

27-2003 OX23



OXFORDSHIRE COUNTY COUNCIL

THE OXFORDSHIRE COUNTY COUNCIL (PARK AND RIDE PARKING PLACES) ORDER 2003

The Oxfordshire County Council in exercise of its powers under Sections 32, 35 and 38 of the Road Traffic Regulation Act 1984 ("the 1984 Act"), and Schedule 9 to the 1984 Act and of all other enabling powers and having regard to Section 122 of the 1984 Act, and after consulting Cherwell District Council and South Oxfordshire District Council in accordance with Section 39(1) of the 1984 Act and the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following order:-

1. This Order shall come into operation on 11th April 2003 and may be cited as the "Oxfordshire County Council (Park and Ride Parking Places) Order 2003".

2. In this Order –

"bus" means a motor vehicle constructed or adapted to carry more than eight passengers (exclusive of the driver) being used to operate a local transport service to or from a parking place and any other point in the City of Oxford.

"bus stopping area" means that part of a parking place which is set aside for the waiting of buses picking up or setting down passengers;

"bus turn around area" means that part of a parking place which is set aside for the passage of buses to and from the bus stopping area;

"Council" means the Oxfordshire County Council;

"Council officer" means a person employed by the Council under a contract of service, or any other person authorised in writing by the Council to perform the function concerned;

"customer care officer" means a person authorised by or on behalf of the Council to supervise any parking place;

"cycle locker" means a locker provided by the Council for use in the parking places as a means of securing a bicycle;

"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, but for the purposes of this Order and any proceedings taken thereunder if on the date a vehicle is left in a parking place a person is shown by notification from the Driver Vehicle Licensing Agency or other appropriate registration authority to have been the registered keeper thereof, that person shall be deemed to have been on that date the driver of the vehicle unless the contrary is shown;

"excess charge" means the sum specified in Article 29 of this Order as the charge to be paid in any of the circumstances specified in Article 27 of this Order;

"excess charge notice" means a notice which it shall be the duty of a customer care officer to attach to a vehicle in any of the circumstances specified in Article 27, and which contains the particulars specified in Article 31;

"light goods vehicle" means a vehicle which does not exceed 2.25 gross metric tonnes in weight;

"parking bay" means any area of a parking place which is provided for the leaving or waiting of a vehicle and indicated by markings on the surface of that parking place;

"parking permit" means a device issued by the Council to an applicant for a charge calculated by reference to the period for which it is issued at the rate of 50 pence per day, and which will be valid in the parking place or places specified on it during the period for which it is issued;

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

"self-decrementing card" means a device issued by the Council to an applicant for a charge calculated by reference to the number of occasions upon which it may be used at the rate of 50 pence per day and which may on that number of occasions be used to obtain a ticket from a ticket machine in a parking place;

"standard charge" means the sum specified in Article 22 of this Order as the usual charge for parking a vehicle for the periods specified therein;

"ticket machine" means an apparatus or device provided in accordance with Section 35(3) of the 1984 Act in a parking place for the collection of payment of the standard charge and the issue of tickets.

3. In this Order-

- (1) any reference to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment;
- (2) words importing the masculine gender include the feminine gender, words in the singular include the plural and vice-versa and words importing individuals shall be treated as importing corporations and vice-versa;
- (3) headings are for ease of reference only and shall not affect construction;
- (4) any reference to a numbered Article is a reference to the Article bearing that number in this Order, and any reference to "Schedule 1" or "Schedule 2" is a reference to Schedule 1 or 2 in this Order.

USE OF PARKING PLACES

4. Each parking place specified in Schedule 1 may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicle as are specified in relation to that parking place in Schedule 2.
5. Subject to the provisions of this Order no person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose 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.
6. 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, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle
 - (i) so that it enters a 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 so specified.
7. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in a parking bay in a parking place, and shall not start the engine except when about to change the position of the vehicle in order to depart from the parking bay.
8. No person shall cause or permit any vehicle to be loaded or unloaded in a parking place other than in a parking bay.

9. No person shall leave or cause or permit a vehicle to wait in a parking place so as to constitute an obstruction or a nuisance to other vehicles or persons using the parking place.
10. No person shall in a parking place cause or permit to be emitted from a vehicle (whether continuously or intermittently) any noise originating from any fitment or alarm on the vehicle, to the disturbance or annoyance of users of the parking place or occupiers of premises in the neighbourhood, save that this Article shall not be deemed to have been breached by the driver or other authorised user of the vehicle if any fitment or alarm on the vehicle shall have been activated by any unauthorised person improperly tampering with the vehicle (but such unauthorised activation of the fitment or alarm shall not prohibit or prevent a Council officer arranging removal of the vehicle under Article 35 or in the alternative making arrangements for that fitment or alarm to be rendered inoperable or silenced).
11. No person shall 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 skills or services.
12. No person shall –
 - (a) use a parking place for the purpose of displaying or distributing advertising material, or
 - (b) place any advertising material on any vehicle left in a parking place, save with the express written consent of a person authorised by the Council in that behalf, and in the case of (b) above, unless the express consent of the vehicle owner has been obtained.
13. No person shall in a parking place –
 - (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the prior written consent of the Council, or
 - (b) light or cause or permit to be lit any fire.

