

PL28

**PLYMOUTH CITY COUNCIL**  
**AND**  
**CORNWALL COUNTY COUNCIL**  
**ACTING THROUGH THE MOUNT EDGCUMBE JOINT COMMITTEE**

**THE MOUNT EDGCUMBE (OFF STREET PARKING PLACES) BARROW PARK  
AND CREMYLL (MOUNT EDGCUMBE) CAR PARK ORDER NO. 1 1998**

1.0 The Council of the City of Plymouth and Cornwall County Council (hereinafter referred to as "the Councils") acting through the Mount Edgcumbe Joint Committee in exercise of their powers under Section 101(5)(a)&(b) of the Local Government Act 1972 and pursuant to 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 following consultation with Caradon District Council in accordance with Section 39(1) of the Act and with the consent of Cornwall County Council in accordance with Section 39(3) of the 1984 Act and with the consent of 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 & Wales) Regulations 1996

HEREBY MAKES AN ORDER IN THE FOLLOWING TERMS:-

**Commencement and Citation**

2.0 This Order shall come into operation on the First day of April 1998 and shall be cited "The Mount Edgcumbe (Off Street Parking Places) Barrow Park and Cremyll (Mount Edgcumbe) Car Park Order No. 1 1998"

## Interpretation

3.0 The Interpretation Act 1978 or any statutory re-enactment or amendment thereof shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament

3.1 Any reference in this Order to a numbered article is a reference to the article bearing that number in this Order and reference in this Order to a numbered Schedule is except where the context otherwise requires referring to the Schedule bearing that number in this Order

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

"The Council" means Plymouth City Council and Cornwall County Council acting through the Mount Edgumbe Joint Committee in exercise of their powers under S.101(5)(a)&(b) of the Local Government Act 1972 and for the purposes of the administration of this order (ie payment of excess charges; issuing of excess charge ticket notices and correspondence in relation thereto) this shall be The Council of the City of Plymouth of Civic Centre Plymouth PL1 2EW

"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 place

"Parking place" means the area of land known as Barrow Park Car Park and Cremyll Car Park provided by the Council under Section 32 of the 1984 Act for use as an off-street parking place and shown for the purposes of identification only edged in red on the attached plan which shall include the Barrow Park overflow car park which may be used from time to time at the discretion of the Council shown on the attached plan

#### Use of Area as Parking Place

- 4.0 The Barrow Park and Cremyll car parks may on any day be used subject to the following provisions of this Order as a parking place for such classes of vehicles as specified in Schedule 1 in such positions as herein specified subject to the payment of such charges on such days and during such hours as are specified in Schedule 2 herein

#### Class of Vehicle

- 5.0 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

- 6.0 Where within the parking place there is a sign or surface marking which indicates



