

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Culture and Recreation
Date:	25 April 2013
Title:	Proposals for Off Street Parking Orders for Royal Victoria Country Park, Manor Farm Country Park, Staunton Country Park and Queen Elizabeth Country Park.
Reference:	4812
Report From:	Director of Culture, Communities & Business Services

Contact name: Emma Noyce

Tel: 01962 845319

Email: Emma.noyce@hants.gov.uk

1. Executive Summary

- 1.1. The purpose of this paper is to seek authority to make Off Street Parking Orders for Royal Victoria, Manor Farm, Staunton and Queen Elizabeth Country Parks.
- 1.2. This paper provides the Executive Member with the necessary information to determine whether to give authority to make the aforementioned decisions.

Extract from the Road Traffic Regulation Act 1984

35. Provisions as to use of parking places provided under s. 32 or 33.

(1) As respects any parking place—

(a) provided by a local authority under section 32 of this Act, or

(b) provided under any letting or arrangements made by a local authority under section 33(4) of this Act,

the local authority, subject to Parts I to III of Schedule 9 to this Act, may by order make provision as to—

- (i) the use of the parking place, and in particular the vehicles or class of vehicles which may be entitled to use it,
- (ii) the conditions on which it may be used,
- (iii) the charges to be paid in connection with its use (where it is an off-street one), and
- (iv) the removal from it of a vehicle left there in contravention of the order

and the safe custody of the vehicle

and the power under paragraph (iii) to make provision as to the payment of charges shall include power to make provision requiring those charges, or any part of them, to be paid by means of the hire or purchase in advance, or the use, of parking devices in accordance with the order.

2. Background

- 2.1. Income from parking at its Country Parks is a crucial funding stream for the Countryside Service and is fundamental to the Service delivering its business plan. It is therefore critical to ensure that the systems and processes around the parking operation are robust, effective and efficiently managed, and provide a good quality service to our customers.
- 2.2. The parking operations at the Countryside Service's country parks have developed over time and largely in isolation, resulting in inconsistencies in their approach to parking management. In 2011 a review was undertaken of the management of car parking within the Countryside Service. This review identified, among other things, that, due to changes in law and the way in which parking in the County is regulated and enforced, three of our existing Parking Orders do not comply with the current legal framework. It is therefore necessary to update these legal Orders to ensure they are compliant and enforceable. A more detailed summary of the exact changes to law and process which has prompted these Orders is included as Appendix 1.
- 2.3. The parking Orders in question are those which regulate parking at Royal Victoria, Manor Farm, Staunton and Queen Elizabeth Country Parks. To make these Orders, officers are required to seek permission from the relevant Executive Member to advertise the Order. When permission is granted the County Council may then advertise the proposed orders on site and in the press for 21 days, during which any member of the public may make a representation or objection. Following this advertisement period, a further report must be taken to the Executive Member to decide whether or not to make the Order.
- 2.4. On 23 January 2013, the Executive Member gave permission for the draft Royal Victoria, Manor Farm, Staunton and Queen Elizabeth Country Parks Orders to be advertised. Copies of the draft Orders as advertised are included at Appendix 2.

3. Formal Consultations

- 3.1. The formal consultation period ran between 15 March 2013 and 5 April 2013 and, as well as advertisement on site and in the press, was circulated to the following groups and individuals:

Local Members (Councillors Fairhurst, Buckley, Darragh & West)

East Hampshire District Council (Deposit/Legal)

Havant Borough Council (Deposit/Legal)

Eastleigh Borough Council (Deposit/Legal)

Chief Constable (RPU Officers)

Chamber of Commerce

Freight Transport Association

Road Haulage Association

- 3.2. No objections have been received in response to this formal consultation.

4. Conclusions

- 4.1. Officers are of the view that these proposals meet the required legal tests and consider it necessary to review and update the provisions of the existing Orders to enable the County Council to lawfully enforce the proposed provisions.
- 4.2. It should be noted that the Orders simply formalise the current charging arrangements at Country Parks, they do not introduce charging where it is not already happening.

5. Recommendations

- 5.1. That Hampshire County Council makes Off Street Parking Places and Prohibition of Waiting Orders for Royal Victoria, Manor Farm, Staunton and Queen Elizabeth Country Parks.

CORPORATE AND LEGAL INFORMATION ABOUT THIS DECISION:

Links to the Corporate Strategy

	Yes	No
Hampshire safer and more secure for all	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maximising well-being		<input checked="" type="checkbox"/>
Enhancing our quality of place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OR

This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report.

(NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
Proposal File	HG/Parking Orders/Room 0.01 Castle Avenue

IMPACT ASSESSMENTS:

This decision has been assessed to see what impact it may have in the following areas. If it has been identified that there are possible implications which may have a negative impact this grid should identify the part of the report which covers the recommendation about how those potential negative impacts are managed or avoided.

Impact Level: **S**= Significant Impact **L** = Low Impact **None** = No impact

IMPACT AREA	IMPACT LEVEL	COMMENTS	WHERE COVERED IN REPORT (Where there are details of how impact could be managed)
Equality & Diversity Impact	N	The decision will not impact on Blue badge Holders who will continue to receive free parking.	
Crime Prevention (under Section 17)	L	This decision will enable off street parking be better regulated, managed and enforced.	
Environmental	N	The proposal is unlikely to have any significant environmental impact.	

Appendix 1

Legislative background

Parking enforcement is, unfortunately, a necessity for revenue protection and to ensure that people comply with parking controls and regulations. Typically, local authorities regulate parking controls by means of a Parking Places Order (PPO), a form of traffic regulation order for the management of parking, which is made using powers under the Road Traffic Regulation Act 1984 (RTRA).

The legislation that provides powers for enforcement changed following the introduction of Decriminalised Parking Enforcement (DPE) under the Road Traffic Act 1991 (RTA), which gave local authorities outside London the choice to decriminalise on-street parking enforcement and to pass this responsibility from the Police to the local authority. This enabled local authorities to integrate on and off-street enforcement and regularised the enforcement and appeals processes by introducing a regulated, national process for enforcement, penalty charges and introduced a mandatory national adjudication service.

This was followed by the Traffic Management Act 2004 (part 6) (TMA), which introduced further changes to parking enforcement, appeals and adjudication and changed the name of local authority parking to Civil Parking Enforcement (CPE).

Hampshire has adopted DPE/CPE on a rolling programme, with Special Parking Areas (SPAs) introduced in most districts – they have not been introduced in Gosport. When an SPA is introduced the local authority is required to amend all of their PPOs to reflect the change in enforcement. This requires that the PPO makes reference to the correct legislative powers, changes in the references to Parking Attendant to Civil Enforcement Officer (CEO) and the removal of 'initial' and 'excess charge' and their replacement with parking charge and Penalty Charge / Penalty Charge Notice (PCN). There are two statutory bands from which a Parking Authority must select a PCN level that applies across the entire SPA. Usually this is set at the higher level, for which the Penalty Charge for most contraventions in a car park (other than parking in a disabled bay) is £50, reduced by 50% for prompt payment and increased by 50% for late payment.

