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Lenny

C1. WR02

WINCHESTER CITY (OFF STREET) PARKING PLACES (NO.2) ORDER 1992

Winchester City Council (hereinafter referred to as "the Council") in exercise of its powers under Section 35(1)(3) of the Road Traffic Regulation Act 1984 (which Act is hereinafter referred to as "the Act of 1984") and of Part IV of Schedule 9 to the Act of 1984, and of all other enabling powers and with consent of Hampshire County Council and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984 hereby make the following Order.

PART 1

General

1. Commencement and citation. This Order may be cited as the Winchester City (Off Street) Parking Places (No.2) Order 1992. Schedule I hereof shall come into operation on the 1st day of November 1992, Schedule II hereof shall come into operation on the 1st day of January 1993.

Revocation

2. The Winchester City (Off Street) Parking Places (Consolidation) Order 1990 (as amended) shall be revoked upon the coming into force of this Order.

Interpretation

3. In this Order except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:-
"Driver" in relation to a vehicle waiting in a parking place means the

person driving the vehicle at the time it was left in the parking place;

"Goods Vehicle" means a vehicle which is constructed or adapted for the carriage of goods or burden of any description;

"Motor Cycle" means a two wheeled mechanically propelled vehicle not having a side car or trailer attached thereto;

"Owner" has the same meaning as in the Road Traffic Regulation Act 1984;

"Car Park Warden" means the person authorised by or on behalf of the Council to supervise any parking place and includes any other officer or servant of the Council employed to control and manage any of the parking places provided by the Council;

"Parking Place" means any area of land specified by name in Column 1 of the First Schedule to this Order provided by the Council under Section 32 of the Act of 1984 for use as a parking place;

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

"Prescribed Hours" means the hours specified in Column 5 of Schedule 1 to this Order on those days when parking places are available, not being a Sunday, Christmas Day, Bank Holiday or Good Friday;

"Ticket Machine" means an apparatus of a type and design approved by the Secretary of State in accordance with Section 35(3) of the Act of 1984 for the purpose of this Order, being apparatus designed to indicate the time by a clock and to issue parking tickets indicating the payment of charge and the date and time at which the payment was made;

"Specified Position" means wholly within an area of a parking bay

"Parking Bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;

"Disabled Persons Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.

PART 2

Use of Parking Places

4. Use of land as parking places

- (1) The areas specified by name in column 1 of the First Schedule to this Order may be used subject to the following provisions of this Order as parking places for such classes of vehicles, in such manner and on such days and during such hours as are specified in relation to that area in the First Schedule to this Order.
- (2) Nothing in this Order shall prevent the Council, by a notice displayed at the parking places;
 - (a) from closing the parking place or any part thereof for any period
 - (i) whilst any works are being executed therein
 - (ii) whilst the parking place or part thereof is required for use for some special purpose
 - (iii) for any other reason
 - (b) from setting aside for use only by specially authorised vehicles of part or parts of a parking place on all days or on certain days or during certain parts of certain days.

5. Where in Article 4 of, or Schedule 1 to this Order, a parking place is described as available for waiting on all days or on certain days by specified classes of vehicle or in a specified position, the driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it to wait in that parking place on any day:-

(a) unless it is a vehicle of one of the specified classes of vehicles appropriate to that parking place and that day; or

(b) otherwise than within a parking bay marked out on the parking place.

6. The driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it:-

(a) to wait in a parking place or any part thereof -

(i) at any time when the parking place or that part (as the case may be) has been closed under Article 4(2)(a) of this Order;

(ii) unless it is a season ticket vehicle for longer than 24 hours or in a car park where the maximum stay specified in Column 6 of the First Schedule to this Order is less than 24 hours, for longer than the period so specified.

(b) to wait in any part of a parking place at a time when that part has been set aside for use by a specially authorised vehicle or vehicles in accordance with Article 4(2)(b) of this order unless the vehicle is so authorised.

7. Unless the vehicle displays a valid season ticket in relation to the particular parking place, an invalid carriage or a disabled person's vehicle or the driver has been exempted by the Council from payment of the charge, the driver shall in respect of the waiting of the vehicle in a parking place, pay the appropriate charge.

