

**CORBY BOROUGH COUNCIL
(PARKLAND GATEWAY CAR PARK)
(OFF-STREET PAY AND DISPLAY PARKING PLACES)
ORDER 2011**

Corby Borough Council ("the Council") in exercise of its powers under Sections 1, 2, 3, 4, 5, 32 and 35, 36, 37 and 39 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers, and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act of 1984 and the Traffic Management Act 2004, hereby makes the following Order:

PART 1

IMPLEMENTATION, CITATION, DEFINITIONS AND REVOCATIONS

1. This Order shall come into operation on ^{23rd February 2011} and may be cited as "Corby Borough Council Parkland Gateway Car Park (Off-Street Pay and Display Parking Places) Order 2011".
2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:-

"Car Park" means the area of land more particularly described in Schedule 1 and known as Parkland Gateway Car Park, Corby;

"Civil Enforcement Officer (CEO)" has the same meaning as in Section 76 of the Traffic Management Act of 2004 ("TMA");

"delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"disabled persons' badge" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"driver" in relation to a vehicle waiting in an off-street pay and display parking place, means the person driving the vehicle at the time it was left in the parking place;

"dual purpose vehicle" has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986;

"goods" includes postal packets of any description, cash or other valuable securities;

"goods vehicle" means a motor vehicle which is constructed or adapted for the carriage of goods of any description and which does not exceed 3.5 tonnes gross laden weight;

"moped" means a two or three wheel vehicle fitted with an engine having a cylinder capacity not exceeding 50 cm³ if of the internal combustion type and a maximum design speed of not more than 45 kilometres per hour;

"motor cycle" has the same meaning as in Section 136 of the Act of 1984;

"owner" in relation to a vehicle includes any person who falls to be treated as the owner of the vehicle by virtue of regulation 5(3) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"off-street pay and display parking place" means an area of land as specified in Schedule 1 of this Order and provided by the Council under Section 32 of the Act for use as an off-street pay and display parking place for the leaving of a vehicle of any class stated in Article 6 of 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" has the same meaning as in Section 92 of the TMA

"penalty charge notice" means a notice dispensed by a CEO informing the driver of the vehicle that they are in contravention of a restriction and that a penalty charge is now owed;

"postal packets" has the same meaning as in Section 125 of the Postal Services Act 2000;

"prescribed hours" means those hours stated in Schedule 2 to this Order;

"restricted road" means a road which is subject to parking and waiting restrictions;

"road" means a highway and any other road to which the public has access;

"statutory undertaker" has the same meaning as in Section 329 of the Highways Act 1980;

"street trading vendor's vehicle" means a vehicle constructed or adapted so as to enable hot or cold food to be prepared in and sold from the vehicle;

"telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984;

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the Act of 1984;

"user" in relation to a vehicle means the person by whom such vehicle is owned, kept or used.

3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
4. The plan(s) annexed to this Order identify the area(s) subject to this Order, provided that where there is any inconsistency between the plan(s) and the Schedules it is the wording of the Schedules which shall prevail.
5. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into effect of this Order any provisions of any Orders mentioned in Schedule 4 hereto are hereby revoked to the extent stated in that Schedule.

PART 2

OFF-STREET PAY AND DISPLAY PARKING PLACES

- 6 (1) The Off Road Parking Area specified in Schedule 1 and within the area outlined in red on the map to this Order is authorised to be used during the prescribed hours, subject to provisions to this Part of this Order, as a pay and display parking place for passenger vehicles, dual purpose vehicles and goods vehicles.
- (2) Nothing in paragraph (1) of this Article shall apply so as to permit a trailer, whether or not attached to a vehicle, to park at any time in any pay and display parking place.
- (3) No person shall park any street trading vendors vehicle in a pay and display parking place or use any such vehicle while it is in such an parking place, in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for hire of his skill or services, provided that nothing in this Article: -
 - a) shall prevent the sale of goods from a vehicle if the vehicle is of a class specified in paragraph (1) of this Article and if the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
 - b) shall apply if the person has obtained the written consent of the Council before doing so.

