

**ROAD TRAFFIC REGULATION ACT 1984
LANCASHIRE COUNTY COUNCIL
(PRESTON BUS STATION MULTI-STOREY CAR PARK, PRESTON CITY)
(OFF STREET PARKING PLACE) ORDER 2016**

The County Council of Lancashire ("the Council") in exercise of its powers under Sections 32, 33 and 35 to the Road Traffic Regulation Act 1984, as amended ("the 1984 Act") and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order: -

Definitions and interpretation

In this Order where the context requires, the masculine includes the feminine and the neuter and vice versa, the singular includes the plural and vice versa.

For all the purposes of this Order the terms described in this Article shall have the meanings specified:

"Approved Method of Payment" means where available payment by debit or credit card or debit or credit card facilitated by on site or remote verification for example card reader or mobile phone text or phone call.

"Civil Enforcement Officer" means a person authorised by or on behalf of Lancashire County Council in accordance with Section 76 of the Traffic Management Act 2004;

"Disabled Person's Badge" means a badge which was –

- i) issued, or has effect as if issued, to a disabled person or an institution under The Disabled Persons (Badges for Motor Vehicles) (England) Regulations or under regulations having effect in Scotland or Wales under Section 21 of the Chronically Sick and Disabled Persons Act 1970; and
- ii) has not ceased to be in force.

"Disabled Person's Vehicle" means a Vehicle displaying a Disabled Person's Badge in the circumstances prescribed in Regulations 13, 14, 15 or 16 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

“Disabled Person’s Parking Space” means any Parking Space within a Parking Place where there is a sign and/or surface marking which indicates that the Parking Space is only to be used for the parking of a Disabled Person’s Vehicle.

“Driver” in relation to a Vehicle Waiting in a Parking Place means the person driving the Vehicle immediately prior to parking it in the Parking Place.

“Enforcement Authority” means Lancashire County Council.

“Hours of Operation” mean the days and hours set out in column 5 of the Schedule.

“Invalid Carriage” means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specifically designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person.

“Material Time” means the time when the contravention giving rise to the Penalty Charge is said to have occurred.

“Motor Car” means a motor vehicle (other than an invalid carriage or motor cycle)—

- (a) which is not constructed or adapted to carry more than nine persons inclusive of the driver, and
- (b) which has a maximum gross weight not exceeding 3.5 tonnes.

“Motorcycle” means a mechanically propelled vehicle (not being an invalid carriage) with fewer than four wheels, of which the weight unladen does not exceed 410 kilograms.

“Owner” in relation to a Vehicle means the person in whose name the vehicle is registered at the relevant time under the Vehicle Excise and Registration Act 1994.

“Park” refers to a Vehicle which Waits in a Parking Place.

“Parking Permit” means a permit issued by or on behalf of the Council which entitles the holder of the permit to park a Vehicle in a specified Parking Place without displaying a valid Pay and Display Ticket, the charges for which are set out in the Schedule to this Order

“Parking Place” means any land, premises or place specified by name in Column 1 of the Schedule.

“Parking Space” means any area of a Parking Place which is provided for the leaving of a Vehicle and indicated by markings on the surface of the Parking Place.

“Parking Ticket” means a ticket purchased from a Ticket Machine at a Pay and Display Parking Place.

“Pay and Display Parking Place” means a Parking Place designated as such by this Order.

“Penalty Charge” means the charge set by the Council under the provisions of the 2004 Act and subordinate legislation made thereunder.

“Penalty Charge Notice” means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of section 78 of the 2004 Act and The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, or any other legislation as may replace it in the future.

“the 2004 Act” means the Traffic Management Act 2004.

“the Council” means Lancashire County Council.

A Vehicle displays a Disabled Person's Badge, Parking Disc, Parking Permit or Parking Ticket in the “Relevant Position” if -

- i) it is exhibited on the dashboard or fascia of the Vehicle, or
- ii) where the Vehicle is not fitted with a dashboard or fascia the badge/disc/permit/ticket is exhibited in a conspicuous position on the Vehicle, so that the front of the badge/disc/permit/ticket is clearly legible from the outside of the Vehicle.

“Ticket Machine” means an apparatus of a type and design approved by the Secretary of State 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 have left the Parking Place. Where every Ticket Machine at a Parking Place is out of order or where the Parking Place is one designated as having a Ticket Machine but none installed, references to Ticket Machine shall at the relevant time be construed to refer to a person authorised by the Council from whom a Parking Ticket may be purchased.

