

SELBY DISTRICT COUNCIL

SELBY DISTRICT COUNCIL (OFF-STREET PARKING PLACES) (SELBY LEISURE CENTRE CAR PARK) ORDER 2015

The Council of the District of Selby (hereinafter referred to "as the Council") in exercise of their powers under Section 35(1) of the Road Traffic Regulation Act 1984 (herein after referred to as "the Act") and Part IV of Schedule 9 to the Act and of all other powers then enabling in that behalf and after consultations with the Chief Officer of Police, in accordance with Part III of Schedule 9 of the Act and with the consent of North Yorkshire County Council given under Section 39(3) of the Act hereby make the following Order:-

Part I

GENERAL

1. This Order shall come into operation on 10 February 2015 and may be cited as Selby District Council (Off-Street Parking Places) (Selby Leisure Centre Car Park) Order 2015.

2. **Commencement and citation**

- 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", has the same meaning as Section 76 of the 2004 Act

"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;

"Motorcycle", means any motor driven or motor assisted two-wheeled vehicle;

"Owner", has the same meaning as in Section 92 of the 2004 Act;

"Parking Place", means any area of land shown on the Plans and specified by name in Column 1 of the Schedule to this Order provided by the Council under Section 32 of the 1984 Act for use as a parking place;

"Parking Ticket", means the ticket issued by means of the Ticket Machine for collecting charges installed at any of the Parking Places referred to in the first column of Schedule 1 to this Order.

"Penalty Charge", means the charge set under Section 77 of part 6 and Schedule 9 of the 2004 Act, which is to be paid to the Council following the issue of a Penalty Charge Notice and within the period notified on the Penalty Charge Notice from the date of issue of that notice.

"Penalty Charge Notice", means a notice issued by or served by a Civil Enforcement Officer pursuant to the provisions of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

"Plans", means the plans annexed to this Order which identify the Parking Places affected by this Order.

"Ticket Machine", means

(i) any apparatus operated by the insertion of coins bank notes, tokens, credit or debit cards and that issues Parking Tickets indicating the payment of a charge, the date and time at which that charge was paid and the time by which the motor vehicle must leave the Parking Place;

(ii) any apparatus designed to indicate the date and time and to receive and issue endorsed parking devices by the insertion of coins, bank notes, tokens, credit or debit cards indicating the payment of a charge calculated in accordance with Column 8 of Schedule 2 to this Order;

2.2 The Interpretation Act 1978 as amended shall apply for the interpretation of this Order as it applies to the interpretation of an Act of Parliament as if this Order was an Act of Parliament.

2.3 Unless expressly stated to the contrary any reference to a specific statute or regulation includes any statutory extension or modification, amendment or re-enactment of that statute or regulation and any general reference to a statute includes any regulations or orders made under that statute.

PART II

Use of Parking Places

3. General

- 3.1 Each area of land specified by name in Column 1 of Schedule 1 of this Order may be used, subject to the following provisions of this Order as a Parking Place for such classes of vehicles in accordance with this Order, for such us, in such positions and on such days and during such hours and on payment of such charges as are specified in relation to that Parking Place in Column 7 of Schedule 1 and shall include variation thereto by virtue of a Notice made pursuant to Section 35C of the 1984 Act
- 3.2 The Council reserves the right to permanently close or temporarily suspend the use of the whole or part of any of its Parking Places, or enlarge or otherwise alter any of its Parking Place, in Schedule 1 and any associated facilities without prior notice as it deems appropriate. Any remaining vehicles left in a Parking Place after the notified closing time, and before the stated opening time, may be released on demand by a person authorised by the Council, subject to a release fee being paid by the Owner of the vehicle

4. Class and Position of Vehicle

- 4.1 Where in Schedule 1 to this Order 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 :-
- (a) of the specified class, and
 - (b) in a specified position being one where Parking Places are defined by markings on the ground or otherwise
- 4.2 Where in Schedule 1 to this Order a Parking Place is described as available for vehicles of a specified class (but no positions have been specified by means of markings upon the ground defining Parking Places), the Driver of a vehicle:-
- (a) shall not permit it to wait or be left in a Parking Place unless it is of the specified class, and
 - (b) if of the specified class shall permit it to wait or be left only in such position or positions as may be required by a Civil Enforcement Officer or other authorised officer of the Council.
- 4.3 The vehicles which are hereby authorised to use any of the Parking Places are private motor cars, estate cars and station wagons, motor cycles with side car and light vans the unladen weight of which does not exceed 2 tonnes subject to the exception of delivery

vehicles which require access to properties serviced from a car parking area, and to any other exemption agreed to in writing by the Council.

4.4 The Driver of a vehicle shall not use a Parking Place which is subject to limitation or restriction on use as specified in Schedule I to this Order otherwise than in accordance with such limitation or restriction.

