

DATE

Nineteenth day of June

2008

**WEST WILTSHIRE DISTRICT COUNCIL
(BOWYERS CAR PARK)**

(CIVIL ENFORCEMENT OFF-STREET PARKING PLACES)

TEMPORARY ORDER 2008

**West Wiltshire District Council
Legal Services
Bradley Road
Trowbridge
Wiltshire
BA14 0RD**

**Tel. 01225 776655
Fax. 01225 761053**

**DX 116891
Trowbridge 3**

File Ref: CAR-PARKS/254

WEST WILTSHIRE DISTRICT COUNCIL (BOWYERS CAR PARK)
(CIVIL ENFORCEMENT OFF-STREET PARKING PLACES)
TEMPORARY ORDER 2008

The Council of the District of West Wiltshire in the County of Wiltshire (hereinafter called “the Council”) in exercise of its powers under Sections 32, 33, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended (“the 1984 Act”) and under the Traffic Management Act 2004 as amended (“the 2004 Act”) and of all other enabling powers, with the consent of Wiltshire County Council in accordance with section 39(3) of the 1984 Act and after consultation with the Chief Constable of Wiltshire Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

PART I
GENERAL

Commencement and Citation

This Order shall come into operation on the 16th day of June 2008 and shall remain in operation for up to 12 months and may be cited as the West Wiltshire District Council (Bowyers Car Park) (Civil Enforcement Off-Street Parking Places) Order 2008.

Interpretation

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

“Charging Days”, means those days which are as specified in column 4 of Schedule 1;

“Charging Hours”, means the period as specified in column 5 of Schedule 1, on all Charging Days;

“Civil Enforcement Officer” means a person authorised by or on behalf of the Council to supervise the Parking Places and enforce the restrictions imposed by this Order;

“the Council” means West Wiltshire District Council and its successors;

"Disabled Person's Badge" means a badge issued by any Local Authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended) 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;

“Goods vehicle” has the meaning defined in the Traffic Signs Regulations and General Directions 2002;

“Light goods vehicle” refers to a Goods vehicle not over 3,500kg revenue weight;

“Motor Cycle” 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 who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the Vehicle was left in the Parking Place in question;

“Parking Bay” means an area of a Parking Place specifically indicated by markings on the ground or signed or otherwise indicated by signs in the Parking Place to show the position in which a vehicle shall be parked and which is provided for the leaving of a Vehicle of a class specified;

“Parking Disc” has the same meaning as provided in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“Parking Permit” means a parking permit of a type and design, as outlined in Schedule 3, issued by the Council for such period as the Council shall determine from time to time on payment of the appropriate fee, for a Vehicle of a specific class and for a specific Parking Place(s) and subject to such terms and conditions as determined by the Council from time to time and as set out in the Terms and Conditions of Use, in use at the time;

"Parking Place" means an area of land or buildings specified by name in column 1 of Schedule 1 and provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of vehicle parking and which is not declared to be closed (in part or in whole) by a notice erected thereon by authority of the Council;

“Passenger Vehicle” means a motor car as defined in Section 136 of the 1984 Act, and does not include any form of trailer or caravan;

“Pay and Display Parking Place” means a Parking Place in which a valid Pay and Display ticket must be displayed in the Relevant Position on a Vehicle that is left in that Parking Place;

“Pay and Display Ticket Machine” means an apparatus of a type and design approved by the appropriate Minister for the purpose of this Order, being apparatus designed to indicate the time by a clock and to issue Pay and Display Tickets which show whether 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;

“Pay and Display Ticket” means a ticket issued by a Pay and Display 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 where applicable and valid for a parking period as shown in column 6 of Schedule 1;

“Penalty Charge” means the charge set by the Council under Section 77 of Part 6 and Schedule 9 of the 2004 Act, as set out in Schedule 2, which is to be paid to the Council following the issue of a Penalty Charge Notice and within the period notified on the PCN, from the date of issue of that notice;

“Penalty Charge Notice” (PCN) means a notice issued by or served by a Civil Enforcement Officer pursuant to the provisions of ‘The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Public Service Vehicle” (PSV) has the meaning defined in Section 1 of the Public Passenger Vehicles Act 1981;

“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 Disabled Person's Badge is exhibited thereon so that Part 1 (the front of the Disabled Person's Badge), is legible from outside the Vehicle; or
 - (ii) in the case of a Vehicle not fitted with a dashboard or fascia panel, the Disabled Person's Badge is exhibited in a conspicuous position on the Vehicle so that Part 1 of the Disabled Person's Badge is legible from outside the Vehicle.

