

THE SOUTH NORFOLK DISTRICT COUNCIL
(OFF-STREET PARKING PLACES)
CIVIL ENFORCEMENT ORDER 2011

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South Norfolk District Council in exercise of their powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended (“the 1984 Act”) and under Part 6 of the Traffic Management Act 2004, as amended (“the 2004 Act”) and of all other enabling powers and with the consent of Norfolk County Council in accordance with Section 39 of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act hereby makes the following order:

PART I

GENERAL

Commencement and Citation

1. This order shall come into operation on the 21st day of November 2011 and may be cited as the South Norfolk District Council (Off-Street Parking Places) Civil Enforcement Order 2011.

Interpretation

2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:-

“Caravan” shall have the same meaning as in Section 3 of The Road Vehicles (Construction and Use) Regulations 1986;

“Charging hours” means the periods specified in Column 5 of the Schedule in respect of which a charge is specified in Article 3;

“Civil Enforcement Officer” has the same meaning as in Section 76 of the 2004 Act;

“Council” means South Norfolk District Council or its successor authority and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council;

“Driver”, in relation to a vehicle parked in a Parking Place, means the person driving the vehicle at the time it was parked in the Parking Place or the person deemed to be the Driver under the terms of this Order;

“Disabled Parking Bay” means an area of a Parking Place indicated as such as an area where a vehicle displaying a Disabled Person’s Badge may be parked;

“Disabled Person’s Badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended; and

for the purposes of this Order a vehicle shall be regarded as displaying a Disabled Person’s Badge in the relevant position, when

- (a) in the case of a vehicle fitted with a front windscreen a current and valid badge is exhibited in a conspicuous forward facing upright position on the near side of and immediately behind the windscreen, or
- (b) in the case of a vehicle not fitted with a front windscreen a current and valid badge is exhibited in a conspicuous forward facing upright position on the side of the vehicle.

“Enforcement Authority” means the Council;

“Free Parking Place” means any free car park place provided by the Council for use for parking without payment of a charge;

“General Regulations 2007” means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Motor Car”, “Motorcycle” and “Invalid Carriage” shall have the same meaning as in Section 136 of the 1984 Act;

“Motorcycle Parking Area” means an area of a Parking Place indicated as such as an area where a Motorcycle, in accordance with the provision of this Order, may be parked;

“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 parked in the Parking Place in question;

“Park” and “Parked” refer to the stopping of a vehicle and it waiting or remaining at rest, or standing or being stationed, other than momentarily, whether or not the driver is still in the vehicle and a vehicle shall be deemed to be Parked for any period in the same Parking Place or Parking Bay (as the case may be) if any part of the Parking Place or Parking Bay is below the vehicle or the vehicles load (if any) whether or not the vehicle is moved during that period.

“Parking Bay” means an area of a Parking Place indicated by markings on the surface of the Parking Place, or signed or otherwise indicated by signs as an area where a vehicle, in accordance with the provisions of this Order, may be parked;

”Parking Charge” means the sum of money specified in Column 5 of the Schedule;

“Penalty Charge” has the same meaning as in Section 2 of the General Regulations 2007;

“Parking Charge Notice” has the same meaning as in Section 8 of the General Regulations 2007;

“Parking Place” means an area of land specified by name in Column 1 of the Schedule provided by the Council for the purpose of vehicle parking;

“Permitted vehicle” in the case of a particular Parking Place means only any private motor car, cycle or motorcycles unless otherwise stated in relation to that Parking Place in column 6 of the Schedule;

“Public Holidays” means Christmas Day, Good Friday and any other day designated by the Government as a public holiday;

“Ticket” means a ticket issued by a ticket machine located in the parking place in which the vehicle has been parked or issued by a person nominated by the Council being valid for a parking period as advertised at that parking place;”

“Ticket Machine” means an apparatus of a type and design approved by the Secretary of State for the purpose of this Order, being an apparatus designed to issue parking tickets;

“Trailer” means a wheeled device, including caravan, designed or adapted to be drawn by a vehicle;

2.(2) Except where the context requires otherwise, any reference in this Order to a numbered Article or Schedule shall be construed as a reference to the Article bearing that number in this Order and the Schedule to this Order;

2.(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

2.(4) Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting persons shall include either gender, bodies corporate, unincorporated associations and partnerships.

2.(5).The Interpretation Act 1978 shall apply for the interpretations of this Order.

