

NORTHAMPTON BOROUGH COUNCIL

TRAFFIC REGULATION ORDER

**NORTHAMPTON BOROUGH COUNCIL (OFF STREET PARKING PLACES)
ORDER 2001**

Made: 22 June 2001

Coming into operation: 2 July 2001

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ORDER 2001

The Council of the Borough of Northampton (hereinafter referred to as "the Council") in exercise of the powers conferred on them by Sections 35(1) and (3) of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and of Part IV of Schedule 9 to the Act and the Road Traffic Act 1991 and all other enabling powers and with the consent of the Northamptonshire County Council in accordance with Section 39(3) of the Act 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) This Order having been made on the twenty second day of June 2001 shall come into operation on the second day of July 2001 and may be cited as the Northampton Borough Council (Off-Street Parking Places) Order 2001

- (2) The Parking Place Orders specified in Schedule 4 are hereby revoked.

In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"authorised officer" means a parking attendant or a person duly authorised by the Council for the purposes of this Order;

"driver" in relation to a vehicle waiting in a parking place means the person who was driving the vehicle at the time it was left in the parking place;

"owner" has the same meaning as in Section 101(8) of the Act;

"parking place" means any area of land or purpose built car park specified by name in column 1 of Schedules 1, 2 and 3 of this Order provided by the Council under Section 32 of the Act for use as a parking place;

"parking bay" means a part of a parking place marked out for the leaving of a vehicle;

"parking attendant" has the same meaning as defined in section 63A of the Act;

"Pay & Display" the method of payment is such that the charge shall be paid to a machine and the basis for calculation of the parking charge shall be the date and time at which the charge was paid as indicated by a ticket issued when the charge was paid and the date and time at which the vehicle is expected to leave the parking place provided that the vehicle leaves the parking place on or before the exit time printed on the ticket when the charge was paid

"Pay on Foot" the method of payment is such that the charge shall be paid to a machine and the basis for calculation of the parking charge shall be the date and time at which the vehicle entered the parking place as indicated by a ticket issued when the vehicle entered the parking place and the date and time at which the charge was paid provided that the vehicle leaves the parking place within 15 minutes of the parking charge being paid

"penalty charge" has the same meaning as defined in Sections 66 and 82(1) of the Road Traffic Act 1991 payable by virtue of Schedule 3 to the Road Traffic Act 1991 and a "penalty charge notice" means a notice showing the information required by section 66 (3) of the Road Traffic Act 1991

"relevant position" means in relation to Article 24 of this Order

- (a) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen
- (b) in the case of a vehicle not fitted with a front windscreen the badge is exhibited in a conspicuous position on the vehicle

"town centre residents parking ticket" means a ticket issued at the sole discretion of an authorised officer of the Council to a person meeting the Council's criteria for the issue of a ticket and whose usual residence is at premises within the Borough's inner ring road (and Court Road, The Green (from Court Road for a distance of 27 metres) and nos 7-21 Marefair)

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

PART II USE OF PARKING PLACES

- 3. The land specified by name in column 1 of Schedules 1, 2 and 3 to this Order may be used, subject to the following provisions of this Order as a parking place for such classes of vehicles in such positions and on such days and during such hours and on payment of such charges *and by such method of payment* as are specified in relation to that parking place in this Order and in the said Schedules
- 4. The Council may from time to time determine restricted areas within any parking place and charge such sums for exclusive use thereof for such times and under such conditions as may be agreed between the Council and any licensee
- 5. Where in this Order and the Schedules hereto a parking place is described as available for vehicles 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

6.
 - (1) The driver of a vehicle shall not permit it to wait in a parking place outside the validity period of the ticket or in any case for longer than the maximum period permitted for waiting specified in the relevant Schedule to this Order in relation to that parking place
 - (2) Tickets other than season tickets *and town centre residents parking tickets* shall be valid for the period of issue only
 - (3) Tickets purchased in the parking places specified in Schedule 2 *except the Mayorhold Shoppers* may be used by the purchaser in any of those parking places *where the charges are the same* within the validity period of the ticket (and in addition *where the charges are the same* in the car park known as Campbell Square car park within the validity period of the ticket)
 - (4) Tickets purchased in the parking places specified in Schedule 1 may be used by the purchaser in any of those parking places *where the charges are the same* within the validity period of the ticket. Any ticket bought is valid only until the time specified thereon and cannot be used consecutively or concurrently with other tickets purchased subsequently or simultaneously
 - (5) Season Tickets purchased for the parking places specified in Schedule 2 (*except the Mayorhold Shoppers where season tickets are not valid*) may be used by the purchaser in any of the parking places *where the season ticket charges are the same* specified in that Schedule (and in the car park known as Campbell Square car park) *where the season ticket charges are the same*
Town centre residents parking tickets may be used by the purchaser in all car parks except for the Mayorhold Shoppers, Commercial Street, Greyfriars Multi-Storey, Grosvenor Multi-Storey, Market Street, Morrisons, The Ridings, St Peters Way and Wellington Street car parks
 - (6) 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 in that parking bay unless it is a disabled person's vehicle
7.
 - (1) The driver of a vehicle using a parking place shall forthwith *in a case where the method of operation is Pay & Display* on leaving a vehicle in the parking place pay the appropriate charge in accordance with the Scale of Charges specified in the relevant Schedule of this Order applicable to such parking place provided that no charge shall be payable by the driver of a vehicle left in that parking place who displays a valid season ticket in respect of that vehicle in accordance with the provisions of paragraphs (3) and (6) of this Article *or who displays a valid town centre residents parking ticket in respect of that vehicle in accordance with the provisions of paragraphs (3) and (6) of this Article*
 - (2) The charge referred to in the last preceding paragraph shall be payable by the insertion of an appropriate coin or coins into the apparatus provided