7. The driver of a vehicle shall not permit that vehicle to wait in an off-street pay and display parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994, 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.
8. Where in an off-street pay and display parking place traffic signs are erected or surface markings are laid for the purpose of indicating the entrance or exit from the parking place, or indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place, no vehicle shall be driven so as to enter the parking place otherwise than by an entrance, or leave the parking place otherwise than by an exit, so indicated or in a direction other than so specified.
9. The driver of a vehicle using an off-street pay and display parking place shall not sound any horn or other similar instrument except when about to change position of the vehicle in or to depart from the parking place.
10. When a notice has been attached to a vehicle in accordance with any 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.
11. A vehicle which is present in an off-street pay and display parking space specified in the area in Schedule 1 hereto at the commencement of the hours of operation of any restrictions imposed by this Order shall be deemed to have been left in that pay and display parking space at the commencement of that period of operation of that pay and display parking space.
12.
 - (1) The limits of each pay and display parking place and of every pay and display parking space within a pay and display parking place and of any access way in a pay and display parking place shall be indicated on the road by the appropriate traffic signs;
 - (2) Any vehicle standing in a pay and display parking space shall stand wholly within the limits so marked or, if the length of the vehicle precludes the vehicle being positioned in that manner, so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle;
 - (3) The Council shall install and maintain in proper working order at least one ticket parking meter in such position as it thinks fit in the vicinity of a pay and display parking space.
13. The driver of a vehicle using a pay and display parking place shall stop the engine as soon as the vehicle is in position in the parking space, and shall not start the engine of the vehicle except when about to change the position of the vehicle in or to depart from the parking space.

- 14 Where a pay and display parking ticket has been displayed on a vehicle in accordance with the provisions of Article 16 of this Order, no person, not being the driver of the vehicle, shall remove the pay and display parking ticket from the vehicle unless authorised to do so by the driver of the vehicle.
- 15 For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 if:
- (1) the badge is exhibited on the dashboard or fascia of the vehicle so that the front of the badge is clearly legible from the outside of the vehicle; or
 - (2) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is clearly legible from the outside of the vehicle.
- 16 (1) The charge for a vehicle parked in a pay and display parking space shall be as specified in Schedule 2 to this Order.
- (2) Subject to the provisions of Article 24 of this Order, the charge shall be payable on the leaving of the vehicle in a pay and display parking space:
- (a) by any combination of coins of appropriate denominations to the amount of the charge;
 - (b) if the ticket parking meter is so constructed or adapted, by a prepaid card of which the remaining credit is not less than the amount of the charge.
- (3) Upon payment of the charge for a vehicle left in a pay and display parking place the driver of the vehicle shall display or cause to be displayed on the vehicle, in accordance with the provisions of paragraph (5) of this Article, the ticket issued by the ticket parking meter on payment of the charge in accordance with paragraph (2) of this Article.
- (4) Payment of the charge for a vehicle left in the pay and display parking place shall be indicated by the issue by a ticket parking meter relating to that parking place of a ticket indicating that a charge has been paid for that occasion, and by the display of that ticket in the manner specified in paragraph (6) of this Article.
- (5) The ticket referred to in paragraph (3) of this Article shall be displayed on the vehicle in respect of which it was issued at all times during which the vehicle is left during the prescribed hours in the pay and display parking place in the relevant position on the vehicle.

- (6) For the purposes of this Order a vehicle shall be regarded as displaying a ticket indicating that a charge has been paid in the relevant position if the ticket is exhibited in a conspicuous position on the inside of the front windscreen of the vehicle so that the particulars on that side of that ticket which bears the indication that a charge has been paid are clearly legible from the outside of the vehicle.
- (7) When a ticket has been displayed on a vehicle in accordance with the provisions of paragraphs (5) and (6) of this Article no person, not being the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver of the vehicle.
- 17 No person shall display on a vehicle left in a pay and display parking place during the prescribed hours any ticket issued by a ticket parking meter relating to that parking place other than the ticket issued by such a ticket parking meter upon payment of the charge in respect of that vehicle and which is valid for the period during which the vehicle is parked in the parking place.
- 18 (1) If a vehicle is left in any parking place during the prescribed hours for longer than the period for which payment was made by the charge, a Penalty Charge Notice may be issued in accordance with the provisions of Part 6 of the TMA.
- (2) If a vehicle is left in a disabled parking place and no disabled persons badge is displayed, a Penalty Charge Notice may be issued in accordance with the provisions of Part 6 of the TMA.
- 19 (1) If at any time while a vehicle is left in a pay and display parking place during the prescribed hours no ticket issued by a ticket parking meter relating to that parking place is displayed on that vehicle in accordance with the provisions of paragraphs (5) and (6) of Article 16 it shall be presumed unless the contrary is proved that the charge has not been paid and the driver of the vehicle may be issued with a Penalty Charge Notice in accordance with the provisions of Part 6 of the Traffic Management Act 2004.
- (2) Any ticket issued by a ticket parking meter relating to an off-street pay and display parking place shall be presumed, unless the contrary is proved, to have been issued on the day shown on the ticket.
- 20 Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions of Articles 15 -19 of this Order, an authorised Officer may immobilise or remove the vehicle or arrange for it to be removed from that parking place.

