

ROAD TRAFFIC REGULATION ACT 1984
LINCOLNSHIRE COUNTY COUNCIL
(OFF-STREET PARKING PLACES) ORDER 2021

Lincolnshire County Council (hereinafter referred to as “the Council”) in exercise of its powers under Sections 32 and 35 of the Road Traffic Regulation Act 1984, (“The Act of 1984”) and the Traffic Management Act 2004 (“Act of 2004”) and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984, hereby makes the following Order:-

PART I

1. This Order shall come into operation on the **1 November 2021** and may be cited as Lincolnshire County Council (Off Street Parking Places) Order 2021.
2. In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

"Act of 1971" means the Vehicles (Excise) Act 1971 and includes any regulations made, or having effect, thereunder;

"Act of 1984" means the Road Traffic Regulation Act 1984 and includes any regulations made or having effect thereunder.;

"Act of 2004" means the Traffic Management Act 2004;

"Regulations of 2000" means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“Civil Enforcement Officer” means a person authorised by the Council to control any parking place and enforce the provisions of this Order and as defined by Section 76(A) of the Act of 2004;

“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;

“owner” has the same meaning as in Section 142(1) of the Act of 1984;

“prepaid ticket” means a ticket obtained from the automatic ticket issuing machine for collecting charges installed at any of the parking places referred to in the schedule to this Order;

“pay by phone” means a telephone payment system provided by the Council whereby a parking charge stated in the Schedule to this Order (and any appropriate administration charge) is collected by a County Council appointed third party, via an arranged account, with payment being made over the telephone or by other electronic system (including via the internet) by credit or debit card or other means of secure authorised payment;

“Location Identification Number” means the unique number assigned to each parking place where the telephone payment parking system is operational.

“Telephone payment parking system” means a system to facilitate and monitor the payment of parking charges using telephone communication with the Service Provider in accordance with instructions indicated on signs located at each parking place where the system is operational.

“Service Provider” means the company authorised and appointed by the Council to operate, administer and maintain the payment of parking charge using the telephone payment parking system.

“Disabled Persons Badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 (as amended) and must be displayed on top of the dashboard or facia panel of a vehicle with the front of the badge facing forward so that the relevant details are legible from outside of the vehicle and the details must be clearly visible for inspection;

"Disabled Persons Vehicle" means a vehicle lawfully displaying a disabled badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by the Local Authorities Traffic Orders (exception for Disabled Persons) (England) Regulations 2000 to be included in an Order under the Act of 1984 has been or is to be driven by a disabled person or as the case may be has been or is to be used for carrying disabled persons as passengers;

“registered keeper” means the person in whose name the vehicle was registered under the Vehicles (Excise) Act 1971;

“parking place” means any area of land specified by name in column 1 of the Schedule to this Order provided by the Council under Section 32 of the Act of 1984 for use as a parking place;

“vehicle” includes trailer;

“relevant date” means the date upon which any vehicle is or was parked in any parking place referred to in this Order or upon which any event occurs or occurred in breach of any of the provisions of this Order or to which this Order relates;

“penalty charge” means a notice requiring payment for non-compliance with this Order.

“residents season ticket” means a season ticket issued to residents required to park in council car parks by on-street parking restrictions on payment of the fee in the Schedule and limited to one per household.”

“Motor Car” means any motor car within the meaning of Section 136(2) of the Act of 1984 with the exception of a commercial vehicle;

“Private Light Goods Vehicle” means a motor vehicle as defined in Section 138(3) of the Act of 1984 as a goods vehicle but not exceeding 1.5 tonnes unladen weight or in the alternative as specified in Schedule 1 to this order in relation to certain car parks where different weight requirements apply;

“motorcycle” has the same meaning as that in Section 136 of the Act of 1984;

3. Each area of land specified by name in column 1 of Schedule 1 to this Order may be used subject to the following provisions of this Order as parking place for such classes of vehicle in such positions and on such days, such hours and such charges as are specified in relation to that area in the said schedule.

MANNER OF PARKING IN PARKING PLACES

4. Where in the Schedule to this Order a parking place is described as available for a vehicle of a specified class or in a specified position the driver of a vehicle shall not permit it to wait in that parking place.

(a) unless it is of the specified class; or

(b) in a position other than that specified.

