

THE DISTRICT OF SOUTH SOMERSET (OFF-STREET PARKING PLACES)
CONSOLIDATED ORDER APRIL 2012

The District of South Somerset (Off-Street Parking Places) Consolidated Order April 2012

The District Council of South Somerset (hereinafter referred to as "the Council") in exercise of the powers under Sections 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended ("the 1984 Act"), and under the Traffic Management Act 2004 as amended ("the 2004 Act") (from 11 June 2012) and of all other enabling powers with the consent of the County Council of Somerset in accordance Sections 39(3) of the 1984 Act and after consultation with the Chief Officer of the Avon and Somerset Constabulary in accordance with Part III of Schedule 9 to 1984 Act, hereby make the following Order:-

Part 1

General

1. This order shall come into operation on or as soon as practical after the 6th day of April 2012 and may be cited as "the District of South Somerset (Off-Street Parking Places) Consolidated Order April 2012".
2. The Parking Places Orders specified in Schedule 1 to this Order are hereby revoked.
3. In this Order, except where the content otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:-

"charging hours" means the period of the day specified in column (3) of Schedule 2 to this Order during which a charge is made for a vehicle waiting at the respective parking places specified in column (1) of Schedule 2 to this Order;

"expiry time" is the time indicated on the pay and display ticket and is the time by which the vehicle must leave the parking place;

"driver" in relation to a vehicle 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 who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency (DVLA) on the date on which the vehicle was left in the parking place in question;

"articulated vehicle", "goods vehicle", "trailer", "motor car", and "invalid carriage" have respectively the same meanings as stated in the Act of 1984 or any Schedule to that Act;

"heavy vehicle" means a goods vehicle the unladen weight of which is not less than 3560 Kilograms (three and half tons);

"commercial vehicle" means every type of motor driven vehicle used for commercial purposes on the highway used for the transportation of goods, wares and merchandise, or passengers;

"motorcycle" refers to a solo motorcycle only and excludes any motorcycle which has a trailer or side-car, or which has more than two wheels;

"disabled person's badge" means a badge issued by any local authority in accordance with the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons (England) Regulations 2000) or a badge having effect under those regulations as if it was a disabled person's badge;

“civil enforcement officer” means a person authorised by or on behalf of the Council to supervise any parking places and enforce the restrictions imposed by this Order;
(civil enforcement officer replaces the name of parking attendant from June 2012 under the 2004 Act when introduced)

“excess charge” means the charge set by the Council as described under Article 23 of this Order which is to be paid to the Council following the issue of an excess charge notice and within the period notified on the excess charge notice from the date of issue;

“excess charge notice” means the notice issued or served by a parking attendant authorised by or on behalf of the Council in accordance with the 1984 Act;

“penalty charge” means the charge set by the Council 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 replaces the excess charges from June 2012 under the 2004 Act when introduced)

“penalty charge notice” means a notice issued by or served by a civil enforcement officer pursuant of The Civil Enforcement Parking Contraventions (England) General Regulations 2007;
(penalty charge notice replaces the excess charge notice from June 2012 under the 2004 Act when introduced)

“parking attendant” means a person authorised by or on behalf of the Council to supervise any parking places and enforce the restrictions imposed by this Order;

“parking bay” means any part of a parking place marked out, by means of lines on the surface or signed or otherwise indicated by signs in the parking place, for the leaving of a vehicle of a class specified;

“parking place” means any area of land specified by name in Schedule 2A & B and 3 to this Order provided by the Council under Section 32(1) of the 1984 Act for the purpose of vehicles parking and not closed (in part or in whole) by a notice or barrier erected or displayed thereon by authority of the Council in accordance with article 12 of this Order;

“parking meter” means an apparatus of a type and design approved by the Secretary of State for the Environment for the purpose 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 permit” means a season ticket, contract permit, business permit or resident’s permit of a type and design issued by the Council;

“pay and display” means a type of parking place where upon parking the vehicle in a parking bay and prior to leaving the parking place a pay and display ticket must be purchased at the level of charge and for the required period in accordance with the scale of charges advertised at that parking place as described in Article 17 of this Order;

“pay and display ticket” means a ticket issued by a parking meter located in the parking place in which the vehicle has been left or a ticket issued by a person nominated by the Council on payment of a charge and valid for a parking period as advertised at the parking place in accordance with Article 17 of this Order. The pay and display ticket must be displayed prominently on the vehicle where appropriate in accordance with Article 20 of this Order

"parking ticket" means a voucher for payment of the appropriate parking charge (if any) purchased or obtained in accordance with Article 17 of this Order

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

"relevant position" means:-

- (a) (i) in the case of a disabled person's badge and in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that part 1 of the badge is legible from outside of the vehicle; or
- (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that part 1 of the badge is legible from outside the vehicle;
- (b) (i) in respect of a vehicle displaying a pay and display ticket or parking permit, the ticket or permit is exhibited on the inside surface of the fascia panel or in a clearly visible position on the dashboard so that it is facing forwards and can be easily seen and read from the front or side of the vehicle; or
- (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the ticket or permit is exhibited in a conspicuous position on the front of the vehicle facing forwards and clearly visible;

"loading bay" means a parking space set aside for unloading and loading of goods as defined under the guidelines issued by the Freight Transport Association

"the Council" means the South Somerset District Council;

"the County Council" means the Somerset County Council.

