

**EAST LINDSEY DISTRICT COUNCIL (OFF-STREET PARKING
PLACES) (CIVIL ENFORCEMENT) (CONSOLIDATION ORDER)
2014**

Operative date: 31 March 2014

EAST LINDSEY DISTRICT COUNCIL
(OFF-STREET PARKING PLACES)
(CIVIL ENFORCEMENT) (CONSOLIDATION)
ORDER 2014

East Lindsey District Council (hereinafter called "the Council") in exercise of its powers under Sections 32, 35 and Schedule 9 of the Road Traffic Regulation Act 1984, ("the 1984 Act") as amended and the Traffic Management Act 2004 ("the 2004 Act") as amended and of all other enabling powers, with the consent of the Lincolnshire County Council in accordance with section 39(3) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act and in compliance with regulations made under the 1984 Act hereby makes the following Order:

PART I
GENERAL

Commencement and Citation

1. This Order shall come into operation on the 31st day of March 2014 and may be cited as the East Lindsey District Council (Off-Street Parking Places) (Civil Enforcement) (Consolidation) Order 2014.

Consolidation

2. The effect of this Order is to consolidate within this Order and within the Schedule the provisions of the East Lindsey District Council (Off-Street Parking Places) (Civil Enforcement) Order 2012 as amended by the East Lindsey District Council (Off-Street Parking Places) (Civil Enforcement) (Amendment no.1) Order 2013 and the East Lindsey District Council (Off-Street Parking Places) (Civil Enforcement) (Amendment no.2) Order 2013 (hereinafter called "the Existing Orders") and the further following provisions:
 - (a) the removal from all Parking Places of the availability of weekly Pay and Display Tickets with the exception of those Parking Places where £9 weekly Pay and Display Tickets are available as shown in the third column of the table at Part IX below; and the variation of the existing Parking Permit arrangements for those Parking Places listed in the first column of the table at Part IX below. The existing weekly Pay and Display Tickets, Parking Permits and charges are detailed in the second column of the table at Part IX below and the current weekly Pay and Display Tickets, Parking Permit arrangements and charges are shown in the third column of the table at Part IX below; and
 - (b) the addition of further expressions to those which were included within the Existing Orders as shown in bold type in Article 3 below which expressions are required to explain the varied Parking Permit arrangements; and
 - (c) the variation of Articles 3, 25, 29, 31 and 34 as shown in bold underlined type in order to (i) allow the Council to operate a "pay by phone" system for the payment of Daily Charges; (ii) clarify the ticketing arrangements for free parking; and (iii) clarify the arrangements for parking of oversized Vehicles of a permitted class which occupy more than one Parking Bay
 - (d) the renumbering of the existing Article 28 so that it becomes 28.1, the deletion of the existing Article 28.2 and its replacement with the following amended Article 28.2

“28.2 At the end of the period permitted under column (5) of the Schedule the Vehicle must leave the Parking Bay marked for use by disabled persons otherwise the Vehicle shall be deemed to be parked without clearly displaying a valid Pay and Display Ticket but for the avoidance of doubt nothing shall prevent such Vehicle from re-parking within a Parking Bay in the same Parking Place where such Parking Bay is not marked for use by disabled persons subject to payment of the Daily Charge”.

(e) the variation of the charges payable for Parking Places (43) Millers Way, Alford and (45) Cattle Market, Horncastle and (46) Bridge Street, Louth and (47) Cattle Market, Louth and (48) Burgh Le Marsh Market Place and (50) Linden Walk, Louth and (55) Sandilands, Sutton on Sea and (57) The Broadway, Woodhall Spa and (58) Royal Square, Woodhall Spa and (59) South Street Overflow, Alford and (60) High Street, Silver Street, Coningsby and (62) Tattershall Market Place and (63) Boston Road, Spilsby from the existing

- up to 1 hr free
- up to 2 hrs £1
- up to 4 hrs £1.50
- All day £3
- After 18.00pm free

to the following (with variations shown in bold black type)

- up to **2 hrs** free
- Up to **3 hrs** £1
- Up to 4 hrs £1.50
- All Day £3
- After 18.00pm free; and

(f) the variation of the maximum stay from 1 hour to 2 hours on Sundays only and the variation of the charges on Sundays only at (24) Town Hall, Louth and (25) Northgate West, Louth and (26) Canon Street, Louth and (40) Alford Market Place, Alford and (41) Horncastle Market Place from the existing

- Mon to Sun & Bank Holidays
- Inclusive 08.00am to 18.00pm
- 30 mins 50p
- Up to 1 hr or part thereof £1
- After 18.00pm Free

to the following (with variations shown in bold black type)

