

THE REDCAR AND CLEVELAND BOROUGH COUNCIL (OFF STREET PARKING PLACES) (CONSOLIDATION) ORDER 2003

The Council of the Borough of Redcar and Cleveland (hereinafter called "the Council") in exercise of its powers under Section 35(1) and (3) and of Part IV of Schedule 9 of the Road Traffic Act 1984 (hereinafter referred to as "the Act of 1984" and of all other enabling powers, and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order:-

- 1. This Order shall come into operation on the 14th day of May, 2003 and may be cited as the Redcar and Cleveland Borough Council (Off-Street Parking Places) (Consolidation) Order 2003
- 2. (1) (a) The Interpretation Act 1978 shall apply to this Order as it does to an Act of Parliament
- (b) Where a provision of this Order is in conflict with a provision contained in a previous order, the provision of this Order shall prevail
- (c) Where a statute, statutory instrument or regulations are referred to such reference shall include an amendment to or replacement thereof

(2) In this Order all expressions except as otherwise herein provided shall have the meanings assigned to them by the Act of 1984:-

"Bus or Coach" means a vehicle constructed or adapted to carry more than eight seated passengers, exclusive of the driver

"Charging hours" means any period specified in column 5 of the Schedule in respect of which a charge is specified in Articles 4, 5 or 6.

"Disabled Person's Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 as amended.

"Disabled Persons's Vehicle" means a vehicle displaying a disabled person's badge

"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 and 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 any area of land in the Borough of Redcar and Cleveland specified by name in column 1 of the Schedule provided by the Council under Section 32(1) of the Act for use as a parking place.

“Relevant Position” in relation to a disabled persons badge means:-

- a) that the badge is exhibited on the dashboard or fascia of the vehicle;
or
- b) where the vehicle is not fitted with a dashboard or fascia, the badge exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle

“Ticket Machine” means an apparatus of a type and design approved in accordance with Section 35(3) of the Act of 1984.

USE OF LAND AND PARKING PLACE

3. (1) Each area of land specified by name in column 1 of the Schedule may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions, on such days and during such hours as are specified in relation to that area in the Schedule.
 - (2) 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 that parking place unless it is of the class and in the position so specified.
 - (3) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person’s vehicle, the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person’s vehicle.
 - (4) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for buses or coaches the driver of a vehicle shall not permit it to wait in that parking bay unless it is a bus or coach.
 - (5) In so far 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 the following provisions of this Order.

AMOUNT OF INITIAL CHARGE AT PARKING PLACES

- 4.(1) The initial charge for a vehicle left in a particular parking place during the charging hours shall be the amount specified in Column 7 of the schedule relating to the said parking place, and be of an amount required for the parking time required by the motorist subject to the provisions of this Order.
 - (2) The owner of a vehicle may on application to the Council purchase a season ticket in respect of that vehicle for a charge set by the Council and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued.

5(1) The charges referred to in Article 4 shall be payable:-

- a) at the time of leaving the vehicle in a parking place, by the insertion in a ticket machine relating to the said parking place of the appropriate coin or coins, and where such a device is installed, entering of such numbers equivalent to the numbers on the vehicle registration plate to which the ticket will apply.
or
- b) by purchasing from the Council a Season Ticket valid for use in the said parking place and,
- c) the aforementioned tickets shall be displayed in a conspicuous position on the vehicle in respect of which it was issued.

(2) The details stated on the face of the ticket, season ticket or permit as to the vehicle registration plate, date and time of issue, departure or expiry as the case may be shall be conclusive evidence of those facts for the purposes of this Order and any legal proceedings taken thereunder

AMOUNT OF EXCESS CHARGE AT PARKING PLACES

6. (1) (a) The initial charge together with an additional amount of £40.00 (which additional amount is hereinafter known as the “excess charge”) shall be payable where:-

- (i) a vehicle is left in a parking place and a driver has not purchased or displayed a parking ticket or tickets or a season ticket in accordance with Article 5
- ii) a vehicle is left in a parking place during the charging hours for longer than the initial period for which payment was made.

(b) The excess charge shall also be payable if:-

- (i) A vehicle is left in a parking place wholly or partially outside of the surface markings of an individual parking bay.
- (ii) A vehicle is left in a parking bay within a parking space, where a sign or surface marking indicates that the bay is available only for a disabled person’s vehicle, and the vehicle is not a disabled person’s vehicle.
- (iii) A vehicle is left in a parking place which is described in the schedule as available for vehicles of a specified class or in a specified position and the vehicle is not of the class or position so specified.
- (iv) A vehicle is left in a parking bay within a parking space where a sign or surface marking indicates that the bay is available only for Buses or Coaches, and the vehicle is

not a Bus or Coach, unless permission was given to leave the vehicle in that bay by a parking attendant authorised by the Council to do so.