8. Amount of Initial Charge at Parking Places

(a) This Article applies to the parking places specified by name in Column 1 of the First Schedule to this Order;

(b) The initial charge for a vehicle left in a parking place during the charging hours shall be that specified in Column 7 of the First Schedule to this Order;

(c) The charge referred to in Article 7 and in paragraph (b) of this Article shall be payable by the insertion of an appropriate coin or coins into the apparatus or device provided, being an apparatus or device approved in accordance with section 35(3) of the Act of 1984 and the provisions of Section 47(5) of the Act of 1984 shall apply in respect of such apparatus;

(d) The owner of a vehicle may, on application to the Council purchase a season ticket in respect of that vehicle for a charge ascertained by reference to the charges specified in the Second Schedule to this Order and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued;

(e) Any ticket issued on payment of the charge referred to in paragraph (b) of this Article or season ticket issued in accordance with paragraph (d) of this Article or any permit issued under the provisions of Article 6(b) of this Order shall be attached in a conspicuous position to the front windscreen of the vehicle in respect of which it was issued. A vehicle shall not be left in a parking place if it displays an out-of-date ticket;

(f) A ticket issued on payment of the charge referred to in paragraph (c) of this Article shall be available only at the parking place at which it was issued.

9. Restriction on removal of parking tickets exhibited on a vehicle in accordance with the provisions of Article 8(e) of this Order

No person shall remove the parking ticket from the vehicle until the vehicle is removed from the parking place.

10. Exemption from Charge

The following persons shall be exempted from the payment of the charges

specified in Column 7 of the First Schedule to this Order:-

- (a) The driver of an invalid carriage;
- (b) The driver of a vehicle issued to a disabled person by the Ministry of Health in lieu of an invalid carriage;
- (c) The driver of a vehicle who is a person who on account of his severe physical disability has been given notice by the Council that he is exempt from any such charge if the notice is displayed on the vehicle in a conspicuous position;
- (d) A disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any authority in accordance with the provisions of the Disabled Person's (Badges for Motor Vehicles) Regulations 1982 or a badge having effect under the Regulations as if it were a disabled person's badge.
- (e) A vehicle left by the driver thereof who has been issued with a permit by the Council for the purpose of leaving the vehicle in a parking place for such time as that vehicle is parked in consequence of the driver's duty or business on behalf of the Council.
- (f) If at the time when a vehicle is left in the parking place during the prescribed hours there is no ticket machine at that parking place (unless the parking place is one provided solely for season ticket holders without a machine) 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.

11.

Amount of Excess Charge at Parking Places

If a vehicle is left in a parking place:-

- (a) during charging hours and no ticket is displayed in accordance with the requirements of Article 8(e) of this Order or when applicable no season ticket is in force with respect to the vehicle in accordance with the provisions on paragraph 8(d) of this Order; or
- (b) is left in a parking place during charging hours for longer than the initial period for which payment has been made; or
- (c) is left in a parking place for a period longer than that specified for the particular parking place in Column 6 of Schedule 1 to this order; or
- (d) is left in a parking place otherwise than in a specified position; or
- (e) where the vehicle in question is not of one of the classes authorised to use the car park and is so left without the consent of the Council; or
- (f) is left in a parking place at a time when the parking place or the relevant part thereof is restricted to use of specially authorised vehicles in accordance with the provisions of Article 4(2)(b) and no such authorisation has been granted in respect of that particular vehicle -
- (g) is left in a parking place or used in a parking place in contravention of Articles 16, 17, 18, 19 and 20 hereof

Then an additional amount of £30.00 (which additional amount is hereinafter referred to as the "excess charge") shall be payable.

12. Notice of Excess Charge

In the case of a vehicle in respect of which an excess charge may have been incurred, it shall be the duty of a Car Park Warden to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:

- (a) The registration mark of the vehicle or where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
- (b) The time at which he first observed that the initial period for which payment was made by the initial charge had expired, or the other reason for the excess charge having been incurred in the particular case;
- (c) A statement that the excess charge is required to be paid;
- (d) The manner in which, and the time within which, the excess charge should be paid.

13. Restriction on Removal of Notices

Where a notice has been attached to a vehicle in accordance with the

provisions of Article 12 of this Order no person other than the driver of the vehicle or some other person duly authorised by the Council, shall remove the notice from the vehicle until the vehicle is removed from the parking place.

14.

Manner of Payment of Excess Charge

The driver of a vehicle in respect of which the excess charge has been incurred shall pay the excess charge to the Council either by cheque or postal order which shall be delivered or sent by post so as to reach the Finance Department of the Council at City Offices, Colebrook Street, Winchester not later than 10.00 a.m. on the forty-second day following the day on which the charge was incurred or in cash in person at the said department not later than as aforesaid.

