

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
THE DISTRICT OF HINCKLEY & BOSWORTH
(OFF STREET PARKING PLACES) ORDER 2014

Hinckley & Bosworth Borough Council in exercise of its powers under Sections 32 and 35 of the Road Traffic Regulation Act 1984 and Part IV of Schedule 9 to the Act, the Traffic Management Act 2004 and all Regulations and Orders made in exercise of the powers conferred by the 2004 Act and of all other enabling powers, with the consent of the Leicestershire County Council in accordance with Section 39 (3) of the Act and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

PART 1 – GENERAL

Commencement and Citation

1. This Order shall come into operation on the [DATE] and may be cited as the “District of Hinckley & Bosworth (Off Street Parking Places) Order 2014” and shall revoke all previous Orders

Revocations

2. The following Order is hereby revoked:

The Hinckley & Bosworth Borough Council (Off Street Parking Places) Order 2013.

Interpretation

3. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
4. The headings in this Order are inserted for convenience only and shall not affect its construction or interpretation.
5. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:

“the Act of 1984” means the Road Traffic Regulation Act 1984;

“the 2000 Regulations” means The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI No. 682): as amended by SI 2000/1507;

“Atkins permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Atkins Building car Park Hinckley without displaying a parking ticket;

“authorised officer” means a civil enforcement officer or any person as defined by the relevant legislation duly authorised by or on behalf of the Council to supervise and enforce the operation of the car park or any part thereof;

“bicycle” means a non powered vehicle normally with two wheels (but up to four) attached to a frame, to include, but not exclusively a tricycle;

“car park” means the area or areas of land, specified by name in Schedule 1 and defined by the plans included in that Schedule;

“car park notice” means the notice that is displayed in each car park and describes the conditions contained in Schedule 1 of this Order under which a motor vehicle may be left in the car park;

“causes” includes permits;

“charging hours” means any period for which a charge is specified in Schedule 1;

“Council” means the Council of Hinckley & Bosworth or its representative;

“civil enforcement officer” means any person duly authorised by or on behalf of the Council to supervise and enforce the operation of the car park or any part thereof;

“controlled hours” means enforcement may be carried out during these times;

“disabled person's badge” means, a badge in the form prescribed by regulation 11 in the 2000 Regulations, issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person, and includes a replacement badge issued in accordance with regulation 7 of those regulations and is currently in force;

“dispensation” means an authorisation, in writing, issued by the Council that entitles a specified motor vehicle to park in a car park which had been closed pursuant to Article 32 of this order for a defined time;

“driver” means the registered keeper of the vehicle registered with the DVLA at the time that the contravention was committed, unless it is proved to the Council’s satisfaction that the vehicle at the time of the contravention was in the charge of a person other than the registered keeper;

“HBP permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Hinckley Business Park car park without displaying a parking ticket;

“higher level contraventions” are as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

“Jubilee permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Jubilee Car Park Hinckley without displaying a parking ticket

“LBSN permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Lower Bond Street North Car Park Hinckley without displaying a parking ticket;

“leisure centre permit” means a permit issued by Hinckley Leisure Centre on behalf of the Council to Hinckley Leisure Centre members in accordance with the Council’s Conditions for Issuing Parking Permits for the time being

in force which entitles a vehicle to park in the Trinity Vicarage car park without displaying a parking ticket for a maximum of 3 hours with no return;

“lower level contraventions” means all parking contraventions which are not higher level contraventions;

“motor car” means a mechanically propelled vehicle as defined in Section 136(2) of the Act of 1984 and not exceeding 1.98 metres in height, 5.5 metres in length or 2.5 metres wide;

“motor cycle” means a mechanically propelled vehicle as defined in Section 136(4) of the Act of 1984 but having no more than two wheels;

“motor vehicle” means an independent powered vehicle including but not limited to motor cars and motor cycles as defined and (except in the case of motor vehicles constructed or adapted for use for the conveyance of goods or burden) the unladen weight of which does not exceed 3500Kg;

“NWHC permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the North Warwickshire and Hinckley College Car Park without displaying a parking ticket;

“owner” means the legally responsible person or organisation;

“parking space” means a space in the car park, marked on the surface of the car park by lines or indicated by signs, which is provided for the parking of motor vehicles;

