

THE HAMBLETON DISTRICT COUNCIL (STOKESLEY)
(OFF-STREET PARKING PLACES) ORDER 2009

The Hambleton District Council (“the Council”) in exercise of its powers under Section 35 of the Road Traffic Regulation Act 1984 (“the Act”) and of all other powers enabling it in that behalf, and with the consent of the County Council of North Yorkshire and after consultation with the Chief Officer of Police, hereby makes the following Order:-

PART I

GENERAL

1. This Order shall come into operation on the 13 May 2009 and may be cited as The Hambleton District Council (Stokesley)(Off-Street Parking Places) Order 2009.
2. The Hambleton District Council (Stokesley) (Off-Street Parking Places) Order 1999 is hereby revoked with effect from the 13 May 2009.
3. In the Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

“disabled person” means a disabled person of a description prescribed by Regulation 4 of the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000;

“disabled person’s badge” means a disabled person’s badge in the prescribed form required by The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“disabled person’s parking bay” means a parking bay for vehicles displaying a valid disabled person’s badge shown coloured yellow on the plan annexed hereto :

“disabled person’s vehicle” has the same meaning as in Section 142 of the Act;

“disc parking area” means those areas shown coloured green on the plan annexed hereto;

“driver” in relation to a motor vehicle waiting in a parking place, means the person driving the motor vehicle at the time it was left in a parking place;

“goods” includes postal packets of any description;

“immobilisation device” has the same meaning as in Section 104(9) of the Act.

“motor cycle” means a two-wheeled motor vehicle

“motor cycle parking bay” means a parking bay for motor cycles without sidecars attached shown coloured orange on the plan annexed hereto

“motor vehicle” includes a motor cycle with sidecar and motorhome and excludes caravans and trailers;

“owner” includes the meaning as in Section 142 of the Act;

“parking attendant” means a duly authorised employee of the Council for the purposes of Section 63A of the Act;

“parking bay” means that area of a parking place in which a motor vehicle shall park and indicated on the surface of the parking place;

“parking disc” means an approved device which conforms to BS 6571-7:1997 relating to Parking Discs capable of showing the quarter hour period during which a motor vehicle arrived at a parking place;

“parking place” means an area of land shown edged red on the plan annexed hereto and provided by the Council under Section 33(4)(b) of the Act for use as a parking place;

“permit” means an instrument or device issued under Article 22 of this Order;

“permit holder” means the person to whom a resident parking permit or a visitor parking permit has been issued by the Council

“prescribed hours” means the period between 0800 hours and 1800 hours on every day except Sundays;

“resident” means a person whose usual place of abode is at any of the properties listed in The Schedule to this Order;

“resident parking permit” means a permit issued under Article 22(A) of this Order;

“visitor parking permit” means a permit issued under Article 22(B) of this Order

4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
5. The Interpretation Act 1978 as amended shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament as if this Order were an Act of Parliament.
6. Nothing in this Order shall apply:-
 - (a) so as to prevent the delivery or collection of goods or merchandise by any motor vehicle or of loading or unloading the motor vehicle at premises situate on or adjacent to the parking place provided always that such delivery, collection, loading or unloading shall not occur over an unreasonably long period of time;
 - (b) so as to prevent or restrict the Council or its duly authorised proper officer to suspend any part or the whole of this Order at any time and for any purpose and for any period it or he may think fit in respect of any parking place or part of a parking place;
 - (c) so as to prevent or restrict a Police Constable acting in the execution of his duty from suspending the use of a parking place or any part thereof for no longer than twenty-four hours where he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety;
 - (d) to any motor vehicle used by the fire brigade, ambulance service or other public service or in the service of a local authority or police force whilst being used in pursuance of statutory powers or duties.

PART II

AUTHORISATION AND USE OF PARKING PLACES

7. Subject to Article 6 and 31 of this Order:

(a) those areas coloured green on the plan annexed hereto shall only be used for the parking of all motor vehicles except vehicles over 3.5 tonnes gross weight

(b) those areas coloured yellow on the plan annexed hereto shall only be used for the parking of vehicles displaying a valid disabled person's badge

(c) those areas coloured orange on the plan annexed hereto shall only be used for the parking of motor cycles without sidecar attached

8. Where in this Order a parking place is described as available for motor vehicles of a specified class or in a specified position the driver of the motor vehicle shall not permit it to wait in that parking place:-

(a) unless it is of a specified class; or

(b) in a position other than that specified.