- (b) in respect of a Vehicle displaying a Pay and Display Ticket or Parking Permit:
 - (i) in the case of a Vehicle fitted with a dashboard or fascia panel, the Pay and Display Ticket or Parking Permit is exhibited thereon so that it is facing forwards and can easily be seen and read from outside the Vehicle; or
 - (ii) in the case of a Vehicle that is not fitted with a dashboard or fascia panel, the Pay and Display Ticket or Parking Permit is exhibited in a conspicuous position on the Vehicle facing forwards and clearly visible from outside the Vehicle.

- (c) in respect of a Vehicle displaying a Parking Disc:
 - (i) in the case of a Vehicle fitted with a dashboard or fascia panel, the Parking Disc is exhibited thereon so that it is facing forwards and can easily be seen and read from outside the Vehicle; or
 - (ii) in the case of a Vehicle that is not fitted with a dashboard or fascia panel, the Parking Disc is exhibited in a conspicuous position on the Vehicle facing forwards and clearly visible from outside the Vehicle

so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle.

“Terms and Conditions of Use” in respect of a Parking Permit are those listed on the application form used to obtain a Parking Permit;

“Vehicle” means those classes of vehicle which may wait in a Parking Place as specified in this Order.

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.

PART II

DESIGNATION AND USE OF PARKING PLACES

Designation

6. Each area of land or buildings, as specified in Column 1 of Schedule 1 to this Order, may be used, subject to the provisions of this Order, as a Parking 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 specified in this Order. Provided always that the use of the said Parking Place by the Vehicle, the driver and any passengers and belongings or goods carried by such Vehicle shall be entirely at the risk of the driver.

Class and position of Vehicle

7. Unless otherwise indicated in Schedule 1 in relation to a specific Parking Place, no person shall cause or permit a Vehicle to park in the Parking Place unless it is:

- a. a Passenger Vehicle, or
 - b. a Motor Cycle, or
 - c. a Vehicle displaying in the relevant position a valid Disabled Person's Badge and Parking Disc, or
 - d. Any other Vehicle not exceeding 3.5 tonnes maximum gross weight, which fits entirely within a marked parking bay other than a bay marked for a PSV or Goods vehicle.
8. Where in Schedule 1 a Parking Place or Parking Bay is described as available for Vehicles of a specified class or Vehicles to be left in a specified location, no person shall permit a Vehicle to park in that Parking Place or in any Parking Bay within the Parking Place:
- (i) unless it is of the specified class; or
 - (ii) parked beyond the Parking Bay markings; or
 - (iii) in a position other than that specified.

Disabled person's parking bays

9. No person shall cause or permit a Vehicle to park 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.

Dual use parking bays

10. Disabled drivers and drivers accompanied by children aged 3 years and under may permit their Vehicles to wait in Parking Places marked for dual use subject to the provisions of this Order.

Motor Cycle parking bays

11. 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.

Power to close or suspend Parking Places

12. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in a Parking Place:
 - a. from closing a Parking Place or any part thereof for any period; and/or
 - b. 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.

13. 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.

14. 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 the preceding Article.

Sale of Goods

15. 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.

Maximum Period of Stay

16. Where in Schedule 1 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 park in that Parking Place on any day, during such hours or for any period other or longer than those

specified. Save as provided where a driver displays a valid Parking Permit.

Period of no return

17. Where by notice on site a Parking Place is described as having a period within which a Vehicle may not return, no person shall permit a Vehicle to park in that Parking Place on any day, during such period which had previously been parked there.

Parked with engine running

18. The driver of a Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in the Parking Bay 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

19. 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.

Manned parking place

20. The driver of a Vehicle entering a Parking Place manned by an attendant shall only park where so directed by the attendant.

**PART III
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 specified in Schedule 1.

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 a Parking Bay, and prior to leaving the Parking Place, obtain a Pay and Display Ticket at the level of charge and for the period required in accordance with the scale of charges as specified in Schedule 1.

Means of payment

23. The charge referred to in the preceding Articles shall be payable by the insertion of an appropriate coin, coins or banknotes, together making up the amount of the charge into the Pay and Display Ticket Machine situated in that Parking Place or by other approved method of payment that shall be approved by the Council from time to time.

Display of ticket

24. Once a Vehicle has been parked within a Pay and Display Parking Place the driver of the Vehicle shall:
- a. 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
 - b. 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 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 Pay and Display 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 charge specified for that Parking Place as advertised at the Parking Place has been paid shall be indicated when there is exhibited on the Vehicle a Pay and Display Ticket and the time shown on the clock of the issuing Pay and Display Ticket Machine is later than the time at which the period for which a charge has been paid expired.

