

CORBY BOROUGH COUNCIL

CORBY BOROUGH COUNCIL PARKLAND GATEWAY CAR PARK (REVOCAION AND OFF-STREET PAY AND DISPLAY PARKING PLACES)

ORDER 2014

Corby Borough Council ("the Council") in exercise of its powers under Sections 1, 2, 3, 4, 5, 32 and 35, 36, 37 and 39 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 and the Traffic Management Act 2004, hereby makes the following Order:

PART 1

IMPLEMENTATION, CITATION, DEFINITIONS AND REVOCATIONS

1. This Order shall come into operation on 20th November 2014 and may be cited as the "**CORBY BOROUGH COUNCIL PARKLAND GATEWAY CAR PARK (REVOCAION AND OFF-STREET PAY AND DISPLAY PARKING PLACES) ORDER 2014**"
2. In this Order, except where the context otherwise requires, the following expressions have the meanings:-

"Car Park"	means the area of land more particularly described in Schedule 1 and known as Parkland Gateway Car Park, Corby;
"Carriageway"	means in the context of this Order any part of the Car Park used exclusively or primarily for the movement of vehicles around the site and not for

	the parking of vehicles
" Civil Enforcement Officer (CEO)"	has the same meaning as in Section 76 of the TMA" delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection
"Electric Vehicle"	means a motor car as defined in the Road Vehicles (Construction and Use) Regulations 1986 that is either powered by battery or by a hybrid plug-in system
"Electric Vehicle Parking Space"	Means a Pay and Display Parking Space marked in blue on the plan that is reserved for the use of Electric Vehicles only
"Disabled Persons' Badge"	has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000
"Disabled Space"	Means a Pay and Display Parking Space that is outlined in brown on the plan to this Order and that is sign-posted as being reserved for the use of vehicles displaying a Disabled Persons' Badge
"Driver"	in relation to a vehicle waiting in an Pay and Display Parking Space, means the person driving the vehicle at the time it was left in the parking space
"Dual Purpose Vehicle"	has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986

"Goods"	includes postal packets of any description, cash or other valuable securities
"Goods Vehicle"	means a motor vehicle which is constructed or adapted for the carriage of goods of any description and which does not exceed 3.5 tonnes gross laden weight
"Moped"	means a two or three wheel vehicle fitted with an engine having a cylinder capacity not exceeding 50 cm ³ if of the internal combustion type and a maximum design speed of not more than 45 kilometres per hour
"Motor Cycle"	has the same meaning as in Section 136 of the Act
"Owner"	in relation to a vehicle includes any person who falls to be treated as the Owner of the vehicle by virtue of regulation 5(3) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007
"Pay and Display Parking Space"	means any individual space for parking a single vehicle within the Car Park not being a Permit Space
"Passenger Vehicle"	means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve

	passengers exclusive of the Driver, and not drawing a trailer
"Penalty Charge"	has the same meaning as in Section 92 of the TMA
"Penalty Charge Notice"	means a notice dispensed by a CEO informing the Driver of the vehicle that they are in contravention of a restriction and that a Penalty Charge is now owed
"Permit"	Means a valid permit issued by the Council to park within a Permit Space
"Permit Spaces"	Means any parking space that is outlined in green on the plan to this Order and that is sign-posted as being reserved for the use of permit holders and are not available for use as Pay and Display Parking Spaces at any time
"Postal Packets"	has the same meaning as in Section 125 of the Postal Services Act 2000
"Prescribed Hours"	means those hours stated in Schedule 2 and Schedule 3 to this Order
"Restricted Road"	means a road which is subject to parking and waiting restrictions; "road" means a highway and any other road to which the public has access
"Statutory Undertaker"	has the same meaning as in Section 329 of the Highways Act 1980
"Street Trading"	means a vehicle constructed or adapted so as to

Vendor's Vehicle"	enable hot or cold food to be prepared in and or sold from the vehicle
"Telecommunications Apparatus"	has the same meaning as in the Telecommunications Act 1984
"TMA"	means the Traffic Management Act 2004
"Traffic Sign"	means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the Act
"User"	in relation to a vehicle means the person by whom such vehicle is owned, kept or use

3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
4. The plan annexed to this Order identify the areas subject to this Order, provided that where there is any inconsistency between the plan and the Schedules it is the wording of the Schedules which shall prevail.
5. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into effect of this Order any provisions of the Order mentioned in Schedule 4 hereto is revoked in its entirety

