

RC11.

**THE REDCAR AND CLEVELAND BOROUGH COUNCIL**  
**(DECRIMINALISED PARKING) (PARKING & WAITING)**  
**(CONSOLIDATION) ORDER 2003**

The Council of the Borough of Redcar and Cleveland (hereinafter referred to as 'The Council') in exercise of the powers conferred by section 1,2,3,4,19,32,35,45,49,51,53, and 124 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 and of all other powers thereunto enabling hereby make the following Order:-

1. This order shall come into operation on **2<sup>nd</sup> June 2003** and maybe cited as **THE REDCAR AND CLEVELAND BOROUGH COUNCIL (DECRIMINALISED PARKING) (PARKING & WAITING) (CONSOLIDATION) ORDER 2003.**

2. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this order the:-  
The Redcar and Cleveland Borough Council (Redcar)(Parking and Waiting) (Consolidation) Order 2003.

The Redcar and Cleveland Borough Council (Guisborough)(Parking and Waiting) Order 2003.

The Redcar and Cleveland Borough Council (Brotton, Loftus, Carlin How and Easington)(Parking and Waiting) (Consolidation) Order 2003.

The Redcar & Cleveland Borough Council (Dormanstown, Grangetown, Lazenby and South Bank) (Parking and Waiting) (Consolidation) Order 2003.

The Redcar and Cleveland Borough Council (Eston, Normanby, Ormesby, Teesville and Nunthorpe) (Parking and Waiting) (Consolidation) Order 2003.

The Redcar and Cleveland Borough Council (Marske, New Marske and Saltburn) (Parking and Waiting) (Consolidation) Order 2003.

The Redcar and Cleveland Borough Council (Skelton, Lingdale and Slapewath) (Parking and Waiting) (Consolidation) Order 2003.

Shall have effect as though:-

- (a) **Articles 3 to 43, 45,54,57, & 58 shall be modified as follows:-**

the words "Traffic Warden in uniform" there shall be substituted "Parking Attendant in uniform or person identifiable as being responsible for the Parking Service"

- (b) **Article 51 to 63 of Part III of the Order there shall be substituted with the following;**

- 51.(1) Each area of a highway described in Column 2 of Schedule 5.00 to this Order is hereby designated as a parking place.
- (2) Each parking place may be used, subject to the provisions of 51 to 53 of this Order, for the leaving of passenger vehicles, goods vehicles, invalid carriages or motor cycles during the hours specified in Column 5 of schedule 5.00 on days specified in Column 4 of schedule 5.00, such period hereinafter called the "restricted period".
- (3) The number and situation of parking bays in each parking place shall be determined by the Council and the limits of each parking place shall be indicated by the Council on the carriageway and by appropriate traffic signs.

### **Payment for Parking**

- 52.(1) Subject to Articles 61 and 62 of this Order, no person may leave or cause any vehicle to be left in a parking place during the restricted period except upon the payment of a sum of money for the period of parking that is required by the motorist and referred to in paragraph (4) of this Article.
  - (2) The amount of parking time purchased and the payment required for that time period described in paragraph (1) of this Article are hereinafter called respectively the "parking period" and the "payment"
  - (3) Subject to Articles 61 and 62 of this Order, the maximum length of time for which a vehicle may be left in a parking place during the restricted period on payment of the required charge, shall be as indicated, in relation to that parking place, in Column 6 of Schedule 5.00 to this Order.
  - (4) (a) The payment for a vehicle left in a parking place during the restricted period shall be the amount in relation to that parking place, and be dependant upon the parking period required by the motorist, provided that it is compliant with that specified in Column 7 of Schedule 5.00 to this Order.
  - (b) The payment for a vehicle left in a parking place or parking during the restricted period shall be as appropriate for the period required at that parking place or parking bay provided that the parking period shall not exceed the maximum period of waiting specified for that parking place or parking bay.
- 53.(1) The payment shall be payable on the leaving of the vehicle in a parking place by the insertion in the parking meter relating to the parking place or parking bay in which the vehicle is left, of a coin, or coins of the denomination indicated on the parking meter, or a sign board adjacent to the meter 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 into the aforementioned parking meter. The Parking meter will dispense a ticket that must be displayed in accordance of the provisions of this Order..

- (2) Save as provided in paragraph (2) of Article 62 of this Order no vehicle which has been taken away from a parking bay in a parking place after the payment has been made shall, until the expiration of one hour from the time it was taken away, again be left in that parking place during the permitted hours.

#### Penalty Charges

54. A penalty charge shall be payable where a vehicle is left in a parking place
  - a) and a driver has not purchased or displayed a parking ticket or tickets or a season ticket  
or
  - b) during the charging hours for longer than the parking period for which payment was made.
  - c) Where a parking meter is installed that requires entry of the numbers from the registration of the vehicle. A vehicle that has displayed a parking ticket and the registration numbers printed on the ticket are not the same as the numbers on the registration plate of the vehicle. In this situation a driver will be deemed not to have purchased or displayed a parking ticket.

