

DATED 26th November 2012

**RIBBLE VALLEY
(OFF-STREET PARKING PLACES) (DUNSOP
BRIDGE)
ORDER 2012**

RIBBLE VALLEY (OFF-STREET PARKING PLACES) (DUNSOP BRIDGE) ORDER 2012

The Ribble Valley Borough Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 32 to 35(C) and Section 39 of and Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter referred to as "the 1984 Act") and by virtue of the Road Traffic (Permitted Parking Area and Special Parking Area)(County of Lancashire) Order 2004 (hereinafter referred to as "the Lancashire Order") and the provisions referred to in the Lancashire Order, and of all other enabling powers and after consultation with the Chief Officer of Police and with the consent of Lancashire County Council in accordance with Schedule 9 to the 1984 Act, hereby makes the following Order:

PART I GENERAL

1 This Order shall come into operation on 26 November 2012 and may be cited as the Ribble Valley (Off-Street Parking Places) (Dunsop Bridge) Order 2012.

2 (1) In this Order, except where the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:

"civil enforcement officer" means a person authorized by or on behalf of the Council to supervise any off-street parking place and to enforce the restrictions imposed by this Order in any off-street parking place;

"charge certificate" means the statement that the penalty charge has been increased by the applicable surcharge in accordance with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, and or the Civil Enforcement of Parking Contraventions (Guidelines on levels of charges) (England) Regulations 2007 or any amendment or re-enactment thereof;

"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;

"motor cycle" has the same meaning as in Section 136(4) of the 1984 Act;

"owner" has the same meaning as in Section 142(1) of the 1984 Act

"parking place" means any area of land specified by name in column 1 of the Schedule to this Order provided by the Council under Section 32(1) of the 1984 Act for use as a parking place, and for the avoidance of doubt includes the private approach roads/access areas leading to and from a parking place;

“penalty charge” means a charge set by the Council as prescribed by the Secretary of State under the provisions of section 77 and Schedule 9 of the 2004 Act and the Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007;

“penalty charge notice” means a notice issued or served by a civil enforcement officer pursuant to section 78 of the 2004 Act and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“permit” means a permit issued by the Council for use on long-stay car parks and for the vehicle and duration and by the conditions referred to therein;

“relevant position” means in relation to Article 5, Article 18(d) and Article 30 of this Order:

- (a) In the case of a disabled person’s badge:**
 - (i) if the vehicle is fitted with a facia panel or dashboard exhibited thereon so that the details which confirm the validity of the disabled person’s badge are visible and can be easily verified by a Civil Enforcement Officer from outside the vehicle; or**
 - (ii) if the vehicle is not fitted with a facia panel or dashboard exhibited in a conspicuous position so that the details which confirm the validity of the disabled person’s badge are visible and can be easily verified by a Civil Enforcement Officer from outside the vehicle .**
- (b) In the case of any other badge, permit, ticket or any other parking device referred to in this order (the “Device”):**
 - (i) if the vehicle is fitted with a front windscreen exhibited thereon so that the details which confirm the validity of the Device are visible and can be easily verified by a Civil Enforcement Officer from outside the vehicle; or**
 - (ii) In the case of a vehicle not fitted with a front windscreen exhibited in a conspicuous position on the front of the vehicle or as far as possible towards the front of the vehicle on the nearside of the vehicle so that the details which confirm the validity of the Device are visible and can be easily verified by a Civil Enforcement Officer from outside the vehicle.**

“the 2004 Act” means the Traffic Management Act 2004

“the general regulations” means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any amendment or re-enactment thereof;

"the guidelines on levels of charges" means the Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

"the representations and appeals regulations" means the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 or any amendment or re-enactment thereof.

(2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 17 of that Act this Order were an Act of Parliament.

PART II USE OF PARKING PLACES

3 Each area of land 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 classes of vehicles, in such position, on such days and during such hours and on payment of such charges, including the purchase of a valid parking permit, as are specified in relation to that area in the said Schedule, or such charges as may be set pursuant to the procedure for variation contained in the 1984 Act, provided always that no charge will be payable by the driver of a motor cycle. However, a penalty charge may be levied in respect of a failure to comply with all other aspects of the Order by the driver of a motorcycle as for the driver of any other vehicle.

4 Where in the Schedule to this Order a parking place is described as available for a vehicle of a specified class, or in a specified position, or subject to a specified charge, or for a special class of driver (e.g. disabled driver), the driver of a vehicle shall not permit it to wait in that parking place unless:

- (a) it is of the specified class;
- (b) it is in the specified position;
- (c) the specified charge has been paid; and
- (d) the driver is within the class of persons described as eligible to use the parking place.

