

PRESTON CITY COUNCIL

CITY OF PRESTON (AMENITY CAR PARKS) (OFF STREET PARKING PLACES) NO.1 ORDER 2019

Preston City Council in exercise of its powers under section 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and in consideration of the provisions of the Road Traffic Act 1991, the Traffic Management Act 2004 and The Civil Enforcement of Parking Contraventions Designation Order 2010 and of all other enabling powers, with the consent of the County Council of Lancashire in accordance with section 39(3) of the Road Traffic Regulation Act 1984 and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Road Traffic Regulation Act 1984 hereby makes the following Order:

PART I GENERAL

Commencement

- 1.1 This Order shall come into operation on 5th April 2019 and may be cited as the City of Preston (Amenity Car Parks) (Off Street Parking Places) No.1 Order 2019.

Interpretation

- 1.2 Except where the context requires otherwise, any reference in this Order to an Article or Schedule shall be construed as a reference to that Article or Schedule in this Order.
- 1.3 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- 1.4 Section 35C of the Road Traffic Regulation Act 1984 applies to this Order and any charges specified in this Order may be varied at any time by Notice published in accordance with the Road Traffic Regulation Act 1984.
- 1.5 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- 1.6 "Include", "includes" and "including" are deemed to be followed by the words "without limitation" and general words introduced by "other" do not have a restrictive meaning, and "for example" is not to be interpreted as if there are not other examples nor to limit or restrict the ordinary meaning of the words preceding it.
- 1.7 Headings are inserted for convenience only and shall not affect the construction of this Order.
- 1.8 A provision of this Order which is void or unenforceable shall (to that extent) be read down so as to be valid and enforceable and if it is not capable of being so read down then it shall be severed from all other provisions of this Order and the remaining provisions shall continue to have effect.

- 1.9 Words importing the singular or plural number include the plural and singular number respectively and the words importing the masculine gender include the feminine or neutral gender and references to a person or corporation include a corporation or person respectively.

Definitions

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

“Civil Enforcement Officer” means any officers, agents or servants of the Council who are authorized to supervise and control vehicles in Parking Places and enforce the provisions of this Order as pursuant to section 63A of the 1984 Act and section 76 of the 2004 Act.

“Disabled Person” means a Disabled Person of a description prescribed by Regulation 4 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, or any other legislation as may replace it in the future.

“Disabled Person’s Badge” means a badge which was issued, or has effect as if issued, to a disabled person or an institution under The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or any other legislation as may replace it in the future or under regulations having effect in Scotland or Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970, and has not ceased to be in force.

“Disabled Person’s Vehicle” means a Vehicle which displays in the Relevant Position a Disabled Person’s Badge and Parking Disc.

“Disabled Person’s Parking Space” means any Parking Space within a Parking Place where there is a sign and/or surface marking which indicates that the Parking Space is only to be used for the parking of a Disabled Person’s Vehicle.

“Driver” in relation to a Vehicle Waiting in a Parking Place means the person driving the Vehicle immediately prior to Parking it in the Parking Place.

“Enforcement Authority” means Preston City Council.

“Invalid Carriage” means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specifically designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person.

“Material Time” means the time when the contravention giving rise to the Penalty Charge is said to have occurred.

“Maximum Height” is the restriction by means of a height restriction barrier at the entrance to a Parking Place which physically prevents a Vehicle over the signed height from entering the Parking Place.

“Motor Car” means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen –

- (a) If it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver, and is fitted with tyres of such type as may be specified in regulations made by the Secretary of State, does not exceed 3050 kilograms,
- (b) If it is constructed or adapted for use of the conveyance of goods of burden of any description, does not exceed 3050 kilograms (or 3500 kilograms if the vehicle carries a container or containers for holding, for the purposes of its propulsion, any fuel which is wholly gaseous at 17.5 degrees Celsius pressure of 1.013 bar or plant and materials for producing such fuel); or
- (c) does not exceed 2540 kilograms in a case not falling within (a) or (b) above.

“Motorcycle” means a mechanically propelled vehicle (not being an invalid carriage) with fewer than four wheels, of which the weight unladen does not exceed 410 kilograms.

“Owner” in relation to a Vehicle means the person in whose name the vehicle is registered at the relevant time under the Vehicle Excise and Registration Act 1994.

“Park” refers to a Vehicle which Waits in a Parking Place.

“Parking” has a corresponding meaning to “Park”.