21. Any person removing or altering the position of a vehicle by virtue of Article 20 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.
22. When an authorised officer removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 20 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
23. Should a vehicle parked 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 regulation made under sections 100 to 106 inclusive of the Act in removing/immobilising a vehicle contravening a provision of this Order.
24. If on the leaving of the vehicle during the prescribed hours in a pay and display parking place there is on the ticket parking meter relating to that parking place a notice placed by a person authorised by the Council or by the Chief Officer of Police indicating that the ticket parking meter is out of order that vehicle shall be exempt from any charge.
 - (1) A police officer in uniform or traffic warden may in case of emergency move or cause to be moved any vehicle left in an off-street pay and display parking place to any place he thinks fit.
 - (2) Any person authorised to remove a vehicle or alter its position by virtue of paragraph (1) of this Article 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.
25. Nothing in this Part of this Order shall render it a contravention of this Order to cause or permit a vehicle to park during the prescribed hours in a pay and display parking place specified in Schedule 1 for so long as may be necessary;
 - (1) when the person in control of the vehicle is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstances outside his control;
 - (2) to enable a person to board or alight from the vehicle;
 - (3) to enable goods to be loaded or unloaded from the vehicle;

(4) to enable the vehicle if it cannot reasonably be used for such purpose in any other road to be used in connection with any of the following:

- a) building, industrial or demolition operations;
- b) the removal of any obstruction to traffic;
- c) the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;
- d) use in the service of any undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
- e) use for police, fire brigade or ambulance purposes;
- f) use for the purpose of delivering or collecting postal packets as defined by Section 125 of the Postal Services Act 2000;
- g) the vehicle being specially constructed or adapted for the delivery or collection of money or valuable securities to be used for those purposes in relation to premises in the vicinity;
- h) the removal of furniture or household effects to or from a shop, office, depository or dwellinghouse adjacent to the pay and display parking place.

26 No person shall cause or permit a vehicle to wait in a pay and display parking place by virtue of the provisions of paragraph (4) of Article 25 above otherwise than:

- (1) (a) unless the length of the vehicle precludes compliance with this paragraph, so that every part of the vehicle is within the limits of a pay and display parking space; or
- (b) if the length of the vehicle precludes compliance with the preceding paragraph, so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle; and

(2) so that no part of the vehicle obstructs any access way other than from or to the premises referred to in paragraph (4)(h) of Article 25.

27 (1)

Any person authorised by the Council may suspend the use of an off-street pay and display parking place or any part thereof whenever and for such duration as the Council considers such suspension reasonably necessary:

- a) for the purpose of facilitating the movement of traffic or promoting its safety;
- b) for the purpose of building, industrial or demolition operations;
- c) for the purpose of the maintenance, improvement or reconstruction of the parking place;
- d) for the purpose of the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;
- e) for the convenience of occupiers of premises adjacent to the pay and display parking place on any occasion of the removal of furniture or household effects to or from a shop, office depository or dwellinghouse;
- f) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed;
- g) for the convenience of occupiers of premises adjacent to the pay and display parking place at times of weddings or funerals, or on other special occasions.

(2) A police officer in uniform, traffic warden or CEO may suspend for not longer than twenty-four hours the use of a pay and display parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

(3) Without prejudice and in addition to all other enabling powers the Council shall have the power from time to time as it deems appropriate to close or suspend for as long as it considers necessary the use of any pay and display parking place for the purpose of enabling such parking place to be used by exhibition or public information vehicles of official or quasi official authorities or bodies whose contents are intended to be and are made available for inspection by and for the public without any charge of any kind being made to the public.

