

**PRESTON CITY COUNCIL**

**CITY OF PRESTON (TRINITY SQUARE) (OFF STREET PARKING PLACE)  
ORDER 2014**

Preston City Council in exercise of its powers under sections 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 Road Traffic (Permitted Parking Area and Special Parking Area) (County of Lancashire) Order 2004 and of all other enabling powers, with the consent of the County Council of Lancashire in accordance with section 39(3) of the 1984 Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

**PART I  
GENERAL**

**Commencement**

- 1.1 This Order shall come into operation on the thirtieth day of June 2014 and may be cited as the City of Preston (Trinity Square) (Off Street Parking Place) Order 2014.

**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 1984 Act applies to this Order and all charges specified in this Order may be varied at any time by Notice published in accordance with the 1984 Act.
- 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, words importing the masculine gender include the feminine or neuter gender and *vice versa* 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:

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

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

“Approved Method of Payment” means where available payment by debit or credit card or debit or credit card facilitated by on site or remote verification for example card reader or mobile phone text or phone call.

“Chargeable Hours” means any period specified in column 5 of the Schedule.

“Civil Enforcement Officer” means any officers, agents or servants of the Council or any contractor engaged by the Council to enforce the provisions of this Order who are authorised 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.

“the Council” means Preston City Council.

“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.

“Disabled Person’s Parking Space” means any Parking Space within the 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 the 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.

“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 3,050 kilograms,

(b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3,050 kilograms (or 3,500 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 under a pressure of 1.013 bar or plant and materials for producing such fuel); or

(c) does not exceed 2,540 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 Permit” means a permit issued by the Council which entitles the holder of the permit to park a Vehicle in the Parking Place without displaying a valid Pay and Display Ticket.

“Parking Place” means the land or place specified by name in Column 1 of the Schedule, hereto and as indicated by the red edge on the plan attached hereto.

“Parking Space” means any area of the Parking Place which is provided for the leaving of a Vehicle and indicated by markings on the surface of the Parking Place.

“Parking Ticket” means a ticket purchased from a Ticket Machine at the Pay and Display Parking Place.

“Pay and Display Parking Place” means the Parking Place designated as such by this Order.

“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.

“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 Parking Ticket a Parking Permit or a Reserved Parking Permit-

(i) the ticket or 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 aforesaid ticket or permit is exhibited in a conspicuous position on the Vehicle,

so that the whole of the information on the front of the said ticket or 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) without displaying a valid Pay and Display Ticket.

“Reserved Parking Space” means any Parking Space within the 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.

“Ticket Machine” means an apparatus of a type and design approved by the Secretary of State for the purpose of this Order being apparatus designed to indicate the time by a clock and to issue Parking Tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and either the time of such payment or the time at which the Vehicle must have left the Parking Place. Where every Ticket Machine at a Parking Place is out of order or where the Parking Place is one designated as having a Ticket Machine but none is installed, references to a Ticket Machine shall at the relevant time be construed to refer to a person authorized by the Council from whom a Parking Ticket may be purchased.

“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 The area of land or place specified 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 to the Parking Place in the Schedule. No person shall, unless authorized in writing by the Council, use the Parking Place so named for any other purpose whatsoever.

### **Position of vehicle**

- 2.2 Every Vehicle left Waiting in the 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.

### **Hours of operation**

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

### **Parking only for disabled person’s badge holders**

- 2.4 A Driver shall not 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 Driver is either a Disabled Person or the Driver is accompanying a Disabled Person and the Vehicle displays a valid Disabled Person’s Badge in the Relevant Position.

### **Parking in reserved parking space**

- 2.5 A Driver shall not 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.

### **Parking only for motorcycles**

- 2.6 A Driver shall not cause or permit a Vehicle other than a Motorcycle to Wait in a Parking Space signed and/or marked for Motorcycles.