R. WILLIAMS  
PRINCIPAL SOLICITOR

*[Handwritten signature]*

den Battery

EMPA CORP  
MOUNT EDGECUMBE

THIS  
AREA  
IS  
EXCLUDED

**MOUNT EDGECUMBE HOUSE**  
Admission of the Public  
Mondays & Tuesdays  
2.00 pm to 6.00 pm

bridleway

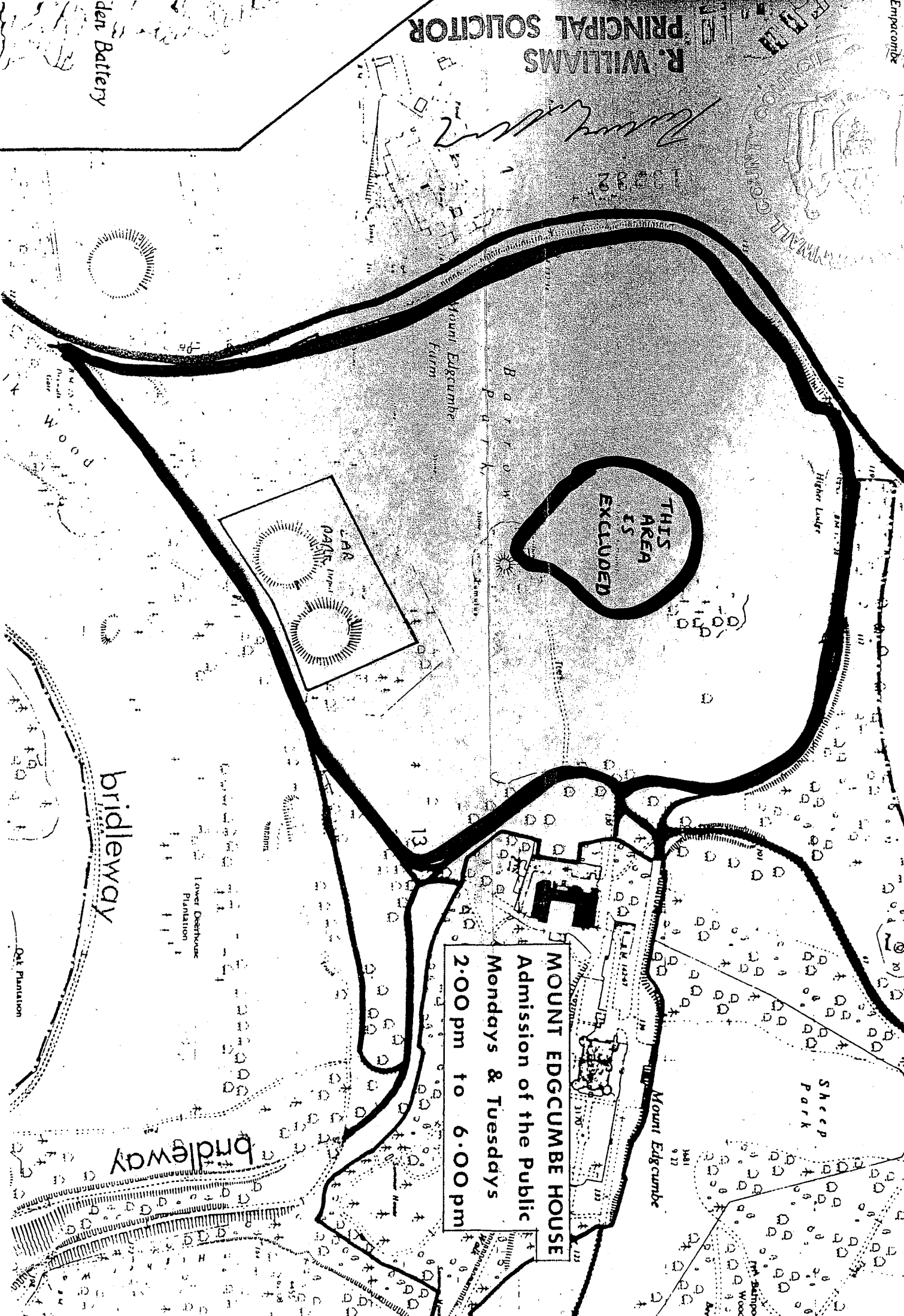
bridleway

Lower Deerhouse  
Plantation

Mount Edgcombe

Sheep  
Park

Wood



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

- 7.0 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

- 8.0 The driver of a vehicle using a parking place shall on leaving the vehicle in the parking place pay the appropriate charge in accordance with the scale of charges specified in Schedule 2 to this Order
- 8.1 The charges referred to in the last preceding paragraph and specified in Schedule 2 to this Order shall be payable by the insertion of an appropriate coin or coins into the apparatus or device provided being an apparatus or device having been specifically or generally approved for such purpose in accordance with Section 35(3) of the 1984 Act and the provisions of Section 47(5) of the 1984 Act shall apply in respect of such apparatus PROVIDED ALWAYS that the charges may at anytime be collected by a car park attendant
- 8.2 Any ticket issued on a payment of the charge referred to in paragraph 8.0 of this

