



Dated: 27th February 2024

TEIGNBRIDGE DISTRICT COUNCIL

**THE TEIGNBRIDGE DISTRICT COUNCIL
(CIVIL ENFORCEMENT OFF-STREET PARKING PLACES) ORDER 2024**

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THE DISTRICT OF TEIGNBRIDGE (OFF STREET PARKING PLACES) ORDER 2024

Teignbridge District Council (“the Council”) in exercise of their powers under sections 32 & 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the 1984 Act”), and the Traffic Management Act 2004 as amended (“the 2004 Act”) of all other enabling powers and with the consent of the County Council of Devon in accordance with section 39(3) of the 1984 Act and after consulting the chief officer of police in accordance with paragraph 20(1) of Schedule 9 to the 1984 Act make the following order:

PART 1

GENERAL

Commencement Citation and Revocation

1 (1) This Order shall come into effect on the 1st April of Two thousand and twenty four and may be cited as “The District of Teignbridge (Civil Enforcement Off Street Parking Places) Order 2024”

(2) All previous District of Teignbridge (Off Street Parking Places) Orders are hereby revoked

2. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to the Schedule is a reference to the Schedule to this Order

(2) In this Order except where the context otherwise requires

(a) “Civil Enforcement Officer” means persons employed or contracted by the Council and authorised by or on behalf of the Council to supervise any parking place or to enforce the restrictions imposed by this order.

(b) “Charging hours” means any period specified in column 8 of the Schedule in respect of any Parking Place

- (c) “Disabled persons badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as Amended by Disabled Persons (Badges for Motor Vehicles)(England) (Amendment)Regulations 2013
- (d) “Residents Blue Badge Holder Parking Permit shall mean a Residents Blue Badge Holder Parking Permit issued by Teignbridge District Council to a person who has satisfied the criteria for the time being in place to hold such a permit.
- (e) “Disabled Person’s Vehicle” means a vehicle displaying a Residents Blue Badge Holder Parking Permit or Disabled persons badge.
- (f) “driver” in relation to a vehicle left in a Parking Place means the person driving the vehicle at the time it was left in the Parking Place or the person deemed to be the driver under the terms of this Order
- (g) “electric vehicle” means any vehicle which uses one or more electric motors for propulsion
- (h) “electric vehicle charging point” means a designated space in an off-street car park at which an electric vehicle charging point is situated
- (i) “invalid carriage” shall have the meaning assigned to it by section 136(5) of the 1984 Act
- (j) “motor vehicle” shall have that meaning assigned to it by section 136(1) of the 1984 Act
- (k) “motor cycle” shall have that meaning assigned to it by section 136(4) of the 1984 Act
- (l) “owner” in relation to a vehicle means the person by whom such vehicle is kept and used.

- (m) "Parking Bay" 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
- (n) "Parking Device" means either a ticket, card, disc, token, permit, stamp or electronic payment or other similar device, whether used in a vehicle or not (subject to the subsequent provisions of this Order)
- (o) "Parking Place" means any area of land specified by name in the Schedule provided by the Council under section 32(1) of the 1984 Act for use as a Parking Place
- (p) "Pay Station" means the machine into which payment for the use of the Parking Place is made
- (q) "Pre-Paid Card" means a Decremental Card or other similar card which has been issued by the Council following payment of the specified fee for issue of the card
- (r) "Permit" shall mean any Parking Device issued for a set period of time.
- (s) "trailer" shall have that meaning assigned to it by section 136(1) of the 1984 Act

(3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament

PART II

USE OF PARKING PLACES

Use of Parking Places

3. (1) Each Parking Place may be used subject to the following provisions of this Order as a parking place for such classes of vehicles on such days and during such hours as are specified in relation to that Parking Place in the Schedule

(2) Where in the Schedule a Parking Place is described as available for vehicles of a specified class the driver of a vehicle shall not permit it to wait in that Parking Place unless it is of the class so specified

(3) Wherever Parking Bays are provided vehicles shall be positioned wholly within the markings of a Parking Bay and where within a Parking Place there is a sign or surface marking which indicates that a Parking Bay is available only for a Disabled Person's Vehicle the driver of a vehicle shall not permit it to wait in that Parking Bay unless it is a Disabled Person's Vehicle

(4) In so far as a vehicle is left in a Parking Place during the Charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order

(5) Where, within a parking place, there is a sign or surface marking which indicates an electric vehicle charging bay, the driver of a vehicle shall not permit it to wait in that parking bay unless:

- (a) the vehicle is an electric vehicle and
- (b) the vehicle is connected to the charging point and is being charged
- (c) the appropriate fee for parking must be paid

Where there is a sign indicating a maximum stay this must be complied with.