PART II

DESIGNATION, USE AND CHARGES FOR PARKING PLACES

Designation

3. Each Parking Place, may be used, subject to the provisions of this Order, as a parking place for the classes of vehicles to be parked in the appropriate Parking Bays on the days and during the hours and on payment of such charges (if any) as are specified in relation to the Parking Place in the Schedule.

Class and position of vehicles

4. Where in the Schedule a Parking Place is described, or where a Parking Bay is designated by surface or other marking, as available for vehicles of a specified class, the Driver of a vehicle shall not permit it to enter or be parked in that Parking Place or Parking Bay unless it is of the specified class.
5. Subject to a Parking Place having marked Parking Bays, no vehicles shall be parked in a Parking Place other than wholly within a Parking Bay and in particular no vehicle shall be parked in a Parking Place in such a position as to obstruct;-
 - (i) the entrance or exit of the Parking Place, nor
 - (ii) the waste receptacles within the Parking Place, nor
 - (iii) the driving away of any vehicle already parked in the Parking Place or other vehicles generally

Display of ticket

6. Once a vehicle has been parked in a Parking Place the Driver of the vehicle shall ensure that, in accordance with the provisions of this Order a current and valid Ticket or current and valid season ticket has been obtained to cover the entire period that the vehicle is parked in the Parking Place.
7. (i) The Driver of a vehicle possessing a windscreen parked in a Parking Place shall conspicuously display the Ticket or season ticket within the vehicle either by attaching it firmly to the front

windscreen or by placing it on the dashboard of the vehicle in a forward facing upright position.

- (ii) The Driver of a vehicle not possessing a windscreen parked in a Parking Place shall display the Ticket or season ticket in a prominent forward facing upright position as to be visible by a Civil Enforcement Officer.
- (iii) The date, time of issue and any other particulars set out on the Ticket or season ticket must be clearly visible from outside the vehicle during the entire period the vehicle is parked in the Parking Place.

No ticket displayed

- 8. If at any time while a vehicle is parked in a Parking Place no Ticket or season ticket is displayed on that vehicle in accordance with the provisions of this Order, it shall be deemed that the appropriate Parking Charge has not been paid for the appropriate period.
- 9. If at the time when a vehicle is parked during the Charging Hours in a Parking Place and the nearest Ticket Machine in that Parking Place is out of order, then a ticket shall be obtained from another Ticket Machine within the same Parking Place (where provided).

Payment

- 10. The Driver of a vehicle using a Parking Place shall pay the appropriate Parking Charge (subject to the provisions of this Order and a Parking Charge being payable for the relevant period)

Means of payment

- 11. (i) The Parking Charge will (subject to the other provisions of this Article) be payable by the insertion of an appropriate coin or coins into a ticket machine.
- (ii) The Parking Charge may be satisfied by the purchase of a season ticket.
- (iii) The Parking Charge will be paid by such other means as are authorised by the Council and prominently displayed on a board at the Parking Place.
- (iv) No Parking Charge will be payable in respect of Motor Cycles parked in a Motor Cycle Parking Area.

- (v) No Parking Charge will be payable in respect of a Free Parking Place.

Validity of tickets, etc.

- 12. Any Ticket or season ticket issued on payment of the Parking Charge is not transferable and shall not be valid for any vehicle (whether or not that other vehicle is owned or is under the control of the Driver) other than that for which it was originally purchased by the Driver.

Season Tickets

- 13. The Driver of a vehicle may (where season tickets are applicable to the Parking Place) subject to the Council's discretion and on application to the Council purchase a season ticket in respect of that vehicle. A season ticket may be used to allow a vehicle to park in a Parking Bay in the specified Parking Place only without payment of further charge during the period for which it is issued, provided that the season ticket is displayed in accordance with Article 7.
- 14. A season ticket is not transferable and shall not be valid on any vehicle (whether or not that other vehicle is owned or is under the control of the Driver) other than that vehicle for which it was originally purchased by the Driver.
- 15. The holder of a season ticket shall abide by the terms and condition stipulated by the Council for use of the season ticket.
- 16. A season ticket remains the property of the Council and must be surrendered upon request.
- 17. Damaged or lost season tickets will be replaced by the Council on payment of an administration fee. The damaged or lost season ticket will then become immediately invalid.
- 18. The holder of a season ticket shall on surrendering the season ticket be entitled to a refund upon the number of complete months remaining un-expired from the beginning of the calendar month following the date upon which the Council receives the surrendered season ticket. The Council may accept the transfer of the season ticket to a new vehicle on the surrender of the existing season ticket to the Council subject to the relevant administration fee and subject to the procedure stated in the condition of holding such a ticket.