"Hackney Carriage" has the same meaning as in the Town Policy Clauses Act 1847.

Part 2

Use of Parking Places

4. Use of Lane and Parking Places

Each of the parking places specified by name in column (1) of Schedule 2A & B and column 1 of Schedule 3 to this Order may be used, subject to the following provisions of this Order, as parking places for such classes of vehicles, in such manner and on such days and during such hours as are specified in relation to that parking place in this Order and the said Schedules.

- 5. (a) Where as possible for in the Order a parking place is described as available for vehicles of a specified class, the driver of a vehicle shall not permit it to wait in that parking place unless it is of the specified class.
 - (i) No person shall cause or permit a vehicle to park in a parking bay marked for a taxi unless displaying a valid hackney Carriage plate issued by South Somerset District Council

- (ii) No person shall cause or permit a vehicle to park in a parking bay marked for motorcycles unless the vehicle is a motorcycle.
- (iii) No person shall cause or permit a vehicle to park in a parking bay marked for disabled persons unless the vehicle displays a valid disabled person's badge in the relevant position and unless the vehicle has been or is about to be used by the person(s) in respect of whom the disabled persons badge has been issued either immediately before or immediately after the act of parking. Where required the vehicle shall also display the disabled person's badge clock in accordance with local regulations and a valid parking ticket or permit.

(b) A driver shall not permit a vehicle to wait in a parking place;

- (i) unless the vehicle is licensed in accordance with the provisions of Section 1 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 1972;
- (ii) unless it is wholly within one of the marked parking bays;
- (iii) for a period longer than 24 hours or for such lesser/longer period as may be stated in Schedule 2A & B or Schedule 3 to this Order;
- (iv) in such a position as to cause obstruction to either the access to a parking place or the access roads within a parking place; and/or
- (v) where Heavy Goods and Commercial Vehicles are permitted the weight, including, in the case of an articulated vehicle, the weight of the trailer, exceeds 38 tons.

6. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a position in the parking bay and shall not start the engine except when about to change the position of the vehicle in order to depart from the parking space.

7. 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 purposes 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.

8. Where, in the parking place, signs are erected or surface markings are made 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 as to enter 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.

9. No person shall, in a parking place, drive any vehicle recklessly or at a speed or in a manner which is likely to occasion the loss of control of the vehicle or without due care and attention or without reasonable consideration for other users of the parking place.

10. 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 11.30pm in the evening and 7.00am the following morning;

sound or cause to permit to be sounded any horn or other similar instrument attached to such a vehicle.

11. (a) No person shall use any part of a parking place or any vehicle left in a parking place:

(i) 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;

(ii) for sleeping, camping, cooking or residential purposes.

(iii) For advertising and selling of goods including the sale of said vehicles parked in a parking bay and parking place

(b) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article or in connection with the selling or offering for hire of his skill or services to persons in or near the parking place unless the vehicle is licensed Hackney Carriage waiting at a duly authorised rank for such vehicles.

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

(d) In a parking place no person shall:-

(i) erect or cause to permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council;

(ii) light or cause to permit to be lit any fire;

(iii) wantonly or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood;

(iv) use any threatening or abusive insulting language, gesture or contact 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;

(v) leave, or permit to be left, any shopping trolley or basket in any position whatsoever in a parking place other than in a bay or area specifically set aside for the leaving of such trolleys or baskets and marked as such; and/or

(vi) cause any nuisance, annoyance or inconvenience to the Council, its officers, servants or agents or to any other person whatsoever.

12. Notwithstanding the provisions of this Order, the Council may, by notice displayed on or near the parking place:-
- (a) Close such parking place, or part thereof, and no driver of any vehicle shall use such parking place or part thereof when it is so closed; and
 - (b) Set aside for special use or for use only by specially authorised vehicles any part or parts of a parking place on all days or on certain days or during certain parts of certain days and no driver of any vehicle shall use such parking place or part thereof, as the case may be, at a time when it has been set aside for special use or for use by a specially authorised vehicles unless the vehicle is so authorised.
13. (a) If at any time in or adjoining a parking bay there is displayed a notice or there is a sign or surface marking which indicates that a particular bay is reserved for use by disabled drivers, no person shall leave a vehicle in any such parking bay other than, in addition to 5 (a) (iii) above,:-
- (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 who is a person who on account of his severe disability has been given a notice of writing by the Council that he is exempt from any charge, if the notice is displayed on the vehicle in a conspicuous position; and/or
 - (iv) a vehicle left by the driver thereof, being a vehicle which displays in the relevant position, a disabled person's badge issued to the driver or accompanying passenger.
- (b) If at any time in or adjoining a parking place there is displayed a notice or there is a sign or surface marking 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. This also applies to the Yeovil Bus Station site as this is reserved for public service vehicles only and have an agreement to use the area.
- (c) Nothing in this Order shall apply insofar as it relates to the car parks referred to in column (1) of Schedule 2A & B and Schedule 3 to this Order so as to prohibit a licensed Hackney Carriage waiting at a duly authorised rank for such vehicles.
14. Movement and Disposal of Vehicles left in a Parking Place
- (a) Where any vehicle is standing in a parking place in contravention of Articles 5 (b) (ii) or (iv) or of Articles 12 or 13 of this Order a parking attendant, civil enforcement officer, or other person authorised by the Council in that behalf may alter or cause to be altered the position of a vehicle in order that its position shall comply with those provisions;
 - (b) Where a parking attendant or civil enforcement officer is of the opinion that any of the provisions contained in Article 5, Article 7, Article 12 or Article 20 of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he may remove the vehicles 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 15 below;