PART 2

PAY AND DISPLAY PARKING SPACES

6. (1) Subject to the provisions of this Part Parking Spaces within the Car Park:

- (a) are authorised to be used during the Prescribed Hours, subject to provisions to this Part of this Order, as a Pay and Display Parking Space for Passenger Vehicles, Dual Purpose Vehicles and Goods Vehicles; save that
 - (b) Electric Vehicle Spaces outlined in blue on the plan to this Order and marked with notices, signs and/or road surface markings are authorised to be used during the Prescribed Hours, subject to provisions to this Part of this Order, as a pay and display parking space for Electric Vehicles, only.
 - (c) Disabled Spaces outlined in brown on the plan to this Order and marked with notices, signs and/or road surface markings are authorised during the Prescribed Hours, subject to the provisions of this Order as a Pay and Display Parking Space for Disabled Vehicles only
 - (d) Permit Spaces outlined in green on the plan to this Order and marked with notices, signs and/or road surface markings are authorised to be used by Permit Holders only and not as a Pay and Display Parking Space at any time.
- (2) Nothing in this Article shall apply so as to permit a trailer, whether or not attached to a vehicle, to park at any time in any pay and display parking space.
- (3) No person shall operate or otherwise use any street trading vendors vehicle while parked in a pay and display parking space for or in connection with the sale of any good or service (including but not limited to the provision of food and or drink) to any person. Nothing in this article

- (a) shall prevent the sale of goods from a vehicle if the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
- (b) shall apply if the person has obtained the written consent of the Council before doing so.

7 The Driver of a vehicle shall not permit that vehicle to park or wait in an Pay and Display Parking Space unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994, and unless there is in relation to the use of the vehicle by the Driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.

8 Where in the Car Park Traffic Signs are erected or surface markings are laid for the purpose of indicating the entrance to or exit from the Car Park , or indicating that a vehicle using the Car Park shall proceed in a specified direction only, no vehicle shall be driven so as to enter the Car Park otherwise than by an entrance, or leave the Car Park otherwise than by an exit, so indicated or be driven in a direction other than that so specified.

9 The Driver of a vehicle using an Car Park shall not sound any horn or other similar instrument except when about to enter the parking space or change position of the vehicle in or to depart from the parking space and then only to the extent reasonably necessary so as to avoid danger and or inconvenience to other users of the Car Park

10 When a notice has been attached to a vehicle in accordance with any 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 Drivers shall remove the notice from the vehicle.

- 11 A vehicle which is present in a Pay and Display Parking Space at the commencement of the Prescribed Hours shall be deemed to have commenced its occupation of that space at that time and shall be liable to pay such charge as is specified in this Order from that time. For the avoidance of uncertainty a continuous period of occupation of a parking space encompassing two or more periods of operation as specified in Schedule 2 and or Schedule 3 may at the discretion of the Council be treated as successive periods of occupation each of which may attract a separate charge and or Penalty Charge Notice
- 12(1) The limits of each pay and display parking space within the Car Park and of any Carriageway or access way shall be indicated on the road by the appropriate Traffic Signs and or markings;
- (2) Any vehicle parking in a Pay and Display Parking Space shall be parked wholly within the limits so marked or, if the whole length of any vehicle cannot be accommodated within the marked lines then permission for the vehicle to be parked within that space is specifically withheld;
- (3) The Council shall install and maintain in proper working order at least one ticket parking meter in such position as it thinks fit in the vicinity of a Pay and Display parking space.
- 13 The Driver of a vehicle using a Pay and Display Parking Space shall stop the engine as soon as the vehicle is in position in the parking space, and shall not start the engine of the vehicle except when about to change the position of the vehicle in or to depart from the parking space.