Appendix 2

HAMPSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**THE HAMPSHIRE (STAUNTON COUNTRY PARK)
(OFF STREET PARKING PLACES AND
PROHIBITION OF WAITING) ORDER 2013**

Hampshire County Council in exercise of its powers under Sections 1, 2, 4, 32, 33 and 35 of the Act, as amended by the Traffic Management Act 2004, Part IV of Schedule 9 to the Act, and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

PART I – GENERAL

1. In this Order, and the preamble and schedules hereto :

“The Act” means the Road Traffic Regulation Act 1984;

“The Council” means Hampshire County Council or, as the case may be, Havant Borough Council acting as Hampshire County Council’s agents;

“Car Park Warden” means any person authorised by or on behalf of the Council to supervise any parking place designated by the Order and includes any other officers of the Council employed to control and manage any such parking place;

“Charge Certificate” means a penalty levied to persons who have not paid a Penalty Charge within the statutory time limit, as proscribed by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amending legislation;

“Disabled Person’s Badge” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“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;

“Motor Cycle” means a two wheeled mechanically propelled vehicle not having a side car or trailer attached thereto;

“Owner” has the same meaning as in the Road Traffic Regulation Act 1984;

“Paid Early” refers to the Penalty Charge when it is paid not later than 0900 hours on the 15th day following the day on which the Penalty Charge was incurred;

“Passenger Carrying Vehicle” means a vehicle constructed or adapted solely for the carriage of passengers and their effects;

“Penalty Charge” means a penalty levied for a contravention of this Order at the prevailing rates for Band 2 as proscribed by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amending legislation;

“Prescribed Hours” means the hours specified in Column 5 of schedule 1 to this Order on those days when parking places are available;

“Parking Place” means any part of land authorised by this Order to be used as a parking place;

“Road” means any length of highway or any other length of road to which the public has access, and includes bridges over which a road passes;

“Specified Position” means wholly within the area of the parking place provided the use of the parking place by other persons is not unnecessarily prevented and, in particular, that all access roads are maintained throughout to a minimum width of 3 metres free of parked vehicles; and

“Ticket Machine” means an apparatus of a type and design approved by the Secretary of State in accordance with Section 35(3) of the Act for the purpose of this Order, being apparatus designed to indicate the time by a clock and to issue parking tickets indicating the payment of charge and the date and time at which the payment was made.

2. Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 has effect for the purpose of defining the expression “relevant position” in this Order.
3. In the event of any dispute as to the meaning of any heading or legend used in any part of this Order, any schedule to this Order or any plan attached to this Order, the substantive wording in the Order or schedule shall prevail over the heading or legend. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

PART II – AUTHORISATION AND USE OF PARKING PLACES

4. (i) Subject to the following provisions of this Order, each of the areas specified in Column 1 of schedule I to this Order is authorised to be used as a parking place for such classes of vehicles, on such days, during such hours and for such maximum periods as are specified in the said schedule in relation to that area.
 - (ii) Nothing in paragraph (i) of this Article shall restrict the power of the Council by a notice:
 - (a) From closing the parking place or any part thereof for any period whilst any works are being executed therein or whilst the parking place or part thereof is required for use for some special purpose or to prevent the likelihood of damage to the surface of the parking place;

- (b) From setting aside for use only by specially authorised vehicles of part or parts of a parking place on all days or on certain days during certain parts of certain days.

- 5. Where in Article 4 to this Order a parking place is described as available for waiting on all days or on certain days by specified classes of vehicle or in a specified position, the driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it to wait in that parking place on any day:
 - (a) unless it is of the specified class; and
 - (b) unless it is positioned within defined parking areas.

- 6. The driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it:
 - (a) to wait in a parking place or any part thereof:
 - (i) at any time when the parking place or that part (as the case may be) has been closed under Article 4(ii)(a) of this Order;
 - (ii) for any period which continues into the following day.
 - (b) to wait in any part of a parking place at a time when that part has been set aside for use by a specifically authorised vehicle or vehicles in accordance with 4(ii)(b) of this Order unless the vehicle is so authorised.

- 7. Unless the vehicle displays a valid season ticket in relation to the particular parking place, a disabled person's badge or the driver has been otherwise exempted by the Council from payment of the charge, the driver shall in respect of the waiting of the vehicle in a parking place, pay the appropriate charge.

- 8.
 - (a) This Article applies to the parking places specified in Column 1 of schedule I of this Order;
 - (b) The initial charge for a vehicle left in a parking place during the charging hours shall be that specified in Column 6 of schedule I to this Order;
 - (c) The charge referred to in Article 7 of this Order and in paragraph (b) of this Article shall be payable by using the apparatus or device provided, being an apparatus or device approved in accordance with Section 35(3) of the Act and the provisions of Section 47(5) of the Act shall apply in respect of such apparatus;
 - (d) The owner of a vehicle may, on application in accordance with Article 9 of this Order, purchase a season ticket in respect of that vehicle for a charge specified in schedule II to this Order and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued;
 - (e) Any ticket issued on payment of the charge referred to in paragraph (b) of this Article or season ticket issued in accordance with paragraph (d) of this Article or any permit issued under the provisions of Article 6(b) of this Order shall be attached in a conspicuous position to the vehicle in respect of which it was issued; a vehicle shall not be left in a parking place if it displays an out-of-date ticket;