“Parking Disc” means a device which-

- (a) is 125 millimetres square and coloured blue, if issued on or after the 1st April 2000, or orange if issued before that date;
 - (b) has been issued by a local authority and has not ceased to be valid;
- and

is capable of showing the quarter hour period during which a period of waiting has begun.

“Parking Permit” means a permit issued by the Council which entitles the holder of the permit to Park a Vehicle in a Parking Place. A Parking Permit maybe issued as a hard copy permit produced on paper, card or similar or by electronic means that does not produce a hard copy permit.

“Parking Place” means any land or place specified by name in Column 1 of the Schedule.

“Parking Space” 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 or otherwise indicated by bay markers.

“Penalty Charge” means the charge set by the Council under the provisions of the 2004 Act and subordinate legislation made thereunder.

“Penalty Charge Notice” means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of section 78 of the 2004 Act and The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, or any other legislation as may replace it in the future.

“the 1984 Act” means the Road Traffic Regulation Act 1984

“the 2004 Act” means the Traffic Management Act 2004.

“the Council” means Preston City Council.

“Relevant Position” means

- (a) in respect of a Vehicle displaying a valid Disabled Person’s Badge –
 - (i) the badge is exhibited on the dashboard or fascia of the Vehicle, or
 - (ii) 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 whole of the information on the front of the badge is clearly legible from the outside of the Vehicle.
- (b) in respect of a Vehicle displaying a valid Parking Disc-
 - (i) in the case of a Vehicle fitted with a dashboard or fascia panel the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is clearly legible from outside the Vehicle; or
 - (ii) in the case of a Vehicle not so fitted the disc is exhibited in a conspicuous position on the Vehicle so that the quarter-hour period during which the period of waiting began is clearly legible from outside the Vehicle;
- (c) in respect of a Vehicle displaying a Parking Permit or Reserved Parking Permit –
 - (i) the permit is exhibited on the inside surface of the front windscreen or dashboard or fascia of the Vehicle, or
 - (ii) where the Vehicle is not fitted with a transparent windscreen or dashboard or fascia, the permit is exhibited in a conspicuous position on the Vehicle, so that the whole of the information on the front of the permit is clearly legible from the outside of the Vehicle.

“Reserved Parking Permit” means a permit issued by the Council which entitles the holder of the permit to Park a Vehicle in a specified Parking Space(s) in a Parking Place. A Reserved Parking Permit maybe issued as a hard copy permit produced on paper, card or similar or by electronic means that does not produce a hard copy permit.

“Reserved Parking Space” means any Parking Space within a Parking Place where there is a sign and/or marking which indicates that the Parking Space is reserved for the parking of a Vehicle displaying in the Relevant Position a Reserved Parking Permit for that space.

“Vehicle” means a Motor Car, Motorcycle or Invalid Carriage.

“Wait” refers to a Vehicle stopping and remaining stationary for any period of time whether or not with the intention of parking. If a Vehicle remains stationary for any period in a Parking Place whether or not a person alights from the Vehicle it is deemed to be waiting.

“Waiting” has a corresponding meaning to “Wait”.

PART II DESIGNATION AND USE OF PARKING PLACE

Designation and use of parking place

- 2.1 Each area of land or place by name in column 1 of the Schedule to this Order may be used subject to the following provisions of this Order, as a Parking Place for such vehicles or classes of vehicles, in such positions, for such period on such days and during such hours and on payment of such charges, as are specified in relation thereto in the Order and Schedule. No person shall, unless authorized in writing by the Council, use a Parking Place so named for any other purpose whatsoever.

Position of Vehicle

- 2.2 Every Vehicle left Waiting in a Parking Place in accordance with the provisions of this Order shall so stand so that every part of the Vehicle is within the limits of a particular Parking Space within the limits of the Parking Place.
- 2.3 In the event of a Parking Place not being marked on the surface or the absence of bay indicators to indicate Parking Spaces Vehicles shall be Parked in an orderly manner and so as not to cause an obstruction to other Vehicles and/or pedestrians and the absence of surface markings or bay indicators shall not invalidate any of the provisions contained in this Order.

Height restriction

- 2.4 Where a height restriction barrier is installed at the entrance to a Parking Place Vehicles exceeding the Maximum Height shall not be permitted to enter the Parking Place.

Hours of operation

- 2.5 No Driver shall permit a Vehicle to Wait in a Parking Place during hours other than those specified as the hours of operation in the Schedule in relation to the Parking Place.

