

DATED:

11 February

2022

**BOROUGH OF TORBAY,
(OFF STREET PARKING PLACES)
ORDER 2022**

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Torbay Council
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Off Street Order.

**BOROUGH OF TORBAY,
(OFF STREET PARKING PLACES)
ORDER 2022**

The Council of the Borough of Torbay ("the Council") in exercise of its powers under Sections 32, 33 and 35 of the Road Traffic Regulation Act 1984 ("the 1984 Act") as amended by the Parking Act 1989 and the Traffic Management Act 2004 and of all other enabling powers with the consent of the County Council of Devon in accordance with Section 39(3) of the 1984 Act and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:-

Part I

1. This Order shall come into operation on the 21st March 2022 and may be cited as "Borough of Torbay (Off Street Parking Places) Order 2022".
2. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into force of this Order, the "Borough of Torbay (Off Street Parking Places) Order 2021" is hereby revoked.
3. (1) In this Order, except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

"authorised vehicle" shall mean any vehicle specified in Articles 9(2) and 9(3) that is permitted to park within a parking place specified in Schedule 4;

"car park permit" shall mean any season ticket issued for a period not exceeding one year and expiring at any time;

"car sharing bays" means a bay set aside for vehicles displaying a minimum of two car park permits of the type specified in Article 7(1)(l) of this Order, and displayed in the manner specified in Article 7(2) of this Order;

"civil enforcement officer" means a person authorised by or on behalf of the Council to supervise any parking place;

"coach" and "coaches" have the same meaning as the expression for "bus" as given in regulations 22(2) and 24(1) of the Traffic Signs Regulations and General Directions 2002;

"commercial vehicle" means a vehicle being used for or constructed or adapted for commercial purposes having a gross unladen weight of more than 2 tonnes;

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

"disabled person's badge" has the same meaning as in the Disabled Persons(Badges for Motor Vehicles)(England) Regulations 2000;

“goods” includes postal packets of any descriptions; and delivering and collection in relation to any goods including checking the goods for the purpose of their delivery or collection;

“goods vehicle” means a motor vehicle which is constructed or permanently adapted for the use of the carriage of goods or burden of any description, and unless it is an articulated vehicle within the meaning of S138(3) of the Act, is not drawing a trailer;

“hallkeepers vehicle” means a vehicle nominated for use by Torbay Councils Facilities Management Officer’;

“library vehicle” means a vehicle nominated by Torbay Councils ‘Community & Performance Librarian’;

“mobile telephone parking” means the purchase of a period of parking for one specific vehicle registration number via a mobile telephone to facilitate a cashless and ticketless parking transaction;

“motor car” has the same meaning as in Section 136 of the Act;

“motor cycle” and “invalid carriage” have the same meaning respectively as in Section 136 of the Act;

“parking bay” means a space in a parking place which is provided for the leaving of a vehicle;

“parking disc” means a disc, issued by a Local Authority, 125 millimetres square coloured blue and capable of showing the quarter hour period during which a period of waiting begins;

“parking enforcement vehicle” means a vehicle nominated by Torbay Councils ‘Service Lead for Parking Services’;

“parking place” means any area of land provided in pursuance of Section 32 and 33 of the 1984 Act for use as a parking place and as specified in the Schedules or in any amending Order for the time being in force and shall include approach roads, footpaths, footways, verges (including flower beds) and grassed areas not forming part of the adopted highway and for the purpose of avoidance of doubt, the area of land comprised within a parking place shall be as shown on any plan attached to this Order and the said plan or plans shall in any proceedings be conclusive evidence as to the areas of land so comprised and shall include parking places at which a pay and display machine is installed;

“pay and display machine” means an apparatus of a type and design approved by the Secretary of State for Transport for the purpose of this Order being apparatus designed to indicate the time by a clock and to issue numbered tickets indicating the payment of a charge, the period in respect of which it has been paid, the vehicle registration number noted by the user at the time of purchase, the day and time at which the charge was paid, or the expiry time of the period paid for;

“pay and display ticket” means a ticket issued by a pay and display machine;

“payment machine” means an apparatus in a pay on exit parking place where the user is required to input their vehicle registration number into the machine and then pay a parking charge dependant on the amount of time their vehicle has remained in the parking place;

“pedal cycle” means a unicycle, bicycle, tricycle, or cycle having four wheels or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is to be treated as not being a motor vehicle for the purposes of the 1984 Act”

“permitted hours” means the hours specified for charging purposes in the Schedules to this Order in respect of any parking place and are the hours during which a parking charge shall be paid for the leaving of a vehicle in that parking place;

“printing vehicle” means a vehicle nominated by Torbay Councils ‘Printing Manager’;

“relevant position” is as defined in Regulation 4 of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons)(England) Regulations 2000;

“security vehicle” means a vehicle nominated by Torbay Councils ‘Corporate Security/CCTV Manager’;

“telecommunication apparatus” has the same meaning as defined in Section 4(3) of the Telecommunications Act 1984;

“traffic sign” means a sign of any size, colour and type prescribed or authorised under or having effect as though prescribed or authorised under, section 64 of the Act;

“virtual permit” means an electronic permit purchased via Parking Services’ Permit Portal where the specified vehicle registration number is held on record with no hard copy permit needing to be displayed in the vehicle;

“whiskey 1 vehicle” means a vehicle nominated for by Torbay Councils ‘Corporate Debt/Income Manager’;

(2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

Part 2

Designation of Parking Places

4. Each area which is specified in Schedules 1 to 6 of this Order is designated as a parking place.

Vehicles for which Parking Places are Designated.