- Mon to **Sat** & Bank Holidays
- Inclusive 08.00am to 18.00pm
- 30 mins 50p
- Up to 1 hr or part thereof £1
- After 18.00pm Free

- **Sundays only 08.00am to 18.00pm**
- **Up to 1 hr 50p**
- **Up to 2 hrs £1**
- **After 18.00pm Free**

Interpretation

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

“the 2007 Regulations” means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or successor legislation

“Alford Parking Places” means the South Street and Millers Way, Alford Parking Places

“Charging Days”, means those days other than Christmas Day and Easter Sunday, which are specified in the Schedule and by notice at each Parking Place respectively as being days on which a Daily Charge is required to be paid for parking within such Parking Place;

“Charging Hours”, means the period specified in the Schedule and by notice at each Parking Place respectively during which a Daily Charge is required to be paid;

“Commercial Vehicle” means any Vehicle, more than 5.3 metres long or more than 2.0 metres wide;

“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 and times of parking charges specified in the Schedule and by notice at each Parking Place respectively;

"Disabled Persons' Badge" means a badge issued under section 21 of the Chronically Sick and Disabled Persons Act 1970 or under regulations made thereunder and which badge is valid and has not otherwise ceased to be in force

“Excluded Parking Places” means the short term Parking Places at Town Hall, Northgate West and Cannon Street, Louth, Alford Market Place and Horncastle Market Place, and the further Parking Places at Richmond Drive, High Street, Lawn Park and Embassy, Skegness, and South Street overflow, Alford

“Expiry Time” is the time indicated on the Pay and Display Ticket, extended where appropriate in respect of disabled persons Vehicles parking in a Parking Bay marked for use by disabled person in accordance with column (5) of the Schedule, and is the time by which the Vehicle must leave the Parking Place or (where Article 28.2 applies) the Parking Bay

“Horncastle etc Parking Places” means the St Lawrence Street, The Bain and Cattle Market, Horncastle Parking Places and The High Street/Silver Street, Coningsby Parking Place and The Broadway and Royal Square, Woodhall Spa Parking Places and The Tattershall Market Place Parking Place

"Invalid Carriage" has the same meaning as in section 136 of the 1984 Act

“Loading/Unloading” refers to when a Vehicle is parked wholly in a Parking Place or Parking Bay marked for that purpose on site, for the purpose of delivering or collecting goods or merchandise or loading or unloading the Vehicle at premises adjacent to the Parking Place or Parking Bay and the Vehicle does not park for more than twenty minutes or such longer period as a duly authorised officer of the Council may authorise;

“Louth Parking Places” means the Queen Street, Northgate East, Kiln Lane, Broadbank, Kidgate, Co-Op, Newmarket, Linden Walk, Cattle Market and Bridge Street, Louth Parking Places.

“Mablethorpe etc Parking Places” means the Seacroft, High Street, Park Square, Queens Park South, Queens Park Main, Quebec Road and Seaview, Mablethorpe Parking Places and The Sandilands, Broadway and Marine Avenue, Sutton on Sea Parking Places

“Mobile Phone Payment” means a cashless payment made by mobile phone to the number displayed in the Parking Place allowing the Vehicle to be parked for the period of time for which payment has been made, to be used where such facility is advertised and provided for by notice in a Parking Place

“Motor Car” has the same meaning as in Section 136 of the 1984 Act;

“Motor Cycle” refers to a solo motorcycle only and excludes any motor cycle which has a side-car or Trailer, or which has more than two wheels;

“Motor Home” means a purpose built van that integrates camping and/or living accommodation at the rear;

“Moveable Dwelling” has the same meaning as in Section 269 of the Public Health Act 1936;

“Owner” in relation to a Vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the Vehicle was left in the Parking Place in question;

“park” and “parked” refer to the stopping of a Vehicle and it remaining at rest for some time whether or not the driver is still in the Vehicle and a Vehicle shall be deemed to be parked for any period in the same Parking Place or Parking Bay (as the case may be) if any part of the Parking Place or Parking Bay (as the case may be) is below the Vehicle or the Vehicle’s load (if any) whether or not the Vehicle is moved during that period

"Parking Bay" means an 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 or signed or otherwise indicated by signs in the Parking Place;

"Parking Permit" means a season ticket, contract permit, scratch card permit, clock permit, staff permit or any other permit of a type and design by the Council and which permits the parking of a Vehicle in a specified Parking Place or Parking Places at the times and on the days or during the periods specified thereon

"Parking Place" means any area of land or building provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of leaving of Vehicles and not closed (in part or in whole) by a notice erected thereon by authority of the Council and specified in the Schedule and Plans incorporated into this Order;