- (v) A vehicle is left in a parking place and a valid ticket issued on payment of the charge referred to in paragraph Article 4 is not attached in a conspicuous position to the vehicle in respect of which it was issued.
- (2) In the case of a vehicle in respect of which an excess charge may have been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-
- (a) the registration make 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 time at which he first observed that the initial period for which payment was made by the initial charge had expired;
 - (c) a statement that the excess charge of £40.00 is required to be paid;
 - (d) the manner in which and the time within which the excess charge should be paid; and
 - (e) a statement that it is an offence under Section 35(A) of the Act for the driver of a vehicle who has left the vehicle in a parking place to fail to pay the excess charge.

PERIOD FOR WHICH VEHICLE MAY BE LEFT AFTER EXCESS CHARGE INCURRED

7. (1) The period for which a vehicle may be left in a parking place during the charging hours after the excess charge has been incurred shall not exceed two hours.
- (2) If a vehicle is left in a parking place during the charging hours for more than two hours after the excess charge has been incurred it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a 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 time at which he first observed that the vehicle had been left in the parking place for more than two hours after the excess charge had been incurred; and
 - (c) a statement that it is an offence under Section 35(A) of the Act for the driver of a vehicle who has left the vehicle in a parking place to leave

the vehicle therein for longer than two hours after the excess charge has been incurred.

RESTRICTION ON REMOVAL OF NOTICES

8. When a notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order 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.

OTHER PROVISIONS

9. 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 Vehicle (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.
10. 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 to change the position of the vehicle in or to depart from the parking place.
11. (1) Subject to Article 20 of this Order 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.

(2) 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.
12. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
13. (1) If a vehicle is left in a 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 provisions.

(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.

- (3) For the purpose of meeting the requirement 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 paragraph (1) 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 such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.
14. Where a sign or surface marking indicates that a parking bay is available for the use of Buses and Coaches, other classes of vehicle may be left in that bay with the express permission of a parking attendant. Such permission may be given at the parking attendant's discretion should he/she deem it necessary.
 15. 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 drive or permit any vehicle to be driven :-
 - (i) so that it enters the 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.
 16. 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 the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purposes of departing from the parking place.
 17. The driver of a disabled person's vehicle which is parked in a parking bay for which there is a sign or surface marking which indicates that the parking bay is available only for a disabled person's vehicle shall be exempt from any limitation of time and from any payments specified within the provisions of this Order.
 18. The driver of a motorcycle shall be exempt from any payments specified in Article 4.

19. Nothing in this order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by the local authority and a parking disc (on which the driver, or any other person in charge of the vehicle, has marked the length of time at which the period of waiting began) to wait in the parking places designated in this Order for a period not exceeding 3 hours (not being a period separated by an interval less than 1 hour from the previous period of waiting by the same vehicle in the same parking place).

20. Nothing in this order shall render it unlawful for a person to use a vehicle whilst 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 PROVIDED THAT the person has prior to the offering for sale of any article or offering for hire of his skill or services made application to the Director of Development for a permit to so do and has received the same paying therefor such sum as the Director of Development has agreed by way of compensation.

21. The Orders listed (a) to (o) in this article are hereby revoked in full or to the extent indicated, and in the case of the latter in all other respects the said Orders shall continue to have effect.
 - a The Borough of Redcar (Off Street Parking Places) Order 1963
 - b The Redcar and Cleveland Borough Council (Off Street Parking) (Redcar) Order 1993
 - c The Redcar and Cleveland Borough Council (Off Street Parking) (Guisborough) Order 1993
 - d The Redcar and Cleveland Borough Council (Off Street Parking) (Saltburn-by-the-Sea) Order 1995
 - e The Redcar and Cleveland Borough Council (Off Street Parking) (Redcar) Order 1996
 - f The Redcar and Cleveland Borough Council (Off Street Parking) (Redcar)(Amendment) Order 1996
 - g The Redcar and Cleveland Borough Council (Off Street Parking Places) (Amendment) Order 1997
 - h The Redcar and Cleveland Borough Council (Off Street Parking Places) (Excess Charges) (Redcar) (Amendment) Order 2000
 - i The Redcar and Cleveland Borough Council (Off Street Parking Places) (Excess Charges) (Guisborough) (Amendment) Order 2000
 - j The Redcar and Cleveland Borough Council (Off Street Parking Places) (Excess Charges) (Saltburn-by-the-Sea) (Amendment) Order 2000
 - k The Redcar and Cleveland Borough Council (Off Street Parking Places) (Redcar) (Amendment)(No.2) Order 2001
 - l The Redcar and Cleveland Borough Council (Off Street Parking Places) (Guisborough) (Amendment)(No.1) Order 2001
 - m The Redcar and Cleveland Borough Council (Off Street Parking Places) (Saltburn-by-the-Sea) (Amendment) (No.2) Order 2001
 - n The Redcar and Cleveland Borough Council (Off Street Parking Places) (Redcar) (Amendment) Order 2002
 - o The Redcar and Cleveland Borough Council (Off Street Parking Places) (Guisborough) (Amendment) Order 2002