## **PART III RELOCATION AND REMOVAL OF VEHICLES**

### **Removal and repositioning of vehicles**

- 3.1 When a Vehicle Waits in the 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 the 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 the 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 Articles 3.1 or 3.2, or removing or causing the removal of a Vehicle by virtue of Articles 3.1 or 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 Articles 3.1 or 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 Articles 3.1 or 3.2 the Council shall be entitled to recover from any person responsible for the Vehicle such charges in respect of the removal, storage and disposal of the Vehicle as it may determine 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 the Parking Place close the Parking Place or any part thereof for any period and/or may designate the Parking Place or any part thereof as reserved for use only by particular Vehicles for particular purposes approved by the Council.
- 3.7 No Driver of any Vehicle shall use the 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 the 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 the 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 nor permit the Vehicle to Wait in the Parking Place unless the Vehicle is licensed in accordance with the provisions of the Vehicle 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 the 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 the 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 the 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 the 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 of or damage to Vehicles or other property left in the Parking Place to which this Order applies.

**PART V  
CHARGES FOR PARKING**

**Payment**

- 5.1 The Driver of a Vehicle using the Parking Place shall upon leaving the Vehicle in the Parking Place pay the appropriate charge (if any) in accordance with the level of charges specified in column 6 of the Schedule hereto.

**Pay and display parking place**

- 5.2 The Driver of a Vehicle using the Pay and Display Parking Place shall upon any person alighting from the Vehicle and leaving it in the Parking Place,
- (i) purchase a Parking Ticket for the period required in accordance with the level of charges specified in column 6 of the Schedule,
  - or
  - (ii) make arrangements to pay the charge through an Approved Method of Payment for the period required in accordance with the level of charges specified in column 6 of the Schedule.

**Means of payment**

- 5.3 The charge referred to in the preceding Articles shall be payable by the insertion of an appropriate coin(s), banknote(s) together making up the amount of the charge into the Ticket Machine or pay station situated in the Parking Place or by payment to a person authorized by the Council or where available by an Approved Method of Payment.

**Display of parking ticket in a pay and display parking place**

- 5.4 The Driver of the Vehicle Waiting in the Pay and Display Parking Place shall:
- (i) ensure that a Parking Ticket is purchased to cover the entire period that the Vehicle is left Waiting in the Parking Place during the Chargeable Hours; and
  - (ii) display the purchased Parking Ticket in the Relevant Position on the Vehicle in respect of which it was issued.

**Validity of parking ticket in a pay and display parking place**

- 5.5 A Parking Ticket is not transferable from one Vehicle to another.

- 5.6 A Parking Ticket is valid only in the Pay and Display Parking Place in which it was issued. This is defined by the reference code of the Ticket Machine location in that Parking Place printed on the Pay and Display Ticket.
- 5.7 The fact that the period for which a charge for the use of a Parking Place has been paid has expired shall be indicated when there is exhibited on the Vehicle a Parking Ticket and the expiry date and time printed on the Parking Ticket are earlier than the date and time displayed on the clock of the issuing Ticket Machine.

#### **Tickets as evidence**

- 5.8 The particulars specified on a Parking Ticket which provides for the time at which a Parking Ticket was obtained from the Ticket Machine to be calculated or as to the time at which a Parking Ticket was obtained from a ticket dispensing apparatus at an entrance barrier shall (in the absence of proof of the malfunction of the Ticket Machine or the automatic barrier) be conclusive proof of the particulars so specified.

#### **No parking ticket displayed in the pay and display parking place**

- 5.9 If at any time while a Vehicle is Waiting in the Pay and Display Parking Place no Parking Ticket is displayed on that Vehicle in accordance with Article 5.4 it shall be deemed that the charge has not been paid.
- 5.10 If at the time when a Vehicle is Waiting during the Chargeable Hours in a Pay and Display Parking Place and on the nearest Ticket Machine in that Parking Place there is a notice placed upon it by a person duly authorized by the Council indicating that the said Ticket Machine is out of order then a Parking Ticket shall be obtained from another Ticket Machine within the Parking Place (where another Ticket Machine is so provided) or obtained from a person authorized by the Council to issue such Parking Tickets. Otherwise Article 5.12 shall prevail where there is no Ticket Machine or all Ticket Machines are out of order, whether signed as such or not, or where no person has been so authorized by the Council.
- 5.11 Where no valid Parking Ticket can be obtained and displayed pursuant to the circumstances described in Article 5.10 Vehicles may be left in the Parking Place and the Driver of the Vehicle shall be exempt from payment of the charge PROVIDED THAT the

Vehicle does not remain in the Parking Place for longer than the maximum time limit (if any) allowed in the Parking Place.