- 28 On the suspension of the use of a pay and display parking place or any part thereof in accordance with the provisions of Article 27 of this Order:
- (1) the person authorising or causing such suspension shall, if the use of the whole or of any part of the parking place is suspended, place or cause to be placed in or adjacent to that parking place a traffic sign indicating that the use of the parking place is suspended and that waiting and loading by vehicles is prohibited;
 - (2) the person authorising or causing such suspension may, if the use of the whole of the parking place is suspended, place or cause to be placed over or on the ticket parking meter which relates to that parking place a hood or other cover indicating that the use of an off-street pay and display parking place is suspended.
- 29
- (1) Save as provided in paragraph (2) of this Article no person shall cause or permit a vehicle to be left in a pay and display parking place or part thereof during any period when there is in or adjacent to that parking place or part thereof a traffic sign placed in pursuance of paragraph 1 of Article 28 of this Order that the whole or part of that parking place has been suspended.
 - (2) Subject to the overriding requirement that the person in control of the vehicle shall move it on the instruction of a police officer in uniform or a traffic warden whenever such moving shall be necessary for the purpose of preventing obstruction, nothing in paragraph (1) of this Article shall render it a contravention of this Order to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose or eventually specified in paragraph (1) of Article 27 of this Order to be left in the pay and display parking place or part thereof during any such period when the use thereof has been suspended, or to any other vehicle so left if that vehicle is left with the permission of a police officer in uniform or a traffic warden.
- 30
- (1) No person shall use a vehicle, whilst it is in an off-street pay and display parking place, in connection with the selling or offering for hire of his skill or services.
 - (2) No person shall use any part of an off-street pay and display parking place or any vehicle left in an off-street pay and display parking place:
 - (a) for sleeping, camping or cooking;
 - (b) for the erection of any tent, booth, stand, building or other structure without express permission from the Council;

- (c) for lighting of a fire;
- (d) for distributing leaflets/pamphlets/fliers or literature by hand or by leaving on a vehicle without express permission from the Council;
- (e) for selling or trading without express permission from the Council;
- (f) for behaviour of a threatening, abusive or annoying nature including the playing of ball games;
- (g) for the purpose of servicing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place;
- (h) for the purpose of washing any vehicle;

PART 3

ENFORCEMENT OF RESTRICTIONS

1. The Council shall, on or in the vicinity of a restricted area:
 - (1) Highlight each restricted area with notices, signs and road surface markings in accordance with the Traffic Signs Regulations and General Directions Act 1994;
 - (2) Maintain and from time to time after the said notices, signs and road-surface markings;
 - (3) Carry out such other work as is reasonably required for the purpose of the satisfactory operation of a restricted area.

2. The Council shall appoint CEO's whose duty it shall be to patrol and enforce the waiting and parking restrictions imposed by the Articles of this Order.

SCHEDULE 1

OFF-STREET PAY AND DISPLAY PARKING PLACES

PARKLAND GATEWAY CAR PARK

That whole car park area which extends from its junction in the south with the A427 Westcott Way and at the north the front of the East Midlands International Pool, at the west the edge of the Hazelwood and at the east The Cube. The width of the car park is approximately 60 metres and the depth approximately 80 metres and its area is about 0.5 hectares as shown on the plan annexed hereto

SCHEDULE 2

**CAR PARK OPERATION TIMES, PERIOD OF CHARGES
AND PAY AND DISPLAY CHARGES**

**EVERY DAY OF THE WEEK EXCEPT SUNDAYS AND BANK HOLIDAYS
BETWEEN THE HOURS OF 5.00 AM AND 6.00 PM**

PERIOD	CHARGE PER VEHICLE
Up to 2 hours	50p
Between 2 and 3 hours	£1.00
Between 3 and 4 hours	£2.00
Between 4 and 6 hours	£4.00
Any period over 6 hours	£10.00

SCHEDULE 3

**CAR PARK OPERATION TIMES, PERIOD OF CHARGES
AND PAY AND DISPLAY CHARGES**

**EVERY DAY OF THE WEEK EXCEPT SUNDAYS AND BANK HOLIDAYS
BETWEEN THE HOURS OF 6.00 PM AND MIDNIGHT**

PERIOD	CHARGE
Any period	NO CHARGE

SCHEDULE 4

REVOCATIONS

Corby Borough Council Parkland Gateway Car Park Enforcement Order 2010 dated 27th July 2010

