

WEST SUSSEX COUNTY COUNCIL
(HORSHAM: PARKSIDE CAR PARK)
(OFF-STREET PARKING PLACES)
ORDER 2018

West Sussex County Council in exercise of their powers under Sections 32, 35 and 39(6) of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to the Act and of all other enabling powers and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

PART I
General

Commencement and Citation

1. This Order shall come into operation on the 30th day of July 2018 and may be cited as "West Sussex County Council (Horsham: Parkside) (Off-Street Parking Places) Order 2018"

Interpretation

2. (1) In this Order -

"Bank Holiday" means a holiday under the Banking & Financial Dealings Act 1971 and includes Christmas Day and Good Friday;

"blue badge" and "disabled persons' badge" have the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations SI 682;

"caravan" has the same meaning as in the Caravans Sites and Control of Development Act 1960 and the Caravan Sites Act 1968;

"civil enforcement officer" has the same meaning assigned to it by Part 6 of the Traffic Management Act 2007;

"Council" means West Sussex County Council and/or Horsham District Council;

"County Council" means West Sussex County Council;

"disabled person's badge" and "blue badge" have the same meaning as in the Disabled Persons (Badge for Motor Vehicles) (England) Regulations SI 682;

"disabled person's vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 as amended;

"District Council" means Horsham District Council;

"driver" in relation to a vehicle left in a parking place means the person driving the vehicle at the time it was left in a parking place;

"expiry time" is the time indicated on the parking ticket or the time indicated by the confirmation given by the pay by phone technology service and is the time by which the vehicle must leave the parking place;

"goods vehicle" means a vehicle that is constructed or adapted for use for the carriage of goods or burden of any description;

"invalid carriage" has the same meaning as in Section 136 of the Act;

"keeper" means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994;

"motor cycle" has the same meaning respectively as in Section 136 of the Act excluding any motor cycle which has a side car or trailer, or has more than two wheels;

"owner" has the same meaning assigned to it by the Traffic Management Act 2004;

"parking place" means an area of land specified in the schedules and provided by the Council for the purpose of vehicle parking;

"parking space" means any area within a parking place which is provided for the leaving of vehicles;

"parking ticket" means a Pay & Display ticket issued from a ticket machine;

"passenger vehicle" means a vehicle solely constructed or adapted for the carriage of passengers and their effects;

"pay by phone technology" means a park and pay by phone scheme that allows a driver to make daily "pay by phone payments" to park facilitated by mobile phone, by SMS, smartphone applications, online or by telephone;

"penalty charge" has the same meaning assigned to it by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and shall be for the amount advertised by the Council and at the higher or lower rate as specified in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) General Regulations 2007;

"Penalty Charge Notice" means a notice issued by a civil enforcement officer in accordance with Regulations 9 or 10 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Parking permit" and "parking disc" means a parking permit or parking disc issued under the provisions of this Order;

"plan" means a plan of a parking place incorporated into this Order;

"relevant position" means in respect of disabled person's badges, pay and display tickets, parking discs and parking permits on the dashboard or fascia of the vehicle so as to be clearly legible from outside the vehicle or where the vehicle is not fitted with a dashboard or fascia in a conspicuous position on the vehicle so as to be clearly legible from outside the vehicle;

"ticket machine" means an apparatus designed to issue parking tickets indicating that payment of a charge has been made and the date and time at which the charge was paid;

"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;

"trailer" means a wheeled device, designed or adapted to be drawn by a vehicle or an articulated vehicle and shall be treated as a goods vehicles;

- (2) Any reference in this Order to a specific statute or statutory provision includes references to any statutory modification extension or re-enactment of such statute or statutory provision and to any regulations, Orders, bye-laws or other subordinate legislation made under such statute or statutory instrument from time to time.
 - (3) The prohibition, restrictions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any enactment and any exception to exemption from the provisions of this Order is without prejudice to the provisions if any other enactment.
4. Except where otherwise stated any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

PART II **Parking Places General**

Designation

5. Each area of land specified in the First Schedule and in the accompanying Plans may be used, as a place to park vehicles of such classes, in such positions, on such days, during such hours and for such periods as are specified in the said Schedule and advertised at each parking place.