- (c) 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 a 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.

15. In respect of a vehicle removed under Article 14 hereof, if it appears to the Council that such vehicle has been abandoned, the Council shall 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 hereby conferred upon the Council shall not be exercised in the case of a vehicle unless there have 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 1986 or any statutory modification thereof for securing adequate opportunity for the vehicle to be claimed.

16. Any parking attendant, civil enforcement officer 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.

17. Charges, Parking Meters and Purchase and Display of Tickets

Article 17-22 inclusive relate only to schedule 2A and 2B and applies to every Parking Place. There shall be one or more parking meters in each parking place specified in Schedule 2A & B to this Order.

18. The Council may issue a season ticket, or a scratch card or similar permit for disabled badge holders, in respect of a vehicle and that season ticket or scratch card permit or similar shall be valid during the period for which it is issued in such parking places or parts thereof as are specified thereon or are specified by reference to another document issued to the ticket holder by the Council or are indicated by way of notice, surface road marking or other indication at or on the parking places or parts thereof.

19. The charge for a vehicle left in a parking place during the charging hours shall be that specified against that parking place in columns (5) and (6) of Schedule 2A & B to this Order provided that:-

- (a) no such charge shall be payable in respect a solo motor cycle left in a parking bay reserved by such notice sign or surface marking as is mentioned in Article 13 (b) for that class of vehicle or a licensed Hackney Carriage waiting at a duly authorised rank for such vehicles as is mentioned in Article 13 (c) or a vehicle in respect of which a season ticket or a scratch card or similar permit has been issued and where the season ticket or a scratch card or similar permit is valid and the vehicle is parked in such parking places or parts thereof as are specified on the ticket scratch card or similar permit or are specified by reference to another document issued to the ticket holder by the Council or are indicated by way of notice, surface road marking or other indication at or on the parking places or parts thereof.

- (b) the ticket or tickets purchased or 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 2A & B of this Order shall be used only:-

- (i) for the parking of the vehicle for which the ticket or tickets were first purchased and for the period specified thereon; and
 - (ii) either in the same parking place where the ticket or tickets was or were issued or, provided that the time period for which payment was made has not expired, in another parking place where the same charge is levied as indicated in column (5) of Schedule 2A & B to this Order, until such time as the period for which payment was made has expired.
 - (c) where a vehicle for which a season ticket or scratch card permit or similar has been issued is left in a parking place or part thereof other than that specified either on the season ticket or scratch card permit or similar or another document issued to the ticket holder by the Council or other than that indicated by way of notice, surface road markings or other indication as being available for use by vehicles displaying a season ticket or scratch card permit or similar, the charge for the vehicle so left, if it is left during the charging hours specified against that parking place in column (4) of Schedule 2A & B to this Order, shall be that specified against that parking place in column (5) of Schedule 2A & B to this Order and the necessary ticket, tickets, or permits must be purchased and displayed on the vehicle in accordance with the provisions of Article 19 (a) and (b) of this Order.
- 20.
- (a) The charge specified in Article 19 shall be payable on or before leaving the vehicle in a parking place by the insertion in a parking meter at that parking place of an appropriate coin or coins.
 - (b) Upon payment of the charge for the vehicle the driver thereof shall exhibit on the vehicle the ticket issued by the parking meter in a relevant position as under Article 3 and :-
 - (i) in the case of a two-wheeled motor cycle having a side-car attached thereto, in a conspicuous position on the near side of the vehicle in front of the driving seat;
 - (ii) in the case of all other vehicles:-
 - (A) where the vehicle is fitted with a front glass windscreen extending across the vehicles to the near side, facing forwards on the near side of the glass of such windscreen behind the glass;
 - (B) where the vehicle is not fitted with a front glass windscreen, as specified in head (A) above, on the near side of the vehicle facing forwards not more than 2 metres and not less than 0.8 metres above the surface of the parking place in the immediate vicinity.
 - (c) The ticket or tickets referred to in paragraph (b) 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 near side of the vehicle.
 - (d) Where a season ticket or scratch card permit or similar has been issued in respect of a vehicle, that ticket or permit shall be displayed as described in paragraph (b) of this Article.
 - (e) If at any time while a vehicle is left in a pay and display parking place no pay and display ticket is displayed on that vehicle in the relevant position and in accordance with the provisions of Article 20 (b) above, it shall be deemed that the charge has not been made.

