

COTSWOLD DISTRICT COUNCIL
(THE MARKET SQUARE, CHIPPING CAMPDEN)
(OFF-STREET PARKING PLACES) ORDER 2011

THE COTSWOLD DISTRICT COUNCIL ("the Council") in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and under the Road Traffic Act 1991 as amended (whether generally or in relation to the area of the Council) ("the 1991 Act") and of all other enabling powers, with the consent of the Gloucestershire County Council in accordance with Section 39(3) of the 1984 Act and after consulting with the Chief Officer of Police in accordance with paragraph 20 of Schedule 9 to the 1984 Act, hereby make the following Order:-

PART I
GENERAL

Commencement and Citation

1. This Order shall come into operation on the [18] day of [August] 2011 and may be cited as The Cotswold District Council (the Market Square, Chipping Campden) (Off-Street Parking Places) Order 2011

Interpretation

2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:

"Articulated Vehicle" has the same meanings as in Section 138 (3) of the 1984 Act

"Bank Holiday" means any public holiday (other than a Saturday or Sunday) on which banks in England and Wales are closed

"Charging Hours" means the hours specified in column 5 of the Schedule to this Order in respect of the Parking Place

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council to supervise the Parking Place and enforce the restrictions imposed by this Order

"Driver" in relation to a Vehicle waiting in a Parking Place means an able-bodied person driving the Vehicle at the time it was left in a Parking Bay or the person deemed to be the Driver under the terms of this Order

"Emergency Services" means the Police, Fire and Ambulance Services

"Expiry Time" is the time indicated as paid until on the pay and display ticket and is the time by which the vehicle must leave the parking place

"Goods Vehicle" has the same meanings as in Section 138 (3) of the 1984 Act

"Motor Car" has the same meaning as in Section 136 (2) of the 1984 Act and shall include a "heavy motor car" as defined by Section 136 (3) of the 1984 Act

"Motor Cycle" has the meaning assigned to it by Section 136 of the 1984 Act

"Motor Vehicle" has the meaning assigned to it by Section 136(1) of the 1984 Act

"Owner" means the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994

"Parking Bay" means an area of a parking place which is provided for the leaving of a vehicle of a class specified and indicated by markings on the surface of the parking place or signed or otherwise indicated by signs in the parking place

"Parking Place" means the area of land at the Market Square Chipping Campden provided by the Council pursuant to Section 32(1) of the Act for use as an off-street car park and not closed (in part or in whole) by a Notice erected thereon by authority of the Council

"Pay and Display Ticket" means a ticket issued by the ticket machine located in the parking place in which the vehicle has been left or issued by a person

nominated by the Council on payment of a charge and valid for a parking period as detailed in the Schedule

“Penalty Charge” means the charge set by the Council which is payable in the event of any breach of this Order

“Penalty Charge Notice” means a notice issued by or served by a Civil Enforcement Officer indicating that a Penalty Charge has been incurred

“Public Service Vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981

“Relevant Position” means that the Ticket is exhibited in a conspicuous position facing forward inside the Vehicle and can easily be viewed by the Parking Attendant from the front of the Vehicle

“Ticket Machine” means an apparatus of a type and design approved by the Secretary of State for Transport for the purpose of this order, being apparatus designed to indicate the time by a clock and to issue parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and, either the time of such payment, or the time at which the vehicle must leave the parking place

“Trailer” means a vehicle drawn by a Motor Vehicle and includes a caravan or boat trailer

3. Except where the context requires otherwise, any reference in this Order to an Article or Schedule shall be construed as a reference to that Article or Schedule in this Order
4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment
5. The Interpretation Act 1978 shall apply for the interpretation of this Order

PART II
DESIGNATION AND USE OF PARKING PLACE

Designation

6. The Parking Place may be used, subject to the provisions of this Order, as a place to leave vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are specified in relation thereto in the Schedule

Class and position of vehicle

7. Where in the Schedule the Parking Place is described as available for vehicles of a specified class or vehicles to be left in a specified location, no person shall permit a vehicle to wait in that parking place or in any parking bay within the parking place,
- (i) unless it is of the specified class;
 - (ii) unless it is wholly within a marked parking bay; or
 - (iii) in a position other than that specified.