- 14 Where a Pay and Display parking ticket has been displayed on a vehicle in accordance with the provisions of Article 16 of this Order, no person, not being the Driver of the vehicle, shall remove the Pay and Display parking ticket from the vehicle unless authorised to do so by the Driver of the vehicle.
- 15 For the purposes of this Order a vehicle shall be regarded as displaying a Disabled Person's Badge in the relevant position under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 if:
- (1) the badge is exhibited on the dashboard or fascia of the vehicle so that the front of the badge is clearly legible from the outside of the vehicle; or
 - (2) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is clearly legible from the outside of the vehicle.
- 16 (1) The charge for a vehicle parked in a Pay and Display Parking Space shall be as specified in Schedules 2 and or 3 to this Order.
- (2) Subject to the provisions of Article 24 of this Order, the charge shall be payable on the leaving of the vehicle in a Pay and Display Parking Space:
 - (a) by any combination of coins of appropriate denominations to the amount of the charge;
 - (b) if the ticket parking meter is so constructed or adapted, by a prepaid card of which the remaining credit is not less than the amount of the charge.
 - (3) Upon payment of the charge for a vehicle left in a Pay and Display Parking Space the Driver of the vehicle shall display or cause to be displayed on the vehicle, in accordance with the provisions of paragraph (5) of this

Article, the ticket issued by the ticket parking meter on payment of the charge in accordance with paragraph (2) of this Article.

- (4) Payment of the charge for a vehicle left in a Pay and Display Parking Space shall be indicated by the issue by a ticket parking meter located in that Car Park of a ticket indicating that a charge has been paid for that occasion, with respect to a particular vehicle and by the display of that ticket in the manner specified in paragraph (6) of this Article.
 - (5) The ticket referred to in paragraph (3) of this Article shall be displayed in the relevant position within the vehicle at all times during which the vehicle is left during the Prescribed Hours in the Pay and Display Parking Space.
 - (6) For the purposes of this Order a vehicle shall be regarded as displaying a ticket indicating that a charge has been paid in the relevant position if the ticket is exhibited in a conspicuous position on the inside of the front windscreen of the vehicle so that the particulars on that side of that ticket which bears the indication that a charge has been paid are clearly legible from the outside of the vehicle.
 - (7) When a ticket has been displayed on a vehicle in accordance with the provisions of paragraphs (5) and (6) of this Article no person, not being the Driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the Driver of the vehicle.
17. No ticket displayed within a vehicle as prescribed by this Article shall be deemed valid proof that the requisite charge has been paid unless the ticket was issued to that vehicle. For the avoidance of uncertainty tickets are not transferrable between vehicles.

- 18(1) If a vehicle is left in any Pay and Display Parking Space during the Prescribed Hours for longer than the period for which payment was made by the charge, a Penalty Charge Notice may be issued in accordance with the provisions of Part 6 of the TMA.
 - (2) If a vehicle is left in a Disabled Space and no Disabled Persons Badge is displayed, a Penalty Charge Notice may be issued in accordance with the provisions of Part 6 of the TMA.
 - (3) If a vehicle not being an Electric Vehicle is parked in an Electric Vehicle Parking Space, a Penalty Charge Notice may be issued in accordance with the provisions of Part 6 of the TMA.
 - (4) If a vehicle not displaying a valid Permit is parked within a Permit Space at any time, a Penalty Charge Notice may be issued in accordance with the provisions of Part 6 of the TMA.
- 19(1) If at any time while a vehicle is left in a Pay and Display Parking Space during the Prescribed Hours no ticket issued by a ticket parking meter located in that Car Park is displayed on that vehicle in accordance with the provisions of paragraphs (5) and (6) of Article 16 it shall be presumed unless the contrary is proved that the charge has not been paid and the Driver of the vehicle may be issued with a Penalty Charge Notice in accordance with the provisions of Part 6 of the Traffic Management Act 2004.
- (2) Any ticket issued by a ticket parking meter relating to an Car Park shall be presumed, unless the contrary is proved, to have been issued on the day shown on the ticket.
20. Subject to the proviso hereto, when a vehicle is left in a parking space in contravention of any of the provisions of Articles 15-19 of this Order, an

- authorised Officer may immobilise or remove the vehicle or arrange for it to be removed from the Car Park.
21. Any person removing or altering the position of a vehicle by virtue of Article 20 of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.
 22. When an authorised officer removes or makes arrangements for the removal of a vehicle from the Car Park by virtue of Article 20 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
 23. Should a vehicle parked in contravention of this Order be removed or immobilised by an authorised officer a recovery charge and/or release fee in addition to any unpaid parking charges and or Penalty Charge Notice will be payable before the vehicle is released. Nothing contained in this Order shall restrict the powers of an authorised officer pursuant to powers contained in or regulation made under sections 100 to 106 inclusive of the Act in removing/immobilising a vehicle contravening a provision of this Order.
 24. If on the leaving of the vehicle during the Prescribed Hours in a pay and display parking space there is on the ticket parking meter located in the Car Park a notice placed by a person authorised by the Council or by the Chief Officer of Police indicating that the ticket parking meter is out of order that vehicle shall be exempt from any charge.