5. Each parking place may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are motor cars, commercial vehicles, coaches, motorcycles, motor homes, pedal cycles or disabled persons vehicles, provided that they are parked within a relevant bay to their class of vehicle, and in accordance with the Articles of this Order.

Amount and Method of Payment of Initial Charge at Pay & Display Parking Places and Display of Tickets

6. (1) The initial charge paid for a vehicle left in a parking place specified in Schedule 1 shall be subject to the tariffs specified in Schedule 7 of this Order.
- (2) The initial charge paid for a vehicle left in a parking place specified in Schedule 2 shall be subject to the tariffs specified in Schedule 8 of this Order.
- (3) The initial charge paid for a vehicle left in a parking place specified in Schedule 3 shall be subject to the tariffs specified in Schedule 9 of this Order.
- (4) The initial charge paid for at any time for a vehicle left in a commercial vehicle parking bay at the parking places specified in Schedule 6 shall be subject to the tariffs specified in Schedule 10 of this Order.
- (5) Any vehicle left in a parking place specified in Schedules 1 to 3 that displays a car park permit issued by Torbay Council Parking Services starting with the prefix 'ST', shall –
- (a) pay an initial charge in the tariff set as Parking Promotion 1 as specified in Schedule 11 of this Order;
 - (b) display the permit in accordance with Articles 7(1)(h) and 7(2) of this Order;
- (6) The Council may introduce other temporary parking tariffs called 'parking promotions' in addition to the tariffs specified in Schedule 9 of this Order, that can only be purchased during specific times and dates as advertised at each parking place that the parking promotion applies to. If an initial charge is paid for at a promotional rate during a time that the said promotional rate does not apply then the ticket shall only remain valid for the lengths of time permitted in paragraphs (1) to (3) of this Article, depending on the amount of charge paid for and the maximum stay for that parking place.
- (7) The initial charge shall be payable immediately on the leaving of the vehicle in a parking place –
- (a) if a pay and display machine is installed, by the insertion of coins of denominations between 5p and £2 to the correct amount;
 - (b) where provision is made for mobile telephone parking this method of payment may be used as an alternative to a pay and display ticket specified in paragraph (a) of this Article, and any such payment shall only relate to the one specific vehicle registration number, and one specific location, both identified by the customer at the point of starting their parking session;
- (8) Upon payment of the initial charge for the vehicle as per paragraph (5)(a) of this Article the driver thereof shall exhibit on the vehicle, in accordance with provisions of

paragraph (9) of this Article, a pay and display ticket issued by a pay and display machine relating to the parking place in which the vehicle is left.

(9) The ticket referred to in paragraph (8) of this Article shall be exhibited in the vehicle at all times during which the vehicle is left in a parking place during the permitted hours so that all the particulars on that side of the pay and display ticket which bears the indication that a parking charge has been paid, the day and time by which the parking period started, and the vehicle registration number entered into the pay & display machine at the time of purchase (where applicable) are readily visible from the front or near side of the vehicle to a person standing at the front or near side of the vehicle.

(10) The ticket referred to in paragraph (8) of this Article may –

- (a) not be transferred to any other pay and display parking place specified in the Schedules of this Order;
- (b) not be transferred between vehicles, regardless of whether or not the vehicle registration number is noted on the ticket;
- (c) only be used in the vehicle registration number entered into the pay & display machine by the driver at the time of purchase;

(11) All vehicles shall be parked wholly within a marked parking bay in a parking place in accordance with Article 15 of this Order.

(12) No person shall cause or permit a vehicle to be left parked in a marked shoppers parking bay at Brunswick Square Car Park or Preston Gardens Car Park –

- (a) for a longer period than 20 minutes, or;
- (b) whilst displaying a pay and display ticket or car park permit;

(13) No vehicle shall remain in a parking place after the expiry of time paid for, as per the provisions of paragraphs (1) to (6) of this Article, has expired.

(14) If a vehicle is left in a valid parking bay within a parking place whilst displaying a valid car park permit specified in Article 7(1)(a) to (g) and & 7(i), then that vehicle shall be exempt from paying any additional parking charge.

(15) In any parking place a parking bay(s) may be set aside for use by vehicles displaying a valid disabled persons badge in the relevant position and no other vehicle shall park in such bays or spaces set aside for disabled drivers.

(16) In any parking place a parking bay(s) may be set aside for use by motor cycles only, and no other class of vehicle shall park in such bays or spaces set aside for motor cycles.

(17) In any parking place a parking bay(s) may be set aside for use by vehicles displaying a valid pay and display ticket only, and no Torbay Council car park permit shall be valid for use in such bays.

(18) In any parking place a parking bay(s) may be set aside for use by pedal cycles only, and no other class of vehicle shall park in such bays or spaces set aside for pedal cycles.

(19) In any parking place specified in Schedules 1 to 3 of this Order that has a maximum permitted stay of one or three hours, no person shall, except upon the direction or with the permission of a police constable in uniform or a civil enforcement officer, cause or permit any vehicle to wait if a period of less than one hour has elapsed since the termination of the last period of waiting (if any) by that vehicle in that car park;

(20) In any parking place a parking bay(s) may be set aside for use by any motor vehicle to wait for the purpose of enabling goods to be loaded on or unloaded from that vehicle and no person shall cause or permit a vehicle to be left parked for a longer period than 20 minutes.

(21) In any parking place a parking bay(s) may be set aside for use by coaches only, and no other class of vehicle shall park in such bays or spaces set aside for coaches.