The driver of a vehicle using a parking place shall not leave the vehicle in any position in the parking place which will obstruct access to the parking place or to any premises adjoining the parking place or obstruct the access roads within the parking place.

5. Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait or park in that parking bay unless it is a disabled person's vehicle displaying a valid disabled person's badge, in accordance with the provisions of the Regulations of 2000 and the registered disabled person is either the driver or a passenger in the vehicle. The driver of a vehicle displaying a current 'Disabled Person's Badge' in accordance with the provisions of the Regulations of 2000 may wait or park the vehicle, free of charge in a parking place provided that the period of stay does not exceed the maximum stay for that parking place. A driver displaying a current disabled person's valid badge may also wait or park in a normal bay under the same conditions.
6. 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.
7. No person shall use a vehicle while it is in a parking place for any purpose in connection with trade or business or for any form of advertisement including the placing of advertisements on vehicles.
8. The driver of a motor vehicle using a 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.

9. No person shall except with the permission of any person duly authorised by the Council drive any vehicle in a parking place other than for 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.
10. No person shall in a parking place shout or make or permit any loud noise to be made to the disturbance or annoyance of any users of the parking place, any occupants of adjoining or neighbouring premises or any passers-by.
11. No person shall in a 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.
12. No person shall use any part of a parking place or any vehicle left in a parking place:-
 - (a) for sleeping or camping purpose;
 - (b) for eating or cooking purposes; or
 - (c) 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.
13. No person shall use a parking place as a means of passage proceeding from one road to another road.
14. Where in a parking place signs are erected or surface markings are laid for the purpose of:-
 - (a) indicating the entrance to or exit from the parking place or
 - (b) 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 that specified as the case may be.

15. In a parking place no person shall:-
- (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council
 - (b) light or cause or permit to be lit any fire
 - (c) use a parking place for a caravan (or motorhome over 6.0m in length)
 - (d) use a parking place for a trailer, unless otherwise stated.
16. Where within a parking place there is a sign or surface marking which indicates that an area is available only for loading and unloading the driver of a vehicle shall not permit it to wait in that area unless loading/unloading is taking place and then for a maximum period of 20 minutes.

MAXIMUM PERIOD FOR WHICH A VEHICLE MAY BE LEFT

17. The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in Schedule 1 to this Order in relation to that parking place.

CHARGES

18. (1) Whenever a vehicle occupies any of the parking places mentioned in Schedule 1 to this Order, a prepaid ticket or a combination of prepaid tickets shall be purchased when the vehicle enters the said parking place in respect of the period (not being longer than the maximum period permitted in that parking place) during which the vehicle is intended to be parked in that parking place calculated in accordance with Column 5 of the Schedule hereto and such prepaid ticket or tickets shall be exhibited on the vehicle in the appropriate manner throughout the said period, unless a valid season ticket is on display so it can be clearly seen by a Civil Enforcement Officer.
- (2) Any ticket issued on payment of the charge referred to in paragraph (1) of this Article shall be exhibited in a conspicuous position to the vehicle in respect of which it was issued and shall cause the said ticket to be exhibited in that position at all times while the vehicle is parked in a parking place.

(3) The parking charge applicable to the intended parking period shall be paid by using the Council's Pay by Phone facility by following the instructions displayed by any ticket machine in the parking place. The initial charge specified shall be payable on leaving of the vehicle in any of the parking places specified by using Pay by Phone. Pay by Phone information signs and the relevant location number signs will be located in each parking place where Pay by Phone is in operation and will provide information in relation to the operation. The payment of a parking charge will only relate to the Parking Places as indicated by the Location Identification Number on the Location Identification sign situated in the parking place.

(4) Where a vehicle has been left in A Parking Place operating Pay by Phone an indication that the relevant parking charge has been made in respect of that vehicle using Pay by Phone together with an indication of the parking periods for which payment has been made shall appear on the Hand-Held device or mobile phone.

(5) The Hourly Parking Charges mentioned in column 5 of Schedule 1 shall operate so that the charge relates to any period of parking within the hours mentioned in column 4 whether or not parking commences between those hours.

(6) Where the parking of a vehicle in any parking place is authorised by a prepaid ticket or by a pay by phone transaction under the provisions of paragraph (1) and (3) of this Article such vehicle shall not be left in the parking place for longer than the period permitted by the prepaid ticket or pay by phone transaction such ticket to be non-transferable to any other vehicle. Further prepaid tickets may be purchased or further time purchased by pay by phone transaction to extend the period of stay provided the maximum period permitted in that parking place as stated in the Schedule is not exceeded.