“parking ticket” means the ticket issued by means of the ticket machine;

“permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in a car park without displaying a parking ticket;

“relevant position” means exhibited on the dashboard or fascia of the motor vehicle, in a conspicuous position on the motor vehicle, so that the front is clearly legible from the outside of the motor vehicle;

“relevant legislation” means the Road Traffic Regulation Act 1984, the Traffic Management Act 2004 and any Regulations made thereunder;

“reserved space” means the parking space in the car park that is marked on the surface and/or indicated by signs as being reserved;

“Rock permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Rock Car Park Hinckley without displaying a parking ticket;

“season ticket” means the ticket issued by the Council, in accordance with the Council’s Terms and Conditions for issuing season tickets, indicating the vehicle registration mark of the motor vehicle on which it may be used, the car park(s) in which it may be used and the period of its validity;

“ticket machine” means any apparatus operated by the insertion of coins, bank notes, tokens, credit or debit cards and that issues parking tickets indicating the payment of a charge, the date and time at which that charge was paid and the time by which the motor vehicle must leave the car park;

“Westfield permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Westfield Community Centre Car Park Hinckley without displaying a parking ticket;

“Willowbank permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Willowbank Car Park Hinckley without displaying a parking ticket;

PART 2 - REGULATIONS

Use of land and car park

6. Each area of land specified by name in Schedule 1 may be used at all times subject to the following provisions of this Order as a car park for motor vehicles on such days and for such periods as are specified in Schedule 1. No person shall unless authorised in writing by the Council use any car park for any other purpose.
7. In so far as a motor vehicle is parked in a car park during the charging hours the driver thereof shall purchase a parking ticket paying such charge or charges as are specified in Schedule 1 of this Order and on the relevant car park notice.
8. The driver of the vehicle shall:
 - 8.1 display the parking ticket issued on payment of the charge in the relevant position on the vehicle in respect of which it was issued: and
 - 8.2 ensure that a parking ticket is purchased and displayed to cover the entire period that the vehicle is parked in the parking space.
9. A parking ticket is not transferable from one vehicle to another.
10. A parking ticket is valid only in the car park in which it was issued for the time displayed on the ticket. This is defined by the reference code of the ticket machine located in that car park printed on the parking ticket.
11. If at any time while a vehicle is left in a car park and no parking ticket is displayed on that vehicle in the relevant position, it shall be deemed that the charge has not been paid and will be subject to the penalty provisions within this Order, unless the vehicle is displaying the following:-
 - (a) Leisure Centre Permit (for use in Trinity Vicarage Car Park Hinckley only for a maximum of three hours and no return)
 - (b) Atkins Permit (for use in the Atkins Building Car Park Hinckley only)
 - (c) HBP Permit (for use in the Hinckley Business Park Car Park Hinckley only)
 - (d) Jubilee Permit (for use in the Jubilee Car Park Hinckley only)
 - (e) LBSN Permit (for use in the Lower Bond Street North Car Park Hinckley only)
 - (f) NWHC Permit (for use in the North Warwickshire and Hinckley College Car park only)
 - (g) Rock Permit (for use in the Rock Car Park Hinckley only)

- (h) Westfield Permit (for use in the Westfield Community Centre Car Park Hinckley only)
 - (j) Willowbank Permit (for use in the Willowbank Car Park Hinckley only)
 - (j) Disabled Persons Badge
 - (k) Any other permit that may be issued by the Council from time to time
12. If at the time when a vehicle is left during the charging hours in a parking space on the nearest ticket machine in that car park there is a notice placed by any person duly authorised by the Council, indicating that the ticket machine is out of order, then a parking ticket shall be obtained from another machine within that car park (where provided).
 13. Where no valid parking ticket can be obtained as a result of the ticket machine being designated as out of order in accordance with Article 12 and displayed vehicles may be left in a car park but may not be left for longer than the charging period for that day.
 14. No motor vehicle or bicycle shall be driven at a speed exceeding 5 mph whilst within the boundaries of any car park.
 17. Any object other than a motor vehicle placed within the boundaries of any car park without prior permission will be removed and stored off site at the owner's expense for a period of 1 week after which time it will be sold and any monies received put towards costs incurred in removal and storage. Any surplus remaining after deductions for removal and storage costs will be used by Hinckley & Bosworth Borough Council as it sees fit.
 18. Where within the car park there is a sign or surface marking that indicates a parking space is available only for use by season ticket holders or reserved space permit holders, no vehicle shall be permitted to stand or wait in the parking space unless it is displaying a valid season ticket or reserved space permit in the relevant position.