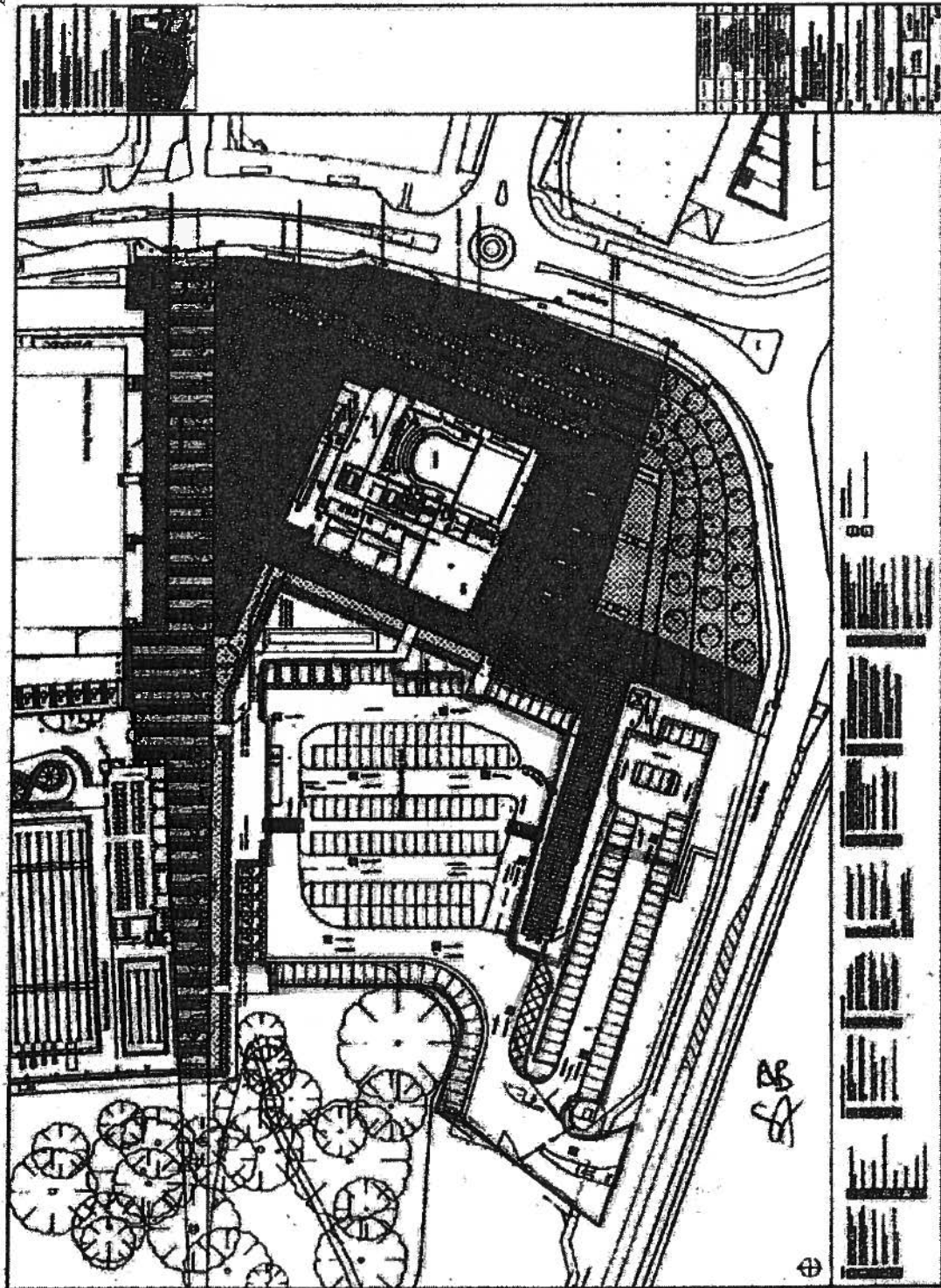
ORDER MADE ON 25th JUNE 2010

THE COMMON SEAL OF CORBY BOROUGH COUNCIL
was hereunto affixed this 21st day of *January* 2011
in the presence of:-

Mayor/Leader *Al Brown*

Head of Legal & Democratic Services *Simon Alley*





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