

THE BOROUGH OF WARRINGTON (OFF-STREET PARKING PLACES) (CIVIL ENFORCEMENT) CONSOLIDATION ORDER 2008

ARRANGEMENT OF ARTICLES

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Warrington Borough Council (hereinafter called "the Council") in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended ("the 1984 Act") and of all other enabling powers and after consultation with the Chief Constable of Cheshire Constabulary in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

Part 1 - General

Commencement and Citation

1. This Order shall come into operation on the 31st Day of March 2008 and may be cited as The Borough of Warrington (Off-Street Parking Places) (Civil Enforcement) Consolidation Order 2008.

Interpretation

2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:

"Charging Days", means those days other than Christmas Day and Easter Sunday, which are as specified at each Parking Place respectively;

"Charging Hours", means the period as specified at each Parking Place on all charging days;

"Council" means Warrington Borough Council or its successor authority;

"Disabled Persons' Badge" means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons Regulations 2000 or a badge having effect under those regulations as if it were a disabled person's badge);

"Expiry Time" is either the time indicated on the Pay and Display Ticket or an expiry of the permitted time period for the tariff price and is the time by which the vehicle must leave the Parking Place;

"Motor Cycle" has the same meanings as in Section 136 of the Act of 1984 and refers to a solo motorcycle only and excludes any motor cycle which has a side-car or trailer, or which has more than two wheels;

"owner" in relation to a vehicle means the person by whom such vehicle is kept and used. It is presumed (unless the contrary is proved) that the owner is the person in whose name the vehicle is registered or the person who has the use of such a vehicle in the course of his/her employment and who is entitled to use such a vehicle as though he/she were the registered keeper thereof;

"Parking Bay" means an area of a Parking Place, which is provided for the leaving of a vehicle of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place;

"Parking Permit" means a season ticket, contract permit, business permit or resident's permit of a type and design issued by the Council;

"Parking Places" means the areas of land provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of leaving of vehicles and not closed (in part or in whole) by a Notice erected thereon by authority of the Council;

“Pay and Display Ticket” means a ticket issued by a Ticket Machine located in the Parking Place in which the vehicle has been left or issued by a person nominated by the Council on payment of a charge and valid for a parking period as advertised at that Parking Place;

“penalty charge” means a charge imposed by legislation in respect of parking contraventions that are subject to civil enforcement;

“Relevant Position” means

- (a) in respect of a vehicle displaying a valid Disabled Person’s Badge -
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 (the front of the badge), is legible from outside the vehicle; or
 - (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle;
- (b) in respect of a vehicle displaying a Pay and Display Ticket or Parking Permit
 - (i) the ticket or permit is exhibited on the inside surface of the windscreen or in a clearly visible position so that it is facing forwards and can be easily seen and read from the front or side of the vehicle; or
 - (ii) in the case of a vehicle that is not fitted with a transparent windscreen, the ticket or permit is exhibited on the front of the vehicle facing forwards and clearly visible;
- (c) in respect of a vehicle displaying a Hackney Carriage Plate
 - (i) the plate must be affixed to the vehicle in accordance with the instructions given within the licence as issued by the Anywhere District Council

“Ticket Machine” means an apparatus of a type and design approved by the appropriate Minister for the purpose of the 1984 Act, being apparatus designed to indicate the time by a clock and to issue parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and, either the time of such payment, or the time at which the vehicle must leave the Parking Place;

“Vehicle” means any motor car, Motor Cycle or other mechanically propelled automobile.

3. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.
4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
5. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting the persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
6. The Interpretation Act 1978 shall apply for the interpretation of this Order.

Part 2 – Designation and use of Parking Places

Designation

7. Each area of land or building specified in the Schedule may be used, subject to the provisions of this Order, as a place to leave vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are advertised at each Parking Place.

