

BODMIN TOWN COUNCIL (OFF-STREET PARKING PLACES) ORDER 2001

The Bodmin Town Council (hereinafter referred to as 'the Council') in exercise of its powers under sections 35, 57 and 59 of (and Part IV of Schedule 9 to) the Road Traffic Regulation Act 1984 (hereinafter referred to as 'the Act of 1984') and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984, and with the consent of the Cornwall County Council given under Section 59 of the ACT of 1984, hereby make the following Order:-

1. (1) This Order shall come into force on the 1st April, 2001 and may be cited as The Bodmin Town Council (Off Street Parking Places) Order 2001.

(2) The Bodmin Town Council (Off-Street Parking Places) Order 1991 is hereby revoked.
2. In this Order :
 - a) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated or re-enacted by, or as having effect by virtue of, any subsequent enactment.
 - b) 'enactment' means any enactment whether public, general or local, and includes any order, by-law, rule, regulation, scheme or other instrument having effect by virtue of any enactment;
 - c) 'parking place' means any area of land specified by name in column 1 of the Schedule to this Order provided by the Council under Section 57 of the Act of 1984 for use as a parking place;
 - d) 'parking bay' means a space in a parking place which is provided for the leaving of a vehicle.
 - e) 'vehicle' means a motor car, motor cycle, motor van, mini bus, motor coach, motor home, small lorry, lorry, or invalid carriage and includes a trailer or caravan.
 - f) '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
 - g) 'Car Park Inspector' means a person authorised by or on behalf of the Council to supervise any parking place;
 - h) 'disabled person's badge' has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982:
 - i) 'relevant position' has the same meaning as in the Local Authorities; Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986; and
 - j) 'owner' has the same meaning as in Sections 111 and 142 of the Act of 1984;
3. Each area of land specified by name in column 1 of the Schedule to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions and on such days and during such hours, and on payment of such charges as are specified in relation to that area in the said Schedule.
4. Where in the Schedule to this Order a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place;

BODMIN TOWN COUNCIL

(OFF STREET PARKING PLACES) ORDER 2001

STATEMENT - REASONS FOR MAKING THE ORDER

a)	To revoke the Bodmin Town Council (Off Street Parking Places) Order 1991.
b)	To revise and regulate the parking in Priory Car Park - Sections 1 and 2.
c)	To increase the parking charges and penalty charges in Priory Car Park Section 1 to offset the costs of inflation, maintenance and running expenses.
d)	To introduce a basic parking charge in Priory Section 2 to help to offset the maintenance costs of this area of the car park.

- a) unless it is of the specified class; or
 - b) in a position other than that specified.
5. The driver of a vehicle shall not permit it to wait in a parking place -
- i. for longer than the maximum period permitted for waiting specified in relation to that parking place in the Schedule to this Order; or
 - ii. if a period of less than one hour has elapsed since the termination of the last period of waiting (if any) of the vehicle in Section 1 (Short Stay) of Priory Car Park.
6. 1) The driver of a vehicle using a parking place shall on leaving the vehicle in the parking place pay the appropriate charge in accordance with the Scale of Charges specified in Column 7 of the Schedule to this Order. Provided that no charge shall be payable by the driver of a vehicle left in that Parking Place, who produces a valid monthly, quarterly or annual ticket or pass, issued in respect of that vehicle, in accordance with the provisions of Paragraph (4) of this Article.
- 2) The initial charge referred to in the last preceding paragraph shall be payable either (a) on leaving the vehicle in the parking place by the insertion of an appropriate coin or coins into the apparatus or device there provided being an apparatus or device having been specifically or generally approved by the Secretary of State for Transport for such purpose.
- 3) The driver of a vehicle shall attach any ticket issued on payment of the said initial charge in a conspicuous position on the vehicle in respect of which it was issued and shall cause the said ticket to be exhibited in that position for the whole of the period during which the vehicle is left in the parking place.
- 4) The owner of a vehicle may on application to the Council, purchase a monthly, quarterly or annual ticket, in respect of that vehicle for a charge ascertained by reference to the said scale of charges, and that ticket shall be valid (in such parking places as are specified thereon) during the period for which it is issued.
- 5) Where any vehicle is left in a parking place for an additional period following the period for which the said initial charge has been incurred, an excess charge of fifty pounds (inclusive of VAT) shall be payable for the said additional period during which the vehicle is so left.
- 6) In the case of a vehicle in respect of which the said excess charge has been incurred, a Car Park Inspector shall attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-
- a) the registration mark of the vehicle or where the vehicle is being used under a trade licence the number of the trade plate carried by the vehicle;
 - b) the date and time at which it was noticed that the excess charge had been incurred;
 - c) a statement that the excess charge of fifty pounds (inclusive of VAT) is required to be paid;
 - d) the manner in which and time within which the excess charge shall be paid; and
 - e) a statement that it is an offence under this Order and Section 35A of the Act of 1984 for the driver of a vehicle who has left the vehicle in the parking place for any period to fail duly to pay any charge or charges incurred in respect of such period.
- 7) Where a notice has been attached to a vehicle in accordance with paragraph (6) of this Article, no persons, other than a Car Park Inspector, shall remove the notice from the vehicle until the vehicle is removed from the parking place.
- 8) The driver of a vehicle in respect of which the excess charge has been incurred, or some other person on his behalf, shall pay the said excess charge to the council by cheque,