(22) If a vehicle is left in a parking place otherwise than in accordance with this Order then a penalty charge shall be payable in accordance with Article 10 of this Order.

Car Park Permits

7. (1) A vehicle shall be exempt from paying the parking charges specified in Article 6 (1) to (5) when a valid car park permit specified in paragraphs (1)(a) to (1)(k) and paragraph (1)(m) of this Article is displayed in the vehicle in accordance with paragraph (2) of this Article -
- (a) an 'annual permit' purchased at the cost specified in Schedule 12, will be issued as a Virtual Permit, and shall remain valid for a period of 12 months from the start date that will be designated electronically at the point of purchase, and shall be valid for use in one vehicle registration number notified to Parking Services by the applicant. The permit shall be valid for use in the parking places specified in Schedules 1 to 3 of this Order and will allow the user to park for the maximum period permitted for permit holders in that parking place;
 - (b) an '8 day car park permit' purchased at the cost specified in Schedule 12, will be issued as a Virtual Permit, and shall remain valid for a period of 8 calendar days from the start date that will be designated electronically at the point of purchase. The permit shall be valid for use in the parking places specified in Schedules 1 to 3 of this Order (excluding Lower Union Lane Multi Storey car park) and will allow the user to park for the maximum period permitted for permit holders in that parking place;
 - (c) a '4 day car park permit' purchased at the cost specified in Schedule 12 will be issued as a Virtual Permit, and shall remain valid for a period of 4 calendar days from the start date that will be designated electronically at the point of purchase. The permit shall then be valid for use in the parking places specified in Schedules 1 to 3 of this Order (excluding

Lower Union Lane Multi Storey car park) and will allow the user to park for the maximum period permitted for permit holders in that parking place;

- (d) a 'monthly all car park permit' purchased at the cost specified in Schedule 12 will be issued as a Virtual Permit, and shall remain valid for a period of one month from the start date that will be designated electronically at the point of purchase, and shall be valid for use in one vehicle registration number notified to Parking Services by the applicant. The permit shall remain valid for a period of one month until the same day of the following month. The Virtual Permit permit shall be valid for use in the parking places specified in Schedules 1 to 3 of this Order (excluding Lower Union Lane Multi Storey car park) and will allow the user to park for the maximum period permitted for permit holders in that parking place;
- (e) an 'off peak permit' purchased at the cost specified in Schedule 12 will be issued as a Virtual Permit, and shall remain valid for a period of 12 months from the start date that will be designated electronically at the point of purchase, and shall be valid for use in one vehicle registration number notified to Parking Services by the applicant. The permit shall be valid between the hours of 3pm and 10am daily. The Virtual Permit or car park permit shall be valid for use in the parking places specified in Schedules 1 to 3 of this Order (excluding Lower Union Lane Multi Storey car park) and will allow the user to park for the maximum period permitted for permit holders between 3pm and 10am each day in that parking place;
- (f) a 'commercial car park permit' purchased at the cost specified in Schedule 12 shall remain valid for a period of one week (7 calendar days) from the start date scratched off by the user on the face of the permit, unless issued as a Virtual Permit where the start date will have been designated electronically at the point of purchase. The permit shall be valid for use in the commercial parking bays at the places specified in Schedule 6 of this Order and will allow the user to park for the maximum period permitted in that parking place;
- (g) a 'Disabled Persons Parking Permit' can be issued to Blue Badge holders who have reduced mobility and provide documentary evidence to the Council as detailed in the application form. Applicants who meet the eligibility criteria may purchase the permit at the admin cost specified in Schedule 12. The permit will be issued as a Virtual Permit, and shall remain valid for a period of 12 months from the start date that will be designated electronically at the point of purchase, and shall be valid for use in one vehicle registration number notified to Parking Services by the applicant. The permit shall be valid for use in all parking places specified in Schedules 1 to 3 of this Order and will allow the permit holder to park for the maximum period allowed to permit holders. The applicants valid Disabled Persons Badge must be clearly displayed in the relevant position in order for the permit to be valid for use, and all other terms and conditions provided with the permit must be adhered to;

- (h) where a virtual permit has been issued to a Torbay Council staff member via the Permit Portal, the permit may be used from the valid from date designated electronically when the virtual permit was activated, and shall remain valid until the expiry date noted on the Permit Portal. The permit shall only be valid for use in one vehicle at any given time, the registration number of the vehicle will be recorded on the Permit Portal, and may be amended by the applicant when required. The permit shall be valid for use in all parking places specified in Schedules 1 to 3 of this Order and will allow the user to park for the maximum period permitted for permit holders in that parking place (with the exception of Town Hall car park where the permit may only be used between the hours of 15:00 and 08:00) provided that –
 - (i) a pay and display ticket or mobile parking session has been purchased in accordance with Article 6 (5) of this Order, and –
 - (ii) in the case of any pay and display ticket, the ticket must be displayed in accordance with Articles 6(8) and 6(9) of this Order;
- (i) the Council may from time to time make permits available at a charge determined at that time, and any such permit shall be subject to the terms of this Order as well as special conditions of use that may apply to the permit;

(2) The permits referred to in this Article shall –

- (a) when issued with a hard copy permit, the permit must be exhibited in the vehicles front windscreen at all times during which the vehicle is left in a parking place during the permitted hours so that all the particulars on that side of the permit which bears the valid from date, expiry date, serial number, hologram (where applicable) and valid location are readily visible from the front or near side of the vehicle to a person standing on the near side of the vehicle;
- (b) have no requirement for a permit to be displayed in the vehicle when issued as a Virtual Permit.