"Pay and Display Ticket" means a paper ticket issued by a Ticket Machine located in the Parking Place in which the Vehicle has been parked or issued by a person nominated by the Council on payment of a Daily Charge or an electronic ticket issued by the Council to a mobile phone following payment to the Council of a Daily Charge by Mobile Phone Payment and valid for a parking period as advertised at that Parking Place and detailed in the Schedule and includes where the context so requires a Pay and Display Ticket (Limited Period)

"Pay and Display Ticket (Limited Period)" means a ticket issued by a Ticket Machine located in the Parking Place in which the Vehicle has been parked or issued by a person nominated by the Council and which specifies a time prior to which or during which a Vehicle may park for a limited period and without charge within a Parking Bay or Parking Place which is signed or otherwise marked by the Council to that effect;

"Payment Card" means a bank credit or debit card, e-purse card, discount card or pre-payment card to be used where such facility is advertised and provided in a Parking Place and the use of which is specified by notice in the Parking Place;

"Penalty Charge" means a charge imposed by legislation in respect of parking contraventions that are subject to civil enforcement and which has the same meaning as in the 2007 Regulations;

"Penalty Charge Notice" has the same meaning as in the 2007 Regulations;

"Relevant Position" in relation to the display of a Disabled Person's Badge or a Pay and Display Ticket or a Parking Permit on a Vehicle means

- (a) in respect of a Disabled Person's Badge -
 - (i) in the case of a Vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 (the front of the badge), is legible from outside the Vehicle; or
 - (ii) in the case of a Vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the Vehicle so that Part 1 of the badge is legible from outside the Vehicle;

- (b) in respect of a Pay and Display Ticket or Parking Permit -
- (i) the Pay and Display Ticket or Parking Permit is exhibited face up on the inside surface of the windscreen or in a clearly visible position so that it is facing forwards and can be easily seen and read from the front or side of the Vehicle; or
 - (ii) in the case of a Vehicle that is not fitted with a transparent windscreen, the Pay and Display Ticket or Parking Permit is exhibited face up on the front of the Vehicle facing forwards and clearly visible;

“Skegness etc Parking Places” means the Arcadia, North End, Pierside, Scarborough Avenue, Festival, Scarborough Esplanade, Princes Parade and Swimming Pool, Skegness etc Parking Places and Jacksons Corner, Winthorpe Parking Place and Sea Lane, Ingoldmells Parking Place and Well Vale Drive and Sea Road, Chapel St Leonards Parking Places and Burgh le Marsh Market Place Parking Place

“Spilsby Parking Places” means the Market Place, Buttercross, Post Office Lane and Boston Road, Spilsby Parking Places

“Ticket Machine” means an apparatus of a type and design approved by the appropriate Minister for the purpose of the 1984 Act, being apparatus designed to indicate the time by a clock and to issue Pay and Display Tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and, either the time of such payment, or the time at which the Vehicle must leave the Parking Place;

“Trailer” means an unpowered vehicle designed to be drawn by a Vehicle;

“Vehicle” means any Motor Car, Motor Cycle or other mechanically propelled automobile.

4. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order and any reference in this Order to “the Schedule” is a reference to the Schedule to this Order.
5. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
6. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting the persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
7. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II DESIGNATION AND USE OF PARKING PLACES

Designation

8. Each Parking Place may be used, subject to the provisions of this Order, as a place to park Vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are specified in the Schedule and by notice at each Parking Place respectively
9. Where in the Schedule 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 be parked in that Parking Place unless it is of the class and in the position so specified.
10. Where at a Parking Place the Parking Bays are not defined by white lines, the Vehicle shall be parked in such a position as may be indicated on site or as directed by a person authorised by the Council in that respect
11. No person shall cause or permit a Vehicle to be parked in any manner which obstructs other Vehicles using the Parking Place, the free flow of traffic circulating within the Parking Place and the entrances to and exits from the Parking Place.

Reserved Parking Bays

- 12.1 No person shall cause or permit a Vehicle to park in a Parking Bay marked for use by disabled persons unless the Vehicle displays a valid Disabled Person's Badge in the Relevant Position and immediately before or immediately after the act of parking the Vehicle has been or is about to be driven by the person issued lawfully with the Disabled Person's Badge or, as the case may be, used for carrying the person issued lawfully with the Disabled Person's Badge.
- 12.2 No person shall cause or permit a Vehicle to park in a Parking Bay marked for use by Motor Cycles unless the Vehicle is a Motor Cycle.
- 12.3 No person shall cause or permit a Vehicle to park in any Parking Bay marked as a loading bay during such period as the loading bay is marked as being available only for use as a loading bay unless the Vehicle is being used for the purpose or Loading/Unloading
- 12.4 No person shall cause or permit a Vehicle to be parked in any Parking Bay or other area within a Parking Place marked (otherwise than in accordance with Articles 12.1 to 12.3 above) as a reserved Parking Bay unless they have written authorisation of the Council to do so or unless there is on display in the Relevant Position in the Vehicle a valid Parking Permit for that reserved Parking Bay and for that time and day.

