

ROAD TRAFFIC REGULATION ACT 1984

ROAD TRAFFIC ACT 1991

TRAFFIC MANAGEMENT ACT 2004

HASTINGS BOROUGH COUNCIL (PROMENADE)
PARKING PLACE ORDER 2025

Reference: HM/004444

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

the Road Traffic Regulation Act 1984 (“the 1984 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;

with the consent of East Sussex County Council in accordance with section 39(3) of the 1984 Act;

after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 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 Promenade, Hastings as follows, namely:

PART 1: GENERAL

1. (1) This Order may be cited as the Hastings Borough Council (Promenade) Parking Place Order 2025

(2) This Order shall come into operation on the 16 June 2025

2. Interpretation

(1) In this order:

“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 Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022

“Higher Level Penalty Charge” has the same meaning as defined in the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022

“Invalid Carriage” has the same meaning as in section 136 of the 1984 Act.

“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 Charge” means the charge paid by the Driver of a vehicle, by which he is authorised under this Order to leave the vehicle in a Parking Place.

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

“Pedal Cycle” means a unicycle, bicycle, tricycle, or cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is to be treated as not being a motor vehicle for the purposes of the 1984 Act;

“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 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.

(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 plan annexed to this Order. The plan is drawn to the scale as stated. The reference of the plan is given in Schedule 1, column 2.

PART II: USE OF PARKING PLACES

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. The Driver of a vehicle shall not permit the vehicle to wait in a Parking Place unless:-
 - (a) it is of the class specified in Schedule 1, and
 - (b) in a clearly defined Pedal Cycle area.
3. No person may drive or permit to be driven any vehicle in a Parking Place for any purpose, except with the express consent of the Council.
4. No person may use a vehicle while it is in the Parking Place, in connection with the sale of any goods or services to persons at or near the Parking Place without the express consent of the Council.
5. No person may, at or near to the Parking Place, without the written consent of the Council (which may be given on such terms and conditions as the Council think fit):
 - (i) sell or offer for sale any goods or services;
 - (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;

Any unlicensed vehicle found in the Parking Place can be subject to having the vehicle removed by the Council. Removal fees and storage charges will be levied on the Registered Keeper of the vehicle.

6. 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; or
 - (d) erect or cause to be erected any tent booth stand building or other structure in the Parking Place without the written consent of the Council
7. Any person who wilfully or carelessly damages or interferes with the fabric or structure of the Parking Place or equipment therein shall be guilty of an offence under this Order, and in addition to the penalty provided by Section 35A of the 1984 Act shall be liable for the cost of repair of the damage;
8. No vehicle carrying inflammable or dangerous substances, including substances which might cause damage by fire or explosion or might endanger human life in any other way shall be parked in the Parking Place;

9. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the Parking Place:
 - (a) from suspending the Parking Place or any part thereof for any purpose for any period; or
 - (b) from setting aside the Parking Place or any part or parts thereof on certain days or during certain parts of days.

Any such notice, sign or barrier shall be displayed prominently on or near to the Parking Place.

No person shall cause or permit a vehicle to be left in a Parking Place or any part thereof during such periods as the use of that Parking Place or the part thereof is suspended or set aside in accordance with paragraphs (c) and (d) of this Article.

PART III: PARKING CHARGES

1. There shall be no charge for the parking of Pedal Cycles within the Parking Place.
2. If a vehicle is left in the 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 in a restricted area in a car park;
 - (ii) parked in a parking place or area not designated for that class of vehicle;
 - (iii) parked causing an obstruction;
 - (iv) using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited

Penalty Charge Notice

8. 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

9. 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 attaching 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
10. A Penalty Charge Notice which has been served shall include the contents as laid down by the Schedule to Regulation 20 of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General

Provisions) (England) Regulations 2022 together with those laid down by Regulation 3 to The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022

11. 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.
12. 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 office of the Council
13. 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

14. The period for which a vehicle may be left in the Parking Place during the charging hours after the Penalty Charge has been incurred shall not exceed two hours
15. "Higher Level Contraventions" are defined by the Civil Enforcement of the Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 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

<i>(1) Code</i>	<i>(2) Description</i>
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
91	Parked in a car park or area not designated for that class of vehicle
92	Parked causing an obstruction

