

THE PADSTOW TOWN COUNCIL (OFF-STREET PARKING PLACES) ORDER 2008

The Padstow Town Council (hereinafter referred to as “the Council”) in exercise of their 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 County Council given under Section 59 of the Act of 1984, hereby make the following Order:-

1. (1) The ‘Padstow Town Council (Off-Street Parking Places) Order 2004’ is revoked.
- (2) This Order shall come into force on the 13th March 2008 and may be cited as ‘The Padstow Town Council (Off-Street Parking Places) Order 2008’.
2. In this Order:
 - (a) any reference to any enactment shall be constructed as a reference to that enactment as amended, applied, consolidated or re-enacted by, or as having effect by virtue of, any subsequent enactment;
 - (b) “enactment” means any enactment whether public, general or local, and includes any order, bylaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
 - (c) “parking places” means any area of land specified by name in column 1 of the Schedule to this Order provided by the Council under Section 57 of the Act of 1984 for the use of a parking place;
 - (d) “parking bay” means a space in a parking place, which is provided for the leaving of a vehicle;
 - (e) “vehicle” includes trailer and caravan;
 - (f) “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;
 - (g) “parking attendant” means a person authorised by or on behalf of the Council to supervise any parking place;
 - (h) “owner” has the same meaning as in Sections 111 and 142 of the Act of 1984.

3. Each area of land specified by name in column 1 of the Schedule to the 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 area in the said Schedule.
4. Where in the Schedule to this Order a parking place is described as being 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:-
 - (a) unless it is of a class so specified; or
 - (b) in a position other than that specified
5. The driver of a vehicle shall not permit it to wait in a parking place:-
 - (i) for longer than the maximum period permitted for waiting specified in relation to that parking place in the Schedule to this Order; or
6.
 - (1) The driver of a vehicle using a parking place shall on leaving the vehicle in the parking place pay the appropriate initial charge in accordance with the Scale of Charges specified in column 7 of the Schedule to this Order; provided that no such charge shall be payable by the driver of a vehicle left in that parking place who produces a valid annual ticket issued in respect of that vehicle in accordance with the provisions of paragraph (4) of this Article.
 - (2) The initial charge referred to in the last preceding paragraph shall be payable on leaving the vehicle in the parking place by the insertion of an appropriate coin or coins into the apparatus or device there provided being an apparatus or device having been specifically or generally approved by the Secretary of State for Transport for such purpose.
 - (3) The driver of a vehicle shall attach any ticket issued on payment of the said initial charge in a conspicuous position on the vehicle in respect of which it was issued and shall cause the said ticket to be exhibited in that position for the whole of the period during which the vehicle is parked in the parking place.
 - (4) The owner of a vehicle may on application to the Council purchase an annual ticket in respect of that vehicle for a charge ascertained by reference to the said Scale of Charges and that ticket shall be valid (in such parking places as are specified thereon) during the period for which it is issued.

- (5) Where any vehicle is left in a parking place for an additional period following the period for which the said initial charge has been incurred, an excess charge of forty pounds (inclusive of VAT) shall be payable for the said additional period during which the vehicle is so left.
- (6) In the case of a vehicle in respect of which the said excess charge has been incurred a parking attendant shall attach to the vehicle in a conspicuous position a notice which 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 of forty pounds (inclusive of VAT) is required to be paid;
 - (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.
- (7) Where a notice has been attached to a vehicle in accordance with paragraph (6) of this Article, no person, other than a parking attendant, shall remove the notice from the vehicle until the vehicle is removed from the parking place.
- (8) The driver of a vehicle in respect of which the said excess charge has been incurred, or some other person on his behalf, shall pay the said excess charge to the Council by cheque, banker's draft, money order or postal order payable to the Council which shall be delivered or sent by post so as to reach the Council no later than the fourteenth day following the day on which the said excess charge was incurred or in cash in person at the Council's Offices at Station House, Padstow, Cornwall PL28 8DA no later than as aforesaid: provided that if payment is made so as to reach the Council no later than seven days following the day on which the said excess charge was incurred the Council will accept twenty pounds in full satisfaction of the debt.