(3) If a Permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the Permit has become altered by fading or otherwise the permit shall become invalid and the Permit Holder shall be required to surrender it to the Council and apply for the issue to him of a duplicate Permit. The cost of issuing a replacement permit shall be £20 payable by the permit holder. If a permit has been obtained or defaced in an attempt to defraud the Council then the individual will not be entitled to apply for another permit.

(4) If a Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue to him of a duplicate Permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate Permit and upon such issue the Permit that has been replaced shall become invalid. The cost of issuing a replacement permit shall be £20 payable by the permit holder.

(5) Car park permits may not be copied under any circumstances. If the Council has reason to believe that a permit has been copied or falsified then the Council may at its absolute discretion by serving notice in writing on the permit holder at the address provided by that person on their application for the permit, or at any other address believed to be that persons place of abode, withdraw the permit and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.

(6) In any parking place a parking bay(s) may be set aside for the sole use of pay & display customers, any such bays will be identified by signs in the parking place. Torbay Council car park permits will not be valid for use in these locations.

(7) An administration fee of £20 shall apply if an applicant requests changes be made to the vehicle registration numbers recorded against their car park permit or virtual permit.

(8) No refunds can be given under any circumstances for car park permits purchased from the Council.

(9) A car park permit specified in Article 7 (1) (a) to (g) and (i) will only be issued once the relevant charges have been paid in full to Torbay Council.

(10) Car Park Permits provided by Torbay Council shall not be valid for use in any on street pay and display parking facilities within Torbay.

(11) All vehicles displaying a valid car park permit shall be parked wholly within a relevant marked bay.

Reserved Bays

8. (1) Any vehicle parked or left in a reserved parking bay specified in Schedule 4 shall display at all times a valid reserved bay parking permit, so that all particulars on that side of the permit which bear the valid from date, expiry date, serial number, hologram and valid location are readily visible from the front or near side of the vehicle to a person standing at the front or near side of the vehicle;
- (2) All vehicles shall be parked wholly within their relevant marked parking bay in a reserved parking place;
- (3) The cost of a reserved bay is noted in Schedule 13. Where a bay is hired for a period of 12 months, the bay will be reoffered to the current user for first refusal for the next 12 month period;
- (4) If a vehicle is left in a reserved parking place otherwise than in accordance with paragraphs (1) and (2) of this Article then a penalty charge shall be payable in accordance with Article 10 of this Order.

Reserved Parking Areas

9. (1) Any authorised vehicle parked or left in a reserved parking area specified in a Schedule 5 shall be parked wholly within a relevant marked parking bay;

(2) In any parking place a parking bay(s) may be set aside for use by the following specific vehicles:

- (i) Livered Torbay Council operational vehicles that may wait between the hours of 8am and 6pm, Monday to Friday inclusive, for a period not exceeding 2 hours;
- (ii) Library Vehicle – being a vehicle nominated by Torbay Councils ‘Community & Performance Librarian’;
- (iii) Whiskey 1 Vehicle – being a vehicle nominated for by Torbay Councils ‘Corporate Debt/Income Manager’;
- (iv) Security Vehicle – being a vehicle nominated by Torbay Councils ‘Corporate Security/CCTV Manager’;
- (v) Parking Enforcement Vehicle – being a vehicle nominated by Torbay Councils ‘Service Lead for Parking Services’
- (vi) Printing Vehicle – being a vehicle nominated by Torbay Councils ‘Printing Manager’;
- (vii) Hallkeepers Vehicle – being a vehicle nominated for use by Torbay Councils ‘Facilities Management Officer’;

(3) In any parking place a parking bay(s) may be set aside for use by all vehicles to wait for a period not exceeding 30 minutes for the purpose of enabling goods to be loaded on or unloaded from that vehicle between the hours of 8am and 6pm on Mondays to Fridays inclusive;

(4) If a vehicle is left in a reserved parking area otherwise than in accordance with paragraphs (1) and (2) of this Article then a penalty charge shall be payable in accordance with Article 10 of this Order.

Contravention in a Parking Place

- 10. If a vehicle is left in a parking place during the charging hours without complying with the provisions of this Order, then a contravention shall be deemed to have occurred and a penalty charge shall be payable. A penalty charge notice showing the information required by the Traffic Management Act 2004 may then be issued by a civil enforcement officer in accordance with the requirements of that Act.
- 11. (1) When a penalty charge notice has been issued in respect of a vehicle in accordance with the provisions of Article 10 of this Order, no person not being the driver of the vehicle, a civil enforcement officer or a person duly authorised by the Council shall remove the notice from the vehicle.

(2) When a ticket or permit has been exhibited on a vehicle in accordance with the provisions of Articles 6 – 9 of this Order no person shall remove the ticket or permit from the vehicle until the vehicle has been removed from the parking place.

Manner of Payment of the Penalty Charge

12. (1) The Penalty charge notice shall be paid to the Council in accordance with the instructions indicated on the penalty charge notice, either –
- (a) by cheque or postal order, which shall be delivered or sent by post to the address indicated in the penalty charge notice; or
 - (b) by any other acceptable means which is agreed by the Council or authorised agent and the person or persons paying the penalty charge.
- (2) The penalty charge must be paid to the Council before the end of twenty-eight days beginning with the date of the penalty charge notice.
- (3) If the penalty charge is paid to the Council before the end of a period of fourteen days beginning with the date of the penalty charge notice, the amount of the penalty charge shall be reduced in accordance with the provisions of the Traffic Management Act 2004.
- (4) For the purposes of this Article the penalty charge shall be taken to be paid when it is received at the office at the address indicated on the penalty charge notice and if the end of the period of twenty-eight days specified in paragraph(2) of this Article or the end of the period of fourteen days specified in paragraph(3) of this Article falls upon a day the said office is closed, the period within which the payment of the penalty charge shall be made shall be extended until the time at which the said office closes on the next full day on which that office is open.