“Vehicle” means a Motor Car, Motorcycle or Invalid Carriage.

“Wait” refers to a Vehicle stopping and remaining stationary for any period of time whether or not with the intention of parking. If a Vehicle remains stationary for any period in a Parking Place whether or not a person alights from the Vehicle it is deemed to be Waiting.

PART II DESIGNATION AND USE OF PARKING PLACE

Designation and use of parking place

- 2.1 Each area of land or place specified by name in column 1 of the Schedule may be used subject to the following provisions of this Order, as a Parking Place for such Vehicles or classes of vehicles, in such positions, for such period on such days and during such hours and on payment of such charges, as are specified in relation to that Parking Place in the Schedule to this Order. No person shall, unless authorised in writing by the Council, use any Parking Place so named for any other purpose whatsoever.

Position of vehicle

- 2.2 Every Vehicle left Waiting in a Parking Place in accordance with the provisions of this Order shall so stand so that every part of the Vehicle is within the limits of a particular Parking Space within the limits of the Parking Place.

Hours of operation

- 2.3 No person shall permit a Vehicle to Wait in a Parking Place during hours other than the Hours of Operation.

Parking only for disabled person’s badge holders

- 2.4 A Driver shall not cause or permit a Vehicle to Wait in a Parking Space signed and/or marked for a Disabled Person’s Vehicle, known as a Disabled Person’s Parking Space, unless the Vehicle is a Disabled Person’s Vehicle and it displays a valid Disabled Person’s Badge in the Relevant Position.

Parking only for motorcycles

- 2.5 A Driver shall not cause or permit a Vehicle other than a Motorcycle to Wait in a Parking Space signed and/or marked for Motorcycles.

PART III RELOCATION AND REMOVAL OF VEHICLES

Removal and repositioning of vehicles

- 3.1 When a Vehicle Waits 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 Vehicle or arrange for the Vehicle to be removed from that Parking Place and when a Vehicle is Waiting in a Parking Place in contravention of the provision of Article 2.2 a person authorised in that behalf by the Council may alter or cause to be altered the position of the Vehicle in order that its position shall comply with that Article.

Removal of vehicles in an emergency

- 3.2 For the purpose of meeting the requirements of an emergency a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of a Vehicle in a Parking Place or remove or arrange for the removal of a Vehicle from a Parking Place and in so doing shall provide for the safe custody of the Vehicle.

Method of removing and repositioning vehicles

- 3.3 An authorised person altering or causing to be altered the position of the Vehicle by virtue of Articles 3.1 or 3.2, or removing or causing the removal of a Vehicle by virtue of Articles 3.1 or 3.2 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.

Safe custody of vehicles

- 3.4 An authorised person removing or arranging for the removal of a Vehicle by virtue of Articles 3.1 or 3.2 shall make such arrangements as he considers to be reasonably necessary for the safe custody of the Vehicle.

- 3.5 Where an authorised person has removed or caused to be removed a Vehicle by virtue of Articles 3.1 or 3.2 the Council shall be entitled to recover from any person responsible such charges in respect of the removal, storage and disposal of the Vehicle as it determined under Schedule 9 of the 2004 Act.

Power to close any parking place or part thereof

- 3.6 Notwithstanding the provisions of this Order any person authorised by the Council may by notice, sign or barrier displayed on or near the Parking Place close any Parking Place or any part thereof for any period and/or may designate any Parking Place or any part thereof as reserved for use only by particular Vehicles for particular purposes approved by the Council.
- 3.7 No Driver of any Vehicle shall use the Parking Place or any part thereof when it is so closed unless with the written consent of the Council or in compliance with the particulars of the reservation.

**PART IV
OTHER PROVISIONS**

Stop engine

- 4.1 The Driver of a Vehicle using a Parking Place shall stop the engine as soon as a Vehicle is correctly in position in the Parking Space 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

- 4.2 The Driver of a Vehicle using a 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.

Vehicle tax and insurance

- 4.3 The Driver of a Vehicle shall not cause nor permit the Vehicle to Wait in any Parking Place unless the Vehicle is licensed in accordance with the provisions of the Vehicles Excise and Registration Act 1994 and there is in relation to the use of the Vehicle by the Driver such a current policy of insurance as complies with the requirements of the Road Traffic Act 1988.