- (f) A ticket issued on payment of the charge referred to in paragraph (c) of this Article shall be available only at the parking place at which it was issued.
9. Any person who is the keeper or user of a motor car or vehicle of an un-laden weight not exceeding 3.5 tonnes may apply to the Council for the issue of a Season Ticket for any parking place specified in schedule II to this Order; any such application shall be made on a form issued by the Council and shall include the particulars and information required by such form to be supplied.
10. The Council may require an applicant for a Season Ticket to produce such evidence in respect of the application as they may reasonably require to verify any particulars of information given to them.
11. The Council may by notice in writing served on the Season Ticket holder at the address shown on the application withdraw a Season Ticket if it appears to the Council that any of the events set out in Article 12 of this Order has occurred and the Season Ticket shall cease to be valid and the holder shall surrender the Season Ticket to the Council forthwith.
12. The events referred to in Article 11 of this Order are:-
- (i) the Season Ticket holder ceasing to be the keeper or user of the vehicle in respect of which the Season Ticket was issued
 - (ii) a cheque received from the applicant for a Season Ticket as payment for same subsequently being dishonoured.
13. No person shall remove the parking ticket from the vehicle until the vehicle is removed from the parking place.
14. The following persons shall be exempted from the payment of the charges specified in Column 6 of schedule I to this Order:-
- (a) the driver of a disabled person's vehicle which displays in the relevant position a Disabled Person's Badge issued by any authority in accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - (b) the driver of a vehicle parked in consequence of the driver's duty or business on behalf of the Council;
 - (c) the driver of a vehicle left in the parking place during the prescribed hours if at the time the vehicle is left there is no ticket machine at that parking place or 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.
15. Any vehicle left in a place in contravention of this Order shall attract a Penalty Charge.
16. In the case of a vehicle in respect of which a Penalty Charge may have been incurred, it shall be the duty of a Car Park Warden 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 time at which at he first observed that the period for which payment was made by the initial charge has expired, or the other reason for the Penalty Charge having been incurred in the particular case;
 - (c) A statement that the Penalty Charge is required to be paid;
 - (d) The manner in which, and the time within which, the Penalty Charge should be paid.
17. (a) In the event that the Penalty Charge payable in accordance with Article 15 is paid to the Council not later than 0900 hours on the 15th day following the day on which the Penalty Charge was incurred, it shall be treated as being Paid Early and a reduced sum shall be accepted by the Council in satisfaction of the Penalty Charge;
- (b) In the event that a Charge Certificate is issued for reasons of non-payment of a Penalty Charge, a further charge will be payable.
18. Where a notice has been attached to a vehicle in accordance with the provisions of Article 15 of this Order no person other than the driver of the vehicle or some other person duly authorised by the Council, shall remove the notice from the vehicle until the vehicle is removed from the parking place.
19. (a) The driver of a vehicle in a parking place shall comply with all directions, signs, road surface markings, traffic control devices or other reasonable instructions given by a Car Park Warden.
- (b) the driver of a vehicle using a parking place shall not drive the vehicle:-
- (i) recklessly or at a speed or in a manner which is dangerous to other users of that parking place, or without due care and attention or without reasonable consideration for other users of that parking place; or
 - (ii) other than for the purpose of leaving that vehicle in a parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place (provided that Article 19 shall not prevent a person from driving a motor vehicle in a parking place to which this Order applies for the purpose of gaining access to a private parking place where access to that private parking place can only be gained by driving a vehicle through a parking place to which this Order applies).
20. No person shall use a caravan or caravanette whilst it is in a parking place as a dwelling place or for any domestic or sanitary purpose.
21. No person shall except with permission in writing from the Council use or permit a vehicle to be used 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.
22. No person shall, whilst a vehicle is in a parking place, permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be removed from the parking place.
23. The driver of a vehicle shall not use a parking place or part thereof:-
- (a) So as unreasonably to prevent access to any other parking place or to any premises adjoining the parking place or so as to be a nuisance;

- (b) When the Council has closed that parking place or part thereof in accordance with the provisions of Article 4(ii)(a) of this Order and exhibited a notice of such closing on or near the parking place;
 - (c) Unless the engine is stopped as soon as the vehicle is in position in a parking place and not re-started except when the driver is about to change the position of the vehicle in or to depart from the parking place;
 - (d) While operating any loud speaker fixed or connected to the vehicle in such a way as to cause nuisance or disturbance to any person.
24. Where a Car Park Warden as defined in Article 1 of this Order is of the opinion that any provisions contained in Articles 5(a), 6, 20 or 23 of this Order has been contravened or not complied with in respect of the vehicle left in a parking place, he may remove the vehicle or cause it to be removed from the parking place.
25. (i) A Car Park Warden or other persons duly authorised by 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.
- (ii) Where a vehicle is left in a parking place in a position other than that specified in Column 2 of schedule I to, or Article 23 of this Order, a Car Park Warden or any other person duly authorised by the Council may move the vehicle or cause it to be moved to a position which complied with that specified in Column 2 of that schedule.
26. Any person moving, removing or altering the position of a vehicle in accordance with Articles 24 or 25 of this Order may do so by towing or driving the vehicle or by such other manner as he may think necessary and may take such steps in relation to the vehicle as he may think necessary to enable him to move, remove or alter his position as aforesaid.
27. When a Car Park Warden or other person authorised by the Council removes a vehicle or causes it to be removed from a parking place in accordance with Article 24 of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
28. 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.
29. A vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation on time specified in Column 6 of schedule I to this Order.
30. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 5, 6 or 7 of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place; provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 6(b) of this Order, a person authorised in that behalf by the Council may alter or

SCHEDULE I

<i>Name of Parking Place</i>	<i>Place Position in which vehicles may wait</i>	<i>Class of vehicles</i>	<i>Days when parking available</i>	<i>Prescribed Charging Hours</i>	<i>Period of Parking and Charge</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
Staunton Country Park					
(i) The areas shown as “Car Parking Areas” on the accompanying Order map	Specified position as defined in Article 1 of the Order	(a) Motor cars, goods vehicle of an unladen weight not exceeding 3.5 tonnes and passenger carrying vehicles with seating for 14 passengers or less	All days	6am – 10pm	£2.50 – All day All year
		(b) Motorcycles, caravans and vehicles displaying a disabled person’s badge	All days	None	Not applicable
(ii) The areas shown as “Coach Parking Areas” on the accompanying Order map	Specified position as defined in Article 1 of the Order	Coaches with seating for 15 passengers or more	All days	6am – 10pm	£2.50 – All day
(iii) The areas shown as “Disabled Parking Areas” on the accompanying Order map	Specified position as defined in Article 1 of the Order	Vehicle displaying a disabled person’s badge	All days	None	Not applicable

SCHEDULE II

Season Tickets valid for use in parking places shown on the accompanying Order map.

For a period no greater than one year from date of issue:- £22.50

HAMPSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**THE HAMPSHIRE (ROYAL VICTORIA COUNTRY PARK)
(OFF STREET PARKING PLACES
AND PROHIBITION OF WAITING) ORDER 2013**

Hampshire County Council in exercise of its powers under Sections 1, 2, 4, 32, 33 and 35 of the Act, as amended by the Traffic Management Act 2004, Part IV of Schedule 9 to the Act, and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

PART I – GENERAL

1. In this Order, and the preamble and schedules hereto :

“The Act” means the Road Traffic Regulation Act 1984;

“The Council” means Hampshire County Council or, as the case may be, Eastleigh Borough Council acting as Hampshire County Council’s agents;

“Car Park Warden” means any person authorised by or on behalf of the Council to supervise any parking place designated by the Order and includes any other officers of the Council employed to control and manage any such parking place;

“Charge Certificate” means a penalty levied to persons who have not paid a Penalty Charge within the statutory time limit, as proscribed by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amending legislation;

“Disabled Person’s Badge” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“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;

“Motor Cycle” means a two wheeled mechanically propelled vehicle not having a side car or trailer attached thereto;

“Owner” has the same meaning as in the Road Traffic Regulation Act 1984;

“Paid Early” refers to the Penalty Charge when it is paid not later than 0900 hours on the 15th day following the day on which the Penalty Charge was incurred;

“Passenger Carrying Vehicle” means a vehicle constructed or adapted solely for the carriage of passengers and their effects;

“Penalty Charge” means a penalty levied for a contravention of this Order at the prevailing rates for Band 2 as proscribed by the Civil Enforcement of Parking

Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amending legislation;

“Prescribed Hours” means the hours specified in Column 5 of schedule 1 to this Order on those days when parking places are available;

“Parking Place” means any part of land authorised by this Order to be used as a parking place;

“Road” means any length of highway or any other length of road to which the public has access, and includes bridges over which a road passes;

“Specified Position” means wholly within the area of the parking place provided the use of the parking place by other persons is not unnecessarily prevented and, in particular, that all access roads are maintained throughout to a minimum width of 3 metres free of parked vehicles; and

“Ticket Machine” means an apparatus of a type and design approved by the Secretary of State in accordance with Section 35(3) of the Act for the purpose of this Order, being apparatus designed to indicate the time by a clock and to issue parking tickets indicating the payment of charge and the date and time at which the payment was made.

2. Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 has effect for the purpose of defining the expression “relevant position” in this Order.

3. In the event of any dispute as to the meaning of any heading or legend used in any part of this Order, any schedule to this Order or any plan attached to this Order, the substantive wording in the Order or schedule shall prevail over the heading or legend. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

PART II – AUTHORISATION AND USE OF PARKING PLACES

4. (i) Subject to the following provisions of this Order, each of the areas specified in Column 1 of schedule I to this Order is authorised to be used as a parking place for such classes of vehicles, on such days, during such hours and for such maximum periods as are specified in the said schedule in relation to that area.

(ii) Nothing in paragraph (i) of this Article shall restrict the power of the Council by a notice:

(a) From closing the parking place or any part thereof for any period whilst any works are being executed therein or whilst the parking place or part thereof is required for use for some special purpose or to prevent the likelihood of damage to the surface of the parking place;

- (b) From setting aside for use only by specially authorised vehicles of part or parts of a parking place on all days or on certain days during certain parts of certain days.
- 5. Where in Article 4 to this Order a parking place is described as available for waiting on all days or on certain days by specified classes of vehicle or in a specified position, the driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it to wait in that parking place on any day:
 - (a) unless it is of the specified class; and
 - (b) unless it is positioned within defined parking areas.
- 6. The driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it:
 - (a) to wait in a parking place or any part thereof:
 - (i) at any time when the parking place or that part (as the case may be) has been closed under Article 4(ii)(a) of this Order;
 - (ii) for any period which continues into the following day.
 - (b) to wait in any part of a parking place at a time when that part has been set aside for use by a specifically authorised vehicle or vehicles in accordance with 4(ii)(b) of this Order unless the vehicle is so authorised.
- 7. Unless the vehicle displays a valid season ticket in relation to the particular parking place, a disabled person's badge or the driver has been otherwise exempted by the Council from payment of the charge, the driver shall in respect of the waiting of the vehicle in a parking place, pay the appropriate charge.
- 8.
 - (a) This Article applies to the parking places specified in Column 1 of schedule I of this Order;
 - (b) The initial charge for a vehicle left in a parking place during the charging hours shall be that specified in Column 6 of schedule I to this Order;
 - (c) The charge referred to in Article 7 of this Order and in paragraph (b) of this Article shall be payable by using the apparatus or device provided, being an apparatus or device approved in accordance with Section 35(3) of the Act and the provisions of Section 47(5) of the Act shall apply in respect of such apparatus;
 - (d) The owner of a vehicle may, on application in accordance with Article 9 of this Order, purchase a season ticket in respect of that vehicle for a charge specified in schedule II to this Order and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued;
 - (e) Any ticket issued on payment of the charge referred to in paragraph (b) of this Article or season ticket issued in accordance with paragraph (d) of this Article or any permit issued under the provisions of Article 6(b) of this Order shall be attached in a conspicuous position to the vehicle in respect of which it was issued; a vehicle shall not be left in a parking place if it displays an out-of-date ticket;

- (f) A ticket issued on payment of the charge referred to in paragraph (c) of this Article shall be available only at the parking place at which it was issued.
9. Any person who is the keeper or user of a motor car or vehicle of an un-laden weight not exceeding 3.5 tonnes may apply to the Council for the issue of a Season Ticket for any parking place specified in schedule II to this Order; any such application shall be made on a form issued by the Council and shall include the particulars and information required by such form to be supplied.
10. The Council may require an applicant for a Season Ticket to produce such evidence in respect of the application as they may reasonably require to verify any particulars of information given to them.
11. The Council may by notice in writing served on the Season Ticket holder at the address shown on the application withdraw a Season Ticket if it appears to the Council that any of the events set out in Article 12 of this Order has occurred and the Season Ticket shall cease to be valid and the holder shall surrender the Season Ticket to the Council forthwith.
12. The events referred to in Article 11 of this Order are:-
- (i) the Season Ticket holder ceasing to be the keeper or user of the vehicle in respect of which the Season Ticket was issued
 - (ii) a cheque received from the applicant for a Season Ticket as payment for same subsequently being dishonoured.
13. No person shall remove the parking ticket from the vehicle until the vehicle is removed from the parking place.
14. The following persons shall be exempted from the payment of the charges specified in Column 6 of schedule I to this Order:-
- (a) the driver of a disabled person's vehicle which displays in the relevant position a Disabled Person's Badge issued by any authority in accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - (b) the driver of a vehicle parked in consequence of the driver's duty or business on behalf of the Council;
 - (c) the driver of a vehicle left in the parking place during the prescribed hours if at the time the vehicle is left there is no ticket machine at that parking place or 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.
15. Any vehicle left in a place in contravention of this Order shall attract a Penalty Charge.
16. In the case of a vehicle in respect of which a Penalty Charge may have been incurred, it shall be the duty of a Car Park Warden 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 time at which at he first observed that the period for which payment was made by the initial charge has expired, or the other reason for the Penalty Charge having been incurred in the particular case;
 - (c) A statement that the Penalty Charge is required to be paid;
 - (d) The manner in which, and the time within which, the Penalty Charge should be paid.
- 17
- a) In the event that the Penalty Charge payable in accordance with Article 15 is paid to the Council not later than 0900 hours on the 15th day following the day on which the Penalty Charge was incurred, it shall be treated as being Paid Early and a reduced sum shall be accepted by the Council in satisfaction of the Penalty Charge;
 - (b) In the event that a Charge Certificate is issued for reasons of non-payment of a Penalty Charge, a further charge will be payable.
18. Where a notice has been attached to a vehicle in accordance with the provisions of Article 15 of this Order no person other than the driver of the vehicle or some other person duly authorised by the Council, shall remove the notice from the vehicle until the vehicle is removed from the parking place.
19. (a) The driver of a vehicle in a parking place shall comply with all directions, signs, road surface markings, traffic control devices or other reasonable instructions given by a Car Park Warden.
- (b) the driver of a vehicle using a parking place shall not drive the vehicle:-
- (i) recklessly or at a speed or in a manner which is dangerous to other users of that parking place, or without due care and attention or without reasonable consideration for other users of that parking place; or
 - (ii) other than for the purpose of leaving that vehicle in a parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place (provided that Article 19 shall not prevent a person from driving a motor vehicle in a parking place to which this Order applies for the purpose of gaining access to a private parking place where access to that private parking place can only be gained by driving a vehicle through a parking place to which this Order applies).
20. No person shall use a caravan or caravanette whilst it is in a parking place as a dwelling place or for any domestic or sanitary purpose.
21. No person shall except with permission in writing from the Council use or permit a vehicle to be used 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.
22. No person shall, whilst a vehicle is in a parking place, permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be removed from the parking place.
23. The driver of a vehicle shall not use a parking place or part thereof:-