Class and position of vehicle

8. Where by Notice at a Parking Place, a Parking Place is described as available for vehicles of a specified class or vehicles to be left in a specified location, no person shall cause or permit a vehicle to wait in that Parking Place or in any Parking Bay within the Parking Place,
 - (i) unless it is of the specified class;
 - (ii) in a position other than that specified.
9. A vehicle left in the parking place shall be parked wholly within a parking bay.
10. Where in the Schedule to this Order a parking place is described as available for vehicles of a specified class or that the vehicles must be parked in a specified position the driver of a vehicle shall not permit it to wait in that parking place unless it is of the class and in the position so specified.
11. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuant to the provisions of the vehicle (Excise & Registration) Act 1994 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.

Disabled person's parking bays

12. No person shall cause or permit a vehicle to wait in a Parking Bay marked for disabled persons unless the vehicle displays a valid Disabled Person's Badge in the Relevant Position and immediately before or immediately after the act of parking the vehicle has been or is about to be used by the person(s) in respect of whom the Disabled Person's Badge has been issued.

Maximum Period of Stay

13. Where by Notice on site, a Parking Place is described as available on specified days, during specified hours or for a maximum period of stay, no person shall cause or permit a vehicle to park in that Parking Place on any day, during such hours or for any period other or longer than those specified.

Period of no return

14. Where by Notice on site, a Parking Place is described as having a period within which a vehicle may not return, no person shall cause or permit a vehicle to park in that Parking Place on any day, during such period.

Power to close or suspend Parking Places

15. Nothing in this Order shall prevent the Council by Notice, sign or barrier displayed in a Parking Place:
 - (i) from closing a Parking Place or any part thereof for any period; and/or
 - (ii) from setting aside a Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations.
16. Any person suspending the use of a Parking Place or any part thereof in accordance with the provisions of the preceding Article shall thereupon place or cause to be placed in or adjacent to that Parking Place or that part thereof a Notice or Traffic Sign indicating that the use of that Parking Place or that part thereof is suspended and that parking by vehicles is prohibited.

17. No person shall cause or permit a vehicle to be left in a Parking Place or any part thereof during such periods that the use of that Parking Place or that part thereof is suspended or during such period as there is in or adjacent thereto a Notice or Traffic Sign placed by or on behalf of the Council in pursuance of Article 16.

Sale of Goods

18. No person shall in a Parking Place without the express written permission of the Council, use a vehicle, in connection with the sale of any article, including the vehicle itself, to any person in or near the Parking Place or in connection with the selling or offering for hire of skill or services in any other capacity.

Parked with engine running

19. The driver of a vehicle using a Parking Place shall stop the engine as soon as the vehicle is in the parking space and shall not start the engine except when about to change the position of the vehicle in or to depart from the Parking Place.

Parked causing an obstruction

20. The driver of a vehicle using a Parking Place shall not park the vehicle in such a manner or place where it causes an obstruction to any other users of the Parking Place.

Part 3 – Charges for Parking

Payment

21. The driver of a vehicle using a Parking Place shall upon leaving the vehicle in the Parking Place pay the appropriate charge (if any) in accordance with the scale of current charges as advertised at the Parking Place.

Pay and display Parking Places

22. The driver of a vehicle using a pay and display Parking Place, or any parking bay within the Parking Place, shall, upon parking the vehicle in the Parking Place, and prior to leaving the Parking, purchase a Pay and Display Ticket at the level of charge and for the period required in accordance with the scale of charges specified in signs in the parking place.

Means of payment

23. The charges referred to in Article 21 shall be payable in the manner, as advertised at that Parking Place.

Display of ticket

24. Once a vehicle has been parked within a pay and display Parking Place the driver of the vehicle shall:
- (i) ensure that a valid Pay and Display Ticket has been obtained and is displayed at all times the vehicle is parked, to cover the entire period that the vehicle is parked in the Parking Place, and
 - (ii) display the Pay and Display Ticket issued at that Parking Place in the Relevant Position on the vehicle in respect of which it was issued.