No Additional Coins to be inserted after Payment of Initial Charge

13. No person shall insert in a pay and display machine relating to the parking bay in which a vehicle is left any coins additional to those inserted by way of payment of the initial charge in respect of that vehicle.

Manner of Standing in Parking Places

14. Every vehicle left in a parking place shall so stand –
- (1) that every part of the vehicle is within the limits of a marked parking bay which shall be the appropriate bay in relation to the type of vehicle;
 - (2) if the vehicle cannot be parked wholly within one marked bay then a valid pay and display ticket must be purchased and clearly displayed as per Article 6 for each marked parking bay that the vehicle occupies;

Tickets As Evidence

15. For the purposes of Section 35(3)-(5) of the 1984 Act any indication of date and time printed on a ticket issued by a ticket machine shall, unless the contrary is proved, be conclusive of the date of and the time at which such ticket was purchased.

Conditions

16. Where a parking place is described as available for use by 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.
17. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle or in order to depart from the parking place.
18. The driver of the vehicle shall not, except with written consent of the Council, permit that vehicle to wait in a parking place unless the vehicle is licensed in accordance with the provisions of Section 1 of the vehicle (Excise) Act 1962.
19. The driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument without proper cause.
20. No person shall subject to the provisions of Article 21 hereof or except with the permission of any person duly authorised by the Council drive any vehicle in any parking place or otherwise be within the parking place other than for the purpose of leaving a vehicle in the parking place in accordance with the provisions of this Order or for the purpose of returning to or removing such a vehicle from the parking place.
21. In a parking place no person shall –
 - (1) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council;
 - (2) light or cause or permit to be lit any fire;
 - (3) carry on any trade or business of whatever description without the prior written consent of the Council;
 - (4) distribute, allow to be or cause to be distributed advertising material except with the prior written consent of the Council;
 - (5) deposit or cause to be deposited, any rubbish or litter of whatever description, except in a container provided in the parking place for that purpose
 - (6) transfer fuel out or into a vehicle, except where necessary to allow the vehicle to be driven;
22. No person shall in a parking place wantonly shout or otherwise make any loud noise or play any radio or sound system to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
23. 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.
24. No person shall use any part of a parking place or any vehicle left in a parking place-
 - (1) for sleeping or camping purposes;
 - (2) for heating cooking or preparing food;
 - (3) for the purpose of repairing servicing cleaning or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place or with the consent of the Council;

- (4) for the transfer of goods of any description from one vehicle to another or the loading and unloading of goods except with prior written consent of the Council;
25. No person shall use a parking place or any lift provided at a parking place as a means of passage proceeding from one road to another.
26. (1) Where in a parking place signs, bollards, cones or barriers are erected or surface markings are laid for any purpose and in particular, but not only for, the following purposes:
- (a) regulating the direction in which vehicles should or should not proceed;
 - (b) delineating or indicating areas, parking bays, parking spaces, access or circulation spaces into which vehicles should or should not proceed;
 - (c) indicating areas where vehicle are not permitted to wait;
 - (d) indicating the class or type of vehicle which may use a particular area, parking bay or parking space;
- (2) No person shall leave a motor vehicle in contravention of, or interfere with, such signs, bollards cones or barriers;
27. Where in any parking place a container or containers have been provided for the collection of waste glass or cullet for the purpose of recycling, it shall not be a breach of Article 20 hereof for any person to enter a parking place, whether on foot or in a vehicle, for the purpose of so depositing glass or cullet in such container, provided that such person leaves the parking place immediately thereafter or else proceeds immediately thereafter to park or remove a vehicle in accordance with the remaining Articles of this Order.
28. Where a car park supervisor or authorised person is present at a parking place no person shall use a motor vehicle in contravention of their directions.
29. Where a car park supervisor or authorised person is reasonably of the opinion that any of the provisions in Articles 16 to 26 inclusive have been contravened or not complied with in respect of a vehicle left in a parking place, they may –
- (1) require any person apparently in charge of the vehicle to remove it from the parking place or they may themselves remove the vehicle from the parking place or alter its position, or cause it to be removed, or its position to be altered and where it is so removed shall provide for its safe custody and the Council may recover any costs so incurred as a Civil debt;
 - (2) require any person whom they reasonably believe to be responsible for, or to have information concerning the said contravention or non compliance, to provide his/her name and address and evidence of identity;
30. Any person removing or altering the position of a vehicle by virtue of Article 29 of this Order, may do so by towing or driving the vehicle, or in such other manner as they may think necessary and may take such measures in relation to the vehicle as they may think necessary to enable them to remove it or alter its position, as the case may be.