Article will indicate either payment of the charge and the date of issue or the date and time of issue and the period running from that time during which parking is permitted or the date and time at which the parking period expires and such ticket shall be attached to the vehicle in respect of which it was issued:-

- (a) in the case of a motor cycle combination in a conspicuous position on the vehicle in front of the driving seat and
- (b) in the case of all other vehicles:
  - (i) where the vehicle is fitted with a transparent windscreen facing forwards on the inside surface of the windscreen so that it can be easily seen from the front of the vehicle
  - (ii) where the vehicle is not fitted with a transparent windscreen on the nearside of the vehicle in a conspicuous position

8.3 The owner of a vehicle who is either a Member of the Friends of Mount Edgcombe County Park or a resident of the Parish Council's of Maker with Rame Millbrook, Antony and Wilcove, St John and Sheviock may having satisfied the Council that he/she/they are either friends or residents as herein defined on application to the Council purchase an annual permit in respect of that vehicle for a charge as specified in Schedule 2 and that permit shall be valid only in the Parking Place for the period for which it is issued provided that it is attached to the vehicle in the manner specified in Article 8.2 herein

8.4 A vehicle shall not be left in a parking place if it displays an out of date ticket or expired annual permit

Notice of Excess Charge/Parking Ticket

9.0 Where any vehicle is:

- (a) Left in a parking place for longer than the period paid for; or
- (b) Parked on the arrival at a parking place and the driver has:
  - (i) failed to pay the initial charge or
  - (ii) failed to attach or display the ticket issued on a payment of the charge referred to in Article 8.0 and 8.2 or the annual permit referred to in Article 8.3; or
- (c) parked in a bay for disabled drivers' vehicles without proper authority; or
- (d) parked in any area of the parking place so as to cause obstruction to other users of the parking place; or
- (e) 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; or
- (f) parked which exceeds 1500 GVW (unless specified other use in the



Order);

An excess charge ticket in the sum of £35.00 (which is subject to a 50% discount for payment received within 14 days of the order 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 place carried by the vehicle;
- (ii) the time at which it was noticed that the excess charge had been incurred;
- (iii) a statement that the excess charge is required to be paid;
- (iv) the manner in which and the time within which the excess charge 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

Manner of Payment of Excess Charge Ticket

10.0 The driver of a vehicle in respect of which the excess Charge Ticket has been

incurred shall pay the excess charge to the Council either by Cheque Bankers Draft Money Order or Postal Order which shall be delivered or sent by post so as to reach the Head of Finance of the Council at the Civic Centre, Plymouth not later than 4.30 pm on the Fourteenth day following the day on which the excess charge was incurred or in cash in person at the said department not later than as aforesaid Provided that if the said Fourteenth day falls upon a day on which the said department is closed the period within which payment of the said charge shall be made to the Council shall be extended until 4.30 pm on the next full day on which the said department is open

#### Restriction of Removal of Notices and Tickets

- 11.0 Where a notice has been attached to a vehicle in accordance with the provisions of Article 9.0 of this Order no person not being a parking attendant or some other person duly authorised by the Council shall remove the notice from the vehicle until the vehicle is removed from the parking place
- 11.1 When a parking ticket or annual permit has been attached to a vehicle in accordance with the foregoing provisions of this Order no person shall remove the parking ticket or the season ticket from the vehicle until the vehicle has been removed from the parking place

#### Engines

- 12.0 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 the change the position of the vehicle in or to depart from the parking place

#### Sale of Goods etc

13.0 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 without the prior written consent of the Council

13.1 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 without the prior written consent of the Council

#### Licensing and Insurance

14.0 The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicles (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy or insurance as complies with the requirement of Part VI of the Road Traffic Act 1983

#### Sounding of Horns

15.0 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

Disturbance

- 16.0 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 surrounding neighbourhood (if any)