5 Manner of Payment of the Charge

(1) The driver of a vehicle using a parking place shall on parking the vehicle in a parking place pay the appropriate charge in accordance with the Scale of Charges specified in column 7 of the Schedule to this Order.

(2) The charge referred to in paragraph (1) of this Article shall be payable by the insertion of an appropriate coin or coins into the apparatus provided, being an apparatus known as a Pay and Display ticket vending machine or such other equipment as the Council deems appropriate.

(3) Any ticket issued on payment of the charge referred to in paragraph (1) of this Article shall be displayed in the relevant position during the whole of the time the vehicle is parked in the parking place so as to make the same clearly visible for inspection by the civil enforcement officer.

(4) Each ticket shall only be valid for the date on which it is purchased and only for use on the parking place specified on the ticket.

(5) The day shown on any ticket as being the day in respect of which the charge specified in paragraph 1 of this Article has been paid shall be presumed, unless the contrary is proved, to be the day in respect of which such charge was paid.

(6) If at any time while a vehicle is left in a parking place during the hours of operation in respect of the parking place no ticket indicating that the charge specified in paragraph (1) of this Article has been paid in respect of the day on which the vehicle is so left, is displayed on that vehicle in accordance with the provisions of paragraph (3) of this Article, it shall be presumed, unless the contrary is proved, that the charge specified in paragraph (1) of this Article has not been paid.

6 The Council may, by notice pursuant to section 35(C) of the 1984 Act, vary the charges to be paid in connection with the use of off street parking places.

7 The driver of a vehicle drawing a trailer or caravan shall not permit the vehicle or the trailer or caravan to wait in a parking place unless they have been disconnected and, for the purposes of this Order, the vehicle and the trailer or caravan shall be deemed to be separate vehicles and the driver shall be deemed to be the driver of each of the said vehicles.

8 The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in column 6 of the Schedule to this Order in relation to that parking place.

9 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.

10 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.

11 Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions of Article 3, Article 4, Article 5, Article 6, Article 7, Article 10, Article 12, Article 14 or Article 19 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 a vehicle is waiting in a parking place in contravention of the provision of Article 4(b) of this Order, a person authorised 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 provision.

12 No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

13 No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.

14 No person shall use any part of a parking place or any vehicle left in a parking place:

- (a) for sleeping or camping purposes;
- (b) for eating or cooking purposes; or
- (c) 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.

15 No person shall use a parking place as a means of passage proceeding from one road to another road.

16. 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 cause or permit to be driven any vehicle (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 that specified, as the case may be.

17 In a parking place no person shall:

- (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council; or
- (b) light or cause or permit to be lit any fire.

18 The following vehicles left in a parking place shall be exempt from any limitation on time specified in column 6 of the Schedule to this Order (as described on the Schedule to this Order) where no such exemption to any limitation on time shall apply) or requirement to pay a charge specified in column 7 of the Schedule to this Order:

- (a) an invalid carriage;
- (b) a vehicle issued to a disabled person in lieu of an invalid carriage by an authority authorized to do so;
- (c) a vehicle left by the driver thereof, who is a person who on account of his severe physical disability has been given a notice in writing by the Council that he is exempt from any limitation on time, if the notice is displayed on the vehicle in a conspicuous position;
- (d) a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000 or a badge having effect under those Regulations as if it were a disabled person's badge.

19 If a vehicle, not being a vehicle described in Article 18 (a), (b), (c) or (d), is left in a disabled person's parking place during the hours of operation in respect of the parking place, it shall be presumed, unless the contrary is proved, that the vehicle is parked in contravention of this Order and a penalty charge, as provided for in Article 25 of this Order shall be payable.

20. Any person removing or altering the position of a vehicle by virtue of Article 11 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.

21 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 12 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

22 Nothing in this Order shall be construed as to prevent the maintenance, repair and construction of essential works in or about the parking place by or on behalf of statutory undertakers, as defined in Section 48(4) and (5) and 89(4) of the New Roads and Street Works Act 1991, or the parking of vehicles in connection with such works without charge.

23 The Council shall not be liable for loss of or any damage to: (a) any vehicle; and/or (b) anything in or on or about any vehicle howsoever such loss or damage may be caused, during the time when a vehicle is left in a parking place, or during removal etc as provided for in Article 11.