9. A driver of a motor vehicle shall not use any part of a parking place during any period of time during which the terms of this Order have been suspended by the Council, a parking attendant or a Police Constable and a notice of such suspension has been exhibited on or near the parking place.

10. The driver of a motor vehicle using a parking place shall stop the engine as soon as the motor vehicle is in position in the parking place and shall not start the engine except when about to change the position of the motor vehicle or to depart from the parking place.

11. No person shall without the prior written authority of the Council use any part of a parking place or any motor vehicle left in a parking place to:-

(a) sell any goods, services, merchandise or equipment;

(b) display any goods merchandise or equipment intended for sale;

(c) advertise for sale any goods, services, merchandise or equipment;

(d) display any goods merchandise or equipment intended to indicate the nature of business carried on in any premises adjacent to a parking place;

(e) advertise any forthcoming events

12. The driver of a motor vehicle shall not permit that motor vehicle to wait in a parking place unless the motor vehicle is licensed in accordance with the provisions of the Vehicles Excise and Registration Act 1994 and unless there is in relation to the use of the motor vehicle by the driver such policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.

13. (a) subject to Article 31 of this Order the driver of a motor vehicle shall not permit that motor vehicle to wait in any part of a parking place for longer than the maximum period permitted for waiting specified in this Order in relation to that part of the parking place;

(b) when a motor vehicle has left any parking bay after its waiting thereon the driver thereof shall not within one hour after its leaving permit it to wait again upon that or any other parking bay within that parking place.

14. The driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument except when reasonably necessary to do so.

15. No person shall, in any parking place:-

- (a) except with the permission of any parking attendant or Police Constable drive any motor vehicle other than for the purpose of leaving it in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place;
- (b) wantonly shout or otherwise make any loud noise or use any threatening abusive or insulting language gesture or behaviour so as to disturb or annoy any person or to put any person in fear so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned;
- (c) use it or any part of it for sleeping or camping purposes, consuming alcohol, eating or cooking purposes, servicing any motor vehicle other than as may be necessary to enable that motor vehicle to depart, or stationing a motorhome thereon for human habitation;
- (d) erect or cause to be erected a tent booth stand table building or other structure without the prior consent of the Council in writing;
- (e) light or cause or permit to be lit any fire;
- (f) use the same as a means of passage proceeding from one road to another road or to the same road.
- (g) park any motor vehicle in excess of 7.5 tonnes laden weight

16. (1) Where in a parking place signs are erected or surface markings are laid for the purposes of:-

- (a) indicating the entrance to or exit from the parking place or that such area is to be used for access;
- (b) indicating that a motor vehicle using a parking place shall proceed in a specified direction within a parking place;
- (c) indicating the position that a motor vehicle should park;
- (d) indicating the position and extent of a parking bay;
- (e) indicating that the area is reserved for motor cycles without sidecar
- (f) indicating that any parking bay is set aside for a disabled person's vehicle

no person shall drive or park or cause or permit to be driven or parked any motor 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;
 - (ii) in a direction or position other than that specified as the case may be;
 - (iii) so that it or any part of it is placed over a line indicating the extent of any parking bay;
 - (iv) which with regard to (e) above is not a motor cycle without sidecar
 - (v) which with regard to (f) above is not a disabled person's vehicle;
- (2) Subject to Article 6(a) a motor vehicle left in a parking place shall be positioned within a parking bay.