Class and Position of Vehicles

6. Where in the First Schedule a parking place is described as available for vehicles of a specified class or vehicles to be parked in a specified position, no person shall cause or permit a vehicle to wait in that parking place unless it is of the specified class or in the position specified.
7. (1) Where in the First Schedule to this Order a parking place is described as available on specified days, during specified hours or for a maximum period of stay, no person shall permit a vehicle to wait in that parking place on any day, during such hours or for a period longer than those specified.
- (2) If parking spaces are marked out in a parking place the driver of a vehicle shall not permit it to wait unless it is wholly within a parking bay.
- (3) A vehicle must park in the appropriate place for its class.
- (4) If parking spaces 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.
- (5) If a surface area is marked "Keep Clear" or by double yellow line road markings the driver of a vehicle is not permitted to wait there.

- (6) Where in any parking place an area or parking space is designated by traffic sign, notice or surface marking as being reserved for use by Disabled Persons only a vehicle displaying a Blue badge or Disabled Persons badge in the relevant position shall be permitted to wait there
8. No person shall, except upon the direction of any person duly authorised by the Council or a Police officer in uniform drive any vehicle in a parking place other than for the purpose of leaving that vehicle in a parking place in accordance with the provisions of this Order or for the purpose of departing from a parking place.

Power to suspend the use of parking places

9. Nothing in this Order shall prevent the Council by Order, Notice, barrier, cone or sign displayed in the parking place, from closing or permitting closure of the parking place or any part thereof for any period and/or from setting aside the parking place or any part thereof on certain days or parts of days for use only by particular vehicles or organisations.
10. Any person suspending the use of a parking place or part thereof in accordance with Article 9 shall place or cause to be placed in or adjacent to that parking place or part thereof a notice, Traffic Sign or other sign indicating that waiting by vehicles is prohibited.
11. No person shall cause or permit a vehicle to be left in a parking place or part thereof during such periods as the use of that parking place or part thereof is suspended and waiting by vehicles is prohibited as indicated in accordance with Article 10

PART III **Use of Parking Places**

Trailers and Transporters

12. The driver of a vehicle drawing a trailer shall not permit the vehicle or trailer to wait in any parking place unless they have been disconnected, and for the purposes of this Order the vehicle and the trailer shall be deemed to be separate vehicles and the driver of the leading vehicle shall be deemed to be the driver of both vehicles.
13. No trailers or other vehicles shall unload or load in a parking place.

Use of Caravans in Parking Places

14. No person shall use a caravan or motor caravan while it is in a parking place as a dwelling or for any domestic or sanitary purpose.

Use of Vehicles in Parking Places

15. No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article including the vehicle itself, or in connection with the selling or offering for hire of his skill or services in any other capacity unless first duly authorised by the Council in writing.
16. No person shall, while a vehicle is in a parking place, permit the carrying out of any work of maintenance or repair thereto unless duly authorised by the Council or such as may be necessary to enable the vehicle to be moved from the parking place.

17. The driver of a motor vehicle using a parking place shall:-
- (i) stop the engine as soon as the vehicle is in position in a parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place;
 - (ii) turn off any refrigeration units, generators or other ancillary power units and not start them except when about to depart from the parking place.

Orderly use of parking places

18. Where signs are erected or surface markings indicate the entrances to or exits from the parking place, or indicating that a vehicle proceed in a specified direction, no person shall drive or cause or permit to be driven any vehicle:-
- (i) so that it enters a parking place otherwise than by an entrance or leaves a parking place otherwise than by an exit; or
 - (ii) in a direction other than that specified; or
 - (iii) in a manner or at a speed so as to cause danger to other users of the parking place.
19. In a parking place no person shall light or cause or permit to be lit any fire, stove, cooker or other appliance capable of producing a naked flame or spark or use any part of or any vehicle for overnight sleeping or camping.

Part IV
Charges for parking

Payment

20. The driver of a vehicle using a pay & stay parking place shall upon leaving the vehicle in the parking place pay the appropriate charge in accordance with the charges specified in the Fourth Column of the First Schedule to this Order.
21. The parking charges shall be payable by purchasing a parking ticket from a ticket machine situated at that parking place except where the driver is part of the pay by phone technology scheme and has paid for parking by phone for that vehicle in that parking place at the level of charge and for the period required in accordance with the charges specified in the First Schedule to this Order.

