

WATLINGTON PARISH COUNCIL

THE WATLINGTON PARISH (OFF STREET PARKING PLACES) ORDER

2014

Watlington Parish Council (“the Council”) in exercise of its powers under Sections 32, 33(4) and 35 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the 1984 Act”) and of all other enabling powers with the consent of the Oxfordshire County Council in accordance with Section 39(3) of the Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order dated 14 October 2014.

PART I

GENERAL

1. Commencement

- (1) This Order shall come into operation on the [date] and may be cited as “The Watlington Parish (Off-Street Parking Places) Order 2014”.

2. Interpretation

- (1) Any reference in this Order to a numbered article is a reference to the Article bearing that number in this Order, and any reference in this Order to “the Schedule” is a reference to Schedule 1 to this Order.
- (2) In this Order –
 - “car park inspector” shall mean a person duly authorised by the Council to carry out the duties hereinafter specified;
 - “charge” means a charge payable as set out in Article 4 below;
 - “charging period” means any period specified in column 5 of the Schedule in respect of which a charge is specified in Article 4;
 - “commercial trader” shall have the meaning assigned to it in Article 4(8) below;
 - “concessionary excess charge” and “excess charge” shall have the meanings given to them in Article 5 below;
 - “disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982;
 - “disabled person’s parking bay” means any area of a parking place which is provided for the leaving of a vehicle driven by or for disabled persons, and indicated by markings on the surface of the parking place;
 - “disabled person’s vehicle” has the same meaning as in the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England and Wales) Regulations 1986;
 - “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;

“excess charge notice” shall mean the notice attached to a vehicle by the car park inspector when a concessionary excess charge or excess charge has been incurred

“invalid parking ticket” shall have the meaning assigned to it in Article 5(5) below;

“market trader” shall have the meaning assigned to it in Article 4(7) below;

“motor cycle” shall have that meaning assigned to it by Section 136(4) of the 1984 Act;

“motor cycle parking bay” means any area of a parking place, which is provided for the parking of a motor cycle and indicated by markings on the surface of the parking place;

“motor vehicle” shall have that meaning assigned to it by Section 136(1) of the 1984 Act;

“owner”, in relation to a vehicle, means the person by whom such a vehicle is kept and used and who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency;

“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;

“parking permit” shall mean a document issued by the Council to a vehicle owner to park a vehicle in the parking place specified in column 1 of the Schedule to this Order.

“parking place” means any area of land specified by name in column 1 of the Schedule provided by the Council under Section 32(1) of the 1984 Act for use as a parking place;

“permitted period” shall mean the duration for which payment was made or as shown for limited maximum period parking bays;

“season ticket” has the meanings given to it in Clause 4(6) below;

“trailer” shall have that meaning assigned to it by Section 136(1) of the 1984 Act;

“valid parking ticket” shall mean a ticket or parking permit issued for the period during which the vehicle is parked in that parking place;

“vehicle” shall mean a motor vehicle, disabled person’s vehicle, motor cycle or trailer as defined in this Article.

PART II

USE OF LAND AND PARKING PLACES

3. Use of land and parking places

- (1) Each area of land specified by name in column 1 of the Schedule and shown on the attached plans may be used subject to the following provisions of this Order, as a parking place for such classes of vehicles, for such purposes, in such positions on such days and during such hours as are specified in relation to that area in the Schedule.
- (2) Where in the Schedule a parking place is described as available for vehicles of a specified class or in a specified position or for a specified purpose, the driver of a vehicle shall not permit it to wait in that parking place or bay unless it is of the class of vehicle and in the position so specified or for the purpose so specified.

- (3) Insofar as a vehicle is left in a parking place during the charging hours the driver of it shall immediately pay such charge or charges as are specified in the provisions of this Order.
- (4) Insofar as a vehicle is left in a parking place during the charging hours, the driver of it shall immediately display a valid parking ticket during a charging period even if a charge has not become payable in accordance with the provisions of columns 7(a) and 7(b) of the Schedule.
- (5) Insofar as a driver is required to display a ticket in a vehicle left in a parking place for which no charge is made, the driver of it shall immediately display a valid parking ticket where the means to display a parking ticket are provided.
- (6) On expiry of the maximum period that a vehicle may wait, as set out in column 5 of the Schedule, the driver shall not return the vehicle to that parking place within the no return period as set out in column 6 of the Schedule.
- (7) The Council may from time to time make provision by the installation of charging points for electric powered vehicles at any parking place. The Council may further make provision to designate parking bays for use by drivers of electric powered vehicles to charge such a vehicle at a charging point.
- (8) The Council will consider written requests to use parking places for activities such as parades, festivals, marches, charity fundraising events, community service units, building works or commemorations.
- (9) The Council may suspend parking in any parking place or part thereof. No person shall park in any parking place or part thereof where parking has been suspended.
- (10) The provisions of this Article shall apply unless prior notice to the contrary is given by the Council.