being apparatus generally approved for use on or off street for such purpose

- (3) The ticket issued on payment of the charge referred to in paragraph 1 of this Article or the season ticket issued in accordance with paragraph 6 of this Article *or the town centre residents parking ticket issued in accordance with paragraph 6 of this Article* shall be attached to the inside of the windscreen of the vehicle in respect of which it was issued, in a conspicuous position so that the particulars of such ticket are clearly visible to persons standing outside the vehicle
 - (4) The ticket issued on payment of the charge referred to in paragraph (1) of this Article shall not be transferable from one vehicle to another
 - (5) A penalty charge will be payable in the event of contravention of Articles 5, 6(1), 6(2), 6(3), 6(4), 6(5), 6(6), 7(1), 7(2), 7(3), 7(4), 7(6) 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, and 24(2) of this Order. Such penalty charge shall be paid to the Council either by cheque bankers draft, money order or postal order or such other method deemed appropriate by the Council which shall be delivered or sent by post to the Council at the address instructed on the penalty charge notice and in accordance with the instructions on that notice.
 - (6) The owner of a vehicle may on application to the Council purchase a season ticket in respect of the vehicle for a charge ascertained by reference to the said Scale of Charges and the season ticket shall be valid in the relevant parking places specified in Schedules 2 (*except the Mayorhold Shoppers*) and 3 for the period for which it is issued save that a season ticket purchased in respect of a relevant parking place specified in Schedule 3 shall be valid only in that parking place
The owner of a vehicle whose normal residence is at premises within the Borough's inner ring road (and Court Road, The Green (from Court Road for a distance of 27 metres) and nos 7-21 Marefair) without access to other off street parking facilities and not fully within an existing on street residents parking scheme and who otherwise fulfils the Council's criteria for the issue of a town centre residents parking ticket may purchase a town centre residents parking ticket in respect of the vehicle for a charge ascertained by reference to the said Scale of Charges and the town centre residents parking ticket shall be valid in the relevant parking places specified in Schedules 2 (except the Mayorhold Shoppers) and 3 for the period for which it is issued
8. In the case of a vehicle in respect of which a penalty charge may have been incurred it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a notice indicating the registration number of the vehicle or the number of the trade plate carried by the vehicle and a statement that the penalty charge is required to be paid with details of the manner in which and the time within which the charge should be paid and when any such notice is attached to a vehicle no person not being the driver of the vehicle or a person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the driver

9. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions of Article 5, Article 6(1), Article 7(1) or (3) of this Order, an authorised officer may immobilise or 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 5(b) of this Order an authorised officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision

10. Any person removing or altering the position of a vehicle by virtue of Article 9 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 or alter its position as the case may be
11. When an authorised officer removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 9 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle
12. Should a vehicle parked in the parking places specified in Schedules 1, 2 and 3 in contravention of this Order be removed or immobilised by an authorised officer a recovery charge and/or release fee in addition to any unpaid parking charges will be payable before the vehicle is released

Nothing contained in this Order shall restrict the powers of an authorised officer pursuant to powers contained in or regulations made under sections 100 to 106 inclusive of the Act in removing/immobilising a vehicle contravening a provision of this Order

13. 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
14. No person shall except with the permission of any person duly authorised by the Council (on such terms as at his sole discretion he consider appropriate) 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
15. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicles (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988
16. 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