(7) If at any time a vehicle is left in a parking place operating Pay by Phone no indication appears on a hand-held device or mobile phone that payment of the relevant parking charge has been made using Pay by Phone or the device indicates that the payment period for which payment was made using Pay by Phone has expired it shall be presumed that;

(a) the relevant parking charge has not been duly paid in respect of that vehicle in accordance with the provisions of paragraph 3 of this Article or

(b) the parking period for which payment was made using pay by phone has expired

19. The holder of any ticket shall produce such ticket issued in accordance with Article 18(1) of this Order on demand for inspection by any duly authorised person at any time whilst the vehicle is within a parking place.

REMOVAL OF NOTICE

20. Where a prepaid ticket or a notice has been attached to a vehicle in accordance with the provisions of Article 21(2) of this Order no person not being the driver of the vehicle or a person duly authorised by the Council shall remove the ticket or notice from the vehicle unless authorised to do so by the driver.

PENALTY CHARGE

21. (1) Where a vehicle is left in a parking place in contravention of any of the provisions of this order, a Civil Enforcement Officer may attach to the vehicle in a conspicuous position a Penalty Charge Notice, in accordance with the Act of 2004.

(2) In the case of a vehicle in respect of which a penalty charge may have been incurred it shall be the duty of a Civil Enforcement Officer employed by the Council, to attach to the vehicle in a conspicuous position a Penalty Charge Notice which shall include the following particulars:-

- (a) The Vehicle registration number and make;
- (b) The date of the contravention;
- (c) The date and time of issue of the Penalty Charge Notice;
- (d) The name of the parking place;
- (e) A description of the contravention;
- (f) A statement that a Penalty Charge Notice in the amount specified is incurred;
- (g) The manner in which and the time within which the Penalty Charge Notice should be paid.

Provided that the requirements of this paragraph shall not apply to a breach of this Order if the vehicle is removed from the parking place before the Penalty Charge Notice can be completed or affixed to the vehicle.

(3) A Penalty Charge or charges shall be paid to the Council by the driver or the registered keeper.

(4) Payment of the penalty charge will not exonerate any person from payment of any expenses recoverable in respect of the removal and disposal of the vehicle pursuant to the provisions of Article 24 of this Order and any statutory provisions for the time being in force or from any claim to damages which the Council may have in respect of damage incurred in relation to the parking of the vehicle howsoever arising.

(5) If the penalty charge is not paid after a minimum of 56 days and a Charge Certificate is issued, the penalty charge payable will be increased to an amount recommended by the Secretary of State for the time being and approved by Members of the Council.

22. Nothing in Article 18 shall apply in respect of a disabled person's vehicle which displays in the relevant position a valid disabled person's badge issued by any local authority.

23. The registered keeper at the relevant date shall, pursuant to the provisions of Section 35 of the Act of 1984, be deemed to be responsible for any contravention of or non-compliance with this Order unless the registered keeper can prove in any proceedings:-

(a) that the registered keeper was neither the owner nor the keeper of the vehicle on the relevant date; or

(b) that the vehicle was being used on that date without the consent of the registered keeper.

Provided that the Council shall be entitled to proceed against any other person whom the Council proves to be either the owner or the keeper or the driver of the vehicle at the relevant date instead of the registered keeper.

24. Subject to the provision hereto when a vehicle is left in a parking place in contravention of any of the provisions of Articles 4, 5, 6, 7, 12, 15, 17 and 18 of this Order a person authorised in that behalf by 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 Article 4(b) of this Order a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position will comply with that provision.

25. The Interpretation Act 1978 shall apply to this order as it applies to an Act of Parliament.

THE COMMON SEAL of the LINCOLNSHIRE)
COUNTY COUNCIL was hereunto affixed)
in the presence of:-)

