CHESHIRE WEST AND CHESTER BOROUGH COUNCIL (OFF- STREET PARKING PLACES, PRINCEWAY CAR PARK AND PRINCEWAY CAR PARK EXTENSION, FRODSHAM) ORDER 2019

Cheshire West and Chester Borough Council (hereinafter called "the Council") in exercise of its powers under Sections 32, 33 and 35 of the Road Traffic Regulation Act 1984 as amended ("the 1984 Act") the Traffic Management Act 2004 ("the 2004 Act") and all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

PART I

GENERAL

1. Commencement and Citation

This Order shall come into operation on [2019] and may be cited as the Cheshire West and Chester Borough Council (Off-Street Parking Places, Princeway Car Park and Princeway Car Park Extension, Frodsham) Order 2019

2. Interpretation

2.1 In this Order:

"Civil Enforcement Officer"	means a person authorised by or on behalf of the Council in accordance with Section 76 of the 2004 Act to supervise Parking Places and enforce the provisions of this Order;
"Disabled Person's Badge"	means a badge issued by any local authority for use in a Vehicle in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or a badge having effect under those Regulations as if it were a Disabled Person's Badge;
"Disabled Persons' Parking Bay"	means a Parking Bay reserved and marked out for use by disabled persons;
"Goods Vehicle"	has the same meaning as the definition used in the Road Vehicles (Construction and Use) Regulations 1986;
"Motor Cycle"	refers to a solo motorcycle only and excludes any motorcycle which has a side-car or trailer, or which has more than two wheels;
"Owner"	In relation to a Vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the Vehicle was left in the Parking Place in question;
"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 Disc"	means a blue parking disc which indicates the time of arrival and is issued with a Disabled Person's Badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
" Parking Permit"	means a season ticket, contract permit, business permit, staff permit, visitor permit or resident's permit of a type and design issued by the Council in accordance with and subject to any provisions imposed by the Council contained in a separate contract made between the Permit Holder and the Council;
"Parking Place"	means an area of land provided by the Council pursuant to Section 32(1) of the 1984 Act (or, as the case may be, provided pursuant to arrangements with any person under Section 33(4) of the 1984 Act) designated by this Order for the purpose of leaving Vehicles and not closed (in part or in whole) by a notice erected thereon by authority of the Council;
"Penalty Charge" and "Penalty Charge Notice"	have the same respective meanings as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;
"Permit Holder"	means a person to whom a Parking Permit has been issued;
"Permit Parking Bay"	means a Parking Bay allocated to or useable by a Permit Holder;
"Relevant Position"	means that: (a) in respect of a Vehicle displaying a valid Disabled Person's Badge and Parking Disc: (i) in the case of a Vehicle fitted with a dashboard or fascia panel, the badge and disc are exhibited thereon so that Part 1 (the front of the badge) and the disc are legible from outside the Vehicle; or (ii) in the case of a Vehicle not fitted with a dashboard or fascia panel, the badge and disc are exhibited in a conspicuous position on the Vehicle so that Part 1 of the badge and the disc are legible from the outside of the Vehicle; (b) In respect of a Vehicle displaying a Pay and Display Ticket or Parking Permit: (i) the ticket or permit is exhibited on the inside surface of the windscreen or in a clearly visible position so that it is facing forwards and can be easily seen and read from the front or side of the Vehicle; or in the case of a Vehicle that is not fitted with a transparent windscreen, the ticket or permit is exhibited on the front of the Vehicle facing forwards and clearly visible;
"Trailer"	(ii) has the same meaning as the definition used in the Road Vehicles (Construction and Use) Regulations 1986;
"Vehicle"	means any motor car, Motor Cycle or other mechanically propelled automobile.

2.2 The Interpretation Act 1978 shall apply for the purposes of interpreting this Order as if it was an enactment and any reference in this Order to any enactment shall include subordinate legislation and shall be construed as a reference to that enactment as amended, applied, consolidated or re-enacted by, or having effect by virtue of, any subsequent enactment.

PART II

DESIGNATION AND USE OF THE PARKING PLACES

Designation

3. Each area of land specified in the Schedules to this Order may be used, subject to the provisions of this Order, as a place to leave Vehicles of such classes, in such positions as are marked on site, on such days, during such hours, for such periods and on payment of such charges as specified in the Schedules to this Order (as amended from time to time) and as advertised at each respective Parking Place (and for the avoidance of doubt the Council reserves the right to vary the number and location of the Parking Bays within each Parking Place from time to time).

Class and position of Vehicle

4. Where, by notice at a Parking Place, a Parking Place is described as available for Vehicles of a specified class, or Vehicles are to be left in a specified location, no person shall cause or 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) that is parked beyond the Parking Bay markings; (iii) that is parked in a restricted area of the Parking Place; or (iv) in a position other than that specified.

5. When a Vehicle is accompanied by a Trailer, the Trailer must be parked in a Parking Bay.

Permit Parking Bays

6. No person shall cause or permit a Vehicle to wait in a Parking Bay marked as reserved for Permit Holders unless it is displaying in the Relevant Position a valid

Parking Permit and (where appropriate) does not exceed any maximum time period marked on site.

Disabled Person's Parking Bays

7 No person shall cause or permit a Vehicle to wait in a Disabled Persons' Parking Bay unless the Vehicle displays a valid Disabled Person's Badge and Parking Disc with a correctly set time clock in the Relevant Position and immediately before or immediately after the act of parking the Vehicle has been or is about to be used by the person(s) in respect of whom the Disabled Person's Badge has been issued.

Motor Cycle Parking

8 No person shall cause or permit a Vehicle to park in a Parking Bay (or in an area in a Parking Place) marked for Motor Cycles unless the Vehicle is a Motor Cycle. In the case of Parking Places for which the payment method is Pay and Display a Motor Cycle may be left outside of a Parking Bay without charge provided that it does not cause an obstruction to users of the Parking Place.

