



Portfolio Holder Decisions

Off Street Parking Places Order 2020

1. **Wyre Borough Council (Off-Street Parking Places) Order 2020** (Pages 3 - 34)

Report of the Neighbourhood Services and Community Safety Portfolio Holder and Corporate Director Environment.

This page is intentionally left blank



Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Mark Billington, Corporate Director Environment	Cllr Roger Berry, Neighbourhood Services and Community Safety Portfolio Holder	24 March 2020

Wyre Borough Council Off-Street Parking Places Order 2020

1. Purpose of report

- 1.1 To approve changes to the Parking Places Order to regulate the use of all paid for and free car parks managed by Wyre Council.

2. Outcomes

- 2.1 The effective management of the Council's car parks.

3. Recommendations

- 3.1 That the Wyre Borough Council (Off-Street Parking Places) Order 2020 as shown in Appendix One is approved subject to a formal consultation process taking place.
- 3.2 That the Corporate Director Environment be authorised to prepare and advertise the Order and any objections arising from the advertisement to be reported to the Neighbourhood Services and Community Safety Portfolio Holder.

4. Background

- 4.1 The current Parking Order was approved in 2012. Since that time there have been a number of legislative and operational changes that need to be included in the Order. While the majority of the changes are minor, it is considered that there are a significant number of changes that would require a new Order.
- 4.2 The Council has agreed that, subject to consultation, charges for Blue Badge holders will be introduced in 2020/1 financial year. It is proposed that the changes to the disabled parking regulations will be included in the new Order.

5. Key issues and proposals

- 5.1** Changes to the disabled parking regulations requiring that Blue Badge holders pay for parking in all council Pay & Display car parks. An Equality Impact Assessment has been undertaken which concludes that taken overall, that the impact of the scheme on people with protected characteristics will be positive, and we have shown due regard to our Duties under all of the relevant sections of the 2010 Act.
- 5.2** Addition of regulations regarding the parking and charging of electric and hybrid vehicles in council car parks.
- 5.3** Changing the name of Hardhorn Road car park to Wheatsheaf Way car park to reflect the new road that runs through the car park.
- 5.4** The Off-Street Parking Places order will need to be advertised in a local paper and at each car park affected. Members of the public will be able to object to the proposed Order and objections would be brought back to the Neighbourhood Services and Community Safety Portfolio Holder for consideration.

6. Delegated functions

- 6.1** The matters referred to in this report are considered under the following executive function delegated to the Neighbourhood Services and Community Safety Portfolio Holder (as set out in Part 3 of the council's constitution):

"To exercise all powers in relation to the provision and operation of off-street car parks which are not ancillary to another Council building the management of which is undertaken by another portfolio holder."

Financial and legal implications	
Finance	The cost of advertising the Order and new signage requirements can be met from existing car park budgets.
Legal	As part of the legal process to revoke the existing Off Street Parking Places and replace it with a new Off Street Parking Places Order, the Council is required to carry out a public consultation by placing public notices in the relevant car parks and a notice in the local press.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	✓
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	✓
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a ‘privacy impact assessment (PIA)’ is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Paul Long	7271	Paul.Long@wyre.gov.uk	09/03/20

List of background papers:		
name of document	date	where available for inspection
Equality Impact Assessment Wyre Resident Car Parking Permit Scheme & Disabled Car Parking Provision	27 Jan 2020	Engineers

List of appendices

Wyre Borough Council Off-Street Parking Places Order 2020

This page is intentionally left blank



Wyre Borough Council (Off-Street Parking Places) Order 2020



CONTENTS

Wyre Borough Council (Off-Street Parking Places) Order 2020	1
Definitions and Interpretation.....	1
Commencement and Revocations	5
Provision and Use of Parking Places	5
Use of Parking Place	6
Supermarket Trolleys	8
Electric Vehicle Charging Points	8
Motor Caravans	9
Nuisance.....	9
Right of Way	9
Action After Accident	10
Cycling	10
Direction of Travel	10
Charges for Parking.....	10
Disabled Parking	11
Season Permit	11
Resident's Parking Permit	12
Other Permits	12
Penalty Charges	13
PART 1	15
Schedule 1 - Pay and Display Car Parks	15
Schedule 2 - Free Maximum Stay Car Parks.....	17
Schedule 3 - Free Car Parks	18
Schedule 4 - Car Park Charges 2020	21
PART II	24
SEASON TICKET & PERMIT CHARGES	24
Season Permit.....	24
Resident Permit Charges	24
Parking Dispensation Permit	24
PART III	24
PENALTY CHARGE LEVEL	24

Wyre Borough Council (Off-Street Parking Places) Order 2020

The Council of the Borough of Wyre in exercise of its powers under Sections 32, 33, and 35 of the Road Traffic Regulation Act 1984 and Part IV of Schedule 9 to the Act and the Traffic Management Act 2004 and of all other enabling powers and with the consent of the County Council of Lancashire in accordance with Section 39(3) of the Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:

Definitions and Interpretation

- 1 In this Order unless stated or the context requires otherwise:
 - 1.1 "The Act" means the Road Traffic Regulation Act 1984.
 - 1.2 "Civil Enforcement Officer" has the meaning given in Section 76 of the Traffic Management Act, 2004.
 - 1.3 "Coach" means a public service Vehicle within the meaning of Section 1 of the Public Passenger Vehicles Act, 1981.
 - 1.4 "Council" means Wyre Borough Council and includes any parking services contractors or authorised agents approved by or acting on behalf of the Council for the purpose of any function under the provisions of this Order.
 - 1.5 "Daily Charge" means the charge imposed by the Council for parking in a Parking Place on any one day and for a specified period of time as is identified in the scale of charges specified by notice in the Parking Place; and listed in Schedule 4.
 - 1.6 "Disabled Persons Badge" has the meaning given in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 ("the 2000 Regulations") no .682 as amended.
 - 1.7 "Disabled Persons Parking Space" means an area of the car park provided solely for the parking of a Disabled Parking Vehicle and defined as such by means of a sign, surface marking or other indication.
 - 1.8 "Disabled Persons Vehicle" has the meaning given in Section 142 (1) of the Road Traffic Regulation Act 1984.
 - 1.9 "Driver" in relation to a Vehicle waiting in a Parking Place means the person who was driving the Vehicle at the time it entered in the Parking Place or in the case of a trailer means the person who was driving the Vehicle which towed the trailer into the Parking Place at the time it entered the Parking Place.
 - 1.10 "Electric Vehicle" means any Vehicle which is propelled entirely or partially by electricity and is capable of being charged from an external source.
 - 1.11 "Electric Vehicle Charging Point" means an installation adjacent to an Electric Vehicle Parking Bay for the purpose of recharging the batteries of Electric Vehicles by way of connecting leads.

- 1.12 “Electric Vehicle Parking Bay” means an area of the car park provided solely for recharging the battery of an Electric Vehicle by means of an Electric Vehicle Charging point and defined as such by means of a sign, surface marking or other indication.
- 1.13 “Higher Level Contravention” has the meaning given in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (No. 3487).
- 1.14 “Lower Level Contravention” has the meaning given in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (No. 3487).
- 1.15 “Motor Cycle” has the meaning given in Section 136 (4) of the Act.
- 1.16 “Motor Caravan” means any motor vehicle that is classed under the European Community Whole Vehicle Type Approval (ECWVTA) scheme in category M1 Special Purpose and listed by the DVLA as a Motor Caravan on the V5C Registration Document.
- 1.17 “Motor Home Parking Bay” means any area of the car park which is provided solely for the parking of a Motor Caravan and defined as such by means of a sign, surface marking or other indication.
- 1.18 “Motor Vehicle” has the meaning given in Section 136 (1) of the Act.
- 1.19 “Owner”, in relation to a Vehicle, means the person by whom the vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (Section 22) is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered.
- 1.20 “Paid Early” means the Penalty Charge discounted by 50% when paid within 14 days from the date on which the Penalty Charge was issued.
- 1.21 “Parent and Child Parking Bay” means any area of a Parking Space which is provided solely for the parking of any Motor Vehicle which contains any child up to the age of 12 years who is placed in a child or booster seat.
- 1.22 “Parking Bay” means any area of a Parking Place which is provided for the leaving of a Vehicle and indicated by markings on the surface of the Parking Place.
- 1.23 “Parking Dispensation Permit” - means a Permit issued pursuant to Article 55 for the parking of a specified Vehicle in a specified Parking Place for a specified date or dates.
- 1.24 “Parking Place” means any area of land specified by name in column 1 of Part 1 of the Schedules of this Order, which are provided by the Council under Section 32 (1) of the Act for use as a Parking Place.
- 1.25 “Parking Device” has the meaning given in Section 35 (3B) of the Act.

- 1.26 “Pay and Display Ticket” means a valid ticket purchased from a Ticket Machine installed in the Parking Place in which the Vehicle has been parked.
- 1.27 “Penalty Charge” is the Band 2 level of charge and means a charge imposed for contravening the parking regulations of this Order and is set out in Part III and has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 no.3483 as amended.
- 1.28 “Penalty Charge Notice” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 no.3483 as amended.
- 1.29 “Permit” shall mean any one or all of the permits defined in the Definitions Article of this Order.
- 1.30 “Registered Keeper” in relation to a vehicle means the person in whose name the vehicle is registered on the Relevant Date under the Vehicle Excise and Registration Act 1994
- 1.31 “Relevant Date” means the date on which the contravention or non-compliance with the provisions of this Order occurred.
- 1.32 “Relevant Position” means:
- a) in the case of a Disabled Person’s Badge:
 - i) in the case of a Vehicle fitted with a front windscreen, the badge is exhibited on the dashboard or fascia of the Vehicle so that the front of the badge is facing forwards and the date, time of arrival and time of expiry and other details confirming the validity thereof are clearly legible from the outside of the Vehicle.
 - ii) in the case of a Vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position so that the front of the badge as described above, is clearly legible from outside the Vehicle.
 - b) in the case of any other badge, Permit, ticket or other parking device mentioned in this Order:
 - i) in the case of a Vehicle fitted with a front windscreen, the said badge, Permit, prepaid ticket or other Parking Device are exhibited on the dashboard or fascia of the Vehicle with the front of the badge, Permit, prepaid ticket or other device, facing forwards so that the date, time of arrival and time of expiry, amount paid and other details confirming the validity thereof are clearly legible from outside the Vehicle, or
 - ii) in the case of a Vehicle not fitted with a front windscreen, the said badge, Permit, prepaid ticket or other Parking Device are exhibited in a conspicuous position on the front of the Vehicle or as far as possible towards the front of the Vehicle on the near side of the Vehicle so that the date, time of arrival and time of expiry, amount paid and other details confirming the validity thereof are clearly legible from outside the Vehicle.