16. Lower Level Contraventions are those listed below in Table 2

Table 2

<i>(1) Code</i>	<i>(2) Description</i>
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95	Parked in a parking space for a purpose other than that designated
96	Parked with engine running where prohibited

PART IV

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 pursuant to this Order may do so by towing or driving the vehicle and/or using such means as he may reasonably consider necessary to facilitate the removal of the vehicle.
3. A person who removes a vehicle from the Parking Place pursuant to this Order shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
4. In the case of emergency, any person duly authorised by the Council, or a police constable in uniform may move or cause to be moved vehicles left in the Parking Place to any place he thinks fit.
5. If it appears to the Council that a vehicle which has been or could at any time be removed pursuant to this Order, has been abandoned, the Council may sell or otherwise dispose of the vehicle in accordance with section 100 of the Road Traffic Regulation Act 1984.

SCHEDULE 1

THE PARKING PLACE

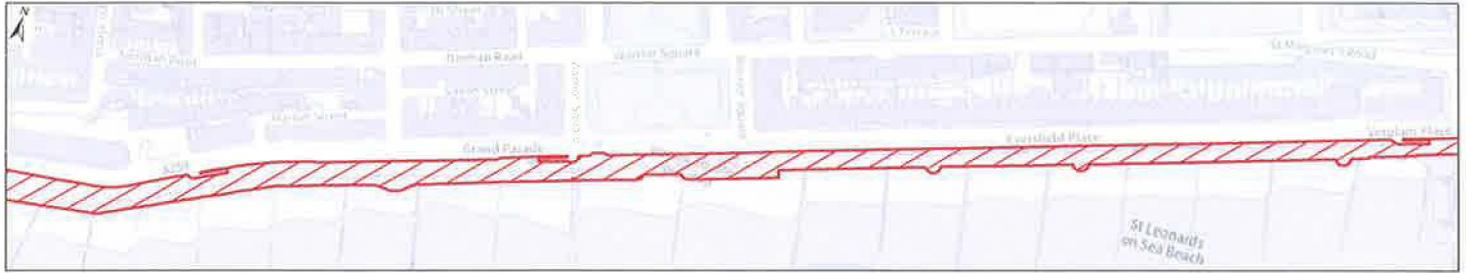
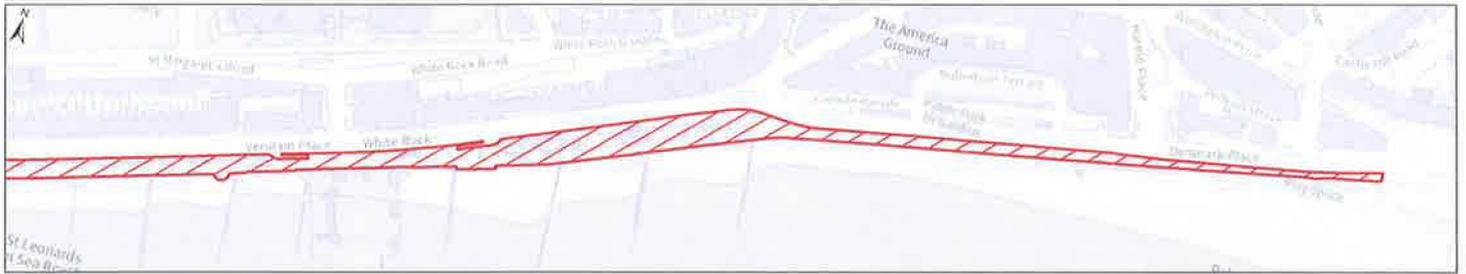
1	2	3
PARKING PLACE	PLAN REFERENCE	THE VEHICLES OR CLASSES OF VEHICLES AUTHORISED TO USE THE PARKING PLACE
The Promenade, Hastings	Promenade Plan	Pedal Cycles

The COMMON SEAL of)
HASTINGS BOROUGH COUNCIL)
was affixed to this Order)
the 20th day of May)
Two Thousand and Twenty Five)
in the presence of:



Handwritten signature in black ink.

AUTHORISED SIGNATORY
P Bond for Chief Legal Officer



Parking Place Order
Hastings Borough Council

Promenade



1:2,750

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