Validity of Pay and Display Tickets

25. A Pay and Display Ticket is not transferable from one vehicle to another and on transfer the Pay and Display Ticket ceases to be valid.
26. A Pay and Display Ticket is valid only in the Parking Place in which it was issued. This is defined by the reference code of the Ticket Machine located in that Parking Place printed on the Pay and Display Ticket.

Expiry of parking period

27. The expiry of the period for which the appropriate charge has been paid shall be indicated when the time shown on the clock of the issuing Ticket Machine is later than the Expiry Time shown on the Pay and Display Ticket displayed.

No Pay and Display Ticket displayed

28. If at any time while a vehicle is left in a Parking Place no Pay and Display Ticket is displayed on that vehicle in the Relevant Position and in accordance with the provisions of Article 24, it shall be deemed that the charge has not been paid.
29. If at the time when a vehicle is left during the Charging Hours in a Parking Place and on the nearest Ticket Machine in that Parking Place there is a Notice placed by any person duly authorised by the Council, indicating that the said Ticket Machine is out of order, then a ticket shall be obtained from another Ticket Machine within the same Parking Place (where provided). Otherwise Article 30 shall prevail where there is no Ticket Machine or all Ticket Machines are out of order whether signed as such or not.
30. Where no valid Pay and Display Ticket can be obtained and displayed, vehicles may be left in a Parking Place but may not be left for longer than the maximum period of parking in that Parking Place as advertised at the Parking Place.

Parking Permits

31. Parking Permits are available from the Council at the appropriate fee, for a vehicle of a specific class and for a specific Parking Place subject to conditions determined by the Council.
32. The driver shall abide by the terms stipulated by the Council for the use of the Parking Permit.
33. A Parking Permit is only valid in the Parking Place in respect of which it was issued and up to the date of expiry shown on the Parking Permit.
34. A Parking Permit remains the property of the Council and must be surrendered on request. In such instances where a refund fee is deemed appropriate by the Council, this will be provided in accordance with the Council's policies.

Display of Parking Permit

35. The driver of the vehicle shall display the Parking Permit in the Relevant Position on the vehicle in respect of which it was issued at all times during which the vehicle is left in the Parking Place.

Replacement Parking Permits

36. Damaged or lost Parking Permits will be replaced on application to the Council and on payment of an administration fee. The damaged or lost Parking Permit will then become immediately invalid.

Surrender of Parking Permit

37. The holder of an annual Parking Permit shall on surrendering the Parking Permit be entitled to a refund based upon the number of complete months remaining un-expired from the beginning of the calendar month following the date on which the Council receives the surrendered Parking Permit. The refund will be one twelfth of the annual rate for each un-expired calendar month less an administration fee.

Expiry of parking period

38. The expiry time is either the time exhibited on the Pay and Display Ticket displayed on a vehicle or an expiry of the permitted time period for the tariff price and is the time by which the vehicle must leave the Parking Place;

Restriction on removal

39. When a Pay and Display Ticket or Parking Permit has been exhibited on a vehicle in the relevant position no person shall remove the Pay and Display Ticket or Parking Permit from the vehicle until the vehicle is removed from the Parking Place.

Part 4 - Exemptions

Exemptions from Daily Charges

40. No daily charge shall be payable in respect of;
- (i) a vehicle which displays in the relevant position a valid Disabled Person's Badge provided that the vehicle immediately before or after the act of parking has been used or is about to be used by the person(s) in respect of whom the badge is issued;
 - (ii) a Motor Cycle; or
 - (iii) a vehicle left displaying in a relevant position a valid Parking Permit valid for that Parking Place.

Absence of Ticket Machine

41. If at the time when a vehicle is left in a Parking Place during the charging hours there is no Ticket Machine at the Parking Place, or all the Ticket Machines at that Parking Place carry Notices placed upon them by a person duly authorised by the Council indicating that they are out of order, the driver of that vehicle shall be exempt from purchasing a Pay and Display Ticket. Otherwise Article 30 shall prevail where there is no Ticket Machine or all Ticket Machines are out of order whether signed as such or not.

