

HAVANT BOROUGH COUNCIL

THE BOROUGH OF HAVANT OFF-STREET PARKING PLACES ORDER 2015

The Council of the Borough of Havant (hereinafter called "the Council") in exercise (with the consent of Hampshire County Council pursuant to Section 39(3) of its powers under Sections 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and under the Traffic Management Act 2004 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 1984 Act hereby makes the following Order:

PART I

GENERAL

Citation

1. This Order shall come into operation on the thirty-first day of October 2015 and may be cited as "The Borough of Havant Off-Street Parking Places Order 2015".
2. "The Borough of Havant Off Street Parking Places (Amendment) Order 2014 (Variation) Order 2015 is hereby revoked.

Interpretation

3. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:

"approved method of payment" means park and phone, payment by debit or credit card facilitated by on site or remote verification by, for example, card reader or mobile phone text or phone call;

"authorised vehicles" means vehicles authorised by the Council;

"bank holidays" includes all days designated as bank or public holidays in England under the Banking and Financial Dealings Act 1971 together with such other bank or public holidays in England as shall from time to time be proclaimed by Royal Proclamation;

"car" means a mechanically propelled vehicle constructed solely for the carriage of up to seven passengers;

"caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another;

"charge", "charges" and "parking charges" mean the charges which may be varied from time to time by the Council under and in accordance with S35(C) of the 1984 Act;

"charging hours" in relation to any parking place means a period during which charges apply in that parking space.

"Civil Enforcement Officer" means a person (being a person appointed under Section 76 of the Traffic Management Act 2004 and/or under Section 63A of the 1984 Act) authorised by or on behalf of the Council to supervise any parking place and act as indicated by the use of the expression in any of the Articles in this Order;

"Council" means the Council of the Borough of Havant;

"credit card" and **"debit card"** mean methods of payment of the parking charge at such car parks as the Council may from time to time nominate and involving the use of a valid credit card or debit card which is accepted by the Council as a valid methods of payment for the relevant time of use of the parking place;

"de-mountables" means habitation units which can be attached to and detached from another vehicle;

"disabled person" or "blue badge" have the same meaning as in the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000 SI 682;

"disabled person's vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000;

"driver" in relation to a vehicle in a parking place means the person driving the vehicle at the time it entered the parking place;

"goods vehicles" means, in respect of Schedule 3, vehicles delivering goods and/or services to the Council;

"Hackney Carriage" means a vehicle licensed by the Council under Section 37 of the Town Police Clauses Act 1847;

"heavy commercial vehicle" has the same meaning as in Section 138 of the 1984 Act;

"light goods vehicle" means a vehicle, not exceeding 3.5 tonnes gross vehicle weight, which is constructed or adapted for use for the carriage of goods or burden of any description;

"motor cycle" means a solo motor cycle only and excludes any motor cycle which has a side-car or trailer, or which has more than two wheels.

"owner" means the person by whom the vehicle, trailer or caravan is kept;

- (i) In determining who was the owner of a vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994, and
- (ii) in relation to a vehicle, trailer or caravan the subject of a lease or hiring agreement means the person in possession of the vehicle trailer or caravan under that agreement;

“park and phone” means a method of payment of the parking charge involving registration of payment by phone or electronic means and on first use, registration of the relevant registration number of the vehicle, location of the parking place, credit or debit details or any such other details as the Council may from time to time require which is accepted by the Council as a valid method of payment for the relevant time of use of the parking place;

"parking bay" means an area of a parking place which is provided for the parking of a motor vehicle and which is indicated by markings on the surface of the parking place;

"parking permit" means a permit or other approval in writing issued by the Council to park in a car park or designated area;

"parking place" means an area of land provided by the Council under Section 32 of the Road Traffic Regulation Act 1984 and described in the Schedules hereto;

"penalty charge" means a penalty charge which is payable by virtue of Part 6 of the Traffic Management Act 2004

"penalty charge notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Part 6 of the Traffic Management Act 2004;

“relevant position” in respect of:

- (a) a disabled person’s badge and parking disc has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and
- (b) all other tickets and permits referred to in this Order means exhibited on the dashboard or facia of the vehicle, caravan or trailer or where the vehicle, caravan or trailer does not have a dashboard or facia in a conspicuous position on the vehicle so that whole of the information on the front of the ticket is clearly legible from outside of the vehicle.

