

DATED2013

THE KINGSTON UPON HULL
(OFF-STREET PARKING PLACES) ORDER 2013

KINGSTON UPON HULL
CITY COUNCIL

File No:	66302/20
Originator:	JG/AH
Date:	01.02.13 20.3.13
Code:	01FEJG

THE KINGSTON UPON HULL
(OFF-STREET PARKING PLACES)
ORDER 2013

The Kingston upon Hull City Council (“the Council”) in exercise of its powers under Sections 1, 2, 32 and 35, 35A, 35B, 35C, 45, 46, 53 and Schedule 9 of the Road Traffic Regulation Act 1984 (“the Act”) and in pursuance of powers granted by the Secretary of State under Section 74 and part 2 of Schedule 8 and under paragraph 8 of Schedule 9 of the Traffic Management Act 2004 and of all other enabling powers after consulting the chief officer of police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1. This Order shall come into operation on 24th March 2013 and may be cited as The Kingston upon Hull (Off-Street Parking Places) Order 2013.
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 “schedule 1, 2, 3 or 4” is a reference to the Schedules to this Order.
(2) The Interpretation Act 1978 shall apply to this Order as it applies to an Act of Parliament.

In this Order except where expressly provided otherwise or where the context requires all expressions shall have the meaning assigned to them by the Road Traffic Regulation Act 1984 and the following expressions shall have the meanings hereby respectively assigned to them:-

“1984 Act” and “the Act” means the Road Traffic Act 1984

“1991 Act” means the Road Traffic Regulation Act 1991

“2004 Act” Means the Traffic Management Act 2004

“blue badge” means a badge coloured blue and issued in accordance with the Department for Transport Blue Badge Scheme

“bus” means a motor vehicle constructed or adapted to carry more than 8 seated passengers (excluding the driver)

“coach” carries the same meaning as “bus”.

“Charging Hours” means as specified in column 4 of the Schedules to this Order

“Civil Enforcement Officer” carries the same meaning as in Section 76 of the 2004 Act and such officer’s appointment, powers; duties and mode of dress shall accord with the said Section 76.

“Council” means the Kingston upon Hull City Council;

“credit card” means a written authorisation issued by a bank or other financial institution allowing the holder to obtain credit within a specified limit in order to make direct payment for goods or services.

“debit card” means a written authorisation issued by a bank or other financial institution allowing the holder to make direct payment for goods or services from an account held with that bank or other financial institution.

“display”, “displaying”, “displays” or “displayed” means

- (a) in the case of a vehicle fitted with a front windscreen, that the specified item is exhibited on the nearside thereof with the obverse side facing forwards so as to be legible from outside the vehicle.
- (b) In the case of a vehicle not fitted with a front windscreen, the specified item is exhibited in a conspicuous position on the vehicle.

and that the specified item should be on display for the whole of the time the vehicle is parked under that items authority.

“Enforcement Authority” means the City of Kingston upon Hull Council

“Hours of Operation” means the whole twenty four hours of every day

“Solo Motor cycle” means a motorcycle not having a sidecar attached thereto.

“Motorcycle and sidecar” has the same meaning as motor car for the purposes of this Order.

“pass” means a parking permit issued by the Council in respect of a specific vehicle.

“parking bay” means the spaces indicated by parallel lines in a parking place within which a vehicle shall park.

“parking place” means an area of land designated as a parking place by Column 1 in the Schedules to this Order.

“passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer.

“Penalty Charge” means a Penalty Charge set by the Enforcement Authority in accordance with the Guidelines Order made by the Secretary of State in exercise of the power conferred by Paragraph 8 of Schedule 9 to the 2004 Act

“Traffic Manager” means a person authorised by the Council under section 17 of the Traffic Management Act 2004.

- (3) Any reference in this Order to an Article or a Schedule shall be construed as a reference to an Article of, or a Schedule to this Order as the case may be.

- (4) Where any Statute, Statutory Instrument or Regulations are referred to such reference shall include an amendment thereto or replacement thereof.
- (5) The Order specified in Column 1 of Schedule 5 to this Order is revoked in its entirety.

USE OF LAND AND PARKING PLACES

- 3. (1) Each area of land specified by name in column 1 of the Schedules may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles as are specified in relation to that area in the Schedules provided that at the discretion of the Traffic Manager the Council may close any or all of the parking places specified by name in Column 1 of the Schedules or any part or parts thereof for any period with absolute discretion giving reasonable notice thereof at the parking place wherever possible.