Exemptions from charges

22. No daily charge shall be payable in a pay & stay parking place in respect of:-
- (i) a vehicle that displays in the relevant position a disabled persons badge;
 - (ii) a vehicle that displays in the relevant position a parking permit or parking disc issued by the Council for parking in that parking place in that parking area;
 - (iii) a pedal cycle left in a cycle rack or designated area for pedal cycles. Pedal cycles are also exempt from restrictions on the maximum duration of waiting

Restriction on use of parking tickets

23. A vehicle must leave a parking place by the expiry time indicated on the parking ticket or the time indicated by the confirmation given by the pay by phone technology service.
24. The expiry of the period when the appropriate charge has been paid is when the time on the clock of the issuing ticket machine is later than the expiry time shown on the Pay & Display ticket or, when the time recorded on the pay by phone technology system is later than the confirmation given by the pay by phone technology service.
25. Where a vehicle has been left in a parking place displaying a parking ticket during the permitted hours neither the driver nor any other person shall remove the parking ticket and substitute it with any other parking ticket.

Ticket machine out of action

26. If at the time when a vehicle is parked in a parking place during the charging hours there is no working ticket machine at the parking place or, all the ticket machines at the parking place carry notices indicating that they are 'out of order', the driver of that vehicle shall be exempt from purchasing a parking ticket.

Display of tickets in Pay & Stay parking places

27. On obtaining a parking ticket the driver of the vehicle shall display the issued ticket in the relevant position and ensure that a ticket is purchased and continuously displayed to cover the entire period that the vehicle is parked in the parking place

Validity of Parking tickets

28. A parking ticket is not transferable from one vehicle to another
29. A Parking ticket is only valid in the parking place where it was issued. This is defined by the reference code of the ticket machine located in the parking place that is printed on the parking ticket
30. If at any time while a vehicle is parked in a parking place no parking ticket is displayed on that vehicle and no record of pay by phone payment has been made, it shall be deemed that that charge has not been paid.

PART V

Relocation and Removal of Vehicles

Movement of Vehicles left in Parking Places

31. Where any vehicle is left in a parking place which has been suspended in accordance with Article 9 or in such a manner so as to cause danger or obstruction a person authorised by the Council or a Police officer in uniform may alter or cause to be altered the position of the vehicle.
32. A person authorised by the Council or a police officer in uniform may move or cause to be moved any vehicles left in a parking place in the case of any emergency.

Safe Keeping

33. 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.

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

Liability

35. 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 its employees or agents.

PART VI **Parking Contraventions**

Contravention

36. 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.
37. When a contravention has occurred a Civil Enforcement Officer shall issue a penalty charge notice in accordance with the requirements of the Traffic Management Act 2004

Restriction on Removal of Notices

38. A penalty charge notice affixed to a vehicle in accordance with this Order shall not be removed or interfered with except by or under the authority of the Owner or person in charge of the vehicle or the Council for the parking place in which the vehicle in question was left.

Indications on evidence

39. The particulars given in the penalty charge notice attached to the vehicle in accordance with the provisions of this Orders shall be treated as evidence in any proceedings relating to failure to pay the penalty charge.

PART VII **Provisions relating to parking places for limited waiting**

40. Those parking places identified on the Order Plans as parking places for limited waiting may be used during the permitted hours by vehicles for a period not exceeding the specified time limit.

Parking Bay Markings and Traffic Signs

41. The County Council shall place and maintain at or in the vicinity of each parking place traffic signs indicating the details of the restrictions applicable to that parking place.
42. The County Council shall provide and maintain the markings required to indicate the extent of each parking place.

FIRST SCHEDULE
OFF-STREET PARKING PLACES IN HORSHAM

1	2	3	4	5	6
Parking Place	Permitted Class of Vehicles	Position in which vehicles may wait	Parking charges	Restrictions on waiting	Hours of control
Parkside, Horsham	Passenger vehicles & motor cycles	Wholly within the marked parking spaces	Monday to Friday 7am – 6pm Parking permit and Parking disc holders only No charge	No public parking: Monday to Friday 8pm to midnight midnight to 6pm Saturday and Sunday 8pm to midnight midnight to 8am	All days. All hours.
			Monday to Saturday 6pm - 8pm (excluding Bank Holidays) fixed fee £1.00		
			Saturday 8am – 6pm £1.20 per hour		
			Sundays and Bank Holidays 8am – 8pm fixed fee £1.50		
	Invalid carriages & blue badge holders	Wholly within the marked disabled bays	No charge		
Parkside, Chart Way, Horsham	Passenger vehicles & motor cycles.	Wholly within the marked parking spaces	No charge	Waiting limited to 30 minutes	All days. All hours.