4. Payment of parking charges

- (1) This Article applies to the parking places specified by name in column 1 of the Schedule.
- (2) The charge for a vehicle left in a parking place during the charging hours shall be as set out in columns 7(a) and 7(b) of the Schedule.
- (3) The charge referred to in paragraph (2) of this Article shall, where required, be paid and a ticket obtained, by the insertion into the apparatus or device provided of either:
 - (a) a coin or coins or notes, of appropriate denomination, to the amount of the charge; or
 - (b) (if the machine is so constructed or adapted) a prepaid card issued in accordance with paragraph 4(11) below of which the remaining credit is not less than the amount of the charge; or
 - (c) information required by the apparatus or device at the parking place to make payment for the charge by electronic or digital means;
 the apparatus or device being in accordance with the provisions of section 35(3) of the 1984 Act.
- (4) Any valid parking ticket issued on payment of the charge referred to in paragraph (2) of this Article, or otherwise required to be displayed by Article 3(5) above, shall be properly displayed on the inside of the front windscreen of the vehicle in respect of which it was issued so as to be readable from the outside of the vehicle.

- (5) If at any time a vehicle is left in a parking place for which a parking ticket is required and no valid parking ticket is exhibited in accordance with Article 4(4) above, it shall be presumed that no charge has been paid.
- (6) Where indicated in column 7(b) of Schedule the owner of a vehicle, or their representative, may, on application to the Council, purchase a season ticket in respect of that vehicle for a charge ascertained by reference to the charge specified in paragraph (2) of this Article and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued.
- (7) Where indicated in column 7(b) of Schedule a market trader, or their representative, may on application to the Council purchase a parking permit for one particular day of the week in respect of their vehicle for a charge ascertained by reference to the charge specified in paragraph (2) of this Article and that parking permit shall be valid in such parking places as are specified thereon during the period for which it is issued.
- (8) Where indicated in column 7 of the Schedule the owner of a vehicle, or their representative, may apply to the Council for permission to trade within a parking place and to purchase a parking permit in respect of that vehicle for a charge ascertained by reference to the charge specified in paragraph (2) of this Article and that parking permit shall be valid in such parking places as are specified thereon during the period for which it is issued and for the purpose intended and as set out in the application to the Council.
- (9) No vehicle shall be left in a parking place for which a parking ticket is required without a valid parking ticket being displayed in accordance with paragraphs 4(6), 4(7) or 4(8) above or without a ticket issued in accordance with paragraph 3(5) above being displayed in accordance with paragraph 4(4). The driver of the vehicle remains responsible for the display of the parking ticket at all times. The driver of a vehicle left in a parking place without so displaying a valid parking ticket shall have contravened this Order whether or not a valid parking ticket has been purchased or whether or not a payment has been made.
- (10) The Council may from time to time make provision for the payment of any charge by any means it may determine and may make provision by the installation at any parking place of apparatus or device adapted for that purpose. The Council may also make provisions for the payment of any charge by means of a prepaid card and may make arrangements for the issue of prepaid cards:
 - (a) in such denominations; and
 - (b) from such place or places;as it shall determine.
- (11) The Council may from time to time make provision for the driver of a vehicle to obtain a ticket to use a parking place that is not subject to any charge as set out in column 7 of the Schedule and may
 - (a) make that provision by the installation of any apparatus or device it may determine adapted for the purpose of issuing a ticket, and
 - (b) require the driver to display a ticket in accordance with Article 3(5).
- (12) Any valid parking ticket issued on payment of the charge referred to in paragraph (2) of this Article shall not be photocopied or duplicated.
- (13) The applicant for a parking permit issued in accordance with paragraphs 4(6), 4(7) or 4(8) of this Order may apply to the Council for a replacement parking permit for a charge of £12 excluding VAT.

- (14) The provisions of this Article shall apply unless prior notice to the contrary is given by the Council.