17. No motor vehicles shall be parked on any area of land in a parking place unless it is indicated by reference to this Order and to the plan annexed hereto that it is to be used for the parking of motor vehicles.
18.
 - (1) Subject to the provisions of Article 31 of this Order the driver of a motor vehicle shall on the arrival of the motor vehicle in a disc parking area during the prescribed hours exhibit on the motor vehicle in accordance with the following provisions of this Article and Article 19 a parking disc or a resident parking permit or visitor parking permit as the case may be
 - (2) The parking disc or a resident parking permit or visitor parking permit shall be exhibited on the motor vehicle:-
 - (a) in the case of a motor cycle having a sidecar attached thereto, in a conspicuous position on the vehicle in front of the driving seat; and in the case of all other vehicles:-
 - (b)
 - (i) where the vehicle is fitted with a front glass windscreen facing forwards on the near side of the glass of such windscreen behind the glass; or
 - (ii) where the vehicle is not fitted with a front glass windscreen in a conspicuous position on the vehicle.
 - (3) A parking disc, resident parking permit or visitor parking permit, while exhibited on the motor vehicle, shall be so placed that the times shown on the front of the said disc or details on the permit are clearly visible to a person standing at the near side of the motor vehicle.
19. The driver of a motor vehicle shall on exhibiting the parking disc on the motor vehicle in accordance with the provisions of Article 18 set the disc so that it indicates the quarter hour period during which the motor vehicle arrived at the parking place.
20.
 - (1) Subject to Article 31 the driver of a motor vehicle parking it in the parking place during the prescribed hours shall not permit it to wait in a parking place for longer than two hours in relation to that parking place, such period being calculated where a parking disc is displayed as commencing from the later time such period being calculated where a parking disc has been displayed as commencing from the later quarter hour period time indicated on the parking disc.
 - (2) When a parking disc exhibited in pursuance of this Order on a motor vehicle waiting in a disc parking area is showing a quarter hour period the later time indicated by the disc showing the end of that quarter period shall be treated as evidence that the motor vehicle has been waiting in that parking place since that later time in any proceedings for an offence under paragraph (1) of this Article.
 - (3) Where in any proceedings for an offence under paragraph (1) of this Article it is not proved that the offence had been committed but it is proved that the parking disc had not been set in accordance with the last preceding Article the defendant may be convicted of an offence under that Article.
 - (4) In any proceedings for an offence under paragraph (1) of this Article it shall be assumed, unless the contrary is shown that the parking disc mentioned in that paragraph is an approved device.
21. No person shall –
 - (a) after the parking disc exhibited on a motor vehicle has been set in accordance with Article 18 and 19 of this Order alter the indications given by that parking disc whilst the said motor vehicle remains in the disc parking area; or

- (b) knowingly exhibit on any motor vehicle any parking disc which has been altered defaced mutilated or added to or upon which the figures or particulars have become illegible.

22. (A) (1) Subject to Article 22(D)(1) below, any resident who is the owner lessee or licensee of a motor vehicle not exceeding 7.5 tonnes laden weight may apply to the Council for the issue to him of a resident parking permit in respect of that motor vehicle and any such application shall be made on payment of the fee specified from time to time by the Council and on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
- (2) The Council may at any time require an applicant for a resident parking permit or a resident parking permit holder to produce to a person authorised by the Council such evidence in respect of an application for a permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require to verify that the permit is valid.
- (3) On receipt of an application duly made under the foregoing provisions of this Article, the Council, upon being satisfied that the applicant is a resident and is the owner or lessee of a motor vehicle of the class specified in paragraph (1) of this Article, shall issue to the applicant therefore one permit for the parking for any period of time during the permitted hours in a parking place of the motor vehicle to which such permit relates by the owner or lessee of such motor vehicle or by any person using such motor vehicle with the consent of the owner or lessee other than a person to whom such motor vehicle has been let for hire or reward by that owner or lessee.
22. (B) (1) Subject to Article 22(D)(1) below any resident may apply to the Council for the issue to him of a visitor parking permit to permit any motor vehicle not exceeding 7.5 tonnes laden weight driven by a bona fide visitor to the resident at his normal place of residence to park in a parking place for any period of time during the permitted hours and any such application shall be made in the manner prescribed in Article 22(A)(1) of this Order.
- (2) The Council may, at any time, require the resident to whom a visitor parking permit has been issued, or the driver of a motor vehicle displaying that visitor parking permit, to produce to a person authorised by the Council such evidence in respect of any permit issued by them as they may require to verify that their permit is valid or that it is validly being displayed in a motor vehicle left in a parking place by a bona fide visitor to the resident to whom it has been issued.
- (3) Subject to the proviso below on receipt of an application duly made under Article 22(B)(1) the Council, upon being satisfied that the applicant is a resident shall issue to the applicant one permit for the parking for any period of time during the permitted hours in a parking place of a motor vehicle to which Article 22(B)(1) relates PROVIDED that a permit shall not be issued if a valid visitor parking permit relating to a property listed in The Schedule to this Order is already in existence.
- (4) A visitor parking permit shall only be displayed in a motor vehicle in accordance with Article 18 of this Order when that motor vehicle has been driven to and left in a parking place by a bona fide visitor to the resident to whom the Council has issued that permit.

