

PL24

CITY OF PLYMOUTH

THE CITY OF PLYMOUTH (OFF-STREET PARKING PLACES) (BARBICAN CAR PARK) ORDER 1995

1. The Council of the City of Plymouth (hereinafter referred to as "the Council") in exercise of its powers under Section 35, Part IV and Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as the 1984 Act) and all other enduring powers in that behalf and with the consent of Devon County Council in accordance with Section 39(3) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act and in accordance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1989,

HEREBY MAKES AN ORDER IN THE FOLLOWING TERMS :-

COMMENCEMENT AND CITATION

2. This Order shall come into operation on the ^{Nineteenth} ~~fourteenth~~ day of April 1995 and shall be cited as "The City of Plymouth (Off-Street Parking Places) (Barbican Car Park) Order 1995".

By D.

INTERPRETATION

- 3.1 In this Order where the conditions within the existing Parking Order, being The City of Plymouth (Off-Street Parking Places) Order 1988 as amended by the City of Plymouth (Off-Street Parking Places) Amendment Order (No's 1-9) are inconsistent the same conditions therein will apply.
- 3.2 The interpretation Act of 1978 or any statutory re-amendment thereof shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.
- 3.3 In this Order, except where the context otherwise requires, the expression "The Principal Order" means "The City of Plymouth (Off-Street Parking Places) Order 1988", and "The Amendment Orders" means The City of Plymouth (Off-Street Parking Places) Amendment Order (No's 1-9).
- 3.4 In this Order except where the context otherwise requires the following expressions have meanings hereby respectively assigned to them :-

"The Council" means the Council of the City of Plymouth.

"Driver" in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place.

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

"Parking bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking space.

"Parking place" means the area of land known as Barbican car park provided by the Council under Section 32 of the 1984 Act for use as an off-street parking place.

"Disabled person's vehicle" means :-

- (a) an invalid carriage;
- (b) a vehicle issued to a disabled person by the Department of Social Security in lieu of an invalid carriage;
- (c) a vehicle left by the driver thereof who is a person who on account of his severe physical disability has been given a 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;

- (d) a 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) Regulations 1982 or a badge having effect under those regulations as if it were a disabled persons badge.

USE OF AREA AS PARKING PLACE

4. The Barbican Car Park may on any day be used subject to the following provisions of this Order as a parking place for such classes of vehicles as are specified in Schedule 1 subject to the payment of such charges on such days and during such hours as are specified in Schedule 2.

CLASS OF VEHICLE

5. The driver of a vehicle shall not permit it to wait in that parking place unless it is of the class specified in Schedule 1 to this Order.

PARKING SPACES FOR DISABLED PERSONS

6. Where within the parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle or of some other specified class of vehicle the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person's vehicle or is of such other class of vehicle as may be specified.

CHARGES

7. Insofar as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in Schedule 2 to this Order and in the manner specified in the following provisions of this Order.

METHOD OF PAYMENT

- 8.1 The driver shall at the entrance to the parking place obtain a ticket which shall indicate the date and time of arrival from the apparatus or device provided for that purpose being an apparatus or device having been specifically or generally approved for such a purpose in accordance with Section 35(3) of the 1984 Act.
- 8.2
 - (a) On leaving the parking place the driver shall present the ticket to the parking attendant at the exit of the car park and pay to the attendant the appropriate charge for the time in which the vehicle was left in the parking place, or,
 - (b) In the alternative, the ticket obtained as specified in Condition 8.1 above may be inserted in the apparatus or device located in the pedestrian foyer of the car park, such apparatus or device (having been specifically or generally approved for such a purpose in accordance with Section 35(3) of the 1984 Act) will detail the amount of charge payable, calculated in accordance with the scale of charges specified in Schedule 2 herein, whereupon on the insertion of the correct amount of charge the apparatus

or device will issue a validated ticket which can be presented to either the parking attendant at the exit of the car park, or alternatively, can be inserted into the apparatus or device located at the exit to the car park, whereupon the exit barrier shall raise without the need for further payment ALWAYS PROVIDED THAT the ticket shall have been presented in such reasonable time after validation as may be determined by the Council.

