

HINCKLEY & BOSWORTH BOROUGH COUNCIL
THE DISTRICT OF HINCKLEY & BOSWORTH
(OFF-STREET PARKING PLACES) ORDER 2008

Hinckley & Bosworth Borough Council in exercise of its powers under Sections 32, 35 and 38 of the Road Traffic Regulation Act 1984 and Parts I to V of Schedule 9 to the Act, and of all other enabling powers, with the consent of the Leicestershire County Council in accordance with Section 39(3) of the Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 and the Area Traffic Commissioner under Part V of Schedule 9 to the Act, hereby makes the following Order:-

PART 1 - GENERAL

- 1 This Order shall come into operation on the 31 March 2008 and may be cited as "Hinckley & Bosworth Borough Council (Off-Street Parking Places) Order 2008" and shall revoke all previous Orders.

Interpretation

- 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 headings in this Order are inserted for convenience only and shall not affect its construction or interpretation.
- 4 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:

“the Act of 1984” means the Road Traffic Regulation Act 1984;

“the 2000 Regulations” means The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI No. 682); as amended by SI 2000/1507;

“authorised officer” means a civil enforcement officer or any person as defined by the relevant legislation duly authorised by or on behalf of the Council to supervise and enforce the operation of the car park or any part thereof,

“bicycle” means a non powered vehicle normally with two wheels (but up to four) attached to a frame, to include, but not exclusively a tricycle;

“car park” means the area or areas of land, specified by name in Schedule 1 and defined by the plans included in that Schedule;

“car park notice” means the notice that is displayed in each car park and describes the conditions contained in Schedule 1 and 2 of this Order under which a motor vehicle may be left in the car park;

“causes” includes permits;

“charging hours” means any period for which a charge is specified;

“controlled hours” means enforcement may be carried out during these times;

“Council” means the Hinckley & Bosworth Borough Council;

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"disabled person's badge" means, a badge in the form prescribed by regulation 11 in the 2000 Regulations, issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person, and includes a replacement badge issued in accordance with regulation 7 of those regulations and is currently in force;

"dispensation" means an authorisation, in writing, issued by the Council that entitles a specified motor vehicle to park in a car park which had been closed pursuant to Article 26 of this order for a defined time;

"driver" means the registered keeper of the vehicle registered with the DVLA at the time that the contravention was committed, unless it is proved to the Council's satisfaction that the vehicle at the time of the contravention was in the charge of a person other than the registered keeper;

"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;

"motor car" means a mechanically propelled vehicle as defined in Section 136(2) of the Act of 1984 and not exceeding 1.98 metres in height, 5.5 metres in length or 2.5 metres wide;

"motor cycle" means a mechanically propelled vehicle as defined in Section 136(4) of the Act of 1984 but having no more than two wheels;

"motor vehicle" means an independent powered vehicle including but not limited to motor cars and motor cycles as defined;

"owner" means the legally responsible person or organisation;

"parking space" means a space in the car park, marked on the surface of the car park by lines or indicated by signs, which is provided for the parking of motor vehicles;

"parking ticket" means the ticket issued by means of the ticket machine;

"permit" means a permit issued by the Council in accordance with the Council's Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in a car park without displaying a parking ticket;

"public service vehicle" means a vehicle suitable for carrying nine or more passengers and doing so for hire or reward;

"relevant position" means exhibited on the dashboard or fascia of the motor vehicle, in a conspicuous position on the motor vehicle, so that the front is clearly legible from the outside of the motor vehicle. Parking tickets valid for trailers must be displayed in the relevant position of the

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attached or accompanying motor vehicle or on the trailer if not attached or accompanied by a motor vehicle;

“relevant legislation” means the Road Traffic Regulation Act 1984, the Road Traffic Act 1991, the Traffic Management Act 2004 and any Regulations made thereunder;

“season ticket” means the ticket issued by the Council indicating the vehicle registration mark of the motor vehicle on which it may be used, the car park in which it may be used and the period of its validity;

“serve” 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;

“ticket machine” means any apparatus operated by the insertion of coins, bank notes, tokens, credit or debit cards and that issues parking tickets indicating the payment of a charge, the date and time at which that charge was paid and the time by which the motor vehicle must leave the car park;

PART 2 - REGULATIONS

Use of land and car park

- 5 Each area of land specified by name in Schedule 1 may be used at all times subject to the following provisions of this Order as a car park for motor vehicles on such days and for such periods as are specified in Schedule 1. No person shall unless authorised in writing by the Council use any car park for any other purpose.
- 6 In so far as a motor vehicle is parked in a car park during the charging hours the driver thereof shall pay such charge or charges as are specified in the provisions of this Order and on the relevant car park notice.
- 7 No motor vehicle or bicycle shall be driven at a speed exceeding 5 mph whilst within the boundaries of any car park.
- 8 No motor vehicle shall enter or remain within the boundaries of any car park if it does not display in the correct position a motor vehicle road fund licence valid for that motor vehicle at that time. Any motor vehicle found to be displaying an invalid motor vehicle road fund licence may be removed from the car park and stored off site for a period of 3 months after which time it will be sold and any monies received put towards costs incurred in its removal and storage. Any costs associated with the removal and storage of motor vehicles will be payable by the driver of the motor vehicle. Any surplus remaining after deductions for removal and storage costs will be used by Hinckley & Bosworth Borough Council as it sees fit.