Provided that if the said forty-second day falls upon a day upon which the said Department is closed, the period within which the payment of the charge shall be made to the Council shall be extended until 10.00 a.m. on the next full day on which the said department is open.

15.

Reduced Amount of Excess Charge

In the event of payment being received by the Finance Department as aforesaid within 28 days of the day when the Excess Charge was incurred (provided that if the twenty-eighth day falls upon a day on which the Department is closed the period within which payment of the Excess Charge as provided herein shall be extended until 10.00 am on the next full day on which the said Department is open) the amount of the Excess Charge

shall be reduced to £20 and the said payment of the sum of £20 shall be accepted in full settlement of the Excess Charge payable under the terms hereof.

16. Driving of Vehicles in Parking Places

(a) The driver of a vehicle in a parking place shall comply with all directions, signs, road surface markings, traffic control devices or other reasonable instructions given by a Car Park Warden.

(b) The driver of a vehicle using a parking place shall not drive the vehicle:-

(i) recklessly or at a speed or in a manner which is dangerous to other users of that parking place, or without due care and attention or without reasonable consideration for other users of that parking place; or

(ii) 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 the parking place. (Provided that this Article shall not prevent a person from driving a motor vehicle in a parking place to which this Order applies for the purpose of gaining access to a private parking place where access to that private parking place can only be gained by driving a vehicle through a parking place to which this Order applies).

17. Use of Caravans in Parking Places

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

18.

Use of Vehicles in Parking Places

No person shall except with permission in writing from the Council use or permit a vehicle to be used in a parking place in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.

19.

Repair of Vehicles in Parking Places

No person shall, whilst a vehicle is in a parking place, permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be removed from the parking place.

20.

Use of Parking Place

The driver of a vehicle shall not use a parking place or part thereof;-

- (a) so as unreasonably to prevent access to any other parking place or to any premises adjoining the parking place or so as to be a nuisance;
- (b) when the Council has closed that parking place or part thereof in accordance with the provisions of Article 4(2)(a) of this Order and exhibited a notice of such closing on or near the parking place;

- (c) the driver of the motor vehicle shall stop the engine as soon as the vehicle is in position in a parking place and shall not restart the engine except when about to change the position of the vehicle in or to depart from the parking place;
- (d) operate any loud speaker fixed or connected to the vehicle, so as to cause nuisance or disturbance to any person.
- (e) unless the vehicle displays a current Vehicle Licence relating to that vehicle
- (f) unless there is in relation to the use of that vehicle by any person who drives it within that parking place such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988

21.

Removal of Vehicles from Parking Places

Where a Car Park Warden as defined in Article 3 of this Order is of the opinion that the provisions contained in Articles 5, 6, 17, 18 or 19 of this Order have been contravened or not complied with in respect of the vehicle left in a parking place, he may remove the vehicle or cause it to be removed from the parking place.

22.

Movement of Vehicles in a Parking Place in Emergencies

- (1) A Car Park Warden or other persons duly authorised by the Council may move or cause to be moved, in cases of emergency, to any place he thinks fit, vehicles left in a parking place.

(2) Where a vehicle is left in a parking place in a position other than that specified in Column 2 of the First Schedule or Article 20 to this Order, a Car Park Warden or any other person duly authorised by the Council may move the vehicle or cause it to be moved to a position which complies with that specified in Column 2 of the First Schedule to this Order.

23.

Manner of Moving Vehicles

Any person moving, removing or altering the position of a vehicle in accordance with Articles 21 or 22 of this Order may do so by towing or driving the vehicle or by such other manner as he may think necessary and may take such steps in relation to the vehicle as he may think necessary to enable him to move, remove or alter its position as aforesaid.

24.

Safe Custody of Vehicles

When a Car Park Warden or other person authorised by the Council removes a vehicle or causes it to be removed from a parking place in accordance with Article 23 of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

25.

Offences

Any person contravening or failing to comply with a provision of this Order shall be guilty of an offence.

26. Given under the Common Seal of the Council this 22nd day of October
1992

THE COMMON SEAL of WINCHESTER)
CITY COUNCIL was hereunto)
affixed in the presence of:-)

S. Whitehall

Chief solicitor

W.S.