“residents’ permit” means a permit issued to any person under the provisions of Article 59 in accordance with Section 45 of the Act;

“residents’ permit holder” means any person to whom a permit has been issued under the provisions of Article 57;

“season ticket” means a permit issued by the Council to park in a designated parking place(s);

“ticket”, “parking ticket” and **“pay and display ticket”** mean a ticket issued by a ticket machine pursuant to this Order and indicating the charge that has been paid, the time at the beginning of the period for which payment was made and/or the time when the period expires;

"ticket machine" means an apparatus, having been approved either specifically or generally in accordance with Section 35(3) of the 1984 Act, designed to indicate the time by a clock and to issue parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specifies the date and either the time of such payment or the time at which the vehicle must leave the parking place;

"traffic lane" means an area of a parking place which is laid out by lines or otherwise as a traffic lane or any part of any land or walkway that is intended for use as an access between the parking place and a nearby public highway, or where a parking place is provided with parking bays in any area which is not laid out as a parking bay;

"trailer" means a vehicle, usually two-wheeled, towed by a motor vehicle.

"vehicle" means any motor vehicle less than 3.5 tonnes.

4. Except where the context requires otherwise, any reference in this Order to an Article or Schedule shall be construed as a reference to that Article or Schedule in this Order.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II

DESIGNATION AND USE OF PARKING PLACES

Designation of parking places

6. Each area of land specified by name or description in column 1 of the Schedules to this Order may be used subject to the following provisions of this Order as a parking place for such classes of vehicles in such positions on such days and during such hours as are specified in relation to that area in the Schedules to this Order.

Use of parking places

7. Where in the Schedules to this Order a parking place is described as available for vehicles of a specified class or in a specified position no person shall cause or permit a vehicle to wait in that parking place unless it is of the class and in the position so specified.
8. Where within a parking place there is a sign or surface marking which indicates that a parking place or parking bay is available only for vehicles displaying a pay and display ticket no person shall cause or permit a vehicle to wait in that parking bay unless it displays in the relevant position a valid pay and display ticket.
9. Where within a parking place there is a sign or surface marking which indicates that a parking place or parking bay is available only for vehicles displaying a permit no person shall cause or permit a vehicle to wait in that parking bay unless it displays in the relevant position a valid parking permit issued by the Council for that vehicle to wait in the said place.

10. Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle no person shall cause or permit a vehicle to wait in that parking bay unless it is a disabled person's vehicle which displays in the relevant position a disabled person's badge.
11. Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for motor cycles no person shall cause or permit a vehicle to wait in that parking bay unless it is a motor cycle.
12. No person shall cause or permit a caravan to wait in any car park specified in the Fifth Schedule (Part 1) to this Order between 10.00pm and 8.00am on any day.
13. The driver of any vehicle which is constructed or adapted for drawing a trailer or caravan shall not within any parking place cause or permit such trailer or caravan to be unhitched from the vehicle at any time.
14. FOR THE AVOIDANCE OF ANY DOUBT, no person shall use any parking place or cause or permit any vehicle to be in any parking place in contravention of or without complying with any prohibition, restriction, limitation or other stipulation of whatever kind which is contained in any Article or Schedule to this Order.

Maximum stay

15. No person shall cause or permit a vehicle, caravan or trailer to be at any one time in any one of the parking places (or part thereof) specified in the Schedules to this Order for a longer period than any maximum period of waiting specified in respect of that parking place in the Schedules to this Order and shall not, within any specified period of prohibited return after its leaving, permit it to be again in that parking place.