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- 9 Any motor vehicle deemed unroadworthy by virtue of not having a current Ministry of Transport motor vehicle roadworthy certificate valid for that motor vehicle at that time, may be removed from the car park and stored off site for a period of 3 months after which time it will be sold and any monies received put towards costs incurred in its removal and storage. Any costs associated with the removal and storage of motor vehicles will be payable by the driver of the motor vehicle. Any surplus remaining after deductions for removal and storage costs will be used by Hinckley & Bosworth Borough Council as it sees fit.
- 10 Any object other than a motor vehicle placed within the boundaries of any car park without prior permission will be removed and stored off site at the owners expense for a period of 3 months after which time it will be sold and any monies received put towards costs incurred in removal and storage. Any surplus remaining after deductions for removal and storage costs will be used by Hinckley & Bosworth Borough Council as it sees fit.

Maximum Length of Stay for Motor Vehicles Using Car Parks

- 11 No motor vehicle shall be allowed to remain in a car park for longer than the maximum time permitted for that car park, nor may a motor vehicle return to any car park until after the expiry of one hour except for drivers holding a permit for that car park.
- 12 Motor vehicles correctly displaying a disabled person's badge may park without payment within any marked disabled parking space or other parking space in the limit of the car park.
- 13 Motor cycles may park in any designated motor cycle bay without payment.
- 14 No motor vehicle may be permitted to remain in a car park after the time for that car park to be open has expired.

Restrictions on Use of Parking Spaces

- 15 (1) No person shall use a motor vehicle, while it is in a car park, in connection with the sale of any article to persons in or near the car park or in connection with the selling or offering for hire of his or her skills or services, except with the written consent of the Council.
- (2) No person shall use any part of a car park or any motor vehicle parked in a parking space -
- (a) for sleeping or camping or cooking; or
 - (b) 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 car park; or
 - (c) for any indecent, improper, offensive or obscene behaviour which may cause harassment, alarm or distress

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- 16 (1) A motor vehicle shall not be permitted to wait in a car park other than in a parking space. Except with the permission of the Council, every part of the motor vehicle must be within the limits of the parking space and not more than one motor vehicle shall occupy any one such parking space.
- (2) Where within the car park there is a sign or surface marking that indicates a parking space is available only for use by disabled persons, no motor vehicle shall be permitted to stand or wait in the parking space unless it is correctly displaying a valid disabled person's badge in the relevant position.
- (3) Where within the car park there is a sign or surface marking that indicates a parking space is available only for use by a particular class of motor vehicle, no motor vehicle shall be permitted to stand or wait in the parking space unless it is of that class.
- (4) No motor vehicle may be parked in such a manner that it obstructs any other motor vehicle.
- 17 (1) Where in the car park or any part thereof, signs are erected or surface markings are laid for the purpose of:-
- (a) indicating an entrance to or exit from the car park or any part thereof; or
- (b) indicating that a motor vehicle using the car park or any part thereof shall proceed in a specific direction within the car park or any part thereof
- no person shall drive or permit to be driven any motor vehicle (i) so that it enters the car park or any part thereof, otherwise than by the entrance, or leaves the car park or any part thereof, otherwise than by the exit, so indicated, or (ii) in a direction other than so specified.
- 18 (1) No motor vehicle shall display a parking ticket that had been previously displayed on another motor vehicle or in another car park.
- (2) No motor vehicle shall display any parking ticket or permit which has been altered, defaced, mutilated or added to, or upon which the figures or particulars have become illegible.
- (3) If an authorised officer has reasonable cause to believe that a document or article carried on a motor vehicle, or by the driver or person in charge of a motor vehicle, is a ticket or permit to which this Article applies, or is a document designed to resemble a ticket or permit, he may detain that ticket or permit, and may for that purpose require the driver or person in charge of the motor vehicle to deliver up the document or article.