This order will apply not only to any area contained within any fixed boundary but will also include any access or exit road not part of the highway which is dedicated to and leads to or from any car park and also any other portion of land forming an area signed so as to indicate it forms part of any car park.
- (2) Where, in the Schedules, a parking place is described as available for vehicles of a specified class, the driver of a vehicle shall not permit it to wait in that parking place unless it is of the class so specified.
- (3) Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a vehicle displaying a blue badge the driver of a vehicle shall not permit it to wait in that parking bay unless it displays a blue badge throughout the duration of the vehicles stay.
- (4) Insofar as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in this Order.
- (5) When a vehicle is parked in a parking place it shall be parked wholly within a parking bay during the hours of operation and days of operation of a parking place.

AMOUNT OF CHARGE AT A PARKING PLACE

- 4. (1) This Article applies to the parking place specified by name in Column 1 of the Schedules of this Order.
- (2) The charge for a vehicle left in a parking place during the charging hours shall be as specified in Column 5 of the Schedules of this Order. Where indicated that Blue Badge parking is permitted then a vehicle may park without charge provided that a valid Blue Badge is correctly displayed within the vehicle for the duration of the vehicles stay.

- (3) (a) The charge referred to in paragraph (2) of this Article shall be payable by the insertion of an appropriate amount of money into the apparatus or device or other such payment method as may be provided. An apparatus or device is as designed in accordance with Section 35(3) of the Act and the provisions of (SI 1996/1553) shall apply in respect of such apparatus.
- Waterhouse Lane Large vehicle park is restricted to payment being made under article 4 (3) (b) only, payment by any other method is not permitted on this site.
- (b) In those car parks where a notice in accordance with Article 4 (8)(e) is displayed payment of the Parking Charge may be made by credit card or debit card by way of mobile telephone communication in accordance with Article 4 (8) (e). In such circumstances there is no requirement to display a ticket or receipt showing proof of payment of the parking charge.
- It is the responsibility of the vehicle user to ensure that the payment process is complied with, where this does not occur a Penalty Charge Notice may be issued as if no valid ticket; pass or blue badge had been displayed.
- (4) In the event of such apparatus or device referred to at (3) (a) or (b) above being inoperative for any reason the Council may make alternative arrangements for payment of the initial charge at its discretion and in this event all other terms and provisions of this Order shall have full force and effect.
- (5) Any person may on application to the Council purchase a pass or automatic entry device in respect of specified vehicle(s) – that pass or automatic entry device shall be valid in those parking places in accordance with the conditions of issue for the time being in force. Any breach of the conditions of issue should be regarded as if no valid ticket, pass or blue badge is displayed and render a vehicle liable under Article 5 to be issued with a Penalty Charge Notice
- (6) Any ticket issued on payment of the charge referred to in paragraph (2) of this Article or pass issued in accordance with paragraph (5) of this Article shall be displayed within the vehicle.
- (7) On any car park a solo motorcycle may park free of charge provided an area has been set aside for solo motorcycles and that such a motorcycle parks wholly within that area.
- (8) (a) Where payment of a Parking Charge is made by credit card or debit card by way of mobile telephone communication it is the vehicle users responsibility to ensure that payment is made and that any telecommunication sent has been received. A response text will alert the driver to the fact that the parking stay has been accepted. In the event that an error is made by the vehicle user and no payment is recorded against a vehicle then the vehicle will treated as if it was not clearly displaying a valid pay & display ticket.

