

Suffolk Coastal District Council & Waveney District Council

TRAFFIC REGULATION ORDER

The East Suffolk (Off-street Parking Places) (No.1) Order 2019

Made: *th **** 2019

Coming into force: **th ***** 2019

The Councils of Suffolk Coastal District Council and Waveney District Council, in exercise of the powers conferred by the Road Traffic Regulation Act 1984 as amended, and of all other enabling powers, and having consulted Suffolk County Council and the Commissioner of Police for the County, hereby make the following Order:-

Citation commencement and revocation

1. This Order may be cited as The East Suffolk (Off-street Parking Places) (No.1) Order 2019 and shall come into force on **th **** 2019.
2. The Orders listed in Schedule 3 to this Order and all amendments to those orders up to the date of the making of this Order are hereby be revoked in their entirety.

Interpretation

3. (a) The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies to an Act of Parliament.
(b) In this Order:-
 - “**the 1984 Act**” means the Road Traffic Regulation Act 1984;
 - “**the 1986 Regulations**” means the Road Vehicles (Construction and Use) Regulations 1986;
 - “**the 1988 Act**” means the Road Traffic Act 1988;
 - “**the 1994 Act**” means the Vehicle Excise and Registration Act 1994;
 - “**the 2000 Regulations**” means the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - “**the 2016 Regulations**” means the Traffic Signs Regulations and General Directions 2016 (as amended);
 - “**bus and coach**” means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver);
 - “**the Council**” means Suffolk Coastal District Council and/or Waveney District Council or its successors;

“disabled person’s badge” or **“blue badge”** has the same meaning as in the 2000 Regulations;

“disabled person’s vehicle” means a vehicle which displays a valid disabled persons’ badge in accordance with the provisions of the 2000 Regulations;

“displaying” means displaying in the relevant position;

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

“electric vehicle” means a vehicle in which the electrical motive power is derived from an electrical battery which is not connected to any source of power when the vehicle is in motion;

“goods” means goods or burden of any kind and includes postal packets of any description; and "delivering" and "collecting" in relation to any goods, include checking the goods for the purpose of their delivery or collection;

“hackney carriage” A hackney carriage is a taxi with a meter which is licensed to collect passengers from a taxi rank and is available to be hailed in the street

“initial charge” means the payment referred to in article 4;

“long stay car park” means a car park where parking for longer than 3 hours is allowed;

“motorcycle” has the same meaning as in the 1986 Regulations;

“overall height” and **“overall length”** have the same meaning as in regulation 3 of the 1986 Regulations;

“parking disc” has the same meaning as in the 2000 Regulations;

“parking attendant” has the same meaning as in the 1984 Act;

“parking place” means an area designated under Article 3 and marked with a traffic sign in accordance with the 2016 Regulations or Department for Transport approved signs commensurate with the appropriate schedule to this Order;

“pay and display ticket” means a ticket issued by a pay and display machine;

“pay and display machine” means a parking meter as defined in the 1984 Act;

“pedal cycle” has the same meaning as in Schedule 1 of the 2016 Regulations;

“permit” means any valid car parking permit issued by the Council and used in accordance with its terms and conditions;

“permitted hours” in relation to a parking place, means the period specified in the Schedule relating to that parking place;

“police vehicle” has the same meaning as in the 1994 Act;

“plan” means a scaled drawing giving the relative start and end point to each restriction and where necessary indicates the type of restriction that applies;

“recharging post” means a device designed for the recharging of electric vehicles;

“relevant position” in respect of: -

- (i) a disabled person’s badge or a parking disc has the same meaning as section 4 of the 2000 regulations;
- (ii) a permit, season ticket or dispensation waiver or temporary waiver, means it is exhibited on the nearside of the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the permit or waiver or companion badge is clearly legible from outside the vehicle;
- (iii) a pay and display ticket means exhibited on the windscreen, dashboard or fascia of the vehicle, or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the ticket is clearly legible from outside the vehicle;

“season ticket” means any valid season ticket issued by the Council and used in accordance with its terms and conditions;