- (1) A police officer in uniform or traffic warden may in case of emergency move or cause to be moved any vehicle left in the Car Park to any place he thinks fit.
 - (2) Any person authorised to remove a vehicle or alter its position by virtue of paragraph (1) of this Article may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.
 - (3) In the event that a vehicle that is otherwise properly parked in an Off-Street Pay and Display Parking Space, having paid the due parking charges and having properly displayed a parking ticket is moved or removed by an authorised person pursuant to the provisions of this article the Driver will be entitled to its release and or return without the payment of any release fee.
25. Nothing in this Part of this Order shall render it a contravention of this Order to cause or permit a vehicle to park during the Prescribed Hours in the Car Park for so long as may be necessary:
- (1) when the person in control of the vehicle is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstances outside his control;
 - (2) to enable a person to board or alight from the vehicle;
 - (3) to enable goods to be loaded or unloaded from the vehicle or any other vehicle;
 - (4) to enable the Carriageway to be used in connection with any of the following:
 - (a) building, industrial or demolition operations;

- (b) the removal of any obstruction to traffic;
- (c) the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;
- (d) use in the service of any undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
- (e) use for police, fire brigade or ambulance purposes;
- (f) use for the purpose of delivering or collecting postal packets as defined by Section 125 of the Postal Services Act 2000;
- (g) used for the delivery or collection of money or valuable securities by a vehicle specially equipped or adapted for that purpose;
- (h) the removal of furniture or household effects to or from a shop, office, depository or dwelling house adjacent to the Car Park.

26. No person shall cause or permit a vehicle to wait in the Car Park by virtue of the provisions of paragraph (4) of Article 25 above every part of the vehicle is within the limits of a Pay and Display Parking Space ; and

- (2) so that no part of the vehicle obstructs any access way other than from or to the premises referred to in paragraph (4)(h) of Article 25.

27. (1) Any person authorised by the Council may suspend the use of an Pay and Display Parking Space whenever and for such duration as the Council considers such suspension reasonably necessary:

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
- (b) for the purpose of building, industrial or demolition operations;

- (c) for the purpose of the maintenance, improvement or reconstruction of the parking area or any part thereof ;
 - (d) for the purpose of the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;
 - (e) for the convenience of occupiers of premises adjacent to the Car Park on any occasion of the removal of furniture or household effects to or from a shop, office depository or dwelling house;
 - (f) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed;
 - (g) for the convenience of occupiers of premises adjacent to the Car Park at times of weddings or funerals, or on other special occasions.
- (2) A police officer, traffic warden or CEO may suspend for not longer than twenty-four hours the use of the Car Park or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Without prejudice and in addition to all other enabling powers the Council shall have the power from time to time as it deems appropriate to close or suspend for as long as it considers necessary the use of any Pay and Display Parking Space for the purpose of enabling such parking space to be used by exhibition or public information vehicles of official or quasi-official authorities or bodies whose contents are intended to be and are made available for inspection by and for the public without charge

28. On the suspension of the use of a Pay and Display Parking Space or any part thereof in accordance with the provisions of Article 27 of this Order:
- (1) the person authorising or causing such suspension shall, if the use of the whole or of any part of the parking space is suspended, place or cause to be placed in or adjacent to that parking space a traffic sign indicating that the use of the parking space is suspended and that parking waiting and or loading of vehicles is prohibited;
 - (2) the person authorising or causing such suspension may, if the use of multiple parking spaces is suspended, place or cause to be placed over or on the ticket parking meter which relates to those parking spaces a hood or other cover
- 29(1) Save as provided in paragraph (2) of this Article no person shall cause or permit a vehicle to be left in a Pay and Display Parking Space during any period when there is in or adjacent to that parking space a traffic sign placed in pursuance of paragraph 1 of Article 28 of this Order that use of that parking space has been suspended.
- (2) Subject to the overriding requirement that any person in control of a vehicle shall move it on the instruction of a police officer or a traffic warden whenever such moving shall be necessary for the purpose of preventing obstruction, nothing in paragraph (1) of this Article shall render it a contravention of this Order to cause or permit or suffer any emergency vehicle or any vehicle being used for any purpose or eventuality specified in paragraph (1) of Article 27 of this Order, or any vehicle left with the permission of a police officer or traffic warden, to be left in the Car Park

notwithstanding the fact that use thereof has been suspended under any provision of this Order