- 1.33 “Residents Parking Permit” means a Permit issued by the Council on such terms and conditions as it shall decide permitting the holder to park in such Parking Places, excluding private approach roads/access areas, as has been specified in the granting of the permit and in accordance with Article 53 of this Order.
- 1.34 “Restricted Hours” means any period specified in column 6 of Part 1 of Schedules 1 and 2 and 3 in respect of which the relevant badge, Permit, Pay and Display Ticket or other Parking Device is required to be displayed.
- 1.35 “School Permit” means a Permit issued pursuant to Article 55 for the parking of a specified Vehicle or Vehicles in a specified Parking Place for a specified period of time.
- 1.36 “Season Permit” means a numbered Permit issued pursuant to Article 52 for the parking of a specified Vehicle or Vehicles in a specified Parking Place.
- 1.37 “Staff Parking Permit” means a numbered Permit issued to a person employed by the Council pursuant to Article 56 for the parking of a specified Vehicle in a specified Parking Place or places.
- 1.38 “Ticket Machine” means an apparatus as described in Section 35 (3) of the Act for the purpose of the Parking Places specified in the Schedules, being apparatus designed to indicate the time by a clock and to issue tickets indicating the payment of a charge if applicable and the day and time at which the charge was paid;
- 1.39 “Trailer” means a trailer within the meaning of Section 136 (1) of the Act and shall not include a caravan.
- 1.40 “Vehicle” means any one of the specified classes of Vehicle defined in Article 12 of this Order.
- 1.41 Any reference to a condition, clause, schedule, article or plan is to one detailed in this Order or attached to this Order.
- 1.42 In the absence of contrary provision, any reference to a statute, statutory provision or statutory instrument shall be construed as reference to that statute, statutory provision or statutory instrument as from time to time amended, modified, extended, replaced or re-enacted.
- 1.42 Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting a person shall include either gender, bodies corporate, unincorporated associations and partnerships and all other legal entities.
- 1.43 The Interpretation Act 1978 shall apply in the interpretation of this Order.

Commencement and Revocations

- 2 This Order shall come into operation on 1 May 2020 and may be cited as the Wyre Borough Council (Off-Street Parking Places) Order 2020.
- 3 The Wyre Borough Council (Off-Street Parking Places) Order 2012 is hereby revoked.

Provision and Use of Parking Places

- 4 Each of the areas of land specified by name in Part 1, Column 1 of Schedules 1, 2 and 3 to this Order may be used, as a Parking Place for such Vehicles or classes of Vehicles, in such positions, for such period, on such days and during such hours, and on payment of such charges as are specified in relation to that Parking Place in columns 2 to 7 of Schedules 1, 2 and 3 and in Schedule 4 and in accordance with the terms of this Order.
- 5 Where in Part 1, Columns 2 to 7 of Schedules 1, 2, and 3 and in Schedule 4 a Parking Place is described as having been provided for Vehicles of a specified class or in a specified position or during a specified period (including any provisions specifying particular positions or periods for specific classes of Vehicle), the Driver of a Vehicle shall not permit it to wait in that Parking Place otherwise than in accordance with such provisions.
- 6 Where, within a Parking Place, there are surface markings which indicate Parking Bays, the Driver of a Vehicle shall not permit it to wait otherwise than wholly within such a Parking Bay, except in accordance with the provisions of Article 47 and the Council may at any time change the location or number of such Parking Bays within a Parking Place.
- 7 Where specified in Part 1, Columns 2 to 7 of Schedules 1, 2 and 3 and in Schedule 4, a Parking Place is described as available on specified days, during specified hours or for a maximum period of stay, no person shall cause or permit a Vehicle to park in that Parking Place on any day, during such hours or for any period other or longer than those specified in this Order.
- 8 Where by notice in the Parking Place and as specified in Columns 2 to 7 of Schedules 1, 2, and 3 and in Schedule 4 a Parking Place is described as having a period within which a Vehicle may not return, no person shall cause or permit the Vehicle to wait again in that Parking Place until the expiry of that specified period.
- 9 Where, within a Parking Place, there are roadways and other areas which are not available for the parking of Vehicles, the Driver of a Vehicle shall not permit it to wait or park at any location other than wholly within a marked Parking Bay specific to that class of Vehicle, except in accordance with the provisions of Article 47.
- 10 No person shall cause or permit any Vehicle to park in such part of a Parking Place as is marked by signs, lines, studs or other indications so as to indicate its provision as a parking bay for:

- a) a Disabled Persons Vehicle, unless there is displayed on the Vehicle in the Relevant Position a Disabled Persons Badge and clock in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and the registered disabled person is either the Driver or a passenger in the Vehicle,
 - b) Staff Only, unless there is a valid Staff Parking Permit displayed on the Vehicle.
 - c) Danfo Vehicles, or other such Vehicle as determined from time to time by the Council, as liveried or displaying an appropriate Permit.
 - d) any other Vehicle as determined from time to time by the Council, unless there is displayed on the Vehicle an appropriate Permit, subject to such conditions, as determined by the Council.
 - e) Visitors to the Civic Centre, unless the Driver or his passengers are visiting the Civic Centre or there is a valid dispensation displayed on the Vehicle.
 - f) Electric Vehicles, unless such Vehicle is an Electric Vehicle connected to an Electric Vehicle Charging Point by means of a connecting lead for the purpose of recharging the batteries of the said Vehicle.
 - g) Motor Cycles unless such Vehicle is classed as a Motor Cycle
 - h) any other specific use
- 11 Nothing in this Order shall restrict the power of the Council to close any Parking Place or any part thereof when such Parking Place or part thereof is required for any purpose of the Council or any purpose authorised by the Council.
- 12 In this Article, “specified classes” means the following classes of Vehicle:
- a) Motor Vehicles and Trailers as defined within the provisions of Section 136 of the Act
 - b) Electric Vehicles as defined in Definition 1.9 of this document
 - c) Motor Cycles as defined in Section 136(4) of the Act
 - d) Invalid Carriages as defined on Section 136 of the Act
 - e) Disabled Persons Vehicles.
 - f) Motor Caravan
- and specified classes shall be construed accordingly.