5. Concessionary excess charges and excess charges at parking places

- (1) A concessionary excess charge or excess charge shall become payable in accordance with the provisions as set out in columns 8 to 12 of the Schedule.
- (2) When a concessionary excess charge at a parking place becomes payable in accordance with the provisions of the Order as set out in columns 8 to 11 of the Schedule, the concessionary excess charge shall be payable forthwith but if the concessionary excess charge is not paid to the Council within fourteen days of the date of the said notice an excess charge shall be payable forthwith in full settlement of the excess charge as set out in columns 8 to 11 of the Schedule.
- (3) When an excess charge at a parking place becomes payable in accordance with the provisions of the Order as set out in column 11 of the Schedule, a further charge shall become payable forthwith in accordance with the provisions of the Order as set out in column 12 of the Schedule.
- (4) In the case of any vehicle in respect of which a concessionary excess charge or an excess charge may have been incurred in contravention of any of the provisions of this Order, it shall be the duty of a car park inspector to attach to the vehicle in a conspicuous position or give the driver of the vehicle 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) A statement indicating that a concessionary excess charge of the amount set out in columns 8 to 11 of the Schedule is required to be paid forthwith;
 - (c) A statement indicating that if the concessionary excess charge is not paid to the Council within fourteen days of the date of the notice an excess charge shall become payable to the Council forthwith as set out in columns 8 to 11 of the Schedule;
 - (d) The manner in which the excess charge should be paid;
 - (e) A statement indicating that it is an offence under Section 35A(1) of the 1984 Act for the driver of the vehicle who has left the vehicle in a parking place to fail to pay the excess charge within the time specified in Article 5(1) above;
 - (f) A statement indicating that the excess charge is payable under Article 5(1) of this Order;
 - (g) Where the excess charge has been incurred in accordance with column 12 of the Schedule, the car park inspectors shall include in the notice the time at which he first observed that the vehicle had been left in the parking place for more than 24 hours after the excess charge had been incurred.
- (5) Where a driver returns a vehicle to a parking place within the no return period in contravention of Article 3(6) and Article 16 and the driver displays a parking ticket, purchased in accordance with Article 4(4) or otherwise displayed in accordance with Article 3(5) during the no return period, the parking ticket will be deemed an invalid parking ticket notwithstanding the display of the parking ticket whether purchased or otherwise displayed.
- (6) Where an apparatus or device for the issue of parking tickets is not provided for a parking place, evidence of infringements of the permitted period shall be provided by the records of the car park inspectors of when the vehicle was first observed and the time at which the concessionary excess charge or excess charge notice was issued.

6. Removal of notices

When a notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order, no person other than a person authorised by the Council in that behalf, or the driver or a person authorised by the driver in that behalf, shall remove the notice from the vehicle.

7. Alteration of the position and removal of vehicles

- (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 3, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
- (2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.
- (3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
- (4) Any person a) altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or b) removing, or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
- (5) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (2) or (3) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

8. Offences relating to parking places

Pursuant to Section 35 of the 1984 Act the provisions of Section 47 shall apply as amended and set out below:-

(4) Where, in any proceedings in England or Wales for an offence under Section 35 of failing to pay any charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order the payment of the sum not paid, and any sum ordered to be paid by virtue of this sub-section shall be recoverable as a penalty;

(6) Where in any proceedings for an offence under Section 35 of failing to pay an excess charge it is not proved that the excess charge had become due, but it is proved that an charge has not been paid, the defendant may be convicted of an offence under this section of failing to pay an charge.

9. Liability for loss

The council shall not be liable for any loss or damage to a vehicle or its contents while in a parking place.

10. Vehicles to be parked with engines stopped

The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the 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.

11. Sounding of horn or nuisance in parking place

The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in, or to depart from, the parking place.

12. Restrictions on driving of vehicles in parking places

- (1) 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;
- (2) no person shall drive or permit 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.

13. No driving around

No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

14. Speed limit

The driver of a vehicle shall not drive the vehicle in excess of 10mph in a parking place.

15. Parked vehicles to be licensed and insured

The driver of a vehicle shall not permit that vehicle to wait in a parking place unless

- (a) the vehicle is licensed in pursuance of the provisions of the Vehicle (Excise) Act 1971; and
- (b) there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of the Road Traffic Act 1988.

16. Waiting period

The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period for waiting specified in column 5 of the Schedule to this Order in relation to that parking place.

17. Return period

The driver of a parked vehicle that has relinquished a parking bay shall not permit that vehicle to return to that parking place within the period specified in column 6 of the Schedule to this Order.

18. Use of disabled parking bays

No person shall leave any vehicle in a disabled person's parking bay whether with or without a valid parking ticket unless the vehicle is displaying in the relevant position a disabled persons badge in accordance with Article 23(1).

19. Use of motor cycle bays

No person shall leave a vehicle, which is not a motor cycle, in a motor cycle bay. A person so leaving a vehicle, which is not a motor cycle, in a motor cycle bay shall be deemed to have left the vehicle not wholly in a parking bay as set out in column 9 of the Schedule.

20. Use of parking place by commercial trader

Where the Council has received an application from a commercial trader for consent to use a parking place in accordance with Article 4(8) the commercial trader may be permitted to use the parking place for the purpose intended providing that (i) space within the parking place allows for the activity; and (ii) the sale or activity does not compromise any Council policy.

21. Activities prohibited in parking places

Unless with the prior consent of the Council, no person shall use any part of a parking place or any vehicle left in a parking place:

- (a) in connection with the sale of any article to persons in or near the parking place; or
- (b) in connection with the selling or offering for hire of his skill or services; or
- (c) for sleeping, camping or cooking; or
- (d) for 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
- (e) to erect or cause to be erected any tent, booth, stand or building or other structure;
or
- (f) to light or cause to be lit any fire.

