

The Taunton Deane Borough (Off-Street Parking Places) Order, 1985

The Taunton Deane Borough Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 35(1), (3) and (6) and 124 of the Road Traffic Regulation Act, 1984 (which said Act of 1984 is hereinafter referred to as "the Act of 1984"), and of all other enabling powers with the consent of the Somerset County Council, and after consultation with the Chief Officer of Police in accordance with Section 124(1) and Schedule 9 Part III of the Act of 1984, hereby make the following Order:-

PART I

GENERAL

1. The Parking Places Orders made under the Act of 1984 and the Road Traffic Regulation Act, 1967, as amended and specified in Schedule 1 to this Order will be revoked with effect from 1st July, 1985.

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

"charging hours" in relation to a parking place means the period specified as such in column 5 of Schedule 2 to this Order

"driver" in relation to a vehicle in a parking place means the person driving the vehicle at any time it was left in the parking place and for the purposes of this Order and any legal proceedings taken thereunder if on the date a vehicle is left in a parking place a person is shown to have been the Registered Owner or Keeper thereof by notification in writing from the appropriate Registration Authority he shall be deemed to have been the driver of the vehicle on that date unless the contrary is shown

"goods vehicles", "invalid carriage", "motor vehicle" and "motor car" have respectively the same meanings as in the Act of 1984

"disabled persons' badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations, 1982

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

"parking inspector" means a person authorised by or on behalf of the Council to supervise any parking place

"parking bay" means any part of a parking place marked out, by means of white lines or otherwise, for the leaving of a vehicle

"parking meter" means an apparatus of a type and design approved by the Secretary of State for Transport for the purposes of the parking places specified in Schedule 2 to this Order, being apparatus designed to indicate the time by a clock and to issue numbered tickets indicating the payment of a charge and the day and time on which the charge was paid

"parking place" means those areas of land in the Taunton Deane Borough provided by the Council under Section 32(1) of the Act of 1984 for use as a parking place which areas are listed in Schedule 2 hereto

"public service vehicle" has the same meaning as in the Public Passenger Vehicles Act, 1981

"relevant position" means:-

- (1) in the case of a vehicle fitted with a front windscreen, the ticket/badge is exhibited thereon with the obverse side facing forwards on the nearside of and immediately behind the windscreen
- (2) in the case of a vehicle not fitted with a front windscreen the ticket/badge is exhibited in a conspicuous position on the front or nearside of the vehicle

PART II

USE OF PARKING PLACES

3. Subject to the following provisions of this Order, each of the parking places may be used as a parking place for such classes of vehicles, in such positions and on such days and during such hours and on payment of such charges as are specified in relation thereto in Schedule 2 hereto

4. Where in the said Schedule 2 to this Order the 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 the parking place:-

(a) unless it is of the specified class; or

(b) in a position other than that specified;

except that any person duly authorised by the Council may authorise or require the driver of any vehicle to park that vehicle in a position other than that specified.

5. The Council may issue a season ticket in respect of a vehicle for a charge ascertained by reference to the Scale of Charges specified in column 6 of Schedule 2 and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued but the issue of a season ticket does not guarantee that a parking bay will be available.

6. The driver of a motor 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.

7. No person shall use a vehicle, except with the permission of any person duly authorised by the Council, while it is in the 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.

8. The driver of a vehicle shall not permit that vehicle to wait in the parking place unless the vehicle is licensed in accordance with the

provisions of Section 1 of the Vehicles (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, 1972.

9. No person shall:-

(a) in the case of a vehicle which is stationary in a parking place or

(b) in the case of a vehicle which is in motion in a parking place between the hours of 11.30 in the evening and 7.00 the following morning sound or cause or permit to be sounded any horn or other similar instrument attached to such a vehicle.

10. No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in any 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.

11. No person shall in the parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or occupiers of premises in the neighbourhood.

12. No person shall in the 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.

13. No person shall use any part of the parking place for any purpose other than for the parking of vehicles.

14. Subject to Article 18, no person shall use any part of the parking place or any vehicle left in the parking place:-

(a) for sleeping, camping, cooking or residential purposes

(b) for the purpose of washing, cleaning, servicing, constructing, maintaining or repairing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

15. Where in the 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.

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

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;

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

18. Nothing in Article 14(b) of this Order shall render it unlawful to wash and service vehicles in Springfield Road Car Park, Wellington.

19. No person shall permit a vehicle having a height in excess of 6ft 6in to enter or wait in the parking places at Paul Street and High Street, Taunton.

20. No person shall permit a vehicle to wait on the access road in The Crescent Car Park (South), Taunton which road is shown coloured red on the plan contained in this Order.