Use of Parking Place

- 13 Any Vehicle using or remaining in any Parking Place shall be at the Registered Keeper or Owner's or Driver's risk and the Council, its agents, officers or employees shall not be liable for loss or damage caused to it or to its contents or accessories howsoever arising.

- 14 The time shown as the arrival time or departure time on any Parking Device, Permit or Pay and Display Ticket displayed in or on a Vehicle in a Parking Place shall constitute conclusive evidence of the time the Vehicle was parked in the Parking Place or the time by which the Vehicle was required to leave the Parking Place respectively.
- 15 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 in which a Vehicle may wait in accordance with the provisions of this Order, and shall not start the engine except when about to change the position of the Vehicle in, or to depart from, the Parking Place.
- 16 No Vehicle shall park in a Parking Place in such a way as to cause an obstruction to others.
- 17 No Vehicle shall be sold, offered or exhibited for sale while it is in a Parking Place.
- 18 No person shall use a Vehicle, while it is in a Parking Place, in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of his skill or services without the prior written consent of the Council.
- 19 No person shall drive a Vehicle into or in a Parking Place unless:-
 - a) he is the holder of a licence authorising him to drive a Motor Vehicle of its class or description on a road, or
 - b) he is the holder of a provisional licence and is accompanied in that Vehicle by a person holding a licence of the type mentioned in 19(a) above.
- 20 The Driver of the Vehicle shall not permit that Vehicle to park in a Parking Place unless the Vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the Vehicle by the Driver such a policy of insurance as complies with the requirements of the Road Traffic Act 1988, as amended.
- 21 No person, without the written permission of the Council, shall use any part of a Parking Place or any Vehicle parked in a Parking Place:
 - a) for recreation or camping or cooking, or
 - b) for sleeping, except for sleeping in a motor caravan in Central Car Park, Fleetwood
 - c) for the purpose of advertising or promoting any cause, event or other matter whatsoever or for the distribution of leaflets or other materials, or
 - d) for the erection of any tent, booth, stand, building or other structure, or
 - e) for the playing of ball games, or
 - f) for roller-skating, skate boarding, go-karting, the use of mini-motorbikes, hover-boards, scooters or
 - g) for the purpose of operating radio or digitally controlled machines, or
 - h) for the purpose of servicing, maintaining, repairing or washing any Vehicle or

- any part thereof other than so far as is reasonably necessary to enable that Vehicle to depart from the Parking Place, or
- i) to play or cause to be played any amplified music or permit to be played any radio, cassette, compact disc, instrument or similar item in such manner as may become a nuisance to other users of the Parking Place or to the owners or occupiers of properties adjoining the Parking Place, or
 - j) for any other purpose other than the designated purpose of the Parking Place.

22 In a Parking Place no person shall:-

- a) light or cause or permit to be lit any fire;
- b) fill any Vehicle or container with petrol, diesel, oil or other form of fuel or inflammable liquid other than so far as is reasonably necessary to enable that Vehicle to depart from the Parking Place.
- c) soil or defile, remove, displace or damage any part of the Parking Space or wall or fence in or enclosing the Parking Place or any building, barrier, post, notice, sign, railing or other erection therein;
- d) throw down, drop or otherwise deposit in any Parking Place any item or article of rubbish or waste material so as to contribute to or tend to lead to the defacement of that Parking Place by litter.

23 No person in a Vehicle using a Parking Place shall sound any horn or other similar instrument except when about to change position of a Vehicle in or depart from the Parking Place.

24 Save as provided in this Order no persons shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any Vehicle in a Parking Place for any purposes other than the purpose of leaving that Vehicle in the Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place.

25 No person shall except with the permission of any person authorised by the Council drive any Vehicle into a Parking Place when there is exhibited at the entrance to that Parking Place a notice indicating that the Parking Place is full.

Supermarket Trolleys

26 No person shall leave any trolley, basket on wheels or other similar receptacle designed for the carrying of merchandise in such a position in any Parking Place so as to cause an obstruction nuisance or annoyance to other users of the Parking Place but shall ensure that such trolleys, baskets on wheels or receptacles are returned to the premises of the owners of such trolleys, baskets on wheels or receptacles or to such collection points in the Parking Place as may be provided by the said owners or by the Council.

Electric Vehicle Charging Points

- 27 No Vehicle, other than an Electric Vehicle which is connected via a connecting lead to an Electric Vehicle Charging point and is being charged shall be left in any Electric Vehicle Parking Bay.
- 28 Drivers charging Electric Vehicles will not be required to pay any parking charge specified in Schedule 4 unless the cost of charging the Electric Vehicle is less than the Daily Charge. A minimum charging fee equivalent to Daily Parking Charge will be made.
- 29 An Electric Vehicle shall only be left in an Electric Vehicle Parking Bay for the period required to charge the battery of the Electric Vehicle, up to a maximum period displayed by a notice at the Parking Place.

