

ST. HELENS BOROUGH COUNCIL

THE COUNCIL OF THE BOROUGH OF ST. HELENS
(OFF-STREET PARKING PLACES) ORDER 2018

THE ST. HELENS BOROUGH COUNCIL in exercise of its powers under Section 35(1) and (3) of the Road Traffic Regulation Act 1984 and Part IV of Schedule 9 to the Act, and of all other enabling powers, in accordance with Section 39(3) of the Act, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

1. This Order shall come into operation on 8th January 2018 and shall be cited as The Council of the Borough of St. Helens (Off-Street Parking Places) Order 2018.
2. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. This Order hereby revokes the Orders specified in Schedule 1.
4. In this Order, except where the content otherwise requires, the following expressions have the meanings hereby assigned to them:

“the Act of 1984” means the Road Traffic Regulation Act 1984;

“the 2000 Regulations” means (The Disabled Persons Badges for Motor Vehicles) (England) Regulations 2000 (SI No. 682);

“car park” means the area or areas of land, specified by name in the Schedules;

“car park notice” means the notice that is displayed in each car park and describes the conditions contained in the Schedules to this Order under which a vehicle may be left in the car park;

“cashless parking” means a cashless prepayment made by a telephone, smartphone, computer or other method, allowing a vehicle to park for a period of time. When that time expires, the vehicles is required to leave the parking place.

“cause” includes permitting;

“charging days and hours” means the days and times that charges apply.

“Civil Enforcement Officer” means any person duly authorised by or on behalf of the Council to supervise and enforce the operation of the car park or any part thereof;

“class of vehicle” means the type of vehicle permitted to park in a parking place.

“Council” means the St. Helens Borough Council;

“days and hours of operation” means the days and times that this Order is in force

“Disabled persons badge” means a badge in the form prescribed by regulation 11 of the (SI No. 682) Regulations 2000, issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the

carriage of a disabled person, and includes a replacement badge issued in accordance with regulation 7 of those regulations;

“dispensation” means an authorisation, in writing, issued by the Council that entitles a named vehicle to park in a suspended car park for a defined time;

“electric vehicle” means any vehicle which uses one or more electric motors for propulsion;

“electric vehicle charging post” means apparatus which supplies electricity for the charging of electric vehicles;

“electric vehicle recharging point” means the location at which an electric vehicle charging post is situated for the charging of electric vehicles;

“motor car” means a mechanically propelled vehicle as defined in Section 136(2) of the Act;

“motor cycle” means a mechanically propelled vehicle as defined in Section 136(2) of the Act;

“parking place” means an area of land provided by the Council under Section 32 of the 1984 Act for use as an off street parking place as defined by Section 142(1) of the 1984 Act.

“parking space” means a space in the car park, marked on the surface of the car park by lines or indicated by signs, which is provided for the parking of vehicles;

“parking ticket” means the ticket issued by means of the ticket machine;

“permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in a car park without displaying a parking ticket;

“prescribed manner” means exhibited in accordance with the directions on the said Disabled Person’s Badge;

“relevant position” means exhibited on the dashboard or fascia of the vehicle, in a conspicuous position on the vehicle, so that the front is clearly legible from the outside of the vehicle;

“season ticket” means a ticket issued by the Council permitting the use of a parking space on multiple occasions;

“ticket machine” means any apparatus operated by the insertion of coins, bank notes, credit or debit cards and that issues parking tickets indicating the payment of a charge, the date and time at which that charge was paid and the time by which the vehicle must leave the car park;

“vehicle” means a motor car that does not exceed 1.98 metres in height.

5. Use of land and parking place

- (1) Each area of land specified by name in Schedules 2, 3, 4 and 5 may be used at all times subject to the following provisions of this Order as a parking place for vehicles on such days and for such periods as are specified in the

Schedules. No person shall, unless authorised in writing by the Council, use any parking place for any other purpose.

- (2) In so far as a vehicle is parked in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the provisions of this Order and on the relevant car park notice.
- (3) No person shall, except upon the direction or with the permission of Civil Enforcement Officer, cause any vehicle to wait in any parking space or defined parking area, unless it is displaying, in the relevant position and in such a manner that the details are clearly visible throughout the duration of the stay, a parking ticket, a season ticket or a permit valid for that car park at that time. The parking charge may be made by credit card or debit card by way of mobile telephone communication to the Council's agent; in such circumstances, there is no requirement to display a ticket or receipt showing proof of payment of the parking charge.
- (4) (1) Where payment of a parking charge is made by credit card or debit card by way of mobile telephone communication, the payee shall disclose:
 - (i) the call number of the mobile telephone;
 - (ii) the identification number and any such other detail as may be requested by or on behalf of the Council relating to the credit card or debit card against which the parking charge is being paid;
 - (iii) the location number of the parking place in respect of which payment is being made;
 - (iv) the registration of the motor vehicle being parked.

