

**THE PADSTOW TOWN COUNCIL (OFF-STREET PARKING PLACES)
ORDER 2015**



The Padstow Town Council (hereinafter referred to as "The Council") in exercise of its powers under Sections 35, 57 and 59 of the Road Traffic Regulations Act 1984 (hereinafter referred to as "the Act of 1984") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984, and with the consent of the Cornwall Council given under Section 59 of the Act of 1984, **HEREBY MAKES THE FOLLOWING ORDER:-**

PART I - GENERAL

COMMENCEMENT AND CITATION

- 1.1 This Order shall come into operation on 1 March 2015 and may be cited as "The Padstow Town Council (Off-Street Parking Places) Order 2015"
- 1.2 The "Padstow Town Council (Off-Street Parking Places) Order 2010" is revoked save and except for the offences committed there under before the date of coming into operation of this Order.

DEFINITIONS AND INTERPRETATION

- 2.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:
 - (a) "Blue Badge" means a disabled persons badge issued by any local authority in accordance with the provisions of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

(as amended from time to time) or a badge having effect under those Regulations as if it were a disabled persons badge;

- (b) “Driver” in relation to a Vehicle waiting in a parking place means the person driving the Vehicle at the time it was driven into and/or left in the Parking Place and for the purposes of the Order and any legal proceeding taken thereunder if on the date a Vehicle is driven into and/or left in a Parking Place a person is shown to have been the Registered Owner or keeper thereof by notification from the appropriate Registration Authority that person shall be deemed to have been the Driver of the Vehicle on that date unless the contrary is shown;
- (c) “Mobile Telephone Payment” means the purchase of a period of parking by using a mobile telephone to facilitate a cashless and ticketless parking transaction;
- (d) “Owner” has the same meaning as in Sections 111 and 142 of the Act of 1984;
- (e) “Parking Attendant” means a person authorised by or on behalf of The Council to supervise any Parking Place;
- (f) “Parking Permit” means any document issued or approved by The Council that allows a Vehicle to be parked in the Parking Places specified in Schedule 1;
- (g) “Parking Places” means any area of land specified by name in column 1 of Schedule 1 of this Order provided by The Council under Section 57 of the Act of 1984 for the use of a Parking Place;

- (h) "Parking Space" means any part of the Parking Place intended for use by a Vehicle indicated by means of signs and or lines or as shown by a person authorised on that behalf by The Council;
- (i) "Season Ticket" means an annual ticket that has been purchased from The Council that allows a Vehicle to be parked in the Parking Places specified in Schedule 1;
- (j) "The Council" means Padstow Town Council and any statutory successor;
- (k) "Trailer" means a vehicle drawn by a motor vehicle as defined in Section 136(1) of the Road Traffic Regulation Act 1984
- (l) "Vehicle" means (unless the context otherwise provides) any class or description of Vehicle and without prejudice to the above shall include a caravan or trailer. "Heavy motor car", "invalid carriage", "motor car", "motor cycle", "motor tractor", "heavy locomotive" and "light locomotive" have the same meaning as in Section 136 of the 1984 Act and "public service Vehicle" has the same meaning as in the Public Passenger Vehicles Act 1981 and for the purpose of this Order "public service Vehicles" and Vehicles with 16 seats or more shall be referred to as "coaches" and "heavy motor cars", "motor tractor", "heavy locomotive" and "light locomotive" shall be referred to as "commercial Vehicles"

2.2 The Interpretation Act 1978 as amended shall apply for the interpretation of this Order as it applies to the interpretation on an Act of Parliament as if this Order was an Act of Parliament.

2.3 Unless expressly stated to the contrary any references to a specific statute or regulation includes any statutory extension or modification, amendment

or re-enactment of that statute or regulation and any general reference to a statute includes any regulations or Orders made under that statute.