21. 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 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 the time shown on the clock of a parking meter at the parking place at which the vehicle is left later than the end of the period for which the charge has been paid as indicated by the said ticket or tickets.

22. Indications by Parking Meters and Tickets as Evidence

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 gives the indication mentioned in the last preceding Article, it shall be presumed unless the contrary is provided, 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(A) of the Act of 1984, the requirements of the 2004 Act, or any subsequent applicable legislation, of failing to pay the additional amount authorised by Article 23 of this Order it shall be evidence that that charge was incurred, and in any proceedings for an offence under the said Section of leaving the vehicle in the parking place for longer than the time authorised by Article 5 of this Order it shall be evidence that it was so left.

23. Excess Charge, Penalty Charge

This Clause applies to all Parking Places.

- (a) If a vehicle is left in any of the parking places shown in schedule 2A & B or 3 of this order:-
- (i) during the charging hours (where applicable), longer than the period for which payment was made by the charge;
 - (ii) during the charging hours, (where applicable), without a ticket valid for the parking place in which it is left issued by a meter being exhibited on that vehicle in accordance with Article 20 (b);
 - (iii) in an area which is set aside for a special use, including bays reserved for the sole use of the classes of vehicle set out in Article 13 (a) (i-iv), 13 (b) and 13 (c) of this Order;
 - (iv) in any position other than wholly within a bay specifically marked out for the leaving of a vehicle in that parking place; and/or
 - (v) (a) for a period longer than the maximum permitted period of waiting for that parking place as specified in column (5) of Schedule 2A & B & column (4) of Schedule 3 to this Order; and/or
(b) returns to park in a parking place - after a previous period of waiting in that same parking place - sooner than permitted for that parking place as specified in column (5) of Schedule 2A & B & column (4) of Schedule 3 to this Order

an additional charge (which amount is hereinafter referred to as "the excess charge or penalty charge"), shall be payable.

- (b) In the case of a vehicle in respect of which an excess charge or penalty charge may have been incurred, it shall be the duty of a parking attendant, or civil enforcement officer, to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-
- (i) 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;
 - (ii) the time at which he first notices the indication specified in Article 21 of this Order that the initial period for which payment was made by the initial charge had expired or that the vehicle was parked in contravention of the provisions of Article 23 (a) (iii-iv);
 - (iii) a statement that an excess charge or penalty charge amount is required to be paid;
 - (iv) the manner in which and the time in which the excess charge or penalty charge should be paid;

24. Manner of Payment of Excess Charge or Penalty Charge

The excess charge or penalty charge shall be paid in accordance with the instructions contained on the excess charge notice or penalty charge notice:

- (a) To be paid to the Council either by cash, cheque, banker's draft, money order, or postal order, and delivered or sent by post so as to reach the Car Parks Administration Office, C/O Petters House, Petters Way, Yeovil, BA20 1AS.
- (b) To be paid to the Council making payment by using the Council's Area Cash Payment Machine's at Petters House, Yeovil, or at the Lace Mill, Chard.
- (c) To be paid using debit cards via the telephone, or the Councils website

Provided that, if the payment date deadline as described on the excess or penalty charge notice for payment falls upon a day on which the said department or office as stated in the excess or penalty charge notice is closed, the period within which payment of the excess or penalty charge shall be made as detailed on the excess or penalty charge notice shall be extended until 16.30 hours on the next full day the said department or office is open. Representations against the excess or penalty charge notice can be made as detailed on the excess or penalty notices in accordance with guidance notes given or in accordance with the 2004 Act and regulations made thereunder.

25. The excess or penalty charge due will be reduced in accordance with the instructions contained on the excess or penalty charge notice provided that:

- (a) if within fourteen days of the day on which the excess charge was incurred, the sum reduced by 50% is tendered in the manner and to the offices specified in Articles 24 of this Order, then such sum may be accepted in satisfaction of the excess charge.
- (b) If the driver fails to pay the excess or penalty charge due by the end of the period of 28 days, a notice to owner may be served in accordance with the 1984 Act or in accordance with The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and 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 article 21 of Part 5, 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 excess or penalty charge may result in a judgement in the County Court against the owner to enable the Council to recover the payment due.

26. Restriction of Removal of Notices and Tickets

- (a) Where a notice has been attached to a vehicle in accordance with the provisions of Article 23 of this Order no person, not being the driver of the vehicle, Police Constable in uniform, a parking attendant, or civil enforcement officer, shall remove the notice from the vehicle unless authorised to do so by the driver.
- (b) When a ticket has been exhibited on a vehicle in accordance with the provisions of Article 20 (b) of this Order, no person not being driver of the vehicle shall remove the ticket from the vehicle in the parking place unless authorised to do so by the driver.
- (c) The particulars given in the excess or penalty charge notice attached to a vehicle in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such excess or penalty charge.

