

NORTHAMPTON BOROUGH COUNCIL

TRAFFIC REGULATION ORDER

**NORTHAMPTON BOROUGH COUNCIL (OFF STREET PARKING PLACES)
ORDER 2013**

Made: the 19th day of November 2013

Coming into operation: 21 November 2013

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ORDER 2013

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 the Traffic Management Act 2004 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 19th day of November 2013 shall come into operation on the 21st November 2013 and may be cited as the Northampton Borough Council (Off-Street Parking Places) Order 2013
- (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 Civil Enforcement Officer or a person duly authorised by the Council for the purposes of this Order;

'Civil Enforcement Officer' has the same meaning as that given in section 76 of the Traffic Management Act 2004.

"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' means the person by whom the vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994, is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered.

"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 and for the avoidance of doubt such parking place includes the entrance roads/areas and the exit roads/areas leading to and from parking bays within a parking place;

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

"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 that given in section 92 of the Traffic Management Act 2004.

'penalty charge notice' means a notice showing the information required by the Schedule of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

"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 St Johns Multi-Storey and St Michaels Multi-Storey and Grosvenor Multi Storey 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 and St Johns Multi-Storey and St Michaels Multi-Storey and Grosvenor Multi Storey (where only annual season tickets are 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, St Johns Multi-Storey and St Michaels Multi-Storey and Grosvenor Multi Storey where town centre residents parking ticket holders will be issued with a pass card to access a nominated "Pay on Foot" car park and Abington Place, Albion Place, Commercial Street South, Ridings, St Peters Way, Wellington Street, which are short stay only.
 - (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) The Council, where appropriate, may issue a temporary permit for short term parking in any car park by a customer, service, business or contractor, where a normal season ticket would not apply and any such temporary permit will be clearly identifiable as a temporary permit issued by the Council and contain the dates of validity and the name of the allocated car park and the date of issue and the issuer and the vehicle registration number to which the temporary permit applies and such temporary permit must be displayed at all times.
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 (5) 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 (5) 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 or the town centre residents parking ticket issued in accordance with paragraph 5 of this Article and the temporary permit issued in accordance with Article 6(7) shall be displayed at all times so that the particulars of such ticket are clearly visible to persons standing outside the vehicle and covers the entire period that the vehicle is parked in the parking place
 - (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) 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 only annual season tickets shall be valid in the Mayorhold Shoppers St Johns Multi-Storey and St Michaels Multi-Storey and Grosvenor Multi Storey) 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 St Johns Multi-Storey and St Michaels Multi-Storey and Grosvenor Multi-Storey where town centre residents parking ticket holders will be issued with a pass card to access a nominated "Pay on Foot" car park) and 3 for the period for which it is issued
- 8.(1) If a vehicle is left in a parking place in contravention of this Order a Penalty charge shall be payable. The period for which a vehicle may be left in a parking place during the prescribed hours after the penalty charge has been incurred shall not exceed one hour.
 - 8.(2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued by a Civil Enforcement Officer or served by post in accordance with the requirements of the Traffic Management Act 2004.
 - 8.(3) The penalty charge shall be paid to the Northamptonshire County council by such method deemed appropriate by that council in accordance with the instructions on the penalty charge notice.
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. No person being the driver of a vehicle shall permit that vehicle to wait in a parking place unless the vehicle is registered and licensed under 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.
 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.(1) 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
- 22(2) Where in a parking place signs are erected or surface markings are laid indicating the entrance roads/areas and the exit roads/areas leading to and from the parking bays within the parking place, the driver of a vehicle shall not permit it to wait in those entrance roads/areas and those exit roads/areas
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


Authorised Officer



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 Albion Place Commercial Street South Ridings St Peters Way Wellington Street	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	Operate 24 hours each day	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, Ridings, Wellington Street)	Up to 1 hour 60p Up to 2 hours £1.20 Up to 3 hours £2.40 Up to 4 hours £3.20 Up to 5 hours £4.00 Sunday Free Payment of evening charge of £1 will entitle parking between 5.00pm and midnight. Payment of overnight charge of £2.50 will entitle parking overnight between 5.00pm and 10.00am. Exception for St Peters Way car park where there is no charge to park between 6.00pm and 8.00am.	Pay and Display

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 Commercial Street Doddridge Street Horse Market Marefair Mayorhold Shoppers Newlands St Johns Multi-storey St Michaels Multi-Storey Grosvenor Multi Storey Car Park Upper Mounts	Wholly within a parking bay Two wheeled vehicles free to wait within any special bays 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	Operate 24 hours each day Exceptions to this are as follows: Mayorhold Shoppers and St Michaels Multi-Storey Mondays to Saturdays 7.30am to Midnight, Sundays 9.00am to Midnight closed at all other times Grosvenor Multi Storey Car Park 8.00am to 8.30pm Monday to Sunday	24 hours	Pay and Display Up to 1 hour 60p Up to 2 hours £1.20 Up to 3 hours £2.40 Up to 4 hours £3.20 Up to 5 hours £4.00 Over 5 hours £7.00 Sunday Free Payment of evening charge of £1 will entitle parking between 5.00pm and midnight. Payment of overnight charge of £2.50 will entitle parking overnight between 5.00pm and 10.00am. Pay on Foot Up to 1 hour FREE Up to 2 hours £1.20 Up to 3 hours £2.40 Up to 4 hours £3.20 Up to 5 hours £4.00 Over 5 hours £7.00 Sunday Free Payment of evening charge of £1 will entitle parking between 5.00pm and midnight (or up to 8.30pm in the case of the Grosvenor Multi Storey) Vehicles left overnight in car parks that close at midnight and without an overnight	<i>Pay and Display</i> <i>Except</i> <i>Mayorhold Shoppers St Johns Multi-Storey and St Michaels Multi-Storey and Grosvenor Multi Storey - Pay on Foot</i>

charge will be subject to hourly charges as shown in this Schedule.

Town centre residents parking ticket available as follows:

1 Month £29.17

3 Months £87.50

6 Months £175.00

Annual £350.00

Town centre residents parking tickets £30 administration fee payable for replacement season ticket pass cards and town centre residents pass cards.

Season Tickets available for all long stay car parks.

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 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 Buses which except where the context otherwise requires have the same meaning as in Regulation 22 of the Traffic Signs Regulations & General Directions 2002 in respect of Midsummer Meadow only	All days	Operate 24 hours each day	24 hours	Up to 1 hour 60p Up to 2 hours £1.20 Up to 3 hours £2.40 Up to 4 hours £3.20 Up to 5 hours £4.00 Over 5 hours £7.00 Sunday Free Payment of evening charge of £1 will entitle parking between 5.00pm and midnight. Payment of overnight charge of £2.50 will entitle parking overnight between 5.00pm and 10.00am. Midsummer Meadow Coaches £8.00 All Day	Pay and Display
Melbourne Street	Two wheeled vehicles free to wait within the curtilage of any special bays provided		All Days		24 hours		
Midsummer Meadow	Buses and coaches wholly within a parking bay/area reserved for buses and coaches in respect of Midsummer Meadow		All Days		24 hours		

SCHEDULE 4

Northampton Borough Council Traffic Regulation order (Off street Parking Places) Order 2001 made 22nd June 2001 and all amending orders relating to same made thereafter.