Amount of Charges in Parking Places

4. (1) This Article applies to the Parking Places for which a scale of charges is specified in columns 6 and 7 of the Schedule

(2) The charge for a vehicle left in a Parking Place during the charging hours shall be payable on the scale specified in columns 5 and 6 or 7 of the Schedule ("the Charge")

(3) The Charge shall be payable either (i) in accordance with paragraph (6) of this Article (Permits); or (ii) by the insertion of an appropriate coin or coins into the Pay Station; (iii) by insertion of a Pre Paid Card; or (iv) by electronic payment through a mobile telephone, tablet, pc or similar device (Payment by electronic means may carry a surcharge which is implemented by the supplier, and not the Council).

(4) Where the Parking Place is Pay and Display (P&D) as shown in column 2 of the Schedule any Parking Device issued on payment of the charge referred to in paragraph (2) and (3) of this Article shall be attached in a conspicuous position to the inside of the windscreen of the vehicle in respect of which it was issued.

(5) For the purposes of section 35(3) of the 1984 Act any indication of date and time printed on a Parking Device issued at a pay station shall be conclusive evidence of the date and the time at which such Parking Device was purchased

(6) Any person may on application to the Council purchase a Permit in respect of any vehicle upon payment of the charge referred to in paragraph (2) of this Article and that Permit shall be valid in such Parking Places as are specified in the Schedule during the period for which the Permit is issued. Only Permits issued by the Council will be valid. No Permit may be photocopied or duplicated.

(7) Any Parking Device or Permit issued in accordance with the foregoing provisions of this Article shall remain the property of the Council and Parking Devices or Permit shall not be transferable between vehicles and shall be valid only at the Parking Place in respect of which the Parking Device or Permits was issued unless the Parking Device or Permits expressly provides that it may be transferred between Parking Places.

(8) The Council may reserve in any Parking Place such spaces as it may from time to time determine for the exclusive use of persons who have previously paid such charge as the Council may determine

(9)(i) For the purposes of section 35A(3)(a) of the Act the person responsible for any contravention of or non-compliance with the provisions of this Order shall be the driver of the vehicle determined in accordance with the provisions of paragraph (9)(ii) below

(9)(ii) Pursuant to section 35(A)(3)(a) of the 1984 Act if on the date of vehicle is left in a Parking Place a person is shown to have been the Registered Owner or keeper thereof in writing from the appropriate Registration Authority then for the purpose of this Order and any legal proceedings in relation thereto they shall be deemed to have been the driver of the said vehicle on that date unless the contrary is shown provided that this provision shall not apply where the Registered Owner or keeper is a Company incorporated under the Companies Consolidation Acts 1985

CONTRAVENTION AND PENALTY CHARGE

Contravention

5. If a Vehicle is left in a Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice showing the information required by the 2004 Act may then be served by a Civil Enforcement Officer in accordance with the requirements of the Traffic Management Act 2004 or any subsequent applicable legislation

Penalty Charge Notice

6. In the case of a Vehicle in respect of which the Penalty Charge Notice may have been incurred, it shall be the duty of a Civil Enforcement Officer to either hand the Penalty Charge Notice to the Driver of the Vehicle, attach the Penalty Charge Notice to the vehicle in a conspicuous position or post the Penalty Charge Notice to the Owner of the Vehicle.

Restriction on removal of notices

7. A Penalty Charge Notice fixed to a Vehicle in accordance with Article 6 shall not be removed or interfered with except by or under the authority of:
 - a. the Owner, or person in charge of, the Vehicle;
 - b. the Council for the Parking Place in which the Vehicle in question was found.