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Penalty Charge for Use of Car Parks

19 (1) Any contravention or non compliance with any provision of this Order by the driver will result in the issuing of and liability for a penalty charge as detailed in Schedule 2 of this Order. In the case of a motor vehicle in respect of which a penalty charge has been incurred an authorised officer shall serve the Penalty Charge Notice which shall specify particulars dictated by the relevant legislation and including:-

- (a) the registration mark of the motor vehicle or where the motor vehicle is being used under a trade licence the number of the trade plate carried on the vehicle;
- (b) the date on and the time at which it was first noticed that the motor vehicle had contravened this Order;
- (c) a statement that the charge is required to be paid within twenty eight days PROVIDED THAT if the twenty-eighth day is a day on which the Council's offices are closed the time for paying the charge to the Council shall be extended until 10.00 a.m. on the next full day on which the Council's offices are open; and
- (d) the manner in which, and the time within which the charge should be paid.

20 In the event of the driver failing to pay a penalty charge within the period stipulated in this Order the Council may give notice in writing to the owner of the motor vehicle in respect of which the penalty charge was incurred requiring the owner to supply the identity of the driver.

Restrictions on Removal of a Notice

21 When a notice has been attached to a motor 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 motor vehicle.

Motor Vehicle Removal

- 22
- (1) If a motor vehicle is parked in a car park in contravention of any of the foregoing provisions of this Order the Council may remove the motor vehicle from that car park or arrange for such removal.
 - (2) Any person removing, or causing the removal of, a motor vehicle by virtue of this Article, may do so by towing or driving the motor vehicle or in such other manner as he may think reasonably necessary to enable the motor vehicle to be removed.
 - (3) Any person removing a motor vehicle by virtue of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

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- (4) A motor vehicle will be stored for a period of 3 months after which time it will be sold and any monies received put towards costs incurred in its removal and storage. Any surplus remaining after deductions for removal and storage costs will be used by Hinckley & Bosworth Borough Council as it sees fit.
- (5) Any costs associated with the removal and storage of motor vehicles will be payable by the driver of the motor vehicle.

Power of the Council to Close Car Parks

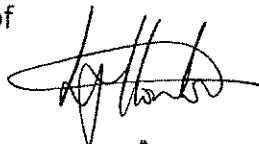
- 23 (1) Nothing in this Order shall restrict the power of the Council by notice, to suspend the operation of the car park or any part thereof and when the operation of the car park or part thereof is suspended, the Council shall display a notice or notices to that effect at the car park and at the ticket machines.
- (2) When the operation of the car park is suspended pursuant to paragraph (1) of this Article, no person shall cause any motor vehicle to enter, stand, wait or be left in the car park or any part thereof, for the duration of the suspension without the written authorisation of the Council, except for an ambulance or any motor vehicle being used in the service of a fire brigade or police force, or any motor vehicle with the permission of a police constable in uniform or when displaying a valid dispensation.
- (3) If at any time the Council shall require a car park or part thereof for any purpose whatsoever (including its use as a private car park in connection with a particular event) then the right of any person to park any motor vehicle thereon shall immediately terminate until the Council shall no longer require the car park or part thereof.