27. Duty to give information as to identity of Driver

- (a) 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.
- (b) Any other person shall, if required as aforesaid, give any information, it is in his power to give such information which may lead to the identification of the driver.
- (c) If a person fails to give such information as requested they may be prosecuted under the provision of the Road Traffic Regulation Act 1984.

28. Liabilities and Wilful Damage

- (a) The Council accepts no liability for the loss or damage to vehicles or other property left in any of the parking places to which this Order applies
- (b) Any person who with intent to defraud interferes with the ticket machine or operates or attempts to operate it by the insertion of objects other than undamaged or unaltered coins of legal tender and of the appropriate denomination, or approved method of payment, shall be liable to prosecution.

29. Excess and Penalty Charge Notice Appeals Procedures

How to Appeal an Excess Charge Notice

Details are given on the excess charge notice issued

Due to legal requirements all appeals must be received in writing within 7 working days of the excess charge notice being issued. All appeals must state the reasons why you are appealing against the issue of an Excess Charge Notice (parking ticket). If you decide to appeal after reviewing the evidence you will need to give us your excess charge notice number, vehicle registration, and full name and address.

You can appeal by using the online address, carparkadministration@southsomerset.gov.uk or write to:

Car Parks Administration
South Somerset District Council
C/O Petters House
Petters Way, Yeovil
Somerset BA20 1AS

What happens next?

Once we receive your appeal we will make a decision based on the evidence we have and the information you give us. If the penalty is found to be unjust we will contact you to let you know and you will not have to pay.

However, if we decide the penalty is valid then the 14 days you have to pay the lower price will begin again. If payment is not received within the 14 days the excess charge will revert to the full amount

If you consider the decision following your appeal to be incorrect then you can take your appeal to the next stage.

Write to: The Engineering and Property Services Manager at the above address stating why you believe your appeal should have been successful. If you consider the decision of the Engineering and Property Services Manager to be incorrect your options are either to pay the Excess Charge Notice at the full amount or let your case progress to court.

This is the end of the normal appeals procedure

The District Council will then take legal action and the merits of your case will be considered. A final letter will be sent to inform you that your case is being transferred to the courts or a Debt Recovery Collection Agency.

By paying in full an Excess Charge Notice you are discharging your liability from prosecution in the courts.

How long does it take?

We will deal with your appeal within 10 working days of receiving it where possible, and contact you with the outcome

Appeals

There are two sorts of procedure, the first is where you have evidence that at the time the Excess Charge Notice was issued you did have a valid ticket or permit, and secondly the normal appeals procedure which applies to all other appeals and would follow the information above.

Appeal where evidence of having purchased a ticket

If the following circumstances apply your appeal can be dealt with using the Appeals Procedure where you have evidence of having bought a pay and display ticket, having a season ticket, valid permit, or disability badge and/or a scratch card/voucher permit or similar. If these circumstances do not apply you can still appeal by writing to the Car Parks Admin as stated above

- (a) Valid ticket purchased but not displayed correctly
- (b) Valid season ticket purchased but not displayed correctly
- (c) Disability Blue Badge/Clock or valid voucher card not displayed correctly
- (d) Valid annual permit purchased but not displayed In residents parking zones (where applicable)

A cancellation fee of £5.00 will apply to customers who produce a valid ticket/season ticket/annual permit/blue badge or voucher card after the Excess or Penalty Charge Notice has been issued to cover the cost of administration.

Levels of Excess Charge Notices

Payment Date	Cost
Paid within 14 days of the issue date of the Excess Charge Notice.	£30.00 (This is the discounted payment and can only be made if you are making payment within 14 days from the date that the fixed penalty is issued)
Paid after 14 days and within 28 days of the issue date of the Excess Charge Notice	£60.00

How to Challenge a Parking Charge Notice (PCN) (From 11th June 2012)

Details are given on the parking charge notice issued

Due to legal requirements all challenges must be received in writing. All challenges must state the reasons why you are challenging the issue of an Penalty Charge Notice (parking ticket). If you decide to challenge after reviewing the evidence you will need to give us your parking charge notice number, vehicle registration, and full name and address.

You can appeal by writing to;

Car Parks Administration
 South Somerset District Council
 C/O Petters House
 Petters Way, Yeovil
 Somerset BA20 1AS

There are a number of stages to the challenge process

Informal Challenge

You can make an informal challenge up to 28 days after the PCN is issued.

We advise you to make an informal challenge within the 14 day discount payment period. This means that if your informal challenge is rejected you will still be able to pay the PCN at the 50% discounted rate. If your informal challenge is successful, the PCN will be cancelled and no further action will be necessary. You do not need to pay the charge at the time of making an informal appeal.