Authorised Officer

SCHEDULE 1

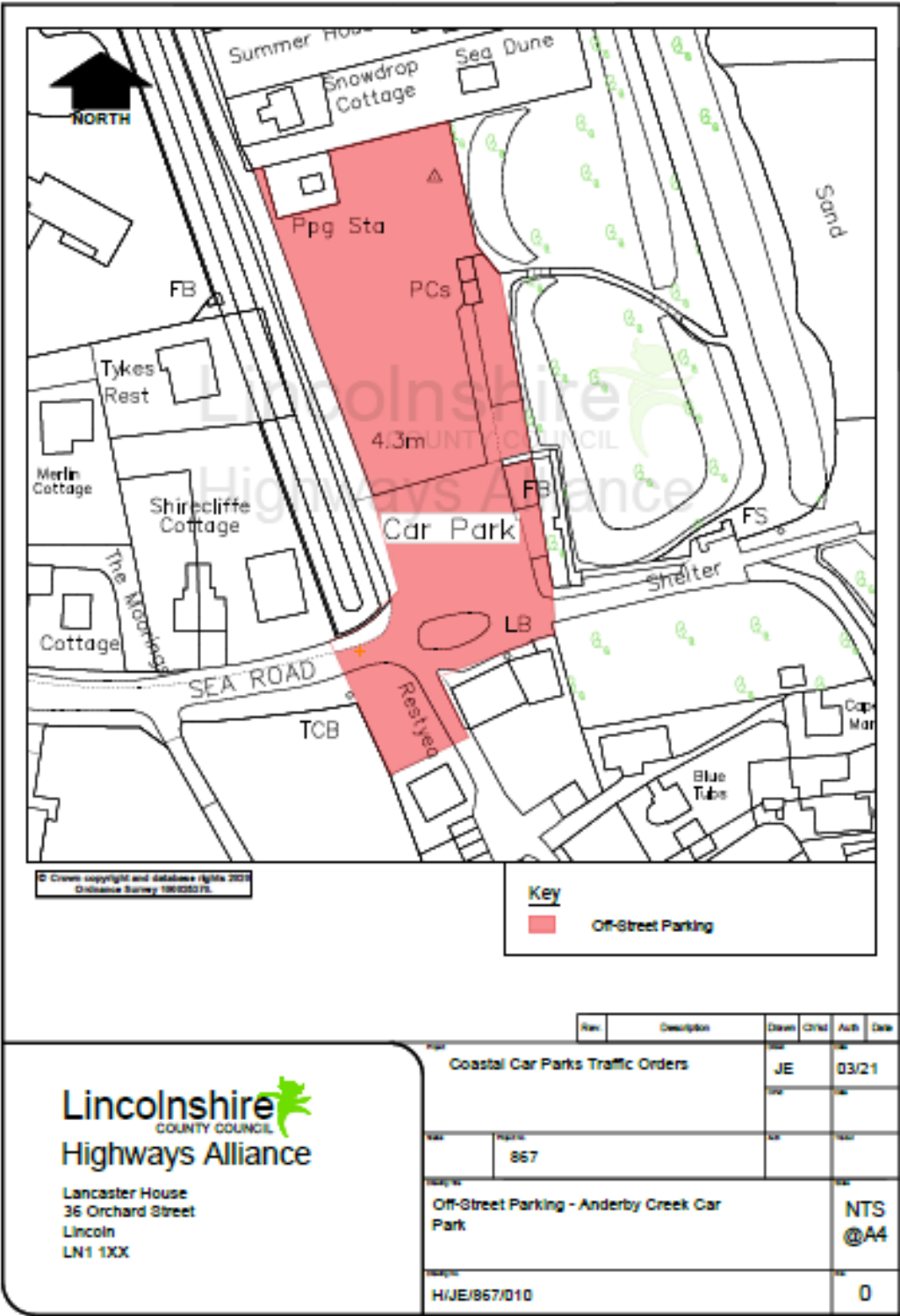
PARKING PLACES

NAME OF PARKING PLACE	CLASS OF VEHICLE PERMITTED TO USE PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	PERIOD OF OPERATION OF PARKING PLACE	HOURLY PARKING CHARGES PER PARKING BAY Charges applicable 10am-5pm, Good Friday – 31 st October inclusive
Anderby Creek car park	Motorcycles; Motor Cars; Private Light Goods Vehicles	As indicated by white lines or signs or other markings.	Monday – Sunday 6.00am – 10.00pm	Up to 1 hour = £1.00 Up to 2 hours = £2.00 Over 2 hours = £4.00
Huttoft car park	Motorcycles; Motor Cars; Private Light Goods Vehicles	As indicated by white lines or signs or other markings.	Monday – Sunday 6.00am – 10.00pm	Up to 1 hour = £1.00 Up to 2 hours = £2.00 Over 2 hours = £4.00
Moggs Eye and Marsh Yard car parks	Motorcycles; Motor Cars; Private Light Goods Vehicles	As indicated by white lines or signs or other markings.	Monday – Sunday 6.00am – 10.00pm	Up to 1 hour = £1.00 Up to 2 hours = £2.00 Over 2 hours = £4.00