In pursuance of article 4 (3) the payee shall disclose the

- (1) call number of the mobile telephone
 - (2) Identification number and any such other detail as may be requested by or on behalf of the Council relating to the credit card or debit card against which the Parking Charge is being paid.
 - (3) Location number of the Parking Place in respect of which payment is being made,
 - (4) Registration number of the motor vehicle being parked
 - (5) Where the contact is made by text the payee should not regard the transaction as concluded until a response text has been received acknowledging receipt.
- (b) Where payment of a Parking charge is made in accordance with paragraph (a):
- (1) The transaction fee specified in column 5 to the Schedules shall be payable at the time.
 - (2) the Parking Period shall commence on receipt by the Council of the details specified in paragraph (a)
- (c) At any time after a Parking Charge has been paid in accordance with Paragraph (a) in respect of a Parking Period that parking period may be increased on further payment of the additional Parking charge and the appropriate transaction fee specified in column 5 to the Schedules has been paid always provided that the maximum Permitted Parking period for that Parking Place is not exceeded.
- (d) The payee of a Parking Charge under paragraph (a) may request to be informed by a text message as to the imminent expiry of the parking period provided that where such text message is sent the appropriate transaction fee as advertised at each site has been paid.
- (e) The Council shall display a Notice in every Car Park where the option of payment of the Parking Charge in accordance with Article 3 is available, such notice shall display the location number of the car park in which it is sited and provide operational guidance on payment of the Parking Charges under that Article
- (f) Where payment is made by any method any vehicle parked after the time purchased has ended shall be treated as if payment had been paid in accordance within Article 4 (3)(a) and the purchased time had expired.
- (9) The Council reserves the right to enter into a contract with any person or body to discount parking charges in order to provide a service for the public or businesses or maximise the use of a car park or car parks. These contracts will relate to an individual vehicle parking, without leaving the car park, for an

extended period or for a large number of vehicles making ordinary use of a car park where a single payment for a predetermined period is made by or on behalf of an organisation.

- (10) The Council may at its discretion waive in part or whole any charge.
- (11) The Council may extend the charging hours on any site to accommodate periods of high demand. On such occasions the standard tariff or a lesser fee will apply

5 ENFORCEMENT OF A BREACH OF A PARKING CONTRAVENTION

- (1) In the case of car parks listed in Schedules 1 and 2 if a vehicle is left in a parking place during the charging hours: - In breach of any of the following contraventions a Penalty Charge Notice will be served.
 - (a) Parked without payment of the parking charge
 - (b) Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited
 - (c) Parked in a restricted area in a car park
 - (d) Parked after the expiry of paid for time
 - (e) Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock
 - (f) Parked beyond the bay markings
 - (g) Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge
 - (h) Parked in a car park or area not designated for that class of vehicle
 - (i) Parked in a parking place for a purpose other than the designated purpose for the parking place
- (3) Within any car park, where a valid Blue Badge is displayed correctly to obtain a benefit but can be shown not to have been used for the direct benefit of the Blue Badge holder then any vehicle where such a Blue Badge is displayed will be treated as if the Blue Badge had not been displayed.

6 OUT OF HOURS CALL OUT CHARGE

Where for any reason a driver requires the attendance of staff outside the charging hours specified in the Schedules to this Order the driver shall pay the sum as specified in Schedule 3 (in addition to the parking fee incurred).

7 RESTRICTION OF 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.

GENERAL CONDUCT

8. In a parking place no person shall:-

- (1)
 - (a) Make any loud noise to the disturbance of users of the car park or neighbouring premises.
 - (b) Except with the permission of an officer drive any vehicle other than to park it in accordance with this Order or to depart from the Car Park.
 - (c) Use threatening, abusive or insulting language or conduct with intent to put any person in fear or so as to occasion or make likely a breach of the peace.
 - (d) Sound any horn or similar instrument except as an urgent warning.
 - (e) Erect or cause or permit to be erected any tent, booth or building or other structure without the consent of the Council.
 - (f) Light or cause or permit to be lit any fire.
 - (g) Deposit any litter, rubbish or other thing or matter whatsoever.
 - (h) Allow any vehicle to exceed a speed of 5 miles per hour.
 - (i) The driver of a motor vehicle using a 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 about to change the position of the vehicle in or to depart from the parking place.
 - (j) No person shall 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 unless previously authorised in writing by the Council.
 - (k) No person shall use any part of a parking place or any vehicle left in a parking place unless previously authorised in writing by the Council for sleeping or camping or cooking, or 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.
- (2) The Council reserves the right to prohibit any person or vehicle from any of its car parks where a breach of the prohibitions listed in (a) to (l) above is regarded by the Traffic Manager as a serious breach, or where the same person or vehicle makes a number of breaches so as to be regarded by the Traffic Manager as persistent.

Where such a person or vehicle is prohibited the council will serve written notice detailing the reasons for the prohibition to the person or a company as deemed appropriate in the circumstances.