Position of vehicles

16. Where parking bays are marked out in a parking place all vehicles of the correct class shall be positioned wholly within the parking bays marked for that class of vehicle.

Restriction of access

17. No person shall use a parking place so as to restrict use of any traffic lane, to prevent access to any parking bay (where marked) or premises adjoining the parking place, or so as to be a nuisance.

Other provisions / Use of vehicles in parking places

18. 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.
19. No person shall, unless he has the prior express written consent of the Council, use a vehicle, caravan or trailer while it is in a parking place in connection with the sale

of any articles to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.

20. No person shall, unless he has the prior express written consent of the Council, use any part of a parking place or any vehicle, caravan or trailer left in a parking place, specified in the First, Second, Fourth and Fifth (Part 1) Schedules to this Order
- (a) for human habitation or any domestic purpose; or
 - (b) for the purpose of servicing, repairing or washing any vehicle, caravan or trailer or part thereof other than as is reasonably necessary to enable that vehicle, caravan or trailer to depart from the parking place.
21. No person shall cause or permit a de-mountable caravan to be parked in any parking space specified in the Fifth Schedule (Part 2) to this Order, unless such caravan is at all times connected to the towing vehicle.
22. No person shall, unless he has the prior express written consent of the Council, affix or attach to or leave or place on any vehicle, caravan or trailer while it is in a parking place any leaflet, bill placard or poster.
23. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

Dangerous substances

24. No person shall drive or permit to be driven into a parking place any vehicle containing any noxious or dangerous substance or material.

Restriction on size of vehicles

25. No person shall cause or permit to be driven into a parking place:

- (a) any public service vehicle;
- (b) any commercial vehicle exceeding 3.5 tons gross vehicle weight; or
- (c) any commercial vehicle with a trailer;

unless specified in the Schedules to this Order or except with prior written approval given by a person authorised in that behalf by the Council.

Direction of travel

26. Where in a parking place signs are erected or surface markings are laid for the purpose of:
- (a) indicating the entrance to or exit from the parking place; or
 - (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place, no person shall drive or permit to be driven any vehicle, caravan or trailer (i) so that it enters the parking place otherwise

than by an entrance, or leaves the parking place otherwise than by an exit so indicated; or (ii) in a direction other than so specified.

Parking uses only

27. No person shall except with the permission of a person authorised by the Council in that behalf drive or permit to be driven any vehicle, caravan or trailer in a parking place for any purpose other than the purpose of leaving that vehicle, caravan or trailer in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

Exemptions

28. The driver of a vehicle or owner of a caravan or trailer left in a parking place specified in the Schedules to this Order shall be exempt from payment of charges and from compliance with the maximum period of waiting and prohibition of return (if any) specified in respect of the parking place if:
- (a) the vehicle is being used for emergency services purposes;
 - (b) the vehicle is in the service of a local authority or water authority in pursuance of statutory powers;
 - (c) the vehicle is being used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration or repair in the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as defined in paragraph 1(1) of the Telecommunications Code contained in Schedule 2 of the Telecommunication Act 1984; or
 - (d) if there is displayed in the relevant position a valid waiver certificate or other written authority issued by the Council and the vehicle is parked in accordance with the terms and conditions of the certificate or written authority.

Parking of disabled persons vehicles

29. Any vehicle which is a disabled person's vehicle which displays in the relevant position a disabled person's badge and which, immediately before or after any period of waiting in a parking place, has been or is about to be driven by the disabled person whose badge is displayed or, as the case may be, used for carrying disabled person(s) as passenger(s) shall be exempt from payment of charges and from compliance with the maximum period of waiting and prohibition of return (if any) specified in respect of the parking place.

