for that class of vehicle;
 - (viii) parked causing an obstruction;
 - (ix) parked in a parking place for a purpose other than that designated
 - (x) using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited
 - (xi) vehicle parked exceeds maximum weight or height or length permitted
 - (xii) parked in a designated disabled person's parking space, without clearly displaying a special parking disc (clock) or not setting the clock at the time of arrival;

Penalty Charge Notice

8. Service

In the case of a vehicle in respect of which a Penalty Charge may have been incurred, a Penalty Charge Notice may be served by a Civil Enforcement Officer

9. In the case of a vehicle in respect of which the Penalty Charge may have been incurred, it shall be the duty of the Civil Enforcement Officer to serve the Penalty Charge Notice:
- (a) by attaching it to the vehicle in a conspicuous position; or
 - (b) giving it to the person appearing to him to be in charge of the vehicle
10. A Penalty Charge Notice which has been served shall include the contents as laid down by the Schedule to Regulation 8 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 together with those laid down by regulation 3 to The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007
11. The amount of the Penalty Charge for a Higher Level Contravention shall be £70.00 and for all other contraventions the Penalty Charge shall be £50.00.
12. A Penalty Charge Notice fixed to a vehicle in accordance with any of the foregoing provisions of this Order, shall not be removed or interfered with except by or under the authority of either the Owner or person in charge of the vehicle or a civil enforcement office of the Council
13. Manner of payment of Penalty Charge
- The Penalty Charge shall be paid to the Council at and by approved methods of payment in accordance with the instructions on the Penalty Charge Notice.
- Payment must reach the Council not later than the 28th day following the day on which the Penalty Charge Notice was issued
- The Penalty Charge will be discounted by 50% if payment is received by any of the methods aforesaid within 14 days of the date of service of the Penalty Charge
14. The period for which a vehicle may be left in the Parking Place during the charging hours after the Penalty Charge has been incurred shall not exceed two hours
15. "Higher Level Contraventions" are defined by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 as those falling within one or more of the descriptions of contravention listed in column (2) of Table 1 below, being descriptions based on Version 6.5 of the Standard PCN Codes used by local authorities engaged in parking enforcement and have the code number shown in column (1) of that table.

Table 1

(1) Code	(2) Description
70	Parked in a loading place during restricted hours without reasonable excuse
71	Parked in an electric vehicles' charging place during restricted hours without charging
74	Using a vehicle in a Parking Place in connection with the sale or offering or exposing for sale of goods when prohibited
81	Parked in a restricted area in a car park
85	Parked in a permit bay without clearly displaying a valid permit where required
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge
89	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area
91	Parked in a car park or area not designated for that class of vehicle
92	Parked causing an obstruction

16. Lower Level Contraventions are those listed below in Table 2

Table 2

(1) Code	(2) Description
73	Parked without payment of the Parking Charge
80	Parked for longer than permitted
82	Parked after the expiry of paid for time
83	Parked in a car park without clearly displaying a valid pay and display ticket or voucher or parking clock, if required
84	Parked with payment made to extend the stay beyond initial time
86	Not parked correctly within the markings of a bay or space
90	Re-parked in the same car park within two hours after leaving
93	Parked in a car park when closed
94	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required
95	Parked in a parking space for a purpose other than that designated
96	Parked with engine running where prohibited

17. Neither the payment of a parking fee nor the acceptance thereof shall guarantee that a parking space will be available at any particular time or at all.

18. Parking fees are in no circumstances refundable.

19. (1) If at any time while a vehicle is left in a Parking Place and the Civil Enforcement Officer's hand held device does not show that payment has been made in accordance with the provisions of Article 9 of this Order

it shall be presumed unless the contrary is proved that the charge has not been paid.

PART IV

REMOVAL OF VEHICLES FROM A PARKING PLACE

1. When a vehicle is left in the Parking Place in contravention of any of the foregoing provisions of this Order a person authorised in that behalf by the Council may move the vehicle or arrange for it to be removed from that Parking Place.
2. Any person moving or removing a vehicle pursuant to this Order may do so by towing or driving the vehicle and/or using such means as he may reasonably consider necessary to facilitate the removal of the vehicle.
3. A person who removes a vehicle from the Parking Place pursuant to this Order shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
4. In the case of emergency, any person duly authorised by the Council, or a police constable in uniform may move or cause to be moved vehicles left in the Parking Place to any place he thinks fit.
5. If it appears to the Council that a vehicle which has been or could at any time be removed pursuant to this Order, has been abandoned, the Council may sell or otherwise dispose of the vehicle in accordance with section 100 of the Road Traffic Regulation Act 1984.

SCHEDULE 1

THE PARKING PLACE

1	2	3
PARKING PLACE	PLAN REFERENCE	THE VEHICLES OR CLASSES OF VEHICLES AUTHORISED TO USE THE PARKING PLACE
GROSVENOR GARDENS	2517	Motorcars, Invalid Carriages, motorcycles.