PART II - USE OF A PARKING PLACE

GENERAL

- 3.1 Each Parking Place specified by name in column 1 of Schedule 1 (and as delineated on the plans attached to this Order) may be used, subject to the following provisions of this Order, as a Parking Place for such classes of Vehicle, in such positions, on such days, during such hours, and on payment of such charges, as are specified in relation to that Parking Place in Schedule 1.
- 3.2 The Council reserves the right:
- (i) to suspend the effect of all or part of this Order by means of appropriate signing;
 - (ii) to close a Parking Place, or any part of it, for any period and for any reason and no driver of any Vehicle shall use the Parking Place, or any part of it, when it is so closed;
 - (iii) to vary temporarily or permanently the classes of Vehicles that may use a Parking Place;

CLASS AND POSITION OF VEHICLE

- 4.1 Where in Schedule 1 of this Order a Parking Place is described as available for Vehicles of a specified class or in a specified position, the Driver of a Vehicle shall not permit it to wait in that parking place unless it is:-

- (a) of the specified class; and
- (b) in a specified position being one where Parking Spaces are defined by markings on the ground or otherwise

4.2 Where in Schedule 1 the Parking Place is described as available for Vehicles of a specified class (but no positions have been specified by means of markings upon the ground defining Parking Spaces) the Driver of a Vehicle shall not permit it to wait or be left in a Parking Place unless it is:-

- (a) of the specified class; and
- (b) in such position or positions as may be required by a Parking Attendant or other person duly authorised by The Council.

4.3 The Driver of a Vehicle shall not use a Parking Place which is subject to limitation or restriction on use as specified within Schedule 1 to this Order otherwise than in accordance with such limitation or restriction.

4.4 The Driver of a Vehicle shall not permit that Vehicle to wait in any Parking Place (or part thereof) listed in Schedule 1:-

- (a) for longer than the maximum period permitted for waiting specified in relation to that Parking Place in Schedule 1;
- (b) in a designated loading area unless the Vehicle is parked for the purpose of loading or unloading;
- (c) in a designated restricted area or where waiting is by notice declared to be prohibited;

- (d) beyond the markings of any Parking Space;
- (e) in a disabled person Parking Space without clearly displaying a valid Blue Badge;
- (f) in a designated pick-up area unless the Vehicle is waiting for the purpose of persons boarding and alighting;

OBSTRUCTION

5 The Driver of a Vehicle shall not, unless authorised by The Council:-

- (a) use a Parking Place so as to unreasonably prevent other persons from obtaining access thereto or therefrom or otherwise cause an obstruction in the Parking Place or Parking Space;
- (b) park over or beyond the Parking Space markings or otherwise use a Parking Space so as to prevent other Vehicles from using adjoining Spaces;
- (c) park the Vehicle where cross hatching or yellow lines have been marked on the surface of the Parking Place, with exception of Motor cycles parked in accordance with 6.15

PAYMENT FOR USE AND TICKETS

6.1 The Driver of a Vehicle using a Parking Place shall immediately upon first parking, unless otherwise instructed by a person duly authorised by The Council, in any of the Parking Places referred to in Schedule 1 pay the appropriate charge in accordance with the scale of charges specified in

Schedule 1 unless the driver is the holder of a valid Season Ticket or Parking Permit.

- 6.2 There will be no concessions for disabled drivers; the appropriate charge must be paid.
- 6.3 The charges referred to in Article 6.1 and specified in Schedule 1 shall be payable:-
 - (a) by the insertion of an appropriate coin or coins into the apparatus or device provided; or
 - (b) where provision is made, by Mobile Telephone Payment.
- 6.4 Where any parking apparatus is defective, it shall be the responsibility of the driver of a Vehicle to obtain a ticket of the appropriate denomination or kind from an alternative parking apparatus.
- 6.5 Any parking ticket issued on payment of the charge referred to in Article 6.1 will indicate the date and time of the ticket's expiration, the time and date of issue and payment of the charge. The payment indicated upon any such ticket shall be regarded as conclusive evidence as to the coinage accepted by the apparatus or device.
- 6.6 If during charging hours a Vehicle is left in a Parking Place and has displayed on it a parking ticket or tickets issued by a ticket issuing machine, the time indicated by the ticket issuing machine clock on the ticket or tickets shall be evidence as to whether the period has expired for which the initial charge shown on such ticket or tickets was paid. In any proceedings for failing to pay the penalty charge it shall also be evidence that a penalty charge was incurred. Where payment has been

made by Mobile Telephone Payment evidence shall be provided by the Mobile Telephone Payment provider.