Entry and exit

- 4.4 The driver of a vehicle shall comply with all signs and markings in a Parking Place:
(i) indicating the entrance to or exit from the Parking Place; or
(ii) indicating that a Vehicle using the Parking Place shall proceed in a specified direction within the Parking Place.

Activities prohibited in parking places

- 4.5 No person shall use a Vehicle while it is in a Parking Place in connection with the sale of any article (including the Vehicle itself) to persons in or near the Parking Place or in connection with the selling or offering for hire of his skills or services, except with the prior written permission of the Council.
- 4.6 No person shall use any part of a Parking Place or any Vehicle left in a Parking Place:
(i) for sleeping or accommodation or camping purposes;
(ii) for eating or cooking purposes;
(iii) to undertake (or allow to be undertaken) any cleaning, maintenance or repair of a Vehicle except such as may be necessary to enable the Vehicle to be removed from the Parking Place.
- 4.7 In a Parking Place no person shall:
(i) erect or cause to be erected any tent stand building or other structure without the written consent of the Council; or
(ii) light or cause or permit to be lit any fire.

No liability for loss or damage to vehicle or property

- 4.8 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.

PART V CHARGES FOR PARKING

Payment

- 5.1 The Driver of a Vehicle using a Parking Place shall upon leaving the Vehicle in the Parking Place pay the appropriate charge (if any) in accordance with the level of charges specified in column 6 of the Schedule.

5.2 NOT IN USE

Pay and display parking place

5.3 The Driver of a Vehicle using a Pay and Display Parking Place shall upon any person alighting from the Vehicle and leaving it in the Parking Place,

(i) purchase a Parking Ticket for the period required in accordance with the level of charges specified in column 6 of the Schedule, or

(ii) make arrangements to pay the charge through an Approved Method of Payment for the period required in accordance with the level of charges specified in column 6 of the Schedule.

Means of payment

5.4 The charge referred to in the preceding Articles shall be payable by the insertion of an appropriate coin(s), banknote(s) together making up the amount of the charge into the Ticket Machine or pay station situated in that Parking Place or by payment to a person authorised by the Council or where available by an Approved Method of Payment.

Display of parking ticket in a pay and display parking place

5.5 The Driver of the Vehicle Waiting in a Pay and Display Parking Place shall:

(i) ensure that a Parking Ticket is purchased to cover the entire period that the Vehicle is left Waiting in the Parking Place during the Hours of Operation; and

(ii) ensure that the purchased Parking Ticket is displayed in the Relevant Position on the Vehicle in respect of which it was issued for the whole duration of it being Parked.

Validity of parking ticket in a pay and display parking place

5.6 A Parking Ticket is not transferable from one Vehicle to another.

5.7 A Parking Ticket is valid only in the Pay and Display Parking Place in which it was issued. This is defined by the reference code of the Ticket Machine location in that Parking Place printed on the Pay and Display Ticket.

5.8 The fact that the period for which a charge for the use of a Parking Place has been paid has expired shall be indicated when there is

exhibited on the Vehicle a Parking Ticket and the expiry date and time printed on the Parking Ticket are earlier than the date and time displayed on the clock of the issuing Ticket Machine.

Tickets as evidence

- 5.9 The particulars specified on a Parking Ticket which provides for the time at which a Parking Ticket was obtained from the Ticket Machine to be calculated shall (in the absence of proof of the malfunction of the Ticket Machine or the automatic barrier) be conclusive proof of the particulars so specified.

No parking ticket displayed in a pay and display parking place

- 5.10 If at any time while a Vehicle is Waiting in a Pay and Display Parking Place no Parking Ticket is displayed on that Vehicle in accordance with Article 5.5 it shall be deemed that the charge has not been paid.
- 5.11 If at the time when a Vehicle is Waiting during the Hours of Operation in a Pay and Display Parking Place and on the nearest Ticket Machine in that Parking Place there is a notice placed upon it by a person duly authorised by the Council indicating that the said Ticket Machine is out of order then a Parking Ticket shall be obtained from another Ticket Machine within the same Parking Place (where another Ticket Machine is so provided) or obtained from a person authorised by the Council to issue such Parking Tickets. Otherwise Article 5.12 shall prevail where there is no Ticket Machine or all Ticket Machines are out of order, whether signed as such or not, or where no person has been so authorised by the Council.
- 5.12 Where no valid Parking Ticket can be obtained and displayed pursuant to the circumstances described in Article 5.11 Vehicles may be left in a Parking Place and the Driver of the Vehicle shall be exempt from payment of the charge PROVIDED THAT the Vehicle does not remain in the Parking Place for longer than the maximum time limit (if any) allowed in the Parking Place.