- (a) So as unreasonably to prevent access to any other parking place or to any premises adjoining the parking place or so as to be a nuisance;
 - (b) When the Council has closed that parking place or part thereof in accordance with the provisions of Article 4(ii)(a) of this Order and exhibited a notice of such closing on or near the parking place;
 - (c) Unless the engine is stopped as soon as the vehicle is in position in a parking place and not re-started except when the driver is about to change the position of the vehicle in or to depart from the parking place;
 - (d) While operating any loud speaker fixed or connected to the vehicle in such a way as to cause nuisance or disturbance to any person.
24. Where a Car Park Warden as defined in Article 1 of this Order is of the opinion that any provisions contained in Articles 5(a), 6, 20 or 23 of this Order has been contravened or not complied with in respect of the vehicle left in a parking place, he may remove the vehicle or cause it to be removed from the parking place.
25. (i) A Car Park Warden or other persons duly authorised by 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.
- (ii) Where a vehicle is left in a parking place in a position other than that specified in Column 2 of schedule 1 to, or Article 23 of this Order, a Car Park Warden or any other person duly authorised by the Council may move the vehicle or cause it to be moved to a position which complied with that specified in Column 2 of that schedule.
26. Any person moving, removing or altering the position of a vehicle in accordance with Articles 24 or 25 of this Order may do so by towing or driving the vehicle or by such other manner as he may think necessary and may take such steps in relation to the vehicle as he may think necessary to enable him to move, remove or alter his position as aforesaid.
27. When a Car Park Warden or other person authorised by the Council removes a vehicle or causes it to be removed from a parking place in accordance with Article 24 of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
28. 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.
29. A vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation on time specified in Column 6 of schedule 1 to this Order.
30. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 5, 6 or 7 of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place; provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 6(b) of this Order, a person authorised in that behalf by the Council may alter or

SCHEDULE I

<i>Name of Parking Place</i>	<i>Place Position in which vehicles may wait</i>	<i>Class of vehicles</i>	<i>Days when parking available</i>	<i>Prescribed Charging Hours</i>	<i>Period of Parking and Charge</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
Royal Victoria Country Park	Specified position as defined in Article 1 of the Order	(a) Motor cars, goods vehicle of an unladen weight not exceeding 3.5 tonnes and passenger carrying vehicles with seating for 14 passengers or less	All days	6am – 10pm	£1.50 – up to 1 hour £3 – over 1 hour All year
(i) The areas shown as “Car Parking Areas” on the accompanying Order map		(b) Motorcycles, caravans and vehicles displaying a disabled person’s badge	All days	None	Not applicable
(ii) The areas shown as “Coach Parking Areas” on the accompanying Order map	Specified position as defined in Article 1 of the Order	Coaches with seating for 15 passengers or more	All days	6am – 10pm	All periods £10
(iii) The areas shown as “Disabled Parking Areas” on the accompanying Order map	Specified position as defined in Article 1 of the Order	Vehicle displaying a disabled person’s badge	All days	None	Not applicable

SCHEDULE II

Season Tickets valid for use in parking places shown on the accompanying Order map.

For a period no greater than one year from date of issue:- £49

HAMPSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE HAMPSHIRE (QUEEN ELIZABETH COUNTRY PARK AND BUTSER HILL) (OFF STREET PARKING PLACES AND PROHIBITION OF WAITING) ORDER 2013

Hampshire County Council in exercise of its powers under Sections 1, 2, 4, 32, 33 and 35 of the Act, as amended by the Traffic Management Act 2004, Part IV of Schedule 9 to the Act, and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

PART I – GENERAL

1. In this Order, and the preamble and schedules hereto :

“The Act” means the Road Traffic Regulation Act 1984;

“The Council” means Hampshire County Council or, as the case may be, East Hampshire District Council acting as Hampshire County Council’s agents;

“Car Park Warden” means any person authorised by or on behalf of the Council to supervise any parking place designated by the Order and includes any other officers of the Council employed to control and manage any such parking place;

“Charge Certificate” means a penalty levied to persons who have not paid a Penalty Charge within the statutory time limit, as proscribed by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amending legislation;

“Disabled Person’s Badge” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“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;

“Motor Cycle” means a two wheeled mechanically propelled vehicle not having a side car or trailer attached thereto;

“Owner” has the same meaning as in the Road Traffic Regulation Act 1984;

“Paid Early” refers to the Penalty Charge when it is paid not later than 0900 hours on the 15th day following the day on which the Penalty Charge was incurred;

“Passenger Carrying Vehicle” means a vehicle constructed or adapted solely for the carriage of passengers and their effects;

“Penalty Charge” means a penalty levied for a contravention of this Order at the prevailing rates for Band 2 as proscribed by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amending legislation;

“Prescribed Hours” means the hours specified in Column 5 of schedule 1 to this Order on those days when parking places are available;

“Parking Place” means any part of land authorised by this Order to be used as a parking place;

“Road” means any length of highway or any other length of road to which the public has access, and includes bridges over which a road passes;

“Specified Position” means wholly within the area of the parking place provided the use of the parking place by other persons is not unnecessarily prevented and, in particular, that all access roads are maintained throughout to a minimum width of 3 metres free of parked vehicles; and

“Ticket Machine” means an apparatus of a type and design approved by the Secretary of State in accordance with Section 35(3) of the Act for the purpose of this Order, being apparatus designed to indicate the time by a clock and to issue parking tickets indicating the payment of charge and the date and time at which the payment was made.

2. Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 has effect for the purpose of defining the expression “relevant position” in this Order.
3. In the event of any dispute as to the meaning of any heading or legend used in any part of this Order, any schedule to this Order or any plan attached to this Order, the substantive wording in the Order or schedule shall prevail over the heading or legend. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

PART II – AUTHORISATION AND USE OF PARKING PLACES

4. (i) Subject to the following provisions of this Order, each of the areas specified in Column 1 of schedule 1 to this Order is authorised to be used as a parking place for such classes of vehicles, on such days, during such hours and for such maximum periods as are specified in the said schedule in relation to that area.
 - (ii) Nothing in paragraph (i) of this Article shall restrict the power of the Council by a notice:
 - (a) From closing the parking place or any part thereof for any period whilst any works are being executed therein or whilst the parking place or part thereof is required for use for some special purpose or to prevent the likelihood of damage to the surface of the parking place;
 - (b) From setting aside for use only by specially authorised vehicles of part or parts of a parking place on all days or on certain days during certain parts of certain days.

5. Where in Article 4 to this Order a parking place is described as available for waiting on all days or on certain days by specified classes of vehicle or in a specified position, the driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it to wait in that parking place on any day:
 - (a) unless it is of the specified class; and
 - (b) unless it is positioned within defined parking areas.