PART III

PAYMENT FOR PARKING

Charges

30. In respect of the parking places specified in the Fourth and Fifth Schedules to this Order, the driver of a vehicle, caravan or trailer shall immediately on leaving the vehicle, caravan or trailer in the parking place pay the appropriate charge for the period during which the vehicle, caravan or trailer is to be left in that parking place.
31. In respect of the parking places specified in the Fourth and Fifth Schedules to this Order and except with the permission of the Council, every part of a trailer must be parked within the limits of one parking space. A vehicle with a trailer must occupy no more than two parking spaces. Separate parking tickets must be purchased for both the motor vehicle and trailer and must be displayed in the relevant position(s).

Parking Promotions

32. The Council may from time to time introduce temporary parking tariffs called "parking promotions" for a specified period as advertised at each parking place that the parking promotion applies to. Such "parking promotions" shall be subject to the terms of this Order except that special conditions for use may be applied.

Exemptions

33. Nothing in Article 30 shall require the payment of a pay and display parking charge in respect of:
 - (a) a motor cycle;
 - (b) a vehicle, caravan or trailer which displays in the relevant position a valid permit or season ticket issued in respect of that vehicle and for the parking place in which the vehicle is left;
 - (c) a disabled person's vehicle which displays in the relevant position a disabled person's badge and which, immediately before or after any period of waiting, has been or is about to be driven by the disabled person whose badge is displayed or, as the case may be, used for carrying disabled person(s) as passenger(s).

Method of payment of charge

34. The charge referred to in Article 30 shall be payable by:
 - (a) the purchase of a valid parking ticket by the insertion of an appropriate coin or coins into a ticket machine situated on the parking place, or
 - (b) make arrangements to pay the appropriate fee through an approved method of payment such as park and phone at the level of daily charge and for the period required in accordance with the scale of charges specified in the relevant parking place.

Parking ticket

35. The parking ticket referred to in Article 34(a) shall only be valid if it has been purchased from a ticket machine at the parking place at the price and on the day and for the period specified in relation to the parking place in which the vehicle is left.

Display of ticket

36. No person shall cause or permit a vehicle, caravan or trailer to wait in a parking place specified in the Fourth and Fifth Schedules to this Order during the charging hours unless:-
- (a) such relevant charge in respect of that vehicle has been paid and a ticket showing that payment has been made is displayed in the relevant position on the vehicle, caravan or trailer.
 - (b) the appropriate fee has been paid through an approved method of payment such as park and phone.

Park and Phone

37. (a) Where payment of a Parking Charge is made by credit or debit card by way of mobile telephone communication the following shall be disclosed:-
- (i) number of the mobile telephone.
 - (ii) identification number and any such details as may be requested by or on behalf of the Council relating to the credit or debit card against which the Parking Charge is being paid.
 - (iii) location of the Parking Place in respect of which payment is being made.
 - (iv) registration number of the motor vehicle being parked. If following first registration of the park and phone method of payment any subsequent visit to a parking place is made using a different make and model of vehicle, the responsibility remains with that person making the payment to notify the change of registration number of the vehicle. Failure to do so may result in a Penalty Charge Notice being issued even though the appropriate fee has been paid.

The Parking Period shall commence on receipt by or on behalf of the Council of the details specified in (i) to (iv) above.

- (b) At any time after a Parking Charge has been paid in accordance with Paragraph (a) in respect of a Parking Period, that Parking Period may be increased on further payment of the additional Parking Charge provided that the maximum permitted Parking Period for that Parking Place is not exceeded.
- (c) The payee of a Parking Charge under Paragraph (a) may request to be informed by a text message as to the imminent expiry of the Parking Period.

- (d) The Council shall display a notice in every Car Park where the option of payment of the Parking Charge in accordance with Article 37(a) is available, such notice shall display the location number of the car park in which it is sited and provide operational guidance on payment of Parking Charges under that Article.

Period of waiting

38. No person shall cause or permit a vehicle to wait in a parking place specified in the Fifth and Sixth Schedules to this Order for a longer period than the period for which payment was made.