31. (1) Notwithstanding the provisions of this Order, the Council may by notice displayed on or near a parking place, close or temporarily reserve for any purpose, that parking place or part thereof, for any period and no driver of any vehicle shall use that parking place or any part thereof when it is so closed except with the prior written consent of the Council;
- (2) Notwithstanding the provisions of this Order, the Council may by notice displayed on entry to and in the car park, close or temporarily reserve for any purpose, that parking place or part thereof, for any period. Any remaining vehicles left in the car park after the notified closing time, and before the stated opening time, may be released on demand by a person authorised in that behalf by the Council, subject to a release fee of £75 being paid to the Council by the driver of the vehicle;
- (3) Where a parking place is enlarged or otherwise altered or a new parking place created, the Council may apply the provisions of this Order to that enlarged, altered or new parking place and this Order shall be construed accordingly;
32. (1) In any parking place no person shall leave unattended any shopping trolley other than in any area which is indicated as an authorised collection point for such trolleys;
- (2) Without prejudice to paragraph (1) of this Article, a person authorised in that behalf by the Council may remove any shopping trolley left unattended other than at an authorised collection point;
- (3) Where any shopping trolley is removed by a person authorised in that behalf by the Council in accordance with paragraph (2) of this Article, the owner of such trolley may collect it from the place to which it has been removed within thirty days of its removal on the payment to the Council of the sum of £10;
33. No person shall use any vehicle while it is in a parking place in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of his skill or services without the consent in writing of the Council.
34. In case of emergency any person duly authorised by the Council may move or cause to be moved any vehicle left in a parking place.
35. No person shall drive a vehicle in a parking place at a speed in excess of 10 miles per hour, or other such speed, as may be indicated on a sign displayed in the parking place.

Exemptions from Charges

36. (1) The following vehicles left in parking bays during the charging hours shall be exempt from the payment of any charge in a parking place specified in the foregoing provisions of this Order –
- (a) any liveried Torbay Council or SWISCo vehicles;
 - (b) police, fire or ambulance vehicles used by authorised officers in the course of their duty;
 - (c) breakdown service vehicles attending vehicles which have broken down in a parking place specified in Schedules 1 and 2;
 - (d) any motor cycles parked in a designated motor cycle bay;

- (e) any vehicle displaying a valid car park permit in accordance with Article 7(1) (a) to (m) of this Order;
- (f) any vehicle displaying a valid exemption notice that has been provided by Torbay Council Parking Services;

(2) Any vehicle left in Meadfoot Road car park (specified in Schedule 1 to this Order) that is displaying in a prominent position at all times between the hours of 6pm and 10am, a "CPZ Area A" residents permit that is issued and is valid under the terms specified within the "Borough Of Torbay, Torquay Harbour North Controlled Parking Zone (Area A) Traffic Regulation Order 2011" and any order that revokes that order.

Derogation

- 37. The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any other made or having effect as if made under the Act or by or under any other enactment.
- 38. The powers conferred by this Order on a civil enforcement officer may be exercised by a police constable in uniform.
- 39. When this Order comes into effect the "Borough of Torbay (Off Street Parking Places) Order 2021" is hereby revoked.

DATED the 11th day of February 2021

THE COMMON SEAL of)
The Council of)
The Borough of Torbay was)
Hereunto affixed in the presence of:



Proper Officer and Authorised Signatory.



S./No.: 8480

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Schedule 1: Zone 1 Parking Places

Brixham

Brixham Central ⁽²⁾

Paignton

Churchward Road
Crown & Anchor
Great Western ⁽²⁾
Preston Gardens
Station Lane ⁽¹⁾
Victoria

Torquay

Brunswick Square
Chilcote Close
Lower Union Lane multi-storey
Lower Union Lane Shoppers ⁽³⁾
Lymington Road Coach Station
Melville Street
St Marychurch
Town Hall
Union Square

- (1) Long stay car park that also has a section of short stay parking with a maximum stay of 60 minutes (applicable to all users).
- (2) Short stay car park with a maximum stay of 3 hours, no return within 1 hour (applicable to all users, daily between 7am and 6pm).
- (3) Short stay car park with a maximum stay of 1 hour, no return within 1 hour (applicable to all users, daily between 7am and 6pm).

Schedule 2: Zone 2 Parking Places

Brixham

Freshwater
Oxen Cove

Paignton

Clennon Valley
Roundham ⁽¹⁾

Torquay

Hampton Avenue
Harbour
Meadfoot Road
Princes Street
Shedden Hill
Torre Valley ⁽¹⁾
Walls Hill

(1) Winter parking charges in operation during the period 1st November to 20th March (dates inclusive).

Schedule 3: Zone 3 Parking Places

Brixham

Breakwater (2)

Paignton

Broadsands (2)

Cliff Park Road (2)

Colin Road

Goodrington (1)

Quay West

Youngs Park

Torquay

Abbey Park

Beacon Quay

Kilmorie (2)

Meadfoot Beach (2)

- (1) Short stay car park with a maximum stay of 3 hours, no return within 1 hour (applicable to all users, daily between 7am and 6pm).
- (2) Winter parking charges in operation during the period 1st November to 20th March (dates inclusive).

Schedule 4: Reserved Bays

Brixham

Breakwater Car Park
Freshwater Car Park
Southern Quay

Paignton

Victoria Car Park

Torquay

Beacon Quay Car Park
Chilcote Close
Harbour Car Park
Harbour Car Park (Museum Road)
Lymington Road Coach Station
Shedden Hill Car Park
St Dominics Close

Schedule 5: Reserved Parking Areas

Torquay

Town Hall *(following bays in operation at this location: Whiskey 1 Vehicle Bay, Hallkeepers Bay, Library Vehicle Bay, Parking Enforcement Vehicle Bay, Printing Vehicle Bay, Security Vehicle Bay, Operational/Liveried Vehicle bays max stay 2 hours Mon-Fri 8am-6pm, loading bay maximum stay 30 minutes)*

Schedule 6: Commercial Vehicle Parking Places

Brixham

Freshwater

Paignton

Clennon Valley

Victoria

Torquay

Hampton Avenue

Lymington Road Coach Station

Shedden Hill

Schedule 7 – Tariff Tables for Off Street Parking Places listed in Schedule 1 (charges apply 7am to midnight)

Brixham

Car Park	Up to 30 minutes	Up to 1 hour	Up to 2 hours	Up to 3 hours	Overnight (available 6pm to midnight)
Brixham Central Car Park ¹	80p	£1.40	£2.50	£3.50	£4.50

¹ – Maximum stay of 3 hours permitted during the period 7am to 6pm every day.