6. The driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it:
 - (a) to wait in a parking place or any part thereof:
 - (i) at any time when the parking place or that part (as the case may be) has been closed under Article 4(ii)(a) of this Order;
 - (ii) for any period which continues into the following day.

 - (b) to wait in any part of a parking place at a time when that part has been set aside for use by a specifically authorised vehicle or vehicles in accordance with 4(ii)(b) of this Order unless the vehicle is so authorised.

7. Unless the vehicle displays a valid season ticket in relation to the particular parking place, a disabled person's badge or the driver has been otherwise exempted by the Council from payment of the charge, the driver shall in respect of the waiting of the vehicle in a parking place, pay the appropriate charge.

8.
 - (a) This Article applies to the parking places specified in Column 1 of schedule I of this Order;
 - (b) The initial charge for a vehicle left in a parking place during the charging hours shall be that specified in Column 6 of schedule I to this Order;
 - (c) The charge referred to in Article 7 of this Order and in paragraph (b) of this Article shall be payable by using the apparatus or device provided, being an apparatus or device approved in accordance with Section 35(3) of the Act and the provisions of Section 47(5) of the Act shall apply in respect of such apparatus;
 - (d) The owner of a vehicle may, on application in accordance with Article 9 of this Order, purchase a season ticket in respect of that vehicle for a charge specified in schedule II to this Order and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued;
 - (e) Any ticket issued on payment of the charge referred to in paragraph (b) of this Article or season ticket issued in accordance with paragraph (d) of this Article or any permit issued under the provisions of Article 6(b) of this Order shall be attached in a conspicuous position to the vehicle in respect of which it was issued; a vehicle shall not be left in a parking place if it displays an out-of-date ticket;
 - (f) A ticket issued on payment of the charge referred to in paragraph (c) of this Article shall be available only at the parking place at which it was issued.

9. Any person who is the keeper or user of a motor car or vehicle of an un-laden weight not exceeding 3.5 tonnes may apply to the Council for the issue of a Season Ticket for any parking place specified in schedule II to this Order; any

such application shall be made on a form issued by the Council and shall include the particulars and information required by such form to be supplied.

10. The Council may require an applicant for a Season Ticket to produce such evidence in respect of the application as they may reasonably require to verify any particulars of information given to them.
11. The Council may by notice in writing served on the Season Ticket holder at the address shown on the application withdraw a Season Ticket if it appears to the Council that any of the events set out in Article 12 of this Order has occurred and the Season Ticket shall cease to be valid and the holder shall surrender the Season Ticket to the Council forthwith.
12. The events referred to in Article 11 of this Order are:-
 - (i) the Season Ticket holder ceasing to be the keeper or user of the vehicle in respect of which the Season Ticket was issued
 - (ii) a cheque received from the applicant for a Season Ticket as payment for same subsequently being dishonoured.
13. No person shall remove the parking ticket from the vehicle until the vehicle is removed from the parking place.
14. The following persons shall be exempted from the payment of the charges specified in Column 6 of schedule I to this Order:-
 - (a) the driver of a disabled person's vehicle which displays in the relevant position a Disabled Person's Badge issued by any authority in accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - (b) the driver of a vehicle parked in consequence of the driver's duty or business on behalf of the Council;
 - (c) the driver of a vehicle left in the parking place during the prescribed hours if at the time the vehicle is left there is no ticket machine at that parking place or 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.
15. Any vehicle left in a place in contravention of this Order shall attract a Penalty Charge.
16. In the case of a vehicle in respect of which a Penalty Charge may have been incurred, it shall be the duty of a Car Park Warden 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 time at which at he first observed that the period for which payment was made by the initial charge has expired, or the other reason for the Penalty Charge having been incurred in the particular case;
 - (c) A statement that the Penalty Charge is required to be paid;
 - (d) The manner in which, and the time within which, the Penalty Charge should be paid.

17.
 - a) In the event that the Penalty Charge payable in accordance with Article 15 is paid to the Council not later than 0900 hours on the 15th day following the day on which the Penalty Charge was incurred, it shall be treated as being Paid Early and a reduced sum shall be accepted by the Council in satisfaction of the Penalty Charge;
 - (b) In the event that a Charge Certificate is issued for reasons of non-payment of a Penalty Charge, a further charge will be payable.

18. Where a notice has been attached to a vehicle in accordance with the provisions of Article 15 of this Order no person other than the driver of the vehicle or some other person duly authorised by the Council, shall remove the notice from the vehicle until the vehicle is removed from the parking place.

19.
 - (a) The driver of a vehicle in a parking place shall comply with all directions, signs, road surface markings, traffic control devices or other reasonable instructions given by a Car Park Warden.
 - (b) the driver of a vehicle using a parking place shall not drive the vehicle:-
 - (i) recklessly or at a speed or in a manner which is dangerous to other users of that parking place, or without due care and attention or without reasonable consideration for other users of that parking place; or
 - (ii) other than for the purpose of leaving that vehicle in a parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place (provided that Article 19 shall not prevent a person from driving a motor vehicle in a parking place to which this Order applies for the purpose of gaining access to a private parking place where access to that private parking place can only be gained by driving a vehicle through a parking place to which this Order applies).

20. No person shall use a caravan or caravanette whilst it is in a parking place as a dwelling place or for any domestic or sanitary purpose.

21. No person shall except with permission in writing from the Council use or permit a vehicle to be used 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.

22. No person shall, whilst a vehicle is in a parking place, permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be removed from the parking place.

23. The driver of a vehicle shall not use a parking place or part thereof:-
 - (a) So as unreasonably to prevent access to any other parking place or to any premises adjoining the parking place or so as to be a nuisance;
 - (b) When the Council has closed that parking place or part thereof in accordance with the provisions of Article 4(ii)(a) of this Order and exhibited a notice of such closing on or near the parking place;
 - (c) Unless the engine is stopped as soon as the vehicle is in position in a parking place and not re-started except when the driver is about to change the position of the vehicle in or to depart from the parking place;

- (d) While operating any loud speaker fixed or connected to the vehicle in such a way as to cause nuisance or disturbance to any person.
24. Where a Car Park Warden as defined in Article 1 of this Order is of the opinion that any provisions contained in Articles 5(a), 6, 20 or 23 of this Order has been contravened or not complied with in respect of the vehicle left in a parking place, he may remove the vehicle or cause it to be removed from the parking place.
25. (i) A Car Park Warden or other persons duly authorised by 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.
(ii) Where a vehicle is left in a parking place in a position other than that specified in Column 2 of schedule 1 to, or Article 23 of this Order, a Car Park Warden or any other person duly authorised by the Council may move the vehicle or cause it to be moved to a position which complied with that specified in Column 2 of that schedule.
26. Any person moving, removing or altering the position of a vehicle in accordance with Articles 24 or 25 of this Order may do so by towing or driving the vehicle or by such other manner as he may think necessary and may take such steps in relation to the vehicle as he may think necessary to enable him to move, remove or alter his position as aforesaid.
27. When a Car Park Warden or other person authorised by the Council removes a vehicle or causes it to be removed from a parking place in accordance with Article 24 of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
28. 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.
29. A vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation on time specified in Column 6 of schedule 1 to this Order.
30. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 5, 6 or 7 of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place; provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 6(b) of this Order, 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 provision.
31. Any person removing a vehicle or altering its position by virtue of the last preceding Article of this Order 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.

