

SWINDON BOROUGH COUNCIL
(WROUGHTON PARK AND RIDE)
(OFF-STREET PARKING PLACES) ORDER 2016

Swindon Borough Council (hereinafter referred to as "the Council") in exercise of its powers under Section 35(1) and (3), 32, 35 AND 38 of the Road Traffic Regulation Act 1984 (hereafter referred to as "the 1984 Act") and the Traffic Management Act 2004 (hereinafter referred to as "the 2004 Act") and of all other enabling powers and after consultation with the Chief Office of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

1. This Order shall come into operation on the 25th day of April 2016 and may be cited as Swindon Borough Council (Wroughton Park and Ride) (Off-Street Parking Places) Order 2015.
2. In this Order –

"bus" means a public service vehicle provided and used for park and ride facility;

"civil enforcement officer" has the same meaning as in Section 76 of the 2004 Act;

"Council" means Swindon Borough Council;

"Disabled Parking Bay" means an area of the parking place indicated as such by markings on the surface of the parking place as an area where a vehicle, in accordance with provisions of this Order, may be stationed;

"Parking Disc means a disc, issued by the local authority, complying with the requirements of the British Specification for Parking Discs (BS No. 4631 1970)

"Disabled Person's Vehicle" has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"Driver" in relation to a vehicle waiting in contravention of an Order, means the person driving the vehicle at the time it was left at that contravention;

"General Directions" shall mean The Traffic Signs Regulations and General Directions 2002;

"Heavy Commercial Vehicle" has the same meaning as in Section 138 of the 1984 Act;

"Park and Ride Facility" means the provisions of an off-street parking place and bus use at specified in Article * of this Order.

"Parking Place" means the Wroughton Park and Ride.

"Parking Charge" means the fee payable to the bus driver.

"Penalty Charge" has the same meaning as in Regulation 2 of the General Directions 2007

“Penalty Charge Notice” has the same meaning as in Regulation 8 of the General Regulations 2007;

“Public Service Vehicle” has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981;

“Parking Bay” means an area of the parking place indicated by markings on the surface of the parking place as an area where an vehicle in accordance with the provisions of this Order, may be stationed;

PART ONE PARKING PROVISIONS

3 Except with the authority of the Council or persons authorised on behalf of the Council or Civil Enforcement Officer, each parking place may be used subject to the provisions of this Order and only for the purposes of using the park and ride facility as a parking place for the classes of vehicles to be stationed wholly within the appropriate parking bays during the hours of operation and on payment of the correct parking charge on boarding the bus as specified in the Schedule to this Order.

4 No vehicle may be station overnight except upon the direction or with the permission of the Council or a Civil Enforcement Officer or Police Constable in uniform.

5 Where in the Schedule the parking place is described, or where a parking bay is designated by surface or other markings, as available for vehicles of a specified class, the driver of a vehicle shall not permit it to wait in the parking bay, unless it is of that specified class.

6 No vehicle shall be left in the parking place other than wholly within a parking bay and in particular no vehicle shall be left or allowed to standing in a parking place in such a position as to obstruct the entrance thereto or the exit therefore from nor in such a position as to prevent the driving away of any vehicle already standing in the parking place or in such a position as to cause an obstruction to other vehicles.

7 The driver of a vehicle displaying a disabled person’s badge and parking disc may (subject to compliance with all other provisions of this Order) park their vehicle in a designated disabled parking bay provided that:

- (a) the driver of the vehicle is a disabled person to whom the badge was issued in respect of the vehicle,
- (b) the vehicle is being used for the carriage of a disabled person to whom the badge was issued,
- (c) the vehicle is one being used for the carriage of disabled persons by an institution to who the badge was issued in respect of that vehicle.

8 The driver of a vehicle using the parking place shall stop the engine as soon as the vehicle is in position in a designated parking bay and shall not start the engine except when about to change the position of the vehicle in the parking bay, or to depart from the parking place.

9 Except with the authority of the Council or persons authorised on behalf of the Council or Civil Enforcement Officer, no person shall use a vehicle, whilst it is in the parking place, or in connection

with the sale of any article to persons in and near the parking place or in connection with the selling or offering of hire of his skill or services.

10 Except with the authority of the Council or Civil Enforcement Officer, no person shall affix or cause to be affixed any advertising material to any vehicle left in the parking place.

11 Any person removing or altering the position of a vehicle by virtue of Article 10 of this Order may do so by towing or driving the vehicle or in such other manner as that person may think necessary any may take such measures in relation to the vehicle as that person may think necessary to enable that person to remove or alter its position.

12 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 10 and 11 of this Order, that person shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

13 Where a vehicle has been removed in accordance with Article 10, 11 and 12 of this Order the charges as specified in paragraph 3 to the Schedule of the Civil Enforcement of Parking Contraventions (Guidelines on levels of charges) (England) Order 2007 shall become payable

14 The Council shall not be responsible for any loss or damage to the vehicle or to anything contained therein or attached thereto arising from or in consequence of the exercise of the powers in Article 10, 11, 12 and 13.

