

VALE OF WHITE HORSE DISTRICT COUNCIL

(OFF-STREET PARKING PLACES)(NO.1) ORDER 2011

The Vale of White Horse District Council ("the Council") in exercise of its powers under Section 32, 33(4) and 35 of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to the 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 Act, hereby makes the following Order:-

PART I

GENERAL

1. Commencement

This order shall come into operation on the 1 December 2011 and shall be cited as The Vale of White Horse District Council (Off-Street Parking Places)(No.1) Order 2011.

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 a Schedule is a reference to the Schedule of Charges 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 columns 5 and 7 of the Schedule in respect of which a charge is specified in Article 4;
 - "excess charge" and "concessionary 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) (England) Regulations 2000;
 - "disabled person's parking space" 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)Regulations 2000;
 - "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 an excess charge has been incurred;
 - "invalid parking ticket" shall have the meaning assigned to it in Article 5(4) below;
 - "market trader permit" shall have the meaning assigned to it in Article 4(7) below;
 - "motor cycle" shall have the meaning assigned to it by Section 136(4) of the Act;
 - "motor cycle parking space" 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 the meaning assigned to it by Section 136(1) of the Act;
 - "owner", in relation to a vehicle mans 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 space" 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 have the meaning given to it in Article 4(6) below;
"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 Act for use as a parking place;
"permitted period" shall have the meaning set out in column 5 of the Schedule;
"trailer" shall have the meaning assigned to it by Section 136(1) of the 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 parking space 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 period, 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 period, 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 7a and 7b 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 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) Where a person has parked a vehicle in a parking place for up to two hours and for no charge, no person shall be permitted to park the vehicle in that same parking place within two hours of removing that vehicle from the parking place, without paying one of the charges referred to in column 7a of the Schedule.
- (8) Where a person has parked a vehicle in a parking place for up to two hours and for no charge, no person shall be permitted to park the vehicle in another parking place within two hours of removing that vehicle from the parking place, without paying one of the charges referred to in column 7a of the Schedule.
- (9) For the purpose of Article (8) above, the phrase "another parking place" shall mean a parking place situated within the same town (i.e. Abingdon, Faringdon or Wantage) as the parking place in which the vehicle in question had previously been parked.

- (10) 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 spaces for use by drivers of electric powered vehicles to charge such a vehicle at a charging point.
- (11) The Council may suspend parking or may suspend the operation of part or all of this Order in respect of any parking space, parking place or part of any parking place thereof. No person shall park in any parking space, parking place or part of any parking place thereof where parking has been suspended unless the written permission of the Council has been granted.
- (12) Nothing in this Order shall prevent the Council from authorising the use of a parking space, or a parking place or part thereof for any other purpose where parking has been suspended in accordance with Article 3(11).

4. Payment of parking charges

- (1) This Article applies to the parking places specified by name in the Schedule.
- (2) The charge for a vehicle left in a parking place during the charging period shall be as set out in columns 7a and 7b of the Schedule.
- (3) The charge referred to in paragraph (2) of this Article shall be paid and a ticket obtained by the insertions 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 Article 4(9) 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 Act. It may be required to enter prescribed information required by the apparatus or device at the parking place before a ticket can be issued.
- (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(4) 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 and no valid parking ticket is exhibited in accordance with Article 4(4) above, or otherwise required to be displayed by Article 3(4) above, it shall be presumed that no charge has been paid.
- (6) Where indicated in column 7b of the Schedule, the owner of a vehicle, or their representative may, on application to the Council, 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.
- (7) Where indicated in column 7b of the 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) No vehicle shall be left in a parking place without a valid parking permit being displayed in accordance with paragraphs 4(6) or 4(7) above or without a ticket issued in accordance with paragraph 3(4) 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.

- (9) The Council may from time to time make provision for a 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.
- (10) 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 1 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).
- (11) Any valid parking ticket issued on payment of the charge referred to in paragraph (2) of this Article shall not be photocopied or duplicated.
- (12) The applicant for a parking permit issued in accordance with paragraphs 4(6) or 4(7) of this Order may apply to the Council for a replacement parking permit for a charge as set out in the Schedule to this Order.

