

THE BOROUGH OF EASTLEIGH (BISHOPSTOKE ROAD PLAYING FIELD)
(OFF STREET CAR PARK) ORDER 2023

THE EASTLEIGH BOROUGH COUNCIL (hereinafter called "the Council") in exercise of its powers under sections 32(1) & 35(1) of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers with the consent of the Hampshire County Council in accordance with section 39(3) of the Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act hereby makes the following Order:-

PART I

GENERAL

1. COMMENCEMENT AND CITATION

(1) The provisions of this Order shall come into operation on 4 September 2023 and may be cited as "The Borough of Eastleigh (Bishopstoke Road Playing Field) (Off Street Car Park) Order 2023".

(2) The Borough of Eastleigh (Bishopstoke Road Playing Field) (Off Street Car Park) Order 2002 is hereby revoked.

2. INTERPRETATION

In this Order except where the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them:-

"car park permit" means a ticket or card issued by the Council in respect of a particular vehicle which entitles the holder to leave that vehicle in a parking place at any time in accordance with the provisions of this Order up to and including the date of expiry as shown on the ticket.

"charging hours" means the periods as specified in Column 5 of the Schedule to this Order during which a charge as specified in Column 7 of the Schedule to this Order is payable for leaving a vehicle of a class as specified in Column 3 of the Schedule to this Order in a parking place.

"disabled person's badge" has the same meaning as The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000.

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge, as defined under Section 142 of the Act.

"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 that uses electric motors to drive its wheels which derives some or all of its power from large rechargeable batteries.

"motor cycle" means a two-wheeled mechanically propelled vehicle not having a sidecar or trailer attached thereto.

"Motor vehicles" means the classes of vehicles set out in Column 3 of the Schedule to this Order.

"parking attendant" means a person authorised by or on behalf of the Council to supervise and control vehicles in any parking place.

"parking disc" means a device which –

(a) is 125 millimetres square and coloured blue if issued on or after 1 April 2000 or orange if issued before that date;

(b) has been issued by a local authority and has not ceased to be valid; and

(c) is capable of showing the quarter hour period during which a period of waiting has begun.

"parking place" means the area specified by name in Column 1 of the Schedule to this Order provided by the Council under section 32(1) of the Act for use as a parking place.

"relevant position" means –

(a) the disc is exhibited on the dashboard or the fascia of the vehicle; or

(b) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle so that when marked to show the quarter-hour period during which a period of waiting began that period is clearly legible from the outside of the vehicle

for the purpose of this Order a vehicle displays a disabled person's badge in the relevant position if it is displayed in accordance with The Disabled Person (Badges for Motor Vehicles) (England) Regulations 2000.

"ticket machine" means an apparatus of a type and design approved by the Secretary of State for the Environment for the purpose of this Order being an apparatus designed to issue parking tickets indicating the payment of a charge and the date and time at which the charge was paid.

PART II

USE OF PARKING PLACES

3. USE OF AREAS AS PARKING PLACES

The area 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 a manner specified in relation to the area in the said Schedule.

4. CLASS AND POSITION OF VEHICLES

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 –

- (a) unless it is of the specified class; or
- (b) in a position other than that specified.

5. TRAILERS

The driver of a vehicle drawing a trailer shall not permit the vehicle or the trailer to wait in a parking place unless they have been disconnected and for the purpose of this Order the vehicle and the trailer shall be deemed to be separate vehicles and the said driver shall be deemed to be the driver of each of the said vehicles.

6. USE OF VEHICLES IN PARKING PLACE

- (1) No person shall use a vehicle while it is in a parking place as a dwelling or for any domestic or sanitary purposes.
- (2) No person shall 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 other than with the consent of the Council.

7. DRIVING OF VEHICLES IN PARKING PLACES

No person shall except with the permission of the Council drive any vehicles in parking places 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. REPAIR OF VEHICLES IN PARKING PLACES

No person shall while a vehicle is in a parking place permit the carrying out of any work either of maintenance or repair thereto or of any other nature whatsoever except such as may be necessary to enable the vehicle to depart from the parking place.

9. AMOUNT OF CHARGE AT PARKING PLACES

The charge for a vehicle left in a parking place for any period during the charging hours shall be as specified in Column 6 of the Schedule to this Order.

10. PARKING TICKETS

- (1) The charge specified in Article 9 of this Order shall be paid on the leaving of a vehicle in a parking place during the charging hours by-
 - (a) the insertion into the ticket machine of a coin or coins making up the amount of the charge for which payment is being made; or
 - (b) use of a pay by phone, pay by text or pay by app system where such a facility is available.

(2) Upon payment of the charge for a vehicle left in a parking place, during the charging hours the driver thereof shall exhibit the ticket in a conspicuous position to the vehicle in respect of which it was issued.

11. RESTRICTION OF REMOVAL OF TICKETS

When a ticket has been exhibited on a vehicle in accordance with the provisions of Article 10 of this Order no person shall remove the ticket from the vehicle until the vehicle is removed from the parking place.

12. RESERVED PARKING BAYS

Drivers of vehicles displaying a current Disabled Persons Badge may leave a vehicle in any parking bay for a period of up to 3 hours with no charge.