22. (C) (1) The holder of a resident parking permit or a visitor parking permit shall, on the arrival of the motor vehicle to which the permit relates at a parking place during the prescribed hours, exhibit on the motor vehicle that permit as if the permit was a parking disc in accordance with the provisions for the exhibition of a parking disc contained herein.
- (2) Where the holder of a resident parking permit or a visitor parking permit does not display such a permit on a motor vehicle in a parking place then for the purposes of this Order that motor vehicle and the driver thereof shall be deemed to be regulated by Articles 18, 19, 20 and 21 of this Order.
22. (D) (1) The Council may refuse to issue a permit to an applicant who has had a permit withdrawn.
- (2) Any permit issued under this Article shall not be transferable.
- (3) Where a visitor parking permit is displayed in a motor vehicle by a driver of that motor vehicle who is not a bona fide visitor to the residence of the person to whom that visitor parking permit has been issued then the person to whom that permit has been issued by the Council shall be guilty of an offence.
23. (1) A permit holder may surrender any permit to the Council at any time and shall not receive any refund of any monies paid for the issue of that permit and shall surrender a permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article.
- (2) The Council may, by notice in writing serve on a permit holder by sending the same by recorded delivery service to that permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, withdraw any or all permits issued to residents at that address if it appears to the Council that one or more such permits issued in respect of that address are being used contrary to the terms of this Order or any one of the events set out in paragraph (3)(a), (3)(b) or (3)(d) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
- (3) The events referred to in the foregoing provisions of this Article are:-
- (a) the permit holder ceasing to be a resident;
 - (b) the permit holder ceasing to be the owner or lessee of the motor vehicle in respect of which the permit was issued;
 - (c) the withdrawal of the permit by the Council under the provisions of paragraph (2) of this Article;
 - (d) the motor vehicle in respect of which the permit was issued being adapted or used in such a manner that it becomes a motor vehicle exceeding 7.5 tonnes laden weight;
 - (e) the issue of a duplicate permit by the Council under the provisions of Article 24 of this Order;
 - (f) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article;

- (4) Without prejudice to the foregoing provisions of this Article, a permit shall cease to be valid at the expiration of any period that may be specified thereon or on the occurrence of any one of the events set out in paragraph (3)(a), (3)(b), (3)(c), (3)(d) or (3)(e) of this Article, whichever is the earlier.
24. (1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall either surrender it to the Council and apply in accordance with Article 22 to the Council for the issue to him of a duplicate permit and the Council, upon receipt of the permit, shall issue a duplicate permit so marked and upon such issue, the original permit shall become invalid.
- (2) If a permit is lost or destroyed, the permit holder may apply in accordance with Article 24(1) to the Council for the issue to him of a duplicate permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.
- (3) The provisions of this Order shall apply to a duplicate permit.
25. A permit shall be in writing and may include any or all of the following particulars:-

IN THE CASE OF A RESIDENT PARKING PERMIT

- (a) the registration mark of the motor vehicle in respect of which the permit has been issued;
- (b) the name and address of the owner of the motor vehicle;
- (c) any period of validity after which it shall expire;
- (d) the date of its issue.

IN THE CASE OF A VISITOR PARKING PERMIT

- (e) the name and address of the person to whom the permit has been issued;
- (f) any period of validity after which it shall expire;
- (g) the date of its issue.
26. (1) Subject to the proviso hereto, when a motor vehicle is left in a parking place in contravention of any of the provision of Articles 7 to 20 of this Order, a person authorised in that behalf by the Council may remove the motor vehicle or arrange for it to be removed from that parking place in such manner as he deems fit and thereafter arrange for its safe custody or for the fitting to it of an immobilisation device.
- PROVIDED that where a motor vehicle is waiting in a parking place in contravention of the provisions of Article 8(b) or 16(i), (ii) or (iii) of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the motor vehicle in order that its position shall comply with that provision.
- (2) In the event of such removal or the fitting of an immobilisation device the owner shall pay to the Council such sum as it may determine before the motor vehicle is released from custody or the immobilisation device is removed.
- (3) No person shall remove any immobilisation device fitted to a motor vehicle other than a person authorised by the Council.