14. No person shall in a parking place –
- (a) intentionally obstruct any Council officer in the proper execution of his duty, or
 - (b) intentionally obstruct any person carrying out any act which is necessary to the proper execution of, or authorised by, any contract with the Council, or
 - (c) intentionally obstruct any other person in the proper use of the parking place, or behave in such a manner as would in the opinion of a Council officer giving reasonable cause for annoyance to other persons in or adjacent to the parking place.
15. No person shall, in a parking place –
- (a) skate or use any skateboard or other similar mechanical device, or
 - (b) play or take part in any ball game.
16. No person shall –
- (a) ride or otherwise use any bicycle in any parking place save for the purpose of obtaining access to any area allocated by the Council for the parking of bicycles within that parking place, or
 - (b) leave any bicycle in any parking place, other than in any area allocated by the Council for the parking of bicycles.
17. No person shall in any parking place –
- (a) by shouting or singing, or
 - (b) by playing a musical instrument, or
 - (c) by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder, compact disc player or any similar instrument, cause or permit to be caused any noise which is so loud or so continuous or repeated as would in the opinion of a Council officer give reasonable cause for annoyance to other persons in or adjacent to the parking place.

18. No person shall in a parking place –
- (a) 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, or
 - (b) throw or discharge any missile to the danger or annoyance of any other person in or adjacent to the parking place.
19. No person shall, without the prior written consent of the Council, hold or take part in any display, public show, performance or exhibition in a parking place, or place any vehicle or equipment in any parking place in connection with the same.
20. No person shall, without reasonable excuse, climb any wall or fence in or enclosing a parking place, or any tree, barrier, railing, post, shelter or other structure in a parking place.
21. No person shall use any part of a parking place or any vehicle left in a parking place –
- (a) for sleeping or camping or cooking, or
 - (b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

PARKING CHARGES

22. The standard charge for a vehicle left in a parking place shall be –
- (a) 60 pence for a maximum period of 24 hours;
 - (b) £1.20 for a maximum period of 48 hours;
 - (c) £1.80 for a maximum period of 72 hours.
23. The charge referred to in Article 22 of this Order may be paid by the insertion of the appropriate coin or coins into the ticket machine provided for such purpose.

24. The owner of a vehicle may on application to the Council purchase a self-decrementing card for a charge calculated by reference to the number of occasions upon which it may be used at the rate of 50 pence per occasion, and that self-decrementing card may on a limited number of occasions be inserted into the ticket machine referred to in Article 23 as payment of the standard charge.
25. Where a ticket is issued by a ticket machine on payment in accordance with Article 23 or 24 that ticket shall be valid in that parking place for a period of 24, 48 or 72 hours, beginning from the time at which payment was made and for the purposes of the provisions of this Order the time displayed in print on the ticket shall be the time at which payment was made, and no other ticket shall be valid in that parking place.
26. The owner of a vehicle may on application to the Council purchase a parking permit in respect of that vehicle for a charge calculated by reference to the period for which it is issued at the rate of 50 pence per day. Such a parking permit will be valid in the parking place or places specified on the permit for the period for which it is issued, and no other parking permit shall be valid in that parking place or those parking places.
27. Without prejudice to Article 28 the excess charge specified in Article 29 shall be paid in accordance with Article 30 where a vehicle is left or waiting in a parking place and –
- (a) no valid ticket issued by a ticket machine on payment in accordance with Article 24 or 25 and no valid parking permit purchased from the Council in accordance with Article 26 is exhibited in or on that vehicle in a prominent and conspicuous position so that the details shown on its face are clearly visible and legible from the outside of that vehicle,
- or

- (b) that vehicle falls outside any of the classes of vehicles specified in Schedule 2, or
 - (c) that vehicle is other than wholly within a parking bay, or
 - (d) that vehicle is in or partly in a parking bay marked for a particular class of vehicle and does not fall within that class, or
 - (e) that vehicle is in or partly in an area of the parking place which is marked so as to indicate that it is not available for general public use.
28. Without prejudice to any other provision of this Order, no vehicle shall in any event be left in a parking place for a period of more than 72 hours.
29. The excess charge shall be the sum of £40 except that where payment having been made in the manner prescribed on the excess charge notice is received by the Council by no later than 4pm on the fourteenth day following the day on which the excess charge was incurred the sum shall be £20.
30. The excess charge shall be paid to the Council in the manner prescribed on the excess charge notice by 4pm on the twenty-eighth day following the day on which the excess charge was incurred.
31. In the case of a vehicle in respect of which an excess charge may have been incurred it shall be the duty of a customer care officer to attach to the vehicle in a conspicuous position a notice to be called an excess charge notice which shall include the following particulars –
- (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) the manner in which the excess charge was incurred;
 - (c) the time at which he first noticed that the excess charge was incurred;
 - (d) a statement that an excess charge of £40 must be paid within 28 days together with a statement concerning the circumstances in which the sum of £40 may be discounted to £20;

- (e) the manner in which the excess charge is to be paid;
 - (f) a statement that it is an offence under Section 35A(1) of the 1984 Act to fail to pay the excess charge within 28 days;
 - (g) where the excess charge has been incurred in any of the circumstances specified in paragraph (a) of Article 27, a statement that it is an offence contrary to Section 35A(1) of the 1984 Act to leave a vehicle in a parking place for a period of more than 48 hours.
32. When a notice has been attached to a vehicle in accordance with Article 31, 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.