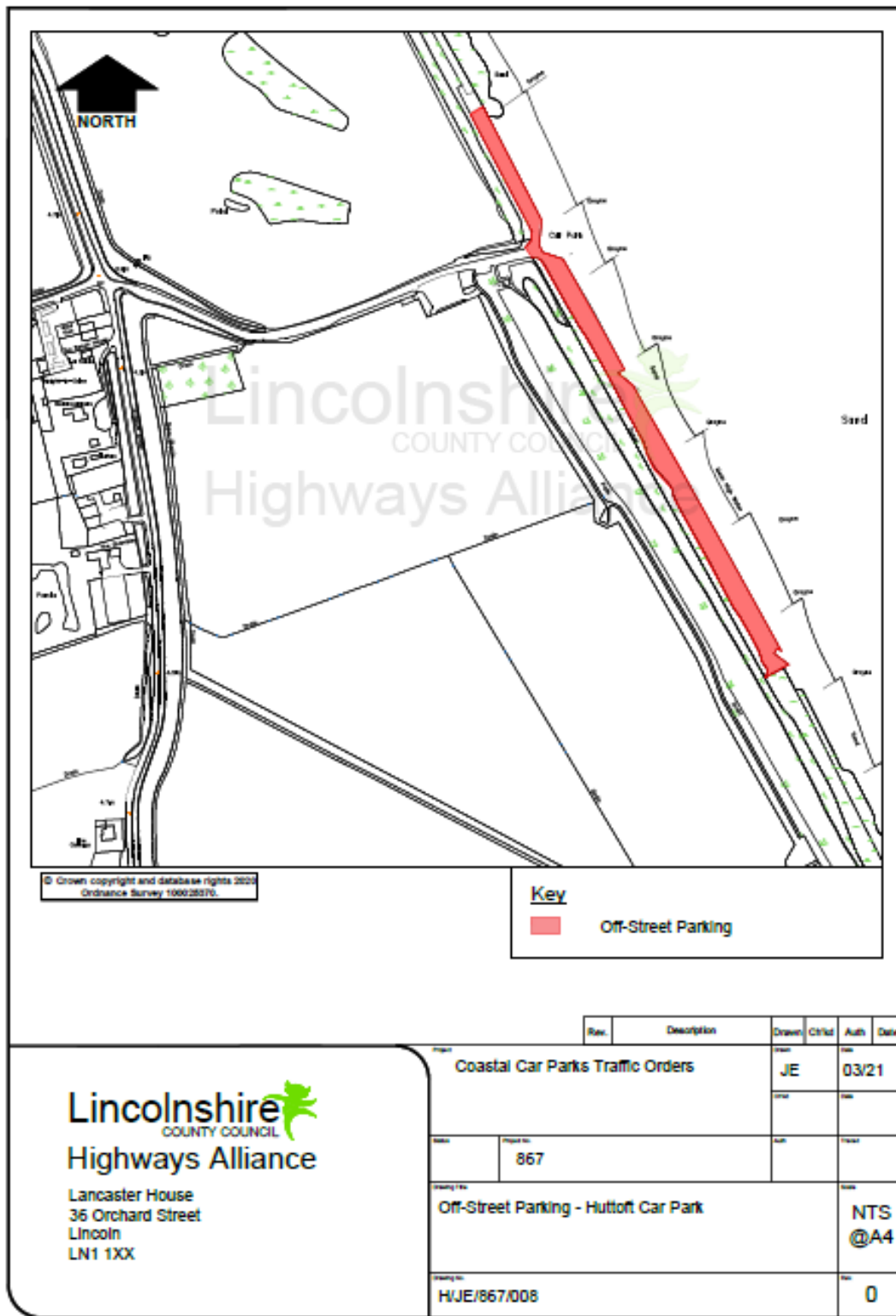
NAME OF PARKING PLACE	CLASS OF VEHICLE PERMITTED TO USE PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	PERIOD OF OPERATION OF PARKING PLACE	HOURLY PARKING CHARGES PER PARKING BAY
				Charges applicable 10am-5pm, Good Friday – 31st October inclusive
Wolla Bank car park	Motorcycles; Motor Cars; Private Light Goods Vehicles	As indicated by white lines or signs or other markings.	Monday – Sunday 6.00am – 10.00pm	Up to 1 hour = £1.00 Up to 2 hours = £2.00 Over 2 hours = £4.00
Six Marshes car park	Motorcycles; Motor Cars; Private Light Goods Vehicles	As indicated by white lines or signs or other markings.	Monday – Sunday 6.00am – 10.00pm	Up to 1 hour = £1.00 Up to 2 hours = £2.00 Over 2 hours = £4.00

