

WEST BERKSHIRE DISTRICT COUNCIL
(OFF-STREET PARKING PLACES)
(NORTHCROFT PARKING) ORDER 2009

West Berkshire District Council (hereinafter called "the Council") in exercise of its powers under Sections 32, and 35 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 Police 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 6th day of July 2009 and may be cited as the **WEST BERKSHIRE DISTRICT COUNCIL (OFF-STREET PARKING PLACES) (NORTHCROFT PARKING) ORDER 2009**

Interpretation

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

"alternative approved method of payment" means park and phone or any other approved system where a pay and display ticket is not produced;

"charging days", means the period as specified in the Schedule attached to this Order;

"charging hours", means the time periods as specified in the Schedule attached to this Order;

"Council" means West Berkshire District Council or its successor authority and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council;

"daily charge" means the charge imposed by the Council for parking in a parking place on any one day and for a specified period of time as is identified in the scale of charges specified by notice on each parking place;

"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 the time indicated on the pay and display ticket and is the time by which the vehicle must leave the parking place;

"motor car" means a mechanically propelled vehicle, not being a motor cycle, which is constructed itself to carry a load or passengers and of which the weight unladen -

- (a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than 7 passengers exclusive of the driver, does not exceed 3050 kilograms,
- (b) if it is constructed for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms, or
- (c) in a case falling within neither of the foregoing paragraphs, does not exceed 3050 kilograms;

"motor cycle" means a mechanically propelled vehicle with fewer than four wheels of which the weight unladen does not exceed 410 kilograms;

"owner" in relation to a vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the vehicle was parked in the parking place in question;

"park" and "parked" refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle and a vehicle shall be deemed to be parked for any period in the same parking place or parking bay (as the case may be) if any part of it is below the vehicle or the vehicle's load (if any) whether or not the vehicle is moved during that period;

"park and phone" means a method of payment of the parking charge as directed by notice at the parking place (where available) involving intimation by phone of the relevant registration number of the vehicle, location of the parking place, credit or debit card details and any such other details as the Council may from time to time require;

"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 any permit of a type and design issued by the Council subject to certain conditions, valid for the period and for use in parking places specified by the Council;

"parking place" means an area of land specified by name in the Schedule provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of parking 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 parked, 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 and has the same meaning as in the Civil Enforcement of parking Contraventions (England) General Regulations 2007;

"public holiday" means Christmas Day, Good Friday and any other day designated by the Government as a public holiday;

"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;

"season ticket" means a parking ticket purchased, subject to certain conditions, valid for the period specified on the ticket for use in parking places specified and indicated on the ticket;

"staff parking permit" means a permit of a type and design issued by the Council to authorised personnel and subject to certain conditions of use, valid for the period and for use in parking places specified by the 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:

- (i) designed to indicate the time by a clock and to issue parking tickets indicating the time by a clock and to issue pay and display tickets indicating the payment of a charge, the day and time at which the charge was paid and the expiry time of the parking period for which payment has been made;
- (ii) designed to issue a ticket showing the date and time of entry into the parking place and which ticket is subsequently validated upon payment of the appropriate charge at the parking place prior to departure.

"vehicle" includes any motor car, motor cycle or other mechanically propelled automobile.

2. 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.
3. 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.
4. 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.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order.
6. Headings within this Order have been inserted for convenience and shall not affect the construction and interpretation of the Order.

PART 2

DESIGNATION AND USE OF PARKING PLACES

Designation

7. Each area of land or building specified by name in the Schedules may be used, subject to the provisions of this Order, as a place to park vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are specified by notice at that parking place.

Class and position of vehicle

8. Where by notice at a parking place, the parking place, or any parking bay within the parking place, is described as available for vehicles of a specified class or vehicles to be parked in a specified location, no person shall cause or permit a vehicle to be parked in that parking place or in any parking bay within the parking place,
 - (i) unless it is of the specified class;
 - (ii) if it is parked beyond the parking bay markings;
 - (iii) if it is in a position other than that specified; or
 - (iv) if it is used for a purpose other than provided for in this Order.

Classes of vehicle

9. No person shall cause or permit a vehicle to be parked in a parking bay unless it is a motor car, a vehicle displaying a disabled person's badge, a motor cycle or a class specifically prescribed in the Schedules.