Maximum period of stay

8. Where in the Schedule the Parking Place is described as available on specified days, during specified hours or for a maximum period of stay, no person shall permit a vehicle to wait in that parking place on any day, during such hours or for any period other or longer than those specified

Period of no return

9. Where in the Schedule the Parking Place is described as having a period within which a vehicle may not return, no person shall permit a vehicle to wait in the Parking Place on any day, during such hours within which the vehicle is excluded from waiting in the parking place

Power to close or suspend parking places

10. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the parking place:
- (i) from closing the Parking Place or any part thereof for any period; and/or

- (ii) from setting aside the Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations
11. Any person suspending the use of the Parking Place or any part thereof in accordance with the provisions of Article 10 shall thereupon place or cause to be placed in or adjacent to the Parking Place or that part thereof a notice or traffic sign indicating that the use of the Parking Place or that part thereof is suspended and that waiting by vehicles is prohibited
12. No person shall cause or permit a vehicle to be left in the Parking Place or any part thereof during such periods that the use of the Parking Place or that part thereof is suspended or during such period as there is in or adjacent thereto a notice or traffic sign placed by or on behalf of the Council in pursuance of the preceding Article

PART III CHARGES FOR PARKING

Payment

13. The driver of a vehicle using the Parking Place shall upon leaving the vehicle in the Parking Place pay the appropriate charge (if any) in accordance with the scale of charges specified in the Schedule

Pay and Display parking places

14. The driver of a vehicle using the Parking Place shall upon leaving the vehicle in the Parking Place, and on payment of a charge, purchase a Pay and Display Ticket at the level of charge and for the period required in accordance with the instructions on the machine and the scale of charges specified in the Schedule

Means of payment

15. The charge referred to in the preceding Article shall be payable by the insertion of an appropriate coin, coins or banknotes, or other approved method of payment together making up the amount of the charge into the Ticket Machine situated in that Parking Place or by payment to a person nominated and readily identifiable as being empowered to collect such payment by the Council

Display of ticket

16. The driver of the vehicle shall
 - (i) display the Pay and Display Ticket issued on payment of the charge in the Relevant Position on the vehicle in respect of which it was issued, and
 - (ii) ensure that a Pay and Display Ticket is purchased and displayed to cover the entire period that the vehicle is parked in the Parking Place

Validity of Pay and Display Tickets

17. A Pay and Display Ticket is not transferable from one vehicle to another
18. A Pay and Display Ticket is valid only in the Parking Place. This is defined by the reference code of the parking Ticket Machine located in the Parking Place printed on the Pay and Display Ticket

Expiry of parking period

19. The Expiry Time is the time shown on the Pay and Display Ticket displayed on a vehicle. The period will have expired when the time indicated on the clock of the Ticket Machine that issued the Pay and Display Ticket is later than the time indicated on the Pay and Display Ticket

No ticket displayed

20. If at any time while a vehicle is left in the Parking Place no Pay and Display Ticket is displayed on that vehicle in the Relevant Position and in accordance with the provisions of Article 14, it shall be deemed that the charge has not been paid
21. Where no valid Pay and Display Ticket can be obtained and displayed vehicles may be left in the Parking Place but may not be left for longer than the maximum period of waiting in the Parking Place as specified in the Schedule

Restriction on removal

22. When a Pay and Display Ticket has been exhibited on a vehicle in the Relevant Position no person shall remove the Pay and Display ticket from the vehicle until the vehicle is removed from the Parking Place

Exemption from Daily Charges for Vehicles belonging to the Emergency Services

23. No daily charge shall be payable in respect of a vehicle belonging to the Emergency Services attending an emergency

**PART IV
RELOCATION AND REMOVAL OF VEHICLES**

Relocation of a vehicle

24. Where any vehicle is standing in the Parking Place in contravention of the provisions of this Order, or is left in such a manner so as to cause danger or obstruction a Civil Enforcement Officer or a person authorised by the Council may alter or cause to be altered the position of the vehicle

Removal of a vehicle

25. Where a Civil Enforcement Officer or a person authorised by the Council is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a vehicle left in the Parking Place he/she may, using such measures as are appropriate, remove or cause to be removed the vehicle from the Parking Place

Emergencies

26. A Civil Enforcement Officer, a person authorised by the Council or a member of the Emergency Services in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any vehicle left in the Parking Place

Safe keeping

27. Any person removing a vehicle from the Parking Place under the preceding Articles shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle

PART V
OTHER PROVISIONS

Stop engine and apply brakes

28. The driver of a motor vehicle using the Parking Place shall stop the engine as soon as the vehicle is in the parking bay and shall not start the engine except when about to change the position of the vehicle in or to depart from the Parking Place;
29. The driver of a vehicle using the Parking Place shall, except in the case of a Motor Cycle, set or apply the braking system of the vehicle so as to prevent effectually at least two, or in the case of a vehicle with three wheels or less, one, of the wheels from revolving when the vehicle is not being driven or is left unattended

Manner of parking of trailers

30. The driver of a vehicle drawing a Trailer shall not permit the vehicle or the Trailer to wait in the Parking Place unless they have been disconnected, and for the purposes of this Order the vehicle and the Trailer shall be deemed to be separate vehicles and the driver of the leading vehicle shall be deemed to be the driver of both of the vehicles

Repair of vehicles in the Parking Place

31. No person shall, while a vehicle is in the Parking Place, permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be moved from the Parking Place

Vehicle Tax and Insurance

32. No person shall permit any vehicle to wait in the Parking Place:
- (i) unless the vehicle displays a current licence issued in accordance with the provisions of the Vehicle Excise and Registration Act 1994;
 - (ii) unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with requirements of the Road Traffic Act 1988;

Entry and Exit

33. Where signs are erected or surface markings are laid for the purpose of indicating the entrances to or exits from the Parking Place; or indicating that a

vehicle proceed in a specified direction, no person shall drive or cause 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;
- (ii) in a direction other than that specified, as the case may be;
- (iii) In a manner or at a speed so as to cause danger to other users of the Parking Place

Use of vehicles and the Parking Place

34. No person shall in the Parking Place:

- (i) without the express written permission of the Council, use a vehicle, in connection with the sale of any article, including the vehicle itself, to any person in or near the Parking Place or in connection with the selling or offering for hire of skill or services in any other capacity;
- (ii) sound any horn or other similar instrument except when about to change the position of the vehicle or to depart from the Parking Place;
- (iii) except with the permission or at the direction of a Civil Enforcement Officer or a person authorised by the Council or a police constable in uniform, drive any vehicle other than for the purpose of leaving the vehicle in the Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place or for the purpose of visiting any amenity site in the Parking Place;
- (iv) use any part of the Parking Place or a vehicle in the Parking Place without the express written permission of the Council for;
 - (a) sleeping or camping purposes;
 - (b) cooking purposes;
 - (c) the purpose of washing, valeting or servicing any vehicle
 - (d) the transfer of goods of any description from one vehicle to another or the loading and unloading of goods
- (v) use the Parking Place solely as a means of passage proceeding from one road to another;
- (vi) deposit or leave any vehicle, Trailer, or anything which formed part of a vehicle or Trailer, or any rubbish, litter or anything with the purpose of abandoning it there
- (vii) wantonly shout or otherwise make any noise to cause disturbance or annoyance of users of the Parking Place or residents or other occupiers of adjacent premises;

- (viii) act in a manner to cause nuisance or danger to any car park user, resident or other person;
- (ix) without the express written permission of the Council, erect or cause or permit to be erected, any tent, booth, stand, building or other structure;
- (x) light or cause to be lit a fire;
- (xi) play any ball game or participate in any sporting or recreational activity.
- (xii) use any threatening, abusive or insulting language, gesture or conduct with the 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
- (xiii) carry on any trade or business of whatever description without the prior written consent of the Council
- (xiv) distribute, allow to be or cause to be distributed or place on any vehicle any literature, advertising material or handbill except with the prior written consent of the Council and upon payment of a fee determined by the Council
- (xv) transfer fuel out of or into a vehicle except where necessary to allow the vehicle to be driven away
- (xvi) No person shall drive a vehicle in the Parking Place at a speed in excess of 10 miles per hour.
- (xvii) Use a vehicle in contravention of the directions of a Civil Enforcement Officer

Animals and Parking Places

- 35. no dog or other animal shall be allowed to foul the Parking Place.
- 36. animals shall be kept under control
- 37. sufficient ventilation and other comforts shall be provided if an animal is left in a vehicle in the Parking Place
- 38. where it is considered by the Civil Enforcement Officer or a person authorised by the Council or a police constable in uniform that an animal is suffering due to being kept in an enclosed vehicle in hot or inappropriate conditions it shall be the duty of that person to take whatever action is considered necessary to relieve that suffering including the breakage of window, glass or locks of the vehicle

39. large animals such as horses and farm livestock shall not be permitted to enter the Parking Place except as herein reserved

Emergency Services Vehicles

40. All vehicles belonging to the Emergency Services when attending any emergency may use the Parking Place and be exempt from compliance with any of the conditions specified in this Order

