

ROAD TRAFFIC REGULATION ACT 1984

ROAD TRAFFIC ACT 1991

TRAFFIC MANAGEMENT ACT 2004

HASTINGS BOROUGH COUNCIL
(RUSSELL STREET)
PARKING PLACE ORDER 2014

Reference: 2/HIGH/PP/00021

HASTINGS BOROUGH COUNCIL ("the Council") in the exercise of its powers, namely:

the Road Traffic Regulation Act 1984 ("the Principal Act"), sections 32, 33, 35 and 39, as amended;

the Road Traffic Act 1991 ("the 1991 Act") as amended

Part 6 of the Traffic Management Act 2004

the Road Traffic (Permitted Parking Area and Special Parking Area) (County of East Sussex) (Borough of Hastings) Order 1999 (S.I. 1999 No. 1112);

and all other powers enabling the Council in that behalf;

after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Principal Act; and

in accordance with the Local Authorities' Traffic Orders (Procedure (England and Wales) Regulations 1996 (S.I. 1996 No 2489);

MAKES THIS PARKING PLACE ORDER in respect of Russell Street Car Park as follows, namely:

PART 1

GENERAL

- 1 (1) This Order may be cited as the Hastings Borough Council (Russell Street) Parking Place Order 2014.
- (2) This Order shall come into operation on the 1st day of August 2014.
- 2 (1) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:-

"Reference to any statute or statutory provision includes a reference to that statute or statutory provision as from time to time amended, extended, re-enacted or consolidated or modified whether substantial or not and whether before or after the date of this Order and all statutory instruments or orders made pursuant to it"

"Civil Enforcement Officer" has the same meaning as defined in Section 76 of the Traffic Management Act 2004"

"Council" means the Hastings Borough Council.

"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.

"Higher Level Contravention" has the same meaning as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007

"Higher Level Penalty Charge" has the same meaning as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007

"Light Van" means a van or light goods vehicle which does not exceed a gross vehicle weight, including maximum payload, of 4500k kilogrammes.

"Motorcar" has the same meaning as in section 136 of the 1984 Act

"Owner", in relation to a vehicle, has the same meaning as defined in Section 92 of the Traffic Management Act 2004

"Parking Place" means the parking place specified by name in column 1 of Schedule 1 to this Order.

"Penalty Charge" means a Penalty Charge imposed under Part 6 of the Traffic Management Act 2004

"Penalty Charge Notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Part 6 of the Traffic Management Act 2004

"Registered Keeper" in relation to a vehicle waiting in a Parking Place means the person named in the Register under the Vehicle Excise and Registration Act 1994 and the Road Vehicles (Registration and Licensing) Regulations 2002 (SI 2002 No. 2742) as the keeper of the vehicle at the time it was left in the Parking Place.

"Relevant Position" means the Season Ticket shall be clearly and continuously displayed at all times in the front windscreen of the vehicle so that the all the details shown on the front of the said Season Ticket are clearly visible.

"Season Ticket" means a ticket issued for annual or quarterly periods allowing unlimited parking during those said periods at charges detailed in the Schedule to this Order which may be used in a specifically numbered parking space at the Parking Place

- (2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (3) The Parking Place is shown for the purpose of identification only and edged with red on the plan annexed to this Order.
- (4) Reference to any statute or statutory provision includes a reference to that statute or statutory provision as from time to time amended, extended, re-

enacted or consolidated or modified whether substantial or not and whether before or after the date of this Order and all statutory instruments or orders made pursuant to it

PART II

USE OF PARKING PLACES

3. The Parking Place specified in column 1 of Schedule 1 to this Order may be used subject to the following provisions of this Order as parking places for such vehicles or classes of vehicles as are specified in column 3 of that Schedule.
4. Nothing in Article 3 of this Order shall restrict the power of the Council to close a Parking Place or any part thereof:-
 - (a) For the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place or the laying, alteration, erection, removal or repair on or adjacent to the Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line.
5. The driver of a vehicle shall not permit it to wait in a Parking Place unless:-
 - (a) It is of the class specified in Schedule 1, and
 - (b) In a parking space marked on the surface thereof.
 - (c) he is a Season Ticket holder for the parking space and the Season Ticket is placed in the Relevant Position
6. The driver of a vehicle shall not without the Council's consent use a Parking Place when the Council shall have closed that Parking Place and exhibited notice of such closing on or near the Parking Place and the same shall apply to any part of a Parking Place which may be closed.
7. The driver of a motor 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.
8. The driver of a vehicle at 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.
9. No person shall while a vehicle is at a Parking Place carry out or permit the carrying out of any work of construction or repair to that vehicle except such as may be necessary to enable it to be moved from the Parking Place.

10. No person shall wash clean or service any vehicle or any part thereof whilst it is at a Parking Place.
11. No person shall, without the Council's consent, use a vehicle, while it is 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.
12. No person shall, in any vehicle, while the vehicle is in a Parking Place
 - (a) Wash any part of his person.
 - (b) Sleep between the hours of 10.00 p.m. and 8.00 a.m. the following morning.
 - (c) Light any fire, stove or cooker.
 - (d) Expose any washing to dry.
13. 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. No person shall, in a Parking Place, without the written consent of the Council (which may be given on such terms and conditions as they think fit).
 - (i) Sell or offer for sale anything whatsoever
 - (ii) Make any collection of money or articles for charitable or other purposes
 - (iii) Advertise or publish by any means any event display entertainment sale business shop organisation collection or other thing.
15. The driver of a vehicle shall not permit that vehicle to wait in a Parking Place unless
 - (i) the vehicle is licensed in accordance with the provisions of the Vehicle Excise and Registration Act 1994, section 1, and
 - (ii) 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, Part VI.