6.7 (1) Any parking ticket, Season Ticket or Parking Permit referred to in Article 6.1 and (2) any Blue Badge shall be displayed on the Vehicle in respect of which it was issued being:-

(a) in the case of a Motor cycle combination, in a conspicuous position on the Vehicle in front of the driving seat; and

(b) in the case of all other Vehicles:-

(i) where the Vehicle is fitted with a transparent windscreen, facing forward on the dashboard or fascia, unless authorised differently by The Council, and

(ii) where the Vehicle is not fitted with a transparent windscreen, on the Vehicle in a conspicuous position on the front or near side of the Vehicle

so that in each case, full details printed on the face of the ticket issued, Season Ticket, Parking Permit or Blue Badge, are at all times visible and can clearly be read.

6.8 Where a charge is specified for a period, the whole of that charge shall be due and payable whether the Parking Place is used for all or part of that period.

6.9 The Driver of a Vehicle shall remove the Vehicle from the Parking Place before or upon the expiry of the time paid for.

- 6.10 The Driver of a Vehicle shall pay the appropriate charge for each Parking Space used or part thereof by the Vehicle.
- 6.11 The Driver of a Vehicle shall not use a Parking Place which is subject to a maximum period for parking therein for longer than such period. At the expiration of such maximum period the Driver shall remove the Vehicle from the Parking Place.
- 6.12 When a parking ticket, Season Ticket, Parking Permit or Blue Badge has been exhibited on a Vehicle in accordance with the provisions of Article 6.7 of this Order no person shall remove the relevant ticket, Season Ticket, Parking Permit or Blue Badge from the Vehicle until the Vehicle has been removed from the Parking Place.
- 6.13 The Council will announce the annual release of Season Tickets for general sale by way of public notices at which time applications can be made to purchase a Season Ticket for a charge ascertained by reference to the said scale of charges in Schedule 1 and such a ticket shall be valid in such Parking Places as specified during the period for which it was issued.
- 6.14 Tickets purchased are not transferable between Vehicles.
- 6.15 Except where specified in Schedule 1 Motor cycles may park without charge in such places so as not to cause an obstruction to other users of a Parking Place or as directed by a person duly authorised by The Council. A Motor cycle occupying a Parking Space shall pay the appropriate charge for that Parking Space.

MISCELLANEOUS PROVISIONS

- 7 The Driver of a Vehicle may not enter upon, use or attempt to use a Parking Place when The Council have closed that Parking Place or have placed restrictions on use of that Parking Place and exhibited notice of such closing or restrictions on or near the Parking Place.
- 8 Whilst using a Parking Place a Trailer shall, without the prior consent of The Council, remain connected to the towing Vehicle.
- 9 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.
- 10 No person shall without the prior written consent of The Council use a Vehicle while it is in a Parking Place in connection with the sale of or offering for sale any article to any person or persons in or near the Parking Place or in connection with the selling or offering for hire of any skill or service.
- 11 No person shall place or attach to or cause to be placed or attached to any Vehicle in a Parking Place any leaflet or advertising material whatsoever without prior authorisation from The Council.
- 12 The Driver of a Vehicle shall not permit that Vehicle to wait in a Parking Place unless the Vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle Excise and Registration Act 1994 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 Part VI of the Road Traffic Act 1988.

- 13 The Driver of a Vehicle using a Parking Place shall not sound any horn or similar instrument except when about to change the position of the Vehicle in or to depart from the Parking Place and only when the circumstances demand an audible warning.
- 14 No person shall without the written consent of The Council use any part of a Parking Place or Vehicle left in that Parking Place for the purposes of:-
- (a) sleeping or camping;
 - (b) eating or cooking;
 - (c) servicing, washing, painting or otherwise any Vehicle or part thereof other than is reasonably necessary to enable that Vehicle to depart from the Parking Place; or
 - (d) selling any object or food or drink or other comestible matter.
- 15 No person shall without the consent of The Council erect or cause or permit to be erected any tent, booth, stand, building, or other structure on a Parking Place.
- 16 No person without the consent of The Council shall light or cause to permit to be lit any fire.
- 17 No person shall use a Parking Place as a means of passage proceeding from one road to another or to a property not owned by The Council without the express consent in writing of The Council.
- 18 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 cause or permit to be driven any Vehicle:-

