

ROAD TRAFFIC REGULATION ACT 1984

ROAD TRAFFIC ACT 1991

TRAFFIC MANAGEMENT ACT 2004

HASTINGS BOROUGH COUNCIL

(THE STADE)

PARKING PLACE ORDER 2015

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, as amended

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 The Stade as follows, namely:

PART 1

GENERAL

- 1
 - (1) This Order may be cited as the Hastings Borough Council (The Stade) Parking Place Order 2015.
 - (2) This Order shall come into operation on the 22nd day of June 2015.
 - (3) The Hastings Borough Council (The Stade) Parking Place Order 2013 is hereby revoked.
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.

"Disabled Person's Badge" is as defined in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (S.I. 2000 No. 683) regulation 3

"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

"Invalid Carriage" has the same meaning as in the Road Traffic Regulation Act 1984 section 136

"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

"Motorcycle" 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 Permit" means a voucher issued by Hastings Borough Council in relation to the Parking Place

"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

"the Plan" shall mean the plan No. 2415A and dated April 2014, annexed to this Order, and is drawn to scale as stated

"Registered Keeper" in relation to a vehicle waiting in a Parking Place means the person named in the Register kept by or on behalf of the Secretary of State 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 Parking Permit shall be clearly and continuously displayed on the dashboard or front windscreen of the vehicle, or in the case of a motor cycle in a prominent position on the vehicle, so that all the details shown on the front of the said Permit are clearly visible

- (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 shaded pink and yellow on the Plan.

PART II

USE OF THE PARKING PLACE

1. 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 a Parking Place for such vehicles or classes of vehicles as are specified in column 3 of that Schedule.
2. No vehicle may be parked on the land which is shaded yellow, on the Plan, of the Parking Place unless specifically authorised in writing by the Council in connection with an officially approved event.
3. No vehicle may be parked in such a way as to obstruct or interfere with :
 - i) the safe running of the Miniature Railway
 - ii) any accessways to or from any premises on or adjacent to the Parking Place - for the avoidance of doubt this shall include but not limited to doors, fire exits and similar to such premises.
 - iii) other vehicles parked within the Parking Place
 - iv) any entrance or exit routes which serve the ingress to and egress from the Parking Place
4. Nothing in Paragraph 1 of this Part of this Order shall restrict the power of the Council to close the Parking Place or any part thereof:-
 - (a) On the occasion of any conference, carnival, public entertainment or other special occasion.
 - (b) 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 the Parking Place unless it is of the class specified in Schedule 1
6. The Driver of a vehicle shall not permit it to wait in the Parking Place without the Council's consent for more than 24 hours.
7. The Driver of a vehicle shall not without the Council's consent use the Parking Place when the Council shall have closed the 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.

8. The Driver of a motor vehicle using the 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.
9. The Driver of a vehicle at the 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.
10. No person shall while a vehicle is at the 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.
11. No person shall wash clean or service any vehicle or any part thereof whilst it is at the Parking Place.
12. 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.
13. No person shall, in any vehicle, while the vehicle is in the 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.
14. Where in the 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 cause 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 the exit, so indicated, or
 - (iii) in a direction other than that specified, as the case may be.
15. 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 the 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.

16. No person shall in the 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.
17. The driver of a vehicle shall not permit that vehicle to wait in the Parking Place unless the vehicle is licensed in accordance with the provisions of the Vehicle Excise and Registration Act 1994, section 1, and unless 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.
18. No person shall in the Parking Place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the Parking Place or residents of premises in the neighbourhood.
19. No person shall in the Parking Place use any threatening abusive or insulting language gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
20. In the Parking Place no person shall erect or cause to be erected any tent booth stand building or other structure without the written consent of the Council.
21. No person may drive or cause or permit to be driven any vehicle in the Parking Place at a speed in excess of 10 miles per hour

PART III

PROVISION FOR DISABLED BADGE HOLDERS

1. The Driver of a vehicle, which displays a Disabled Person's Badge and special parking disc (clock) set at the time of arrival, which is left in a bay which is designated for use as a disabled person's parking space shall not be permitted to wait in the Parking Place for more than 3 hours without the express consent of the Council
2. The Driver of a vehicle shall not permit it to wait in any of the bays marked as being available for use by 'disabled badge holders only' unless it is a vehicle which is clearly and continuously displaying a valid Disabled Person's Badge, positioned either on the dashboard or in the front windscreen of the vehicle, so that the serial number and expiry date of the badge can be clearly read from

outside the vehicle. Additionally, a special parking disc (clock) must also be displayed next to the badge, set at time of arrival

3. In relation to the two disabled parking bays on the west side of the Café on the Stade - if articles 1 and 2 to this Part of the Order are complied with then the parked vehicle does not require a Parking Permit for the Parking Place

