

DATED:

2 April

2014

**BOROUGH OF TORBAY,
(OFF STREET PARKING PLACES)
ORDER 2014**

**Steve Parrock
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Torbay Council
Town Hall
Torquay
TQ1 3DR**

Off Street Order.

**BOROUGH OF TORBAY,
(OFF STREET PARKING PLACES)
ORDER 2014**

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 *First day of May* 2014 and may be cited as “Borough of Torbay (Off Street Parking Places) Order 2014”.
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 No.3 2013” 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:-

“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;

“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;

“cycle” has the same meaning as in Section 196 of the Road Traffic Act 1972;

“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;

“e-permit” means an electronic permit purchased via the mobile telephone parking system;

“entry ticket” means a ticket issued by a ticket machine upon entry to a pay on exit car park;

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

“mobile telephone parking” means the purchase of a period of parking 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 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 and 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 insert their entry ticket into the machine and then pay a parking charge dependant on the amount of time their vehicle has remained in the parking place;

“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’;

“swipe card” means a card which enables the user to have access to a pay on exit car park by presenting the card to the ticket machine at the entrance to the parking place;

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

“ticket 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 issue numbered tickets on entry into a pay on exit car park indicating the time and date of entry, which must be used to make payment upon exit of the parking place;

“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;

“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 – 7 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, motor cycles or disabled persons vehicles, provided that they are parked within a relevant bay to their class of vehicle.

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 8.01 of this Order;
- (2) The initial charge paid for a vehicle left in a parking place specified in Schedules 2, 3 and 4 shall be subject to the tariffs specified in Schedule 8.02 of this Order;
- (3) An additional tariff shall be available between the hours of 6pm and 8am for a vehicle left in a parking place specified in Schedules 1 – 4 on any day of the year as specified in Schedule 8.03 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 7 shall be subject to the tariffs specified in Schedule 8.04 of this Order, furthermore any coach displaying a valid commercial pay and display ticket in accordance with this paragraph shall receive one hours free parking time in addition to the time they have purchased.
- (5) Any vehicle left in a parking place specified in Schedules 1 – 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 8.05 of this Order;
 - (b) display the permit in accordance with Articles 7(1)(k) 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 8.05 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 (4) 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 or by credit/debit card (a transaction charge will apply in all purchases made by use of a credit card as noted in Schedule 8.10);

- (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.

(8) Upon payment of the initial charge for the vehicle 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 and the day and time by which the parking period started, 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) All vehicles shall be parked wholly within a marked parking bay in a parking place in accordance with Article 16 of this Order.

(11) 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;

- (b) whilst displaying a pay and display ticket;

(12) 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.

(13) 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 (j) and & 7(l), then that vehicle shall be exempt from paying any additional parking charge.

(14) 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.

(15) 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.

(16) Pay and display tickets purchased in accordance with the provisions of paragraphs (1) to (4) of this Article may be transferred between any other Council parking place specified within the same Schedule of this Order for where the ticket was originally purchased.

(17) In any parking place a parking bay(s) may be set aside for use by vehicles displaying a minimum of two car park permits of the type specified in Article 7(1)(k) of this Order, and displayed in the manner specified in Article 7(2) of this Order. Any such bay(s) will be known as 'Car Sharing Bays' and no other vehicle shall park in such bays or spaces set aside as 'Car Sharing Bays'.

(18) If a vehicle is left in a pay and display 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 (4) 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 8.06 may be used from the valid from date noted on the face of the permit and shall remain valid for a period of 12 months until the expiry date noted on the face of the permit, and shall be valid for use in up to four vehicle registration numbers notified to Parking Services in writing. The permit shall be valid for use in the parking places specified in Schedules 1 – 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 'annual site specific permit' purchased at the cost specified in Schedule 8.06 may be used from the valid from date noted on the face of the permit and shall remain valid for a period of 12 months until the expiry date noted on the face of the permit, and shall be valid for use in up to four vehicle registration numbers notified to Parking Services in writing. The permit shall be valid for use in one parking place only to be designated by the purchaser. The parking place will be one of the parking places specified in Schedules 1 (excluding Beacon Quay, Station Lane and Town Hall car parks), 2 and 3 to this Order, and will allow the user to park for the maximum period permitted for permit holders in that parking place;
 - (c) an 'annual commuter permit' purchased at the cost specified in Schedule 8.06 may be used from the valid from date noted on the face of the permit and shall remain valid for a period of 12 months until the expiry date noted on the face of the permit, and shall be valid for use in up to four vehicle registration numbers notified to Parking Services in writing. The permit shall be valid for use in the following parking places for the maximum parking period permitted – Harbour, Shedden Hill, Torre Valley, Union Square, Colin Road, Roundham, Victoria, Breakwater and Shoalstone car parks;
 - (d) a 'weekly car park permit' purchased at the cost specified in Schedule 8.06 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. The permit shall be valid for use in the parking places specified in Schedules 1 - 3 of this Order and will allow the user to park for the maximum period permitted for permit holders in that parking place;
 - (e) a '3 day car park permit' purchased at the cost specified in Schedule 8.06 shall remain valid for a period of 3 calendar days from the start date scratched off by the user on the face of the permit. The permit