Any unlicensed vehicle found in a Parking Place can be subject to the vehicle being removed by the Council. Removal fees and storage charges will be levied on the registered keeper of the vehicle. The level of charges are as set by the Driver and Vehicle Licensing Agency (DVLA)
16. No person may:

- (a) shout or otherwise make a noise which causes or is likely to cause a nuisance or annoyance to users of the Parking Place or residents of premises in the neighbourhood;
- (b) use threatening, abusive or insulting language, gesture or conduct which causes or is likely to cause a nuisance or annoyance to users of the Parking Place or residents of premises in the neighbourhood;
- (c) leave or cause any shopping or supermarket trolley to be left unattended in any Parking Place other than in a designated trolley park, except with the express consent of the Council; or
- (d) erect or cause to be erected any tent booth stand building or other structure in a Parking Place without the written consent of the Council.

PART III

CHARGES FOR PARKING

- 17. The charges for parking vehicles in a Parking Place shall be as set out in Schedule 2
- 18. If a vehicle is left in a Parking Place in contravention of or without complying with any Article of this Order a Penalty Charge shall be payable and/or the vehicle may be removed from that location or Parking Place.
- 19. Further if a vehicle is left in a Parking Place in contravention of or without complying with any Article of this Order a Penalty Charge shall be payable and/or the vehicle may be removed from that location or Parking Place for any one of the following parking contraventions;
 - (i) parked without clearly displaying a valid car park season ticket;
 - (ii) parked beyond the bay markings;
 - (iii) parked in an area not designated for that class of vehicle;
 - (iv) parked causing an obstruction

Penalty Charge Notice

(1) Service

In the case of a vehicle in respect of which a Penalty Charge may have been incurred, a Penalty Charge Notice may be served by a Civil Enforcement Officer

(2) In the case of a vehicle in respect of which the Penalty Charge may have been incurred, it shall be the duty of the Civil Enforcement Officer to serve the Penalty Charge Notice:

- (a) by fixing it to the vehicle in a conspicuous position; or
- (b) giving it to the person appearing to him to be in charge of the vehicle

- (3) A Penalty Charge Notice which has been served shall include the contents as laid down by the Schedule to Regulation 8 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 together with those laid down by regulation 3 to The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007
- (4) The amount of the Penalty Charge for a Higher Level Contravention shall be £70.00 and for all other contraventions the Penalty Charge shall be £50.00.
- (5) A Penalty Charge Notice fixed to a vehicle in accordance with any of the foregoing provisions of this Order, shall not be removed or interfered with except by or under the authority of either the Owner or person in charge of the vehicle or a Civil Enforcement Officer of the Council
- (6) Manner of payment of Penalty Charge

The Penalty Charge shall be paid to the Council at and by approved methods of payment in accordance with the instructions on the Penalty Charge Notice.

Payment must reach the Council not later than the 28th day following the day on which the Penalty Charge Notice was issued

The Penalty Charge will be discounted by 50% if payment is received by any of the methods aforesaid within 14 days of the date of service of the Penalty Charge

- (7) The period for which a vehicle may be left in a Parking Place during the charging hours after the Penalty Charge has been incurred shall not exceed two hours
- (8) "Higher Level Contraventions" are defined by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 as those falling within one or more of the descriptions of contravention listed in column (2) of Table 1 below, being descriptions based on Version 6.5 of the Standard PCN Codes used by local authorities engaged in parking enforcement and have the code number shown in column (1) of that table.

Table 1

(1) Code	(2) Description
70	Parked in a loading area during restricted hours without reasonable excuse
74	Using a vehicle in a parking place in connection with the sale or

	offering or exposing for sale of goods when prohibited
81	Parked in a restricted area in a car park
85	Parked in a permit bay without clearly displaying a valid permit
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge
89	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area
91	Parked in a car park or area not designated for that class of vehicle
92	Parked causing an obstruction

20. Parking fees are in no circumstances refundable.

PART IV

REMOVAL OF VEHICLES FROM A PARKING PLACE

21. When a vehicle is left in a Parking Place in contravention of any of the foregoing provisions of this Order a person authorised in that behalf by the Council may move the vehicle or arrange for it to be removed from that Parking Place.
22. Any person moving or removing a vehicle by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid.
23. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a Parking Place by virtue of Article 21 of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
24. Any person duly authorised by the Council, or a police constable in uniform may move or cause to be moved in the case of emergency to any place he thinks fit, vehicles left in the Parking Place.

Disposal of Abandoned Vehicles on the Parking Place

25. The Council may as respects a vehicle which has been or could at any time be removed by the Council from the Parking Place in pursuance of Article 21 of this Order if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle in accordance with the Road Traffic Regulation Act 1984, section 100.

SCHEDULE 1 Article 2 (1) and (4)

THE PARKING PLACE

1	2	3
PARKING PLACE	PLAN REFERENCE	THE VEHICLES OR CLASSES OF VEHICLES AUTHORISED TO USE THE PARKING PLACE
RUSSELL STREET CAR PARK	ESAD 1451	Motorcars and Light Vans

SCHEDULE 2

THE CHARGES

Yearly £825.00

THE COMMON SEAL of HASTINGS)
BOROUGH COUNCIL was affixed to)
this Order on the 22nd day of)
July 2014)
In the presence of

K. Carter

AUTHORISED SIGNATORY





**Land in Russell Street,
Hastings.**



ESTATES SERVICES

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Date: June 2010

Scale: 1:500

Drawn: DWD

Drawing No. ESAD 1451