

LEGAL SERVICES LINCOLNSHIRE

THE SOUTH HOLLAND DISTRICT COUNCIL
(OFF-STREET PARKING PLACES) (CIVIL
ENFORCEMENT) ORDER 2012

**THE SOUTH HOLLAND DISTRICT COUNCIL
(OFF-STREET PARKING PLACES) (CIVIL ENFORCEMENT) ORDER 2012**

South Holland District Council ("the Council") in exercise of its powers under section 35 and Schedule 9 of the Road Traffic Regulation Act 1984 as amended ("the 1984 Act") and the Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers and with the consent of the Lincolnshire County Council given under Section 39(3) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act and in compliance with regulations made under the 1984 Act make the following Order:-

PART 1 – GENERAL

1. (1) This Order shall come into effect on the 9th day of January 2013 and may be cited as the South Holland District Council (Off-Street Parking Places) (Civil Enforcement) Order 2012.
2. (1) In this Order any reference to a numbered Article is a reference to the Article bearing that number in this Order, and any reference in this Order to "the Schedule" is a reference to the Schedule to this Order.
 - (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
 - (3) Unless the context otherwise requires, words denoting the singular shall include the plural and vice versa and words denoting a person shall include either gender, bodies corporate, unincorporated associations and partnerships.
 - (4) The Interpretation Act 1978 shall apply for the interpretation of this Order.
 - (5) In this Order except where the context otherwise requires the following expressions shall have the meanings respectively assigned to them:

"the 2007 Regulations" means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or successor legislation

"the Council" means the South Holland District Council of Council Offices, Priory Road, Spalding or its successor authority or authorities for the areas within which the land the subject of this Order is situated

"charging hours" means the days and hours of operation of a parking place as described in column 4 of the Schedule

"Civil Enforcement Officer" means an officer appointed by or on behalf of the Council to supervise parking places

"disabled person's badge " means a badge issued under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or a badge issued under regulations having effect in Scotland or Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970 and which badge has not ceased to be in force

"disabled person's vehicle " means a vehicle clearly displaying a disabled person's badge and which is a vehicle which immediately before or after any period of parking allowed in the Order has been or is to be driven by a person issued lawfully with a disabled person's badge or, as the case may be, has been or is to be used for carrying disabled persons as passengers, and for the purpose of this Order a vehicle shall be regarded as clearly displaying a disabled persons badge when the disabled person's badge is exhibited on the dashboard or facia of the vehicle, or (where the vehicle is not fitted with a dashboard or facia) the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is clearly legible from the outside of the vehicle

"owner" in relation to a vehicle means the person who is recorded as the registered keeper by the Drivers and Vehicle Licensing Agency (or successor body) on the date on which the vehicle was parked in the parking place in question

"park" and "parked" refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle and a vehicle shall be deemed to be parked for any period in the same parking place or parking bay (as the case may be) if any part of the parking place or parking bay (as the case may be) is below the vehicle or the vehicle's load (if any) whether or not the vehicle is moved during that period

"parking bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place and not closed (in part or in whole) by a notice erected thereon by authority of the Council

"parking place " means any area of land or building provided by the Council under section 32(1) of the 1984 Act for use as a parking place and specified by name in column 1 of the Schedule

"pay and display ticket " means a ticket issued by a ticket machine located in the parking place in which the vehicle has been parked

"penalty charge" has the same meaning as in the 2007 Regulations

"penalty charge notice" has the same meaning as in the 2007 Regulations

"ticket machine" means an apparatus or device provided under section 35(3) of the 1984 Act being apparatus or device to be used as a means to indicate the time at which a vehicle arrived at, and the time at which it ought to leave, a parking place, or one or other of those times, or the charges paid or payable in respect of a vehicle in an off-street parking place, or as a means to collect any such charges

"vehicle" includes any motor car, motor cycles or other mechanically propelled automobile