Manner of Payment of Penalty Charge

8. (1) The Penalty Charge shall be paid in accordance with the instructions contained on the Penalty Charge Notice,
 - a At a Post Office or PayPoint using the barcode on the Penalty Charge Notice
 - b Online using a debit or credit card
 - c Using the automated phone payment line
- (2) Provided that, if the payment date deadline as described on the PCN for payment, falls upon a day on which the said department or office is closed, the period within which payment of the Penalty Charge shall be made as detailed on the Penalty Charge Notice, shall be extended until 16.00 on the next full day on which the said department or office is open.
9. If the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the Penalty Charge will be reduced by the Specified Proportion.
10. If the driver fails to pay the Penalty Charge by the end of the 28 day period, a Notice to Owner may be served; and if the charge is then not paid within a further 28 days it may be increased by 50% on the issue of a Charge Certificate in accordance with the provisions of section 21 of part 5, The Civil Enforcement of Parking Contraventions (England) General Regulations 2007. Continued failure to pay the Penalty Charge may result in a judgment in the County Court against the Owner to enable the Council to recover the payments due.

11. Payment shall be received not later than 16:00 on the 28th day following the day on which such Penalty Charge was incurred or the 14th day following the day on which the Charge was incurred if the Specified Proportion is paid.

Indications as Evidence

12. The particulars given in the Penalty Charge Notice fixed to a Vehicle in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

Other provisions

13. 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

- 14 (1) No person shall without the 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 their skill or service.

- (2) No person shall without the written consent of the Council use any part of a Parking Place

- (a) for overnight sleeping or camping or cooking or
- (b) 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

15. The driver of a vehicle using a Parking Place shall not sound any horn or other similar instrument

16. (1) If a vehicle is left in a Parking Place in a position other than in accordance with the provisions of Article 3(3) of this order a person authorised by the Council in

that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions

(2) If a vehicle is left in a Parking Place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that Parking Place or arrange for such removal

(3) 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

(4) Any person altering or causing the alteration of the position of a vehicle by virtue of paragraph (1) of this Article or removing or causing the removal of a vehicle by virtue of paragraphs (2) or (3) of this Article may do so by towing or driving the vehicle or in such other manner as they may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed

(5) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (2) or (3) of this Article shall make such arrangements as they consider to be reasonably necessary for the safety of the vehicle in the place to which it is to be removed

(6) The Council will not be liable for any loss or damage to a vehicle or its contents while in a Parking Place

17. Where in a Parking Place signs are erected or surface markings or cross hatch 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; or
- (c) indicating that no parking will take place in this area

no person shall drive 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 so specified and (iii) no person shall park or allow to be parked any vehicle upon any area marked with cross-hatch markings

18. No person shall except with the permission of a person authorised by the Council drive or permit to be driven any vehicle in a Parking Place for any purpose other than 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

19. No person shall in a Parking Place:

(a) erect or cause to be erected any tent booth stand building or other structure without the written consent of the Council or

(b) light or cause to be lit any fire

20. No person shall in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the Parking Place or residents of premises in the neighborhood

21. Where a Civil Enforcement Officer is present at a Parking Place no person shall use a motor vehicle in contravention of their directions

22. No person shall place under the windscreen or in or on any part of any vehicle parked in a Parking Place any leaflet handbill or other unauthorised literature

23. The Council may suspend parking in any Parking Place or part thereof. No person shall park in any Parking Place or part thereof where parking has been suspended

24. The Council may by written agreement permit the use of a Parking Place for vehicles on conditions other than those in this Order but in such cases the Order will remain in effect except to the extent that it is inconsistent with the written agreement

25. Anyone who leaves a vehicle in the Multi Storey Car Park Newton Abbot after 18.30 hours (Monday to Saturday) shall be liable to pay the Council a release fee if the person requires the vehicle to be released before the car park is opened

26. If the driver of a vehicle is unable to leave a "Pay on Foot" car park other than between 09.00 – 18.00 hours Monday to Saturday because the ticket has been lost or for any other reason the driver shall be liable to pay a release fee if they require to exit the car park unless the failure is due to the fault of the Council

PART III

EXEMPTION

27. For the purpose of this Order a vehicle shall be regarded as displaying a disabled persons badge or Resident Blue Badge Holders Permit in the relevant position when –

(i) in the case of a vehicle fitted with a front windscreen the badge is exhibited thereon with the observe side facing forwards on the nearside of and immediately behind the windscreen and

(ii) in the case of a vehicle not fitted with a front windscreen the badge is exhibited in a conspicuous position on the front or nearside of the vehicle.

GIVEN under the Common Seal of Teignbridge District Council this .

THE COMMON SEAL of **TEIGNBRIDGE DISTRICT COUNCIL** was hereunto affixed in the presence of

Authorised Officer

This Order is to come into effect on the 1st April 2024