BUS TURN AROUND AREA AND BUS STOPPING AREA

33. (1) Each bus stopping area and the bus turn around area at a parking place may with permission from a person authorised in that behalf by the Council be occupied by a bus.
- (2) In no circumstances other than those specified in paragraph 1 above shall a person cause or permit any vehicle to drive or wait in the bus stopping area or the bus turn around area.
- (3) No person shall commit any other act likely to obstruct the passage of a bus used in the circumstances specified in paragraph (1) of this Article.
34. Section 35A(5) of the 1984 Act shall not apply to a bus using a parking place with permission from a person authorised by the Council in that behalf.

REMOVAL AND ALTERATION OF POSITION OF VEHICLES

35. (1) If a vehicle is left or waiting in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may alter or cause to be altered the position of

the vehicle so that its position is in accordance with the said provisions.

- (2) If a vehicle is left or waiting in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.
- (3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
- (4) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraphs (1) or (3) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
- (5) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (2) or (3) of this Article shall make arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.
- (6) Where a vehicle is removed from a parking place by virtue of the provisions of this Article the Council shall be entitled to recover in accordance with Section 102 of the 1984 Act such charges as are or may be specified in any Regulations made thereunder.

EXEMPTIONS

36. Article 5 - 10 inclusive and 27, 28 and 33(2) and (3) inclusive shall not apply to:

- (a) a vehicle which is a vehicle of the police, fire or ambulance services engaged on official duties;
- (b) a vehicle driven on behalf of the Council;
- (c) a vehicle using a parking place with the permission of the Council;
- (d) any vehicle driven or left by a person acting under directions from a person authorised in that behalf by the Council; or to any person driving such a vehicle.

CYCLE LOCKERS

37. (1) A key to a cycle locker provided by the Council at a parking place for the purposes of the securing and shelter of a bicycle may be issued by a customer care officer on payment at that parking place to him of a sum specified in paragraphs (2) or (3) of this Article.
- (2) Payment to a customer care officer of a sum of £3 plus the sum of £5 as a deposit will entitle the payer to the use of a cycle locker and key for a period of up to 1 month from the date of payment.
- (3) Payment to a customer care officer of a sum of £8 plus the sum of £5 as a deposit will entitle the payer to the use of a cycle locker and key for a period of up to 3 months from the date of payment.
- (4) At or before the end of the period for which payment has been made the key shall be returned to a customer care officer at the parking place.
- (5) Where the key is returned to a customer care officer in accordance with paragraph (4) of this Article that customer care officer may return the £5 deposit, and it shall be his duty to do so where he is satisfied that the key and the locker remain in reasonable condition.

CONSEQUENTIAL AMENDMENTS

38. (1) The City of Oxford (Park-and-Ride Parking Places) Order 1998 is amended in accordance with this Article.

- (2) In paragraph (2) of Article 5 the words "Parts A and B" shall be deleted wherever they appear and replaced by "Part A".
- (3) In paragraph (5) of Article 5 the words "Parts A, B and C" shall be deleted and replaced by the words "Parts A and C".
- (4) In paragraph (6) of Article 5 the words "Parts A and B" shall be deleted wherever they appear and replaced by the words "Part A".
- (5) In paragraph (7)(c) of Article 5 the words "Parts A and B" shall be deleted and replaced by the words "Part A".
- (6) In paragraph (1) of Article 6 the words "Parts A and B" shall be deleted and replaced by the words "Part A".
- (7) In Part A of Schedule 1 the following shall be deleted –
 - "4. THORNHILL situated on the south side of the A40 trunk road opposite the road junction to the Sandhills Estate including all access roads, footways, verges, parking bays, aisles, landscaped areas and all equipment."
- (8) Part B of Schedule 2 shall be deleted in its entirety.

Schedule 1

Parking places

Name of parking place

Description

Thornhill

situated to the south side of the A40 trunk road opposite the road junction to the Sandhills Estate including all access roads, footways, verges, parking bays, aisles, landscaped areas and all equipment;

Water Eaton

situated to the south of Kidlington on the east side of the A4165, south of the junction with the A34 and adjacent to the grain silo buildings including all access roads, footways, verges, parking bays, aisles, landscaped areas and all equipments.

Schedule 2

Classes of vehicle permitted to park in a parking place

Motor car;

Light goods vehicle;

Solo motor cycle;

Motor cycle with sidecar;

bicycle.

THE COMMON SEAL of OXFORDSHIRE
COUNTY COUNCIL was hereto affixed
this 9th day of April 2003
in the presence of:-

[Signature]

Designated Officer