Part 5 – Relocation, Removal and Disposal of Vehicles

Emergencies

42. A person authorised by the Council or a Police Constable in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any vehicle left in a Parking Place.

Movement and removal of vehicles from Parking Place

43. When a vehicle is waiting in a parking place in contravention of the provision of Articles 7 and 12 of this Order, a person authorised by the Council to do so may alter or cause to be altered the position of the vehicle so that its position shall comply with that provision.
44. Any person removing a vehicle or altering its position by virtue of Article 43 of this Order may do so in such manner as he/she thinks necessary.
45. Where a person authorised by the Council is of the opinion that any of the provisions contained in this Order have been contravened or have not been complied with in respect of any vehicle left in the parking place, he/she may remove the vehicle from the parking place or cause it to be removed and where it is so removed shall place the vehicle in the care of the officer duly authorised by the Council to take custody of vehicles.
46. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 45 of this Order, he/she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
47. All costs incurred by the Council under Article 45 in removing a vehicle from a parking place and in holding it secure shall be paid in full by the driver or owner thereof prior to its release from the custody of the Council or other person.
48. All costs incurred by the Council in altering the position of a vehicle under Article 45 shall be paid in full by the driver or owner thereof within 10 days of an invoice for such costs being received from the Council.
49. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven, any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

Safe keeping

50. Any person removing a vehicle from a Parking Place under the provisions of Articles 42 or 56 shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

Disposal of vehicles abandoned in Parking Places

51. The Council may sell or otherwise dispose of, in accordance with current legislation, a vehicle which has been, or could at any time be, removed from a Parking Place if the vehicle appears to have been abandoned.

Part 6 – Contravention and Penalty Charge

Contravention

52. Save for the provisions in Part VII, if a vehicle is left in a Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable. A Notice showing the information required by the appropriate legislation may then be issued in accordance with the requirements of the legislation or any subsequent applicable legislation and/or the vehicle may be removed from the location.

Restriction on removal of Notices

53. A Notice fixed to a vehicle in accordance with Article 52 shall not be removed or interfered with except by or under the authority of:
- (i) the Owner, or person in charge of, the vehicle;
 - (ii) the Council for the Parking Place in which the vehicle in question was found.

Indications as Evidence

54. The particulars given in the Notice attached to a vehicle in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

Part 7 – Liability and Other Provisions

Liability

55. The Council accepts no liability for the loss or damage to vehicles or other property left in any of the Parking Places to which this Order applies save for negligence of the Council.

Contraventions in suspended Parking Place

56. A person authorised by the Council may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any vehicle left in a Parking Place in contravention of Article 17 and the cost of movement or removal and safe keeping shall be the liability of the owner of the vehicle.

Driving within a Parking Place

57. Where in a Parking Place signs are erected or surface markings are laid for the purpose of
- (i) indicating the entrance to or exit from the Parking Place, or
 - (ii) indicating that a vehicle using the Parking Place shall proceed in a specified direction within the Parking Place,
- any person who drives or permits to be driven any vehicle
- (i) so that it enters the Parking Place otherwise than by an entrance or leaves the Parking Place otherwise than by an exit, so indicated, or
 - (ii) in a direction other than so specified
- shall be liable to prosecution.
58. Any person who, without with the permission of a person authorised by the Council in that behalf, drives or permits to be driven any vehicle in a Parking Place for any purpose other than the purpose of leaving that vehicle in the Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place shall be liable to prosecution.

Wilful damage

59. Any person who with intent to defraud interferes with the Ticket Machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination, or other approved method of payment, shall be liable to prosecution.

Domestic purposes

60. Any person who uses any part of the Parking Place or any vehicle left in a Parking Place
- (i) for sleeping or camping or cooking, or

- (ii) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable the vehicle to depart from the Parking Place, shall be liable to prosecution.