**PART VI
LIABILITY**

Liability

41. The Council accepts no liability for the loss or damage to vehicles or other property left in the Parking Place to which this Order applies

**PART VII
CONTRAVENTION AND PENALTY CHARGE**

Contravention

42. If a vehicle is left in the Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice showing the information required by the Traffic Management Act 2004 may then be issued by a Civil Enforcement Officer in accordance with the requirements of the Traffic Management Act 2004

Notice of penalty charge

43. In the case of a vehicle in respect of which the Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position a Penalty Charge Notice which shall include the following particulars:

- (i) The grounds on which the Civil Enforcement Officer believes that a Penalty Charge is payable with respect to the vehicle;
- (ii) The amount of the Penalty Charge which is payable;
- (iii) That the Penalty Charge must be paid before the end of the period of 28 days beginning with the date of the Penalty Charge Notice;

- (iv) that if the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the Penalty Charge Notice, the amount of the Penalty Charge will be reduced by the specified proportion;
- (v) that if the Penalty Charge is not paid before the end of the 28 day period a statutory Notice to the owner may be served by the Council on the person appearing to them to be the Owner;
- (vi) the address to which payment of the Penalty Charge must be sent

Restriction on removal of notices

44. A Penalty Charge Notice fixed to a vehicle in accordance with the preceding Article shall not be removed or interfered with except by or under the authority of:
- (i) the Owner, or person in charge of, of the vehicle;
 - (ii) a Civil Enforcement Officer or some other person duly authorised by the Council

Payment of Penalty Charge

45. The Owner of a vehicle in respect of which the Penalty Charge has been incurred shall pay the Penalty Charge to the Council by cheque or postal order which shall be delivered or sent by post so as to reach the cash office of the Council within 28 days of the issue of the Penalty Charge OR in cash in person at the said cash office not later than as aforesaid OR by credit card or debit card OR electronically through the Council's web site
46. If the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the Penalty Charge Notice, the amount of the Penalty Charge will be reduced by the specified proportion
47. If the Penalty Charge remains unpaid after 56 days from the date the Penalty Charge Notice was issued and a statutory Charge Certificate is issued the Penalty Charge issued shall be increased by 50%
48. Payment shall be received not later than 1600 on the 28th day following the day on which such Penalty Charge was incurred or the 14th day following the day on which the Penalty Charge was incurred if the reduced charge is paid
Provided that if the said 28th or 14th day falls upon a day on which the Council's offices at Trinity Road Cirencester or other nominated place are closed, the period within which payment of the said Penalty Charge shall be made to the

Council shall be extended until 1600 on the next full day on which the Council's offices at Trinity Road Cirencester or other nominated place are open

Indications as Evidence

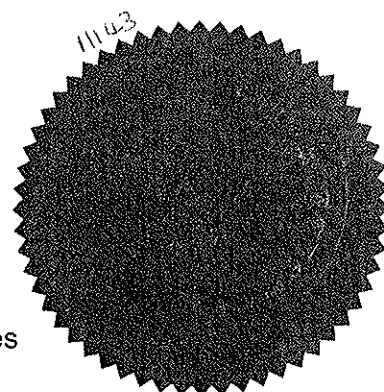
49. The particulars given in the Penalty Charge Notice attached to a vehicle in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge

**PART VIII
NOTICES**

50. Where under the foregoing provisions of this Order a notice is required to be or may be sent to a person the notice shall be sent by prepaid post

THE COMMON SEAL of)
COTSWOLD DISTRICT COUNCIL)
was affixed on in the presence of:-)
on the 11th day of July 2011

Head of Legal and Property Services



THE SCHEDULE

NAME AND SITUATION OF PARKING PLACE AND PLAN NO.	POSITION IN WHICH VEHICLE MAY WAIT	CLASSES OF VEHICLE	DAYS OF OPERATION OF PARKING PLACE	DAYS AND HOURS WHEN CHARGES WILL BE MADE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT DURING THE CHARGING HOURS	SCALE OF CHARGES
1 CHIPPING CAMPDEN The Market Square	2 Wholly within a Parking Bay	3 Motor Cars	4 All days and all hours	5 Between the hours of 7am and 7pm on any day including Bank Holidays	6 2 hours and 20 minutes – no return within 2 hours	7 Up to 20 minutes – free of charge (but a ticket must be displayed) Up to 1 hour - £0.50 Up to 2 hours - £1.00