

WEST WILTSHIRE DISTRICT COUNCIL
THE WEST WILTSHIRE (OFF STREET PARKING PLACES)
ORDER 2005

The Council of the District of West Wiltshire (“the Council”) in exercise of its powers under Section 35(1) and (3) of the Road Traffic Regulation Act 1984 (“the Act of 1984”) and Part IV of Schedule 9 to the Act of 1984, and of all other enabling powers, with the consent of the County Council of Wiltshire in accordance with Section 39(3) of the Act of 1984 and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 hereby makes the following Order:

PART 1

GENERAL

- (i) This Order shall come into operation on the 1st day of April 2005 and may be cited as the District of West Wiltshire (Off Street Parking Places) Order 2005.
- (ii) In this Order, except where the context otherwise requires, the following expressions have meanings hereby respectively assigned to them:

“driver”	in relation to a vehicle means the person driving the vehicle at the time it was left in or driven into a parking place and includes the owner of the vehicle for the purposes of criminal and civil liability for breaches of any of the provisions of this Order:
“owner”	in relation to a vehicle, means the registered keeper by whom such vehicle is kept and used;
“parking bay”	means any area of parking place which is provided for the leaving of a vehicle and indicated by markings;
“parking place”	means any area of land specified by name in column 1 of the Schedules to this Order provided by the Council under Section 32(1) of the Act of 1984 for use as a parking place;
“attendant”	means any person appointed by the Council for the purpose of collecting the charges specified in the Schedules of this Order or of directing the orderly parking of vehicles;

“motor car”	has the meaning as defined in Section 136(2)(a) of the Act of 1984 and not being a goods vehicle with an unladen weight in excess of 2540 kilograms <i>liable to pay vehicle excise duty as large goods vehicles</i> or a public service vehicle;
“motor cycle” and “invalid carriage”	have the same meaning as defined in Section 136 of the Act of 1984;
“caravanette”	means, in relation to this Order, a vehicle under 3050 kilograms in weight that has been constructed or adapted for the purpose of eating, cooking or sleeping;
“relevant position”	means in relation to Article 20 of this Order: <ul style="list-style-type: none"> (iii) In the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen; (iv) In the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the vehicle.
“day”	means a period of twenty-four hours from midnight to midnight except where the context otherwise admits;
“lorry”	includes heavy commercial vehicle as defined in Section 138 of the Act of 1984; <i>vehicles liable to pay vehicle excise duty as heavy goods vehicles;</i>
“public service vehicle”	has the same meaning as defined in Section 1 of the Public Passenger Vehicles Act 1981;
“coach”	includes a vehicle operating as an express carriage, stage carriage or public service vehicle and also includes a stage carriage used for contract hire purposes.

“CLASSES OF VEHICLES” in column 3 of the Schedules means the categories specified by reference to the following numbers:

- (v) ~~Motor cars and motor cycles as defined in Section 136 of the Road Traffic Regulations Act 1984.~~
Vehicles liable to vehicle excess duty as Motorcycles, Private and Light Good Vehicles not exceeding 3.500 kg gross vehicle weight, which fit entirely within a marked parking bay other than a bay marked not for a coach, bus, or heavy goods vehicle.

- (vi) ~~Motor vehicles constructed or adapted for use for the purpose of carrying goods or burden the unladen weight of which does not exceed 1425 kg.~~
- (vii) Invalid Carriages.
- (viii) Disabled persons' vehicles.

PART II

USE OF PARKING PLACES

- (ix) Each area of land specified by name in the Schedules to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions and on such days and during such hours and on payment of such charges as are specified in relation to that area in the said Schedules.

Nothing in this Article shall restrict the power of the Council to close to the public the whole or any part of the parking places either temporarily or permanently or restrict the power of the Council to vary temporarily or permanently the classes of vehicles that may use specific parking places **or temporarily or permanently waive the payment of charges in specific parking places.**

- (x) (1) Where in the Schedules to this Order a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place –
 - (a) Unless it is of the specified class; or
 - (b) in a position other than that specified.

21 Wherever parking bays are provided vehicles shall be positioned wholly within the markings of the parking bay.

22 Disabled drivers and drivers accompanied by children aged 3 years or under may permit their vehicles to wait in parking places marked for dual use subject to the other articles of this Order.

- (xi) The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in the Schedules to this Order in relation to that parking place save that where a driver displays a ~~Annual~~ **Season or Resident's** Ticket a vehicle may be left in a parking place for up to 23 hours in any car park except Church Street, Trowbridge.