SCHEDULE I

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7										
Name of Parking Place	Position in which vehicles may wait	Class of Vehicles	Days when parking available	Prescribed Charging Hours	Maximum Period for which vehicles may wait	Period of Parking and Charge										
<u>Middle Brook Street</u>																
The surface car park between Friarsgate on the south, Middle Brook Street on the west and Lower Brook Street on the east. It includes the area to the north of Cossack Lane which bisects the car park.	Wholly within a marked parking bay	Motor Cars and Vehicles of an unladen weight not exceeding 2 tonnes and any other vehicle for which express consent of the Council has been given.	All days	8.00am-6.00pm Mondays - Saturdays inclusive	4 Hours	<table style="width: 100%; border: none;"> <tr> <td>½ hour -</td> <td>25p</td> </tr> <tr> <td>1 " -</td> <td>40p</td> </tr> <tr> <td>2 " -</td> <td>80p</td> </tr> <tr> <td>3 " -</td> <td>£1.40</td> </tr> <tr> <td>4 " -</td> <td>£2.00</td> </tr> </table>	½ hour -	25p	1 " -	40p	2 " -	80p	3 " -	£1.40	4 " -	£2.00
½ hour -	25p															
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2 " -	80p															
3 " -	£1.40															
4 " -	£2.00															
<u>Upper Brook Street</u>																
The surface car park to the east of Upper Brook Street and west of Middle Brook Street	"	"	"	"	4 Hours	<table style="width: 100%; border: none;"> <tr> <td>1 hour -</td> <td>40p</td> </tr> <tr> <td>2 " -</td> <td>80p</td> </tr> <tr> <td>3 " -</td> <td>£1.40</td> </tr> <tr> <td>4 " -</td> <td>£2.00</td> </tr> </table>	1 hour -	40p	2 " -	80p	3 " -	£1.40	4 " -	£2.00		
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2 " -	80p															
3 " -	£1.40															
4 " -	£2.00															
<u>Friarsgate</u>																
The Multi-Storey car park situated between Friarsgate Tanner Street and Middle Brook Street	"	"	"	"	24 Hours	<table style="width: 100%; border: none;"> <tr> <td>1 hour -</td> <td>30p</td> </tr> <tr> <td>2 " -</td> <td>70p</td> </tr> <tr> <td>3 " -</td> <td>£1.10</td> </tr> <tr> <td>4 " -</td> <td>£2.00</td> </tr> <tr> <td>All day -</td> <td>£6.50</td> </tr> </table>	1 hour -	30p	2 " -	70p	3 " -	£1.10	4 " -	£2.00	All day -	£6.50
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4 " -	£2.00															
All day -	£6.50															
<u>Colebrook Street</u>																
The surface car park to the south of the City Offices	"	"	"	"	4 Hours	<table style="width: 100%; border: none;"> <tr> <td>1 hour -</td> <td>40p</td> </tr> <tr> <td>2 " -</td> <td>80p</td> </tr> <tr> <td>3 " -</td> <td>£1.40</td> </tr> <tr> <td>4 " -</td> <td>£2.00</td> </tr> </table>	1 hour -	40p	2 " -	80p	3 " -	£1.40	4 " -	£2.00		
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Jewry Street

The surface car park to the west of Jewry Street and directly to the rear of the public library

4 Hours	½ hour -	25p
	1 " -	40p
	2 " -	80p
	3 " -	£1.40
	4 " -	£2.00

Park Avenue

The surface car park to the west of Park Avenue

24 Hours	1 hour -	40p
	2 " -	80p
	3 " -	£1.40
	4 " -	£2.00
	All day-	£3.25

Chesil Car Park

The Multi-Storey car park to the east of Chesil Street and including the approach road from Barfield Close to the entrance of the car park and the pedestrian access known as Station Approach

24 Hours	1 hour -	35p
	2 " -	65p
	3 " -	£1.00p
	4 " -	£1.30p
	All day-	£1.60

Chesil Street Car Park

The surface car park to the east of Chesil Street including the approach road to Chesil Car Park

4 Hours	1 hour -	30p
	2 " -	60p
	3 " -	£1.00p
	4 " -	£1.30p

Tower Street Car Park

Floors B and C of the Multi Storey car park situated between Tower Street and Sussex Street