24 **Amount of penalty charge at parking places**

(1) If a vehicle is left in a parking place during the prescribed hours and payment has not been made or the parking ticket not exhibited in accordance with Article 5 or the vehicle is left for longer than the period for which payment was made or in a parking place during a day or time other than the days or times specified in columns 4 and 5 of the Schedule to this Order, or in contravention of any provision of this Order, or, in respect of a disabled person's vehicle, a disabled person's badge has not been displayed in accordance with Article 18(d), a penalty charge shall be payable as set out below:

(a) subject to payment being received by the Council in accordance with paragraphs 2 to 4 of this article within 28 days, the penalty charge is set at Band 2 of the guidelines on levels of charges; or

(b) subject to payment being received by the Council in accordance with paragraphs 2 to 4 of this article within 14 days, a discounted penalty charge will apply as set out in the guidelines on levels of charges; or

(c) on the issue of a charge certificate, an increased penalty charge will apply pursuant to the general regulations, and the guidelines on levels of charges.

(2) Payment of the penalty charge to the Council shall be by cheque, postal order, credit card or debit card.

(3) Payments can be sent by post, by telephone or via the internet as appropriate so as to reach the relevant department/office of the Council or the Council's contractor as stated on the penalty charge notice. (Personal payments will not be accepted).

(4) Payment must be made by the date specified on the penalty charge notice but should the said Council department/office or the office of the Council's contractor be closed on the

date specified the period for receiving payment may be extended until the next full working day.

- 25 In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a civil enforcement officer to attach to the vehicle in a conspicuous position, or to hand to the person in charge of the vehicle, a penalty charge notice which will include all particulars as required by the general regulations and the representations and appeals regulations.
- 26 Where a penalty charge notice is served by post pursuant to regulation 10 of the general regulations, it must include such particulars as are required by those regulations and by the representations and appeals regulations.
- 27 The particulars given in the penalty charge notice attached to a vehicle or handed to the person in charge of the vehicle in accordance with Article 25 of this Order, or served by post in accordance with Article 26 of this Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.
- 28 Any person who contravenes or fails to comply with any provision of this Order shall, pursuant to section 35A, and if applicable section 47, of the 1984 Act, be guilty of an offence (subject to the effect of the Lancashire Order).
- 29 **Restriction of Removal of Penalty Charge Notices**
Where a penalty charge notice has been attached to a vehicle by a civil enforcement officer no one other than a civil enforcement officer or some other person duly authorised by the Council, or the owner of the vehicle shall remove the notice from the vehicle.
- 30 The holder of a valid Ribble Valley Borough Council parking permit, or staff parking permit, shall be liable to the penalties set out herein if the permit holder:
- (a) fails to comply with the conditions set out in or on the parking permit, or
 - (b) fails to comply with any requirement of this Order

and shall be required to display the parking permit in the same manner as is required by Article 65 and Article 18(d).

The Common Seal of the Ribble Valley

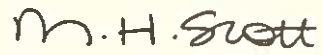
Borough Council was hereunto affixed

This 26th November 2012

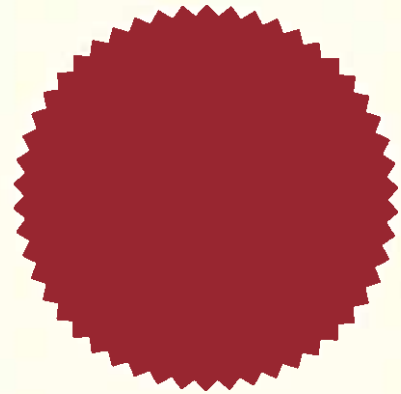
in the presence of



Mayor



Chief Executive



SCHEDULE

1	2	3	4	5	6	7
Name of parking place	Position in which vehicle may wait	Classes of vehicle	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait	Charge
Dunsop Bridge Car Park	Wholly within a parking bay	Motor car as defined in section 136(2)(a), motor cycle as defined in section 136(4) and invalid carriage as defined in section 136(5) of the 1984 Act and motor vehicles not exceeding 1525kg unladen weight constructed or adapted solely for the purpose of carrying goods	All days	9am to 5pm	24 hours	Up to 1 hour 60p Up to 4 hours £1.00 Up to 8 hours £1.80 No charge for holders of a valid Ribble Valley Borough Council permit
Dunsop Bridge Car Park	Wholly within a parking bay marked specifically for use by coaches only	Public service vehicles as defined by section 1 of the Public Passenger Vehicles Act 1981	All days	9am to 5pm	24 hours	Up to 4 hours £5.00 Up to 8 hours £9.00