Maximum Period of Stay

13. Where specified in the Schedule and by notice at each Parking Place respectively, a Parking Place, or a specifically marked Parking Bay within 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 be parked in that Parking Place, or specifically marked Parking Bay within a Parking Place, on any day, during such hours or for any period other or longer than those specified.

Period of no return

14. Where specified in the Schedule and by notice at each Parking Place respectively, a Parking Place is described as having a period within which a Vehicle, after any period of parking in that Parking Place, may not return, no person shall cause or permit a Vehicle to park in that Parking Place on any day, during such period.

Power to close or reserve Parking Places

15. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in a Parking Place:
- (i) from closing a Parking Place or any part thereof for any period; and/or
 - (ii) from reserving a 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.
16. Any person closing or reserving the use of a Parking Place or any part thereof in accordance with the provisions of the preceding Article 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 closed or reserved and that parking by Vehicles (other than those for which the Parking Place or part thereof has been reserved) is prohibited
17. No person shall cause or permit a Vehicle (other than those for which the Parking Place or part thereof has been reserved) to be parked in a Parking Place or any part thereof during such periods that the use of that Parking Place or that part thereof is closed or reserved or during such period as there is in or adjacent thereto a notice or traffic sign placed by or on behalf of the Council in pursuance of the preceding Article.

Sale of Goods

18. No person shall in a Parking Place, without the express written permission of the Council, use a Vehicle, in connection with the sale of any article, including the Vehicle itself, to any person in or near the Parking Place or in connection with the selling or offering for hire of skill or services in any other capacity.

Parked with engine running

19. The driver of a Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in the Parking Bay and shall not start the engine except when about to change the position of the Vehicle in or to depart from the Parking Place

Not designated purpose

20. No person shall, without the express written permission of the Council, use any Vehicle parked in a Parking Place for the purpose of displaying or distributing advertising material.

Vehicle used for domestic purposes

21. No person shall use any Vehicle parked in a Parking Place
- (i) for sleeping or camping or cooking, or
 - (ii) for the purpose of servicing or washing any Vehicle or part thereof other than is reasonably necessary to enable the Vehicle to depart from the Parking Place.

**PART III
CHARGES FOR PARKING**

Payment

22. The driver or person in charge of a Vehicle using a Parking Place shall upon parking the Vehicle in the Parking Place pay the appropriate Daily Charge (if any) in accordance with the scale of current charges as specified in the Schedule and by notice at each Parking Place respectively.

Means of payment

23. The charges referred to in the preceding Article shall be payable in the manner as advertised at that Parking Place and can include the insertion of appropriate coins or Payment Card into the Ticket Machine or by making a Mobile Phone Payment.

Purchase of Pay and Display Ticket

24. The driver or person in charge of a Vehicle using a Parking Place or any Parking Bay within a Parking Place, shall immediately upon parking the Vehicle in a Parking Bay, purchase a Pay and Display Ticket at the level of charge and for the period required in accordance with the scale of charges specified in the Schedule and by notice at each Parking Place respectively and shall remove the Vehicle from the Parking Place before the Expiry Time.

25. Where any Parking Bay or Parking Place is (in accordance with or notwithstanding the provisions of the Schedule) signed or otherwise marked by the Council to the effect that Vehicles are permitted to park within that Parking Bay or Parking Place for a limited period free of charge for the purpose of depositing or collecting passengers or for any other purpose and a driver or person in charge of a Vehicle wishes to park a Vehicle within that Parking Bay or Parking Place free of charge then the driver or person in charge of that Vehicle must display in the Relevant Position within that Vehicle a Pay and Display Ticket (Limited Period) and where no Pay and Display Ticket (Limited Period) is so displayed the Vehicle shall be deemed to be parked without clearly displaying a valid Pay and Display Ticket. **For the avoidance of doubt it is not necessary to display a Pay and Display Ticket for free parking permitted after 18.00pm.**

26. If at the time when a Vehicle is parked during the Charging Hours in a Parking Place and the nearest Ticket Machine in that Parking Place is out of order, then a Pay and Display Ticket shall be obtained from another Ticket Machine within the same Parking Place (where provided).