Maximum period of stay

- 2.6 Where in the Schedule a Parking Place is described as being available for use on specified days during specified hours or as being available for use for a maximum period of stay a Driver shall not cause or permit a Vehicle to Park in the Parking Place on any day during such hours or for any period longer than that specified.

Period of no return

- 2.7 Where in the Schedule a Parking Place is described as having a period within which a Vehicle may not return, a Driver shall not cause or permit a Vehicle to Wait in the Parking Place on any day during such period which the Vehicle is excluded from Waiting in the Parking Place.

Parking in disabled person's parking space

- 2.8 No Driver shall cause or permit a Vehicle to Wait in a Parking Space signed and/or marked for a Disabled Person's Vehicle, known as a Disabled Person's Parking Space, unless the Vehicle is a Disabled Person's Vehicle.

Parking in reserved parking space

- 2.9 No Driver shall cause or permit a Vehicle to Wait in a Reserved Parking Space unless the Vehicle displays a valid Reserved Parking Permit for that Parking Space in the Relevant Position.
- 2.10 The requirement for a Vehicle to have displayed a valid Reserved Parking Permit in accordance with Article 2.9 shall not apply if the Reserved Parking Permit has been issued by electronic means.

Parking only for motorcycle

- 2.11 No Driver shall cause or permit a Vehicle other than a Motorcycle to Wait in a Parking Space signed and/or marked for Motorcycles.

Class and position of vehicle

- 2.12 Where in the Schedule 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 the Parking Place –
- (i) unless it is of the specified class; or
 - (ii) in a position other than so specified

PART III RELOCATION AND REMOVAL OF VEHICLES

Removal and repositioning of vehicles

- 3.1 When a Vehicle is Waiting in a Parking Place in contravention of any of the provisions of this Order a person authorized in that behalf by the Council may remove the Vehicle or arrange for the Vehicle to be removed from the Parking Place and when a Vehicle is Waiting in a Parking Place in contravention of the provision of Article 2.2 a person authorized in that behalf by the Council may alter or cause to be altered the position of the Vehicle in order that its position shall comply with that Article.

Removal of vehicles in an emergency

- 3.2 For the purpose of meeting the requirements of an emergency a person authorized 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 the Parking Place or remove or arrange for the removal of a Vehicle from a Parking Place and in so doing shall provide for the safe custody of the Vehicle.

Method of removing and repositioning vehicles

- 3.3 An authorized person altering or causing to be altered the position of the Vehicle by virtue of Article 3.1 or Article 3.2, or removing or causing the removal of a Vehicle by virtue of Article 3.1 or Article 3.2 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.

Safe custody of vehicles

- 3.4 An authorized person removing or arranging for the removal of a Vehicle by virtue of Article 3.1 or Article 3.2 shall make such arrangements as he considers to be reasonably necessary for the safe custody of the Vehicle.
- 3.5 Where an authorized person has removed or caused to be removed a Vehicle by virtue of Article 3.1 or Article 3.2 the Council shall be entitled to recover from any person responsible such charges in respect of the removal, storage and disposal of the Vehicle as it determined under Schedule 9 of the 2004 Act.

Power to close any parking place or part thereof

- 3.6 Notwithstanding the provisions of this Order any person authorized by the Council may by notice, sign or barrier displayed on or near a Parking Place close the Parking Place or any part thereof for any period and/or may designate a Parking Place or any part thereof as reserved for use only by particular vehicles for particular purposes approved by the Council.
- 3.7 No person shall use a Parking Place or any part thereof when it is so closed unless with the written consent of the Council or in compliance with the particulars of the reservation.

PART IV OTHER PROVISIONS

Stop engine

- 4.1 The Driver of a Vehicle using a Parking Place shall stop the engine as soon as a Vehicle is correctly in position in the Parking Space and shall not start the engine except when about to change the position of the Vehicle in or to depart from the Parking Place.

Parked causing an obstruction

- 4.2 The Driver of a Vehicle using a Parking Place shall not Park the Vehicle in such a manner or place where it causes an obstruction to any other users of the Parking Place.

Vehicle tax and insurance

- 4.3 The Driver of a Vehicle shall not cause or permit the Vehicle to Wait in a Parking Place unless the Vehicle is licensed in accordance with the provisions of the Vehicles Excise and Registration Act 1994 and there is in relation to the use of the Vehicle by the Driver such a current policy of insurance as complies with the requirements of the Road Traffic Act 1988.