Disabled Person's Parking

19. The Driver of a vehicle displaying a current and valid Disabled Persons Badge may (subject to compliance with all other provisions of this Order) park that vehicle in a Disabled Parking Bay provided that :
- (a) the Driver of the vehicle is a disabled person to whom the badge was issued in respect of that vehicle,
 - (b) the vehicle is being used for the carriage of a disabled person to whom the badge was issued,
 - (c) the vehicle is one being used for the carriage of disabled persons by an institution to whom the badge was issued in respect of that vehicle.

Restrictions on use

20. The Driver of a vehicle shall not permit that vehicle to be parked in the Parking Place 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 IV of the Road Traffic Act 1988.
21. The Driver of a vehicle using a Parking Place, shall stop the engine as soon as the vehicle has been parked and shall not start the engine except when about to change the position of the vehicle in the Parking Place or to depart from the Parking Place
22. Except with the authority in writing of the Council or person authorised on behalf of the Council, no person shall use a vehicle, whilst it is in a Parking Place, in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of his skill or services.
23. Except with the authority in writing of the Council or person authorised on behalf of the Council no person shall use any part of a Parking Place, or any vehicle parked in a Parking Place:-
- (a) for sleeping or camping purposes;
 - (b) or cooking purpose;
 - (c) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place;
24. No person shall charge or discharge, or permit to be charged or discharged, a vehicle's fuel tank whilst it is in the Parking Place.

25. The Driver of a vehicle using the 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.
26. Where in a Parking Place signs are erected or surface markings are laid for the purpose of:-
 - (1) indicating the entrance to or exit from the Parking Place, or
 - (2) 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 so that it enters or leaves the Parking Place otherwise than at the designated place or so that it proceeds otherwise than in a specified direction.
27. No person, shall, except with the permission of any person duly authorised by the Council or a Civil Enforcement Officer, drive or permit to be driven any vehicle in a Parking Place, other than for the purpose of parking that vehicle in a Parking Place, in accordance with the provision of this Order or for the purpose of departing from a Parking Place.
28. In the Parking Place no person shall leave a vehicle stationed overnight, except upon the direction or with the permission of the Council or an agent acting on behalf of the Council or a Civil Enforcement Officer.

Period of no return

29. Where by notice on site, a Parking Place is described as having a period within which a vehicle may not return, no person shall cause or permit a vehicle to be parked again in that Parking Place on any day, during such hours within which the vehicle is excluded from waiting in the Parking Place.

Power to close or suspend parking places

30. By conspicuous notices to the effect the Council may suspend parking on or close the Parking Place, or part thereof for any period or for use only by particular vehicles or organisations and failure to observe such notices shall be a contravention of this Order.
31. No person shall cause or permit a vehicle to be left in the Parking Place, or any part thereof during such periods that the use of that Parking Place is closed or suspended in accordance with Article 30.

PART III

CONTRAVENTION AND PENALTY CHARGE

32. Where a Driver has parked a vehicle in a Parking Place in contravention of this Order a Penalty Charge shall become payable. A Penalty Charge Notice to that effect will be attached to the vehicle or handed to the Driver by a Civil Enforcement Officer, or posted to the owner, pursuant to Regulations 9 and 10 of the General Regulations 2007.
33. A Penalty Charge shall be payable to the Enforcement Authority.
34. In the event of payment of the Penalty Charge being received by the Enforcement Authority within 14 days of the day in which it was incurred the amount of penalty charge will be discounted in accordance with the General Regulations 2007.
35. A Penalty Charge Notice referred to in Article 32 and issued by a Civil Enforcement Officer shall include the following particulars:
 - (a) the enforcement authority,
 - (b) the parking place at which the contravention occurred, (which may be identified on the Penalty Charge Notice by an abbreviation or code)
 - (c) the registration mark of the vehicle or, when the vehicle is being used under a trade licence, the registration mark of that trade licence,
 - (d) the date and time at which the Penalty Charge was seen to be payable,
 - (e) the grounds on which the Civil Enforcement Officer serving the Penalty Charge Notice believes that a Penalty Charge is payable,
 - (f) the amount of the Penalty Charge,
 - (g) the manner in which and time within which the Penalty Charge shall be payable,
 - (h) a statement that a reduced charge may be payable if payment is made within fourteen days of the Penalty Charge Notice being incurred.
 - (i) A statement to the effect that if the Penalty Charge is not paid before the end of the period of 28 days a notice to the owner may be served by the Enforcement Authority on the owner of the vehicle.