- (a) in no event for the lighting of a fire;
- (b) for distributing leaflets/pamphlets/fliers or literature by hand or by depositing or leaving such literature on a vehicle for selling or trading;
- (c) in no event for behaviour of a threatening, abusive or annoying nature including but not restricted to the the playing of ball games;
- (d) for the purpose of servicing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Car Park;
- (e) for the purpose of washing any vehicle;


PART 3

ENFORCEMENT OF RESTRICTIONS

1. The Council shall, on or in the vicinity of the Car Park:
 - (1) Highlight each restricted area (or specify each restricted activity) with notices, signs and road surface markings in accordance with the Traffic Signs Regulations and General Directions Act 1994;
 - (2) Maintain and from time to time alter the said notices, signs and road-surface markings;
 - (3) Carry out such other work as is reasonably required for the purpose of the satisfactory operation of a restriction/restricted area.

2. The Council shall appoint CEO's whose duty it shall be to patrol and enforce the waiting and parking restrictions imposed by the Articles of this Order.

**Executed as a deed by affixing the common seal of Corby Borough Council
this 20th day of November 2014 in the presence of:**



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Chief Executive



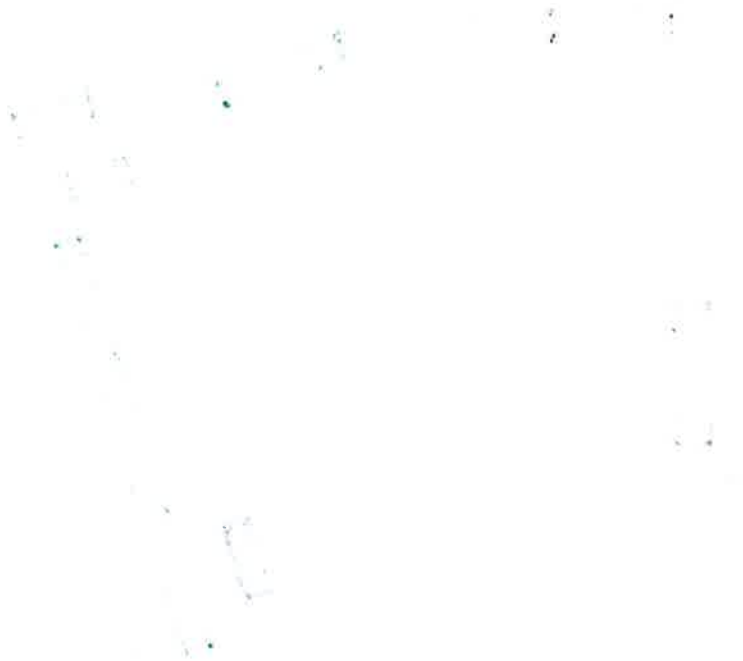
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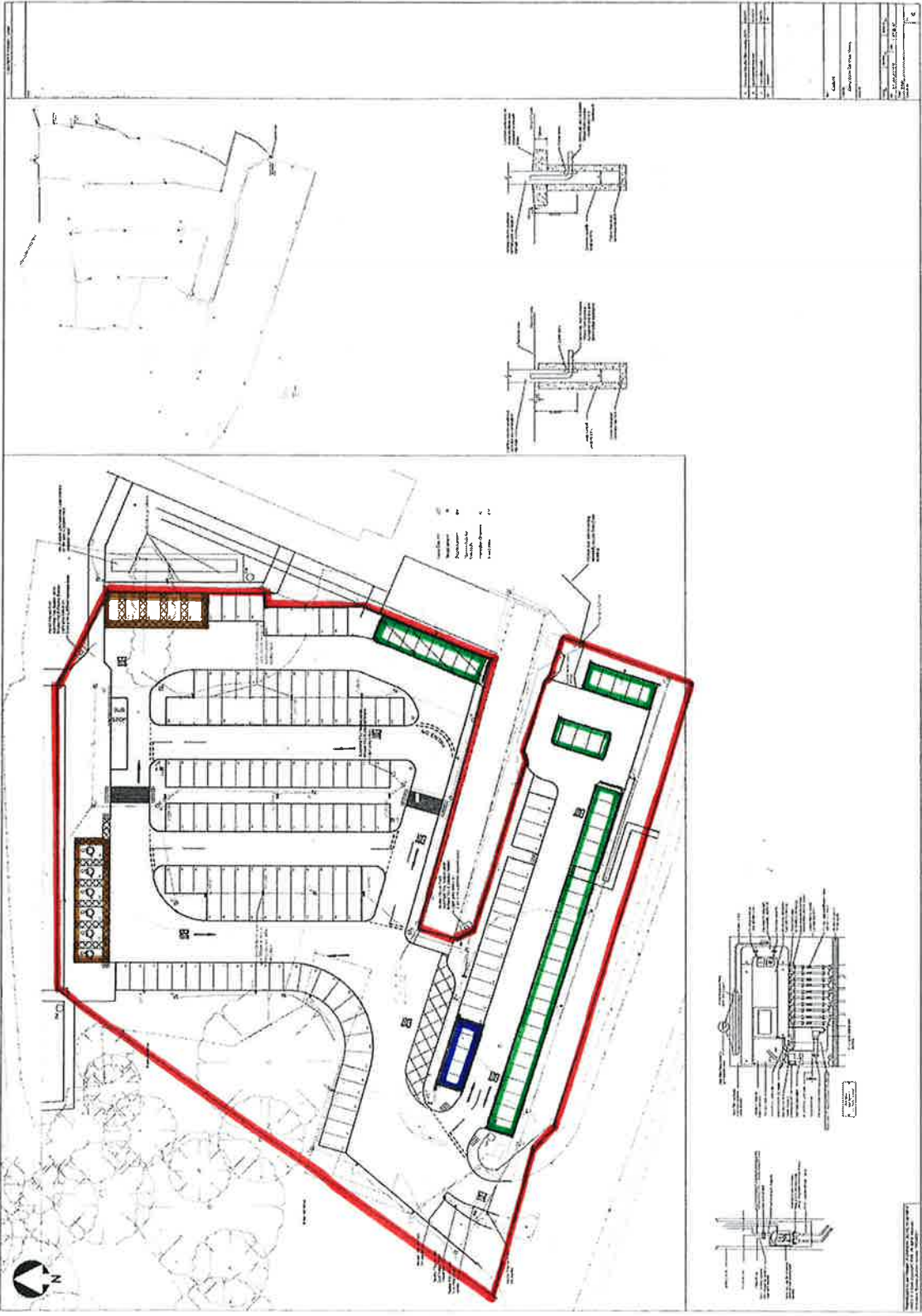
Mayor/Leader