Motor Caravans

- 30 Motor Caravans may park in any Parking Place throughout the day subject to access and to Article 47 of this order.
- 31 No Motor Caravan shall be occupied during the period from 6pm to 8am except on Central car park, Fleetwood and subject to conditions shown on Central car park.

Nuisance

- 32 No person shall do anything to interfere with the use or enjoyment of any Parking Place by other users of the Parking Place.
- 33 No person shall in any 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.
- 34 No person shall use or permit to be used in a Parking Place a Vehicle dangerously, carelessly or in an inconsiderate manner or in such a way as to cause any excessive noise which could have been avoided by the exercise of reasonable care on the part of the Driver.

Right of Way

- 35 No person shall use a Parking Place as a means of passage or of proceeding from one road to another road.
- 36 Save as provided in this Order the right of passage within a Parking Place provided by the Council is available to a person driving or being conveyed in Motor Vehicles and does not extend to pedestrians other than the Drivers of Vehicles and their passengers leaving or returning to their Vehicles and no rights of way whatsoever over the said Parking Place other than for the purpose of parking or removing Vehicles shall be deemed to have been granted by the Council.

- 37 Nothing in this Order shall render it unlawful for pedestrians or persons driving or being conveyed in any Vehicle to exercise the right of passage over a right of way formally agreed and approved by the Council over any Parking Place provided by the Council.

Action After Accident

- 38 If in any case owing to the presence of a Vehicle in a Parking Place an accident occurs whereby personal injury is caused to a person other than the Driver of that Vehicle or damage is caused to a Vehicle other than that Vehicle or to any other property whatsoever, including the Parking Place, the Driver of the Vehicle shall stop if required to do so by a person authorised by the Council in that behalf or any other person having reasonable grounds for so requiring giving his or her name and address and also name and address of the owner and the identification marks of the Vehicle and his or her certificate of insurance.

Cycling

- 39 No person shall ride or cause to be ridden any pedal-cycle or tricycle in any Parking Place other than so far as is reasonably necessary to enable that cycle or tricycle to park in or depart from the Parking Place

Direction of Travel

- 40 Where in a Parking Place signs are erected or surface markings are laid for the purpose of:
- indicating the entrance to or exit from the Parking Place; or
 - 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:

- 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
- in a direction other than so specified except by express prior written agreement with the Council for the purpose of gaining access to or from or of loading or unloading goods or passengers at any premises adjoining the Parking Place.

- 41 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 in a Parking Place for any purpose other than the purpose of leaving that Vehicle in that Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place.

Charges for Parking

- 42 Whenever a Vehicle occupies any Parking Place specified in this Order during the Restricted Hours, as specified in Column 6 of Part 1 of Schedule 1, the Driver of the Vehicle shall pay such Daily Charge as is specified in Schedule 4, or other subsequent Notice of Variation of Charges as attached to this Order, or shall display such Permit, Pay and Display Ticket, badge or other Parking Device as is specified and in such manner as provided in this Order and shall comply with any other

provisions of this Order.

- 43 Outside the Restricted Hours, but within the hours of operation of the Parking Place specified in Column 5 of Part 1 of Schedule 1, the classes of Vehicle specified may park in the Parking Place free of charge but subject to the other provisions of this Order.
- 44 Where the Daily Charge is payable in relation to the parking of a Vehicle it shall be paid by obtaining a Pay and Display Ticket by the insertion of an appropriate coin, coins, or payment card into the Ticket Machine. Where pay by phone is available the appropriate charge will be taken by phone or mobile phone application.
- 45 If payment is required for parking it shall be made immediately following the parking of the Vehicle in the said Parking Place in respect of the period during which the Vehicle is intended to be parked in that Parking Place. A Pay and Display Ticket shall be displayed in the Relevant Position throughout the said period unless payment has been made by phone in which case a record of payment will be electronically and no ticket will be required to be displayed.
- 46 Where the parking of a Vehicle in any Parking Place is authorised by a Pay and Display Ticket under the provisions of Articles 44 and 45, such Vehicles shall not be left in the Parking Place for longer than the period permitted by the Pay and Display Ticket or mobile phone application.
- 47 Where a Vehicle occupies more than one Parking Bay where the parking of a Vehicle is authorised by a Pay and Display Ticket under the provisions of Articles 44 and 45, such a Vehicle shall display a Pay and Display Ticket for each Parking Bay wholly or partly occupied for the appropriate length of stay of that Vehicle, and will be exempt of the requirement to park wholly within a marked bay as specified in Articles 6 and 9 and column 4 of Part 1, of Schedule 1 to this Order.
- 48 A Vehicle displaying Pay and Display Tickets for different lengths of stay in accordance with Article 47 will be subject to the time restriction displayed on the Pay and Display Ticket due to expire first.

Disabled Parking

- 49 No Vehicle shall park in a Disabled Persons Parking Space unless a Disabled Persons Badge is displayed in the Relevant Position and provided that the Vehicle immediately before or after the act of parking has been used or is about to be used by the person in respect of whom the badge is issued.
- 50 The Daily Charge shall be payable at all times while any Vehicle is parked in a Disabled Persons Parking Space.
- 51 The Daily Charge shall be payable at all times while any Vehicle is parked in any Parking Bay.

Season Permit

- 52 The owner of any Vehicle may, at the discretion of the Council, purchase a Season Permit in respect of that Vehicle or Vehicles for the charge and for the use in the Parking Place specified in Part II and subject to conditions as determined from time

to time by the Council and that Season Permit shall be valid in relation to such Vehicle or Vehicles for such period and in such Parking Place as is specified thereon.