24 Hours	1 hour -	40p
	2 " -	80p
	3 " -	£1.40
	4 " -	£2.00
	All day-	£3.25

St. Peter's Car Park

The surface car park to
the north of North Walls
the entry to which is from

Gordon Road

24 Hours 1 Hour - 40p
2 " - 80p
3 " - £1.40
4 " - £2.00
All day- £3.25

The Lido

The surface car park to the
south east of Worthy Lane
previously known as the "Lido"

Season Ticket Holders
only

24 Hours Season Ticket
Holders only
Annual £170.00
Quarterly £50.00

Southgate Street

The surface car park to
the west of Southgate Street

Season Ticket Holders
only

24 Hours Season Ticket
Holders only
Annual £450.00
Quarterly £130.00

Crowder Terrace

The surface car park
adjoining Crowder Terrace

Season Ticket Holders
only

24 Hours Season Ticket
Holders only
Annual £170.00
Quarterly £50.00

Basingwell Street

Bishops Waltham

The surface car park between
Basingwell Street and Houchin
street in Bishops Waltham

Motor Cars and Vehicles
of an unladen weight
not exceeding 2 tonnes
and any other vehicle
for which express consent
of the Council has been
given

3 Hours 1 Hour - 10p
2 " - 40p
2 " - 60p

Lower Lane, Bishops Waltham

The surface car park to the
west of Lower Lane in
Bishops Waltham

24 Hours 1 Hour - 10p
2 " - 40p
3 " - 60p
4 " - 80p
All day- £1.10p

Alresford Station

Car Park, Alresford

The surface car parks in
the Railway Station,
Alresford including the road
known as Station Approach

Special Permit Holders
only in designated area
of Station Approach

24 Hours 1 Hour - 20p
2 " - 40p
3 " - 60p
4 " - 80p
All day- £1.10p

Kidmore Lane Car Park

Denmead

The surface car park
adjacent to Kidmore Lane,
Denmead

Motor Cars and Vehicles
of an unladen weight not
exceeding 2 tonnes and any
other vehicle for which
express consent of the
Council has been given

No charge 24 Hours No Charge

Harestock Car Park

The surface car park to
the east of Priors Dean Road
Harestock, Winchester

No charge 24 Hours No Charge

Wickham Station Car Park

The surface car parks
at the old Railway Station
Yard, Wickham

No charge 24 Hours No Charge

Wickham Square

The surface car park at
The Square, Wickham
Hampshire

Wholly within
the marked
area

No charge 2 Hours No Charge
(No return
within three
hours)

Colebrook Street Staff

Car Park

The surface car park to the rear of the City Offices and signed as a permit holders only car park	"	"	8.00am to 6.00pm Saturdays and other days when not signed as a permit holders only car park. All other days - Special Permit Holders only	4 Hours	1 Hour - 40p 2 " - 80p 3 " - £1.40 4 " - £2.00
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Guildhall

The surface car park to the rear of the Guildhall and enclosed by the Guildhall and the City Offices	"	Wholly within a marked parking bay except those bays signed as being reserved for permit holders of the Guildhall	"	"	4 Hours	1 Hour - 40p 2 " - 80p 3 " - £1.40 4 " - £2.00
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The Brooks Car Park

The underground car park at The Brooks Shopping Centre Middle Brook Street	"	Wholly within a marked parking bay	"	All days 8.00am - 6.00pm Mondays - Saturdays inclusive	4 Hours	1 Hour - 40p 2 " - 80p 3 " - £1.40 4 " - £2.00
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Barfield Close

The car parks either side of Barfield Close	"	Season Ticket Holders only	"	"	24 Hours	Season Ticket Holders only Annual £45.00 Quarterly £13.00
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SCHEDULE II

Season Tickets

Group A:

Friarsgate Multi-Storey and Parks in
Groups B, C, D, E -

Annual	£800.00
Quarterly	£230.00

Group B:

Tower Street, St. Peters Street,
Southgate Street and Parks in Groups C, D, E -

Annual	£450.00
Quarterly	£130.00

Group C:

Gladstone Street and Parks in Groups
D and E

Annual	£230.00
Quarterly	£ 65.00

Group D:

Chesil, Crowder Terrace, Durngate, Cattle Market
The Lido, Worthy Lane, Coach Park, Alresford,
Lower Lane, Bishops Waltham and Parks in
Group E

Annual	£170.00
Quarterly	£ 50.00

Group E:

Barfield Close

Annual	£ 45.00
Quarterly	£ 13.00

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