	Invalid carriages & blue badge holders	Wholly within the marked disabled bays	No charge	None	All days. All hours
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The COMMON SEAL of WEST SUSSEX
COUNTY COUNCIL was
affixed hereto the *TWENTY fourth*
day of *July 2018*.
in the presence of:

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) (L.S.)
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Travis Ben


Authorised Signatory

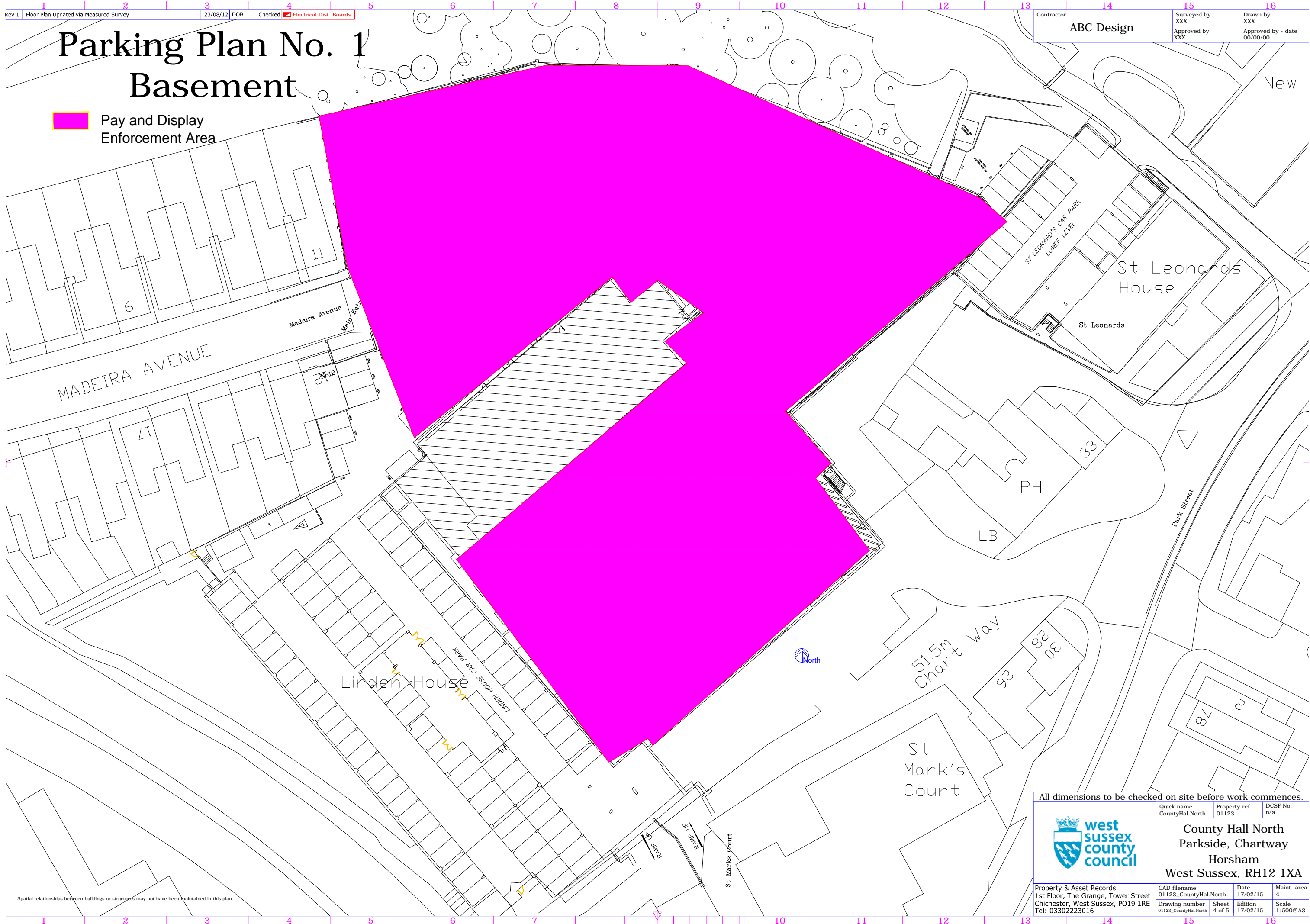


OFFER DELEGATED AUTHORITY

Parking Plan No. 1


Basement

 Pay and Display Enforcement Area




Spatial relationships between buildings or structures may not have been maintained in this plan.


All dimensions to be checked on site before work commences.