SCHEDULE 2

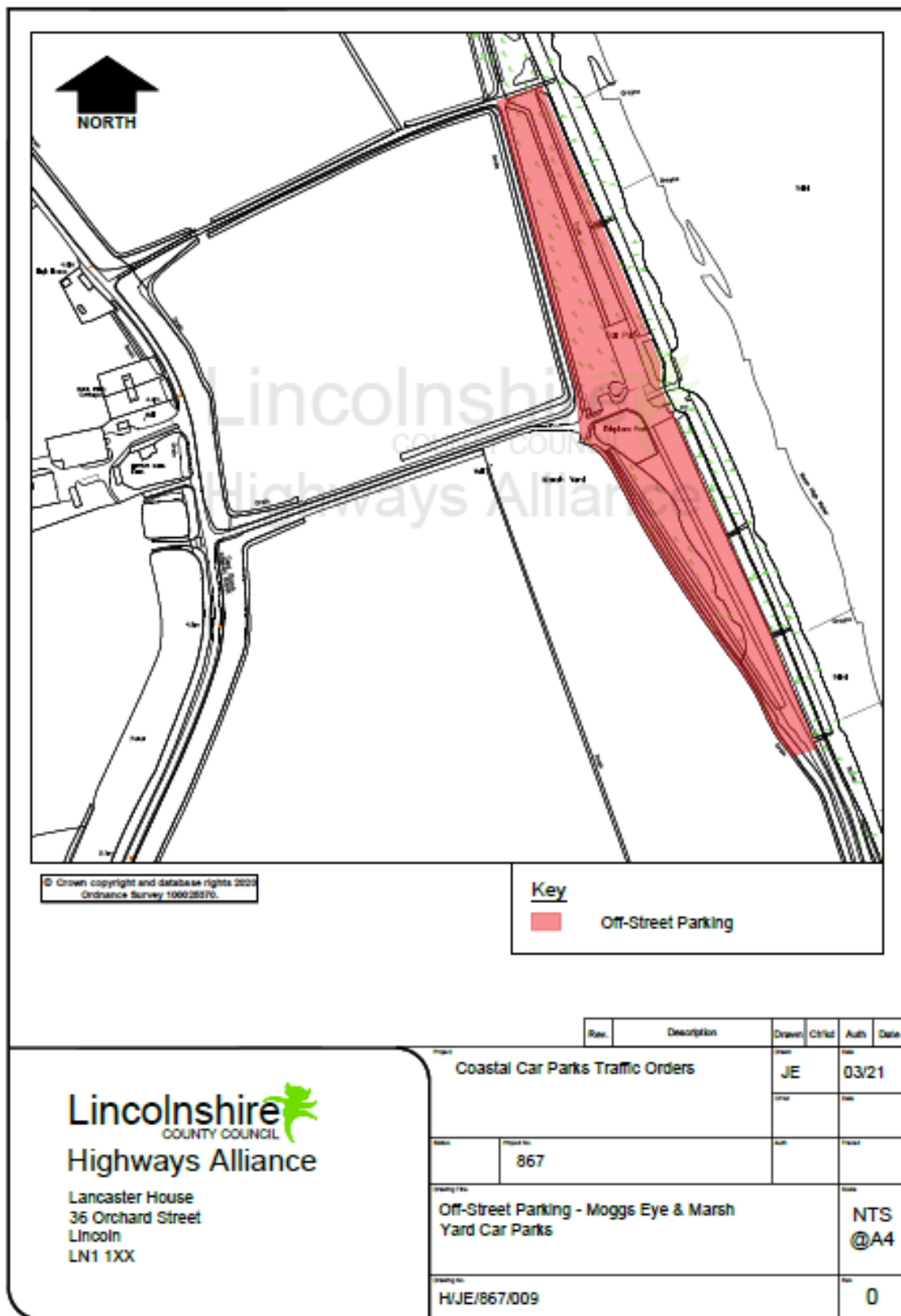
PLAN OF AFFECTED LOCATION (ANDERBY CREEK CAR PARK)