PART 2 – USE OF LAND AND PARKING PLACE

3. (1) Each area of land or building specified by name in column 1 of the Schedule may be used, subject to the following provisions of this Order, as a place to park vehicles in such positions, of such classes, on such days, during such hours, for such maximum periods, and on payment of such charges, as are specified in relation to that area or building in the Schedule.
- (2) Where in the Schedule a parking place is described as available for vehicles of a specified class or in a specified position, no person shall cause or permit a vehicle to be parked in that parking place unless it is of the class and in the position so specified.
- (3) Where in the Schedule a parking place is described as available for use during certain days and hours and for specified maximum periods, no person shall cause or permit a vehicle to be parked in that parking place except within the days and hours and maximum periods so specified.
- (4) Where by notice on site a parking place or any parking bay within a parking place is described as having a period within which a vehicle may not return no person shall cause or permit a vehicle to be parked again in that parking place or parking bay on any day, during such hours within which the vehicle is excluded from waiting in the parking place or parking bay.
- (5) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle no person shall cause or permit a vehicle to wait in that parking bay unless it is a disabled person's vehicle.
- (6) In so far as a vehicle is left in a parking place during the charging hours the person in charge of the vehicle shall pay such charge or charges as are specified in the following provisions of this Order.
- (7) No person shall in a parking place park a vehicle in such manner or place where it causes an obstruction to any other users of the parking place and where parking bays are not indicated by white lines no person shall cause or permit a vehicle to be parked in any manner which obstructs other

vehicles using the parking place, the free flow of traffic circulating within the parking place and the entrances to and exits from the parking place.

- (8) No person shall in a parking place without the express written permission of the Council use a vehicle in connection with the sale of any article, including the vehicle itself, to any person in or near the parking place or in connection with the selling or offering for hire of skills or services in any other capacity.
- (9) No person shall in a parking place continue to run the engine when the vehicle is in the parking bay and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
- (10) No person shall, without the permission of a person authorised by the Council for that purpose, park any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order.
- (11) No person shall use any vehicle parked in a parking place
 - (i) for sleeping or camping or cooking or
 - (ii) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable the vehicle to depart from the parking place.
- (12) Nothing in this Order shall prevent the Council by notice, sign or barrier displayed or erected in a parking place from closing a parking place or any part thereof for any period and/or from setting aside a parking place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations.
- (13) No person shall cause or permit a vehicle to be parked in a parking place or any part thereof during such periods that the parking place or that part thereof is closed or the use is suspended.

PART 3 – CHARGES FOR PARKING

- 4. (1) The driver or other person in charge of a vehicle using a parking place shall, immediately upon parking the vehicle in the parking place, pay the appropriate charge in accordance with the Details of Charges specified in column 6 of the Schedule, provided that no charge shall be payable by the person in charge of a vehicle who displays in a conspicuous position on the vehicle a valid season ticket issued in respect of that vehicle in accordance with the provisions of Article 4(3) and which relates to that parking place.
- (2) The charge referred to in paragraph (1) of this Article 4 shall be payable by the insertion of an appropriate coin or coins into the ticket machine.

- (3) The owner of a vehicle may on application to the Council purchase a season ticket in respect of that vehicle for a charge ascertained by reference to the Details of Charges specified in column 6 of the Schedule and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued, provided that the Council will only make available the number of season tickets indicated and at the car parks mentioned in column 6 of the Schedule.
- (4) Any pay and display ticket issued on payment of the charge referred to in paragraph (1) of this Article, or season ticket issued in accordance with paragraph (3) of this Article, shall be attached in a conspicuous position inside the windscreen of the vehicle in respect of which it was issued or in the case of a vehicle not fitted with a front windscreen or a trailer a conspicuous position on the front or rear side of the vehicle or trailer. A vehicle shall not be left in a parking place if it displays an out of date or out of time ticket.
- (5) A pay and display ticket is not transferable from one parking place to another and on transfer the pay and display ticket ceases to be valid.

PART 4 – EXEMPTIONS

5. (1) The charges detailed in column 6 of the Schedule and the maximum period for which vehicles may park detailed in column 5 of the Schedule shall not apply to any disabled person's vehicle EXCEPT THAT disabled person's vehicles shall be subject to a 1 hour maximum stay on the Sheep Market, Spalding car park during such hours that the 1 hour maximum stay applies to all other vehicles.

PART 5 RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES

6. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of this Order a person authorised by the Council for that purpose may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
- (2) If a vehicle is left in a parking place in contravention of any of the provisions of this Order a person authorised by the Council for that purpose may remove the vehicle from that parking place or arrange for such removal.
- (3) For the purposes of meeting the requirements of an emergency a person authorised by the Council for that purpose or a police officer in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
- (4) Any person altering or causing the alteration of the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think

reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

- (5) Any person removing or arranging for the removal of a vehicle by virtue of paragraph (2) or (3) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed and the cost of movement or removal and safe keeping shall be the liability of the owner of the Vehicle.
- (6) The Council may sell or otherwise dispose of, in accordance with current legislation, any vehicle which has been, or could at any time be, removed from a parking place if the vehicle appears to have been abandoned.