- (xii) (1) The driver of a vehicle using a parking place shall **obtain a ticket and if applicable** pay the appropriate charge in accordance with the Scale of Charges specified in the Schedules to this Order.

Provided that no charge shall be payable by the driver of a vehicle left in that parking place who produces a valid ~~Annual~~ **Season or Resident's** Permit which has been issued in respect of that vehicle in accordance with

the provisions of paragraph (4) of this Article, and which permits that vehicle to be left in that parking place.

- 21 The charge referred to in Article 6(1) above, shall be payable by the insertion of an appropriate coin or coins into the device provided under Section 35(3) of the Act of 1984 and which conforms to the British Standards Institution's specification for car parking control equipment, such device having been specifically approved by the Secretary of State for the Environment for such purposes, at those car parks where such equipment has been provided by the Council for such purposes.
- 22 The driver of a vehicle shall place ~~any~~ **the** ticket issued ~~on payment of the charge~~ referred to in paragraph (1) of this Article in **the relevant** ~~a conspicuous position~~ on the vehicle in respect of which it was issued and shall cause the said ticket to be exhibited in that position at all times while the vehicle is parked in a parking place.
- 23 The owner of the vehicle may on application to the Council purchase a ticket in respect to the said Scale of Charges and that ticket shall be valid in such parking places as are specified thereon during the period for which it is issued;

Provided that where such a ticket restricts the use thereof to certain parking places the ticket shall be used in accordance therewith.

The Council reserves the right to refuse any application for such a ticket and the right to rescind any such ticket issued and to refund the outstanding value (less a reasonable fee to cover the administration costs of such action) as its own discretion.

The cost of such a ticket restricted to use only at the car park nearest to the home address of the owner of a vehicle ("Resident's Permit) shall be as specified in Schedule 3. The cost of such a ticket for use in any of the car parks specified in the Schedules to this Order ("an Annual Ticket") shall be as specified in Schedule 3.

- 7 (1) If **on any day** a vehicle is left in a parking place specified in Schedule 2 to this Order for more than 23 hours, or if no payment is made for the use of a parking place specified in Schedule I in accordance with Article 6(1) of this Order an amount specified in Schedule 3 (which amount is hereinafter referred to as the "excess charge") shall be payable except that the "excess charge" shall be discounted as shown in Schedule 3 ("the discount rate") if paid within fourteen days.
- ~~(1)b If a vehicle is left in a parking place for longer than the initial period for which payment was made then the excess charge shall be payable as above except that it shall be further discounted as shown in Schedule 3 (the overstay charge) if paid within 2 hours of the expiry of the initial period.~~

- (2) An excess charge shall be payable where a vehicle is left in a parking place for longer than any maximum period which may be stated beneath the name of any car park in Schedules to this Order. *Where the period is four hours or less an excess charge shall be payable if the vehicle returns to the parking place within four hours of ticket expiry.*
- (3) An excess charge shall be payable where a vehicle parked in a parking place is not of the classes permitted, under the Schedule, to park in that parking place.
- (4) An excess charge shall be payable where a vehicle is not parked wholly within a marked bay.
- (5) An excess charge shall be payable where the holder of a **season or resident's** ticket leaves his vehicle in a parking place in a car park where the maximum period of stay permitted is 2 hours or less. ~~and does not use such means as may be specified to indicate the time at which that vehicle was left in that parking place.~~
- (6) An excess charge shall be payable where a person or persons use a vehicle in a parking place in connection with, or for the purpose of, selling or advertising any article or obtaining custom from persons in or near a parking place except where a vehicle is used for such purpose with the express licence in writing of the Council under the hand of the Chief Executive for the time being of the Council.

Provided that should the offence appear to the Council to be of a sufficiently serious nature nothing in this Article shall prevent the Council from proceeding against the person or persons concerned in accordance with Article 9 of this Order.

- (7) In the case of vehicles in respect of which an excess charge may have been incurred, it shall be the duty of a parking attendant to attach to the vehicle **where practicable** a notice containing the following particulars:
 - (a) The registration mark of the vehicle, or where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) The time at which he first noticed that the payment or initial charge referred to in Article 6(1) of this Order had not been paid;
 - (c) A statement that an excess charge is required to be paid together with the amount payable and the discount available for prompt payment.
 - (d) The manner in which, and the time within which, the excess charge should be paid;
 - (e) A statement that it is an offence under Section 35(4) of the Act of 1984 for the driver of a vehicle who has left a vehicle in a parking

place to fail to pay the excess charge.