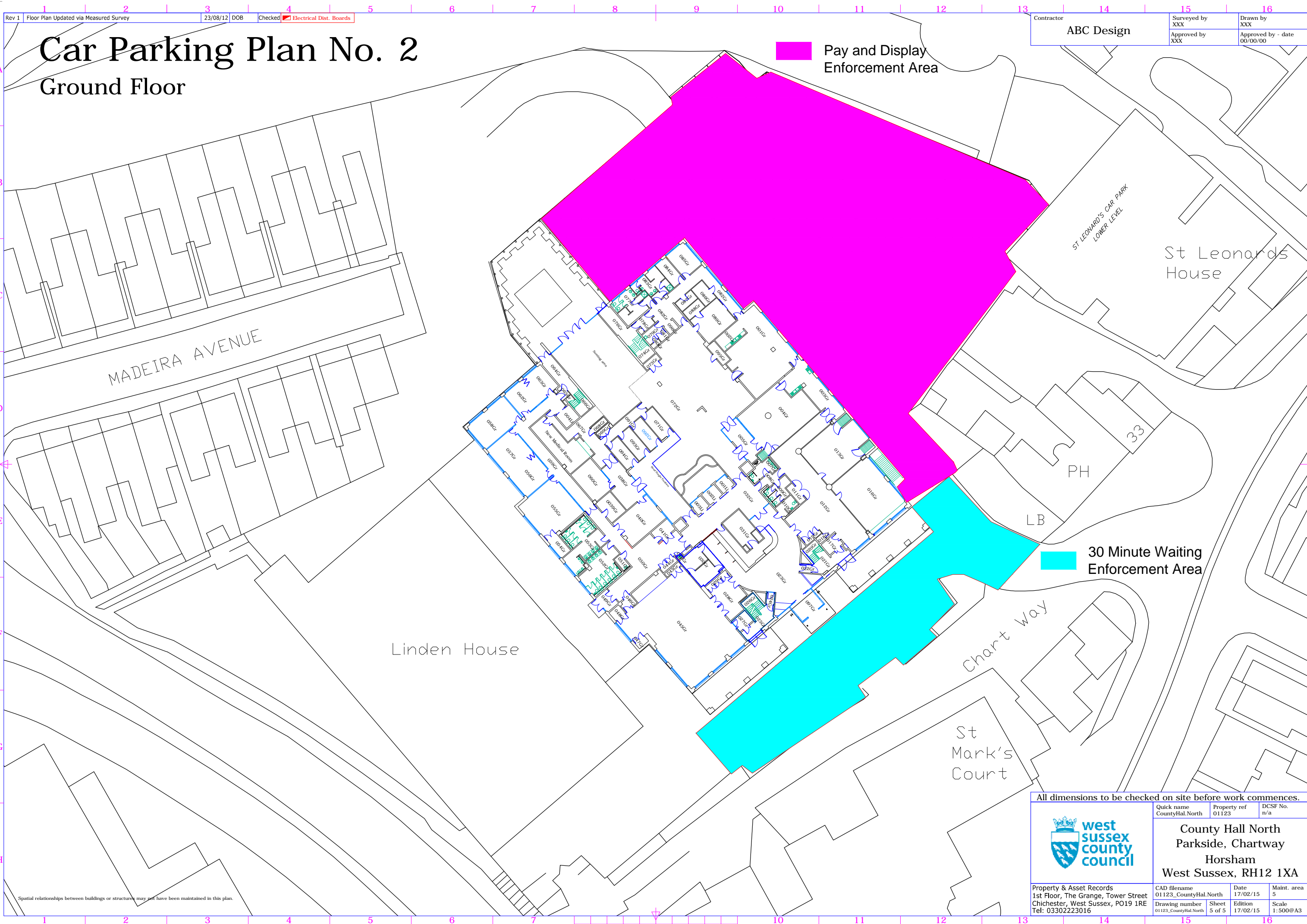
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	County Hall North Parkside, Chartway Horsham West Sussex, RH12 1XA		
Property & Asset Records 1st Floor, The Grange, Tower Street Chichester, West Sussex, PO19 1RE Tel: 03302223016	CAD filename 01123_CountyHal.North	Date 17/02/15	Maint. area 4
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Car Parking Plan No. 2

Ground Floor


 Pay and Display Enforcement Area

 30 Minute Waiting Enforcement Area



Spatial relationships between buildings or structures may not have been maintained in this plan.

All dimensions to be checked on site before work commences.

	Quick name CountyHal.North	Property ref 01123	DCSF No. n/a
	County Hall North Parkside, Chartway Horsham West Sussex, RH12 1XA		
Property & Asset Records 1st Floor, The Grange, Tower Street Chichester, West Sussex, PO19 1RE Tel: 03302223016	CAD filename 01123_CountyHal.North	Date 17/02/15	Maint. area 5
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