Maximum Length of Stay for Motor Vehicles Using Car Parks

19. No motor vehicle shall be allowed to remain in a car park for longer than the maximum time permitted, nor may a motor vehicle return to any car park until after the until after the expiry of the time specified in Schedule 1 to this Order and displayed on the car park notice, except for drivers displaying in the relevant position a season ticket or permit for that car park or a valid disabled persons badge.
20. Motor vehicles correctly displaying a disabled person's badge may park without payment within any marked disabled parking space or other parking space in the limit of the car park.
21. Motor cycles may park in any designated motor cycle bay without payment.
22. No motor vehicle may be permitted to remain in a car park after the time for that car park to be open has expired.

Restrictions on Use of Parking Spaces

23. (1) No person shall use a motor vehicle, while it is in a car park, in connection with the sale of any article to persons in or near the car park

or in connection with the selling or offering for hire of his or her skills or services, except with the written consent of the Council.

- (2) No person shall use any part of a car park or any motor vehicle parked in a parking space -
 - (a) for sleeping or camping or cooking: or
 - (b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that motor vehicle to depart from the car park: or
 - (c) for any indecent, improper, offensive or obscene behaviour which may cause harassment, alarm or distress
- 24.
- (1) A motor vehicle shall not be permitted to wait in a car park other than in a parking space. Except with the permission of the Council, every part of the motor vehicle must be within the limits of the parking space and not more than one motor vehicle shall occupy any one such parking space.
 - (2) Where within the car park there is a sign or surface marking that indicates a parking space is available only for use by disabled persons, no motor vehicle shall be permitted to stand or wait in the parking space unless it is correctly displaying a valid disabled person's badge in the relevant position.
 - (3) Where within the car park there is a sign or surface marking that indicates a parking space is available only for use by a particular class of motor vehicle, no motor vehicle shall be permitted to stand or wait in the parking space unless it is of that class.
 - (4) No motor vehicle may be parked in such a manner that it obstructs any other motor vehicle.
- 25.
- (1) Where in the car park or any part thereof, signs are erected or surface markings are laid for the purpose of:-
 - (a) indicating an entrance to or exit from the car park or any part thereof: or
 - (b) indicating that a motor vehicle using the car park or any part thereof shall proceed in a specific direction within the car park or any part thereof no person shall drive or permit to be driven any motor vehicle (i) so that it enters the car park or any part thereof, otherwise than by the entrance, or leaves the car park or any part thereof, otherwise than by the exit, so indicated, or (ii) in a direction other than so specified.
- 26.
- (1) No motor vehicle shall display a parking ticket that had been previously displayed on another motor vehicle or in another car park.
 - (2) No motor vehicle shall display any parking ticket or permit which has been altered, defaced, mutilated or added to, or upon which the figures or particulars have become illegible.
 - (3) If an authorised officer has reasonable cause to believe that a document or article carried on a motor vehicle, or by the driver or person in charge of a motor vehicle, is a ticket or permit to which this Article applies, or is a document designed to resemble a ticket or permit, he may detain that ticket or permit, and may for that purpose require the driver or person in charge of the motor vehicle to deliver up the document or article.