#### Parking Meter tickets

- 55.(1) There shall be a parking meter installed on or in the vicinity of each parking place.
  - (2) Payment for a vehicle left in a parking place at which a parking meter with clock is installed shall be indicated by the issue of a numbered ticket showing the date and time at which the parking period purchased expires and the details of the payment made, and where such a device is installed, showing details of the numbers on the registration plate of the aforementioned vehicle on the face of the ticket showing such details shall be conclusive evidence of those facts for the purpose of this Order.
  - (3) Upon payment for a vehicle left in a parking place at which a parking meter with a clock is installed, the driver thereof shall exhibit on the vehicle, in accordance with the provisions of paragraph (4) of this Article, a ticket issued by the parking meter relating to the parking place in which the vehicle is left in accordance with the provision of paragraph (2) of this article.
  - (4) The ticket referred to in paragraph (3) of this Article shall be so exhibited on the inside of and immediately behind the front windscreen of the vehicle so that the time and date of expiry shown on the front of the said ticket is clearly visible.
  - (5) Where a ticket has been exhibited on a vehicle in accordance with the provisions of paragraph (4) of this Article no person, not being the driver of

the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver.

- (6) If at any time while a vehicle is left in a parking place during the restricted period no ticket is exhibited on that vehicle in accordance with the provisions of paragraph (4) of this Article, it shall be assumed unless the contrary is proved that the payment has not been duly paid.

#### Manner of Standing in Parking Places

- 56.(1) Every vehicle left in a parking place during the restricted period shall so stand subject to paragraph (2) of this Article, so that every part of the vehicle is wholly within the limits of the parking bay.
- (2) Where a vehicle that has been left in a parking place referred to in paragraph (1) of this Article is too long to comply with the provisions of that paragraph such vehicle shall be deemed to be within the limits of the parking bay if:-
  - (a) the extreme front or rear portion of the vehicle is within twelve inches of a carriageway indication provided under paragraph (3) of Article 51; and
  - (b) the vehicle, or any part of it, is not within the limits of any adjoining parking bay.
- (3) Where any vehicle is standing in a parking place in contravention of the provisions of this Article a parking attendant may alter or cause the position of the vehicle to be altered so as to comply with these provisions.
- (4)

#### Removal of Vehicles from Parking Places

- 57.(1) Where a Parking Attendant is of the opinion that any of the provisions of paragraphs (1), (3) and (4) of Article 52 or paragraph (3) of Article 54 or in Article 61 have been contravened or not complied with in respect of a vehicle left in a parking place during the permitted hours, he may remove or cause the vehicle to be removed from the parking place and where it is removed, shall provide for the safe custody of the vehicle.
- (2) A Police Officer in uniform or a Parking Attendant in uniform may in case of emergency move or cause to be moved vehicles left in a parking place to any place he thinks fit.

#### Power to Suspend Use of Parking Places

- 58.(1) Any person identifiable as being responsible for the Parking Service may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary:-
  - (a) for the purpose of facilitating the movement of traffic or promoting its safety;

- (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration or maintenance in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line, traffic sign or parking meter;
  - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository.
  - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
  - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.
- (2) A police officer in uniform may suspend for not longer than 24 hours the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (2) of this Article shall thereupon:-
- (a) place or cause to be placed over the parking meter relating to the parking place or parking bay hoods or other covers indicating that the use of the parking place or parking bay is suspended and that waiting by vehicles is prohibited; and
  - (b) place or cause to be placed in or adjacent to any part of that parking place which is not a parking bay and use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.
- (4) On any suspension of the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) of this Article, any person duly authorised by the Council may temporarily remove any parking meter relating to any parking place or parking bay, as the case may be, that part thereof and any post, bracket or other support on which that parking meter is fitted and shall thereupon place or cause to be placed in or adjacent to that parking place or parking bay a traffic sign giving the indication referred to in paragraph (3) (b) of this Article.
- (5) No person shall cause or permit a vehicle to be left –
- (a) in a parking place or a parking bay during such period as there is over the parking meter relating to that place or bay a hood or other cover

indicating that the use of the parking place or bay is suspended or during such period as there is in or adjacent to that place or bay a traffic sign placed in pursuance of paragraph (4) of this Article.

(b) in any part of a parking place, not being a parking bay, during such period as there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of paragraph (3)(b) of this Article PROVIDED THAT nothing in this paragraph shall render it unlawful to cause or permit a vehicle to be left in the parking place or parking bay during either such period as is referred to in sub-paragraph (a) of this paragraph as in the part of a parking place, not being a parking bay, during such period as is referred to in sub-paragraph (b) of this paragraph if:-

(i) the vehicle is left with the permission of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (1) of this Article, or

(ii) of a Police Officer in uniform or a Parking Attendant in uniform.