**Exemption from the requirement to display a parking ticket in a pay and display parking place**

- 5.12 Where arrangements to pay the level of charge in the Pay and Display Parking Place have been made through an Approved Method of Payment and no Parking Ticket is dispensed from the Ticket Machine the Driver of the Vehicle shall be exempt from the requirement to display such a Parking Ticket.
- 5.13 Where a Vehicle Waits in the Pay and Display Parking Place and a valid Parking Permit or Reserved Parking Permit for that Parking Space is displayed on the Vehicle in the Relevant Position the Driver shall be exempt from the requirement to display a Parking Ticket.

**Parking permits**

- 5.14 The permit holder shall abide by the terms and conditions stipulated by the Council for the use of the Parking Permit.
- 5.15 A Parking Permit shall be valid only in the Parking Place in respect of which it was issued, for up to the date of expiry shown on the Parking Permit and/or for such date(s), day(s) and times as may be specified on the Parking Permit.
- 5.16 A Reserved Parking Permit shall be valid only 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(s), day(s) and times as may be specified on the Reserved Parking Permit.
- 5.17 A Parking Permit and a 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 permit**

- 5.18 The Driver of the 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.

### **Restriction on removal of parking ticket or permit**

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

## **PART VI EXEMPTIONS FROM CHARGES**

### **Exemptions from charges**

- 6.1 No charge shall be payable in respect of:
- (i) a Motorcycle which is left in a Parking Space specified for such Vehicles (if any);
  - (ii) a Vehicle Waiting in a Parking Space which displays in the Relevant Position a valid Parking Permit for the Parking Place; or
  - (iii) a Vehicle Waiting in a Reserved Parking Space which displays in the Relevant Position a valid Reserved Parking Permit for that Reserved Parking Space.

## **PART VII CONTRAVENTION OF THIS ORDER**

### **Contravention**

- 7.1 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 such contraventions by the said legislation and any subordinate legislation made thereunder.
- 7.2 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 the Owner of; or
  - (ii) who hired
- the Vehicle involved in the contravention at the Material Time.

### **Restriction on removal of notices**

- 7.3 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**

- 7.4 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.
- 7.5 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.

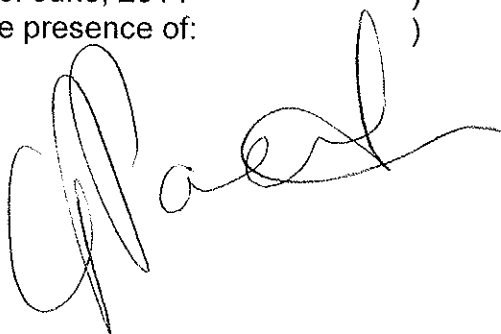
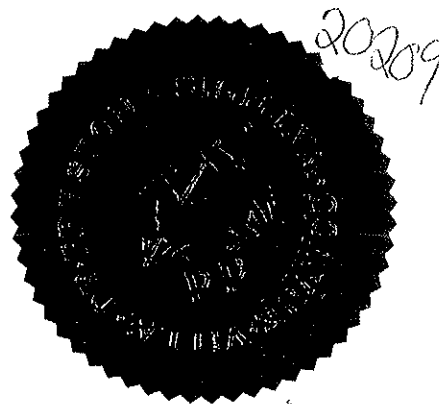
### **Disposal of Vehicles**

- 7.6 If a Vehicle has been, or could at any time be, removed from the 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, and the provisions set out in the 1984 Act shall apply.