Resident's Parking Permit

- 53 Any permanent resident of the Borough of Wyre may purchase a Resident's Parking Permit in respect of that Vehicle or Vehicles for the charges as specified in Part II and for the use in the Parking Place specified in Column 7, of Schedule 1, of Part I and subject to conditions as determined from time to time by the Council and the Residents Parking Permit shall be valid in relation to such Vehicle or Vehicles for such period and in such Parking Place as is specified thereon.

Other Permits

- 54 At the discretion of the Council, a Visitor Parking Permit may be issued as a substitute for a Pay and Display Ticket. The permit must be validated by showing the Vehicle Registration Details and the date of use and such permit shall be displayed in the Relevant Position throughout the permitted period.
- 55 At the discretion of the Council, any person who can show that their child(ren) attend a specific school approved by the Council may be issued with a School Permit for the parking of a specific Vehicle on the specified day and for a specified period of time and for a specific Parking Place, subject to such conditions, as determined from time to time by the Council.
- 56 Employees of the Council, and such other persons as the Council may think fit, may at the discretion of the Council be given a permit for the parking of a specified Vehicle in a specified Parking Place or places, subject to such conditions, as determined from time to time by the Council.
- 57 Parking dispensation permits, will be issued at the discretion of the Council at such charge as determined by the Council, to enable appropriate works to be carried out, to promote functions of the Council and any relevant partner as it is seen fit, subject to such conditions, as determined from time to time by the Council.
- 58 Any Permit issued pursuant to Articles 52 to 57 shall be displayed in the Relevant Position throughout the period during which the Vehicle is parked in the Parking Place.
- 59 Any Pay and Display Ticket or Permit issued pursuant to Articles 45 to 57 shall:
- be non-transferable between the Vehicle or Vehicles in respect of which it was issued and any other Vehicles unless specifically stated to the contrary, and
 - be valid only in the Parking Place and for the date or dates and times specified;
 - be valid only if used in accordance with such conditions attached to the permit

and any improper use of the Permit or ticket or breach of any the conditions attached to the Permit shall render the same void.

- 60 Any Permit shall at all times remain the property of the Council and shall be returned to the Council within seven days after the expiry of the period for which they are valid, or upon request by the Council.

Penalty Charges

- 61 If a Vehicle is parked in a Parking Place without complying with the requirements of this Order or any conditions attached to any Permit issued by the Council a contravention shall have occurred and a Penalty Charge Notice shall be issued.
- 62 In the case of a Vehicle in respect of which a Penalty Charge may become payable, a Civil Enforcement Officer shall attach to the Vehicle in a conspicuous position or give to the person who appears to be in charge of the Vehicle, in accordance with the Civil Enforcement of Parking Contravention (England) General Regulations 2007 (No.3483), a Penalty Charge Notice which shall include the particulars as required by these regulations.
- 63 A Penalty Charge Notice may be served by first class post in accordance with the Civil Enforcement of Parking Contravention (England) General Regulations 2007 and Civil Enforcement of Parking Contravention (England) Representations and Appeals Regulations 2007 if :
- a Civil Enforcement Officer attempted to serve a Penalty Charge Notice in accordance with Article 60 but was prevented from doing so by some person; or
 - a Civil Enforcement Officer had begun to prepare a Penalty Charge Notice for service in accordance with Article 60 but the Vehicle concerned was driven away from the Parking Place before the Civil Enforcement Officer had finished preparing the Penalty Charge Notice.
- 64 The Penalty Charge shall be paid to the Council within 28 days of the day on which the Penalty Charge Notice was served.
- 65 In the event that the Penalty Charge is paid to the Council within 14 days of the date of the Penalty Charge Notice having been served, it shall be treated as being Paid Early and a reduced sum shall be accepted in full settlement of the Penalty Charge at the discounted rate of 50%.
- 66 If the Penalty Charge remains unpaid after 56 days from the date the Penalty Charge Notice was served and a Charge Certificate is issued, the Penalty Charge shall increase by 50%.
- 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 other than a person authorised by the Council in that behalf or the Driver or a person authorised by the Driver in that behalf shall remove the notice from the Vehicle.
- 68 In the case of any contravention in respect of which a Vehicle is in a Parking Place and a Penalty Charge is payable, a separate Penalty Charge shall be payable on each day that the Vehicle remains in the Parking Place.

69 The Registered Keeper of the Vehicle shall be deemed to be the person responsible for any contravention or non-compliance with the provisions of this Order and shall be responsible for the payment of the Penalty Charge unless he can show that:

- a) he was neither the Owner nor the Registered Keeper nor the Driver of the Vehicle on the Relevant Date or
- b) that the Vehicle was being used on the Relevant Date without his consent,

provided that the Council shall be entitled to recover any charge from and proceed against any other person who is shown to the Council's satisfaction to have been the Owner, Registered Keeper or Driver of the Vehicle on the Relevant Date .