SCHEDULE 1

PARKLAND GATEWAY CAR PARK

That whole Car Park area which extends from its junction in the south with the A427 Westcott Way and at the north the front of the East Midlands International Pool, at the west the edge of the Hazelwood and at the east The Cube. The width of the Car Park is approximately 60 metres and the depth approximately 80 metres and its area is about 0.5 hectares as shown outlined in red and or blue on the plan annexed hereto





Handwritten signature and initials: *[Signature]*
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SCHEDULE 2

CAR PARK OPERATION TIMES, PERIOD OF CHARGES

AND PAY AND DISPLAY CHARGES

EVERY DAY OF THE WEEK EXCEPT SUNDAYS AND BANK HOLIDAYS

BETWEEN THE HOURS OF 5.00 AM AND 6.00 PM

PERIOD	CHARGE PER VEHICLE
Up to 2 hours	60p
Between 2 and 3 hours	£1.00
Between 3 and 4 hours	£2.00
Between 4 and 6 hours	£4.00
Any period over 6 hours	£10.00

SCHEDULE 3

CAR PARK OPERATION TIMES, PERIOD OF CHARGES

AND PAY AND DISPLAY CHARGES

EVERY DAY OF THE WEEK EXCEPT SUNDAYS AND BANK HOLIDAYS

BETWEEN THE HOURS OF 6.00 PM AND MIDNIGHT

CHARGE PER VEHICLE

PERIOD

Between the hours of 6.00pm 20p
and 12.00am

SCHEDULE 4

REVOCATIONS

Corby Borough Council Parkland Gateway Car Park (Off Street Pay and Display Parking Places) Order 2011 (as amended) dated 18th of June 2013.