(2) Where payment of a parking charge is made by credit card or debit card by way of mobile telephone communication:

- (i) the transaction fee shall be payable at the time;
- (ii) the parking period shall commence on receipt by the Council of the details specified in Article 4 (1).

(3) At any time after a parking charge has been paid in accordance with the preceding paragraphs of this Article in respect of a parking period, that parking period may be increased on further payment of the additional parking charge and the appropriate transaction fee paid, always provided that the maximum permitted parking period for that parking place is not exceeded.

(4) The payee of a parking charge in accordance with the preceding paragraphs of this Article may request to be informed by a text message as to the imminent expiry of the parking period, provided that where such text message is sent the appropriate transaction fee has been paid.

(5) The Council shall display a Notice in each location where the option of payment of the parking charge by credit card or debit card is available; such Notice shall display the location number and provide operational guidance on payment of the parking charges.

6. Maximum length of stay for vehicles using parking places

- (1) No vehicle shall be allowed to remain in a car park for longer than the maximum time permitted for that car park, as specified in the Schedules to this Order and displayed on the car park notice, except for drivers holding a permit for that car park.

- (2) No vehicle may be permitted to remain in a car park after the time for that car park to be open has expired.

7. Restrictions on use of parking places

- (1) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his or her skill or services, except with the written consent of the Council.
- (2) No person shall use any part of a parking place nor any vehicle parked in a parking place:
 - (a) for sleeping or camping or cooking; or
 - (b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
- (3) A vehicle shall not be permitted to wait in a car park other than in a parking space, or defined parking area, except with the permission of the Council. Every part of the vehicle must be within the limits of the parking space or defined parking area.
- (4) Where within the car park there is a sign or surface marking that indicates a parking space is available only for use by Disabled Persons, no vehicle shall be permitted to stand or wait in the parking space unless it is displaying a valid Disabled Person's badge in the prescribed manner.
- (5) Where within the car park there is a sign or surface marking that indicates a parking space is available only for use by a particular class of vehicle, no vehicle shall be permitted to stand or wait in the parking space unless it is of that class.
- (6) Where within the car park there is a sign or surface marking that indicates a parking space is available only for use for recharging electric vehicles, no vehicle shall be permitted to stand or wait in the parking space unless it is an electric vehicle which is connected via a recharging lead to the charging post.
- (7) No vehicle may be parked in such a manner that it obstructs any other vehicle.
- (8) Where in the car park or any part thereof, signs are erected or surface markings are laid for the purpose of:
 - (a) indicating an entrance to or exit from the car park or any part thereof; or
 - (b) indicating that a vehicle using the car park or any part thereof shall proceed in a specific direction within the car park or any part thereof

no person shall drive or permit to be driven any vehicle: (i) so that it enters the car park or any part thereof, otherwise than by the entrance, or leaves the car park or any part thereof, otherwise than by the exit, so indicated, or (ii) in a direction other than so specified.

8. Restrictions on display of parking tickets

- (1) No vehicle shall display a parking ticket that had been previously displayed on another vehicle.

- (2) No vehicle shall display any parking ticket or permit which has been altered, defaced, mutilated or added to, or upon which the figures or particulars have become illegible.
- (3) If a Civil Enforcement Officer has reasonable cause to believe that a document or article carried on a vehicle, or by the driver or person in charge of a vehicle, is a ticket or permit to which this Article applies, or is a document designed to resemble a ticket or permit, he may detain that ticket or permit, and may for that purpose require the driver or person in charge of the vehicle to deliver up the document or article.

9. Vehicle removal

- (1) If a vehicle is parked in a parking place in contravention of any of the foregoing provisions of this Order the Council may remove the vehicle from that parking place or arrange for such removal.
- (2) Any person removing, or causing the removal of, a vehicle by virtue 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 vehicle to be removed.
- (3) Any person removing a vehicle by virtue 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.