What happens next?

Once we receive your informal challenge we will make a decision based on the evidence we have and the information you give us. If the penalty is found to be unjust we will contact you to let you know and you will not have to pay.

However, if we decide the penalty is valid then the 14 days you have to pay the lower price will begin again. If payment is not received within the 14 days the penalty charge will revert to the full amount

If you consider the decision following your informal challenge to be incorrect and you remain dissatisfied then you can take your challenge to the next stage and that is to make a formal representation.

Formal Representations

If you choose not to pay or challenge your Penalty Charge Notice within the first 28 days after it was issued then the Council will send a 'Notice to Owner' (NtO) to the registered keeper of the vehicle. This notice will advise there is a further 28 days to either:

- a) Pay the full penalty charge (at the full rate): or
- b) Make a formal written representation to the Council:

Grounds for making a representation

1. (a) You have never owned the vehicle
 - (b) You were no longer the owner on the date the contravention occurred. You will have to provide the name and address of the person to whom the vehicle was sold together with proof of the date of sale.
 - (c) You were not the owner until after that time. You will have to provide the name and address of the person from whom you purchased the vehicle together with proof of the purchase date.
2. The contravention (wrongdoing) did not occur.
3. The contravention occurred whilst the vehicle was under the control of someone without the owner's consent. You will have to supply the crime reference number and the name of the Police Station to which the theft of the vehicle was reported.
4. The Car Park Order was invalid i.e. the Council did not comply with the statutory requirements in making the Order.
5. The vehicle is owned by a vehicle hire firm and the vehicle was on hire to someone under a formal hiring agreement. You will have to supply a copy of the hire agreement clearly showing the name and address of the person hiring the vehicle. This agreement must contain a statement of liability signed and acknowledging the hirer's liability for payment of penalty charges.
6. The penalty charge exceeded the amount applicable to the contravention i.e. the amount is more than you are legally liable to pay.
7. There has been a procedural impropriety on the part of the Council.
8. The penalty charge notice has already been paid in full or has been paid at the reduced amount within the specified period.

What happens next?

On receipt of the representation, the Council will carefully consider all the relevant facts. Information relating to the contravention held on the computer records and the Civil Enforcements Officer's notes may also be taken into account.

If your representation is accepted, you will be notified that the Penalty Charge Notice has been cancelled and the case closed.

If your representation is rejected, you will be sent a formal 'Notice of Rejection' (NoR) together with an appeal form. You should either pay the penalty charge notice at the full rate or make an appeal to an independent adjudicator at the Parking and Traffic and Parking Appeals Service (PATAS).

Parking Appeals

If your representation is rejected by the Council, you can appeal to an independent Parking Adjudicator at the Parking and Traffic and Parking Appeals Service (PATAS). The Adjudicator is restricted by law to considering appeals only on the eight grounds listed above (refer to Representations). For legal reasons, it is not possible to appeal to a Parking Adjudicator unless the owner of the vehicle first makes a formal representation to the Council. The decision of the Adjudicator is binding on both the Council and the person making the appeal.

Appeals can be decided either in person or by post, depending on your preference. Appeals in person are arranged by PATAS. Full details on how to appeal with the NoR are available on the adjudicators website www.trafficpenaltytribunal.gov.uk

Levels of Penalty Charge Notices

Payment Date	Cost
Paid within 14 days of the issue date of the Penalty Charge Notice.	£25/35 (This is the discounted payment and can only be made if you are making payment within 14 days from the date that the fixed penalty is issued)
Paid after 14 days and within 28 days of the issue date of the Penalty Charge Notice	£50/70

How to pay an Excess/Penalty Charge Notice:

By cheque, banker's draft, money order, or postal order: Payable to "South Somerset District Council" send payment to Car Parking Administration at the address listed above.

By debit card: Telephone 01935 462462 (8.45am – 5.15pm) Monday – Friday
Please note that it is not possible to make payment by Credit Cards, Have vehicle details and PCN Number ready.

By cash: In person at the District Council cash machine payment offices in Yeovil and Chard.

On line by visiting the Council's website www.southsomerset.gov.uk and following the link 'Pay for it'.

Schedule 1

(Orders or parts thereof to be revoked)

The District of South Somerset (Off – Street Parking Places) Consolidation Order January 2011

Schedule 2

*For details of Disabled Blue Badge Pre Paid Vouchers in Yeovil car parks refer to details at end of Schedule