Position of vehicle

10. If parking bays are marked out in a parking place the driver of a vehicle shall ensure that it is positioned wholly within a parking bay appropriate for that vehicle and shall not permit it to wait in that parking place unless it is so positioned.
11. If parking bays are not marked out in a parking place the driver of a vehicle shall ensure that it is positioned so that it does not obstruct other vehicles using the parking place, the free flow of traffic circulating within the parking place and the entrances to and exits from the parking place.

Disabled person's parking bays

12. No person shall cause or permit a vehicle to be parked in a parking bay marked for disabled persons unless the vehicle displays in the relevant position a valid disabled person's badge 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.

Motor cycle parking bays

13. No person shall cause or permit a vehicle to park in a parking bay marked for motor cycles unless the vehicle is a motor cycle.

Hours of operation and maximum period of stay

14. Where specified in the Schedule and by notice on site a parking place or in any parking bay within the parking place is described as being in operation on specified days, during specified hours or for a maximum period of stay, no person shall cause or permit a vehicle to be parked in that parking place or in any parking bay within the parking place on any day, during such hours or for any period other or longer than those specified.

Period of no return

15. Where specified in the Schedule or 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 be parked again in that parking place on any day, during such hours within which the vehicle is excluded from waiting in the parking place.

Power to close or suspend parking places

16. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed or erected 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.

17. Any person closing or suspending the use of a parking place or any part thereof 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 of that parking place or that part thereof is closed or the use is suspended and that parking by vehicles is prohibited.
18. No person shall cause or permit a vehicle to be parked in a parking place or any part thereof during such periods that the parking place or that part thereof is closed or the use is suspended or during such period as there is in or adjacent thereto a notice or traffic sign indicating the closure or suspension placed by or on behalf of the Council.

Sale of Goods

19. 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

20. No person shall in a parking place continue to run the engine when 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

21. No person shall in a parking place park the vehicle in such a manner or place where it causes an obstruction to any other users of the parking place.

Using vehicle for domestic purposes

22. No person shall in a parking place use any vehicle for sleeping or camping or cooking.

Servicing vehicle

23. No person shall in a parking place undertake any activity of servicing, repair or washing any vehicle or part thereof other than is reasonably necessary to enable the vehicle to depart from the parking place.

Behaviour

24. No person shall in a parking place wilfully sound any horn or any other similar instrument on a vehicle while parked except when about to change the position of the vehicle in or to depart from the parking place.

Emptying of tanks and littering

25. No person shall in a parking place drain or discharge fuel from the fuel tank of a vehicle for the purpose of cleaning the tank or to transfer fuel from one vehicle to another.

26. No person shall in a parking place discharge any liquid from a vehicle or otherwise drop litter in the parking place.

PART 3

CHARGES FOR PARKING

Payment

27. No person shall cause or permit any vehicle to be parked during the charging hours in a parking place without arranging for the appropriate charge (if any) to be paid in accordance with the scale of current charges as specified within the Schedule or by notice on site.

Charges for set periods

28. Where a charge is specified for a period, the whole of that charge shall be due and payable for the use of the parking place for any part of that period.

Means of payment

29. The charges referred to in the preceding Article shall be payable in the manner as advertised at that parking place.

Pay and display parking places

30. The person in charge of a vehicle, upon parking the vehicle during the charging hours in a parking bay, shall immediately:-
- (i) ensure that a pay and display ticket is taken from a ticket machine situated at that parking place for the free parking period as specified within the Schedule or by notice at that parking place, or
 - (ii) ensure that a pay and display ticket is purchased from a ticket machine situated at that parking place at the level of charge and for the period required in accordance with the scale of daily charges as specified within the Schedule or by notice at that parking place, or
 - (iii) make arrangements to pay the appropriate fee through an alternative approved method of payment at the level of daily charge and for the period required in accordance with the scale of charges as specified within the Schedule or by notice at that parking place.