PART 6 CONTRAVENTION AND PENALTY CHARGE

7. (1) Where a vehicle is parked in a parking place without complying with the requirements of this Order a contravention shall have occurred and a penalty charge shall be payable and a Civil Enforcement Officer shall issue a penalty charge notice in accordance with the requirements of the 2007 Regulations.
- (2) A penalty charge shall be payable to the Council or to an agent acting on behalf of the Council in accordance with the details stated on the penalty charge notice.
- (3) In the event of payment of the penalty charge being received by the Council or an agent acting on behalf of the Council within 14 days of the day on which the penalty charge notice was served (or such alternative period as may be set out in the 2007 Regulations) the amount of the penalty charge shall be discounted in accordance with the 2007 Regulations.
- (4) Where a penalty charge is not paid in accordance with the details stated on the penalty charge notice the Council or an agent acting on behalf of the Council may follow the procedures set out in the 2007 Regulations to recover the penalty charge.
- (5) Any penalty charge notice fixed to a vehicle in accordance with this Order shall not be removed or interfered with except by or under the authority of the owner or person in charge of the vehicle or the Council.
- (6) The particulars given in any penalty charge notice served on a vehicle in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay the penalty charge.

PART 7 LIABILITY AND OTHER PROVISIONS

8. (1) 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 save for that arising from the negligence of the Council.

- (2) 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 placeno person shall drive or permit to be driven any vehicle 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 in a direction other than so specified.
- (3) No person shall with intent to defraud interfere with a ticket machine or operate or attempt to operate a ticket machine by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination.
- (4) No person shall in a parking place use any threatening abusive or insulting language gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
- (5) No person shall in a parking place erect or cause or permit to be erected any tent booth stand building or other structure without the written permission of the Council or light or cause to be lit any fire.
- (6) No person shall use any part of the parking place for sleeping or camping or cooking.
- (7) No person shall cause excessive noise or smoke or commit any other act which is or might be to the annoyance of persons using the parking place or occupiers of adjacent premises.
- (8) No person shall permit a vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994.
- (9) No person shall, without the permission of a person authorised by the Council for that purpose, drive or permit to be driven any vehicle in a parking place for any purpose other than 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.
- (10) Any person who fails to comply with any of the provisions of this Part 7 shall be liable to prosecution.

PART 8 REVOCATIONS

The following Orders made by the Council are hereby revoked

The South Holland (Off-Street Parking Places) Order 1995
The South Holland (Off-Street Parking Places) (Amendment no. 1) Order 1998
The South Holland (Off-Street Parking Places) (Amendment no. 2) Order 2000
The South Holland (Off-Street Parking Places) (Amendment no. 3) Order 2001
The South Holland (Off-Street Parking Places) (Amendment no. 4) Order 2003
The South Holland (Off-Street Parking Places) (Amendment no. 5) Order 2004
The South Holland (Off-Street Parking Places) (Amendment no. 6) Order 2004
The South Holland (Off-Street Parking Places) (Amendment no. 7) Order 2004
The South Holland (Off-Street Parking Places) (Amendment no. 8) Order 2005
The South Holland (Off-Street Parking Places) (Amendment no. 9) Order 2006
The South Holland (Off-Street Parking Places) (Amendment no.10) Order 2006
The South Holland (Off-Street Parking Places) (Amendment no. 11) Order 2007

THE COMMON SEAL of
SOUTH HOLLAND DISTRICT COUNCIL
was hereunto affixed on the

27th day of December 2012 in the presence of

X *T. S. Huggan* X

Authorised Signatory



9824

1. Situation of Parking Place	2. Position in Which Vehicles May Wait	3. Class of Vehicle	4. Days and Hours of Operation of Parking Place	5. Maximum Period for Which Vehicles May Park	6. Details of Charges
<u>ALBION STREET SPALDING</u>	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Daily All Hours	Twenty-four hours (Long Stay)	None
<u>ALBION STREET SPALDING</u> (Castle Sports Complex parking area)		Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Daily. All Hours	Four hours (short stay)	None
<u>HERRING LANE SPALDING</u>	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Daily All Hours	Fours Hours (Short Stay) between 8am and 8pm on Mondays to Saturdays inclusive.	Up to One Hour - 60p Up to Two Hours - 80p Up to Three Hours - £1.10 Up to Four Hours - £1.30 maximum
				Twelve Hours between 8pm and 8am Mondays to Saturdays inclusive.	None
<u>HOLLAND ROAD SPALDING</u>	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Daily All Hours	Twenty-Four Hours (Long Stay)	Up to One Hour - 50p Up to Four Hours - £1.00 All Day - £1.40 15 Season Tickets @ £65 per Quarter
<u>LOVE LANE SPALDING</u>		Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Daily All Hours	Twenty-Four Hours	None