13. PENALTY CHARGE

(1) If a vehicle is left in a parking place during the charging hours for a period longer than that for which the payment was made or in contravention of any other provision of this order a penalty charge shall be payable.

(2) In the case of a vehicle in respect of which a penalty charge has been incurred it shall be the duty of a parking attendant to 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 name of the parking place in which the vehicle was left and the day and time that the penalty charge was incurred;
- (c) a statement as to the nature of the contravention giving rise to the penalty charge;
- (d) the manner in which and the time within which the penalty charge should be paid; and
- (e) a statement that it is an offence under section 35A of the Act for the driver of a vehicle who has left the vehicle in the parking place to fail to pay the penalty charge.

14. MANNER OF PAYMENT OF PENALTY CHARGE

The penalty charge shall be paid in the manner specified on the penalty charge notice.

15. RESTRICTION ON REMOVAL OF NOTICES

Where a notice has been attached to a vehicle in accordance with the provisions of Article 13(2) of this Order no person not being a parking attendant or the driver of the vehicle or a person authorised by the driver of the vehicle shall remove the notice from the vehicle.

16. EXEMPTION FROM CHARGES

(1) If at a time when a vehicle is left in a parking place during the charging hours all the ticket machines at that parking place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order the driver of that vehicle shall be exempt from payment of the charge.

- (2) (a) Any vehicle left in a parking place shall be exempt from the payment of any charges specified in Column 6 of the Schedule to this Order if a current car park permit has been obtained and is being displayed on the vehicle;
- (b) Car park permits shall be displayed in the same manner as that prescribed in Article 10 for the display of parking tickets purchased from the ticket machine;
- (c) Car park permits which allow parking at no charge may be issued by the Council's Parking Services at the discretion of the Council.

17. REMOVAL OF VEHICLES FROM PARKING PLACES

When a vehicle is left in a parking place in contravention of any of the provisions of Articles 4 or 10 of this Order a person authorised by or on behalf of the Council may remove the vehicle or arrange for it to be removed from that parking place

PROVIDED THAT where a vehicle is left in a parking place in a position other than that specified in Column 2 of the Schedule to this Order a person authorised by or on behalf of the Council may move the vehicle or cause it to be moved to a position which complies with that specified in Column 2 of the said Schedule.

18. MOVEMENT OF VEHICLES IN A PARKING PLACE IN EMERGENCIES

Any person authorised by or on behalf of the Council may move or cause to be moved in case of emergency to any place he thinks fit vehicles left in a parking place.

19. MANNER OF MOVING VEHICLES

Any person removing or altering the position of a vehicle by virtue of Article 17 or Article 18 of this Order may do so by towing or driving the vehicle or any 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.

20. SAFE CUSTODY OF VEHICLES

When a person authorised by or on behalf of the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 17 of this Order he shall make such arrangements as may be necessary for the safe custody of the vehicle.

21. ENTRY AND EXIT

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.

22. POWER TO SUSPEND THE USE OF PARKING PLACES

Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for facilitating the carrying out of works of repair or renewal, or in connection with matters approved or authorised by the Council, or on such other occasions and for such purposes as it sees fit.

23. ELECTRIC VEHICLE CHARGING

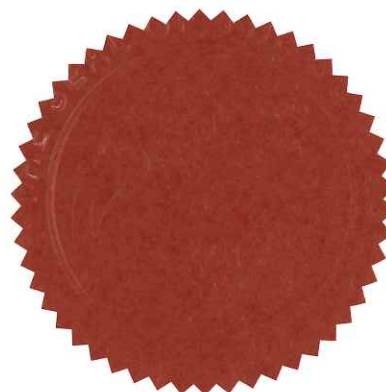
No vehicle other than an electric vehicle being recharged shall be left within a parking place marked as being for recharging electric vehicles.

SCHEDULE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Description of Parking Place	Position in which Vehicles may Wait	Classes of Vehicles	Days of Operation of Parking Places	Hours of Operation of Parking Places	Scale of Charges	Maximum Period for Which Vehicles may Wait During Hours of Operation
Car Park at Bishopstoke Road Playing Field	Wholly within a Car Parking Bay	All Motor Vehicles except those with a Gross Weight in excess of 2.2 Tonnes	Monday to Friday	8.00 am to 6.00pm	No charge for up to 90 Minutes £8.00 for up to and including 10 Hours (No Return within 12 Hours) No Charge for Orange and Blue Badge Holders for up to 3 Hours Quarterly and Business Permit Parking Permitted	10 Hours 3 Hours
			Saturday	8.00am to 12.00 Midday	No charge for up to 90 Minutes No Charge for Orange and Blue Badge Holders for up to 3 Hours £3.00 for up to 4 hours (No Return within 12 Hours) Quarterly and Business Permit Parking Permitted	3 Hours 4 Hours
			Sundays and Bank Holidays being Public Holidays	All Hours	No Charge	No Maximum Period

Dated this 23rd day of August 2023

THE COMMON SEAL of EASTLEIGH)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)



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Head of Legal Services

DATED 23 AUGUST 2023

THE BOROUGH OF
EASTLEIGH (BISHOPSTOKE ROAD
PLAYING FIELD) (OFF STREET CAR
PARK) ORDER 2023

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