Behaviour in Parking Places

- 17.0 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

- 17.1 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

Use of Vehicles in the Parking Place

- 18.0 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

18.1 No person shall drive any vehicle in any parking place unless he or she shall be the holder of a current driver's licence for that class of vehicle within the meaning of Section 87 of the Road Traffic Act 1988

Signs and Directions

19.0 Where in a parking place signs are erected or surface markings are laid for the purpose of:-

- (a) Indicating their 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

19.1 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

20.0 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 the 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

21.0 The following vehicles left in the parking place shall be exempt from the payment of any charge specified in the Schedule of this Order:-

- (i) A disabled person's vehicle;

- (ii) A motor cycle without a sidecar;
- (iii) A bicycle

Incorporation of Section 47 of the Road Traffic Regulation Act 1984

22.0 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 provide on a highway

Removal and Disposal of Vehicles

23.0 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

23.1 If a vehicle is left in the 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

23.2 Any person altering or causing the alteration of the position of a vehicle by virtue of 22.1 of this article or removing or causing the removal of a vehicle by virtue of paragraph 22.2 or 22.3 if 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

23.4 Any person removing or arranging for the removal of a vehicle by virtue of paragraphs 22.2 or 22.3 of this article shall make such arrangements as are considered to be reasonably necessary for the safety of the vehicle in the place too which it is removed

#### Closure of Parking Places

24.0 Notwithstanding the provisions of this Order the Council may by a written notice displayed on or near the parking place close the parking place or any part thereof for any period and no driver of any vehicle shall use that parking place or any part thereof when it is so closed

#### Indications by Ticket Issuing Machines and Tickets as Evidence

25.0 If during charging hours a vehicle is left in a parking place and has displayed on it a ticket or tickets issued by a ticket issuing machine the time indicated on the ticket issuing machine clock shall be admissible as evidence as to whether or not the period has expired for which the initial charge shown on such ticket or tickets was paid and in any proceedings for an offence under Section 35 of the Road Traffic Regulation Act 1984 or failing to pay the excess charge shall also be admissible as evidence as to whether or not an excess charge was incurred

#### Duty to Give Information as to Identity of Driver

26.0 Where the driver of a vehicle is alleged to be guilty of an offence under this Order the owner of the vehicle shall give such information as to the identity of the driver



as he may be required to give by or on behalf of the Council and

26.1 Any other person shall if required as aforesaid give information it is in his power to give which may lead to the identification of the driver

## 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 137(4) and invalid carriage as defined by Section 136(5) of the Road Traffic Regulation Act 1984; tricycle bicycle and commercial vehicles which includes coaches and buses not exceeding 7500Kg unladen weight within the area specified

## SCHEDULE 2

### Scale of Charges Within Chargeable Hours of 8 am - 12 pm Midnight 7 Days a Week

(including Public Holidays)

0 - 4 hours stay	£1.50
Over 4 hours stay	£2.00
Lost Ticket	£5.00 for each day of stay
After 12 pm Midnight	No charge subject to car park being open

A charge of £10.00 per calendar year to be made for parking permits for members of the Friends of Mount Edgumbe Country Park and residents of the Parish Councils of Maker with Rame Millbrook Anthony and Wilcove St John and Shevioc together with an annual administration fee payable by each applicant in the sum of £5.00

THE COMMON SEAL of THE COUNCIL )

OF THE CITY OF PLYMOUTH )

was hereunto affixed in the )

presence of:- )

Alison Stone LLB, Solicitor Chief Executive and Town



Clerk of Plymouth City Council duly authorised by the

Mount Edgecumbe Joint Committee

THE COMMON SEAL of )

CORNWALL COUNTY COUNCIL )

was hereunto affixed in the )

presence of:- )

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Solicitor Authorised by the Council and the Mount

Edgcumbe Joint Committee

**R. WILLIAMS**  
**PRINCIPAL SOLICITOR**

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