17. 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
18. No person shall, in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of the premises in the neighbourhood
19. 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 or whereby a breach of the peace is likely to be occasioned
20. No person shall except with the permission of any person duly authorised by the Council (on such terms as at his sole discretion he considers appropriate) use any part of a parking place or any vehicle left in a parking place:
 - (a) for sleeping or camping purposes;
 - (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
21. No person shall use a parking place as a means of proceeding from one road to another road
22. 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, or
 - (c) indicating a restricted areano 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 so indicated, or
 - (ii) in a direction other than that specified, as the case may be
 - (iii) so that it enters such restricted area unless permitted

23. 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;

24. (1) The following vehicles left in a parking place shall be exempt from any limitation on time and from the payment of any charge specified in Schedules 1, 2 and 3 to this Order:

- (i) an invalid carriage as defined by Section 136(5) of the Act
- (ii) a vehicle left by the driver thereof who is a person who on account of his severe physical disability has been given notice in writing by the Council that he is exempt from any such charge or limitation on time if the notice is displayed on the vehicle in a conspicuous position

(2) A disabled persons vehicle which displays in the relevant position a disabled person's badge issued by any local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or a badge having effect under those Regulations as if it were a disabled person's badge shall be exempt from the payment of any charge (save for any penalty charge) specified in Schedules 1, 2 and 3 to this Order but shall not be exempt from limitations on time save to the maximum period permitted for parking within each specific car park (subject to a maximum period permitted for parking of four hours in those car parks where the maximum period permitted for parking is less than four hours)

25. (1) If at any time while a vehicle is left in a parking place no ticket or tickets are exhibited on that vehicle in accordance with the provisions of paragraph (3) of Article 7 hereof it shall be treated as evidence that the appropriate charge has not been duly paid *but where the method of payment is Pay on Foot and no ticket indicating the date and time at which the vehicle entered the parking place the charge shall be calculated on the assumption that the vehicle entered the parking place at the time of opening on the same day that the vehicle leaves the parking place*

(2) An indication on a parking ticket of a date shall be treated as evidence of the date on which the parking charge was paid

(3) An indication on a parking ticket of a sum of money shall be treated as evidence that that sum (and only that sum) was paid as a parking charge

(4) An indication on a parking ticket of a time shall be treated as evidence of the time expiry of the period for which the parking charge has been paid

THE COMMON SEAL of NORTHAMPTON
BOROUGH COUNCIL was hereunto
affixed in the presence of

P A Newham
Borough Solicitor

SCHEDULE 1 – SHORT STAY CAR PARKS

NAME OF PARKING PLACE (CAR PARK)	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLE	DAYS OF OPERATION OF PARKING PLACE	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES (A PENALTY CHARGE AND REDUCED PENALTY CHARGE ARE PAYABLE)	METHOD OF OPERATION
Abington Place	Wholly within a parking bay Two wheeled vehicles free to wait within any special bay provided	Motor cars within the provisions of Section 136(2) (a) of the Act Motor cycles as defined in Section 136(4) of the Act Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525kg	All days	8.00am to 6.00pm extended from 6.00pm to 12.00 midnight (evening charge) in respect of Abington Place, Albion Place, Commercial Street, Commercial Street South, Doddridge Street, Ridings, St Johns Surface, Wellington Street where an evening charge is payable and extended from 6.00pm to 11.00am (overnight charge) in respect of Abington Place, Albion Place, Commercial Street, Commercial Street South, Doddridge Street, Ridings, St Johns Surface, Wellington Street where an overnight charge is payable	3 hours (save where an evening charge is payable and/or an overnight charge) 5 hours (save where an evening charge is payable and/or an overnight charge) in respect of Abington Place, Albion Place, Doddridge Street, Greyfriars Multi-Storey, Grosvenor Multi-Storey, Ridings, St Johns Surface, Wellington Street	Up to 1 hour 50p Up to 2 hours £1.00 Up to 3 hours £1.50 Evening charge 50p Overnight charge £2.00	Pay and Display
Albion Place							
Commercial Street							
Commercial Street South							
Doddridge Street							
Greyfriars Multi-Storey							
Grosvenor Multi-Storey							
Ridings							
St Johns Surface							
St Peters Way							
Wellington Street							

