



**Bude-Stratton Town Council  
(Off Street Parking Places) Order  
2012**

## **BUDE-STRATTON TOWN COUNCIL (OFF STREET PARKING PLACES) ORDER 2012**

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

### **Part 1 – GENERAL**

1. (a) This Order shall come into force on 1<sup>st</sup> October 2012 and may be cited as Bude-Stratton Town Council (Off Street Parking Places) Order 2012
- (b) The Bude-Stratton Town Council (Off Street Parking Places) Order 2011 is hereby revoked

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

'caravan' means a mobile home incapable of self-propulsion but capable of being towed by another vehicle and which for charging purposes is as specified in Column 7 of the Schedule to this Order is treated as a motor vehicle

'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 and for the purposes of this Order and any legal proceedings taken thereunder if on the date a vehicle is left in a parking place a person is shown to have been the Registered Owner or Keeper thereof by notification in writing from the appropriate Registration Authority he shall be deemed to be the owner

'enactment' means by any enactment whether public, general or local and include any order, bylaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment

'owner' has the same meaning as in Section 111 and 142 of The Act 1984

'parking place' means any area of land specified by name in Column 1 of the Schedule to this Order provided by the Council under Section 57 of the Act 1984 for use as a parking place

'parking attendant' means a person authorised by or on behalf of the Council to supervise any parking place

'parking bay' means a space in a parking place which is provided for the leaving of a vehicle

'permit holder' means a vehicle displaying a valid permit issued by the Council

'trailer' means a device constructed for the purpose of carrying goods or materials which is incapable of self-propulsion but capable of being towed by another vehicle and which for charging purposes is as specified in Column 7 of the Schedule to this Order is treated as a motor vehicle

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

## Part II – AUTHORISATION AND USE OF PARKING PLACES

### Use of an Area as Parking Place

3. Each area of land specified by name in Column 1 of the Schedule to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such position and on such days and during such hours, and on payment of such charges as are specified in relation to that area in the Schedule
4. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a 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
5. No person shall without prior written consent of the Council use a vehicle, while it is in the parking place, in connection with the sale of any article to persons in or near the parking place or in the connection with the selling or offering for hire of his skill or services
6. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions of Article 3, Article 7, Article 19 or Article 20 of this Order, a person authorised on behalf of the Council may remove the vehicle or arrange for it to be removed from the parking place
7. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such as a policy of insurance as complies with the requirement of Part V I of the Road Traffic Act 1972
8. The driver of a motor vehicle using a parking place shall not sound any horn or any other similar instrument except when about to change the position of the vehicle in or to depart from the parking place
9. No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place
10. 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 neighbourhood
11. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned

12. No person shall, except with the consent of the Council, use any part of a parking place or any vehicle left in a parking place:-
- (a) for sleeping or camping purposes
  - (b) for cooking purposes
  - (c) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place
  - (d) retail sales from any type of vehicle
  - (e) parking of lorries
13. No person shall use a parking place as a means of passage proceeding from one road to another
14. Wherein parking places signs are erected or surface markings are laid for the purpose of:-
- (a) indicating the entrance to or exit from the parking place or
  - (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place
- no person shall drive or cause or permit to be driven any vehicle:-
- (i) so that it enters the parking place otherwise than by an entrance or leaves the parking place otherwise than by an exit, so indicated, or
  - (ii) in a direction other than that specified, as the case may be
15. In a parking place no person shall:-
- (a) erect or cause or permit to be erected any tent, booth, stand or building or other structure, without written consent of the Council
  - (b) light or cause or permit to be lit any fire
16. (a) Where the driver of the vehicle is alleged to have contravened any of the provisions of this Order, the owner of the vehicle shall give any such information as to the identity of the driver as he may be required to give by or on behalf of the Council and:-
- (b) any other person shall if required as aforesaid give any information it is in power to give which may lead to the identification of the driver
17. Any person removing or altering the position of a vehicle by virtue of Article 6 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
18. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 6 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle

### Class and Position of a Vehicle

19. (a) Where in the Schedule to this Order a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place unless it is:-
- (i) of the specified class or
  - (ii) in a specified position
- (b) Where a parking place is described as available for Invalid Carriages and areas of parking bays of that parking place are specifically marked as available to the disabled or such Invalid Carriages the driver of any vehicle other than an Invalid Carriage shall not permit it to wait in such marked area or parking place
- (c) A vehicle (including a caravan or trailer) being towed by another vehicle shall be deemed to be a separate vehicle and the driver of the towing vehicle shall ensure that each vehicle is neatly parked in a separate parking bay and shall pay a separate parking charge in respect of each vehicle

### Amount of Charge at Parking Place

20. (a) The driver of a vehicle using a parking place shall either on entering the parking place or on leaving a vehicle in the parking place, pay the appropriate charge in accordance with the Scale of Charges specified in Column 7 of the Schedule to this Order
- (b) The charge referred to in the last preceding paragraph shall be payable on leaving the vehicle in the parking place by the insertion of an appropriate coin or coins into the apparatus or device there provided having been specifically or generally approved by the Secretary of State for Transport for such purposes
- (c) The driver of a vehicle shall attach any ticket issued in respect of which is was issued on payment of the charge referred to in Article 20(a) of this Order on the front dashboard of the vehicle in a conspicuous position and shall cause the said ticket to be exhibited in that position at all times while the vehicle is parked in a parking place

### Notice of Excess Charge

21. Where:-
- (a) any vehicle is left in a parking place for longer than the period paid for or period permitted free of charge under this Order
  - (b) where following the parking of a vehicle at a parking place the driver has failed to pay the appropriate charge during the charging hours or
  - (c) following the parking of a vehicle on arrival at the parking place the driver has failed to display the ticket to the vehicle in accordance with Article 20(b) and 20(c) of this Order or

- (d) the vehicle is parked in a space which is marked as being for permit holders only
- (e) the vehicle is parked in any of the areas specified in Column 1 of the Schedule to this Order which are designated as areas where parking is not permitted at any time
- (f) the vehicle is parked in a space which is marked as reserved or
- (g) any vehicle is left in a space other than that appropriate for the class of vehicle or is left in an access road to a parking place or
- (h) any vehicle shall be left in a parking place and used for sleeping between the hours of 11.30pm and 5.30am or overnight accommodation or occupation or camping purposes or any Driver or owner of any vehicle shall pitch or leave any parking place a tent or other temporary accommodation or
- (i) any vehicle shall be left:-
  - (i) within a parking place but outside a parking bay (if any) or
  - (ii) on any access road or way within or adjoining any parking place

and which shall cause an obstruction to the other users thereof:-

an excess charge (or penalty in the case where no initial charge is payable) of SIXTY POUNDS (£60.00) (inclusive of VAT) but subject and without prejudice to the foregoing to a reduction to THIRTY FIVE POUNDS (£35.00) (inclusive of VAT) if payment is made within seven days shall become due in respect of each period for which a parking ticket is required and a notice shall be attached to the vehicle in a conspicuous position by a parking attendant 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 Licence plate carried by the vehicle
- (b) the time at which it was noticed that the excess charge has been incurred
- (c) a statement that the excess charge of SIXTY POUNDS (inclusive of VAT) is required to be paid reduced to THIRTY FIVE POUNDS (inclusive of VAT) if payment is made within seven days
- (d) the manner in which and the time within which the excess charges should be paid and
- (e) a statement that it is an offence under this Order and Section 31 of The 1984 Act for the driver of a vehicle who has left the vehicle in the parking place to fail duly to pay the excess charge

22. Where a notice has been attached to a vehicle in accordance with the provisions of Article 21 of this Order no person not being the driver of a vehicle or a parking attendant shall remove the notice on the vehicle unless authorised to do so by the driver of the vehicle

#### Manner of Payment of Excess Charge

23. The driver of a vehicle in respect of which the excess charge (or penalty in the case where no initial charge is payable) has been incurred shall pay the excess charge of SIXTY

POUNDS (inclusive of VAT) to the Council either by cheque, bankers draft, money order or postal order which shall be delivered or sent by post so as to reach the Town Clerk at Bude-Stratton Town Council, The Parkhouse Centre, Bude, Cornwall EX23 8LD not later than 3.00pm on the twenty first day following the day on which the excess charge was incurred or in cash in person at the said offices not later than as aforesaid PROVIDED THAT if the said twenty first day falls upon a day on which the said offices are closed the period within which payment of the said charge shall be made to the Council shall be extended until 3.00pm on the next day