Paignton

Car Park	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours	Overnight (available 6pm to midnight)
Churchward Road Car Park	£1.40	£2.50	£3.50	£4.50	£8.50	n/a
Crown & Anchor Car Park	£1.40	£2.50	£3.50	£4.50	£8.50	n/a
Great Western Car Park ¹	£1.40	£2.50	£3.50	n/a	n/a	£4.50
Preston Gardens Car Park	£1.40	£2.50	£3.50	£4.50	£8.50	n/a
Station Lane Car Park ²	£1.40	£2.50	£3.50	£4.50	£8.50	n/a
Victoria Car Park	£1.40	£2.50	£3.50	£4.50	£8.50	n/a

¹ – Maximum stay of 3 hours permitted during the period 7am to 6pm every day.

² – Long stay car park also has a section of parking bays that allow a maximum stay of 60 minutes.

Torquay

Car Park	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours	Overnight (available 6pm to midnight)
Brunswick Square Car Park	£1.40	£2.50	£3.50	£4.50	£8.50	n/a
Chilcote Close Car Park	£1.40	£2.50	£3.50	£4.50	£8.50	n/a
Lower Union Lane Multi Storey Car Park ³	£1.40	£2.50	£3.50	£4.50	£8.50	n/a
Lower Union Lane Shoppers Car Park ⁴	£1.40	n/a	n/a	n/a	n/a	£4.50
Lymington Road Coach Station Car Park	£1.40	£2.50	£3.50	£4.50	£8.50	n/a
Melville Street Car Park	£1.40	£2.50	£3.50	£4.50	£8.50	n/a
St Marychurch Car Park	£1.40	£2.50	£3.50	£4.50	£8.50	n/a

Town Hall Car Park	£1.40	£2.50	£3.50	£4.50	£8.50	n/a
Union Square Car Park	£1.40	£2.50	£3.50	£4.50	£8.50	n/a

³ – Pay on exit car park.

⁴ – Maximum stay of 1 hour permitted during the period 7am to 6pm every day.

Schedule 8 – Tariff Tables for Off Street Parking Places listed in Schedule 2 (charges apply 7am to midnight)

Brixham

Car Park	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours
Freshwater Car Park	£1.50	£2.60	£3.70	£4.70	£9.00
Oxen Cove Car Park	£1.50	£2.60	£3.70	£4.70	£9.00

Paignton

Car Park	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours
Clennon Valley Car Park	£1.50	£2.60	£3.70	£4.70	£9.00
Roundham Car Park ¹	£1.50	£2.60	£3.70	£4.70	£9.00

¹ – Winter parking charges apply during the period 1st November to 20th March (dates inclusive), these charges are listed at end of this Schedule.

Torquay

Car Park	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours
Hampton Avenue Car Park	£1.50	£2.60	£3.70	£4.70	£9.00
Harbour Car Park	£1.50	£2.60	£3.70	£4.70	£9.00
Meadfoot Road Car Park	£1.50	£2.60	£3.70	£4.70	£9.00
Princes Street Car Park	£1.50	£2.60	£3.70	£4.70	£9.00
Shedden Hill Car Park	£1.50	£2.60	£3.70	£4.70	£9.00
Torre Valley Car Park ¹	£1.50	£2.60	£3.70	£4.70	£9.00
Walls Hill Car Park	£1.50	£2.60	£3.70	£4.70	£9.00

¹ – Winter parking charges apply during the period 1st November to 20th March (dates inclusive), these charges are listed at end of this Schedule.

Winter Tariff (only available during the period 1st November to 20th March – dates inclusive) – the above charges apply outside of this period

Car Park	Up to 30 minutes	Up to 2 hours	Up to 4 hours	Up to 17 hours
Roundham Car Park	60p	£1.20	£2.00	£3.00
Torre Valley Car Park	60p	£1.20	£2.00	£3.00

Schedule 9 – Tariff Tables for Off Street Parking Places listed in Schedule 3 (charges apply 7am to midnight)

Brixham

Car Park	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours
Breakwater Car Park ¹	£2.70	£3.90	£4.90	£9.50

¹ – Winter parking charges apply during the period 1st November to 20th March (dates inclusive), these charges are listed at end of this Schedule.

Paignton

Car Park	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours	Overnight (available 6pm to midnight)
Broadsands Car Park ¹	£2.70	£3.90	£4.90	£9.50	n/a
Cliff Park Road Car Park ¹	£2.70	£3.90	£4.90	£9.50	n/a
Colin Road Car Park	£2.70	£3.90	£4.90	£9.50	n/a
Goodrington ²	£2.70	£3.90	n/a	n/a	£4.50
Quaywest Car Park	£2.70	£3.90	£4.90	£9.50	n/a
Youngs Park Car Park	£2.70	£3.90	£4.90	£9.50	n/a

¹ – Winter parking charges apply during the period 1st November to 20th March (dates inclusive), these charges are listed at end of Schedule 7.