21. Notwithstanding the provisions of this Order the Council may by notice displayed on or near the parking place, close such parking place or part thereof for any period, and no driver of any vehicle shall use such parking place or part thereof when it is so closed.

22. (1) If at any time in or adjoining a parking bay there is displayed a notice that a particular bay is reserved for use by disabled drivers no person shall leave a vehicle in any such parking bay other than:-

(i) an invalid carriage;

(ii) a vehicle issued to a disabled person by a Government Department in lieu of an invalid carriage;

(iii) a vehicle left by the driver thereof, being a vehicle exempt from excise duty in the instances referred to in Section 11, Finance Act, 1964.

(2) If at any time in or adjoining a parking place there is displayed a notice to the effect that a particular bay is reserved for the leaving of a particular class of vehicle no person shall leave a vehicle in any such parking bay other than a vehicle of the class so specified.

Movement and Disposal of Vehicle left in Parking Place

23. (1) Where any vehicle is standing in a parking place in contravention of the provisions of Article 4 or of Article 22 of this Order a parking inspector or other person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

(2) Where a vehicle is left in a parking place in contravention of any of the provisions of this Order a parking inspector or other person authorised by the Council may remove the vehicle from the parking place or cause it to be removed and, where it is so removed, shall provide for its safe custody or disposal as provided by Article 24 below.

(3) Any person removing or altering the position of a vehicle by virtue of the foregoing provisions of this Article 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.

24. In respect of a vehicle removed under Article 23 hereof, the Council may sell or otherwise dispose of the vehicle and any proceeds of sale thereof shall be applied in or towards satisfaction of any costs incurred by the Council in connection with the removal, storage, sale or disposal thereof and, where following the sale or disposal of a vehicle and application of the proceeds in the manner described above there remains outstanding any costs incurred by the Council in respect of the removal, storage, sale or disposal of that vehicle, the Council shall be entitled to recover the same as a simple contract debt from the owner of the vehicle. Provided that the power of sale or disposal hereof conferred upon the Council shall not be exercised in the case of a vehicle unless there has been taken by the Council such steps and there has elapsed such a period beginning with the taking of the first of them as are prescribed by the Removal and Disposal of Vehicles Regulations, 1968 or any statutory modification thereof for securing adequate opportunity for the vehicle to be claimed on payment of all costs and charges properly due to the Council.

25. Any parking inspector or other person duly authorised by the Council or a police constable in uniform may move or cause to be moved in case of emergency to any place he thinks fit any vehicle in a parking place.

Charges, Parking Meters and Purchase and Display of Tickets

26. Subject to Article 38, where there are provided one or more parking meters in a parking place specified in Schedule 2 where charges are payable the following Articles shall apply.

27. The charge for a vehicle left in a particular parking place during the charging hours shall be the charges listed in column 6 of Schedule 2 to this Order.

28. No such charge shall be payable in respect of:-

(a) Any vehicle described in Article 22(1)(i), (ii) and (iii) of this Order or a motor cycle left in a parking bay reserved by such notice as is mentioned in Article 22(2) for that class of vehicle;

(b) Any vehicle left in a parking place exhibiting in the relevant position a valid season ticket issued in accordance with Article 5 of this Order;

(c) The use of Springfield Road Car Park, Wellington, Fore Street Car Park, Milverton and North Street and Crossway Car Parks, Wiveliscombe.

29. The ticket or tickets purchased and displayed on a vehicle in accordance with the provisions of this Order in the case of a parking place mentioned in column 1 of Schedule 2 to this Order shall be used only (i) for the parking of the vehicles for which the ticket or tickets were first purchased and for the period specified thereon; and (ii) in the same parking place where the ticket or tickets were issued and shall not be used in any other parking place or in respect of another vehicle even if the time period for which payment was made has not expired.

30. (1) The charge specified in Article 27 shall be payable on or before leaving the vehicle in the parking place by the insertion in a parking meter at that parking place of an appropriate coin or coins.

(2) Upon payment of the charge for the vehicle the driver thereof shall exhibit on the vehicle the ticket or tickets issued by the parking meter:-

(i) where the vehicle is fitted with a front glass windscreen extending across the vehicle to the nearside, facing forwards on the nearside of the glass of such windscreen behind the glass;

(ii) where the vehicle is not fitted with a front glass windscreen as specified in (i) above, on the nearside of the vehicle facing forwards not more than 6ft 6in and not less than 2ft 6in above the surface of the parking place in the immediate vicinity.

(3) The ticket or tickets referred to in paragraph (2) of this Article shall be so exhibited on the vehicle that the time shown on the front of the said ticket or tickets is clearly visible to a person standing at the nearside of the vehicle.

