

**THE DISTRICT OF HUNTINGDONSHIRE
(OFF-STREET PARKING PLACES) (NO 2) ORDER 2005**

The Huntingdonshire District Council in exercise of their powers under Sections 32 and 35 (1) and (3) of the Road Traffic Regulations Act 1984 ("the Act") and of Part IV of Schedule 9 of the Act and of all other enabling powers, and subject to the consent of the Cambridgeshire County Council in accordance with Section 39(3) of the Act and subject also to consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:

PART I

GENERAL

1. This Order shall come into operation on 1st June 2005 and may be cited as "The District of Huntingdonshire (Off-Street Parking Places) (No 2) Order 2005".
2. (1) Any reference in this Order a numbered Article is a reference to the Article bearing that number in this Order, and any reference in this Order to "the Schedule" is a reference to the Schedule to this Order.

(2) In this Order, unless the context otherwise requires:

 "The Council" means the Huntingdonshire District Council.

 "Parking Period" means any period specified in paragraph 3 of the Schedule.

 "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.

 "Parking Place" means those parking places specified by name in paragraph 1 of the Schedule.

 "Owner" in relation to a vehicle, means the person by whom such vehicle is kept and used.

 "Parking Attendant" means a person authorised by or on behalf of the Council to supervise any parking.

 "Parking Bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place.

 "Vehicle" means a vehicle described in paragraph 2 of the Schedule.

PART II

USE OF PARKING PLACE

Use of Land and Parking Place

3. (1) Each area of land specified by name in paragraph 1 of the Schedule may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions on such days as are specified in relation to that area in the Schedule.
- (2) Where in the Schedule 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 of the class and in the position so specified.
- (3) Where parking bays are provided then the driver of a vehicle shall park the vehicle properly in the parking bay and not in such a position as to cause an obstruction.
- (4) A driver of a vehicle upon which a disabled person's badge is not displayed shall not park the vehicle in a parking bay which is indicated by markings on the surface of the parking place as for use by the driver of a vehicle upon which a disabled person's badge is displayed.

Amount of Excess Charge at Parking Places and Payment

4. (1) If a vehicle is left in a parking place for a continuous period in excess of 23 hours after the parking period, then the amount specified in sub-paragraph (i) of paragraph 5 of the Schedule (which amount is hereinafter referred to as the "excess charge") shall be payable.
- (2) In the case of a vehicle in respect of which an excess charge may have been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:
 - (a) the registration mark on the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) the time at which he first observed that the initial period had expired;
 - (c) a statement that the excess charge is required to be paid;
 - (d) the manner in which, and the time within which, the excess charge should be paid; and
 - (e) a statement that it is an offence under Section 35(4) of the Road Traffic Regulation Act 1984 for the driver of a vehicle who has left the vehicle in a parking place to fail to pay the excess charge.
5. An excess charge shall be paid to the Director of Commerce and Technology of the Council at Pathfinder House, St Mary's Street, Huntingdon.

6. If an excess charge is paid so as to reach the said Director of Commerce and Technology not later than 4.30 pm on the 14th day following the day on which the excess charge was incurred, the amount of the said excess charge shall be reduced to the charge specified in sub-paragraph (ii) of paragraph 6 of the First Schedule.

Provided that if the said 14th day falls upon a day on which the Directorate of the said Director is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.30 pm on the next full day on which the said Directorate is open.

7. Where, in any proceedings, for an offence under this Order of failing to pay the excess charge it is provided that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order the payment of the sum not paid, and any sum ordered to be paid by virtue of this Article shall be recoverable as a penalty.

Restriction on removal of notices or tickets

8. (1) When a notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than the 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 vehicle.

(2) When a ticket or tickets have been exhibited on a vehicle in accordance with the provisions of this Order no person, not being the driver of the vehicle shall remove the ticket or tickets from the vehicle unless authorised to do so by the driver.

Other Provisions

9. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle (Excise) Act 1971 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.
10. 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.
11. (1) No person shall within a parking place, without the prior approval of the Council given in writing, sell or attempt to sell any article to persons in or near the parking place, or sell or offer for hire his skill or services, and shall not use a vehicle or anything towed by a vehicle while it is in a parking place or any part of a parking place for such a purpose, or for the purpose of any exhibition, and no vehicle shall be advertised for sale while it is standing in a parking place.

(2) No person shall use any part of a parking place or any vehicle left in a parking place or anything towed by a vehicle:
 - (a) for residing or sleeping or camping or cooking; or
 - (b) for the purpose of servicing, maintenance, repairing or washing any vehicle or part thereof other than as reasonably necessary to enable that vehicle to depart from the parking place.
12. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 3, a person authorised by the Council in that behalf may alter

or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.

- (2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.
 - (3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a Police Constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
 - (4) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
 - (5) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (2) and (3) 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.
13. (1) The driver of any vehicle in a parking place shall comply with any reasonable instructions given by a parking attendant or other duly authorised person.
- (2) 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 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 so specified.
14. 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 a 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.
15. Any person who wilfully or carelessly damages in any way or interferes with the fabric or structure or equipment of any parking place, shall be guilty of an offence under this Order, and in addition to the penalty provided by the Act of 1984 shall be liable for the cost of repair of the damage.
16. No person shall use any parking place for the playing of any game, nor shall any pedal cycles be taken or ridden therein, except where specific provision is made for the storage of pedal cycles.