27. Where no valid Pay and Display Ticket can be obtained from any Ticket Machine within the Parking Place then Vehicles may be parked in a Parking Place but may not be parked for longer than the maximum period of parking in that Parking Place as described in the Schedule and advertised at the Parking Place

Parking of Vehicles displaying a Disabled Person's Badge

- 28.1 During the relevant charging Hours any Vehicle parking in a Parking Bay marked for use by disabled persons shall be subject to payment of the reduced Daily charges for disabled persons vehicles shown in column (5) of the Schedule to this Order provided that a Disabled Person's Badge is displayed in the Relevant Position

- 28.2 At the end of the period permitted under column (5) of the Schedule the Vehicle must leave the Parking Bay marked for use by disabled persons otherwise the Vehicle shall be deemed to be parked without clearly displaying a valid Pay and Display Ticket but for the avoidance of doubt nothing shall prevent such Vehicle from re-parking within a Parking Bay in the same Parking Place where such Parking Bay is not marked for use by disabled persons subject to payment of the Daily Charge.

Display of Pay and Display Ticket

29. Once a Vehicle has been parked within a Parking Place the driver or person in charge of the Vehicle shall:
- (i) ensure that a valid Pay and Display Ticket has been obtained to cover the entire period that the Vehicle is to be parked in the Parking Place, and
 - (ii) **(where a paper Pay and Display Ticket has been obtained)** display, at all times the Vehicle is parked in the Parking Place, the Pay and Display Ticket in the Relevant Position on the Vehicle in respect of which it was purchased.
30. Subject to Article 31 below only one Pay and Display Ticket must be displayed on a Vehicle at any one time

Oversize Vehicles

31. Where a Vehicle of the permitted class but which is wider or longer than the Parking Bay in which it is parked (for instance a Motor Home) is parked in a Parking Place, a Pay and Display Ticket must be purchased for each Parking Bay occupied in full or in part by that Vehicle **subject to the Vehicle occupying no more than four (4) Parking Bays and where this Article is contravened the Vehicle shall be deemed to be parked without payment of the Daily Charge and this shall apply even where a Pay and Display Ticket has been purchased for one or more of the Parking Bays within which the Vehicle is parked.**

Validity of Pay and Display Tickets

32. A Pay and Display Ticket is not transferable from one Vehicle to another and on transfer the Pay and Display Ticket ceases to be valid.
33. A Pay and Display Ticket is valid only in the Parking Place in which it was issued

Expiry of parking period

34. The expiry of the period for which the appropriate charge has been paid shall be indicated when the time shown on the clock of the issuing Ticket Machine is later than the Expiry Time shown on the Pay and Display Ticket **displayed in a Vehicle.**

No Pay and Display Ticket displayed

35. Except where Article 36 below applies, if at any time while a Vehicle is parked in a Parking Place no Pay and Display Ticket is displayed on that Vehicle in the Relevant Position and in accordance with the provisions of the Order, it shall be deemed that the relevant Daily Charge has not been paid.

Exemption to requirement to display Pay and Display Ticket

36. Where arrangements to pay the Daily Charge have been made through a Mobile Phone Payment and no Pay and Display Ticket is produced by following the process, the driver of a Vehicle shall be exempt from the requirement to display such a ticket.

Parking Permits

37. Parking Permits are available from the Council at the appropriate fee, for a Vehicle of a specific class and for a specific Parking Place or for specific Parking Places subject to terms and conditions determined by the Council.
38. The driver or person in charge of a Vehicle shall abide by the terms and conditions stipulated by the Council for the use of the Parking Permit as described on the conditions of use.
39. A Parking Permit is only valid in the Parking Place or specific Parking Places in respect of which it was issued and up to the date of expiry shown on the Parking Permit.
40. A Parking Permit remains the property of the Council and must be surrendered on request. In such instances where a refund fee is deemed appropriate by the Council, this will be provided in accordance with the Council's policies.
41. The holder of a Parking Permit may on surrendering that Parking Permit be entitled to a refund based on the Council's policy in place at that time.

Withdrawal of Parking Permit

42. The Council may, by notice in writing served on the holder of a Parking Permit at the address shown by that person on the application for the Parking Permit or at any other address believed to be that person's residence or place of business, withdraw a Parking Permit if it appears to the Council that any of the stipulated terms and conditions of the Parking Permit have been abused and the Parking Permit will immediately become invalid.

Display of Parking Permit

43. The driver of the Vehicle shall display the Parking Permit in the Relevant Position on the Vehicle in respect of which it was issued at all times during which the Vehicle is parked in the Parking Place.

Replacement Parking Permits

44. Damaged or lost Parking Permits will be replaced on application to the Council and on payment of an administration fee agreed from time to time by the Council. The damaged or lost Parking Permit will then become immediately invalid.

Restriction on removal of Pay and Display Tickets and Parking Permits

45. When a Pay and Display Ticket or Parking Permit has been exhibited on a Vehicle in the Relevant Position no person shall remove the Pay and Display Ticket or Parking Permit from the Vehicle until the Vehicle is removed from the Parking Place.