SCHEDULE 2

THE CHARGES

Grosvenor Gardens

Up to: (1st Nov – 31st Mar) (1st Apr – 31st Oct)

1 hour	£1.30	£1.30
2 hours	£2.00	£2.00
3 hours	£2.60	£2.60
4 hours	£3.80	£3.80

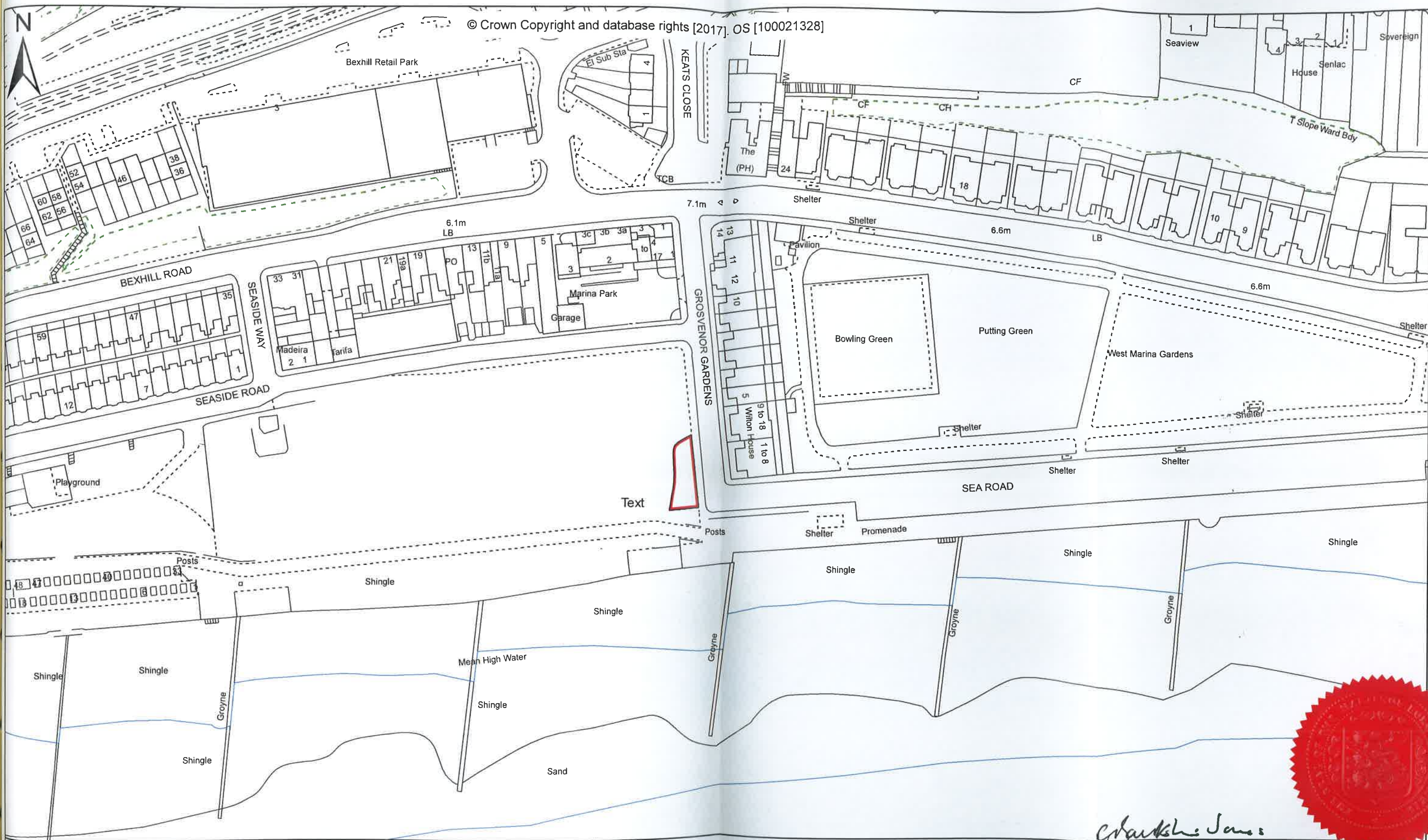
Motorcycles - Parking for 4 hours – paying the charge for one hour tariff

The COMMON SEAL of)
HASTINGS BOROUGH COUNCIL)
was affixed to this Order)
the 25th day of April)
Two Thousand and Seventeen)
in the presence of:

C. Parkshie - Jones

AUTHORISED SIGNATORY





Charles Jones

Parking Place Order - Grosvenor Gardens



Hastings Borough Council
Muriel Matters House
Breeds Place
Hastings
TN34 3UY

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Date: Feb 2017

Scale: 1:1,250

Drawn: ST

Drawing No. 2517