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- (1) When a vehicle is left in a Parking Place and it appears in the opinion of the Traffic Manager that the vehicle has been abandoned the Council may remove the Vehicle or arrange for it to be removed from that Parking Place PROVIDED THAT when a Vehicle is waiting in a Parking Place in contravention of the provisions of Article 3 of this Order the Council may alter or cause to be altered the position of the Vehicle in order that its position shall comply with those provisions.
 - (2) When removing or altering the position of a Vehicle by virtue of this Article of this Order the Council may do so by towing or driving the Vehicle or by taking such other measures in relation to the Vehicle as they may think necessary to enable them to remove it or alter its position as the case may be.
 - (3) When the Council removes or makes arrangements for the removal of a Vehicle from a Parking Place by virtue of this Article of this Order it shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
 - (4) When a Vehicle is removed within or from a Parking Place in accordance with this Article of this Order the Council shall have no liability for any loss or destruction of or damage to the Vehicle its contents or any other property of the Owner Driver or passengers except insofar as it is caused by the negligence of the Council.
 - (5) Any expenses incurred by the Council in removing a Vehicle within or from any Parking Place parking or garaging that Vehicle and its return shall be paid to the Council by the Driver of the Vehicle prior to its return.
 - (6) Any person removing a Vehicle by virtue of this 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 to enable him to remove it as aforesaid.
 - (7) The Council may remove or cause to be removed in case of emergency to any place they think fit any Vehicle left in a Parking Place.
 - (8) Where a Vehicle which has been removed by the Council from a Parking Place and which appears to the Council to have been abandoned or where a Vehicle which has not been so removed but which appears to the Council to have been abandoned the Council sell or otherwise dispose of the Vehicle in accordance with the provisions of Section 101 of the Act of 1984 and the procedure prescribed by any regulations for the time being in force by virtue of the Act of 1984.
10. Where in a parking place signs are erected or surface markings are laid for the purpose of:-
- (1) Indicating the entrance to or exit from the parking place, or
 - (2) 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 (9) 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 (b) in a direction other than so specified

11. No person shall except with the permission of a person authorised by the Council in that behalf drive or permit 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.
12. The driver of a vehicle displaying a blue badge shall be exempt from any limitation of time specified in Article 3 and from any payments specified in Article 4.
13. REVOCATIONS
 - (1) The Order set out in Column 1 of the Fourth Schedule are hereby revoked to the extent specified in Column 2 except insofar as they affect the liability of any person under those Orders or that notice to either pay any charge or penalty which has arisen before this Order comes into effect or to prosecution for a breach of any of the provisions of those Orders or that notice which have occurred before the date of revocation.
 - (2) A Badge, Pass, Permit, Season Ticket or Contract issued under the Order or Orders revoked by this Order shall remain valid for the period for which it originally applied but shall be subject to the provisions of this Order

SCHEDULE 1 – SHORT STAY CAR PARKS

1 NAME OF PARKING PLACE	2 CLASSES OF VEHICLE	3 DAYS ON WHICH CHARGING HOURS APPLY	4 CHARGING HOURS OF PARKING PLACE	5 SCALE OF CHARGES MONDAY TO SATURDAY
1. Albion Street Car Park	(i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor vehicles constructed or adopted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525 kg	All days Except Sundays Blue Badge parking permitted without charge.	8.00 am to 6.00 pm	Up to 1 hour: £1.00 Up to 2 hours: £1.80 Up to 3 hours: £2.70 Up to 4 hours: £3.60 Up to 10 hours: £12.00
2. Lowgate	“	All days Except Sundays Blue Badge parking permitted without charge.	8.00 am to 6.00 pm	Up to 1 hour: £1.00 Up to 2 hours: £1.80 Up to 3 hours: £2.70 Up to 4 hours: £3.60 Up to 10 hours: £12.00
3. Waterhouse Lane car park	“	All days Except Sundays Blue Badge parking permitted without charge.	8.00 am to 6.00 pm	Up to 1 hour: £1.00 Up to 2 hours: £1.80 Up to 3 hours: £2.70 Up to 4 hours: £3.60 Up to 10 hours: £12.00
4. Worship Street (History Centre) Car Park	“	All Days Except Sundays Blue Badge parking permitted without charge.	8.00 am to 6.00 pm	Up to 1 hour: £1.00 Up to 2 hours: £1.80 Up to 3 hours: £2.70 Up to 4 hours: £3.60 Up to 10 hours: £12.00