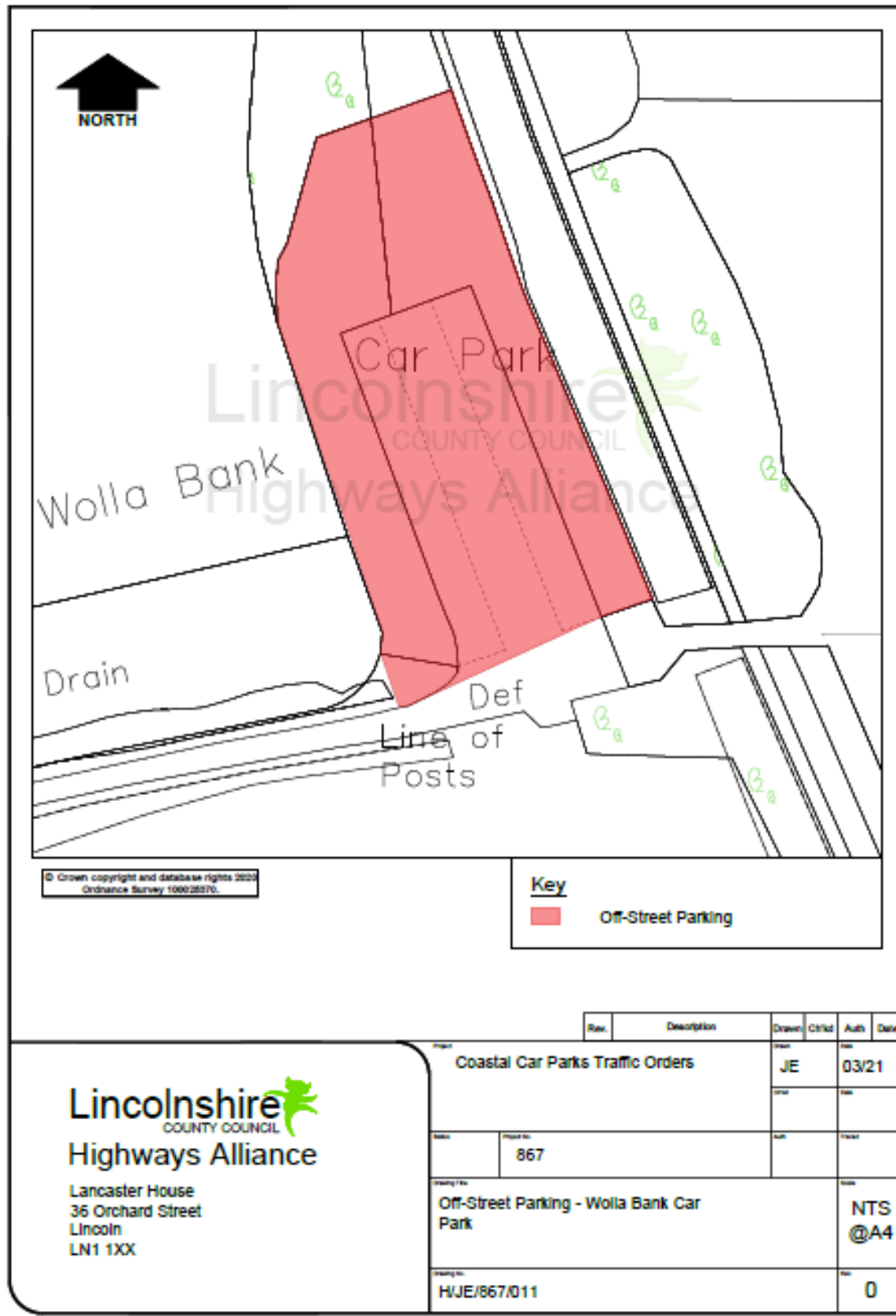
PLAN OF AFFECTED LOCATION (HUTTOFT CAR PARK)