Pay and Display Ticket Machine out of action

28. If at the time when a Vehicle is left during the charging hours in a Parking Place and on the nearest Pay and Display Ticket Machine in that Parking Place there is a notice placed by any person duly authorised by the Council, indicating that the said Pay and Display Ticket Machine is out of order, then a ticket shall be obtained from another Pay and Display Ticket Machine within the same Parking Place (where provided).

No Pay and Display Ticket displayed

29. 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, it shall be deemed that the charge has not been paid.

Limit on time

30. Where, in the absence of a Pay and Display Ticket Machine or a Pay and Display Ticket Machine being out of order, 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 specified in Schedule 1.

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 or Parking Places 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 or Parking Places 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 appropriate 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 a Parking Permit may on surrendering the Parking Permit be entitled to a refund. In such instances where a refund fee is appropriate this will be provided in accordance with the Council's policies.

Restriction on removal

38. 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 IV
EXEMPTIONS FROM DAILY CHARGES

Exemptions

39. The following Vehicles left in a Parking Place shall be exempt from payment of any charge specified in Schedule 1 of this Order and shall be permitted to remain for a maximum of three hours in any Parking Place on any one day:
- a. 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;
 - b. a Vehicle left by the driver thereof, who is a person who on account of his/her severe physical disability has been given a notice in writing by the Council that he/she is exempt from payment of such charge or limitation on time, if the notice on a Vehicle is displayed in the Relevant Position.

Vehicles in this Article must display a Parking Disc or other approved means for indicating time of arrival.

40. No daily charge shall be payable in respect of:
- a. a Motor Cycle which is left in a Parking Bay indicated for use by Motor Cycles (if any); or
 - b. a Vehicle left displaying in the Relevant Position a valid Parking Permit, valid for that Parking Place.
41. Vehicles being used in connection with the emergency services namely Police, Ambulance and Fire Services, shall be exempt from the foregoing provision of this Order whilst being used in connection with official duties.

Absence of ticket machine

42. 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.

PART V RELOCATION AND REMOVAL OF VEHICLES

Emergencies

43. A Civil Enforcement Officer, 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.

Safe keeping

44. Any person removing a Vehicle from a Parking Place under Article 43 shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the Vehicle.

PART VI CONTRAVENTION AND PENALTY CHARGE

Contravention

45. 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 Penalty Charge Notice showing the information required by the 2004 Act may then be issued by a Civil Enforcement Officer in accordance with the requirements of the Traffic Management Act 2004 or any subsequent applicable legislation.

46. The period for which a Vehicle may be left in the Parking Place after the Penalty Charge Notice has been incurred shall not exceed 12 hours and the driver of the Vehicle shall not leave it in the Parking Place for longer than the said period.

Penalty Charge

47. In accordance with the requirements of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (“the 2007 Order”) the Council has set two different levels of Penalty Charge. This includes a higher level Penalty Charge and a lower level Penalty Charge according to the seriousness of the parking contravention.

The Council, in exercise of its powers under the 2004 Act has set the levels of Penalty Charge payable for off street parking contraventions in the District of West Wiltshire Civil Enforcement Area in accordance with Band 2 of Table 1 of the 2007 Order.

The Penalty Charge payable on issue of a PCN is as per the values shown in Column 2 of Table 1 in Schedule 2.

The Penalty Charges are discounted to the values shown in Column 3 of Table 1 in Schedule 2 if payment is received within 14 days of the issue of the PCN.

If the Penalty Charge remains unpaid after 28 days from the issue of the PCN, upon service of a charge certificate, it will increase to the values shown in Column 4 of Table 1 in Schedule 2.

The current list of off-street parking contraventions and which band they fall under is shown in Table 2 in Schedule 2. Other contraventions may be added pursuant to paragraph 5 of schedule 7 of the Traffic Management Act 2004.

Penalty Charge Notice

48. In the case of a Vehicle in respect of which the Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to either hand the Penalty Charge Notice to the person appearing to be in charge of the Vehicle, post the Penalty Charge Notice to the Owner of the Vehicle or attach the Penalty Charge Notice to the Vehicle in a conspicuous position.

Restriction on removal of notices

49. A Penalty Charge Notice attached to a Vehicle in accordance with Article 48 shall not be removed or interfered with except by or under the authority of:
- a. the Owner, or person appearing to be in charge of, the Vehicle; or
 - b. the Council.