- (i) so that it enters the Parking Place otherwise than by an entrance or leave that Parking Place otherwise than by an exit so indicated; or
 - (ii) in a direction other than that specified.
- 19 No person shall in a 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.
- 20 No person shall in a Parking Place engage in pedal cycling, skateboarding, roller-skating, ball games, or games of any description unless authorised by The Council or do anything which is or may be a nuisance or annoyance to any person or to users of the Parking Place or residents of premises in the neighbourhood.
- 21 No person shall in a 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.
- 22 A person using the Parking Place shall not cause or suffer any animal belonging to him/her or in his/her charge to enter or remain in the Parking Place unless such animal continues to be under proper control and effectively restrained from causing annoyance to any person and from worrying or disturbing any other animal. Where such animal continues to be under proper control and effectively confined within a Vehicle, such

Vehicle is to be sufficiently ventilated as to cause no harm or distress to the animal.

- 23 No person shall in a Parking Place drive or cause to be driven any Vehicle onto or over any kerb or verge within the Parking Place.
- 24 No person shall, except with the permission of the Council, drive any Vehicle in a Parking Place other than for 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.

PART III - NOTICE OF EXCESS CHARGE

NOTICE AND APPLICATION OF EXCESS CHARGES

- 25.1 Where a contravention of Articles 4.1, 4.2, 4.3, 4.4, 5, 6.1, 6.2, 6.7, 6.8, 6.9, 6.10, 6.11, 7, 9, 10 and 14 of the Order occurs an excess charge shall become due.
- 25.2 For the purpose of Article 25.1 the amount of the excess charge shall be in accordance with the scale of charges specified in Schedule 1.
- 25.3 Where an excess charge is due a Parking Attendant shall attach a Notice of Excess Charge to the Vehicle in respect of which the said excess charge has been incurred in a conspicuous position and the Notice of Excess Charge shall include the following particulars:
 - (a) the registration mark of the Vehicle or, where the Vehicle is used under a trade license, the number of the trade plate carried by the Vehicle;

- (b) the date and time at which it was noticed that the said excess charge had been incurred;
- (c) a statement that an excess charge is required to be paid and the amount in accordance with the scale of charges specified in Schedule 1;
- (d) the manner in which, and the time within which, the said excess charge should be paid; and
- (e) a statement that it is an offence under Section 35A of the Act of 1984 for the driver of a Vehicle who has left the Vehicle in the Parking Place for any period to fail duly to pay any charge or charges incurred in respect of such period.

25.4 Where a Notice of Excess Charge has been attached to a Vehicle in accordance with Article 25.3 no person, other than a Parking Attendant, shall remove the notice from the Vehicle until the Vehicle is removed from the Parking Place.

25.5 Where a Vehicle remains in a position so as to attract a Notice of Excess Charge a further Notice of Excess Charge may be issued on each calendar day thereafter.

MANNER OF PAYMENT OF EXCESS CHARGES

26.1 The Owner of a Vehicle in respect of which the excess charge has been incurred shall pay the excess charge to The Council in the manner specified in the Notice of Excess Charge no later than the twenty-eighth day following the day on which the said excess charge was incurred.

- 26.2 If payment is made so as to reach The Council no later than fourteen days following the day on which the said excess charge was incurred The Council will accept the reduced rate in accordance with the charges specified in Schedule 1 in full satisfaction of the debt.
- 26.3 If the excess charge is not paid within twenty-eight days of issue the Vehicle keeper details will be requested from the DVLA in order to pursue payment.


APPEALING AN EXCESS CHARGE

- 27 All appeals must be sent in writing to the Town Clerk at the Council Office address as specified in Schedule 1 of this Order or to the email address specified in Schedule 1 of this Order.