shall then be valid for use in the parking places specified in Schedules 1 – 3 of this Order and will allow the user to park for the maximum period permitted for permit holders in that parking place;

- (f) a 'monthly all car park permit' purchased at the cost specified in Schedule 8.06 shall remain valid for a period of one calendar month from the date of purchase. The e-permit or car park permit shall be valid for use in the parking places specified in Schedules 1 – 3 (excluding Lower Union Lane car park) of this Order and will allow the user to park for the maximum period permitted for permit holders in that parking place;
- (g) a 'monthly commuter permit' purchased at the cost specified in Schedule 8.06 shall remain valid for a period of one calendar month from the date of purchase. The permit/e-permit shall be valid for use in the following parking places for the maximum parking period permitted – Harbour, Shedden Hill, Torre Valley, Union Square, Colin Road, Roundham, Victoria, Breakwater and Shoalstone car parks, and will allow the user to park for the maximum period permitted for permit holders at that parking place;
- (h) a 'monthly site specific permit' purchased at the cost specified in Schedule 8.06 shall remain valid for a period of one calendar month from the date of purchase. The e-permit or car park permit shall be valid for use in one parking place only to be designated by the purchaser. The parking place will be one of the parking places specified in Schedules 1 (excluding Beacon Quay, Lower Union Lane, Station Lane and Town Hall car parks), 2 and 3 to this Order, and will allow the user to park for the maximum period permitted for permit holders in that parking place;
- (i) an 'off peak permit valid from 3pm to 10am' purchased at the cost specified in Schedule 8.06 shall remain valid for a period of 12 months until the expiry date noted on the permit. The e-permit or car park permit shall be valid for use in the parking places specified in Schedules 1 - 3 of this Order 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;
- (j) a 'commercial car park permit' purchased at the cost specified in Schedule 8.06 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. The permit shall be valid for use in the commercial parking bays at the places specified in Schedule 7 of this Order and will allow the user to park for the maximum period permitted in that parking place;
- (k) 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. An admin fee as set by the Council which is specified in the permit application form will be payable in full by the applicant prior to the permit being

issued. The permit shall be valid for use for in all parking places specified in Schedules 1 - 3 of this Order and will allow the permit holder to park for the maximum period allowed to permit holders. The permit will remain valid for the period noted on the face of the permit as indicated by the valid from date and expiry date. 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;

- (l) where a permit has been issued with a serial number prefix of 'ST', the permit may be used from the valid from date noted on the face of the permit and shall remain valid until the expiry date noted on the face of the permit, and shall be valid for use in up to four vehicle registration numbers notified to Parking Services in writing. The permit shall be valid for use in all parking places specified in Schedules 1 - 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 has been purchased in accordance with Article 6 (5) of this Order, and –
 - (ii) the pay and display ticket is displayed in accordance with Articles 6(8) and 6(9) of this Order;
- (m) 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 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.

(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) 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 e-permit.
- (7) No refunds can be given under any circumstances for car park permits purchased from the Council.
- (8) A car park permit specified in Article 7 (1) (a) to (k) and (m) will only be issued once the relevant charges have been paid in full to Torbay Council.
- (9) Car Park Permits provided by Torbay Council shall not be valid for use in any on street pay and display parking facilities within Torbay.
- (10) All vehicles displaying a valid car park permit shall be parked wholly within a relevant marked bay.
- (11) A discount of 10% shall apply on purchases of all car park permits specified in Article 7(1) (a) to (j) and 7(1)(m) for vehicles in Car Tax bands A, B and C.
- (12) A 10% discount shall apply where a minimum of twenty car park permits specified in Article 7(1)(a) to (j) and (m) are purchased in one transaction.

Reserved Bays

8. (1) Any vehicle parked or left in a reserved parking bay specified in a Schedule 5 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 8.10. 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 vehicle parked or left in a reserved parking area specified in a Schedule 6 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) Mobile 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 11 of this Order.