- (j) The provisions required by paragraph 3 (2) of The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
36. A Penalty Charge Notice referred to in Article 32 and issued by post by the Enforcement Authority in accordance with section 10 of the General Regulation 2007 shall in addition to the particulars specified in Article 35 include the particulars specified in paragraph 2 of the Schedule to the General Regulations 2007.
37. The Penalty Charge referred to in Article 32 shall be paid to the Enforcement Authority or an agent acting on behalf of the Enforcement Authority in accordance with the instructions on the reverse of the Penalty Charge Notice.
38. The Driver of a vehicle in respect of which a Penalty Charge has been incurred shall pay the Penalty Charge or provide proof of payment of the Penalty Charge to the Enforcement Authority which shall be delivered to or sent by post so as to reach the Enforcement Authority or an agent on behalf of the Enforcement Authority detailed on the reverse of the Notice within 28 days.
39. If the fourteenth day or twenty eight day following the day on which the Penalty Charge was incurred falls upon a day on which the office is closed, the period within which payment of the discounted Penalty Charge or the full Penalty Charge shall be made to the Enforcement Authority or an agent on behalf of the Council shall be extended until 1.00 p.m. on the next full day on which the office is open.
40. Where a Driver of a vehicle fails to pay the Penalty Charge as specified in Article 30 the Enforcement Authority may follow the procedures set out in the General Regulations 2007 to recover the Penalty Charge.
41. A Driver who desires to make representations on or appeal against the Penalty Charge Notice issued to him may make representation or appeal to the Enforcement Authority or adjudicator (as relevant) pursuant to the procedures set out in the Civil Enforcement of Parking Contravention (England) Representation and Appeals Regulation 2007.
42. When a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of this Order no person other than a person authorised by the Council in that behalf or the Driver or person authorised by the Driver in that behalf shall remove the notice from the vehicle.

PART IV

RELOCATION AND REMOVAL OF VEHICLES

43. Subject to the proviso hereto, when a vehicle is parked in a parking Place, in contravention of any of the provisions of this Order, or it is necessary to meet the requirements of an emergency, a person authorised on behalf of the Council or a Civil Enforcement Officer may remove the vehicle or arrange for it to be removed from the Parking Place, or may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions or meet the requirement of the emergency.
44. Any person removing or causing the alteration of the position of a vehicle by virtue of Article 43 may do so by towing or driving the vehicle or in such other manner as that person may think necessary and may take such measures in relation to the vehicle as that person may think necessary to enable that person to remove or alter its position.
45. When a person authorised by the Council or a Civil Enforcement Officer removes or makes arrangement for the removal of a vehicle from the Parking Place, by virtue of Articles 43 and 44 of this Order, that person shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
46. Where a vehicle has been removed in accordance with Articles 43, 44 and 45 of this Order the charges as specified in paragraph 3 to the Schedule of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 shall become payable.

PART V

LIABILITIES AND PENALTIES

47. The Council shall not be responsible for any loss or damage to the vehicle or to anything contained therein or attached thereto arising from or in consequence of the exercise of the powers contained in Articles 43 and 44.
48. The Council accepts no liability for the loss or damage to vehicles or other property left in any Parking Place.
49. Any person who with intent to defraud interferes with the Ticket Machine or operates or attempts to operate it by insertion of objects other than undamaged and unaltered coins of legal tender and of appropriate

denomination, or other approved method of payment, shall be liable to prosecution.

50. The Council has the right to remove any object or structure left in a Parking Place which is in contravention of any of the foregoing provisions of this Order. A person authorised by the Council may remove the object or obstruction from that Parking Place or arrange for such removal and the cost of which shall be met by the person leaving that object or structure.

PART VI

REVOCATIONS

51. The following Orders will become revoked on the date of commencement of this Order as follows:

The South Norfolk (Off-Street Parking Places) Order 2001 – in its entirety;

Variation Order No 6 to The South Norfolk (Off-Street Parking Places) Order 2001;

The South Norfolk (Off-Street Parking Places) Wymondham Order 2007;

Variation Order No 1 to The South Norfolk (Off-Street Parking Places) Wymondham Order 2007 – in its entirety.

Dated this 21st day of November 2011

THE COMMON SEAL of SOUTH)
NORFOLK DISTRICT COUNCIL)
was hereunto affixed in the)
presence of:)