- (8) The period for which a vehicle may be left in the parking place after the excess charge had been incurred shall not exceed 12 hours and the driver of the vehicle shall not leave it in the parking place for longer than the said period.
- 8 The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in, or to depart from, the parking place. **An excess charge may be levied in respect of a vehicle which does not comply with the requirements of the article.**
- (i) No person shall in any parking place for the purpose of selling or advertising any article or obtaining custom, tout or importune or use a vehicle while it is in a parking place, in connection with the sale of the any article or service to persons in or near the parking place or in connection with the selling or offering the hire of his skill or service or in connection with the carrying on of any business EXCEPT with the express licence in writing of the Council under the hand of the Chief Executive for the time being of the Council.
- (ii) Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions of Articles 4,5,6(1), 7(8) and Article 11 of this Order, the Council may remove the vehicle or arrange for it to be removed from that parking place by a duly authorised officer of the Council and the excess charge specified in Article 7(1) of the Order shall be payable by the driver of the vehicle. The reasonable costs incurred by the Council in the removing, storing and disposal of the vehicle shall be paid by the owner in accordance with Sections 101 and 102 of the Act of 1984.

Provided that when a vehicle is waiting in a parking place in contravention of any of the provisions of Article 4(1)(b) of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

- (iii) The driver of a vehicle shall not permit that vehicle to wait in a parking place 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 S.143 Road Traffic Act (1988).

An excess charge may be levied in respect of a vehicle left in a parking place which does not comply with the requirements of this Article.

- (iv) The driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument except if necessary when about to change the position of the vehicle, in, or to depart from, the parking place.

An excess charge may be levied in respect of a vehicle which does not comply with the requirements of this Article.

- (v) No person shall except with the permission of any person duly authorised by the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

An excess charge may be levied in respect of a vehicle which does not comply with the requirements of this Article.

- (vi) No person shall in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents or premises in the neighbourhood.

An excess charge may be levied in respect of a vehicle which does not comply with the requirements of this Article.

- (vii) No person shall in a parking place use any threatening abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.

An excess charge may be levied in respect of a vehicle which does not comply with the requirements of this Article.

- (viii) No person shall use any part of a parking place or any vehicle left in a parking place:

- 21 for sleeping or camping purposes;
- 22 for eating or cooking purposes;
- 23 for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place; or
- 24 for playing games.

An excess charge may be levied in respect of a vehicle which does not comply with the requirements of this Article.

- (ix) No person shall use a parking place as a means of passage to proceed from one road to another road or from one place to another.

An excess charge may be levied in respect of a vehicle which does not comply with the requirements of this Article.

- (x) (1) Any person entering a parking place manned by an attendant shall park only where so directed by the attendant.

- i. Where in a parking place not manned by an attendant signs are erected or surface markings are laid for the purpose of:

- (xi) Indicating the entrance to or exit from the parking place, or
- (xii) Indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place, no person shall drive or cause or permit to be driven any vehicle:
 - (xiii) 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
 - (xiv) in a direction other than that specified as the case may be.

An excess charge may be levied in respect of a vehicle which does not comply with the requirements of this Article.

(xv) In a parking place no person shall:

- 21 erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council.
- 22 light or cause or permit to be lit any fire.
- 23 dump or deposit or cause or permit to be dumped or deposited any solid or liquid waste, any rubbish or any other goods, item or material whether solid, liquid or otherwise.

An excess charge may be levied in respect of a vehicle which does not comply with the requirements of this Article.

20 The following vehicles left in a parking place shall be exempt from any payment⁶ of any charge specified in the Schedules to this Order and shall be permitted to remain for a maximum of three hours in any parking place and each of them on any one day.

- (i) an invalid carriage;
- (ii) a vehicle issued to a disabled person by the Department of Health and Social Security in lieu of an invalid carriage;
- (xvi) a vehicle left by the driver thereof, who is a person who on account of his severe physical disability has been given a notice in writing by the Council that he/she is exempt from payment of such charge or limitation on time, if the notice on a vehicle in ~~the relevant~~ a conspicuous position;
- (xvii) a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority (Badges for Motor Vehicles) Regulations 1982 or a badge having effect under those regulations as if it were a disabled person's badge.