5. Payment for Use and Tickets

5.1 The Driver of the vehicle shall immediately upon first parking, unless otherwise instructed by a person duly authorised by the Council, in any of the Parking Places referred to in Schedule I pay the appropriate charge in accordance with the scale of charges specified in Schedule 1 unless the driver is the holder of a valid permit.

5.2 The charges referred to in Article 5.1 and specified in Column 7 of Schedule I shall be payable:-

- (a) by the insertion of an appropriate coin or coins into the apparatus or device provided; or
- (b) where provision is made by mobile telephone payment; or
- (c) by payment to an authorised person upon entry to the Parking Place, or
- (d) where provision is made for use of a credit or debit card

5.3 (1) Subject to the provisions of Article 5.8 of this Order, the driver of a vehicle, unless he is in possession of a current Parking Ticket, shall on leaving the vehicle in the Parking Place obtain from a Ticket Machine a Parking Ticket and he shall exhibit the Parking Ticket on the vehicle in accordance with the following provisions of this Article.

(2) The Parking Ticket shall be exhibited on the vehicle:-

- (a) Where the vehicle or the side car attached to a Motorcycle is fitted with a transparent windscreen, facing forward immediately behind the windscreen;
- (b) Where the vehicle or the sidecar attached to a Motorcycle is not fitted with a transparent windscreen, in a conspicuous position facing forward at the front of the vehicle, so that the time and date printed on the front of the said ticket is clearly visible to a person standing in front of the vehicle.

- 5.4 The driver of the vehicle shall not permit the vehicle to wait in a Parking Place for longer than the maximum period for which a Parking Ticket has been obtained, during the hours of operation as shown in the said Schedule.
- 5.5 No person shall knowingly exhibit on any vehicle any Parking Ticket which has been altered, defaced, mutilated or added to, or upon which figures or particulars have become illegible.
- 5.6 When a Parking Ticket has been exhibited on a vehicle in accordance with the provisions of this Order, no person shall remove the Parking Ticket from the vehicle until the vehicle is removed from the Parking Place.
- 5.7 The Driver of a vehicle may on prior application to the Council purchase a permit for a charge ascertained by reference to the scale of charges in Schedule I and such a ticket shall be valid in such Parking Places as specified during the periods for which it was issued.
- 5.8 Nothing in Article 3 of this Order shall prevent any person from causing or permitting a vehicle to wait in the Parking Places referred to in that Article for so long as may be necessary and without payment of any charge:-
- (a) to enable a person to board or alight from the vehicle;
 - (b) to enable goods to be loaded on to or unloaded from the vehicle or
 - (c) to enable the vehicle, if it cannot conveniently be used for such purposes in any other place, to be used in connection with any building operations or demolition, the removal of any other obstruction to traffic, the maintenance, improvement or reconstruction of the parking places so referred to or the laying, erection, alteration or repair in or near to the said parking places, of any sewer, or any main, pipe or apparatus for the supply of gas, water or electricity or for any telephone line as defined in the Telegraph Act, 1887.

6. Miscellaneous Provisions

- 6.1 The provisions of this Order shall be suspended in respect of the Micklegate Car Park on Monday of each week in order to facilitate the carrying out of the Market, and no vehicle shall use the said parking place between the hours of 6.00 a.m. and 6.00 p.m. on those days.

6.2 No vehicle with a height in excess of 2.30 meters shall be permitted to enter the Back of Back Micklegate and Portholme Crescent Car Parks except in pursuance of Article 4.3 and 5.8 of this Order or any other emergency.

6.3 The Driver of a vehicle shall not permit that vehicle to wait in a Parking Place unless the vehicle is licensed in accordance with the provisions of Section 1 of the vehicles Excise Act, 1994 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.

6.4(1) The driver of a Motorcycle not having a sidecar attached thereto or of an invalid carriage and the rider of a pedal cycle shall be exempt from the provisions of Article 5.3 and Article 5.5 of this Order and without prejudice to Article 4.3 hereof may use a Parking Place.

(2) The following vehicles left in a Parking Place shall be exempt from any limitation on time and from the payment of any charge specified in Article 5.2 of this Order:-

(i) An invalid carriage;

(ii) a vehicle issued to a disabled person by the Department of Health and Social Security in lieu of an invalid carriage;

(iii) 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 such charge or limitation on time, if the notice is displayed on the vehicle in a conspicuous position;

(iv) a vehicle left by the Driver thereof , being a vehicle which bears a disabled person's badge issued by any Local Authority in pursuance of a scheme under Section 21 of the Chronically Sick and Disabled Persons Act, 1970 and the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 or a badge having effect as it were so issued;

(v) a vehicle left by the Driver thereof, who is a person who has been given a notice in writing by the Council that he is exempt from any such charge or limitation on time, who may be anyone whom the Council consider to be worthy of such exemption, if the notice is displayed on the vehicle in accordance with Article 5.3(2) of this Order.