SCHEDULE 2 – LONG STAY CAR PARKS

1 NAME OF PARKING PLACE	2 CLASSES OF VEHICLE	3 DAYS ON WHICH CHARGING HOURS APPLY	4 CHARGING HOURS OF PARKING PLACE	5 SCALE OF CHARGES MONDAY TO SATURDAY	
1.	Blanket Row Surface car park	(i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor vehicles constructed or adopted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525 kg	All days Except Sundays Blue Badge parking permitted without charge.	8.00 am to 6.00 pm	(i) up to and including 2 hours continuous parking £1.80 (ii) any period in excess of 2 hours £2.50.
2.	Francis Street Car Park	(i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor vehicles constructed or adopted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525 kg	All days Except Sundays Blue Badge parking permitted without charge.	8.00 am to 6.pm	(i) up to and including 2 hours continuous parking £1.80 (ii) up to 3 hours continuous parking £2.70 (iii) up to 4 hours £3.60 (iv) up to 5 hours £4.50 (v) up to 10 hours £6.60
3.	George Street Multi-storey Car Park	(i) Motor cars within the provisions of Section 136 (2)(a) of the Act (ii) Motor cycles as defined in Section 136 (4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight	All days Except Sundays Blue Badge parking not permitted.	7.00 am to 7.00 pm	(i) up to and including 2 hours continuous parking £1.80 (ii) up to 3 hours continuous parking £2.70 (iii) up to 4 hours £3.60 (iv) up to 5 hours £4.50 (v) Over 5 hours £6.60 Overnight parking all

		of which does not exceed 1 ton			vehicles £3.00
4.	Osborne Street Multi-storey car park	(i) Motor cars within the provisions of Section 136 (2)(a) of the Act (ii) Motor cycles as defined in Section 136 (4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1 ton	All days Except Sundays Blue Badge parking not permitted.	7.00 am to 7.00 pm	(i) up to and including 2 hours continuous parking £1.80 (ii) up to 3 hours continuous parking £2.70 (iii) up to 4 hours £3.60 (iv) up to 5 hours £4.50 (v) Over 5 hours £6.60 Overnight parking all vehicles £3.00
5.	John Street Car Park	(i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor vehicles constructed or adopted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525 kg	All days Except Sundays Blue Badge parking permitted without charge.	8.00 am to 6.00 pm	(i) up to and including 2 hours continuous parking £1.80 (ii) up to 3 hours continuous parking £2.70 (iii) up to 4 hours £3.60 (iv) up to 5 hours £4.50 (v) up to 10 hours £6.60
6.	Waterhouse Lane Large Vehicle Park	Any vehicle other than a motor vehicle constructed or adapted for use for the conveyance of goods or burden the unladen weight of which exceeds 1 ton	All days Except Sundays Blue Badge parking permitted without charge.	8.00 am to 6.00 pm	(i) £2.00 per hour or part thereof (ii) No Charge for Coaches.
7.	Westenders Way (Hull Arena) Car Park	(i) Motor cars within the provisions of Section 136 (2)(a) of the Act (ii) Motor cycles as defined in Section 136 (4) of the Act (iii) Motor vehicles constructed or adapted for use for	All days Except Sundays Blue Badge parking permitted without charge.	9.00am to 9.00pm	(i) up to and including 2 hours continuous parking £1.80 (ii) up to 3 hours continuous parking £2.70 (iii) up to 4 hours £3.60 (iv) up to 5 hours

		the conveyance of goods or burden the unladen weight of which does not exceed 1 ton (iv) Coaches			£4.50 (v) up to 10 hours £6.60 Coaches no charge.
8	Pryme Street Multi storey car park	(i) Motor cars within the provisions of Section 136 (2)(a) of the Act (ii) Motor cycles as defined in Section 136 (4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1 ton	All days Except Sundays Blue Badge parking permitted without charge.	7.00 am to 7.00 pm	(i) up to and including 2 hours continuous parking £1.80 (ii) up to 3 hours continuous parking £2.70 (iii) up to 4 hours £3.60 (iv) up to 5 hours £4.50 (v) Over 5 hours £6.60

SCHEDULE 3 – MISCELLANEOUS CHARGES

CAR PARK	CHARGES
All Car Parks	Out of hours callout fee £30.00 plus outstanding charge for time spent on site in the tariff system.

SCHEDULE 4

RevocationColumn 1Column 2

The Kingston upon Hull (Off Street Parking Places) Order 2012

In its entirety

Given under the Corporate Common Seal of the Kingston upon Hull City Council

the 2013

THE AFFIXING HERETO of the)
 Corporate Common Seal of)
 Kingston upon Hull City Council)
 Is authenticated by:-)

Authorised Signatory