17. (1) Where the driver of a vehicle is alleged to be guilty of an offence to which this Order applies, 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
- (2) Any other person shall, if required as aforesaid, give any information which it is in his power to give that may lead to the identification of the driver.
18. Notwithstanding the provisions of this Order the Council may by notice displayed on or near a parking place:
 - (a) close that parking place for any period; or
 - (b) prohibit the entry of vehicles on to the parking place for any period either generally or in respect of a particular class or classes of vehicle and the driver of any vehicle or of a particular class or classes of vehicle shall not enter the parking place when entry has been so prohibited.
19. No person shall cause or take part without written authority of the Council in any gathering or demonstration within a parking place, or cause any unreasonable or unnecessary noise.
20. No person shall, within any parking place, commit any act which if committed on a public highway, would constitute an offence under the provisions of the Litter Act, 1983.
21. The Council shall not be responsible for any loss or damage to any vehicle or to anything therein or thereon from any cause whatsoever, whilst entering, within or leaving a parking place.

Penalty Charges at Parking Places and Payment

22. (1) If an offence is carried out as detailed in Articles 3(2), 3(3), 3(4), 9, 10, 11(1), 11(2), or 14 a penalty charge then the amount specified in sub-paragraph (i) of paragraph 6 of the Schedule (which amount is hereinafter referred to as the "penalty charge") shall be payable.
- (2) In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a parking attendant to 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 being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) the time at which he first observed the offence to have been carried out;
 - (c) a statement as to the Article under which the penalty charge is required to be paid;
 - (d) the manner in which, and the time within which, the penalty charge should be paid; and
 - (e) a statement that it is an offence under Section 35(A) of the Act for the driver of a vehicle who has left the vehicle in a parking place to fail to pay the penalty charge.

23. An penalty charge shall be paid to the Director of Commerce and Technology of the Council at Pathfinder House, St Mary's Street, Huntingdon.

24. If a penalty charge is paid so as to reach the said Director of Commerce and Technology not later than 4.30 pm on the 14th day following the day on which the penalty charge was incurred, the amount of the said penalty charge shall be reduced to the charge specified in sub-paragraph (ii) of paragraph 6 of the Schedule.

Provided that if the said 14th day falls upon a day on which the Directorate of the said Director is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.30 pm on the next full day on which the said Directorate is open.

25. Where, in any proceedings for an offence under this Order of failing to pay the penalty charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, a Court may order the payment of the sum not paid, and any sum ordered to be paid by virtue of this Article shall be recoverable as a penalty.

PART III

Disposal of vehicles abandoned in a Parking Place

26. The Council may as respects a vehicle which has been removed from a parking place in pursuance of Article 12, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain the name and address of the owner of the vehicle **provided that** the Council shall be deemed to have made reasonable enquiry to ascertain the name and address of the owner of any vehicle to which this Article applies if they have taken in relation to that vehicle such steps as may be prescribed by any regulations for the time being in force by virtue of the Road Traffic Regulation Act 1984 for authorising the Council to sell or otherwise dispose of the vehicle if it had been left on a road and if it appears to the Council that it had been abandoned.

PART V

Revocation

27. The following Orders are hereby revoked:-

The District of Huntingdonshire (Off-Street Parking Places) (NO.2) Order 1990,
and The District of Huntingdonshire (Huntingdon) Parking Places Order 1990.

IN WITNESS whereof the Common Seal of the Council was hereunto affixed this 11th day of April 2005

DIRECTOR OF CENTRAL SERVICES

THE SCHEDULE

1. Name of parking Place

- (a) Church Street, Somersham
- (b) High Street, Earith
- (c) High Street, Warboys
- (d) Mews Close, Ramsey
- (e) New Road, Ramsey
- (f) Bridge Place, Godmanchester
- (g) Mill Yard, Post Street, Godmanchester
- (h) Park Lane, Godmanchester
- (i) Riverside Park, Huntingdon
- (j) Church Lane, Hartford, Huntingdon
- (k) Mayfield Road, Huntingdon
- (l) Sapley Park, Stoney Close, Huntingdon
- (m) Sapley park, Kings Ripton Rd, Huntingdon
- (n) Priory Park, St Neots
- (o) Riverside Park, St Neots
- (p) Cambridge St, St Neots
- (q) Coneygeare, St Neots
- (r) Church Street, Fenstanton
- (s) Little Paxton Nature Reserve
- (t) Hinchingsbrooke Country Park
- (u) Diddington Car Park
- (v) Hill Rise Park, St Ives
- (w) St Ivo Outdoor Leisure Centre, California Rd, St Ives
- (x) St Ivo Indoor Leisure Centre, Westwood Rd, St Ives.
- (y) Ramsey Leisure Centre, Hollow Lane, Ramsey
- (z) Huntingdon Leisure Centre, St Peters Rd, Huntingdon
- (aa) Huntingdon Swimming Pool, St Peters Rd, Huntingdon

2. Classes of vehicles

- (a) Motor cars within the provisions of Section 136(2) (a) of the Act of 1984.
- (b) Motor cycles as defined in Section 136 (4) of the Act of 1984.
- (c) Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed one tonne.
- (d) Invalid carriages as defined in Section 136 (5) of the Act of 1984.
- (e) Caravans as defined in Section 26 (13) of the Motor Vehicles (Construction and Use) Regulations 1978 which do not exceed four metres in length.

3. Parking period:

At all times on every day except Sunday and Christmas Day.

4. Maximum Waiting Period:

The maximum period for which a vehicle may wait in a parking place shall be twenty-three hours.

5. The Excess Charge:

- (i) £40.00
- (ii) £30.00

6. The Penalty Charge:

- (i) £40.00
- (ii) £30.00