Expiry of time period

39. The expiry of the period for which the charge referred to in Article 30 has been paid shall be indicated and shall be treated as having occurred when there is exhibited on the vehicle a valid parking ticket and the time shown on the clock of the said ticket machine is later than the time at which (by reference to the information on the ticket) the period for which a charge has been paid has expired PROVIDED THAT nothing in this Article shall prevent a Civil Enforcement Officer or the Council from acting upon or adducing other proper evidence of the expiry of that period.

Non-transfer of tickets

40. The parking ticket referred to in Article 34(a) shall not be valid if it has been transferred from one vehicle to another. Parking tickets are non-transferable between the Car Parks specified in the Fourth and Fifth Schedules to this Order.

Failure to pay charge

41. If at any time while a vehicle, caravan or trailer is left in a pay and display parking place, no parking ticket indicating that the relevant charge has been paid in respect of that parking place, during the period in which the vehicle, caravan, or trailer is so left, is displayed on that vehicle in the relevant position, the relevant charge shall be deemed not to have been paid unless the contrary is proved.

Indications as evidence

42. The indications given by any ticket machine or any parking ticket issued by it shall be treated as evidence of the facts which the ticket machine or parking ticket purports to record.

Permits

43. The owner of a vehicle may on application to the Council purchase a parking permit in respect of that vehicle for any of the parking places specified in the Second Schedule (Part 6) and the Fifth Schedule (Part 1) to this Order.

Season tickets

44. The owner of a vehicle may on application to the Council purchase a season ticket in respect of that vehicle for any of the parking places specified in the Fifth Schedule (Part 1) to this Order.

Display of permits and season tickets

45. The driver of a vehicle left in a parking place specified in the Fourth Schedule (Parts 3 and 4) and the Fifth Schedule (Part 1) and strictly in accordance with the provisions of this Order shall be exempt from payment of the pay and display parking charge during any period within charging hours if there is displayed in the relevant position a valid parking permit.
46. The driver of a vehicle left in a parking place specified in the Fifth Schedule (Part 1) and strictly in accordance with the provisions of this Order, shall be exempt from payment of the pay and display parking charge during any period within charging hours if there is displayed in the relevant position a valid season ticket.

Restriction on removal of tickets, permits and season tickets

47. When a ticket, permit or season ticket has been exhibited on a vehicle, caravan or trailer in accordance with the provisions of Articles 36(a), 45 or 46, no person shall remove the ticket, permit or season ticket from the vehicle until the vehicle is removed from the parking place.

Absence of Ticket Machine

48. If at the time when a vehicle, caravan or trailer is left in a pay and display parking place during charging hours there is no working ticket machine at the 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, the driver of that vehicle or the owner of the caravan or trailer shall be exempt from payment of the charge referred to in Article 30, provided that the vehicle may not be left for longer than the maximum period of waiting in that parking place as specified in the parking place and in the Schedules to this Order.

Exemption from the requirement to display a pay and display ticket

49. Where arrangement to pay the daily charge has been made through an approved method of payment and no pay and display ticket is produced by following the process, the driver of a vehicle or the owner of the caravan or trailer, shall be exempt from the requirement to display such a ticket.

Removal of vehicles, trailers and caravans

50. When a vehicle, caravan or trailer is brought into or left in a parking place in contravention of Articles 7, 8, 9, 10, 11, 12, 13, 14, 15, 30 and 54 a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place, and when it is so removed he / she shall make such arrangement as may be reasonably necessary for the safe custody of the vehicle, caravan or trailer.
51. Any person removing a vehicle, caravan or trailer by virtue of the last preceding Article may do so by towing or driving the vehicle, caravan or trailer or in such other manner as he / she may think necessary and may take such measures in relation to the vehicle, caravan or trailer as he / she may think necessary to enable him / her to remove it as aforesaid.