SCHEDULE I

<i>Name of Parking Place</i>	<i>Place Position in which vehicles may wait</i>	<i>Class of vehicles</i>	<i>Days when parking available</i>	<i>Prescribed Charging Hours</i>	<i>Period of Parking and Charge</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
Queen Elizabeth Country Park	Specified position as defined in Article 1 of the Order	(a) Motor cars, goods vehicle of an unladen weight not exceeding 3.5 tonnes and passenger carrying vehicles with seating for 14 passengers or less	All days	6am – 10pm	£1.50 – up to 1 hour £3 – over 1 hour All year
(i) The areas shown as “Car Parking Areas” on the accompanying Order map		(b) Motorcycles, caravans and vehicles displaying a disabled person’s badge	All days	None	Not applicable
(ii) The areas shown as “Coach Parking Areas” on the accompanying Order map	Specified position as defined in Article 1 of the Order	Coaches with seating for 15 passengers or more	All days	6am – 10pm	All periods £12.50
(iii) The areas shown as “Disabled Parking Areas” on the accompanying Order map	Specified position as defined in Article 1 of the Order	Vehicle displaying a disabled person’s badge	All days	None	Not applicable

SCHEDULE II

Season Tickets valid for use in parking places shown on the accompanying Order map.

For a period no greater than one year from date of issue:- £32

HAMPSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**THE HAMPSHIRE (MANOR FARM COUNTRY PARK)
(OFF STREET PARKING PLACES AND
PROHIBITION OF WAITING) ORDER 2013**

Hampshire County Council in exercise of its powers under Sections 1, 2, 4, 32, 33 and 35 of the Act, as amended by the Traffic Management Act 2004, Part IV of Schedule 9 to the Act, and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

PART I – GENERAL

1. In this Order, and the preamble and schedules hereto :

“The Act” means the Road Traffic Regulation Act 1984;

“The Council” means Hampshire County Council or, as the case may be, Eastleigh Borough Council acting as Hampshire County Council’s agents;

“Car Park Warden” means any person authorised by or on behalf of the Council to supervise any parking place designated by the Order and includes any other officers of the Council employed to control and manage any such parking place;

“Charge Certificate” means a penalty levied to persons who have not paid a Penalty Charge within the statutory time limit, as proscribed by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amending legislation;

“Disabled Person’s Badge” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“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;

“Motor Cycle” means a two wheeled mechanically propelled vehicle not having a side car or trailer attached thereto;

“Owner” has the same meaning as in the Road Traffic Regulation Act 1984;

“Paid Early” refers to the Penalty Charge when it is paid not later than 0900 hours on the 15th day following the day on which the Penalty Charge was incurred;

“Passenger Carrying Vehicle” means a vehicle constructed or adapted solely for the carriage of passengers and their effects;

“Penalty Charge” means a penalty levied for a contravention of this Order at the prevailing rates for Band 2 as proscribed by the Civil Enforcement of Parking

Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amending legislation;

“Prescribed Hours” means the hours specified in Column 5 of schedule 1 to this Order on those days when parking places are available;

“Parking Place” means any part of land authorised by this Order to be used as a parking place;

“Road” means any length of highway or any other length of road to which the public has access, and includes bridges over which a road passes;

“Specified Position” means wholly within the area of the parking place provided the use of the parking place by other persons is not unnecessarily prevented and, in particular, that all access roads are maintained throughout to a minimum width of 3 metres free of parked vehicles; and

“Ticket Machine” means an apparatus of a type and design approved by the Secretary of State in accordance with Section 35(3) of the Act for the purpose of this Order, being apparatus designed to indicate the time by a clock and to issue parking tickets indicating the payment of charge and the date and time at which the payment was made.

2. Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 has effect for the purpose of defining the expression “relevant position” in this Order.
3. In the event of any dispute as to the meaning of any heading or legend used in any part of this Order, any schedule to this Order or any plan attached to this Order, the substantive wording in the Order or schedule shall prevail over the heading or legend. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

PART II – AUTHORISATION AND USE OF PARKING PLACES

4. (i) Subject to the following provisions of this Order, each of the areas specified in Column 1 of schedule I to this Order is authorised to be used as a parking place for such classes of vehicles, on such days, during such hours and for such maximum periods as are specified in the said schedule in relation to that area.
 - (ii) Nothing in paragraph (i) of this Article shall restrict the power of the Council by a notice:
 - (a) From closing the parking place or any part thereof for any period whilst any works are being executed therein or whilst the parking place or part thereof is required for use for some special purpose or to prevent the likelihood of damage to the surface of the parking place;

- (b) From setting aside for use only by specially authorised vehicles of part or parts of a parking place on all days or on certain days during certain parts of certain days.
- 5. Where in Article 4 to this Order a parking place is described as available for waiting on all days or on certain days by specified classes of vehicle or in a specified position, the driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it to wait in that parking place on any day:
 - (a) unless it is of the specified class; and
 - (b) unless it is positioned within defined parking areas.
- 6. The driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it:
 - (a) to wait in a parking place or any part thereof:
 - (i) at any time when the parking place or that part (as the case may be) has been closed under Article 4(ii)(a) of this Order;
 - (ii) for any period which continues into the following day.
 - (b) to wait in any part of a parking place at a time when that part has been set aside for use by a specifically authorised vehicle or vehicles in accordance with 4(ii)(b) of this Order unless the vehicle is so authorised.
- 7. Unless the vehicle displays a valid season ticket in relation to the particular parking place, a disabled person's badge or the driver has been otherwise exempted by the Council from payment of the charge, the driver shall in respect of the waiting of the vehicle in a parking place, pay the appropriate charge.
- 8.
 - (a) This Article applies to the parking places specified in Column 1 of schedule I of this Order;
 - (b) The initial charge for a vehicle left in a parking place during the charging hours shall be that specified in Column 6 of schedule I to this Order;
 - (c) The charge referred to in Article 7 of this Order and in paragraph (b) of this Article shall be payable by using the apparatus or device provided, being an apparatus or device approved in accordance with Section 35(3) of the Act and the provisions of Section 47(5) of the Act shall apply in respect of such apparatus;
 - (d) The owner of a vehicle may, on application in accordance with Article 9 of this Order, purchase a season ticket in respect of that vehicle for a charge specified in schedule II to this Order and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued;
 - (e) Any ticket issued on payment of the charge referred to in paragraph (b) of this Article or season ticket issued in accordance with paragraph (d) of this Article or any permit issued under the provisions of Article 6(b) of this Order shall be attached in a conspicuous position to the vehicle in respect of which it was issued; a vehicle shall not be left in a parking place if it displays an out-of-date ticket;