Entry and exit

- 4.4 The Driver of a Vehicle shall comply with all signs and markings in a Parking Place:
- (i) indicating the entrance to or exit from the Parking Place; or
 - (ii) indicating that a Vehicle using the Parking Place shall proceed in a specified direction within the Parking Place.

Activities prohibited in parking places

- 4.5 No person shall use a Vehicle while it is in a Parking Place in connection with the sale of any article (including the Vehicle itself) to persons in or near the Parking Place or in connection with the selling or offering for hire of his skills or services, except with the prior written permission of the Council.
- 4.6 No person shall use any part of a Parking Place or any vehicle left in the Parking Place:
- (i) for sleeping or accommodation or camping purposes;
 - (ii) for eating or cooking purposes;
 - (iii) to undertake (or allow to be undertaken) any cleaning, maintenance or repair of a Vehicle except such as may be necessary to enable the Vehicle to be removed from the Parking Place.
- 4.7 In a Parking Place no person shall:
- (i) erect or cause to be erected any tent stand building or other structure without the written consent of the Council; or
 - (ii) light or cause or permit to be lit any fire.

No liability for loss or damage to vehicle or property

- 4.8 The Council accepts no liability for the loss or damage to Vehicles or other property left in a Parking Place to which this Order applies.

PART V PERMITS

Permits

- 5.1 The holder of a Parking Permit or a Reserved Parking Permit shall abide by the terms and conditions stipulated by the Council for the use of the Parking Permit or Reserved Parking Permit.
- 5.2 A Parking Permit shall only be valid in the Parking Place in respect for which it was issued, for up to the date of expiry shown on the Parking Permit and/or for such date, day and time as may be specified on the Parking Permit.
- 5.3 A Reserved Parking Permit shall only be valid for the Parking Space for which it was issued, for up to the date of expiry shown on the Reserved Parking Permit and/or for such date, day and time as may be specified on the Reserved Parking Permit.
- 5.4 A Parking Permit and Reserved Parking Permit shall remain the property of the Council and must be surrendered on request. In such instances where a refund is appropriate this will be provided in accordance with the Council's policies.

Display of parking permits

- 5.5 The Driver of a Vehicle shall display the Parking Permit or the Reserved Parking Permit in the Relevant Position throughout the period during which the Vehicle is Waiting in the Parking Place.
- 5.6 Where the Parking Permit or Reserved Parking Permit is issued in an electronic form the requirement for the Driver of the Vehicle to display the Parking Permit or Reserved Parking Permit in accordance with Article 5.5 shall not apply.

Restriction on removal of parking ticket or permit

- 5.7 When a Parking Permit or Reserved Parking Permit has been exhibited on a Vehicle in the Relevant Position no person shall remove the Parking Permit or Reserved Parking Permit from the Vehicle until the Vehicle is removed from the Parking Place.

PART VI CONTRAVENTION OF THIS ORDER

Contravention

- 6.1 Where a contravention of this Order constitutes a parking contravention within the meaning of the 2004 Act the contravention shall be subject to the penalties and procedures provided for by the said legislation and any subordinate legislation made thereunder.

- 6.2 If a Vehicle is left in a Parking Place in contravention of this Order a Penalty Charge shall be payable by the person:
- (i) who was owner of; or
 - (ii) who hired
- the Vehicle involved in the contravention at the Material Time.

Restriction on removal of notice

- 6.3 A Penalty Charge Notice fixed to a Vehicle shall not be removed or interfered with except by or under the authority of:-
- (a) the owner or person in charge of the vehicle; or
 - (b) the Enforcement Authority

Indications of evidence

- 6.4 The particulars given in a Penalty Charge Notice issued in accordance with the 2004 Act and any subordinate legislation made thereunder shall be treated as evidence in any proceedings relating to the failure to pay such Penalty Charge.
- 6.5 A contravention of this Order which does not constitute a parking contravention within the meaning of the 2004 Act is an offence under section 35A(1) of the 1984 Act.

Disposal of Vehicles

- 6.6 If a Vehicle has been, or could at any time be, removed from a Parking Place in pursuance of this Order and the Vehicle appears to the Council to have been abandoned the Council may dispose of that Vehicle in such a manner as it thinks fit, the provisions set out in the 1984 Act shall apply.