5. Excess charges and concessionary excess charges at parking places

- (1) An excess charge shall become payable in accordance with provisions as set out in column 8 of the Schedule.
- (2) When an excess charge becomes payable in accordance with Article 5(1), the excess charge shall be payable within twenty eight days of the date of the excess charge notice but if the concessionary excess charge is paid within ten days of the date of the excess charge notice, the Council shall accept that in full settlement of the excess charge as set out in column 8 of the Schedule.
- (3) In the case of any vehicle in respect of which 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 an excess charge notice which shall include the following particulars:
 - (a) a statement indicating that the excess charge is payable under Article 5(1) of this Order;
 - (b) 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;
 - (c) a statement indicating that an excess charge of the amount set out in column 8 of the Schedule is required to be paid;
 - (d) a statement indicating that the excess charge shall be payable within twenty eight days of the date of the excess charge notice but if the concessionary excess charge is paid within ten days of the date of the excess charge notice, the Council shall accept that in full settlement of the excess charge as set out in column 8 of the Schedule;
 - (e) the manner in which the excess charge should be paid;
 - (f) a statement indicating that within twenty eight days of becoming due, non payment of the excess charge as set out in column 8 of the Schedule is in contravention of this Order.
- (4) Where a driver returns a vehicle to a parking place within the no return period in contravention of Articles 3(6), 3(7), 3(8) and 3(9) 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(4) 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. Alteration of the position and removal of notices

When an excess charge 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 on that behalf, or the driver of that vehicle or a person authorised by the driver in that behalf, shall remove the excess charge notice from the vehicle.

7. 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

- (1) Pursuant to Section 35 of the Act the provisions of Section 46 (as amended) shall apply as 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 it is not proved that the excess charge had become due, but it is proved that an initial charge has not been paid, the defendant may be convicted of an offence under this section of failing to pay an initial charge.

- (2) In or for the purpose of any civil or criminal proceedings against a person or company in respect of any contravention of any of the provisions of Part II to this Order, it shall be conclusively presumed (notwithstanding that the registered keeper may not be a person) that the registered keeper of the vehicle was the driver of the vehicle at the time and accordingly that the acts or omissions of the person driving the vehicle or otherwise in charge of it at the time were the acts of the registered keeper unless it is proved that:

- (a) at the time the alleged contravention took place, either the driver of the vehicle was in possession of the vehicle without the express or implied consent of the registered keeper; or the driver was known to and identified by the registered keeper; or that he or she (or the company) was not the registered keeper at the date of the alleged contravention of Part II to this Order; and that
- (b) he or she (or the representative of a company) so informed the council and provided the council with the following information:-

the name and home address (or business address if the home address is not known) of the person driving the vehicle or otherwise responsible for it at the time of the alleged contravention of Part II to this Order, if known; otherwise the reference number of any police report to the effect that the vehicle had been removed without permission; or, if the vehicle had been transferred to another registered keeper, the name and address of that person or company.

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 the horn

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 about to depart from, the parking place;

12. Restrictions on driving of vehicles in parking places

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;

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 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. 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.

16. Return Period

Where a vehicle has been removed from a parking space within a parking place no driver is permitted to park it in that parking place within the no return period as specified in column 6 of the Schedule to this Order.

17. Use of disabled parking spaces

No person shall leave any vehicle in a disabled person's parking space 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 20(2).

18. Use of motor cycle parking spaces

No person shall leave a vehicle, which is not a motor cycle, in a motor cycle parking space. A person so leaving a vehicle, which is not a motor cycle in a motor cycle parking space shall be deemed to have left the vehicle not wholly in a parking space as set out in column 8 of the Schedule.

19. 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 EXCEPTIONS

20. Exemptions

- (1) A motor cycle left in a parking place 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 to 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 –
 - (i) 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 and immediately behind the windscreen; and
 - (ii) 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.

21. Exceptions

- (1) The Clerk to Wantage Town Council may on application to the Council obtain for employees working in the Civic Hall in Wantage, Oxfordshire a permit (limited to parking spaces) in respect of each of those employee's designated vehicle, for use in Portway

Car Park, Wantage and such permit shall be valid in respect of the designated vehicle for use in that parking place during the period for which it is issued, provided that the permit is displayed in a relevant position.

- (2) The Clerk to Abingdon Town Council may on application to the Council obtain for employees working in Old Abbey House, Abingdon, Oxfordshire a permit (limited to parking spaces) in respect of each of those employee's designated vehicle and such permit shall be valid in respect of the designated vehicle for use in a designated parking place during the period for which it is issued, provided that the permit is displayed in a relevant position.
- (3) The Council may issue to Council employees and District Councillors a permit in respect of each person's designated vehicle and such permit shall be valid in respect of the designated vehicle for use in a designated parking place during the period for which it is issued, provided that the permit is displayed in a relevant position.

PART IV

REVOCATION

22. The following Off Street Parking Places Orders are hereby revoked:-

The Vale of White Horse District Council (Off-Street Parking Places)(No.1) Order 1988
Vale of White Horse District Council (Off-Street Parking Places)(No.1) Order 2000
Vale of White Horse District Council (Off-Street Parking Places)(No.1) Order 2002
Vale of White Horse District Council (Off-Street Parking Places)(No.1) Order 2005

THE COMMON SEAL of
VALE OF WHITE HORSE DISTRICT
COUNCIL was hereunto affixed this
29th Day of November 2011
under the authentication of:-

IP

IP Head of Legal and Democratic Services
The officer appointed for this purpose