**PART IV
EXEMPTIONS FROM DAILY CHARGES**

Exemptions for Motor Cycles and Parking Permit holders

46. No Daily Charge shall be payable in respect of;
- (ii) a Motor Cycle parked in a Parking Bay marked for use by Motor Cycles subject to a maximum stay as described in the Schedule and by notice at each relevant Parking Place; or
 - (iii) a Vehicle parked displaying in a relevant position a Parking Permit valid for that time and that Parking Place.

Exemptions for disabled person's vehicles

(47. Previously deleted by the East Lindsey District Council (Off-Street Parking Places) (Civil Enforcement) (Amendment No. 1) Order 2013)

**PART V
RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES**

Emergencies

48. A person authorised by the Council or a police officer in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any Vehicle left in a Parking Place.

Contraventions in closed or reserved Parking Place

49. A person authorised by the Council may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any Vehicle left in a Parking Place which has been closed or reserved and the cost of movement or removal and safe keeping shall be the liability of the Owner of the Vehicle.

Safe keeping

50. Any person removing a Vehicle from a Parking Place under the provisions of this Order shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the Vehicle.

Disposal of Vehicles abandoned in Parking Places

51. The Council may sell or otherwise dispose of, in accordance with current legislation, a Vehicle which has been, or could at any time be, removed from a Parking Place if the Vehicle appears to have been abandoned.

**PART VI
CONTRAVENTION AND PENALTY CHARGE**

Contraventions

52. Save for the provisions in Part VII, If a Vehicle is left in a Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable.

53. A Penalty Charge shall be payable to the Council or to an agent acting on behalf of the Council in accordance with the details stated on the Penalty Charge Notice.
54. In the event of payment of the Penalty Charge being received by the Council or an agent acting on behalf of the Council within 14 days of the day on which the Penalty Charge Notice was served (or such alternative period as may be set out in the 2007 Regulations) the amount of the Penalty Charge shall be discounted in accordance with the 2007 Regulations.
55. Where a Penalty Charge is not paid in accordance with the details stated on the Penalty Charge Notice the Council or an agent acting on behalf of the Council may follow the procedures set out in the 2007 Regulations to recover the Penalty Charge.

Offences

56. Any person who uses any part of a Parking Place contrary to the provisions in Part VII, shall have committed an offence and a notice of intended prosecution may be issued and/or any Vehicle may be removed from the location.

Restriction on removal of notices

57. Any notice fixed to a Vehicle in accordance with the provisions of this order shall not be removed or interfered with except by or under the authority of:
- (i) the Owner, or person in charge of, the Vehicle;
 - (ii) the Council for the Parking Place in which the Vehicle in question was found.

Indications as Evidence

58. The particulars given in any Penalty Charge Notice issued in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay the Penalty Charge or in any court action.

PART VII LIABILITY AND OTHER PROVISIONS

Liability

59. The Council accepts no liability for the loss or damage to Vehicles or other property left in any of the Parking Places to which this Order applies save for that arising from the negligence of the Council.

Driving within a Parking Place

60. Where in a Parking Place signs are erected or surface markings are laid for the purpose of
- (i) indicating the entrance to or exit from the Parking Place, or
 - (ii) indicating that a Vehicle using the Parking Place shall proceed in a specified direction within the Parking Place,
- any person who drives or permits to be driven any Vehicle
- (i) so that it enters the Parking Place otherwise than by an entrance or leaves the Parking Place otherwise than by an exit, so indicated, or
 - (ii) in a direction other than so specified
- shall be liable to prosecution.

61. Any person who, without with the permission of a person authorised by the Council in that behalf, drives or permits to be driven any Vehicle in a Parking Place for any purpose other than the purpose of leaving that Vehicle in the Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place shall be liable to prosecution.

Wilful damage

62. Any person who with intent to defraud interferes with the Ticket Machine or operates or attempts to operate the Ticket Machine by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination, or other approved method of payment, shall be liable to prosecution.
63. Any person who interferes with or damages any part of the fabric of a Parking Place or integral signing provided for the operation of the Parking Place shall be liable to prosecution.

Domestic purposes

64. Any person who uses any part of the Parking Place or Moveable Dwelling in a Parking Place for sleeping or camping or cooking shall be liable to prosecution.

Behaviour

65. Any person who wilfully sounds any horn or any other similar instrument on a Vehicle except when about to change the position of the Vehicle in or to depart from the Parking Place shall be liable to prosecution.
66. Any person who in a Parking Place shouts or otherwise or otherwise makes any loud noise to the disturbance or annoyance of users of the Parking Place or residents or premises in the neighbourhood shall be liable to prosecution.
67. Any person who in a Parking Place uses 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 shall be liable to prosecution.