<u>WILBECK ROAD, SPALDING</u> Swimming Pool car park and Castle Field parking area immediately adjoining the swimming pool	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight. Coaches transporting school children to the swimming pool for swimming lessons/galas	Daily All Hours	Four Hours (Short Stay)	Up to Two Hours - 20p Up to Three Hours - £1.00 Up to Four Hours - £1.20
<u>PRIORY ROAD SPALDING</u> (Council Offices Public Bay 1)	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Monday to Fridays 8am to 6pm	30 Minutes (Short Stay)	None
<u>PRIORY ROAD SPALDING</u> (All of Council Offices Car Park)	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Saturdays between the hours of 8am and 6pm	Ten Hours (Long Stay)	None
<u>SHEEP MARKET SPALDING</u>	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Daily. All hours except on Tuesdays and Saturdays when there is a market.	One Hour (Short Stay) between 8am and 6pm Mondays, Wednesdays, Thursdays and Fridays. Twelve hours between 6pm Saturdays and 8am	Up to Half Hour - 50p Up to One Hour - 80p maximum Stay
<u>THE CHESTNUT AVENUE (Off Churchgate) SPALDING</u>	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Daily. All Hours	Twenty-four Hours	Up to Four Hours - 50p All Day - £1.00
<u>THE VISTA SPALDING</u>	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Daily. All Hours	Twenty-Four Hours (Long Stay)	Up to One Hour - 50p Up to Four Hours - 80p All Day -£1.30 20 Season Tickets @ £65 per Quarter

<u>VICTORIA STREET SPALDING</u>	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Daily. All Hours	Twenty-Four Hours	Up to One Hour - 60p Up to Two Hours - 80p Up to Three Hours - £1.10 All Day - £1.50p 40 Season Tickets @ £65 per Quarter
<u>VINE STREET SPALDING</u>	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Daily. All Hours	Four Hours (Short Stay)	Up to One Hour - 60p Up to Two Hours - 80p Up to Three Hours - £1.10 Up to Four Hours - £1.30
<u>WINFREY AVENUE SPALDING</u>					
North of Bus Station	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Daily. All Hours	Twenty-four Hours (Long Stay)	Up to Four Hours - 80p All Day - £1.30 4 Season Tickets @ £65 per Quarter
Along Eastern Boundary of Bus Station	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Daily. All Hours	Twenty-four Hours (Long Stay)	Up to Four Hours - 80p All Day - £1.30
Along Western Boundary of Bus Station	With in the White Lines	All Vehicles	Daily. All Hours	Twenty-four Hours (Long Stay) Twelve Hours for lorries, buses and coaches	Up to Four Hours - 80p All Day - £1.30 For lorries, buses and coaches 60p for up to 5 Hours, £1.10 for between 5 and 12 Hours
<u>BOSTON ROAD HOLBEACH</u>	In spaces indicated by white lines	All vehicles, subject to a height restriction of 6'6" at the Park Road entrance.	Mondays to Saturdays 6.30am to 6pm	Elven and a Half Hours (Long Stay)	Up to One Hour - 50p Up to Four Hours - 70p All Day - £1.20 10 Season Tickets @ £50 per Quarter
<u>FISHPOND LANE HOLBEACH</u> (Also Known as St John's Street Car Park)	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight.	Daily. All Hours	Four Hours (Short Stay)	Up to One Hour - 40p Up to Two Hours - 60p Up to Three Hours - 90p Up to Four Hours - £1.10

<u>WEST STREET (NORTH) LONG SUTTON</u>	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight, subject to a height restriction of 6'6" at the entrance.	Mondays and Tuesdays 5.00am to 6.00pm	Thirteen hours	None
			Wednesdays and Thursdays 5.00am to 10.00pm	Seventeen hours	None
			Fridays 5.00am to 11.30pm	Eighteen and a half hours	None
			Saturdays 5.00am to midnight	Nineteen hours	None
			Sundays midnight to 1am	One hour only to 1am	None
<u>WEST STREET (SOUTH) LONG SUTTON</u>	In spaces indicated by white lines	Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight, subject to a height restriction of 6'6" at the entrance.	Daily. All Hours	Twenty-four Hours (Long Stay)	None
<u>KINGS ROAD SUTTON BRIDGE</u>		Motor cars which are constructed for the carriage of passengers or adapted for the carriage of goods or burden of any description and which do not exceed 30 cwt. unladen weight, subject to a height restriction of 6'6" at the entrance.	Daily. All Hours	Twenty-four Hours (Long Stay)	None