Behaviour

61. Any person who wilfully sounds any horn or any other similar instrument on a vehicle except when about to change the position of the vehicle in or to depart from the Parking Place shall be liable to prosecution.
62. Any person who in a Parking Place shouts or otherwise or otherwise makes any loud noise to the disturbance or annoyance of users of the Parking Place or residents or premises in the neighbourhood shall be liable to prosecution.
63. Any person who in a Parking Place uses 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 shall be liable to prosecution.

Other activities

64. Any person who in a Parking Place
- (i) erects or causes or permits to be erected any tent, booth, stand, building or other structure without the written consent of the Council, or
 - (ii) lights or causes to be lit any fire,
- shall be liable to prosecution.

Part 8 - Revocations

Revocation of Orders

65. The following Orders made by Warrington Borough Council and all their Amendments and any other Orders and Regulations of whatever nature relating to Off-Street Car Parking Places specified in the Schedule within the area of the Council made before the introduction of this Order are hereby revoked.

The Borough of Warrington (Off-Street Parking Places) Consolidation Order 2006

The Borough of Warrington (Off-Street Parking Places) Consolidation (Amendment No.1) Order 2007

SCHEDULE

OFF-STREET PARKING PLACES

MARKET MULTI STOREY CAR PARK	Land to the south side of Academy Way and west side of Bank Street
OLD ROAD CAR PARK	Land at the western end of Old Road and south of the junction of Knutsford Road and Wilderspool Bridge
WINWICK STREET CAR PARK	Land fronting the west side of Winwick Street immediately to the south of No 30 Winwick Street and east side of Foundary Street

WALTON HALL GARDENS CAR PARK	Land to the North of Walton Lea Road and east of Walton Lea Crematorium Drive
CAR PARK 'A' (TOWN HALL)	Land to the rear of Bank House (No. 88) Sankey Street
PALMYRA SQUARE SOUTH CAR PARK	Land fronting the north side of Museum Street immediately to the west of No. 25 Museum Street
PYRAMID CENTRE CAR PARK	Land to the south of the Pyramid Centre building
THE FORGE CAR PARK	Land north of West Avenue and east of Egerton Street, Stockton Heath
TOWN HILL CAR PARK	Land at Hill Street, western half, fronting part of that section of Hill Street at the rear of properties nos 26-34 Horsemarket Street
SHARP STREET CAR PARK	Land fronting Orford Lane at its junction with Sharp Street
MARSH STREET CAR PARK	Land south of Marsh House Lane at its junction with Marsh Street
COBDEN STREET CAR PARK	Land fronting the south side of Orford Lane at its junction with Cobden Street
JACKSON AVENUE CAR PARK	Land north of Jackson Avenue and east of Thompson Avenue and west of Common Lane, Culcheth
COMMON LANE CAR PARK	Land north of Common Lane at its junction with Warrington Road, Culcheth
PEPPER STREET CAR PARK	Land north of Pepper Street and east of The Cross and west of Grove Rise, Lymm
HENRY STREET CAR PARK	Land north of Eagle Brow and south of the Boat Stage, Lymm
DAVIES WAY CAR PARK	Land north of No.s 22 – 30 Eagle Brow and east of Brookfield Road, Lymm
GRAMMAR SCHOOL ROAD	Land east of Grammar School Road and immediately south of No.s 24 – 26 Grammer School Road
BUS STATION	Land on the west side of Winwick Street, bounded by A57 Midland Way to the north, the site of Golden Square to the west and the Bus Station to the south
ORFORD STREET CAR PARK	Land fronting the east side of Orford Street, the south side of Cockhedge Lane and the west side of Naylor Street, Warrington

BARRY STREET CAR PARK

Land north of Barry Street and south of Knutsford Road, Warrington

APPLETON RESERVOIR CAR PARK

Land fronting the north side of Park Lane, Appleton approximately 200 metres west of "The Kennels", Park Lane, Appleton

GIVEN under the Common Seal of the Council of the Borough of Warrington this 17th day of March 2008.

The Common Seal of **WARRINGTON**)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)

[Signature]
Authorised Signatory