Other activities

68. Any person who in a Parking Place
- (i) erects or causes or permits to be erected any tent, booth, stand, building or other structure without the written consent of the Council, or
 - (ii) lights or causes to be lit any fire,
- shall be liable to prosecution.
69. A person who uses a parking place for the purpose of displaying or posting or distributing advertising material or fly tipping of rubbish without the consent of the Council shall be liable to prosecution.

**PART VIII
REVOCATIONS**

Revocations

70. The following Orders made by the Council are hereby revoked

The East Lindsey District Council (Off Street Parking Places) (Civil Enforcement) Order 2012

The East Lindsey District Council (Off Street Parking Places) (Civil Enforcement) (Amendment No. 1) Order 2013

The East Lindsey District Council (Off Street Parking Places) (Civil Enforcement) (Amendment No. 2) Order 2013

PART IX

VARIATIONS TO PARKING PERMIT ARRANGEMENTS

| Parking Place | Existing details of parking permits as shown in column (5) of the Schedule to the Existing Order | Proposed details of parking permits (to be incorporated within column (5) of the Schedule where appropriate) |
|---|--|--|
| All Parking Places except Excluded Parking Places | Not previously included | <u>"All areas" Parking Permits</u> Valid on any Parking Place (subject to maximum waiting times and within the days/hours of operation of the Parking Place) except Excluded Parking Places 3 months £55 6 months £105 9 months £155 Annual £200 |
| (1) North End, Skegness (F) (2) Princes Parade, Skegness (F) (3) Pierside, Skegness (F) (4) Festival, Skegness (F) | Weekly ticket £36 Seasonal ticket £200 | (Delete reference to weekly and seasonal tickets) <u>Skegness Parking Permits</u> Valid on all Skegness etc Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £35 6 months £65 9 months £95 Annual £120 <u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00 |

| Parking Place | Existing details of parking permits as shown in column (5) of the Schedule to the Existing Order | Proposed details of parking permits (to be incorporated within column (5) of the Schedule where appropriate) |
|--|--|---|
| (5) Scarborough Esplanade, Skegness (F) (6) Swimming pool, Skegness (F) (7) Scarborough Avenue, Skegness (F) | Seasonal ticket £200 | (Delete reference to seasonal tickets) <u>Skegness Parking Permits</u> Valid on all Skegness etc Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £35 6 months £65 9 months £95 Annual £120 <u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00 |
| (8) Richmond Drive, Skegness (F) | Weekly ticket £42 | (delete reference to weekly ticket) <u>Coach Parking Permits</u> Weekly £40 |
| (20) Sea Lane, Ingoldmells (F) (23) Sea Road, Chapel St Leonards (F) (48) Burgh Le Marsh Market Place | None | <u>Skegness Parking Permits</u> Valid on all Skegness etc Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £35 6 months £65 9 months £95 Annual £120 <u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00 |
| (10) Arcadia, Skegness (A) (21) Well Vale Drive, Chapel St Leonards (F) (22) Jackson's Corner, Winthorpe (F) | Weekly £9 Monthly £30 Quarter £80 Year £200 | (Delete reference to monthly, quarterly and yearly tickets) Weekly Pay and Display Tickets £9 <u>Skegness Parking Permits</u> Valid on all Skegness etc Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £35 6 months £65 9 months £95 Annual £120 |

| Parking Place | Existing details of parking permits as shown in column (5) of the Schedule to the Existing Order | Proposed details of parking permits (to be incorporated within column (5) of the Schedule where appropriate) |
|--|--|--|
| | | <u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00 |
| (11) Seaview, Mablethorpe (F) (12) Queens Park South, Mablethorpe (F) (13) Queens Park Main, Mablethorpe (F) | Weekly ticket £24 Seasonal ticket £200 | (Delete reference to weekly and seasonal tickets) <u>Mablethorpe Parking Permits</u> Valid on all Mablethorpe etc Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £35 6 months £65 9 months £95 Annual £120 <u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00 |
| (14) Quebec Road, Mablethorpe (F) (16) High Street, Mablethorpe (A) (17) Park Square, Mablethorpe (A) (19) Marine Avenue, Sutton on Sea (F) (55) Sandilands, Sutton on Sea | None | <u>Mablethorpe Parking Permits</u> Valid on all Mablethorpe etc Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £35 6 months £65 9 months £95 Annual £120 <u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00 |
| (15) Seacroft, Mablethorpe (A) | Weekly £9 Monthly £30 Quarter £80 Year £200 | (Delete reference to monthly, quarterly and yearly tickets) Weekly Pay and Display Tickets £9 <u>Mablethorpe Parking Permits</u> Valid on all Mablethorpe etc Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £35 6 months £65 9 months £95 Annual £120 |