15 The driver of a motor vehicle using the parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

16 No person shall, except with the permission of the Council or a Police Constable in Uniform or Civil Enforcement Officer, drive any vehicle in the parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

17 No person shall use any part of the parking or any vehicle left in the parking place:

- (a) for sleeping or eating purposes
- (b) for camping purposes
- (c) for cooking purposes
- (d) 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;
- (e) for skateboarding, roller skating or wheeled activities which may be hazardous to pedestrians,
- (f) for the instruction of pupils whilst undertaking driving lessons
- (g) to play or take part in any game.

18 Where in the parking place signs are erected or surface markings are laid for the purpose of:

- (a) indicating the entrance to or exit from the parking place; or
- (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place

- 22 No person shall drive or cause or permit to be driven any vehicle so that it
- (h) enters the parking place otherwise than by an entrance or leave the parking place otherwise than by an exit so indicated or
 - (i) is in a direction other than that specified
- as the case may be.
23. In the parking place no person shall:
- (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure except with the authority of the Council.
 - (b) Light or cause or permit to be lit any fire.
24. No person shall proceed to enter the parking place whilst towing any vehicle except
- (a) Where the towed vehicle is required in order that a vehicle may be removed in accordance with Article 10 ad 11 of this Order.
 - (b) Where the towed vehicle is carrying equipment required by the driver for ground maintenance at the parking place.
 - (c) Where the towed vehicle is carrying equipment for remedial works at or to the parking place by Statutory Utilities Staff,
 - (d) Where permission has been granted by the Council or a Police Constable in Uniform or Civil Enforcement Officer.
- 25 In accordance with the schedules to the Order, no person shall leave stationed a vehicle, with the maximum gross weight greater than 1.5 tonnes except upon the direction of a Police Constable in Uniform, the permission of the Council or Civil Enforcement Officer.
- 26 When a Penalty Charge has been attached to a vehicle in accordance with the provisions of Article 33 no person, not being the driver of the vehicle or a Civil Enforcement Officer shall remove the notice from the vehicle unless authorised to do so by the driver.

PART 11 CHARGES FOR THE USE OF PARK AND RIDE FACILITY

- 27 The user of the park and ride off street facility shall on boarding the bus, and subject to the exemptions set out in this Part pay the parking charge as specified in the Schedules to this Order.
- 28 The parking charge set out in Article 28 and specified in the Schedule to this Order and displayed on a Notice at the off-street parking place shall be payable by the payment of a fee to the driver of the bus to obtain a ticket.
- 29 Any ticket issues on payment of the parking charge referred to in Article 29 is not transferable.
- 30 A user of the park and ride off street facility who displays a valid permit authorised by the Council and is parked in the area marked for permit holders is exempt from paying the parking charge as specified in Article 27.

31 Where a driver has left a vehicle in a Parking Place in contravention of this Order, a Penalty Charge shall become payable. A Penalty Charge Notice to that effect will be attached to the vehicle or handed to the driver by a Civil Enforcement Officer with Article 36 of this Order.

32 A penalty charge notice shall be paid to the Enforcement Authority.

33 In the event of payment of the Penalty Charge Notice being received by the Enforcement Authority within 14 days of the day in which it was incurred the amount of the penalty charge will be discounted in accordance with Regulation 5 of the General Regulations 2007.

34 A Penalty Charge Notice referred in Article 33 and issued by a Civil Enforcement Officer shall include:

- (a) The registration mark of the vehicle or where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle.
- (b) The time at which the contravention was observed and the reason for the penalty charge notice.
- (c) A statement that the Penalty Charge is required to be paid and the manner in which, and the time within which, the Penalty Charge should be paid.

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AND FURTHER CERTIFIED

THE COMMON SEAL of
SWINDON BOROUGH COUNCIL
was hereunto affixed this
20th day of April 2016

SCHEDULE

NAME OF PARKING PLACE	CLASSES OF VEHICLES	CONDITIONS OF PARKING	DAYS OF OPERATION OF PARKING PLACE	HOURS OF OPERATION OF PARKING PLACE	PARKING CHARGE
WROUGHTON PARK AND RIDE	HEAVY COMMERCIAL VEHICLE WITH A GROSS MAXIMUM WEIGHT UP TO 1.5 TONNES UNLADEN	VEHICLES DISPLAYING A VALID PERMIT TO PARK IN THE AREA SIGNED FOR PERMIT ONLY PARKING VEHICLES USING THE PARK AND RIDE TO PARK IN THE AREA SIGNED FOR PARK AND RIDE. VEHICLES DISPLAYING A BLUE BADGE TO PARK IN THE AREA MARKED FOR DISABLED PARKING.	MONDAY TO SATURDAY	0645 HRS TO 1930 HRS	The appropriate fee payable to the bus driver.