Display of ticket

31. Save for payment by an alternative approved method of payment, once a vehicle has been parked during the charging hours within a pay and display parking place the person in charge of the vehicle shall ensure that:
- (i) a valid pay and display ticket has been obtained to cover the entire period that the vehicle is parked in the parking place, and
 - (ii) the valid pay and display ticket is displayed in the relevant position on the vehicle in respect of which it was issued at all times the vehicle is parked.

Validity of pay and display tickets

32. 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.
33. A pay and display ticket is valid only in the parking place in which it was issued. This is defined by the location name of the ticket machine located in that parking place printed on the pay and display ticket.
34. A pay and display ticket is valid only until the expiry of the period for which a charge has been paid and is valid only on the day on which it is issued.

Expiry of parking period

35. The expiry of the period for which the appropriate charge has been paid shall be
- (i) where a pay and display ticket has been purchased, 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, or
 - (ii) where an alternative approved method of payment has been used, when the period for which payment has been made and recorded has been exceeded.
36. No person shall cause or permit any vehicle to be parked during the charging hours in a pay and display parking place after the expiry of a displayed pay and display ticket.

No pay and display ticket displayed

37. If at any time while a vehicle is parked in a pay and display parking place no pay and display ticket is displayed on that vehicle in the relevant position and in accordance with the provisions of this order, it shall be deemed that the charge has not been paid unless the Council has been notified by its appointed contractor that the charge has been paid by an alternative method of payment.

38. If at the time when a vehicle is parked during the charging hours in a pay and display parking place and the nearest ticket machine in that parking place is out of order, then a pay and display ticket shall be obtained from another ticket machine within the same parking place (where provided) or as directed in the parking place. If a pay and display ticket cannot be obtained from the ticket machine(s) then the Council must be informed using the contact numbers displayed on the information signs within the car park immediately and before the vehicle is left in the parking place.

Maximum period of stay to be upheld

39. Where no valid pay and display ticket can be obtained from a ticket machine within a pay and display parking place, vehicles may be parked in a parking place but may not be parked for longer than the maximum period of parking in that parking place as specified by notice at that parking place.
40. The Council may at its discretion decide that where no valid pay and display ticket can be obtained from a ticket machine within a pay and display parking place, vehicles may be parked in a parking place but payment of the appropriate charge must be made using an alternative approved method of payment.

Season tickets

41. Season tickets 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.
42. A season ticket is only valid in the parking place(s) in respect of which it was issued, for the vehicle in respect of which it was issued and up to the date of expiry shown on the season ticket.
43. The driver shall abide by the terms stipulated by the Council for the use of the season ticket.

Display of season ticket

44. A season ticket shall be displayed in the relevant position on the vehicle in respect of which it was issued at all times during which the vehicle is parked in the pay and display parking place.

Restriction on removal

45. When a pay and display ticket or season ticket has been exhibited on a vehicle in the relevant position no person shall remove the pay and display ticket or season ticket from the vehicle until the vehicle is removed from the parking place.

Staff parking Permits

46. Staff Parking Permits are made available by the Council to qualifying staff, for a vehicle of a specific class and for a specific parking place subject to conditions determined by the Council.

47. A Staff Parking Permit is only valid in the parking place(s) in respect of which it was issued, for the vehicle in respect of which it was issued and up to the date of expiry shown on the season ticket.
48. The driver shall abide by the terms stipulated by the Council for the use of the Staff Parking Permit.

Display of Staff Parking Permits

49. A Staff Parking Permit shall be displayed in the relevant position on the vehicle in respect of which it was issued at all times during which the vehicle is parked in the pay and display parking place.

Restriction on removal

50. When a Staff Parking Permit has been exhibited on a vehicle in the relevant position no person shall remove the Staff Parking Permit from the vehicle until the vehicle is removed from the parking place.

PART 4

EXEMPTIONS

Exemption from daily charge

51. No daily charge shall be payable in respect of;
- (i) a vehicle parked in a pay and display parking place 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 parked in a motor cycle bay; or
 - (iii) a vehicle parked displaying in a relevant position a season ticket or parking permit valid for that parking place.

Absence of Ticket machine

52. If at the time when a vehicle is parked 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 unless the Council has advised that payment shall be made using an alternative approved method of payment.

PART 5

RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES

Emergencies

53. In the case of an emergency, a person authorised by the Council or a police officer in uniform may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any vehicle parked in a parking place.