Amount and Method of Payment of Parking Charge at Pay On Exit Parking Places

10. (1) Any vehicle entering a parking place specified in Schedule 4 shall obtain an entry ticket from the ticket machine at the entrance to the parking place unless otherwise exempted in paragraph (7) of this Article;

(2) The entry ticket should be kept by the driver as it must be inserted into the payment machine prior to exiting the parking place to pay for their parking period, and then inserted into the ticket machine at the exit of the car park to raise the barrier;

(3) If the entry ticket is lost at any point the driver is required to obtain a further entry ticket from the payment machine, upon which a parking charge must be paid at the 24 hour rate specified in Schedules 8.01 and 8.02. The driver will not be granted exit from the car park until this charge has been paid in full;

(4) The charge paid for a vehicle left in a parking place specified in Schedule 4 shall be subject to the tariffs specified in Schedules 8.01 and 8.02 of this Order;

(5) The charge paid for if entry and exit is between the hours of 6pm and 8am for a vehicle left in a parking place specified in Schedule 4 shall be subject to the tariff specified in Schedule 8.06 of this Order;

(6) Any driver who holds a valid car park permit specified in Article 7 may obtain a swipe card, the cost of which is specified in Schedule 8.09 of this Order. The swipe card will then be valid for the same period as the accompanying car park permit, and should be presented to the ticket machine on entry to, and exit from the car park. The user would not be required to obtain an entry ticket and would be exempt from paying the parking charges specified in this Article;

(7) Any vehicle entering a parking place specified in Schedule 4, by means of a swipe card, must display their valid car park permit in their vehicle in accordance with Article 7 (2);

Contravention in a Parking Place

11. 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.

12. (1) When a penalty charge notice has been issued in respect of a vehicle in accordance with the provisions of Article 11 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

13. (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

14. 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.

Interval Before Vehicle Can be Left Again

15. No vehicle which has been taken away from a parking bay in a parking place, after the initial charge has been incurred, can be left again in that parking place until after the expiration of one hour has passed since the vehicle left the parking place in any short stay car park specified in Schedules 1 – 3 of this Order.

Manner of Standing in Parking Places

16. Every vehicle left in a parking place shall so stand –

- (1) so that every part of the vehicle is within the limits of a marked parking bay at all times 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

17. 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

18. 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.

19. 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.

20. 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.
21. The driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument without proper cause.
22. No person shall subject to the provisions of Article 23 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.
23. 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;
24. 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.
25. 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.
26. 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;
27. 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;

28. (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;
29. 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 22 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.
30. 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.
31. Where a car park supervisor or authorised person is reasonably of the opinion that any of the provisions in Articles 18 to 28 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;
32. Any person removing or altering the position of a vehicle by virtue of Article 31 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.
33. (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 being paid to the Council by the driver of the vehicle (the charge for releasing a vehicle from an off street parking place is specified in Schedule 9.11 of this Order);

(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;

34. (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;

35. 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.

36. 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.

37. 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

38. (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 Tor2 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 to 4;
- (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 (l) 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 2 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

- 39. 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.
- 40. The powers conferred by this Order on a civil enforcement officer may be exercised by a police constable in uniform.
- 41. When this Order comes into effect the "Borough of Torbay (Off Street Parking Places) Order No3 2013" is hereby revoked.

The Council of The
Borough of Torbay S/No. 5433.

DATED the 2nd. day of April 2014.

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


Proper Authorised Signatory.



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Schedule 1: Beach Car Parks

Brixham

Breakwater
Shoalstone

Paignton

Broadsands
Cliff Park
Colin Road
Quaywest
Roundham
Youngs Park

Torquay

Abbey Park
Kilmorie
Meadfoot Beach
Shedden Hill
Torre Valley
Walls Hill

Schedule 2: Town Centre Car Parks

Brixham

Brixham Central (*note – maximum stay of 3 hours*)

Paignton

Churchward Road

Crown & Anchor

Great Western (*note – maximum stay of 3 hours*)

Preston Gardens (*note – there are 9 shoppers bays that allow free parking for up to 20 minutes at this location*)

Station Lane (*note – there are 14 bays within Station Lane Car Park that allow a maximum stay of 1 hour*)

Torquay

Chilcote Close

Hampton Avenue

Lower Union Lane Short Stay (Shoppers) (*note – maximum stay of 1 hour*)