PART IV

SUSPENSION OF PARKING PLACE

Power to close parking places

52. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the parking place:
- (a) from closing the parking place or any part thereof for any period; and/or
 - (b) from setting aside the parking place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations.
53. Any person suspending the use of a parking place or any part thereof in accordance with the provisions of Article 52 shall thereupon place or cause to be placed in or adjacent to that parking place or that part thereof a notice or traffic sign indicating that the use of that parking place or that part thereof is suspended and that waiting by vehicles is prohibited.
54. No person shall cause or permit a vehicle to be left in a parking place or any part thereof during such periods that the use of that parking place or that part thereof is suspended or during such period as there is in or adjacent thereto a notice or traffic sign placed by or on behalf of the Council

PART IV

PROVISIONS RELATING TO RESIDENTS' PERMITS

55. Articles 56 to 63 apply to those parking places described in Schedule 4, Part 3, in so far as it relates to Tidworth Road and Greywell Car Parks, Leigh Park.
56. Each parking place may be used subject to the provisions of this Order for the leaving during the permitted hours of such vehicles as display in the manner specified in Article 61 a valid residents' permit issued by the Council in respect of that vehicle.
57. (1) Any resident who is the owner of a passenger vehicle may apply to the Council for the issue of a residents' permit and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied and such fee as is for the time being prescribed by the Council.
- (2) The Council may at any time require an applicant for a residents' permit or a residents' permit holder to produce to an officer of the Council such evidence in respect of an application for a residents' permit made to them as they may reasonable require to verify any particulars or information given to them or in respect of any residents' permit issued by them as they may reasonably require to verify that the residents' permit is valid.

- (3) On receipt of an application duly made under the foregoing provisions of this article and of the appropriate fee, the Council upon being satisfied that the applicant is a resident and is the owner of a vehicle of the class specified in paragraph (1) of this article may issue to the applicant one residents' permit for the leaving during the permitted hours in a parking space in any parking place of the vehicle to which such residents' permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward.
58. (1) A residents' permit holder may surrender a residents' permit to the Council at any time and shall surrender a residents' permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this article.
- (2) The Council may by notice in writing served on the residents' permit holder by sending the same by recorded delivery to the residents' permit holder at the address shown by that person on the application for the residents' permit or at any other address believed to be that persons' place of abode withdraw a residents' permit if it appears to the Council that any one of the events set out in paragraphs (3) of this article has occurred and the residents' permit holder shall surrender the residents' permit to the Council within 48 hours of the receipt of the aforementioned notice.
- (3) The events referred to in the foregoing provisions of this article are-
- (a) a resident who is a residents' permit holder ceasing to be a resident in any of the roads referred to in Schedule 4, Part 3, in so far as it relates to Tidworth Road and Greywell Car Parks, Leigh Park.
 - (b) a residents' permit holder ceasing to be the owner of the vehicle in respect of which the residents' permit was issued;
 - (c) the withdrawal of such residents' permit by the Council under the provisions of paragraph (2) of this article;
 - (d) the issue of a duplicate residents' permit by the Council under the provisions of Article 59;
 - (e) where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect;
 - (f) the residents' permit ceasing to be valid pursuant to the provisions of paragraph (4) of this article.
- (4) Without prejudice to the foregoing provisions of this article a residents' permit shall cease to be valid at the expiration of the period specified thereon (which period shall be that in respect of which payment has been made) or on the occurrence of any one of the events set out in paragraph 3 (a) (b) (c) (d) and (e) of this article whichever is the earlier.
59. (1) If a residents' permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the residents'

permit had become altered by fading or otherwise the residents' permit holder shall either surrender it to the Council for the issue to him of a replacement residents' permit and the Council upon the receipt of the resident's permit shall issue a replacement residents' permit so marked and upon such issue the residents' permit shall become invalid.

- (2) If a residents' permit is lost or destroyed the residents' permit holder may apply to the Council for the issue to him of a replacement residents' permit and the Council upon being satisfied as to such loss or destruction shall issue a replacement residents' permit so marked and upon such issue the residents' permit shall become invalid.
- (3) Where a replacement residents' permit is issued to any person, a charge for administering such a residents' permit shall be payable to the Council.