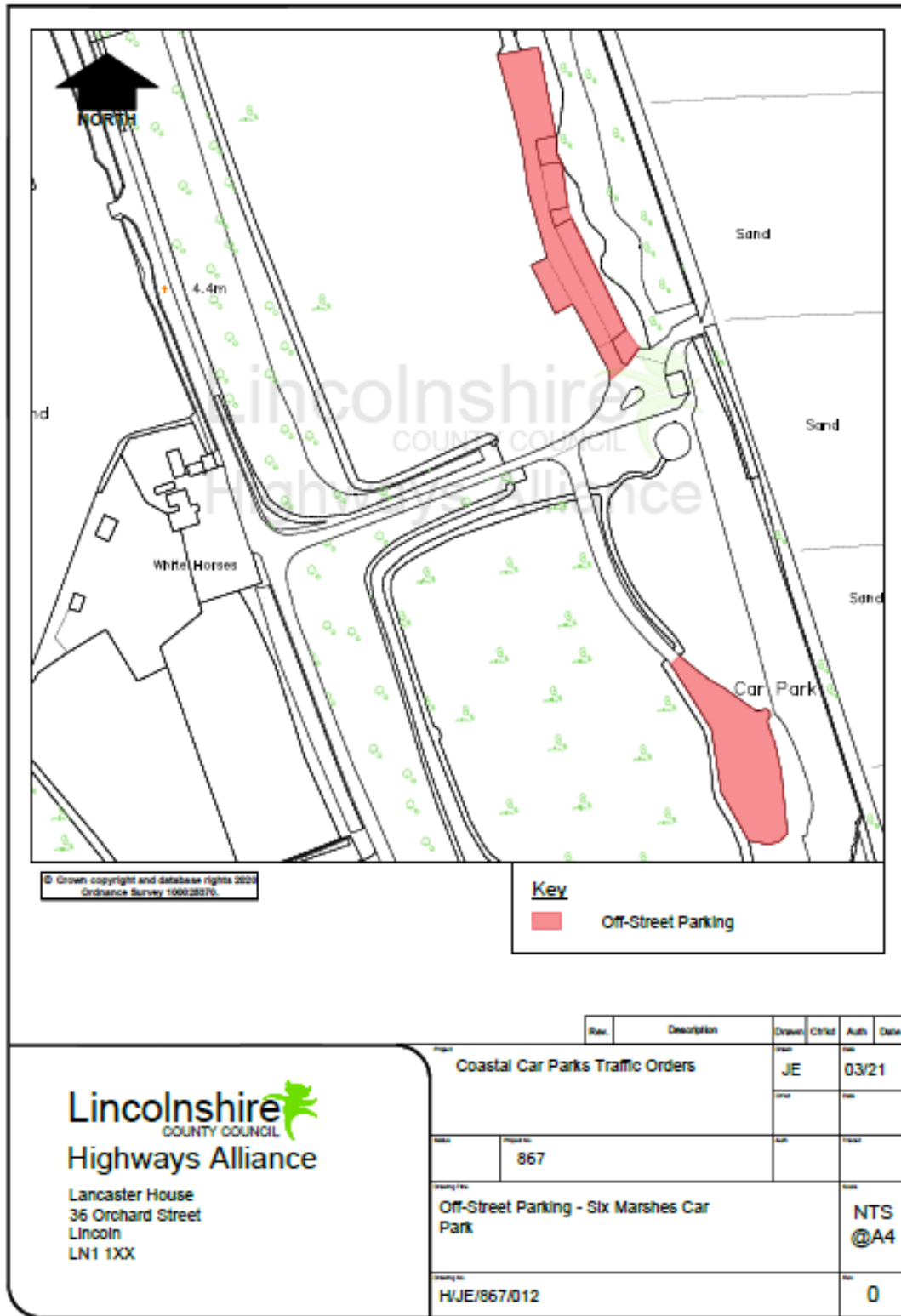
PLAN OF AFFECTED LOCATION (MOGGS EYE AND MARSH YARD CAR PARKS)



PLAN OF AFFECTED LOCATION (WOLLA BANK CAR PARK)



PLAN OF AFFECTED LOCATION (SIX MARSHES CAR PARK)



DATED – 22 OCTOBER 2021

LINCOLNSHIRE COUNTY COUNCIL
(OFF-STREET PARKING PLACES) ORDER 2021

A Gutherson
Director for Place
Lincolnshire County Council
County Offices
Lincoln