8.3 In the event of the driver losing his ticket a standard charge of £5.00 for each day the car remains in the parking place will become payable.

9. The driver of the motor vehicle using the 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.

SALE OF GOODS ETC

10.1 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 skill or services.

10.2 No person shall within a parking place tout for custom or attempt to sell or offer for hire articles, skills or services whether with or without a vehicle.

LICENSING AND INSURANCE

11. The driver of a vehicle should not permit that vehicle to wait in the parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicles (Excise) Act 1971 or any statutory modification or re-enactment thereof and unless there is in relation to the use of the vehicle by the driver a policy of insurance as complies with the requirements of the Road Traffic Act 1988.

SOUNDING OF HORNS

12. The driver of a motor vehicle using a parking place shall not sound any horn or similar instrument except when about to change the position of the vehicle in or depart from that parking place.

DRIVING IN PARKING PLACES

13. No person shall, except with the permission of the Council, drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in that parking place in accordance with the provisions of this Order or for the purpose of departing from that parking place.

DISTURBANCE

14. No person shall in any parking place wantonly shout or otherwise make a loud noise to the disturbance or annoyance of users of a parking place or residents of

premises in the neighbourhood.

BEHAVIOUR IN PARKING PLACES

15. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct so as to occasion a breach of the peace, or whereby a breach of the peace is likely to be occasioned.

USE OF VEHICLES IN THE PARKING PLACE

- 16.1 No person shall use any part of the parking place or any vehicle left in a parking place :-

- (a) for sleeping or camping or;
- (b) for cooking or ;
- (c) for the purpose of repairing, servicing, washing, painting or otherwise tending any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place in a roadworthy condition.

- 16.2 No person shall drive any vehicle in any parking place unless he or she shall be the holder of a current drivers licence for that class of vehicle within the meaning of Section 87 of the Road Traffic Act, 1988.

SIGNS AND DIRECTIONS

17.1 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 that parking place or;
- (b) indicating that a vehicle using that parking place shall proceed in a specified direction within the parking place.

No person shall drive or cause or permit to be driven any vehicle :-

- (i) so that it enters that parking place otherwise than by an entrance or leaves that parking place otherwise than by an exit so indicated or;
- (ii) in a direction other than so specified.

17.2 Wherein the parking place surface markings are laid indicating parking bays for individual vehicles no vehicle should be parked in such a parking place except within such a parking bay and no vehicle shall be parked so as to cause an obstruction to other vehicles entering or leaving a parking place or any parking bay therein.

PROHIBITIONS

18. In the parking place no person shall :-

- (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without with written consent of the Council ;
- (b) light, cause or permit to be lit any fire;
- (c) abandon or cause to be abandoned any shopping trolley save in a bay designated for that purpose where provided.

EXEMPTION FROM CHARGES

19. The following vehicles left in the parking place shall be exempt from the payment of any charge specified in Schedule 2 of this Order **SAVE THAT** the Council reserves the right to charge the release fee or a part thereof in the event of any of the following being locked in the car park as defined in Clause 24 herein :-

- (i) A disabled persons vehicle;
- (ii) A motor cycle without a sidecar;
- (iii) A bicycle other than those that may be left within the designated

secure parking area.

**INCORPORATION OF SECTION 47 OF THE ROAD TRAFFIC
REGULATION ACT 1984**

20. The provisions of Section 47 of the 1984 Act where appropriate shall apply to the parking place as if it were a designated parking place provided on a highway.

REMOVAL AND DISPOSAL OF VEHICLES

- 21.1 If a vehicle is left in the parking place in a position other than in accordance with the 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 provision.
- 21.2 If a vehicle is left 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.
- 21.3 Any police constable in uniform may alter or cause to be altered the position of a vehicle in the parking place or remove or arrange for the removal of the vehicle from a parking place.