Area South YEOVIL CAR PARKS charging 8am – 6pm, Mon –Sat inclusive

Car Park	Type of Stay	Days and times when open to access by vehicles	Proposed Charge	Charging Hours	Season Ticket Available & Quarterly Charge	
Peter Street	Short	All hours, all days except where stated	£0.60 for 30 mins £1.20 per hour one hour max stay	8.00 a.m. – 6.00 p.m. Mon. – Sat	No	
South Street Market	Short					
South Street	Short					
Park Street	Short					
Newton Road	Short		£1.20 for one hour £2.20 for two hours two hours max stay	8.00 a.m. – 6.00 p.m. Mon. – Sat	No	
Court Ash	Medium		£1.60 for 2 hours £2.20 for 3 hours £1.40 each subsequent hour	8.00 a.m. – 6.00 p.m. Mon. – Sat	No	
Petters Way	Medium				£420	
Box Factory	Medium					
West Hendford	Medium		West Hendford 7am – 7.30pm £25 release fee applies	£1.60 for 2 hours £2.20 for 3 hours 3 hours max stay	8.00 a.m. – 6.00 p.m. Mon. – Sat	No
North lane	Medium					
Goldenstones	Short/ Medium Long	Middle St. – Disabled only	£0.70 for 1 hour £1.40 for 2 hours £2.00 for 3 hours 3 hours max stay £3.00 all day £2.50 on Saturdays	8.00 a.m. – 6.00 p.m. Mon. – Sat	No	
Middle Street (disabled only)	Medium					
Stars Lane West	Short/ Medium		£1.60 for 2 hours £2.20 for 3 hours £2.80 for 4 hours £4.00 all day	8.00 a.m. – 6.00 p.m. Mon. – Sat	£225	
Earle Street	Short/ Medium					
Brunswick Street Fairfield Market Street Goldcroft	Long	Goldcroft 7 a.m. – 11 p.m. Closed on Sundays	£3.00 all days £2.50 on Saturdays	8.00 a.m. – 6.00 p.m. Mon. – Sat	£160	
Huish	Short/ Long					
Huish Old Pool	Long		£1.00 for 1 hour £1.80 for 2 hours £3.00 all day £2.50 on Saturdays		Season Tickets only	£240

* Voucher booklets consist of 10 vouchers and are transferable between car parks in Yeovil only:
3hr vouchers £16 a book 2hr vouchers £12 a book, 1hr vouchers £8.00 a book

** For details of Disabled Blue Badge Pre Paid Vouchers in Area West car parks refer to details at end of Schedule

Area West Charging 8am – 6pm, Mon – Sat inclusive

Car Park	Type of Stay	Days and times when open to access by vehicles	Proposed Charge	Charging Hours	Season Ticket Available & Quarterly		
<u>CHARD</u>							
Bath Street	Short	All hours, All days	60p for 1 hour £1.10 for 2 hours £1.40 for 3 hours £2.60 for 4 hours	8.00 a.m. – 6.00 p.m. Mon. – Sat	No		
Essex Close	Short		No				
Boden Street	Medium		60p for 1 hour £1.10 for 2 hours £1.40 for 3 hours £2.50 all day		£100		
Marketfield Combe Street The Minnows	All Medium /Long		£1.00 for 2 hours £2.50 all day		£60		
Crowshute	Long		60p for 1 hour 80p for 2 hours £1.60 all day £2.00 all day for PSV's		£50		
<u>CREWKERNE</u>							
South Street 1	Short		60p for 1 hour 80p for 2 hours £1.20 for 3 hours 3 hours max stay		No		
South Street 2	Short		60p for 1 hour 80p for 2 hours £1.20 for 3 hours £2.20 for 4 hours		No		
Henhayes (Temporary car park)	Medium/ Long		40p for 1 hour 70p for 2 hours £2.00 all day		8.00 a.m. – 6.00 p.m. Mon. – Fri. 8.00 a.m. – 1.00 p.m. Saturday	£70	
Abbey Street West Street	Med / Long		60p for 1 hour 80p for 2 hours £2.00 all day		£70		
Market Square	Short	Max. stay 30 mins. Return prohibited within one hour, applicable for all classes of vehicle, including disabled	Free for 30mins	8.00 a.m. – 6.00 p.m. Mon. – Sat	No		
Henhayes Centre	Short	Free Permit Holders Only Coaches only in dedicated bay	No				
<u>ILMINSTER</u>							
West Street Orchard Vale	Med/ Long	60p for 1 hour 80p for 2 hours £1.60 all day	£40				
Shudrick Lane South	Med/ Long	60p for 1 hour 80p for 2 hours £1.20 for 4 hours £1.60 all day	£40				

** Voucher booklets consist of 10 vouchers and are transferable between car parks in Area West car parks only: 3hr vouchers £8.00 a book 2hr vouchers £7.00 a book 1hr vouchers £4.00 a book