Driving within a Parking Place

9 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.

10 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 purposes of departing from the Parking Place.

Period of no return

11 Where by notice, a Parking Place is described as having a period within which a Vehicle may not return, no person shall cause or permit that Vehicle to park again in that Parking Place on that day, during such period.

Power to close or set aside Parking Places

12 Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in a Parking Place from: (i) closing a Parking Place or any part thereof for any period; and/or (ii) setting aside a 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.

13 Any person closing or setting aside the use of a Parking Place or any part thereof in accordance with the provisions of the preceding Article shall thereupon place or cause to be placed in or adjacent to that Parking Place or that part thereof a notice or traffic sign indicating that the use of that Parking Place or that part thereof is (as the case may be) closed or set aside and that parking by unauthorised Vehicles is prohibited.

14 No person shall cause or permit a Vehicle to be left in a Parking Place or any part thereof during such periods 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 two Articles.

Use of Parking Places

15 No person shall in a Parking Place 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.

16 No person shall: (a) use any Vehicle left in a Parking Place for sleeping or camping or cooking; or (b) service any Vehicle or part thereof other than is reasonably necessary to enable that Vehicle to depart from the Parking Place.

17 All Vehicles shall be driven in a reasonable manner with due care and consideration for other users of the Parking Places.

Parked with engine running

18 The driver of a Vehicle using a 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.

Parked causing an obstruction

19 The driver of a Vehicle using Parking Place shall not park the vehicle in such a manner or place where it causes an obstruction to any other users of the Parking Place.

PART III

RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES AND RELEASE CHARGE

Removal of vehicle

20 A person authorised by the Council may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any Vehicle left in a closed or set aside Parking Place and the cost of movement or removal and safe keeping shall be the recoverable from the Owner of the Vehicle.

Emergencies

21 A person authorised by the Council or a Police Constable in uniform may, using such measures as appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any Vehicle left in a Parking Place. Any person removing a Vehicle from a Parking Place under the provisions of this Article shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the Vehicle.

Disposal of Vehicles abandoned in Parking Places

22 The Council may sell or otherwise dispose of, in accordance with current legislation, a Vehicle which has been, or could at any time be, removed from a Parking Place if the Vehicle appears to have been abandoned.

PART IV

CONTRAVENTION AND PENALTY CHARGE

Contravention

23 If a Vehicle is left in a Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable for each day of the said contravention or non-compliance. A Penalty Charge Notice showing the information required by the 2004 Act may then be issued by a Civil Enforcement Officer in accordance with the requirements of the 2004 Act.

PART V

OTHER PROVISIONS

Behaviour

24 The driver of a Vehicle using a Parking Place shall not sound any horn or other similar instrument except when about to change the position of the Vehicle in or to depart from the Parking Place.

25 No person shall, in a Parking Place, use any threatening, abusive or insulting language, gesture or behaviour with 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.

26 No person shall use any Parking Place in an improper and disorderly manner, particularly for the use of ball games or any other activity that is likely to cause annoyance and nuisance to other users of the Parking Place or residents of premises in the neighbourhood.

27 No person shall in any Parking Pace erect or cause or permit to be erected any tent, booth, stand, building or other structure without the consent of the Council or light or cause or permit to be lit any fire.

Liability

28 The Council accepts no liability for the loss or damage to Vehicles or other property left in any of the Parking Places to which this Order applies except as a result of negligence of the Council.

THE COMMON SEAL of
CHESHIRE WEST AND CHESTER
BOROUGH COUNCIL was hereunto affixed
this [ ] day of [ ] 2019
In the presence of:

Authorised Signatory

CHESHIRE WEST AND CHESTER BOROUGH COUNCIL (OFF-STREET PARKING PLACES, PRINCEWAY CAR PARK AND PRINCEWAY CAR PARK EXTENSION, FRODSHAM) ORDER 2019 SCHEDULES

SCHEDULE 1

Name of Parking Place	Classes of Permitted Vehicles	Hours of Operation	Maximum Period for which Vehicle may wait
Princeway Car Park , Frodsham	Motor cars Goods vehicles 3.5 tonnes maximum gross weight Motor Cycles	Monday to Sunday including bank holidays 24 hours	For a period not exceeding 4 hours by the same vehicle on the same day in the same parking place
	Vehicles parked in a Disabled Persons' Parking Bay displaying in the Relevant Position a valid Disabled Person's Badge and Parking Disc, and being used for the conveyance of a person with disabilities	Monday to Sunday including bank holidays 24 hours	For a period not exceeding 4 hours by the same vehicle on the same day in the same parking place.
	Vehicles displaying a valid Parking Permit as required by the Council	Monday to Sunday including bank holidays 24 hours	In accordance with terms and conditions of issue

SCHEDULE 2

Name of Parking Place	Classes of Permitted Vehicles	Hours of Operation	Maximum Period for which Vehicle may wait
Princeway Car Park Extension, Frodsham	Motor cars Goods vehicles 3.5 tonnes maximum gross weight Motor Cycles	Monday to Sunday including bank holidays 24 hours	For a period not exceeding 4 hours by the same vehicle on the same day in the same parking place
	Vehicles parked in a Disabled Persons' Parking Bay displaying in the Relevant Position a valid Disabled Person's Badge and Parking Disc, and being used for the conveyance of a person with disabilities	Monday to Sunday including bank holidays 24 hours	For a period not exceeding 4 hours by the same vehicle on the same day in the same parking place.
	Vehicles displaying a valid Parking Permit as required by the Council	Monday to Sunday including bank holidays 24 hours	In accordance with terms and conditions of issue