(xviii) vehicles in this article must display an approved disc for indicating time of arrival

- 21 When a vehicle is left in a parking place for longer than the maximum permitted period under Article 20 an excess charge shall be payable unless the driver purchases a ticket in accordance with the provisions of this Order.
- 22 Any person removing or altering the position of a vehicle by virtue of Article 10 of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.
- 23 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 10 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- 24
 - (1) Where the driver of a vehicle is alleged to be guilty of an offence to which this Order applies the owner of a vehicle shall give such information as to the identify as he may be required to give by, or on behalf of, the Council; and
 - (2) Any person shall, if required as aforesaid, give any information which it is his power to give and may lead to the identification of the driver.
- 25 Without prejudice to the generality of the foregoing marked vehicles belonging to or being used in connection with the Emergency Services, namely Police, Ambulance and Fire Services, shall be exempt from the provisions and requirements of this Order whilst engaged on or being used in connection with official duty.
- 26 The provisions of The West Wiltshire (Off Street Parking Places) Order 1988, The West Wiltshire (Off Street Parking Places) (Variation) Order 1995, The West Wiltshire (Off Street Parking Places) (Variation) Order 1996 and **Wiltshire (Off Street Parking Places) (Variation Order 2000)** are ~~and~~ hereby revoked.

Given under the Common Seal of the Council of the District of West Wiltshire the day of 2000.

THE COMMON SEAL of THE DISTRICT

OF WEST WILTSHIRE was hereunto

affixed in the presence of:

Member

Legal Services Manager

SCHEDULE 1

Name of Parking Place	Position in which Vehicles May Wait	Class of Vehicle	Days of Operation of Parking Place	Hours of Operation of Parking Place	Charges During Hours of Operation
1	2	3	4	5	6
<u>Bradford on Avon</u>					
Barton Farm	Wholly within a parking bay marked out with lines	(i) (ii) (iii) and (iv)	Mon – Sat	10.00 – 18.00	0-1 hr £0.40 1-2 hrs £0.80 2-4 hrs £1.60 4+ hrs £3.50
			Sun	All hours	0-23 hrs Free
Station Car Park					
Bridge Street (max stay 2 hours)	Wholly within a parking bay marked out with lines	(i) (ii) (iii) and (iv)	Mon – Sat	10.00 – 18.00	0-1 hr £0.40 1-2 hrs £0.80 2-4 hrs £1.60 4+ hrs £3.50
			Sun	All hours	0-23 hrs Free
St Margaret's Street (max stay 2 hours)					

<u>Melksham</u>					
Bath Road	Wholly within a parking bay marked out with lines	(i) (ii) (iii) and (iv)	Mon – Sat	08.00 – 18.00	0-1 hr £0.40 1-2 hrs £0.80 2-4 hrs £1.80 4+ hrs £3.50
			Sun	All hours	0-23 hrs Free
King Street					
Church Street (max stay 4 hours)	Wholly within a parking bay marked out with lines	(i) (ii) (iii) and (iv)	Mon – Sat	08.00 – 18.00	0-1 hr £0.40 1-2 hrs 80p 2-4 £1.60
			Sun	All hours	

Lowbourne	Wholly within a parking bay marked out with lines	(i) (ii) (iii) and (iv)	Mon – Sat Sun	08.00 – 18.00 All hours	0-1 hr £0.40 1-2 hrs £0.80 2-4 hrs £1.80 4+ hrs £3.50 0-23 hrs Free
Union Street					

Name of Parking Place	Position in which Vehicles May Wait	Class of Vehicle	Days of Operation of Parking Place	Hours of Operation of Parking Place	Charges During Hours of Operation
1	2	3	4	5	6
<u>Trowbridge</u>					
Broad Street/Conigre	Wholly within a parking bay marked out with lines	(i) (ii) (iii) and (iv)	Mon – Sat	08.00 – 18.00	0-1 hr £0.40 1-2 hrs £0.80 2-4 hrs £1.80 4+ hrs £3.50
			Sun	All hours	0-23 hrs Free
Church Street (max stay 1 hour)					
Court Street					
Lovemead					

<u>Warminster</u>					
Central Car Park 1	All those spaces between surgery and private parking behind North Row	(i) (ii) (iii) and (iv)	Mon – Sat	08.00-18.00	0-1 hour £0.40 1-2 hours £0.80 2-4 hours £1.60 4+ hours £3.50
			Sundays	All hours	0-23 hours free
Central Car Park 2	Spaces between surgery and back of shops/buildings on High Street	(i) (ii) (iii) and (iv)	Mon - Sun	08.00-18.00	1 hr free 2 hrs £0.80 (maximum 2 hrs)
Emwell Street	Yellow lined spaces	(i) (ii) (iii) and (iv)	Mon – Sun	All hours	Free
	White lined spaces		Mon – Fri Saturdays	08.30-18.00 08.30-15.00	0-1 hour £0.40 1-2 hours £0.80 2-4 hours £1.60 4+ hours £3.50
			Sundays	All hours	0-23 hours free
Western	Yellow lined spaces	(i) (ii) (iii) and (iv)	Mon – Sun	All hours	1 hr free 2 hrs £0.80 (maximum 2 hrs)