REMOVING OR ALTERING THE POSITION OF A VEHICLE

- 28.1 Where any Vehicle is standing in a Parking Place in contravention of the provisions of Article 4 of this Order, or for the purpose of meeting the requirements of an emergency, a Parking Attendant or person duly authorised by The Council may alter or cause to be altered the position of the Vehicle so that its position shall comply with the said provisions.
- 28.2 Where a Parking Attendant is of the opinion that any of the foregoing provisions of this Order have been contravened or not complied with in respect of a Vehicle left in a Parking Place, or for the purpose of meeting the requirement of an emergency, he may remove or cause to be removed the Vehicle from the Parking Place and where it is so removed shall make such arrangements as may be reasonably necessary for the safe custody of the Vehicle.

- 28.3 Where the same Vehicle is subject to three or more contraventions of this Order and the excess charges remain, a Parking Attendant or person duly authorised by The Council may remove or cause to be removed the Vehicle from the Parking Place and where it is so removed shall make such arrangements as may be reasonably necessary for the safe custody of the Vehicle.
- 28.4 Any costs associated with the removal and storage of Vehicles shall be payable by the Owner and may be recovered from the Owner as a Civil debt.

Sealed under the hand of the Clerk to the Council.....

this day of.....5 February 2015.....

and adopted by Padstow Town Council on....25 November 2014.....

final approval delegated to Town Clerk & Chairmen
of Highways, Roads & Transport Committee and
made on 23 December 2014.

THE PADSTOW TOWN COUNCIL
(OFF-STREET PARKING PLACES) ORDER 2015

SCHEDULE 1

1	2	3	4	5	6	7	8	9	10
Name of Parking Place	Position in which Vehicles may wait	Permitted classes of Vehicle	Days of operation of parking place	Hours of operation of parking place	Maximum period for which Vehicles may wait	Summer Scale of Charges 1 March to 31 October	Winter Scale of Charges 1 November to 28/29 February	Season Ticket	Excess Charge
LAWNS CAR PARK (inclusive of all land marked on Land Registry title number CL215702 – map appended)	Where provided, wholly within a Parking Space or as directed by a Parking Attendant or other person duly authorised by The Council.	Motor cars Motor cycles Invalid carriages	All days	24 hours	Up to 24 hours with appropriate ticket. NB: Coaches restricted to 4 hours with appropriate ticket and Motor homes/campers prohibited between 22.00 and 08.00	(All Hours) 1 Hour 70p 2 Hours £2.50 3 Hours £3.50 4 Hours £4.50 12 Hours £6.90 24 Hours £8.90	(All Hours) 1 Hour 50p 4 Hours £1.00 12 Hours £2.00 24 Hours £3.00 Coaches £5.00 (up to 4 hours only)	£480.00 - Annual	£80.00 or £40.00 if paid within 14 days
RAILWAY CAR PARK (inclusive of all land marked on Land Registry title number CL289771 - map appended)	No Vehicle may park on any restrictions or where any such area has been marked as reserved unless the Driver has been authorised to so park by The Council.	Motor homes/campers Mini buses							
	All Vehicles parked in a Coach Bay must pay Coach charge								

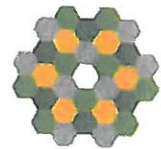
Town Council Address: Padstow Town Council, Council Offices, Unit 5b Trecerus Industrial Estate, Padstow, Cornwall, PL28 8RW Email: enquiries@padstow-tc.gov.uk
 Website: www.padstow-tc.gov.uk