10. Power of the Council to close parking places

- (1) Nothing in this Order shall restrict the power of the Council by notice, to suspend the operation of the car park or any part thereof and when the operation of the parking place or part thereof is suspended, the Council shall display a notice or notices to that effect at the car park and at the ticket machines.
- (2) When the operation of the car park is suspended pursuant to paragraph (1) of this Article, no person shall cause any vehicle to enter, stand, wait or be left in the car park or any part thereof, for the duration of the suspension, except for an ambulance or any vehicle being used in the service of a fire brigade or police force, or any vehicle with the permission of a police constable in uniform or when displaying a valid dispensation.
- (3) If at any time the Council shall require a parking place or part thereof for any purpose whatsoever (including its use as a private parking place in connection with a particular event) then the right of any person to park any vehicle thereon shall immediately terminate until the Council shall no longer require the parking place or part thereof.

THE COMMON SEAL of the
ST. HELENS BOROUGH COUNCIL

was hereunto affixed on the 4th day of January 2018 in the presence of:-

Lee Hughes

AUTHORISED SIGNATORY



SCHEDULE 1 - REVOCATIONS

Order to be Revoked	Extent of Revocation
The Council of St. Helens (Off-Street Parking Places) Order 2014	The whole Order

SCHEDULE 2 – NON-BARRIER CONTROLLED CAR PARKS

Name of Parking Place	Class of Vehicles	Charging Days and Hours	Maximum period for which vehicles may wait
Central Street Car Park	Motor car Motor cycle	Monday to Saturday 8 am to 6 pm	24 hours
Cotham Street Car Park	Motor car Motor cycle	Monday to Saturday 8 am to 6pm	2 hours No return within 2 hours
Dane Court (1) Car Park	Motor car Motor cycle	Monday to Saturday 8 am to 6 pm	24 hours
Mill Street Car Park	Motor car Motor cycle	Monday to Saturday 8 am to 6 pm	24 hours
Millennium Centre Car Park	Motor car Motor cycle	Monday to Saturday 6 am to 7 pm	24 hours
North John Street Car Park	Motor car Motor cycle	Monday to Saturday 6 am to 7 pm	24 hours
Parade Street Car Park	Motor car Motor cycle	Saturday Only 8 am to 6 pm	24 hours
Parr Street Car Park	Motor car Motor cycle	Monday to Saturday 6 am to 11 pm	24 hours
		On matchdays Time varies in accordance with time of event	Variable
Thatto Heath Car Park	Motor car Motor cycle	Monday to Saturday 8 am to 6 pm	24 hours
Tolver Street Car Park	Motor car Motor cycle	Monday to Saturday 8 am to 6 pm	24 hours
Ward Street Car Park	Motor car Motor cycle	Monday to Saturday 8 am to 6 pm	24 hours
Waterloo Street Car Park	Motor car Motor cycle	Monday to Saturday 8 am to 6pm	2 hours No return within 2 hours

SCHEDULE 3 – BARRIER CONTROLLED CAR PARKS

Name of Parking Place	Class of Vehicles	Charging Days and Hours	Maximum period for which vehicles may wait
Birchley Street Car Park (Pay on Foot)	Motor car Motor cycle	Monday to Saturday 8 am to 7 pm	11 hours
Chalon Way Car Park (Pay on Foot)	Motor car Motor cycle	Monday to Saturday 7 am to 7 pm	12 hours
Hardshaw Centre Car Park (Pay on Foot)	Motor car Motor cycle	Monday to Saturday 8 am to 7 pm	11 hours
Chalon Way & Tontine Car Parks (Pay on Entry)	Motor car Motor cycle	On matchdays. Time varies in accordance with time of event	Variable
St. Mary's Car Park (Pay on Foot)	Motor car Motor cycle	Monday to Saturday 8 am to 6.30 pm	10.5 hours
Tontine Car Park (Pay on Foot)	Motor car Motor cycle	Monday to Saturday 8 am to 6.30 pm	10.5 hours

SCHEDULE 4 – DISABLED PERSONS CAR PARKS

Name of Parking Place	Class of Vehicles	Days and hours of operation of parking place	Maximum period for which vehicles may wait
Claughton Street Car Park	Motor car Motor cycle	Monday to Sunday 8 am to 6 pm	3 hours No return within 2 hours

SCHEDULE 5 – PERMIT HOLDER ONLY CAR PARKS

Name of Parking Place	Class of Vehicles	Charging Days and Hours	Maximum period for which vehicles may wait
Clifton Street Car Park	Motor car Motor cycle	Monday to Sunday 24 hours	24 hours
Dane Court (2) Car Park	Motor car Motor cycle	Monday to Sunday 24 hours	24 hours
Parade Street Car Park	Motor car Motor cycle	Monday to Friday 8 am to 6 pm	24 hours