THE SCHEDULE

1	2	3	4	5	6
Name of parking place	Position in which vehicle must park	Days and hours of operation	Classes of vehicles permitted to park in parking place	Maximum Period of Waiting and No Return	Scale of charges
Plungington Road Car Park	Wholly within a Parking Space, in accordance with Article 2.2	All days All hours (including Bank Holidays)	(1)Motor Car (2)Invalid Carriage (3)Motorcycle	Monday to Sunday – 8.00am to 5.00pm maximum 2 hours waiting no return within 4 hours (no restriction between 5.00pm to 8.00am)	No charge
			(1)Disabled Person's Vehicle parked in a Disabled Person's Parking Space	Maximum 3 hours waiting no return within 4 hours	No charge
			(1)Motor Car (2)Invalid Carriage (3)Motorcycle displaying Parking Permit in the Relevant Position	No restrictions	Contract – £53.00 per annum
Hammond Street Car Park	Wholly within a Parking Space, in accordance with Article 2.2	All days All hours (including Bank Holidays)	(1)Motor Car (2)Invalid Carriage (3)Motorcycle	Monday to Sunday – 8.00am to 5.00pm maximum 2 hours waiting no return within 4 hours (no restriction between 5.00pm to 8.00am)	No charge

			(1)Disabled Person's Vehicle parked in a Disabled Person's Parking Space	Maximum 3 hours waiting no return within 4 hours	No charge
			(1)Motor Car (2)Invalid Carriage (3)Motorcycle displaying Parking Permit in the Relevant Position	No restrictions	Contract – £53.00 per annum
Jutland Street Car Park	Wholly within a Parking Space, in accordance with Article 2.2	All days All hours (including Bank Holidays)	(1)Motor Car (2)Invalid Carriage (3)Motorcycle	Monday to Sunday 6.00am to 6.00pm maximum 2 hours waiting no return within 4 hours (no restriction between 6.00pm to 6.00am)	No charge
			(1)Disabled Person's Vehicle parked in a Disabled Person's Parking Space and displaying Reserved Parking Permit in the Relevant Position	Maximum 3 hours waiting no return within 4 hours	No charge
			(1)Motor Car (2)Invalid Carriage (3)Motorcycle parked in a Reserved Parking Space and displaying Reserved	No restrictions	Contract – £198.00 per annum

			Parking Permit in the Relevant Position		
Schleswig Street Car Park	Wholly within a Parking Space, in accordance with Article 2.2	All days All hours (including Bank Holidays)	(1)Motor Car (2)Invalid Carriage (3)Motorcycle	Monday to Sunday - 6.00am to 6.00pm maximum 2 hours waiting no return within 4 hours (no restriction between 6.00pm to 6.00am)	No charge
			(1)Disabled Person's Vehicle parked in a Disabled Person's Parking Space	Maximum 3 hours waiting no return within 4 hours	No charge
			(1)Motor Car (2)Invalid Carriage (3)Motorcycle displaying Parking Permit in the Relevant Position	No restrictions	Contract - £198.00 per annum
			(1)Motor Car (2)Invalid Carriage (3)Motorcycle parked in a Reserved Parking Space and displaying Reserved Parking Permit in the Relevant Position	No restrictions	Contract - £198.00 per annum
Gamull Lane Car Park	Wholly within a Parking Space, in accordance with Article 2.2	All days All hours (including Bank Holidays)	(1)Motor Car (2)Invalid Carriage (3)Motorcycle	Monday to Sunday - 6.00am to 6.00pm maximum 2	No charge

				hours waiting no return within 4 hours (no restriction between 6.00pm to 6.00am)	
			(1)Disabled Person's Vehicle parked in a Disabled Person's Parking Space	Maximum 3 hours waiting no return within 4 hours	No charge
			(1)Motor Car (2)Invalid Carriage (3)Motorcycle displaying Parking Permit in the Relevant Position	No restrictions	Contract – £198.00 per annum
Rosebud Car Park	Wholly within a Parking Space in accordance with Article 2.2	All days All hours (including Bank Holidays)	(1)Motor Car (2)Invalid Carriage (3)Motorcycle	Monday to Sunday 6.00am to 6.00pm maximum 2 hours waiting no return within 4 hours (no restriction between 6.00pm to 6.00am)	No charge
			(1)Disabled Person's Vehicle Parked in a Disabled Person's Parking Space	Maximum 3 hours waiting no return within 4 hours	No charge
			(1)Motor Car (2)Invalid Carriage (3)Motorcycle displaying	No restrictions	Contract - £198.00 per annum

			Parking Permit in the Relevant Position		
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**THE COMMON SEAL OF
PRESTON CITY COUNCIL**

was hereto affixed this
1st day of *April* *2019*
 in the presence of:

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