Dated this 18th day of March 2020

The **COMMON SEAL OF**

WYRE BOROUGH COUNCIL

was hereunto affixed

in the presence of:

Chairman

Legal Services Manager

PART 1

Schedule 1 - Pay and Display Car Parks

Name of Parking Place 1	Classification of Parking Place 2	Class of Vehicle 3	Position in Which Vehicle may Wait 4	Days and Hours of Operation of Parking Places 5	Restricted Hours 6	Maximum Period for which Vehicles may stay 7
North Promenade Car Park, Cleveleys	SHORT STAY 2 hour maximum stay.	All Vehicles No HGVs (except for access through Rough Lea Road car park)	Wholly within a Parking Bay or Wholly within an Electric Vehicle Parking Bay only while Electric Vehicle is charging or Wholly within a Disabled Persons Parking Bay only while clearly displaying a Disabled Persons Badge.	All Days. All Hours.	8.00 am to 6.00 pm. 6.00 pm to 8.00 am.	2 hours for all Vehicles in a Parking Bay. No return within 3 hours. or 2 hours in Electric Vehicle Parking Bay. No return within 3 hours or 3 hours in a Disabled Persons Parking Bay. No return within 3 hours
Rough Lea Road Car Park, Cleveleys.	Resident Parking Permits are not valid at any time (except by Disabled Person's Badge holders in Disabled Person Parking Bay)					During restricted hours for all Vehicles in a Parking Bay. or During restricted hours in a Disabled Persons Parking Bay.

Schedule 1 - Pay and Display Car Parks continued

Name of Parking Place 1	Classification of Parking Place 2	Class of Vehicle 3	Position in Which Vehicle may Wait 4	Days and Hours of Operation of Parking Places 5	Restricted Hours 6	Maximum Period for which Vehicles may stay 7
Custom House Lane Car Park, Fleetwood	LONG STAY	All Vehicles No HGVs	Wholly within a Parking Bay or Wholly within an Electric Vehicle Parking Bay only while Electric Vehicle is charging or Wholly within a Disabled Persons Parking Bay only while clearly displaying a Disabled Persons Badge.	All Days. All Hours.	At All Times	Resident Parking Permit - 3 hours no return on same day.
Albert Street Car Park, Fleetwood.						
Derby Road West Car Park, Cleveleys.						
Derby Road East Car Park, Cleveleys						
Wheatsheaf Way Car Park, Poulton-le-Fylde						
High Street Car Park, Garstang						
Jubilee Gardens, Cleveleys		All Vehicles Coach No HGVs				
Central car park, Fleetwood	OVERNIGHT STAY 6PM – 8AM	Motor Caravan	Wholly within a Parking Bay	All Days.	6.00pm to 8.00am	During restricted hours for Motor Caravans in a Parking Bay or Motor Home Parking Bay

Schedule 2 - Free Maximum Stay Car Parks

Name of Parking Place 1	Classification of Parking Place 2	Class of Vehicle 3	Position in Which Vehicle may Wait 4	Days and Hours of Operation of Parking Places 5	Restricted Hours 6	Maximum Period for which Vehicles may stay 7
Great Eccleston Square Car Park, Great Eccleston.	4 hour maximum stay.	All Vehicles. No HGV's	Wholly within a Parking Bay or Wholly within an Electric Vehicle Parking Bay only while Electric Vehicle is charging or Wholly within a Disabled Persons Parking Bay only while clearly displaying a Disabled Persons Badge.	All Days. All Hours.	Monday to Saturday inclusive 6.00 am to 6.00 pm	4 hours. No return within 2 hours. or Unrestricted in Disabled Persons Parking Bay.
Station Road car park, Poulton-le-Fylde.					Monday to Friday inclusive 9.00 am to 5.00 pm	
Civic Centre Front Car Park					Monday to Friday inclusive 8.30 am to 5.00 pm	2 hours No return within 2 hours or Unrestricted in Disabled Persons Parking Bay.
Civic Centre Visitors Car Park	2 hour maximum stay				Monday to Sunday inclusive 9.00 am to 6.00 pm	
Barton Square car park, Knott End-on-Sea.						

Schedule 3 - Free Car Parks

Name of Parking Place 1	Classification of Parking Place 2	Class of Vehicle 3	Position in Which Vehicle may Wait 4	Days and Hours of Operation of Parking Places 5	Restricted Hours 6	Maximum Period for which Vehicles may stay 7
Brock Bottom car park, Claughton-on-Brock.						
King Georges Playing Field car park, Fleetwood.			Wholly within a Parking Bay or Wholly within an Electric Vehicle Parking Bay only while Electric Vehicle is charging or Wholly within a Disabled Persons Parking Bay only while clearly displaying a Disabled Persons Badge.	All Days. All Hours.		
Sunken car park, Fleetwood.						24 hours or Unrestricted in Disabled Persons Parking Bay.
Princes Way car park, Fleetwood.	Free car park.	All Vehicles/ No HGVs			Nil	
Model Yacht Lake car park, Fleetwood.						
Rossall Hospital car park, Fleetwood.						
Smallwood Hey car park, Pilling						

Schedule 3 - Free Car Parks (continued)

Name of Parking Place 1	Classification of Parking Place 2	Class of Vehicle 3	Position in Which Vehicle may Wait 4	Days and Hours of Operation of Parking Places 5	Restricted Hours 6	Maximum Period for which Vehicles may stay 7
Civic Centre rear car park, Poulton-le-Fylde.	Free car park	All Vehicles Coach No HGV's	Wholly within a Parking Bay or Wholly within an Electric Vehicle Parking Bay only while Electric Vehicle is charging or Wholly within a Disabled Persons Parking Bay only while clearly displaying a Disabled Persons Badge.	All Days. All Hours	Nil . .	24 hours. or Unrestricted in Disabled Persons Parking Bay.
Cottam Hall car park, Poulton-le-Fylde.						
Poulton Leisure Centre car park, Poulton-le-Fylde.						
Skippool Creek car park, Thornton Cleveleys.						
Stanah car park, Thornton Cleveleys.						
Thornton Little Theatre car park, Thornton Cleveleys.						
Thornton Sports Centre car park, Thornton Cleveleys.						
Garstang Leisure Centre car park,						
Quail Holme Road car park, Knott End-on-Sea						
Marine Hall car park, Fleetwood.						