Exemption from the requirement to display a parking ticket in a pay and display parking place

- 5.13 Where arrangements to pay the level of charge in a Pay and Display Parking Place have been made through an Approved Method of Payment and no Parking Ticket is dispensed from the Ticket Machine the Driver of the Vehicle shall be exempt from the requirement to display such a Parking Ticket.

Restriction on removal of parking ticket or permit

- 5.20 When a Parking Ticket or Parking Permit has been exhibited on a Vehicle in the Relevant Position no person shall remove the Parking Ticket Parking Permit from the Vehicle until the Vehicle is removed from the Parking Place.

PART VI EXEMPTIONS FROM CHARGES

Exemptions from charges

- 6.1 No charge shall be payable in respect of:
- (i) a Disabled Person's Vehicle Waiting within a designated Disabled Person's Parking Space in a Pay and Display Parking Place for a period of up to three hours from the time at which the period of Waiting shall have begun provided that the Vehicle shall not return to the said Parking Place for a further period of such Waiting until a period of at least eight hours shall have elapsed since the conclusion of that first period of Waiting.
 - (ii) a Vehicle Waiting in a Parking Space which displays in the Relevant Position a valid Parking Permit for that Parking Place.

PART VII CONTRAVENTION OF THIS ORDER

Contravention

- 7.1 Where a contravention of this Order constitutes a parking contravention within the meaning of the 2004 Act the contravention shall be subject to the penalties and procedures provided for by the said legislation and any subordinate legislation made thereunder.
- 7.2 If a Vehicle is left in a Parking Place in contravention of this Order a Penalty Charge shall be payable by the person:
- (i) who was the Owner of; or
 - (ii) who hired
the Vehicle involved in the contravention at the Material Time.

Restriction on removal of notices

- 7.3 A Penalty Charge Notice fixed to a vehicle shall not be removed or interfered with except by or under the authority of:-
(a) the owner or person in charge of the Vehicle; or
(b) the Enforcement Authority.

Indications of evidence

- 7.4 The particulars given in a Penalty Charge Notice issued in accordance with the 2004 Act and any subordinate legislation made thereunder shall be treated as evidence in any proceedings relating to the failure to pay such Penalty Charge.
- 7.5 A contravention of this Order which does not constitute a parking contravention within the meaning of the 2004 Act is an offence under section 35A of the 1984 Act.

Disposal of Vehicles

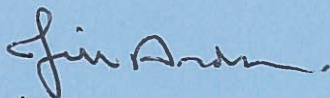
- 7.6 If a Vehicle has been, or could at anytime be, removed from a Parking Place in pursuance of this Order and the Vehicle appears to the Council to have been abandoned the Council may dispose of that Vehicle in such a manner as it thinks fit, the provisions set out in the 1984 Act shall apply.

**PART VIII
COMMENCEMENT OF ORDER**

This Order shall come into force on the 5th day of July 2016 and may be cited as the "Lancashire County Council (Preston Bus Station Multi-Storey Car Park, Preston City) (Off Street Parking Place) Order 2016".

Dated this 29th day of June 2016.

THE COMMON SEAL of the Lancashire County Council was hereunto affixed following a decision made on the 9th day of June 2016 by the Cabinet Member for Highways and Transport



Authorised Signatory



25318

Schedule

1	2	3	4	5	6
Name of Parking Place	Designation of type of Parking Place	Position in which vehicles must park	Classes of vehicles	Days and hours of operation	Scale of charges
Preston Bus Station (floors 1-6 ONLY)	Pay and Display Parking Place	Wholly within a Parking Space, in accordance with article 2.2	Motor Car, Motorcycle, Invalid Carriage	Monday to Sunday (including Bank Holidays) inclusively – 24 hours a day	up to 2 hours = £1.60 2 – 4 hours = £3.20 Up to 12 hours - £4.00 Up to 24 hours - £6.00

Permit Charges	
Permit Type	Cost
10 use permit	£35.00
Quarterly Permits	£180.00
Annual Permits	£670.00