SCHEDULE 2 – MULTI TARIFF CAR PARKS

NAME OF PARKING PLACE (CAR PARK)	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLE	DAYS OF OPERATION OF PARKING PLACE	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES (A PENALTY CHARGE AND REDUCED PENALTY CHARGE ARE PAYABLE)	METHOD OF OPERATION
Chalk Lane	Wholly within a parking bay	Motor cars within the provisions of Section 136(2)(a) of the Act	All days	8.00am to 6.00pm extended from 6.00pm to 12.00 midnight (evening charge) in respect of Chalk Lane, Newlands, St Johns	24 hours	Up to 2 hours £1.00 Up to 4 hours £2.20 Up to 5 hours £3.30 Over 5 hours £4.20 Evening charge 50p (except Mayorhold Shoppers)	Pay and Display except Mayorhold Shoppers Pay on Foot
Horse Market	Two wheeled vehicles free to wait within any special bays provided (except Mayorhold Shoppers)	Act Motor cycles as defined in Section 136(4) of the Act	Mayorhold Shoppers all days except Christmas Day,	Multi-storey, St Michaels Multi-storey where an evening charge is payable and extended from 6.00pm to 11.am (overnight charge) in respect of Chalk Lane, Mounts, Newlands, St Johns Multi-Storey, St Michaels Multi-Storey and where an overnight charge is payable Mayorhold Shoppers Mondays to Saturdays 6.00am to 8.00pm, Sundays and Bank Holidays 9.00am to 6.00pm	Mayorhold Shoppers Mondays to Saturdays 14 hours, Sunday and Bank Holidays 9 hours	Season tickets (monthly charge) available (except Mayorhold Shoppers) as follows: ½ day (5 hours) £48.00 5 days £75 (Mon to Fri) 6 days £90 (Mon to Sat) 7 days £105	
Mayorhold Shoppers		vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525kg				Overnight charge £2.00 (except Mayorhold Shoppers)	
Mounts						Town centre residents parking ticket available as follows: 6 months £6.50 (except Mayorhold Shoppers)	
Newlands							
St Johns Multi-storey							
St Michaels Multi-Storey							

SCHEDULE 3 – MISCELLANEOUS CAR PARKS

NAME OF PARKING PLACE (CAR PARK)	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLE	DAYS OF OPERATION OF PARKING PLACE	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES (A PENALTY CHARGE AND REDUCED PENALTY CHARGE ARE PAYABLE)	METHOD OF OPERATION
Market Street	Wholly within a parking bay	Motor cars within the provisions of Section 136(2)(a) of the Act	All days	8.00am to 6.00 pm in respect of Market Street and Melbourne Street	24 hours	Market Street Up to 1 hour 40p Up to 2 hours 50p Up to 3 hours 80p Over 3 hours £2.30	Pay and Display
Melbourne Street	Two wheeled vehicles free to wait within the curtilage of any special bays provided	cycles as defined in Section 136(4) of the Act	All days	Street	24 hours		
Midsummer Meadow	Buses and coaches wholly within a parking bay/area reserved for buses and coaches in respect of Midsummer Meadow	of the Act Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525kg Buses and coaches which except where the context otherwise requires have the same meaning as in Regulation 22 of the Traffic Signs & General Directions 1994 in respect of Midsummer Meadow only	All days	Mon to Sat 9.00am to 6.00pm in respect of Midsummer Meadow	24 hours	Melbourne Street (same as Market Street) Midsummer Meadow £6.00 (Buses and coaches) Up to 3 hours £1.30 Over 3 hours £3.50	
Morrisons			Monday Tuesday Wednesday Thursday Friday Saturday Sunday	8.00am to 10.00pm 8.00am to 10.00pm 8.00am to 10.00pm 8.00am to 10.00pm 8.00am to 10.00pm 8.00am to 9.00pm 10.00am to 6.00pm in respect of Morrisons	2 hours in respect of Morrisons	Town centre residents parking ticket available as follows: 6 months £6.50 Monthly 5 day (Mon-Friday) season ticket £61 Morrisons Up to 2 hours £1	

SCHEDULE 4

The Northampton Borough Council	(Off Street Parking Places)	Order 1988
The Northampton Borough Council	(Off Street Parking Places) (Amendment No. 1)	Order 1988
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The Northampton Borough Council	(Off Street Parking Places) (Amendment No. 2)	Order 1992
The Northampton Borough Council	(Off Street Parking Places) (Amendment No. 1)	Order 1993
The Northampton Borough Council	(Off Street Parking Places) (Amendment No. 1)	Order 1994
The Northampton Borough Council	(Off Street Parking Places) (Amendment No. 2)	Order 1994
The Northampton Borough Council	(Off Street Parking Places) (Amendment No. 1)	Order 1996
The Northampton Borough Council	(Off Street Parking Places) (Amendment No. 2)	Order 1996
The Northampton Borough Council	(Off Street Parking Places) (Amendment No. 1)	Order 1997
The Northampton Borough Council	(Off Street Parking Places) (Amendment No. 2)	Order 1997
The Northampton Borough Council	(Off Street Parking Places) (Amendment No. 1)	Order 1998
The Northampton Borough Council	(Off Street Parking Places) (Amendment No. 2)	Order 1998
The Northampton Borough Council	(Off Street Parking Places) (Amendment No. 1)	Order 1999
The Northampton Borough Council	(Off Street Parking Places) (Amendment No. 2)	Order 1999