	White lined spaces		Mon – Fri Saturdays Sundays	08.30-18.00 08.30-15.00 All hours	0-1 hour free 1-2 hours £0.80 2-3 hours £1.60 4+ hours £3.50 0-23 hours free
Name of Parking Place	Position in which Vehicles May Wait	Class of Vehicle	Days of Operation of Parking Place	Hours of Operation of Parking Place	Charges During Hours of Operation
1	2	3	4	5	6
<u>Westbury</u>					
High Street – Upper Lower right hand	Wholly within a parking bay marked out with lines	(i) (ii) (iii) and (iv)	Mon - Sat	All hours	0-1 hr £0.40 1-2 hrs £0.80 (maximum 2 hrs)
High Street – Lower Left	Wholly within a parking bay marked out with lines	(i) (ii) (iii) and (iv)	Mon – Sat Sundays	08.00-18.00 All hours	0-1hour £0.40 1-2 hours £0.80 2-4 hours £1.60 4+ hours £3.50 0-23 hours free
Warminster Road	Yellowed lined parking spaces White lined parking spaces	(i) (ii) (iii) and (iv)	All hours Mon – Sat Sundays	Mon – Sun 08.00-18.00 All hours	0-1 hr free 1-2 hrs £0.80 (maximum 2 hrs) 0-1 hour free 1-2 hours £0.80 2-4 hours £1.60 4+ hours £3.50 0-23 hours free
Westfield House	Wholly within a parking bay marked out with lines	(i) (ii) (iii) and (iv)	Mon – Sat Sun	08.00-18.00 All hours	0-1 hr free 1-2 hrs £0.80 (maximum 2 hrs) 0-23 hours free

SCHEDULE 2

Name of Parking Place	Position in which Vehicles May Wait	Class of Vehicle	Days of Operation of Parking Place	Hours of Operation of Parking Place	Charges During Hours of Operation
1	2	3	4	5	6
<u>Bradford on Avon</u>					
Avoncliff	Wholly within a parking bay marked out with lines	(i) (ii) (iii) and (iv)	Mon – Sat Sun	All hours	0-23 hours free
Budbury Place					
Newtown	Wholly within a parking bay marked out with lines	(i) (ii) (iii) and (iv)	Mon – Sat Sun	All hours	0-2 hours free

<u>Melksham</u>					
King Street	Whole area designated for use by lorries	Lorries	Mon – Sat Sundays	All hours	0-23 hours free

<u>Trowbridge</u>					
Bradford Road	Wholly within a parking bay marked out with lines where such lines exist	(i) (ii) (iii) and (iv)	Mon – Sat Sundays	0-2 hours maximum All hours	Free 0-23 hrs free
Southwick Country Park	Wholly within a parking bay marked out with lines where such lines exist	(i) (ii) (iii) and (iv)	Mon – Sat Sundays	All hours	0-23 hrs free
St Stephen's Place Multi-storey 1a, 4a, 4b, 5a, 5b, 6a and 6b					

St Stephen's Place surface car park	Wholly within a parking bay marked out with lines	(i) (ii) (iii) and (iv)	Mon – Sat	09.00-18.00	2 hours free
			Mon – Sat	18.00-09.00	15 hours free
			Sundays	All hours	23 hours free
St Stephens's Place multi-storey 1b, 2a, 2b, 3a and 3b					
Name of Parking Place	Position in which Vehicles May Wait	Class of Vehicle	Days of Operation of Parking Place	Hours of Operation of Parking Place	Charges During Hours of Operation
1	2	3	4	5	6
<u>Warminster</u>					
Furlong	Wholly within a parking bay marked out with lines where such lines exist	(i) (ii) (iii) and (iv)	Mon – Sat Sundays	All hours	0-23 hrs free
Fairfield Road					
<u>Westbury</u>					
Westbury Leigh	Wholly within a parking bay marked out with lines where such lines exist	(i) (ii) (iii) and (iv)	Mon – Sat Sundays	All hours	0-23 hrs free

SCHEDULE 3

Daily Excess Charge Notice £60.00

Discount Rate £30.00

Annual Ticket 1 year £500
 6 months £260

Resident's Permit (year) £200

A 25% discount shall be given on Annual Tickets on Residents Permits valid only in the following car parks:-

Residents permits: Bradford Road, Trowbridge (residents permits only)
Newtown, Bradford on Avon

Season Tickets: Bath Road, Melksham
Western Car Park, Warminster
Warminster Road, Westbury