- 6.5 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.
- 6.6 No person shall while a vehicle is in a Parking Place permit or cause to permit the carrying out of any work or maintenance or repair thereto except such as may be necessary to enable the vehicle to be moved from the Parking Place.
- 6.7 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.
- 6.8 The Driver of a motor 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 and only then when circumstances demand an audible warning.
- 6.9 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 departure from the Parking Place.
- 6.10 No person shall in a Parking Place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the Parking Place or residents of premises in the neighbourhood.
- 6.11 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 peace or whereby a breach of the peace is likely to be occasioned.
- 6.12 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.
- 6.13 person shall use a Parking Place as a means of passage from one road to another road.
- 6.14 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.

6.15 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 leave the Parking Place otherwise than by an exit so indicated, or (ii) in a direction other than that specified, as the case may be.

6.16 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;

(b) light or cause or permit to be lit any fire.

PART III

CONTRAVENTION AND PENALTY CHARGES

7. Notice and Application of Penalty Charges

7.1 If a vehicle is left in Parking Place in contravention of or non-compliance with any of the provisions of this Order a Penalty Charge shall be payable. A PCN showing the information required by the 2004 Act may then be issued by a Civil Enforcement Officer in accordance with the requirements of the 2004 Act or any subsequent applicable legislation.

7.2 Where a Penalty Charge is due a PCN ("PCN") shall either:-

(a) be fixed to the vehicle,

(b) given to the person appearing to the Civil Enforcement Officer to be in charge of the Vehicle, or

- (c) served by post on the person appearing to the Council to be the Owner of the Vehicle where the Civil Enforcement Officer attempted to serve the PCN but was prevented from doing so, or had begun to prepare a PCN but the vehicle had been driven away, or where a contravention is recorded on an approved device.

7.3 Where a vehicle remains in a position so as to attract a PCN a further PCN may be issued on each calendar day thereafter

Restriction on Removal of Penalty Charge Notice

7.4 Where a PCN has been issued and attached to a vehicle in accordance with any provisions of this Order no person other than a Civil Enforcement Officer or some other person duly authorised by the Council or the Driver shall be remove the PCN from the vehicle.

7.5 A person contravening Article 7.5 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Manner of Payment of a Penalty Charge

7.6 The Penalty Charge shall be paid in accordance with the instructions contained on the PCN. The recipient of a PCN may be eligible to make representations or appeals against the PCN issued, as detailed on the PCN and in accordance with the requirements and procedures set out in the 2004 Act and its subordinate legislation.

7.7 If the Driver fails to pay the Penalty Charge by the end of a period of 28 days a notice to the Owner may be served. If the charge is then not paid within a further 28 days, the charge may be increased by 50% on the issue of a charge certificate in accordance with the provisions of section 21 of part 5 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, or such other percentage increase of charge as may be determined by amendments to the legislation from time to time. Continued failure to pay the Penalty Charge may result in a judgement in the County Court against the Owner to enable the Council to recover the payments due.

7.8 The particulars given in the Penalty Charge Notice attached to vehicle in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

PART IV

REMOVAL AND DISPOSAL OF VEHICLES

- 8.1 Subject to the provisions hereto, when a vehicle is left in a Parking Place in contravention of any of the provisions of this Order, a Civil Enforcement Officer, a person authorised by the Council, or a Police Constable in uniform, may remove the vehicle or arrange for it to be removed from that Parking Place.
- 8.2 Provided that when a vehicle is waiting in a Parking Place in contravention of the provision of this Order, a Civil Enforcement Officer or a person authorised by the Council, or a Police Constable in uniform, may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
- 8.3 Any person removing a vehicle by virtue of Article 8.1 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.
- 8.4 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the Parking Place by virtue of Article 8.1 of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Given under the Common Seal of Selby District Council this

31st day of December 2014

The Common Seal of Selby District
Council was hereunto affixed in the
presence of:- *AK Marshall*

Gillian Marshall
Solicitor to the Council



Schedule I

1	2	3	4	5	6	7
Name of Parking Places	Position in which vehicle may wait	Class of Vehicle	Number of Ticket Machines	Days of Operation of Parking Places	Hours of Operation	Scale of Charges for Parking Tickets
Selby Leisure Centre	Wholly within a parking bay	Motor cars, estate cars, station wagons, motor cycles with side cars, light vans the unladen weight of which does not exceed 2 tonnes, invalid carriages (Subject to height restriction of 2.30 m.)	2	Mondays to Saturdays Inclusive	8.00 a.m. to 6.00 p.m. (Monday to Saturday)	Up to 1 hour - £0.50 Up to 2 hours - £1.00 Over 2 hours - £5.40 Traders per day - £14.30 per space Permits:- 3 months - £258 6 months - £515 12 months - £936