7. 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.
8. 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 leaves the parking place otherwise than by an exit so indicated, or
 - (ii) in a direction other than that specified,

as the case may be.
9. 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.
10. No person shall use a parking place as a means of passage from one road to another.
11. The driver of the 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 V1 of the Road Traffic Act 1988.
12. The driver of a motor 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 to depart from the parking place.
13. No person shall without the prior written consent of the Council use a vehicle, while it is in a parking place or 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.

14. No person shall use any part of a parking place or vehicle left in a parking place:-
 - (a) for sleeping or camping purposes;
 - (b) for cooking purposes; or
 - (c) 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.
15. In a parking place no person shall:-
 - (a) erect or cause or permit to be erected any tent, booth, stand, building, or other structure without the written consent of the Council; or
 - (b) light or cause or permit to be lit any fire.
16. 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.
17. 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.
18. There will be no concessions for disabled drivers (including Orange Badge and Blue Badge holders); an appropriate fee must be paid.
19. Where any vehicle is standing in a parking place in contravention of the provision of Article 4 (b) of this Order, a parking attendant may alter or cause to be altered the position of the vehicle so that its position shall comply with that provision.
20. Where a parking attendant is of the opinion that any of the provisions contained in Articles 4, 5 or 11 of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he may remove or cause to be removed the vehicle from the parking and, where it is so removed, shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

21. Where the driver of a vehicle is alleged to have contravened any of the provisions of this Order the owner of the vehicle shall give such information as to the identity of the driver as he may be required to give by or on behalf of the Council, and any other person shall if required as aforesaid give any information which it is in his power to give which may lead to the identification of the driver.

GIVEN under the Seal of the Council this day of

Sealed under the hand of the Clerk to the Council

THE PADSTOW TOWN COUNCIL
(OFF-STREET PARKING PLACES) ORDER 2008

NOTICE IS HEREBY GIVEN that the PADSTOW TOWN COUNCIL (with the consent of the Cornwall County Council) propose to make an Order under Sections 35, 57 and 59 of the Road Traffic Regulations Act 1984, the effect of which will be:

- (i) To amend the charging periods and revoke the 2004 Order
- (ii) The 2008 Order will come into operation on 13 March 2008

A copy of the proposed Order, a map showing the areas of land referred to, and a statement of reasons for proposing to make the Order may be inspected by arrangement with the Town Clerk at Padstow Town Council Offices from Monday to Thursday between the hours of 9.30am and 1.00pm and 2.00pm and 4.30pm and from 9.30am and 1.00pm on Fridays.

Any objections or other representations specifying the grounds on which they are made must be sent in writing to the undersigned no later than 21 days from today's date.

SCHEDULE

1	2	3	4	5	6	7
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	Scale of Charges
LAWN CAR PARK RAILWAY CAR PARK	As directed by the attendant so authorized by the Council or wholly within a parking bay. Motor homes and mini buses parked in a coach bay must pay the coach fee	Motor cars Motor cycles Invalid carriages Coaches Motor homes Mini buses	All days	24 hours	Up to 24 hours with appropriate ticket	<u>Summer Scale – 1 March to 30 October</u> 1 hr 50p, 2 hrs £2.00, 4 hrs £3.00, 12 hrs £4.50, 24 hrs £7.00 Coaches £6.00 (3hrs) Annual Ticket: £300.00 <u>Winter Scale – 1 November to 28/29 February</u> 1 hr 20p, 24 hrs £1.00 Coaches £4.00 (3 hrs)

PENALTY: For non-payment, non-display or contravention of Article 4 - £40 or £20 if paid within 7 days

Town Clerk: Ms M Sedgwick

Padstow Town Council, Council Offices, Station House, South Quay, Padstow, Cornwall PL28 8DA