GIVEN under the Seal of the Council this                      day of                      2013

The seal of Bude-Stratton Town Council was hereunto affixed in the presence of:-

Christine Kett  
Town Clerk  
Bude-Stratton Town Council

**SCHEDULE**

<b>Name of Parking Place</b>	<b>Position in which Vehicles may wait</b>	<b>Permitted Classes of Vehicles as Defined in Article 2 of the Order</b>	<b>Period of Operation of Parking Place</b>	<b>Charging Hours</b>	<b>Maximum Period For which a vehicle may wait</b>	<b>Scale of Charges</b>
Bude-Stratton Town Council (Shalder Hill Area)	Where provided wholly within a parking bay	Motor Vehicles Motor Cycles Motor Vans Invalid Carriages	All hours of all days  No overnight sleeping in vehicles	8am-6pm	Unlimited Waiting	70p per hour. Penalty for non-payment or non-display or contravention of Article 2. £60 or £35 if paid within 7 days.
Bude-Stratton Town Council Car Park, rear of the Parkhouse Centre, Bude	Wholly within a parking bay	Motor Vehicles Motor Cycles Motor Vans Invalid Carriages	All hours of all days  No overnight sleeping in vehicles	8am-6pm	Unlimited Waiting	70p per hour. Penalty for non-payment or non-display or contravention of Article 2. £60 or £35 if paid within 7 days.
Poughill Village Car Park	Where provided wholly within a parking bay	Motor Vehicles Motor Cycles Motor Vans Invalid	All hours of all days  No overnight	8am-6pm	Unlimited Waiting but no overnight Sleeping in vehicles	No charge



Bude-Stratton Town Council Castle Grounds, Bude Light Area	No Parking allowed at any time	Carriages None	sleeping in vehicles All hours of all days No overnight sleeping in vehicles	No Charge	No Parking allowed at any time	Penalty for parking in these areas as per Article 2 of this Order.
The Parkhouse Centre Ergue Gaberic Way Bude	Parkhouse Centre users only. Within designated bays only	Motor Vehicles Motor Cycles Motor Vans Invalid Carriages	All hours of all days No overnight sleeping in vehicles	No charge	While using the Parkhouse Centre	Improper use or parking £60 or £35 if paid within 7 days as per article 2 of this Order
Pumping station access route (side of the Castle )	Permit holders only on Town Council business may park on either side of road track	Motor Vehicles Motor Cycles Motor Vans Invalid Carriages	All hours of all days No overnight sleeping in vehicles	No charge	While on Town Council business for which a permit has been issued	Improper use £60 or £35 if paid within 7 days as per article 2 of this Order

## **BUDE-STRATTON TOWN COUNCIL (OFF STREET PARKING PLACES) ORDER 2012**

Notice is hereby given that Bude-Stratton Town Council proposes to make amendments to the Bude-Stratton Town Council (Off-Street Parking Places) Order 2012, as detailed below:

1. Amendment of the Schedule to increase tariff, as detailed below:  
An increase from 60p to 70p per hour
2. Amendment to Schedule to include new car parking places and remove two areas on the Bude-Stratton Town Council (Off Street Parking Places) Order 2011

The Council's reasons for requiring the Amendments are:

1. To increase the parking charges to offset the cost of inflation, maintenance and running expenses including the recent surfacing to the car park from 1.10.2012
  2. To cover additional areas, and remove two areas from the order which are not on Bude-Stratton Town Council land.
- A copy of the Order together with the proposed amendments and relevant plans may be inspected at the Town Council Offices, The Parkhouse Centre, Ergue Gaberic Way, Bude, EX23 8LD between 10am and 3pm Monday to Friday.

All objections and other representations relating to this Order must be made in writing, specifying the grounds upon which they are made, to be received at the address below before 3pm on Friday 28 September 2012  
Dated this day 28 August 2012

Mrs C Kett  
Town Clerk  
Bude-Stratton Town Council  
The Parkhouse Centre  
Ergue Gaberic Way  
Bude EX23 8LD