60. A residents' permit shall be in writing and shall include the following particulars-

- (a) the period during which subject to the provisions of Article 58(4) the residents' permit shall remain valid;
- (b) an indication that the residents' permit has been issued by the Council;
- (c) an indication of the Car Parks in which the residents' permit is valid.

61. At all times during which a vehicle is left in a parking place during the permitted hours there shall be displayed in the relevant position a residents' permit issued in respect of that vehicle so that all the particulars referred to in Article 60 are readily visible from the front or nearside of the vehicle.

62. Where a permit has been displayed on a vehicle in accordance with the provisions of this Order no person other than the driver of the vehicle shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

PART V

PENALTY CHARGE AT PARKING PLACES

For the avoidance of any doubt the provisions of this Order and in particular (but without prejudice to the generality of the foregoing) the provisions of the following Articles 63 to 67 (inclusive) are without prejudice to the provisions of Part 6 of the Traffic Management Act 2004 (“the Act”) and the regulations made thereunder (“the Regulations”) and in the event of any conflict the provisions of the Act and of the Regulations shall prevail over the provisions of this Order.

Penalty charge

63. If a vehicle is left in a parking place in contravention of or without complying with any Article of this Order a penalty charge shall be payable and/or the vehicle may be removed from that location or parking place.

Penalty charge notice

64. Where a penalty charge may have been incurred in respect of a vehicle it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position a penalty charge notice which shall include the following particulars;
- (a) the grounds on which the Civil Enforcement Officer believes that a penalty charge is payable with respect to the vehicle;
 - (b) the amount of the penalty charge which is payable;
 - (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
 - (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the charge will be reduced by one half;
 - (e) that if the penalty charge is not paid before the end of the 28 day period a notice to owner may be served by the Council on the person appearing to them to be the owner of the vehicle;
 - (f) the address to which payment of the penalty charge must be sent

Payment of the penalty charge

65. (a) The owner of a vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Council as indicated on the penalty charge notice.
- (b) If the penalty charge is paid before the end of the period of 14 days beginning with the date of the penalty charge notice the amount of the penalty charge will be reduced by one half.
- (c) If the period of 28 days for payment of the penalty charge has expired without that charge being paid the Council may serve a notice ("a notice to owner") on the person who appears to them to have been the owner of the vehicle when the alleged contravention occurred and the notice to owner so served shall state the matters required to be stated therein by or under the Traffic Management Act 2004.

Indications as evidence

66. The particulars given in the penalty charge notice attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

Restriction on removal of a penalty charge notice

67. When a penalty charge notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order, no person, not being the driver of the vehicle, a police constable in uniform, a Civil Enforcement Officer or some other person duly authorised by the Council shall remove the penalty charge notice from the vehicle unless authorised to do so by the driver.

PART VI

DISPOSAL OF VEHICLES ABANDONED

Removal of a vehicle from parking places

68. Where a person duly authorised by the Council is of the opinion that any of the provisions contained in this Order have been contravened, or not complied with in respect of a vehicle left in a parking place, he / she may, under the provisions of the Removal and Disposal of Vehicles Regulations 1986, remove the vehicle or cause it to be removed from the parking place, and, where it is so removed, shall provide for the safe custody of the vehicle.

Disposal of vehicles abandoned in parking places

69. (i) The Council may sell or otherwise dispose of a vehicle which has been, or could at any time be, removed from a parking place pursuant to Article 56, if the vehicle appears to have been abandoned, provided that this power of disposal shall not be exercisable unless the Council has taken such of the following steps as are applicable to the vehicle in question, and there has elapsed a period of six weeks beginning with the taking of the first of those steps.
- (ii) Where the vehicle carries a registration mark the Council shall ascertain from the appropriate body the name and address of the person who is the Registered Keeper of the vehicle pursuant to the Vehicle Excise and Registration Act 1994, unless the Council is satisfied that the true owner of the vehicle has identified himself to it.
- (iii) The Council shall, where it is by virtue of paragraphs (ii), (iv) and (v) of this Article, aware of the name and address of a person who it appears may be the owner of the vehicle, send a Notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the Notice) on or after a specified date (which shall not be less than two weeks from the date of the Notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said Notice or from such place as may be subsequently notified in writing by the Council to that person.