Manner of Payment of Penalty Charge

50. The Penalty Charge shall be paid in accordance with the instructions contained on the Penalty Charge Notice.
51. If the driver fails to pay the Penalty Charge by the end of the 28 day period, a notice to the Owner may be served; and if the charge is then not paid within a further 28 days it may be increased to the value shown in Column 4 of Table 1 in Schedule 2 upon the issue of a charge certificate in accordance with the provisions of Section 21 of Part 5, The Civil Enforcement of Parking Contraventions (England) General Regulations 2007. Continued failure to pay the Penalty Charge may result in a judgement in the County Court against the Owner to enable the Council to recover the payments due.
52. Payment shall be received not later than 1600 on the 28th day following the day on which such Penalty Charge was incurred or the 14th day following the day on which the Charge was incurred if the specified proportion, as detailed on the PCN, is paid.

Indications as Evidence

53. The particulars given in the Penalty Charge 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 VII **DISPOSAL OF VEHICLES**

Disposal of Vehicles abandoned in Parking Places

54. The Council may sell or otherwise dispose of a Vehicle which has been, or could at any time be, removed from a Parking Place pursuant to Article 43 if the Vehicle appears to have been abandoned, provided that this power of disposal shall not be exercisable unless the Council has taken such of the following steps as are applicable to the Vehicle in question, and there has elapsed a period of six weeks beginning with the taking of the first of those steps.
55. Where the Vehicle carries a registration mark the Council shall ascertain from the appropriate body the name and address of the person who is the Registered Keeper of the Vehicle pursuant to the Vehicles (Excise) Act 1971, unless the Council is satisfied that the true owner of the Vehicle has identified himself to them.
56. The Council shall, where by virtue of Articles 54, 55 and 57, it is aware of the name and address of a person who it appears may be the Owner of the Vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the Vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said notice or from such

place as may be subsequently notified in writing by the Council to that person.

57. If any person to whom a notice is sent in accordance with Article 56 informs the Council of the name and address of some other person who he/she alleges may be the Owner of the Vehicle, a notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the Owner of the Vehicle.
58. Where a Vehicle does not carry a registration mark the first step to be taken by the Council shall be to apply in writing to the Chief Officer of Police in whose area the Parking Place is situated enquiring whom that officer considers is the Owner of the Vehicle and the address of that person.
59. The Council shall then make such further enquiries as to ownership as it thinks fit.
60. Upon the sale of a Vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof and of any charge or payment to which it is entitled.
61. In the event that any such costs incurred by the Council in connection with the disposal of the Vehicle are not satisfied by virtue of the last preceding Article, the Council may recover those costs from the person who was the Owner of the Vehicle immediately before it was removed from the Parking Place, provided that that person was sent by the Council a notice under Article 56.
62. Any sums received by the Council on the sale of a Vehicle shall, after deducting any sum applied by virtue of Article 60 be payable within a

period of one year from receipt hereof to any person to whom, but for such sale, the Vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid into the General Rate Fund of the Council.

63. Where under the foregoing provisions of this Order a notice is required to be or may be sent to a person the notice shall be sent by recorded delivery post.

PART VIII

LIABILITY AND OTHER PROVISIONS

Liability

64. 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.

Wilful damage

65. Any person who with intent to defraud interferes with the Pay and Display 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.

Contraventions in suspended Parking Places

66. 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 14 and the cost of the movement or removal and safe keeping shall be the liability of the owner of the Vehicle.

Driving within a Parking Place

67. Where in a Parking Place signs are erected or surface markings are laid for the purpose of:

- a. indicating the entrance to or exit from the Parking Place, or
- b. 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:

- a. 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
- b. in a direction other than that specified as the case shall be liable to prosecution.

Through traffic

68. Any person who, without 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 provision of this Order or for the purpose of departing from the Parking Place shall be liable to prosecution.

Inappropriate use of a Parking Place

69. Any person who uses any part of the Parking Place or any Vehicle left in a Parking Place for:

- a. sleeping or camping purposes; or
- b. eating or cooking purposes; or
- c. the purpose of servicing or washing any Vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place; or
- d. playing games; or
- e. erecting or causing or permitting to be erected any tent, booth, stand, building or other structure without written consent of the Council; or
- f. lighting or causing or permitting to be lit any fire; or

- g. dumping or depositing or causing or permitting to be dumped or deposited any solid or liquid waste, any rubbish or any other goods, item or material whether solid, liquid or otherwise, shall be liable to prosecution.

Behaviour

- 71. The driver of a Vehicle using a Parking Place shall not sound any horn or other similar instrument except if necessary when about to change the position of the Vehicle, in, or to depart from, the Parking Place shall be liable to prosecution.
- 72. 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.
- 73. Any person who in a Parking Place uses any threatening, abusive or insulting language, gesture or conduct with the 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.