banker's draft, money order or postal order payable to the Council which shall be delivered or sent by post so as to reach the Council not later than the fourteenth day following the day on which the said excess charge was incurred or in cash in person at the Council's Offices, Shire House, Mount Folly Square, Bodmin, not later than as aforesaid: provided that the payment is made so as to reach the Council not later than 72 hours following the day on which the excess charge was incurred the Council will accept ten pounds in full satisfaction of the debt.

7. No person shall, except with the permission of the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.
8. 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 cause 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 that specified;

as the case may be.

9. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
10. No person shall use a parking place as a means of passage from one road to another.
11. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in accordance with the provisions of Section 1 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.
12. The driver of a motor 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.
13. No person shall without the prior written consent of the Council use a vehicle, while 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.
14. No person shall use any part of a parking place or any vehicle left in a parking place -
 - a) for overnight sleeping or camping purposes;
 - b) for cooking purposes;
 - c) for the purpose of servicing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
 - d) No individual, or group of persons, will be permitted to undertake the washing of vehicles for income without the expressed and written consent of the Council.
15. In a parking place no persons shall:
 - a) erect or cause or permit to be erected any tent, booth, stand, building, or other structure without the written consent of the Council;
 - b) Light or cause or permit to be lit any fire without the written consent of the Council:

- c) distribute any leaflets of any kind without the written consent of the Council.
16. No person shall in a parking place wantonly shout or otherwise make any loud noise (including the playing of loud music from a motor vehicle) to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
 17. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any persons in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
 18. The following vehicles left in a parking place shall be exempt from any limitation on time and from the payment of any charge specified in columns 6 or 7 of the Schedule to this Order:-
 - i. an invalid carriage;
 - ii. a vehicle issued to a disabled person by the Department of Health and Social Security in lieu of an invalid carriage;
 - iii. a disabled persons' vehicle exempt from vehicle licence duty being of a type referred to in paragraph 18 or paragraph 19 of Schedule 2 of the Vehicle Excise and Registration Act 1994;
 - iv. a vehicle which lawfully displays in the relevant position a disabled person's badge.

All other vehicles including those exhibiting the orange/blue coloured disabled person's badge must pay the appropriate fee.

19. Where any vehicle is standing in a parking place in contravention of the provision of Article 4 (b) of this Order, a Car Park Inspector may alter or cause to be altered the position of the vehicle so that its position shall comply with that provision.
20. Where a Car Park Inspector is of the opinion that any of the provisions contained in Articles 4, 5 or 11 of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he may remove or cause to be removed the vehicle from the parking place and, where it is so removed, shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
21. Where the driver of a vehicle is alleged to have contravened any of the provisions of this Order the owner of the vehicle shall give such information as to the identity of the driver as he may be required to give by or on behalf of the Council, and any other person shall if required as aforesaid give any information which it is in his power to give which may lead to the identification of the driver.

GIVEN under our hands this 29th day of March 2001.

Signed E. J. Senhwal Mayor

E. Chopra Deputy Mayor

In the presence of:- Robert Ellis Town Clerk