² – Maximum stay of 3 hours permitted during the period 7am to 6pm every day.

Torquay

Car Park	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 17 hours
Abbey Park Car Park	£2.70	£3.90	£4.90	£9.50
Beacon Quay Car Park	£2.70	£3.90	£4.90	£9.50
Kilmore Car Park ¹	£2.70	£3.90	£4.90	£9.50
Meadfoot Beach Car Park ¹	£2.70	£3.90	£4.90	£9.50

¹ – Winter parking charges apply during the period 1st November to 20th March (dates inclusive), these charges are listed at end of this Schedule.

Winter Tariff (only available during the period 1st November to 20th March – dates inclusive) – the above charges apply outside of this period

Car Park	Up to 30 minutes	Up to 2 hours	Up to 4 hours	Up to 17 hours
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Breakwater	60p	£1.20	£2.00	£3.00
Broadsands	60p	£1.20	£2.00	£3.00
Cliff Park Road	60p	£1.20	£2.00	£3.00
Kilmorie	60p	£1.20	£2.00	£3.00
Meadfoot Beach	60p	£1.20	£2.00	£3.00

Schedule 10 – Tariff Tables for Commercial Vehicle Parking Places listed in Schedule 6 (Charges apply 7am to midnight)**Brixham**

Car Park	Up to 1 hour	Up to 4 hours	Up to 17 hours
Freshwater Car Park	£5.20	£10.50	£16.00

Paignton

Car Park	Up to 1 hour	Up to 4 hours	Up to 17 hours
Clennon Valley Car Park	£5.20	£10.50	£16.00
Victoria Car Park	£5.20	£10.50	£16.00

Torquay

Car Park	Up to 1 hour	Up to 4 hours	Up to 17 hours
Hampton Avenue Car Park	£5.20	£10.50	£16.00
Lymington Road Coach Station Car Park	£5.20	£10.50	£16.00
Shedden Hill Car Park	£5.20	£10.50	£16.00

Schedule 11: Promotional Parking Charges

<u>Parking period up to:</u>	<u>Charge</u>
Parking Promotion 1 – up to 6 hours	50p
Parking Promotion 1 – up to 12 hours	£1.00

Schedule 12 – Car Park Permits

Permit type	Period valid for	Car parks it is valid for use in	Time restrictions on use	Registration specific	Cost
Annual Permit	12 months (start date is always 1 st day of a month for any permit purchased via direct debit)	All car parks	Maximum stay permitted for permit holders in each car park	Yes – Only 1 registration	£400.00*
Monthly All Car Park Permit	1 month	All car parks except Lower Union Lane multi-storey (pay on exit)	Maximum stay permitted for permit holders in each car park	Yes – Only 1 registration	£65.00
8 Day Car Park Permit	8 days (consecutive)	All car parks except Lower Union Lane multi-storey (pay on exit)	Maximum stay permitted for permit holders in each car park	Yes – Only 1 registration	£45.00
4 Day Car Park Permit	4 days (consecutive)	All car parks except Lower Union Lane multi-storey (pay on exit)	Maximum stay permitted for permit holders in each car park	Yes – Only 1 registration	£25.00
Weekly Commercial	7 days (consecutive)	Freshwater, Oxen Cove, Victoria, Clennon Valley, Lymington Road Coach Station, Shedden Hill	Maximum stay permitted for permit holders in each car park	Yes – Only 1 registration	£65.00
Off Peak Permit	12 months	All car parks except Lower Union Lane multi-storey (pay on exit)	Only valid from 3pm to 10am	Yes – Only 1 registration	£65.00
Disabled Persons Parking Permit	12 months	All car parks except Lower Union Lane multi-storey (pay on exit)	Maximum stay permitted for permit holders in each car park	Yes – Only 1 registration	£40.00
Torbay Council Staff Permit (only available whilst under employment of Torbay Council)	12 months	All car parks	Maximum stay permitted for permit holders in each car park with the exception of Town Hall car park where permit may only be used between the hours of 3pm and 8am	Yes – Only 1 registration	£170.00

* Note – Cost of Annual Permit increases to £440.00 if paid for using Direct Debit option.

Schedule 13 – Reserved Bay Charges

Brixham

Location	No. of spaces	Cost for 12 months
Breakwater Car Park	3	£600
Freshwater Car Park	26	£600
Southern Quay*	58	(residents) £650 (businesses) yearly charge will be: 1st April 2021 to 31st March 2022 - £950 1st April 2022 to 31st March 2023 - £1200 1st April 2023 onwards - £1500 Notification of change of business: £50

* From April 2020 the charges for use of bays at Southern is intended to be separated between residential and commercial use. Any bay intended for use solely by a resident will be charged at a fixed charge identified above, and any bay intended for use by a business will be subject to an increased yearly charge. For bays hired by businesses, there is also an option of being able to pass the bay on to another company, the charge for notification of any such change is noted above.

Paignton

Location	No. of spaces	Cost for 12 months
Victoria Car Park	42	£600

Torquay

Location	No. of spaces	Cost for 12 months
Beacon Quay Car Park	3	£600
Chilcote Close	11	£600
Harbour Car Park	Not specified	£600
Harbour Car Park (Museum Road)	Not specified	£600
Lymington Road Coach Station	32	Bays issued to Innovation Centre tenants only – not for general public sale
Shedden Hill Car Park	10	Bays issued to Torquay Lawn Tennis Club – not for general public sale
St Dominics Close	4	£600

Schedule 14: Revocations

“Borough of Torbay (Off Street Parking Places) Order 2021”