PART IX

REVOCATIONS

Revocations

- 74. The West Wiltshire (Bowyers Car Park) (Off Street Parking Places) Temporary Order 2008;

is revoked as from the date this Order comes into operation.

EXECUTED as a Deed by affixing the COMMON SEAL
of West Wiltshire District Council
in the presence of

Member

[Handwritten signature] OBR

Head of Legal Services

[Handwritten signature]



WEST WILTSHIRE DISTRICT COUNCIL (BOWYERS CAR PARK)

(CIVIL ENFORCEMENT OFF-STREET PARKING PLACES)

TEMPORARY ORDER 2008

SCHEDULE 1 – RESTRICTIONS AND CHARGES

1	2	3	4	5	6
Parking Place	Position in which vehicle may wait	Classes of vehicle	Charging Days	Charging hours	Charges
<u>TROWBRIDGE</u>					
Bowyers Car Park	Wholly within a Parking Bay marked out by lines	Passenger Vehicles, Motor Cycles and Light goods vehicles	Mon-Sat Sun	08.00 – 18.00 All Hours	0-3 hrs Free 0-5 hrs £1.60 All day £3.60 5 consecutive "All days" £14.40 0-23hrs Free

WEST WILTSHIRE DISTRICT COUNCIL (BOWYERS CAR PARK)

(CIVIL ENFORCEMENT OFF-STREET PARKING PLACES)

TEMPORARY ORDER 2008

SCHEDULE 2 – PENALTY CHARGE LEVELS

Table 1

(1) Level	(2) Penalty Charge	(3) Penalty Charge paid early	(4) Penalty Charge paid after service of charge certificate	
Higher		£70	£35	£105
Lower		£50	£25	£75

Table 2

Code	General suffix(es)	Description	Differential level	Notes
70		Parked in a loading area during restricted hours without reasonable excuse	Higher	Off-street loading areas
73	u	Parked without payment of the parking charge	Lower	Off-street car parks
74	prs	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	Off-street car parks
77		- - - RESERVED FOR DVLA USE - - -	n/a	
80		Parked for longer than the maximum period permitted	Lower	Off-street car parks
81	o	Parked in a restricted area in a car park	Higher	Off-street car parks
82	puv	Parked after the expiry of paid for time	Lower	Off-street car parks
83		Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower	Off-street car parks
84		Parked with additional payment made to extend the stay beyond time first purchased	Lower	Off-street car parks
85	btrw	Parked in a permit bay without clearly displaying a valid permit	Higher	Off-street car parks
86	prs	Parked beyond the bay markings	Lower	Off-street car parks

Code	General suffix(es)	Description	Differential level	Notes
87		Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	Off-street car parks
89		Vehicle parked exceeds maximum weight or height or length permitted in the area	Higher	Off-street car parks
90	psv	Re-parked within one hour* of leaving a bay or space in a car park	Lower	Off-street car parks
91	cg	Parked in a car park or area not designated for that class of vehicle	Higher	Off-street car parks
92	o	Parked causing an obstruction	Higher	Off-street car parks
93		Parked in car park when closed	Lower	Off-street car parks
94	p	Parked in a pay & display car park without clearly displaying two**** valid pay and display tickets when required	Lower	Off-street car parks
95		Parked in a parking place for a purpose other than the designated purpose for the parking place	Lower	Off-street car parks
96	c	Parked with engine running where prohibited	Lower	Off-street car parks - this contravention may occur in certain coach bays.

Suffixes

- | | | |
|--------------------------------|--|--------------------------|
| a) temporary traffic order bay | b) business bay | c) coach parking |
| d) doctor's bay | e) double parked/obstruction | f) free parking bay |
| g) motor cycle bay | h) hospital bay | i) wrong type of voucher |
| j) camera enforcement | k) ambulance bay | l) loading place |
| m) parking meter holder | n) red route | o) blue badge |
| p) pay & display | q) market traders' bay | r) residents' bay |
| s) shared use bay | t) voucher/P&D ticket used in permit bay | w) wrong parking |
| u) mobile phone parking zone | v) voucher | z) out of date |
| x) incorrect VRM permit | y) obscured/illegible permit | |
| 0) local buses / trams only | | |

WEST WILTSHIRE DISTRICT COUNCIL (BOWYERS CAR PARK)

(CIVIL ENFORCEMENT OFF-STREET PARKING PLACES)

TEMPORARY ORDER 2008

SCHEDULE 3 – TYPES OF PARKING PERMIT

<u>(1)</u>	<u>(2)</u>	<u>(3)</u>
Type	Annual Cost	Six Monthly Cost
Residents Permit	£150	£75
Season Ticket	£450	£250