PART IV

PARKING PERMITS

- 1 The owner of a vehicle shall apply to the Council for the issue of a Parking Permit for the leaving of a vehicle in the Parking Place.
2. Each application for a Parking Permit shall be made on a form issued by and obtainable from the Council and shall include all the information required by such form.
3. The Driver of a vehicle parked in the Parking Place shall display the Parking Permit clearly and continuously in the Relevant Position
4. The Council may at any time require an applicant for a Parking Permit to produce to an officer of the Council such evidence in respect of an application for a Parking Permit made to them as they may reasonable require to verify any information given to them
5. On receipt of an application the Council, upon being satisfied that the applicant is the owner of the vehicle which is of a class specified in column 3 of Schedule 1 to this Order, a Parking Permit will be issued for the use of that vehicle whether the Driver be the Owner of such vehicle or by any other person using such vehicle with the consent of the Owner.
6.
 - a) A Parking Permit holder may surrender a Parking Permit to the Council at any time and shall surrender the permit to the Council on the occurrence of any one of the events set out in paragraph 6.c) below
 - b) The Council may by notice, in writing, served on the Parking Permit holder at the address shown by that person on the permit application form or at any other address which the Council believes to be that persons residence, withdraw a permit if it appears to the Council that any one of the events set out in paragraph 6c) below has occurred. The permit holder shall surrender the Parking Permit to the Council within 48 hours of receipt of such notice.
 - c) the events referred to in the foregoing paragraphs are:
 - i) the withdrawal of such permit by this Council under paragraph 6.b) above.
 - ii) the Parking Permit holder ceasing to be the owner of the vehicle in respect of which the Parking Permit was issued

- iii) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle or a class specified in column 3 of Schedule 1
 - iv) the revocation of the Parking Place Order
 - v) the issue of a revised Parking Permit or a duplicate Parking Permit by the Council under the provision of paragraph 6.d) of this Part of this Order
 - d) A Parking Permit holder may at any time apply to the Council for;
 - i) a permit issued to him to be amended so as to relate to any other vehicle
 - ii) a duplicate Parking Permit to be issued should the original Parking Permit become mutilated, defaced or the figure or particulars have become illegible or the colour of the Parking Permit has become altered by fading or otherwise. In this event the holder must complete and return an application accompanied by the original Parking Permit
 - iii) a duplicate Parking Permit to be issued should the original Parking Permit be lost, stolen or destroyed. In this event the holder must complete and return a further application and if the Council will issue a duplicate Parking Permit if they are satisfied as to such loss or destruction.
7. A permit shall be in writing and shall include the following particulars:
- i) the registration mark of the vehicle in respect of which the Parking Permit has been issued
 - ii) the period during which the Parking Permit is valid
 - iii) an authentication that the permit had been issued by the Council
 - iv) the designated Parking Place
 - v) an indication that any charge appropriate to the period during which the Parking Permit shall remain valid has been paid to the Council
8. If a vehicle is left in the Parking Place in contravention of or without complying with any provisions of this Order a Penalty Charge shall be payable and/or the vehicle may be removed from that location or Parking Place
9. Further if a vehicle is left in the Parking Place in contravention of or without complying with any one of the following provisions listed below a Higher Level Contravention Penalty Charge shall be payable and/or the vehicle may be removed from that location or Parking;

i)	Parked in a permitted space without displaying a valid permit
ii)	Using a vehicle in a Parking Place in connection with the sale or offering or exposing for sale of goods when prohibited
iii)	Parked in a restricted area in a car park
iv)	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area
v)	Parked in a car park or area not designated for that class of vehicle
vi)	Parked causing an obstruction
vii)	parked in a designated disabled person's parking space, without clearly and continuously displaying a valid disabled person's badge; facing upwards and in the front windscreen of the vehicle so that the expiry date is legible from outside the vehicle
viii)	parked in a designated disabled person's parking space, without clearly and continuously displaying a special parking disc (clock) or not setting the clock at the time of arrival

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

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 the Parking Place after a 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

- (9) Lower Level Contraventions are those listed below in Table 2

Table 2

(1) Code	(2) Description
73	Parked without payment of the Parking Charge
80	Parked for longer than permitted
82	Parked after the expiry of paid for time
83	Parked in a car park without clearly displaying a valid pay and display ticket or voucher or parking clock or permit, if required
84	Parked with payment made to extend the stay beyond initial time
86	Not parked correctly within the markings of a bay or space
90	Re-parked in the same car park within two hours after leaving
93	Parked in a car park when closed
94	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required
95	Parked in a parking space for a purpose other than that designated
96	Parked with engine running where prohibited

10. Neither the possession (or payment) of a valid Parking Permit guarantees that a parking space will be available at any particular time or at all.
11. If at any time whilst a vehicle is left in the Parking Place and no Parking Permit is exhibited on that vehicle in accordance with the provisions of this Order it shall be presumed, unless the contrary is proved, that no valid Parking Permit exists for that vehicle

PART V

REMOVAL OF VEHICLES FROM A PARKING PLACE

1. When a vehicle is left in the 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.
2. 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.
3. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the Parking Place by virtue of Paragraph 1 of this Part of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

4. 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

5. 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 Paragraph 1 of this Part 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

THE PARKING PLACE

1	2	3
PARKING PLACE	PLAN REFERENCE	THE VEHICLES OR CLASSES OF VEHICLES AUTHORISED TO USE THE PARKING PLACE
THE STADE	No. 2415A Dated April 2014	Motorcars, invalid carriages, light vans and motorcycles.

THE COMMON SEAL of HASTINGS)
BOROUGH COUNCIL was affixed to)
this Order on the 16th day of)
June 2015)
In the presence of)

K. Carter

AUTHORISED SIGNATORY



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Hastings Borough Council

Boating Lake

Amusement Park

Lifeboat Station

Fishermen's Huts

Jerwood Gallery

Fish Market

The Ice House

The Black Winkle

Mean High Water

Mean Low Water

Sand & Shingle

 Parking for Permit Holders Only

 No Parking



Drawing No. 2415 A