“service charge” means any charge payable to the service provider (in addition to the ticketless payment in accordance with the provision of Article 6 of this Order and of any relevant amending Orders) for vehicles using the telephone payment parking system;

“Schedule” means a Schedule to this Order;

“short stay car park” means a car park where the length of stay is restricted to 3 hours or less. Car park season tickets are not valid in short stay car parks;

“ticketless payment” means to make a payment for an act of parking within a parking place having first registered an account with the appropriate service provider;

“unladen weight” has the same meaning as in the 1986 Regulations;

“vehicle” has the same meaning as motor vehicle in the 1988 Act and includes any part of a vehicle.

Designation and charges for parking places and permits

- 4. (a) Each area specified by name in Schedule 1 and indicated by a plan is designated as a parking place in accordance with the Act of 1984.
- (b) The rates payable are indicated on signs placed in each parking place and on the relevant pay and display machine(s).
- (c) The driver of an electric vehicle parked within a parking place as indicated in the Schedule to this Order shall cause that vehicle to be

connected and be actively recharging via the recharging lead attached to the recharging post relating to the parking place and remove and relocate the vehicle immediately after charging is complete.

- (d) The charges applicable for the use of parking places in line with the terms and conditions issued by the Council are indicated in Schedule 2 to this Order: -
- (e) The driver of a vehicle using a parking place shall pay an initial charge in accordance with the tariff set out in Schedule 2 to this order which is specified in relation to that parking place in Schedule 1.

General prohibitions applying to parking places

5. Save as provided in Article 7 of this Order no person shall cause a vehicle to stop or remain in a parking place during permitted hours: -
- (a) for longer than the maximum period permitted for waiting in relation to that parking place and indicated by traffic signs adjacent to the parking place;
 - (b) before the expiration of the time shown on the traffic sign adjacent to the parking place when a vehicle is permitted to return to the same parking place;
 - (c) if the vehicle is not an electric vehicle being left in a parking space for recharging from an appropriate recharging post and being in the act of recharging;
 - (d) if the vehicle is not parked wholly within a parking space;
 - (e) if the vehicle is not parked in compliance with the published terms and conditions of use;
 - (f) if the vehicle obstructs any vehicular means of ingress to or egress from any premises within or adjacent to the parking place or obstructs other vehicles ingress or egress to a parking space or place;
 - (g) if the vehicle: -
 - (i) has an unladen weight exceeding 3500kg;
 - (ii) exceeds 2.27m (7' 5") in overall height;
 - (iii) exceeds 5.25m (17' 3") in overall length.
 - (h) if the parking place or space is suspended.
 - (i) if the vehicle is a motorcycle parked in any bay not being a motorcycle parking space;
 - (j) if the vehicle has three or more outstanding ECNs from the Council.
 - (k) if a permit or badge or season ticket or pay and display ticket displayed in the relevant position is considered to be used or have been obtained by fraud.
 - (l) to wait or remain during permitted hours if the vehicle is not displaying a valid permit issued under the Council's terms and conditions of use and parked in a permit holder parking space which is not suspended.

- (m) To wait or remain during permitted hours in a parking place if the vehicle parked: -
 - (i) is not displaying in the relevant position a valid pay and display ticket applicable for the time and parking place;
 - (ii) is displaying a pay and display ticket transferred from another vehicle;
 - (iii) has not used and confirmed the alternative ticketless payment options provided by the Council as indicated on signs adjacent to the parking place.

Contravention of the general prohibitions

6. Where a person contravenes the general prohibition set out in Article 5 of this Order and does not fall into any one of the exemptions in Article 7 of this Order, the registered keeper and driver shall be jointly and severally liable to pay the excess charge and the Council may remove the vehicle.