Penalty Charge for Use of Car Parks

27. (1) If a motor vehicle is left in a parking place in contravention of or non compliance with this Order a penalty charge shall be payable by the driver of the motor vehicle.
- (2) The penalty charge or reduced penalty charge shall be in the sum of the following amounts:-
 - (a) The penalty charge for higher level contraventions– band 2 as set out in Section 1 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time) subject to payment being received within 28 days beginning with the date of issue of the penalty charge notice.
 - (b) All other contraventions of the Order not so defined as higher level contraventions in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof, will be set at the lower level penalty charge as defined in those regulations.
 - (c) The reduced penalty charge – a fifty percent reduction of the penalty charge subject to payment being received within 14 days beginning with the date of issue of the penalty charge notice.
 - (d) If no payment is made within 28 days of the serving of the penalty charge notice the Council will issue a Notice to Owner advising of the unpaid charge
 - (e) If no payment is made within 28 days of the serving of the Notice to Owner the Council may issue a charge certificate in accordance with the provisions of Regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (as amended or superseded from time to time) this will result in the penalty charge being increased by fifty percent.
- (3) Service of a penalty charge notice, notice to owner or charge certificate by post is deemed effective on the second working day after the day of posting.
- (4) Where a penalty charge has been incurred a civil enforcement officer may attach to the vehicle in a conspicuous position or hand to the driver a penalty charge notice which shall comply with the requirements of regulation 9 and the schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (as amended or superseded from time to time).
- (5) Where a penalty charge has been incurred, a penalty charge notice may be issued by post by the enforcement authority if the owner of the motor vehicle drives the motor vehicle away before the civil enforcement officer has issued a penalty charge notice or the civil enforcement officer has been prevented from issuing a penalty charge notice, such a penalty charge notice shall comply with the requirements of Regulation 10 and the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (as amended or superseded from time to time).

- (6) Payment of the penalty charge shall either be by electronic transfer, cheque, postal order or cash in person which shall be delivered or sent by post so as to reach the relevant Office of the Council as stated on the penalty charge notice not later than 4.30pm, by the date specified on the penalty charge notice but should the said Office of the Council be closed on the said date specified the period for receiving payment may be extended until 4.30pm, on the next full working day.
- (7) The particulars given in the penalty charge notice attached to the motor vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

28. In the event of the driver failing to pay a penalty charge within the period stipulated in this Order the Council may give notice in writing to the owner of the motor vehicle in respect of which the penalty charge was incurred requiring the owner to supply the identity of the driver.

Exemptions from Payment

29. (1) Any motor vehicle left in a parking place that is displaying a disabled person's badge in the relevant position shall be exempt from payment of any charge specified in Schedule 1 to this Order.
- (2) Any motor vehicle left in a parking place that is displaying a season ticket or a ticket permitting parking in a reserved space in the relevant position shall be exempt from payment of any charge specified in Schedule 1 to this Order.

Restrictions on Removal of a Notice

30. When a notice has been attached to a motor vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the notice from the motor vehicle.

Motor Vehicle Removal

31. (1) If a motor vehicle is parked in a car park in contravention of any of the foregoing provisions of this Order the Council may remove the motor vehicle from that car park or arrange for such removal.
- (2) Any person removing, or causing the removal of, a motor vehicle by virtue of this Article, may do so by towing or driving the motor vehicle or in such other manner as he may think reasonably necessary to enable the motor vehicle to be removed.
- (3) Any person removing a motor vehicle by virtue of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

- (4) A motor vehicle will be stored for a period of 14 days after which time it will be sold and any monies received put towards costs incurred in its removal and storage. Any surplus remaining after deductions for removal and storage costs will be used by Hinckley & Bosworth Borough Council as it sees fit.
- (5) Any costs associated with the removal and storage of motor vehicles will be payable by the driver of the motor vehicle and if not paid will be recoverable as a civil debt

Power of the Council to Close Car Parks

32. (1) Nothing in this Order shall restrict the power of the Council by notice, to suspend the operation of the car park or any part thereof and when the operation of the car park or part thereof is suspended, the Council shall display a notice or notices to that effect at the car park and at the ticket machines.
- (2) When the operation of the car park is suspended pursuant to paragraph (1) of this Article, no person shall cause any motor vehicle to enter, stand, wait or be left in the car park or any part thereof, for the duration of the suspension without the written authorisation of the Council, except for an ambulance or any motor vehicle being used in the service of a fire brigade or police force, or any motor vehicle with the permission of a police constable in uniform or when displaying a valid dispensation.
- (3) If at any time the Council shall require a car park or part thereof for any purpose whatsoever (including its use as a private car park in connection with a particular event) then the right of any person to park any motor vehicle thereon shall immediately terminate until the Council shall no longer require the car park or part thereof.

Liability of the Council

32. The Council shall not be liable in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle waiting or moving in or entering or otherwise using the parking space

THE COMMON SEAL of THE BOROUGH COUNCIL OF HINCKLEY & BOSWORTH

was hereunto affixed

this

in the presence of:

Authorised Signatory