THE COMMON SEAL of THE
BOROUGH COUNCIL OF HINCKLEY & BOSWORTH

was hereunto affixed

this 27th day of MARCH 2008

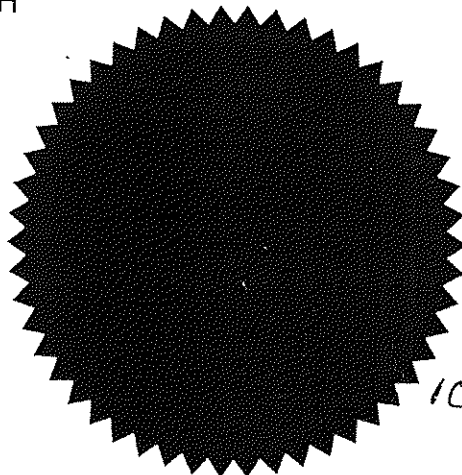
in the presence of



Chairman of the Council AUTHORIZED

SIGNATORY

Chief Executive



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SCHEDULE 1

| Name of car park | Controlled Hours | Charged hours | Scale of Charges during charged hours |
|---|------------------|---|---|
| 1 | 2 | 3 | 4 |
| Brunel Road North Car Park Hinckley | All days | 8 am to 5:30 pm, Monday to Saturday (except public holidays) | Up to 1 hour - 70p Up to 2 hours - £1.10 Up to 3 hours - £1.30 Up to 4 hours - £2.30 Over 4 hours - £4.30 |
| Church Walk Car Park Hinckley | All days | 8 am to 5:30 pm, Monday to Saturday (except public holidays) | Up to 1 hour - 70p Up to 2 hours - £1.10 Up to 3 hours - £1.30 Up to 4 hours - £2.30 Over 4 hours - £4.30 |
| St Mary's Road Car Park Hinckley | All days | 8 am to 5:30 pm, Monday to Saturday (except public holidays) | Up to 1 hour - 70p Up to 2 hours - £1.10 Up to 3 hours - £1.30 Up to 4 hours - £2.30 Over 4 hours - £4.30 |
| Trinity Vicarage Car Park Hinckley | All days | 8 am to 5:30 pm, Monday to Saturday (except public holidays) | Up to 1 hour - 70p Up to 2 hours - £1.10 Up to 3 hours - £1.30 Up to 4 hours - £2.30 Over 4 hours - £4.30 |
| Stockwell Head Car Park Hinckley | All days | 8 am to 5:30 pm, Monday to Saturday (except public holidays) | Up to 1 hour - 70p Up to 2 hours - £1.10 Up to 3 hours - £1.30 Up to 4 hours - £2.30 Over 4 hours - £4.30 |
| Bus Station Car Park Hinckley | All days | 8 am to 5:30 pm, Monday to Saturday (except public holidays) | Up to 1 hour - 70p Up to 2 hours - £1.10 Up to 3 hours - £1.30 Up to 4 hours - £2.30 Over 4 hours - £4.30 |
| Rear of Castle Street Car Park Hinckley | All days | 8 am to 5:30 pm, Monday to Saturday (except public holidays) | Up to 1 hour - 70p Up to 2 hours - £1.10 Up to 3 hours - £1.30 Up to 4 hours - £2.30 Over 4 hours - £4.30 |

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SCHEDULE 1

| Name of car park | Controlled Hours | Charged hours | Scale of Charges during charged hours |
|-------------------------------------|------------------|--|---|
| 1 | 2 | 3 | 4 |
| Council Offices Car Park Hinckley | Saturdays Only | 8 am to 5:30 pm, Monday to Saturday (except public holidays) | Up to 1 hour - 70p Up to 2 hours - £1.10 Up to 3 hours - £1.30 Up to 4 hours - £2.30 Over 4 hours - £4.30 |
| Trinity Lane East Car Park Hinckley | All days | 8 am to 5:30 pm, Monday to Saturday (except public holidays) | Up to 1 hour - 70p Up to 2 hours - £1.10 Up to 3 hours - £1.30 Up to 4 hours - £2.30 Over 4 hours - £4.30 |
| Mansion Street Car Park Hinckley | All days | 8 am to 5:30 pm, Monday to Saturday (except public holidays) | Up to 1 hour - 70p Up to 2 hours - £1.10 Up to 3 hours - £1.30 Up to 4 hours - £2.30 Over 4 hours - £4.30 |
| Thornycroft Road Car Park Hinckley | All days | 8 am to 4:30 pm, Monday to Saturday (except public holidays) | Up to 1 hour - 70p Up to 2 hours - £1.10 Up to 5 hours - £1.30 Over 5 hours - £.30 |
| Mount Road Car Park Hinckley | All days | 8am to 5:30pm Monday to Saturday (except public holidays) | Up to 5 hours - £1.00 Over 5 hours - £2.00 |
| Brunel Road South Car Park Hinckley | All days | 8am to 5:30pm Monday to Saturday (except public holidays) | Up to 5 hours - £1.00 Over 5 hours - £2.00 |
| Trinity Lane West Car Park Hinckley | All days | 8am to 5:30pm Monday to Saturday (except public holidays) | Up to 5 hours - £1.00 Over 5 hours - £2.00 |
| Holliers Walk Car Park Hinckley | All days | 8am to 5:30pm Monday to Saturday (except public holidays) | Up to 5 hours - £1.00 Over 5 hours - £2.00 |
| Druid Street Car Park Hinckley | All days | 8am to 5:30pm Monday to Saturday (except public holidays) | Up to 5 hours - £1.00 Over 5 hours - £2.00 |

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SCHEDULE 1

| Name of car park | Controlled Hours | Charged hours | Scale of Charges during charged hours |
|---|------------------|--|--|
| 1 | 2 | 3 | 4 |
| Alma Road Car Park Hinckley | All days | 8am to 5:30pm Monday to Saturday (except public holidays) | Up to 5 hours - £1.00 Over 5 hours - £2.00 |
| Rectory Lane Car Park Market Bosworth | All Days | 8am to 5:30pm all days | Up to 1 hour - 20p Up to 2 hours - 50p Up to 4 hours - £1.00 Over 4 hours - £2.00 |

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SCHEDULE 2

The penalty charge for higher level contraventions will be set at Band 2 as defined in the provisions of The Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof.

All other contraventions of the Order not so defined as higher level contraventions in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof, will be set at the lower level penalty charge as defined in those regulations.

If no payment is made within 28 days of the serving of a Penalty Charge Notice the Council may issue a Charge Certificate in accordance with the provisions of Regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.