Exemptions to the general prohibitions

7. Article 5 of this Order does not apply to the following: -
- (a) a vehicle where the person in control of the vehicle is;
 - (i) required by law to stop; or
 - (ii) obliged to stop so as to prevent an accident; or
 - (iii) prevented from proceeding by circumstances outside their control; or
 - (iv) caused or permitted to stop or wait upon the direction or with the permission of a police constable in uniform.
 - (b) a vehicle in the service of the Council being necessarily used in connection with parking place maintenance, parking enforcement, waste collection or cleansing activities in pursuance of statutory powers and duties.
 - (c) a vehicle: -
 - (i) being used by the fire brigade, ambulance service or police for emergency purposes; or
 - (ii) attending an emergency and being used by a doctor, district nurse or midwife where evidence is provided to show a genuine emergency; or
 - (iii) being used by naval, military or air force visiting forces if at any time they are being used or appropriated by such forces.
 - (d) a vehicle that is waiting only for so long as is necessary to enable a person and their personal luggage to actively board or alight from that vehicle.
 - (e) a vehicle validly displaying a dispensation in accordance with the Council's terms and conditions of use.

- (f) if goods are being sold or offered or exposed for sale from the vehicle by a person who is licensed by the Council to sell goods from a stationary vehicle on a pitch situated in the parking place.
- (g) a hackney carriage waiting in a parking place for taxis only;

Suspension of parking places

8. (a) Any person duly authorised by the Council, may suspend the terms or conditions of use of a parking place whenever they consider such a suspension is reasonably necessary for: -
- (i) the purpose of any works adjacent to the parking place or space within the parking place;
 - (ii) the convenience of occupiers of premises adjacent to the parking place or space within the parking place;
 - (iii) any occasion the Council decides by reason of some special attraction or event in the area;
 - (iv) the convenience of occupiers of premises adjacent to the parking place at times of wedding or funeral or on other special occasions;
 - (v) the occasion that film crews require the place under the 2008 Act or otherwise.
- (b) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) of this Article shall: -
- (i) place or cause to be placed sign(s) indicating that the use of all or part of the parking place is suspended; and,
 - (ii) place or cause to be placed in or adjacent to any part of that parking place a traffic sign or signs indicating that stopping or waiting by vehicles is prohibited.
- (d) No person shall cause a vehicle to stop or wait in any part of a parking place which has been suspended except if the vehicle is being used in an emergency by the fire brigade, ambulance service or police or a vehicle in the service of the Council undertaking statutory works to the parking place or if it displays a dispensation allowing the vehicle to park in that place.

Amendments to operational hours

9. The Council may, notwithstanding the provision of this order, by notice: -
- (i) close any parking place, or part thereof, or;
 - (ii) extend the operating hours during which any parking place or part thereof, is available for use, or,
 - (iii) reduce the charging hours during which the charges in any parking place are applicable.

Removal or the alteration of the position of vehicles in a parking place.

10. A parking attendant in the case of an emergency or if they reasonably believe a vehicle is not lawfully parked in the parking place may: -
- (a) move or cause to be moved any such vehicle to any place or space they see fit; or
 - (b) remove or cause to be removed any such vehicle to a place of safe custody.

Dated this **th day of **** 2019

SCHEDULE 1

SCHEDULE 1

1	2	3	4	5	6
Name of Parking place	Position of Vehicles	Class of Vehicle for which Parking Place is Available	Operating Hours	Maximum Waiting Period	No Return Period

(Maps showing the locations of all Parking Places)

SCHEDULE 2

Tariffs

SCHEDULE 3

Traffic Regulation Orders Revoked

- Suffolk Coastal District Council (Off-street Parking Places) Order 2008
- Suffolk Coastal District Council (Off-street Parking Places) (Variation) Order 2010
- Suffolk Coastal District Council (Off-street Parking Places) (Variation) Order 2012
- Suffolk Coastal District Council (Off-street Parking Places) (Variation) Order 2013
- Suffolk Coastal District Council (Off-street Parking Places) (Variation) Order 2013#2
- Suffolk Coastal District Council (Off-street Parking Places) (Variation) Order 2015
- Suffolk Coastal District Council (Off-street Parking Places) (Variation) Order 2018
- Waveney District Council (off-street Parking Places) Order 2016
- Waveney District Council (off-street Parking Places) (Variation) Order 2018