31. The expiry of the period for which the charge has been paid in respect of a vehicle left in a parking place shall be indicated when:-

(i) there is exhibited on the vehicle a ticket or tickets issued by a parking meter at that parking place showing the day and time of payment of the charge; and

(ii) the time shown on the clock of a parking meter at the parking

place at which the vehicle is left is later than the end of the period for which the charge has been paid as indicated by the said ticket or tickets.

Indications by Parking Meters and Tickets as Evidence

32. If, at any time, while the vehicle is left in a parking place during the charging hours, the time shown on the clock on a parking meter at that parking place and the ticket or tickets exhibited on the vehicle give the indications mentioned in the last preceding Article, it shall be presumed unless the contrary is proved, that the charge has been paid and that the period for which payment was made by the charge has already expired and in any proceedings for an offence under Section 35(4) and (5) of the Act of 1984 of failing to pay the additional amount authorised by paragraph 1 of Article 34 of this Order it shall be evidence that that charge was incurred.

Excess Charge

33. (1) If a vehicle for which a charge is payable is left in a parking place during the charging hours either:-

(a) longer than the period for which payment was made by the charge, or

(b) without a ticket issued by a parking meter at that parking place being exhibited on that vehicle in accordance with Article 30

(c) is left in a parking place contrary to the requirements of Articles 3 and/or 4

an additional amount of ten pounds (which additional amount is hereinafter referred to as "the excess charge") shall be payable.

Provided that the liability to pay the excess charge may be avoided, where the vehicle has been left in a parking place during the charging hours for longer than the period for which payment was made by the charge, by the driver within two hours of the end of that period purchasing further tickets to a value of one pound attaching them to the notice issued under Article 33(2) and immediately placing the notice and attached tickets together in a receptacle provided by the Council for that purpose at the parking place.

(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 inspector 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 which he first noticed the indication specified in Article 31 of this Order that the initial period for which payment was made by the initial charge had expired;

(c) a statement that an excess charge of ten pounds is required to be paid;

(d) the manner in which and the time in which the excess charge should be paid; and

(e) a statement that it is an offence under Section 35(4) of the Act of 1984 for the driver of a vehicle who has left a vehicle in a parking place to fail duly to pay the excess charge.

Manner of Payment of Excess Charge

34. The excess charge shall be paid to the Council either by cheque, banker's draft, money order or postal order which shall be delivered or sent by post so as to reach the Technical Services Division of the Council, Mary Street House, Mary Street, Taunton not later than 4.00 p.m. on the fourteenth day following the day on which the excess charge was incurred, or in cash in person or by messenger at the said Division not later than aforesaid or such payment may be made at the Payments Office of the Taunton Deane Borough Council, 28 Fore Street, Wellington not later than the normal closing hour of that office on the fourteenth day following the day on which the excess charge was incurred.

Provided that if the said fourteenth day falls on a day on which the said Division or Payment Office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.00 p.m. (or in the case of payment at Wellington until the normal closing hour of the Payments Office) on the next day on which the said Division or Payment Office is open.

Restriction of Removal of Notices and Tickets

35. (1) Where a Notice has been attached to a vehicle in accordance with the provisions of Article 33 of this Order no person, not being the driver of the vehicle, police constable in uniform, or a parking inspector, shall remove the notice from the vehicle unless authorised to do so by the driver.

(2) When a ticket has been exhibited on a vehicle in accordance with the provisions of Article 30(2) of this Order, no person not being the driver of the vehicle shall remove the ticket from the vehicle in the parking place unless authorised to do so by the driver.

Duty to give information as to identity of driver

36. (1) Where the driver of a vehicle is alleged to be guilty of an offence under this Order the person keeping the vehicle shall give such information as to the identity of the driver as he may be required in writing to give by or on behalf of the Council.

(2) Any other person shall, if required as aforesaid, give any information it is in his power to give which may lead to the identification of the driver.

Incorporation of Section 47 of the Act of 1984

37. Sub-Sections 4, 5 and 6 of Section 47 of the Act of 1984 shall apply to the parking places mentioned in column (1) of the Second Schedule to this Order as if they were parking places provided on a highway.

38. The driver of a motor vehicle constructed or adapted for use for the conveyance of goods or burden (the unladen weight of which exceeds 30 cwt) using the Priory Bridge Road Car Park shall pay the appropriate charge in accordance with the Scale of Charges specified in column 6 of Schedule 2.

39. At Belvedere Road Car Park the coaches of companies having a specific agreement with the Council will be accepted at a charge of 30p per visit.

40. This Order may be cited as the Taunton Deane Borough (Off-Street Parking Places) Order, 1985 and shall come into operation on 1st July, 1985.

Dated this 29th day of May, 1985

The COMMON SEAL of the TAUNTON)
DEANE BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)

L.S.

(Signed) J. J. THORNBERRY
Secretary and Solicitor