APPENDIX 1

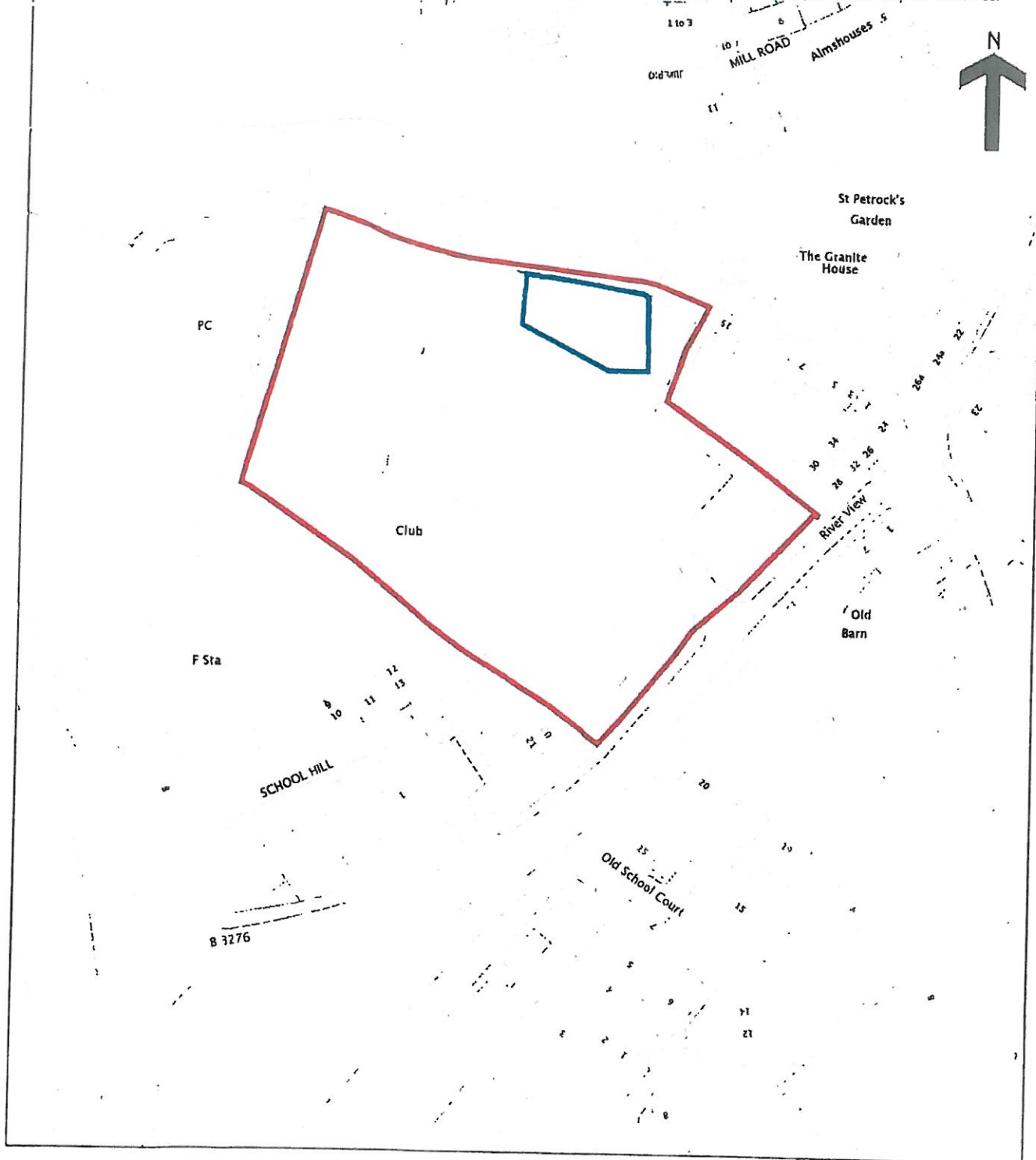
LAWNS CAR PARK – MAP
LAND REGISTRY TITLE NUMBER CL215702

Land Registry
Official copy of
title plan

Title number **CL215702**
Ordnance Survey map reference **SW9175SE**
Scale **1:1250**
Administrative area **CORNWALL**



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APPENDIX 2

**RAILWAY CAR PARK – MAP
LAND REGISTRY TITLE NUMBER CL289771**

Land Registry
Official copy of
title plan

Title number CL288771
Ordnance Survey map reference SW8274NW
Scale 1:1250 enlarged from 1:2500
Administrative area Cornwall



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The land listed green is not included in this title.



This official copy issued on 12 June 2012 shows the state of this title plan on 12 June 2012 at 04:19:32. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).
This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.
See Land Registry Public Guide 19 - Title Plans and Boundaries.
This title is dealt with by Land Registry, Plymouth Office.