PART III

EXEMPTIONS AND REDUCED CHARGES

22. Exemptions

1. A motor cycle left in a designated motor cycle bay shall be exempt from the payment of any parking charge specified in the Schedule.
2. The driver of a vehicle which displays in the relevant position a disabled person's badge shall be exempt from any charge specified in any Articles in this Order and shall comply with the time limits as set out in columns 5 and 6 of the Schedule. For the purpose of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when -
 - (a) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen; and
 - (b) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the front or nearside of the vehicle.

23. Reduced charges

The owner of a vehicle that has CO2 emissions up to and including 119g/km may apply to the Council for a permit at a cost that is half the cost of the relevant permit as set out in column 7(b) of the Schedule.

THE COMMON SEAL of

WATLINGTON PARISH COUNCIL was hereunto affixed this
14th day of October 2014 under the authentication of:-

[Parish Clerk]

The officer appointed for this purpose.

SCHEDULE: Watlington Car Parks

1	2	3	4	5	6	7 SCHEDULE OF CHARGES		8-12 CONCESSIONARY EXCESS CHARGES AND EXCESS CHARGES				
						7a	7b	8	9	10	11	12
NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	PERMITTED CLASS OF VEHICLE	HOURS AND DAYS OF OPERATION OF PARKING PLACE	CHARGING / NON-CHARGING PERIODS AND MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	NO RETURN PERIOD	CHARGES FOR PARKING TICKETS	SEASON TICKETS AND PERMITS	NOT DISPLAYING A PARKING TICKET OR PERMIT WHEN ONE IS REQUIRED	LEAVING A VEHICLE NOT WHOLLY IN A PARKING BAY OR PARKING IN A DISABLED BAY	LEAVING A VEHICLE NOT IN EXCESS OF ONE HOUR LONGER THAN THE PERMITTED PERIOD	LEAVING A VEHICLE IN EXCESS OF ONE HOUR LONGER THAN THE PERMITTED PERIOD	LEAVING A VEHICLE MORE THAN 24 HOURS AFTER AN EXCESS CHARGE IS INCURRED
Hill Road, Watlington	Wholly within a parking bay, disabled persons parking bay or motorcycle bay as indicated by surface markings, and designated for short term parking	All classes of vehicle not exceeding 3.5 tonnes (70 cwts) unladen weight	All days all hours	Monday to Saturdays 9am to 5pm for maximum 2 hours	One hour	No Charge	Not applicable	Concessionary excess charge £35 if paid within 14 days of the notice , otherwise excess charge of £70	Concessionary excess charge £35 if paid within 14 days of the notice , otherwise excess charge of £70	Concessionary excess charge £25 if paid within 14 days of the notice , otherwise excess charge of £50	Concessionary excess charge £35 if paid within 14 days of the notice , otherwise excess charge of £70	£70
				Monday to Saturdays 5pm to 9am for maximum 15 hours	One hour	No Charge	Not applicable					
				Sundays all day for maximum 23 hours	One hour	No Charge	Not applicable					
Hill Road, Watlington	Wholly within a parking bay, disabled persons parking bay or motorcycle bay as indicated by surface markings	All classes of vehicle not exceeding 3.5 tonnes (70 cwts) unladen weight	All days all hours	Monday to Saturdays for maximum 15 hours	One hour	No Charge	Not applicable	Concessionary excess charge £35 if paid within 14 days of the notice , otherwise excess charge of £70	Concessionary excess charge £35 if paid within 14 days of the notice , otherwise excess charge of £70	Concessionary excess charge £25 if paid within 14 days of the notice , otherwise excess charge of £50	Concessionary excess charge £35 if paid within 14 days of the notice , otherwise excess charge of £70	£70
				Sundays all day for maximum 23 hours	One hour	No Charge	Not applicable					
				All days for maximum 12 hours	12 hours	Commercial trader permit £20 per day						
Recreation ground, Shirburn Road, Watlington	Not obstructing entrance road or entrances to sports field	All classes of vehicle not exceeding 3.5 tonnes (70 cwts) unladen weight	All days all hours	All days for maximum 23 hours	One hour	No Charge	Not applicable	Concessionary excess charge £35 if paid within 14 days of the notice , otherwise excess charge of £70	Not applicable	Concessionary excess charge £25 if paid within 14 days of the notice , otherwise excess charge of £50	Concessionary excess charge £35 if paid within 14 days of the notice , otherwise excess charge of £70	£70
				All days for maximum 1 hour	One hour	Commercial trader permit No charge						
				All days for maximum 12 hours	12 hours	Commercial trader permit £20 per day						