Lower Union Lane Multi-storey

Lymington Road Coach Station

Meadfoot Road

Melville Street

St Marychurch

Town Hall

Union Square

Schedule 3: Leisure Car Parks

Brixham

Freshwater
Oxen Cove

Paignton

Clennon Valley
Victoria

Torquay

Beacon Quay
Brunswick Square (*note – there are 12 shoppers bays that allow free parking for up to 20 minutes at this location*)
Princes Street

Schedule 4: Pay on Exit Car Parks

Torquay

Harbour Car Park

Lower Union Lane Car Park

Schedule 5: Reserved Bays

Brixham

Breakwater Car Park
Freshwater Car Park
Southern Quay

Paignton

Victoria Car Park
Winner Street

Torquay

Beacon Quay Car Park
Chilcote Close
Harbour Car Park
Lymington Road Coach Station
St Dominics Close
Town Hall
Zion Road

Schedule 6: Reserved Parking Areas

Torquay

Town Hall *(following bays in operation at this location: Whiskey 1 Vehicle Bay, Hallkeepers Bay, Library Vehicle Bay, Mobile 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 7: Commercial Vehicle Parking (coaches receive an additional hour on the time purchased)

Brixham

Oxen Cove

Paignton

Clennon Valley

Victoria

Torquay

Lymington Road Coach Station

Shedden Hill

Schedule 8.01: Daily Parking Charges for Schedule 1 car parks

<u>Parking period up to:</u>	<u>Charge</u>
1 hour	£1.50
1.5 hours	£2.00
2 hours	£2.50
3 hours	£4.00
4 hours	£4.50
5 hours	£5.50
24 hours	£8.00

Schedule 8.02: Daily Parking Charges for Schedule 2, 3 & 4 car parks

<u>Parking period up to:</u>	<u>Charge</u>
30 minutes	70p*
1 hour	£1.30
1.5 hours	£1.80
2 hours	£2.30
3 hours	£3.30
4 hours	£4.00
5 hours	£5.00
24 hours	£8.00

* Only valid in Shoppers, St Marychurch, Chilcote Close, Princes Street, Brunswick Square, Great Western, Preston Gardens, Colin Road, and Brixham Central car parks.

Schedule 8.03: Night-time Parking Charges 6pm-8am (night time charges commence at 5pm in Lower Union Lane Short Stay (Shoppers) Car Park) - Fixed charge valid up to 10am

<u>Tariff Schedule:</u>	<u>Charge</u>
Schedule 8.01	£2.20
Schedule 8.02	£2.20

Schedule 8.04: Parking Charges - Commercial Vehicles (Coaches receive an additional one hour free on top of the time purchased)

<u>Parking period up to:</u>	<u>Charge</u>
1 hour	£2.00
4 hours	£6.00
24 hours	£10.00

Schedule 8.05: Promotional Parking Charges (terms and conditions apply)

<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
Parking Promotion 2 – Noon to midnight	£1.00
Parking Promotion 3 – All day parking	£3.00
Parking Promotion 4 – All day (not 24 hours)	£1.00

Schedule 8.06: Car Park Permits (note – discount of 10% will apply on purchases of all car park permits for vehicles in Car Tax bands A, B and C)

<u>Period:</u>	<u>Charge</u>
Annual Permit	£510.00
Annual Commuter	£480.00
Annual Site Specific	£450.00
Weekly Permit	£33.00
3 Day Car Park Permit	£20.00
Weekly Commercial	£38.00
Monthly All Car Park Permit	£42.50
Monthly Commuter	£40.00
Monthly Site Specific	£37.50
Off Peak Permit (valid 3pm to 10am)	£50.00
12 months Paignton	
Harbour User site specific	£330.00
6 months Paignton	
Harbour User site specific	£170.00
3 months Paignton	
Harbour User site specific	£100.00

Schedule 8.07: Reserved Bay Charges

<u>Period</u>	<u>Charge</u>
12 months	£510.00
6 months	£320.00
3 months	£200.00

Schedule 8.08: Vehicle Release Charge (all car parks)

	<u>Charge</u>
For a vehicle being released from a closed car park	£75.00

Schedule 8.09: Harbour Car Park Pay On Foot System

	<u>Charge</u>
Charge for a permit access card	£12.00

Schedule 8.10: Credit Card Surcharge (only applies to tariffs in Schedules 8.01 to 8.08)

	<u>Charge</u>
Any daily parking charge in Schedules 8.01 to 8.08 purchased by use of Credit Card.	40p

Schedule 9: Revocations

Borough of Torbay (Off Street Parking Places) Order No3 2013