| Parking Place | Existing details of parking permits as shown in column (5) of the Schedule to the Existing Order | Proposed details of parking permits (to be incorporated within column (5) of the Schedule where appropriate) |
|--|--|---|
| | | <p><u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00</p> <p><u>Coach Parking Permits</u> Weekly £40</p> |
| (18) Broadway, Sutton on Sea (F) | Weekly ticket £24 Seasonal ticket £200 | <p>(Delete reference to weekly and seasonal tickets)</p> <p><u>Mablethorpe Parking Permits</u> Valid on all Mablethorpe etc Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £35 6 months £65 9 months £95 Annual £120</p> <p><u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00</p> |
| (27) Queen Street, Louth (A) (28) Co-Op, Louth (A) (29) Broadbank, Louth (A) (30) Kidgate, Louth (A) (46) Bridge Street, Louth (47) Cattle Market, Louth (50) Linden Walk, Louth | None | <p><u>Louth Parking Permits</u> Valid on all Louth Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £35 6 months £65 9 months £95 Annual £120</p> <p><u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00</p> |
| (31) Northgate East, Louth (A) (32) Kiln Lane, Louth (A) (33) Newmarket, Louth (A) | Weekly £9 Monthly £30 Quarter £80 Year £200 | <p>(Delete reference to monthly, quarterly and yearly permits)</p> <p>Weekly Pay and Display Tickets £9</p> |

| Parking Place | Existing details of parking permits as shown in column (5) of the Schedule to the Existing Order | Proposed details of parking permits (to be incorporated within column (5) of the Schedule where appropriate) |
|--|--|--|
| | | <p><u>Louth Parking Permits</u> Valid on all Louth Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £35 6 months £65 9 months £95 Annual £120</p> <p><u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00</p> |
| <p>(35) St Lawrence Street, Horncastle (A) (45) Cattle Market, Horncastle (57) The Broadway, Woodhall Spa (58) Royal Square, Woodhall Spa (60) High Street, Silver Street, Coningsby (62) Tattershall Market Place</p> | None | <p><u>Horncastle Parking Permits</u> Valid on all Horncastle etc Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £35 6 months £65 9 months £95 Annual £120</p> <p><u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00</p> |
| <p>(36) Buttercross, Spilsby (A) (42) Spilsby Market Place (A) (63) Boston Road, Spilsby</p> | None | <p><u>Spilsby Parking Permits</u> Valid on all Spilsby Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £25 6 months £45 9 months £65 Annual £80</p> <p><u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00</p> |

| Parking Place | Existing details of parking permits as shown in column (5) of the Schedule to the Existing Order | Proposed details of parking permits (to be incorporated within column (5) of the Schedule where appropriate) |
|------------------------------------|--|--|
| (37) The Bain, Horncastle (A) | Weekly £9 Monthly £30 Quarter £80 Year £200 | <p>(Delete reference to monthly, quarterly and yearly permits)</p> <p>Weekly Pay and Display Tickets £9</p> <p><u>Horncastle Parking Permits</u> Valid on all Horncastle etc Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £35 6 months £65 9 months £95 Annual £120</p> <p><u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00</p> |
| (38) South Street, Alford (A) | Weekly £9 Monthly £30 Quarter £80 Year £200 | <p>(Delete reference to monthly, quarterly and yearly permits)</p> <p>Weekly Pay and Display Tickets £9</p> <p><u>Alford Parking Permits</u> Valid on all Alford Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £25 6 months £45 9 months £65 Annual £80</p> <p><u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00</p> |
| (39) Post Office Lane, Spilsby (A) | Weekly £9 Monthly £30 Quarter £80 Year £200 | <p>(Delete reference to monthly, quarterly and yearly permits)</p> <p>Weekly Pay and Display Tickets £9</p> <p><u>Spilsby Parking Permits</u> Valid on all Spilsby Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £25 6 months £45 9 months £65 Annual £80</p> |

| Parking Place | Existing details of parking permits as shown in column (5) of the Schedule to the Existing Order | Proposed details of parking permits (to be incorporated within column (5) of the Schedule where appropriate) |
|-----------------------------|--|--|
| | | <u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00 |
| (43) Millers Way, Alford | None | <u>Alford Parking Permits</u> Valid on all Alford Parking Places (subject to maximum waiting times and within the days/hours of operation of the Parking Place) 3 months £25 6 months £45 9 months £65 Annual £80 <u>Residents' Overnight Parking Permits</u> Overnight 16.00 hrs-09.00 hrs Mon to Fri Residents only Annual £70.00 |

THE COMMON SEAL of
 EAST LINDSEY DISTRICT COUNCIL
 was hereunto affixed on the
 20th day of March 2014
 in the presence of



Authorised Signatory