Off Street Car Park Schedule

REDCAR OFF STREET CAR PARKS

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Name of Car Park	Position in which Vehicle may use it	Classes of Vehicle	Days of Operation of Parking place	Hours of Operation of Parking Place	Maximum Period for which Vehicles may wait	Scale of Charges
1.Graffenburg Street Car Park 2.Grant Street Car Park 3.Muriel Street Car Park 4.King Street Car Park 5.Redcar & Cleveland Car Park House (Formally Ridley Street Car Park) 6.Regent Walk Car Park 7.Ridley Street School Car Park 8.West Dyke North Car Park	Wholly within a parking bay identified for that specific class of vehicle.	i) Motorcars, within provisions of Section 136 (2) (a) of the Act. ii) Motor cycles as defined in Section 136 (4) of the Act iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525 kg. iv) Disabled persons' vehicles	Car Parks 1 to 13 operate Mondays to Saturdays Inclusive	8:00am to 6:00pm	No Limit	Car Parks 1 to 8 Short Stay 60p – first hour £1 – for two hours £1 each additional hour

REDCAR OFF STREET CAR PARKS (Continued)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Name of Car Park	Position in which Vehicle may use it	Classes of Vehicle	Days of Operation of Parking place	Hours of Operation of Parking Place	Maximum Period for which Vehicles may wait	Scale of Charges
9. Fishermans Square Car Park 10.Kirkleatham Street Car Park 11.Seafield House Car Park 12.Turner Street Car Park 13.West Dyke South Car Park	Wholly within a parking bay identified for that specific class of vehicle.	i) Motorcars, within provisions of Section 136 (2) (a) of the Act. ii) Motor cycles as defined in Section 136 (4) of the Act iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525 kg. iv) Disabled persons' vehicles	Car Parks 1 to 13 operate Mondays to Saturdays Inclusive	8:00am to 6:00pm	No Limit	Car Parks 9 to 13 Long stay. 60p – first hour £1 – for two hours £2 All day
14.Majuba Road car park 15.Majuba Road car park	Wholly within a parking bay identified for that specific class of vehicle.	Classes i) to iv) and (v) Heavy Goods vehicles and public service vehicles. (vi) Buses and Coaches as defined by Regulation 2 of the Road Vehicles (Construction and Use) Regulations 1986.	Car Park 14 and 15 Each day between 1st May and 30 th September. (incl. Bank holidays) At all other times Monday to Saturday inclusive.	8:00am to 6:00pm	No Limit	May to September 60p – first hour £1 – for two hours £2 All day No charge at other times
16.Literary Institute Car Park	Wholly within a parking bay identified for that specific class of vehicle.	Disabled persons' vehicles	Mondays to Saturdays Inclusive	8:00am to 6:00pm	No Limit	No charge

GUISBOROUGH OFF STREET CAR PARKS

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	
Name of Car Park	Position in which Vehicle may use it	Classes of Vehicle	Days of Operation of Parking place	Hours of Operation of Parking Place	Maximum Period for which Vehicles may wait	Scale of Charges	
17.Church Square Car Park	Wholly within a parking bay identified for that specific class of vehicle.	i) Motorcars, within provisions of Section 136 (2) (a) of the Act.	Mondays to Saturdays Inclusive	8:00am to 6:00pm	No Limit	Car Parks 17 to 20 designated Short Stay 50p – first hour £1 – for two hours	
18.Fountain Street East Car Park (including coach parking area)		ii) Motor cycles as defined in Section 136 (4) of the Act					
19.Patten Lane Car Park		iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525 kg.	Part of Car Park 18 operates as a coach park between May to September Open to all Classes specified at all other times Monday to Saturday Inclusive.				£1 each additional hour
20.Reid Terrace Car Park							
21.Belmont House Car Park		Car Park 18 Coach Parking Area Buses and Coaches as defined by Regulation 2 of the Road Vehicles (Construction and Use) Regulations 1986 only between May and September.	Classes (i) to (iv) allowed at all times within the Coach Parking Area on the discretion of the Parking Attendant.				Car Parks 21 to 23 designated long stay. 50p – first hour £1 – for two hours £2 All day
22.Fountain Street West Car Park							
23.Walkers Row Car Park							

Saltburn Off Street Car Parks

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Name of Car Park	Position in which Vehicle may use it	Classes of Vehicle	Days of Operation of Parking place	Hours of Operation of Parking Place	Maximum Period for which Vehicles may wait	Scale of Charges
24. Cat Nab Car Park	Wholly within a parking bay identified for that specific class of vehicle.	i) Motorcars, within provisions of Section 136 (2) (a) of the Act.	Monday to Saturday inclusive all year	8:00am to 6:00pm	No Limit	May to September 60p – first hour £1 – for two hours £2 All day No charge at other times
25. Pier/Promenade Car Park		ii) Motor cycles as defined in Section 136 (4) of the Act	Each day between 1st May and 30 th September. (incl. Bank holidays)			
		iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525 kg. iv) Disabled persons' vehicles				