Schedule 3

Area North

Name of Park Place (1)	Classes of Vehicles (2)	Days and Hours of operation of Parking Place (3)	Maximum Period for which vehicles may wait (4)
Langport Cocklemoor (Northern Shoppers part)	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage	All hours All days	Not more than 24 hours in Long stay area
Cocklemoor (Southern and Western parts)	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage		For a period not longer than two hours between 8.00 am and 5.00 pm (Mondays to Saturdays incl.). Return prohibited within 1 hour
Stacey's Court	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage		For a period not exceeding 72 consecutive hours
Town Square	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage		2hours maximum stay 8am-5pm Mon-Sat or 20mins in designated area. No return within 1 hour
South Petherton Prigg Lane	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage		Not more than 12 consecutive hours
Stoke Sub Hamdon Ham Hill Road	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage		Not more than 12 consecutive hours
Somerton Brunel	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage		For a period not longer than 2 hours between 8.00 am and 5.00 pm (Mondays to Saturdays incl.). Return prohibited within 2 hours. For a period not longer than 30 minutes between 8.00 am and 5.00 pm (Mondays to Saturdays incl.). Return prohibited within 2 hours in 6 designated bays
Unicorn	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage		For a period not longer than 3 hours between 8.00 am and 5.00 pm (Mondays to Saturdays incl.). Return prohibited within 2 hours
Paddock House	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage		For a period not longer than 12 hours between 8.00 am and 5.00 pm (Mondays to Saturdays incl.). Return prohibited within 2 hours

Half Moon	As above	All hours All days	For a period not longer than 30 minutes between 8.00 am and 5.00 pm (Mondays to Saturdays incl.). Return prohibited within 2 hours in 6 designated bays
Cox's Yard	As above but including Commercial vehicles in designated loading bay only		For a period not longer than 30 minutes between 8.00 am and 5.00 pm (Mon – Sat incl.). Return prohibited within 2 hours. Blue Badge Holders for a period not longer than 3 hours in dedicated disabled bays.
Market Square	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage.		For a period not longer than 2 hours between 8.00 am and 5.00 pm (Mondays to Saturdays incl.). Return prohibited within 2 hours.
<u>Martock</u> Moorlands	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage	All hours All days.	Not more than 12 consecutive hours
<u>Montacute</u> The Borough	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage		Not more than 12 consecutive hours

Area East

Name of Park Place (1)	Classes of Vehicles (2)	Days and Hours of operation of Parking Place (3)	Maximum Period for which vehicles may wait (4)
Bruton Tolbury Mill	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage	All hours All days	For a period not exceeding 48 hours
Higher Backway,			For a period not exceeding 12 hours
Packhorse Bridge			For a period not exceeding 12 hours
Station Road			For a period not exceeding 12 hours
Castle Cary Millbrook Gardens	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3560 kg. Motor cycle with or without sidecar. Invalid carriage Public service, stage carriage and express carriage vehicle (only in bays marked out for their specific use and in no other locations within the car park)	All hours All days	For a period not longer than 12 consecutive hours Section of car park to the east on right hand side as enter car park Maximum stay 2 hours no return within 2 hours
St Catherines Close	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3650 kg. Motor cycle with or without sidecar. Invalid carriage	All hours All days.	For a period not exceeding 12 hours Return prohibited within 12 hours thereof
Wincanton Carrington Way	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3650 kg. Motor cycle with or without sidecar. Invalid carriage	All days. All hours	For a period not longer than 24 consecutive hours in long stay area. 30mins in front row lower and 2hr in remainder of lower car park
Church fields			For a period not longer than 24 consecutive hours
Memorial Hall			For a period not longer than 72 consecutive hours
Ilchester Limington Road	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3650 kg. Motor cycle with or without sidecar. Invalid carriage	All days. All hours	For a period not longer than 24 consecutive hours
Mudford Main Street			Not more than 12 consecutive hours
Milborne Port Town Hall			Not more than 12 consecutive hours

Area West

Name of Park Place (1)	Classes of Vehicles (3)	Days and Hours of operation of Parking Place (4)	Maximum Period for which vehicles may wait (5)
<u>Crewkerne</u> Victoria Hall	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3650 kg. Motor cycle with or without sidecar. Invalid carriage	All days. All hours.	For a period not exceeding 30 mins Return prohibited within 1hour thereof during the times of: 9.00a.m.-6.00p.m. Mon-Sat

Area South

Name of Park Place (1)	Classes of Vehicles (3)	Days and Hours of operation of Parking Place (4)	Maximum Period for which vehicles may wait (5)
<u>Yeovil</u> Bus Station	Public Service Vehicles only by signed agreement (not including taxi's except in pick up and drop off point, 10 minute maximum stay)	All days. All hours.	For a period not exceeding 60 mins
Yeovil Recreation Ground	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3650 kg. Motor cycle with or without sidecar. Invalid carriage Public Service Vehicles/Coaches in the designated bays only	All days. All hours.	For a period not longer than 4 hours between 8.00 am and 6.00 pm (Mondays to Saturdays incl.). Return prohibited within 2 hours.
Ninesprings	Motor car licensed as private. Goods vehicle (not being a trailer) the unladen weight of which does not exceed 3650 kg. Motor cycle with or without sidecar. Invalid carriage	All days. All hours	For a period not longer than 2 hours between 8.00 am and 6.00 pm (Mon - Fri incl.). Return prohibited within 3 hours.

**THE COMMON SEAL of SOUTH
SOMERSET DISTRICT COUNCIL**

was hereunto affixed this * day of June 2012 in the presence of:-

Solicitor to the Council