27. (1) (a) Subject to Clause 27(1)(b) there shall be no charge for the parking of a motor vehicle in a parking place in accordance with the provision of this Order.
- (b) If a motor vehicle is left in a parking place
- (A) for longer than the maximum period specified in Article 20 of this Order, or
- (B) in any other way is so parked as to contravene any of the provisions of this Order
- there shall be a charge for the parking of that motor vehicle of Fifty pounds (£50.00) and if that charge is not paid as prescribed in paragraph (2) below then there shall be a revised charge of Seventy Five pounds (£75.00).
- (2) The aforesaid charge shall be paid to the Council either by the internet, credit card, debit card, out of hours automated telephone payment or cheque, Banker's draft, money order, postal order or cash which shall be delivered or sent by post so as to reach the Council at the Civic Centre Stone Cross Northallerton North Yorkshire DL6 2UU or alternatively Stokesley Area Office Town Close North Road Stokesley TS9 5DH or Easingwold Area Office The Police House Church Hill Easingwold York YO61 3JX not later than 4.00pm on the fourteenth day following the day on which the charge was incurred PROVIDED that if the said fourteenth day falls upon a day on which the Council is closed the period within which payment of the charge shall be made to the Council shall be extended until 4.00pm on the next full day on which the Council is open.

PART III

EXEMPTIONS AND ENFORCEMENT

28. In the case of a motor vehicle in respect of which a charge may have been incurred it shall be the duty of a parking attendant to attach to the motor vehicle in a conspicuous position or hand to the driver of the motor vehicle a signed notice which shall include the following particulars:
- (1) The date, time and location at which the parking attendant first observed the motor vehicle in the parking place
- (2) The registration mark and make of the motor vehicle or, where the motor vehicle is being used under a trade licence, the number of the trade plate carried by the motor vehicle;
- (3) The arrival time shown on the parking disc (if applicable)
- (4) The time at which the parking attendant observed a breach of the Order had occurred and the type of breach committed
- (5) A statement that the charge of £50.00 is required to be paid and if the charge is not paid within fourteen days a revised charge of £75.00 is required to be paid
- (6) The manner in which the notice can be paid
- (7) A statement that if payment is not received it may result in legal proceedings to recover the charge
29. The provisions of subsections (4) and (6) of Section 47 of the Act shall apply to any proceedings for an offence under Section 35A of the Act as if the words "under this Section" were deleted and the words Section 35A substituted

30. (1) Where a notice has been attached to a motor vehicle in accordance with any of the foregoing provisions of this Order, no person other than the person authorised by the driver in that behalf, shall remove the same from the motor vehicle
- (2) Where a notice has been attached to a motor vehicle in accordance with Article 28, 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 same from the motor vehicle
- (3) Where a notice is found discarded in a parking place or where it is impractical to attach the notice to the motor vehicle in accordance with Article 28 the Council reserves the right to forward by Royal Mail or any other reasonable means the notice or copy of the notice to the registered keeper of the motor vehicle as advised by the Driver and Vehicle Licensing Agency
31. (1) The driver of a motor cycle not having a sidecar attached thereto or a motor vehicle complying with Article 6(a) of this Order shall be exempt from the provisions of Articles 18 19 and 20(2) (3) and (4) to this Order.
- (2) The driver of the following motor vehicles left in a parking bay during the prescribed hours shall be exempt from compliance with any limitation of time during which a motor vehicle may be left in a parking place specified in the foregoing provisions of this Order –
- (a) a motor vehicle left by the driver thereof who is a person who has obtained a permit from the Council if the permit is displayed on the motor vehicle in a conspicuous position;
- (b) a motor vehicle which displays in the relevant position a disabled person's badge or a badge having effect as if it were a disabled person's badge;
32. (1) Subject to the proviso hereto when a motor vehicle is left in a parking place in contravention of any of the provisions of this Order a person authorised in that behalf by the Council may remove the motor vehicle or arrange for its safe custody or for the fitting to it of an immobilisation device
- PROVIDED that where a motor vehicle is waiting in a parking place in contravention of the provisions of Article 8(b) of this Order a person authorised in that behalf by the Council may alter or cause to be altered the position of the motor vehicle in order that its position shall comply with that provision.
- (2) In the event of such removal or the fitting of an immobilisation device the owner shall pay to the Council such sum as it may determine before the motor vehicle is released from custody or the immobilisation device is removed.
- (3) No person shall remove any immobilisation device fitted to a motor vehicle other than a person duly authorised by the Council.