- (iv) If any person to whom a Notice is sent in accordance with paragraph (iii) of this Article informs the Council of the name and address of some other person who he alleges may be the owner of the vehicle, a Notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the Notice to the said other person be led to believe may be the owner of the vehicle.
- (v) Where a vehicle does not carry a registration mark the first step to be taken by the Council shall be to apply in writing to the Chief Officer of Police in whose area the parking place is situated enquiring whom that officer considers is the owner of the vehicle and the address of that person.
- (vi) The Council shall then make such further enquiries as to ownership as it thinks fit.
- (vii) Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof and of any charge or payment to which it is entitled.
- (ix) In the event that any such costs incurred by the Council in connection with the disposal of the vehicle are not satisfied by virtue of the last preceding Article, the Council may recoup those costs from the person who was the owner of the vehicle immediately before it was removed from the parking place, provided that that person was sent by the Council a Notice under paragraph (iii) of this Article.
- (x) Any sums received by the Council on a sale of a vehicle shall, after deducting any sum applied thereabouts by virtue of paragraph (vii) of this Article, be payable within a period of one year from receipt hereof to any person to whom, but for such sale, the vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid into the General Rate Fund of the Council.
- (xi) Where under the foregoing provisions of this Order a Notice is required to be or may be sent to a person the Notice shall be sent by recorded delivery post.

LIST OF SCHEDULES

SCHEDULE 1: Free car parks

- PART 1** Parking places (or parts thereof) where waiting is limited to 24 hours.
- PART 2** Parking places (or parts thereof) where waiting is limited to 3 hours (return prohibited within 1 hour) between the hours of 8.00am and 6.00pm Monday to Saturday.
- PART 3** Parking places (or parts thereof) where waiting is limited to 3 hours (return prohibited within 2 hours) between the hours of 9.00am and 5.00pm Monday to Friday.
- PART 4** Parking places (or parts thereof) where waiting is limited to 2 hours (return prohibited within 2 hours) between the hours of 8.00am and 6.00pm Monday to Saturday.
- PART 5** Parking places (or parts thereof) where waiting is limited to 30 minutes – (return prohibited within 2 hours) between the hours of 8.00am and 6.00pm Monday to Saturday.
- PART 6** Parking places (or parts thereof) where waiting is limited to 20 minutes – (return prohibited within 2 hours) between the hours of 8.00am and 6.00pm Monday to Saturday.

SCHEDULE 2: Permit holder car parks

- PART 1** - Parking places (or parts thereof) reserved for Health Authority permit holders between the hours of 8.00am to 6.30pm Monday to Friday.
No parking between midnight and 8.00am Monday to Sunday.
- PART 2** - Parking places (or parts thereof) reserved for Leigh Park Community Centre permit holders between 8.00am and 6.00pm Monday to Friday.
At all other times – maximum period of waiting 24 hours.
- PART 3** - Parking places (or parts thereof) reserved for Havant Borough Council permit holders between 6.00am and 6.00pm Monday to Friday (excluding bank holidays).
- PART 4** - Parking places (or parts thereof) reserved for Havant Borough Council permit holders between 6.00am and 6.00pm Monday to Friday (excluding bank holidays): Parking Charges apply on Saturdays, Sundays and bank holidays.
- PART 5** Parking places (or parts thereof) reserved for Havant Borough Council car share permit holders only between 6.00am and 10.30am Monday to Friday (excluding Bank Holidays): Parking Charges apply on Saturdays, Sundays and Bank Holidays
- PART 6** - Parking places (or parts thereof) reserved for Bus Station permit holders only between 8.00am and 6.00pm Monday to Friday.
At all other times – maximum period of waiting 24 hours.