21.4 Any person altering or causing the alteration of the position of a vehicle by virtue of paragraph 21.1 of this article or removing or causing the removal of a vehicle by virtue of paragraph 21.2 or 21.3 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.

21.5 Any person removing or arranging for the removal of a vehicle by virtue of paragraphs 21.2 and 21.3 of this article shall make such arrangements as are considered to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

PENALTY TICKET

22. Where any vehicle is :-

- (a) parked in a bay reserved for disabled drivers' vehicles;
- (b) parked in any area of the parking place so as to cause obstruction to other users of the parking place;
- (c) parked in any area of the parking place other than a marked bay so as to cause obstruction to other users of the parking place;
- (d) parked which exceeds 7500 GVW (unless specified in the Order)

or

- (e) where any driver refuses to pay the amount due under article 8.2 or 8.3 of this Order.

A penalty ticket in the sum of £35.00 (which is subject to 50% discount for payment received within 14 days of the date of issue of the penalty ticket) shall become due and a notice shall be attached to the vehicle in a conspicuous position which shall include the following particulars :-

- (i) the registration mark of the vehicle or where the vehicle is being used under a trade the licence number of the trade plate carried by the vehicle;
- (ii) the time at which it was noticed that the penalty had been incurred;
- (iii) a statement that the penalty is required to be paid;
- (iv) the manner in which and the time within which the penalty should be paid and,
- (v) a statement that it is an offence under this Order and Section 35A(1) of the 1984 Act for the driver of a vehicle who has left the vehicle in a parking place to fail to duly pay the penalty.

CLOSURE OF CAR PARK

23. The Council may without giving prior notice and between the hours of 1800 and 0800 Monday to Saturday and at any time and for any period on Sunday, Bank Holiday, Christmas Day and Good Friday close the car park completely by use of lockable shutters situate at the entrance and exits to the car park.

RELEASE OF VEHICLE LOCKED IN THE CAR PARK

24. In the event of a vehicle being locked in the car park after it has been closed the release fee payable upon release and after providing suitable identification of ownership shall be £50.
25. Details of whom to contact in order to procure the release of a vehicle locked in the car park shall be posted at the entrance/exit of the car park.

APPLICATION OF THE CITY OF PLYMOUTH (OFF-STREET PARKING PLACES) ORDER 1988, AS AMENDED

26. Except where the conditions within the existing Parking Order being The Council of the City of Plymouth (off-Street Parking Places) Order 1988 as amended by the City of Plymouth (Off-Street Parking Places) Amendment Order (No's. 1-9 inclusive) are inconsistent with a pay on foot and pay on exit system, the same conditions therein will apply unless they are inconsistent with or conflict with the conditions of the Order herein in which case the Conditions of this order will apply.

SCHEDULE 1

Classes of Vehicles Permitted to Wait in the Parking Place

Motor cars as defined by Section 136(2) trailer as defined by Section 136(1) motor cycle as defined by Section 136(4) and invalid carriage as defined by Section 136(5) of the Road Traffic Regulation Act 1984; tricycle, bicycle and commercial vehicles not exceeding 7500Kg unladen weight

SCHEDULE 2

Scale of Charges 0800 hrs - 1800 hrs

Monday - Saturday inclusive

| | |
|-------------------|--|
| 0-1/2 hour stay | £0.25 |
| 1/2 - 1 hour stay | £0.40 |
| 1 - 2 hours stay | £0.80 |
| 2 - 3 hours stay | £1.50 |
| 3 - 4 hours stay | £2.00 |
| 4 - 5 hours stay | £2.50 |
| 5 - 6 hours stay | £3.00 |
| Over 6 hours | £5.00 for each day of stay |
| Lost Ticket | £5.00 for each day of stay |
| After 1800 hrs | No charge, subject to car park being open. |

THE COMMON SEAL of THE COUNCIL)
OF THE CITY OF PLYMOUTH was hereunto)
affixed in the presence of :-)



Solicitor authorised by the Council