THE SCHEDULE

Even numbers – 2-78 High Street, Stokesley including even “a” numbers
 Odd numbers – 3-57 High Street, Stokesley including odd “a” numbers
 Odd numbers – 1 – 9 Bridge Road, Stokesley
 Even numbers – 2-18 Bridge Road, Stokesley
 1-4 The Cobbles, Stokesley
 1 Market Place

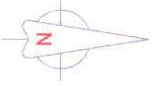
2a Market Place
1-11 Red House Court

GIVEN under the Common Seal of
HAMBLETON DISTRICT COUNCIL

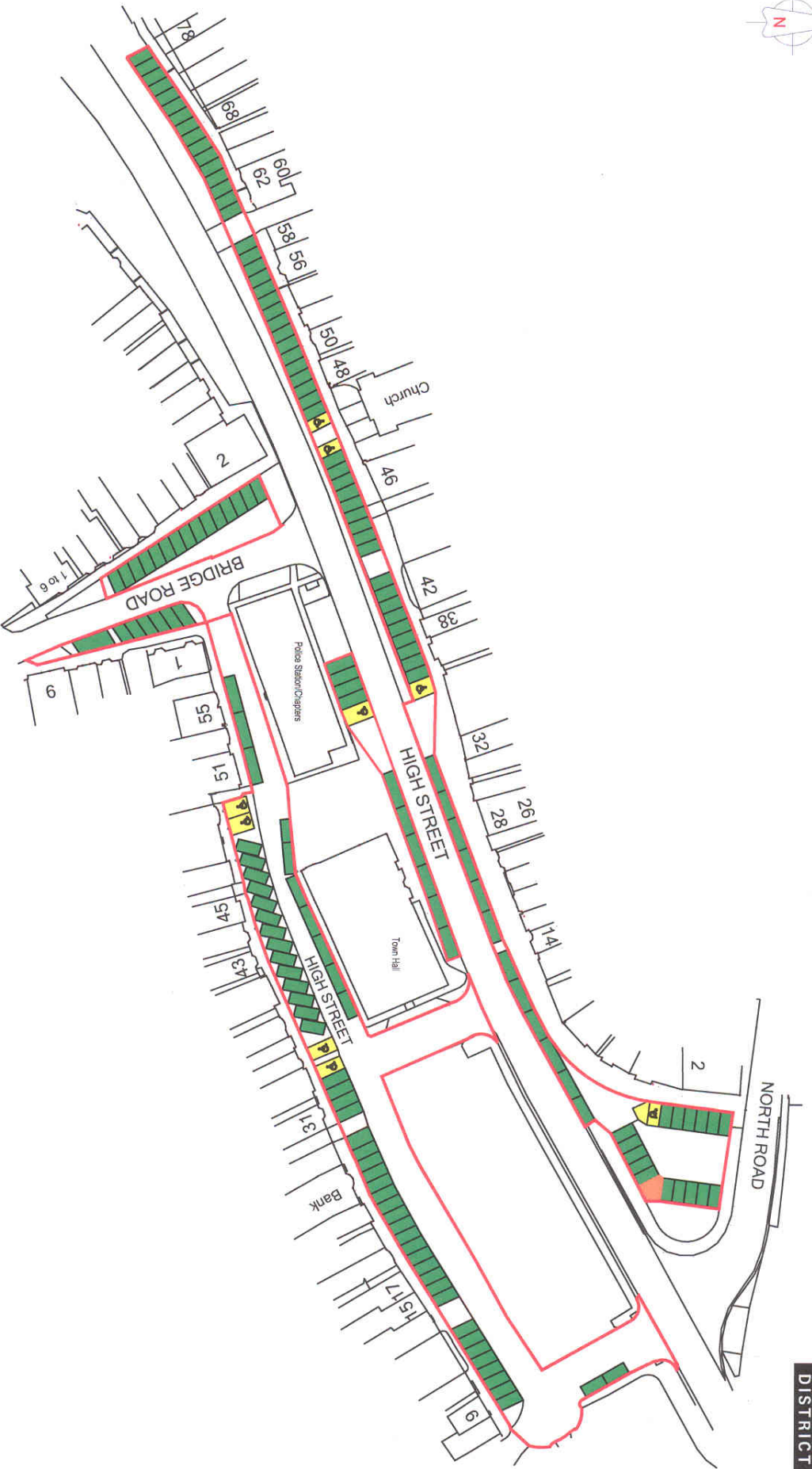
the 28 day of April 2009

Head of Service - Legal

Do Not Scale



HAMBLETON
DISTRICT COUNCIL



HAMBLETON
DISTRICT COUNCIL

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Project

Stokesley High Street

Title

Hambleton District Council (Stokesley)
(Off-Street Parking Places)
Order 2009

All Dimensions In Millimetres Unless Otherwise Stated

Drawn

CLS

Scale

NTS

Date

Jan 2009

Checked

CT

Dwg. No.

Rev.