Schedule 3 - Free Car Parks (continued)

Name of Parking Place 1	Classification of Parking Place 2	Class of Vehicle 3	Position in Which Vehicle may Wait 4	Days and Hours of Operation of Parking Places 5	Restricted Hours 6	Maximum Period for which Vehicles may stay 7
Central car park, Fleetwood	Free car park	All Vehicles Coach Motor Caravan No HGV's	Wholly within a Parking Bay or Wholly within an Electric Vehicle Parking Bay only while Electric Vehicle is charging or Wholly within a Disabled Persons Parking Bay only while clearly displaying a Disabled Persons Badge.	All Days. All Hours	8.00am to 6.00pm	24 hours. or Unrestricted in Disabled Persons Parking Bay.
		All Vehicles Coach No HGV's			6.00pm to 8.00am	

Schedule 4 - Car Park Charges 2020

Wyre Council – Off Street Parking Places				Charges with effect from 1 April 2020
Rough Lea Road, Cleveleys	Daily 8am - 6pm	SHORT STAY Maximum stay 2hours, no return within 3 hours	Up to 1 hr Up to 2 hrs	£1.00 £2.00
		Wyre Residents Parking Permit Scheme	Up to 3 hrs in marked disabled bays only	FREE
	Overnight 6pm - 8am			
North Promenade, Cleveleys	Daily 8am - 6pm	SHORT STAY Maximum stay 2hours, no return within 3 hours	Up to 1 hr Up to 2 hrs	£1.00 £2.00
		Wyre Residents Parking Permit Scheme	Up to 3 hrs in marked disabled bays only	FREE
	Overnight 6pm - 8am			
Derby Road West, Cleveleys	Daily 8am - 6pm	LONG STAY	Up to 1 hr Up to 3 hrs Up to 24 hrs	£1.00 £2.00 £3.50
		Wyre Residents Parking Permit Scheme	Up to 3 hrs in any marked bay	FREE
	Overnight 6pm - 8am			
Derby Road East, Cleveleys	Daily 8am - 6pm	LONG STAY	Up to 1 hr Up to 3 hrs Up to 24 hrs	£1.00 £2.00 £3.50
		Wyre Residents Parking Permit Scheme	Up to 3 hrs in any marked bay	FREE
	Overnight 6pm - 8am			

Wyre Council – Off Street Parking Places				Charges with effect from 1 April 2020
Jubilee Gardens, Cleveleys	Daily 8am - 6pm	LONG STAY	Up to 1 hr Up to 3 hrs Up to 24 hrs	£1.00 £2.00 £3.50
		<i>Wyre Residents Parking Permit Scheme</i>	<i>Up to 3 hrs in any marked bay</i>	<i>FREE</i>
	Overnight 6pm - 8am			£2.00
Custom House Lane, Fleetwood	Daily 8am - 6pm	LONG STAY	Up to 1 hr Up to 3 hrs Up to 24 hrs	£1.00 £2.00 £3.50
		<i>Wyre Residents Parking Permit Scheme</i>	<i>Up to 3 hrs in any marked bay</i>	<i>FREE</i>
	Overnight 6pm - 8am			£2.00
Albert Street, Fleetwood	Daily 8am - 6pm	LONG STAY	Up to 1 hr Up to 3 hrs Up to 24 hrs	£1.00 £2.00 £3.50
		<i>Wyre Residents Parking Permit Scheme</i>	<i>Up to 3 hrs in any marked bay</i>	<i>FREE</i>
	Overnight 6pm - 8am			£2.00
Wheatsheaf Way, Poulton-le-Fylde	Daily 8am - 6pm	LONG STAY	Up to 1 hr Up to 3 hrs Up to 24 hrs	£1.00 £2.00 £3.50
		<i>Wyre Residents Parking Permit Scheme</i>	<i>Up to 3 hrs in any marked bay</i>	<i>FREE</i>
	Overnight 6pm - 8am			£2.00

Wyre Council – Off Street Parking Places				Charges with effect from 1 April 2020
High Street, Garstang	Daily 8am - 6pm	LONG STAY	Up to 1 hr	£1.00
			Up to 3 hrs	£2.00
		Wyre Residents Parking Permit Scheme	Up to 24 hrs	£3.50
Overnight 6pm - 8am				FREE
				£2.00

PART II

SEASON TICKET & PERMIT CHARGES

1) Season Permit

The charges for a season permit shall be:

Duration	All Long Stay car parks
1 month	£45.00
3 months	£120.00
6 months	£200.00
12 months	£300.00

Administration fee for a change of vehicle **NIL**

Refund due to change in personal circumstances pro rata based on full months not used.

2) Resident Permit Charges

Initial application	£30
Renewal/Replacement	£12

3) Parking Dispensation Permit

£25 per application - maximum period 7 whole days.

PART III

PENALTY CHARGE LEVEL

(The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (No. 3487) Band 2 Level of Charge.

The Penalty Charge shall be

- £70.00 in respect of higher level contraventions
- £50.00 in respect of lower level contraventions

Paid Early

- £35.00 in respect of higher level contraventions
- £25.00 in respect of lower level contraventions

Paid after service of charge certificate.

- £105.00 in respect of higher level contraventions
- £75.00 in respect of lower level contraventions