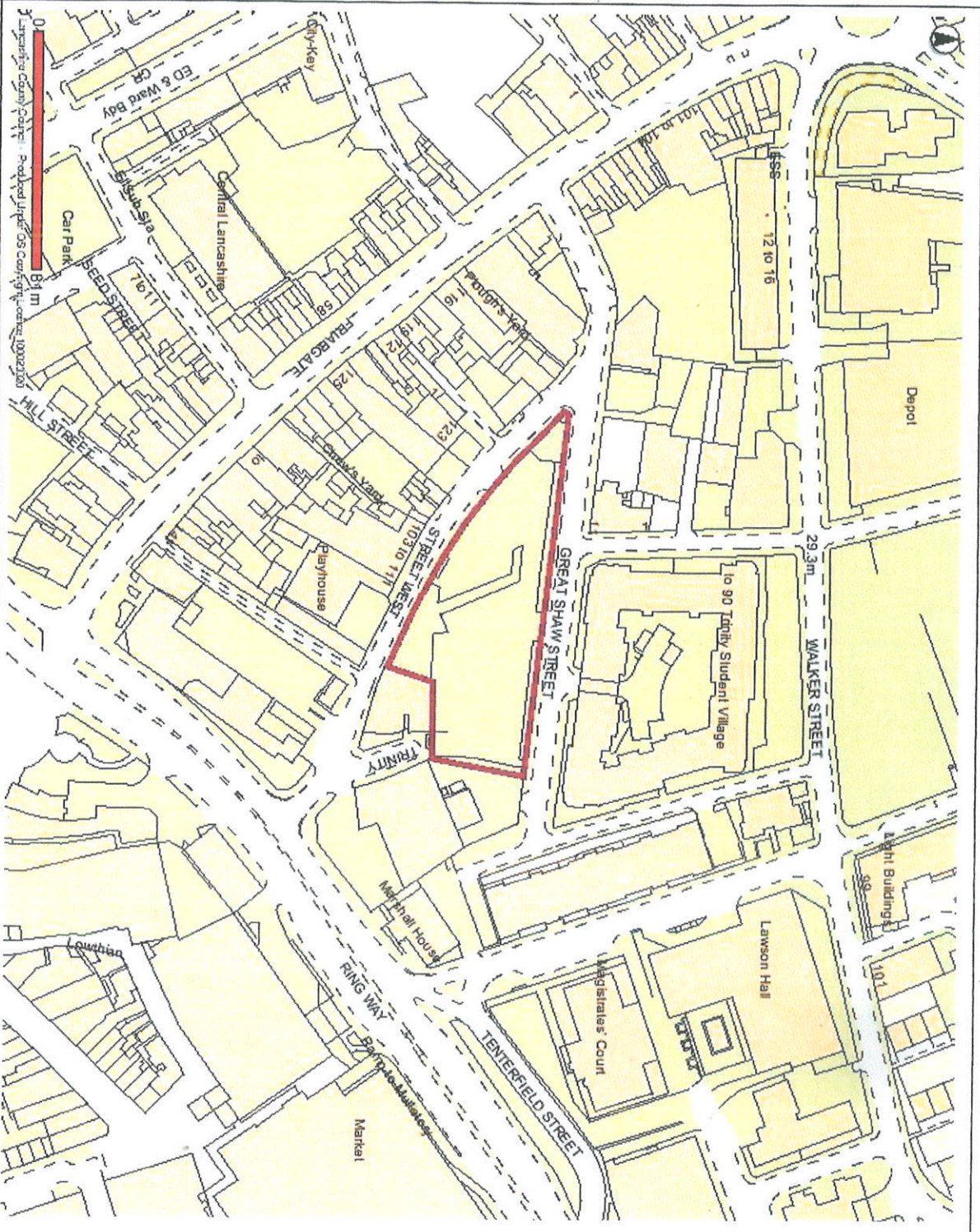
### THE SCHEDULE

1	2	3	4	5	6
Name of Parking Place	Designation of type of Parking Place	Position in which vehicles must park	Classes of vehicles	Days and hours of operation	Scale of charges
Trinity Square Surface Car Park	Pay and Display Parking Place	Wholly within a Parking Space, in accordance with article 2.2 (if any)	Motor Car, Invalid Carriage	Monday to Sunday (inclusive) - 24 hours	At any time Up to 1 hour - £1.00 Up to 2 hours - £2.00 Up to 3 hours - £2.50 Up to 4 hours - £3.00 4 hours - 12 hours - £3.50  12 hours - 24 hours - £5.00

THE COMMON SEAL of  
 PRESTON CITY COUNCIL  
 was hereto affixed this eleventh  
 day of June, 2014  
 in the presence of:

*Corporate Director Environment - Delegation  
 Board - 31st July, 2013*



Trinity Square Car Park (edged red)



Date: 31/07/2013

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