Movement or removal on contravention

54. Where a vehicle has been left in contravention of the provisions of this order, a person authorised by the Council may, using such measures as are appropriate, remove or arrange for the vehicle to be removed from the parking place or alter the position of the vehicle in order that its position shall comply with the provisions of the order.

Contraventions in suspended parking place

55. 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 parked in a parking place which has been closed or suspended in whole or in part by the Council and the cost of movement or removal and safe keeping shall be the liability of the owner of the vehicle.

Safe keeping

56. Any person removing a vehicle from a parking place under the provisions of this Order 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

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

57. Save for the provisions in Part 7, if a vehicle is parked in a parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable.

Restriction on removal of notices

58. Any notice fixed to a vehicle in contravention of any provision of this Order 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

59. The particulars given in any notice served on a vehicle in contravention of any provision of this Order shall be treated as evidence in any proceedings relating to failure to pay the penalty charge.

PART 7

LIABILITY AND OTHER PROVISIONS

Liability

60. 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 that arising from the negligence of the Council.

Validity

61. If a court, the Department for Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable such declaration shall not invalidate the remainder of the Order.

Driving within a parking place

62. 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, or
 - (iii) as may be indicated by any person duly authorised by the Council,
- must comply with the direction signs indicated.
63. 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

64. Any person who with intent to defraud interferes with a 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, shall be liable to prosecution.

65. Any person, who causes damage to any parking control equipment (including ticket machines), signing or lighting installations within the parking place or to any part of the fabric of the parking place, shall be liable to prosecution.

Domestic purposes

66. Any person who uses any part of the parking place or any vehicle parked 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

67. 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.
68. Any person who in a parking place shouts 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.
69. 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.

Skateboarding and other wheeled activities

70. Any person who in a parking place undertakes activities such as roller-skating, skate boarding, go-carting, the use of mini-motorbikes, quad bikes or any other similar vehicles to the disturbance or annoyance of users of the parking place or residents or occupants of premises in the neighbourhood shall be liable to prosecution.

Other activities

71. 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.

**THE COMMON SEAL of WEST
BERKSHIRE DISTRICT COUNCIL**

hereunto affixed this 29th day of June 2009 is
authenticated by:

Authorised Signatory



THE WEST BERKSHIRE (OFF STREET PARKING PLACES)

(NORTHCROFT PARKING) ORDER 2009

SCHEDULE – OFF-STREET PARKING PLACES

Name of parking place	Days of operation Hours of operation	Charging days Charging hours	Maximum period for which vehicles may be parked	Daily charges	Special Conditions
Northcroft Leisure Centre Plan No. Northcroft 01	All days All hours	Monday to Saturday except bank holidays 8.00 am to 6.00 pm	6 hours	(a) Up to 3 hours: - Free (b) Over 3 hours and up to a maximum permitted stay of 6 hours: £5.00	(i) A valid ticket to cover the three hours of free parking must be displayed during the charging hours on charging days (ii) Parking with permits issued exclusively to Leisure Centre staff is permitted during the charging hours on charging days (iii) Parking with Council Staff Parking Permits and Season Tickets is not permitted during the charging hours on charging days
Goldwell Park Plan No. Northcroft 02	All days All hours	Monday to Saturday except bank holidays 24 hours	24 hours	Up to 4 hours £1.00 Over 4 Hours £2.00 Evening Charge after 6.00 pm £1.00	(i) Parking is permitted for a maximum period not exceeding two hours in the free parking bays during the charging hours on charging days. No return to the free parking bays in the parking place is permitted on the same day for a maximum period not exceeding two hours after departure from the parking place during the charging hours on charging days (ii) Parking with valid Council Staff Parking Permits and Season Tickets is permitted for a maximum period not exceeding two hours in the free parking bays during the charging hours on charging days (iii) Vehicles displaying valid Staff Parking Permits and Season Tickets are not permitted to return to the free parking bays in the parking place on the same day for a maximum period not exceeding two hours after departure from the parking place during the charging hours on charging days (iv) Parking with Staff Parking Permits and Season Tickets is permitted in the pay to park parking bays during the charging hours on charging days