59. (a) The driver of the vehicle shall not permit it to wait in a parking place unless both the vehicle and the position in which it is parked comply with the provisions of Article 56 of this Order.

(b) The driver of a vehicle shall not use a parking place when for preventing obstruction of the street the Council shall by order made on the occasion of any public procession rejoicing or illumination or when the streets are thronged or liable to be obstructed have closed that parking space and have exhibited notices of such closing on or near the parking place.

(c) The driver of the vehicle using the parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

(d) No person shall use the 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 giving or offering for hire of his skills or services.

(e) Subject to the proviso hereto when a vehicle is left in a parking place in contravention of any of the provisions contained in Article 56 of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place; provided that when the position in which the vehicle is parked in a parking place does not comply with the provisions of Article 56 the Council may cause to be altered the position of a vehicle in order that its position shall comply with that provision.

(f) Any person removing a vehicle or altering its position by virtue of the last preceding Article of this Order 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.

- (g) If any person authorised by the Council removes or makes arrangements for the removal of the vehicle from a parking place by virtue of Article 59(e) of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

#### Restriction of Use of Parking Places

51.(1) Subject to paragraph (2) of this Article no person shall use any vehicle while it is in a parking place during the restricted period in connection with the sale or offering for sale of any goods or of his services in any capacity in or near the parking place, or carry out or permit the carrying out of any work of construction or repair except such as may be necessary to enable the vehicle to be moved from the parking place.

- (2) A person shall not be prevented under the provisions of paragraph (1) of this Article from selling goods from a vehicle
  - (a) if the vehicle is of a type described in paragraph (2) of Article 51 and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
  - (b) the vehicle is one to which provisions (vii) of paragraph (1)(a) of Article 61 or paragraph (1)(b) of Article 61 apply.

#### Use of Parking Places during Permitted Hours without Payment

61. (1) Without prejudice to the foregoing provisions of this Order relating to vehicles which are left in a parking place in accordance with those provisions any other vehicle may wait during the permitted hours:-

- (a) anywhere in a parking place if:
  - (i) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
  - (ii) the vehicle is waiting due to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
  - (iii) the vehicle is used for fire brigade purposes, is an ambulance or is a vehicle (other than a passenger vehicle) in the service of a local authority or is a vehicle in the service of a police force in either case being used in pursuance of statutory powers or duties.

- (iv) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
  - (v) the vehicle is in the service of or employed by the Post Office and is waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle or having been unloaded therefrom, are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting, or is in use in connection with the servicing of telephone kiosks adjacent to the parking place;
  - (vi) the vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in paragraph (1) (b) of Article 58;  
or
  - (vii) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting.
- (b) anywhere in a parking place other than in a parking bay if goods are sold from the vehicle by a person who is licensed by the Council to sell goods from a stationary pitch situated in the parking place.
- (2) No charge specified in the foregoing provisions of 51 to 63 of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the provisions of this Article.
  - (3) Nothing in the provisions of this Article shall be taken as authorising anything which would be a contravention of any Regulations made or having effect as if made under Section 25 of the Act of 1984.
  - (4) Any person who leaves or causes a vehicle to be left in a parking place by virtue of provisions of (v), (vi), or (vii) of paragraph 1 (a) or by virtue of paragraph 1(b) of this Article, shall take all steps necessary to ensure that the vehicle shall so stand as to be in accordance with the provisions of paragraph (1) of Article 56 of this Order.

#### Exemptions from Charges

- 62.(1) If a vehicle is left in a parking place or bay during the permitted hours while there is on the parking meter relating to that place or bay or in or adjacent to that place or bay a notice placed by any person authorised by the Council or by the Chief Constable indicating that the meter is out of order, the vehicle will be exempt from the payment, provided that, there is not another meter

located in the vicinity, where a parking ticket of the same conditions could have been purchased.

- (2) Any disabled person's vehicle which displays in the relevant position a disabled persons badge issued by a local authority or any vehicle which displays a valid permit, for that parking place, issued by the Council shall if left in a parking place or parking bay during the permitted hours be exempt from the payment of any charge or compliance with any time limit in relation to the leaving of any vehicle in that parking place or bay prescribed in the foregoing provisions of this Order and shall also be exempt from the provisions of Article 53(4) of this Order.
- (3) A vehicle which is left in a parking place in accordance with the provisions of this Article shall stand in accordance with the provisions of paragraphs (1) and (2) of Article 56 of this Order.

Installation of Parking Meters

63. The Council may –

- (a) provide parking meters or such other ticket machines or apparatus as may be required by this Order for the purposes of that parking place; and
- (b) carry out other works as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place.

GIVEN under the Common Seal of the Council of the Borough of Redcar and

Cleveland this 15th day of May 2003.

THE COMMON SEAL OF THE COUNCIL OF )

THE BOROUGH OF REDCAR AND )

CLEVELAND hereunto affixed in the presence of )

Assistant Chief Executive

(Legal and Democratic Services).