- (f) A ticket issued on payment of the charge referred to in paragraph (c) of this Article shall be available only at the parking place at which it was issued.
9. Any person who is the keeper or user of a motor car or vehicle of an un-laden weight not exceeding 3.5 tonnes may apply to the Council for the issue of a Season Ticket for any parking place specified in schedule II to this Order; any such application shall be made on a form issued by the Council and shall include the particulars and information required by such form to be supplied.
10. The Council may require an applicant for a Season Ticket to produce such evidence in respect of the application as they may reasonably require to verify any particulars of information given to them.
11. The Council may by notice in writing served on the Season Ticket holder at the address shown on the application withdraw a Season Ticket if it appears to the Council that any of the events set out in Article 12 of this Order has occurred and the Season Ticket shall cease to be valid and the holder shall surrender the Season Ticket to the Council forthwith.
12. The events referred to in Article 11 of this Order are:-
- (i) the Season Ticket holder ceasing to be the keeper or user of the vehicle in respect of which the Season Ticket was issued
 - (ii) a cheque received from the applicant for a Season Ticket as payment for same subsequently being dishonoured.
13. No person shall remove the parking ticket from the vehicle until the vehicle is removed from the parking place.
14. The following persons shall be exempted from the payment of the charges specified in Column 6 of schedule I to this Order:-
- (a) the driver of a disabled person's vehicle which displays in the relevant position a Disabled Person's Badge issued by any authority in accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - (b) the driver of a vehicle parked in consequence of the driver's duty or business on behalf of the Council;
 - (c) the driver of a vehicle left in the parking place during the prescribed hours if at the time the vehicle is left there is no ticket machine at that parking place or 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.
15. Any vehicle left in a place in contravention of this Order shall attract a Penalty Charge.
16. In the case of a vehicle in respect of which a Penalty Charge may have been incurred, it shall be the duty of a Car Park Warden 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 time at which at he first observed that the period for which payment was made by the initial charge has expired, or the other reason for the Penalty Charge having been incurred in the particular case;
 - (c) A statement that the Penalty Charge is required to be paid;
 - (d) The manner in which, and the time within which, the Penalty Charge should be paid.
17. a) In the event that the Penalty Charge payable in accordance with Article 15 is paid to the Council not later than 0900 hours on the 15th day following the day on which the Penalty Charge was incurred, it shall be treated as being Paid Early and a reduced sum shall be accepted by the Council in satisfaction of the Penalty Charge;
- (b) In the event that a Charge Certificate is issued for reasons of non-payment of a Penalty Charge, a further charge will be payable.
18. Where a notice has been attached to a vehicle in accordance with the provisions of Article 15 of this Order no person other than the driver of the vehicle or some other person duly authorised by the Council, shall remove the notice from the vehicle until the vehicle is removed from the parking place.
19. (a) The driver of a vehicle in a parking place shall comply with all directions, signs, road surface markings, traffic control devices or other reasonable instructions given by a Car Park Warden.
- (b) the driver of a vehicle using a parking place shall not drive the vehicle:-
- (i) recklessly or at a speed or in a manner which is dangerous to other users of that parking place, or without due care and attention or without reasonable consideration for other users of that parking place; or
 - (ii) other than for the purpose of leaving that vehicle in a parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place (provided that Article 19 shall not prevent a person from driving a motor vehicle in a parking place to which this Order applies for the purpose of gaining access to a private parking place where access to that private parking place can only be gained by driving a vehicle through a parking place to which this Order applies).
20. No person shall use a caravan or caravanette whilst it is in a parking place as a dwelling place or for any domestic or sanitary purpose.
21. No person shall except with permission in writing from the Council use or permit a vehicle to be used 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.
22. No person shall, whilst a vehicle is in a parking place, permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be removed from the parking place.
23. The driver of a vehicle shall not use a parking place or part thereof:-
- (a) So as unreasonably to prevent access to any other parking place or to any premises adjoining the parking place or so as to be a nuisance;

- (b) When the Council has closed that parking place or part thereof in accordance with the provisions of Article 4(ii)(a) of this Order and exhibited a notice of such closing on or near the parking place;
 - (c) Unless the engine is stopped as soon as the vehicle is in position in a parking place and not re-started except when the driver is about to change the position of the vehicle in or to depart from the parking place;
 - (d) While operating any loud speaker fixed or connected to the vehicle in such a way as to cause nuisance or disturbance to any person.
24. Where a Car Park Warden as defined in Article 1 of this Order is of the opinion that any provisions contained in Articles 5(a), 6, 20 or 23 of this Order has been contravened or not complied with in respect of the vehicle left in a parking place, he may remove the vehicle or cause it to be removed from the parking place.
25. (i) A Car Park Warden or other persons duly authorised by 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.
- (ii) Where a vehicle is left in a parking place in a position other than that specified in Column 2 of schedule I to, or Article 23 of this Order, a Car Park Warden or any other person duly authorised by the Council may move the vehicle or cause it to be moved to a position which complied with that specified in Column 2 of that schedule.
26. Any person moving, removing or altering the position of a vehicle in accordance with Articles 24 or 25 of this Order may do so by towing or driving the vehicle or by such other manner as he may think necessary and may take such steps in relation to the vehicle as he may think necessary to enable him to move, remove or alter his position as aforesaid.
27. When a Car Park Warden or other person authorised by the Council removes a vehicle or causes it to be removed from a parking place in accordance with Article 24 of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
28. 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.
29. A vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation on time specified in Column 6 of schedule I to this Order.
30. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 5, 6 or 7 of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place; provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 6(b) of this Order, a person authorised in that behalf by the Council may alter or

SCHEDULE I

<i>Name of Parking Place</i>	<i>Place Position in which vehicles may wait</i>	<i>Class of vehicles</i>	<i>Days when parking available</i>	<i>Prescribed Charging Hours</i>	<i>Period of Parking and Charge</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
Manor Farm Country Park					
(i) The areas shown as “Car Parking Areas” on the accompanying Order map	Specified position as defined in Article 1 of the Order	(a) Motor cars, goods vehicle of an unladen weight not exceeding 3.5 tonnes and passenger carrying vehicles with seating for 14 passengers or less	All days	6am – 10pm	£1.50 1hour £3.00 all day All year
		(b) Motorcycles, caravans and vehicles displaying a disabled person’s badge	All days	None	Not applicable
(ii) The areas shown as “Coach Parking Areas” on the accompanying Order map	Specified position as defined in Article 1 of the Order	Coaches with seating for 15 passengers or more	All days	6am – 10pm	Not applicable
(iii) The areas shown as “Disabled Parking Areas” on the accompanying Order map	Specified position as defined in Article 1 of the Order	Vehicle displaying a disabled person’s badge	All days	None	Not applicable

SCHEDULE II

Season Tickets valid for use in parking places shown on the accompanying Order map.

For a period no greater than one year from date of issue:- £34.50