

Hart District Council (Off-Street Parking Places) Order 2024

Hart District Council, in exercise of its powers under sections 32, 35 and 124 and Schedule 9 of the Road Traffic Regulation Act 1984, as amended, and Part 6 of the Traffic Management Act Authorised and of all other enabling powers, with the consent of the Hampshire County Council 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 Road Traffic Regulations Act 1994, hereby makes the following Order:

1. Citation and Commencement

This Order comes into effect on 26 January 2024 and may be cited as the Hart District Council (Off-Street Parking Places) Order 2024.

Part A – Index of this Order

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SCHEDULE 1 – TABLES OF PARKING PLACES AND RESTRICTIONS

SCHEDULE 2 – SEASON TICKET PRICES

Part B - Definitions & Interpretations

1. Definitions

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

"Act of 1984" means the Road Traffic Regulation Act 1984 or any subsequent amendment thereto.

"Act of 1988" means the Road Traffic Act of 1988, or any subsequent amendment thereto.

"Act of 1994" means the Vehicle Excise and Registration Act 1994.

"Act of 2004" means the Traffic Management Act 2004, or any subsequent amendment thereto.

"Authorised Person" means a Civil Enforcement Officer or other person duly authorised by the Council or a police constable in uniform.

"Charging Period" the period specified, in relation to a Parking Place, or part thereof, in Schedule 1.

"Civil Enforcement Officer" or **"CEO"** has the same meaning as "parking attendant" in section 63A of the Act of 1984, amended by virtue of section 76 of the Act of 2004 in relation to parking Contraventions.

"Contravention" means any breach of the provisions of the Order.

"Council" means Hart District Council.

"Disabled Parking Bay" means a bay within a Parking Place identified by surface markings and/or other signage, for the parking of Vehicles displaying valid Disabled Persons Badges.

"Disabled Person" and **"Disabled Persons Badge"** have the same meaning as in the Regulations of 2000.

"Disabled Persons Vehicle" has the same meaning as in the Regulations of 2000.

"Driver" in relation to a Vehicle parking in a Parking Place, means the person driving the Vehicle immediately before it was left in the Parking Place.

"Electric Vehicle" or **"EV"** means both a Vehicle that can only be powered by an electric motor that draws electricity from a battery (all-electric vehicle) and a Vehicle that can be powered by an electric motor that draws electricity from a battery and by an internal combustion engine (plug-in hybrid electric vehicle).

"Electric Vehicle Charging Point" means a purpose-built apparatus designed to connect an Electric Vehicle to a source of electricity to recharge Electric Vehicles.

“Dwell Time” in the context of an Electric Vehicle means the time an Electric Vehicle can occupy an Electric Vehicle Parking Bay

“Electric Vehicle Parking Bay” means a Parking Bay within a Parking Place identified by surface markings and/or signage for the exclusive use of Electric Vehicles whilst that Vehicle is being charged by means of an Electric Vehicle Charging Point

“Electric Vehicle Ticket” or **“EV Ticket”** means a Pay & Display EV Ticket issued from a Ticket Machine operated by the Council within a Parking Place in which the Vehicle is parked, obtained for the purpose of demonstrating the time of arrival so as to comply with maximum Electric Vehicles dwell times (two hours).

“Holder” means the person or organisation to whom a valid Season Ticket or Permit has been correctly issued.

“Motorcycle” refers to a solo Motorcycle only and excludes any Motorcycle which has a sidecar or trailer, or which has more than two wheels.

“Motorcycle Bay” means a Parking Bay marked out on the surface of the parking place, or indicated by sign(s), that is reserved for parking of Solo Motorcycles only.

“Owner/Keeper” in relation to a Vehicle means the person in whose name the Vehicle was at that time registered under Act of 1994.

“Park” and **“Parked”** refer to the stopping of a vehicle and it remaining at rest for a period of time, whether or not the Driver is still in the vehicle.

“Parking Bay” means any areas within a Parking Place which is provided for the leaving of a Vehicle and is indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place markings.

“Parking Charge” means the fee payable in respect of a Vehicle left in a Parking Place specified in Schedule 1.

“Parking Period” means the period during which the Vehicle is parked in the Parking Bay.

“Parking Place” means an off-street car parking area, which is any area of land specified by name in Schedule 1, including any access road thereto from the public highway.

“Parking Place Notice” means any notice placed in or adjacent to a Parking Place that displays any of the conditions of parking, including time restrictions.

“Pay & Display” means a system of payment used by the Council at Parking Places for the parking of Vehicles where a prepaid Pay & Display Ticket must be obtained from a Ticket Machine and displayed in the Relevant Position within the Vehicle bearing the registration mark for which it has been issued; or an appropriate payment has been made by the Council’s approved Phone Payment System.

“Pay & Display Ticket” means a prepaid ticket issued from a Ticket Machine operated by the Council within a Parking Place in which the Vehicle is parked, obtained for the purpose of showing proof of payment to park according to charges specified in Schedule 1 and showing the following information:

- a) the name of the Council and VAT No.,
- b) amount paid,
- c) date and time of purchase,
- d) expiry time,
- e) name of car park area, and
- f) the Ticket Machine reference number
- g) the Vehicle registration number

“Phone Payment Service” means a method of payment whereby the Parking Charge specified in Schedule 1 is collected by a Council appointed third party, via an arranged account, with payment being by the customer over the telephone. This method requires contact with the Council appointed third party immediately upon parking to register the act of parking.

“Penalty Charge” means the charge set by the Council pursuant to the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council following the service of a Penalty Charge Notice not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice was served.

“Penalty Charge Notice “or “PCN” means a notice issued by or served by a Civil Enforcement Officer pursuant to the provisions of Section 78 of the Act of 2004 and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

“Permit” means a permit issued by the Council to an individual to park a Vehicle in a Parking Place with or without restrictions, but subject otherwise to the provisions of this Order.

“Regulations of 2000” means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

“Relevant Position” means in the case of a Vehicle fitted with a front windscreen and/or front side windows, the badge, pass or ticket is affixed to the windscreen (or visibly displayed in the windscreen) or Driver's window with the obverse side facing forwards and so that the same is readable from the outside of the Vehicle; in the case of a Vehicle not fitted with a front windscreen the badge, pass or ticket is exhibited in a conspicuous and readable position on the Vehicle. In the case of a Disabled Persons Badge, this must be clearly displayed at all times in accordance with the directions/guidance issued by the Department for Transport.

“Season Ticket” means a ticket purchased from the Council, subject to certain conditions as laid down from time to time by the Council, valid for the period specified on the ticket for use in Parking Places specified in the schedule indicated on the ticket.

“Schedule” means a Schedule attached to this Order, unless otherwise specified within the Articles contained herein.

"Solo Motorcycle" means a motor bicycle without a sidecar or trailer.

"Free Vend Ticket" means a free ticket issued from a Ticket Machine operated by the Council within a Parking Place in which the Vehicle is parked, obtained for the purpose of demonstrating the time of arrival so as to comply with maximum Parking Periods.

"Ticket Machine" means an apparatus of a type and design approved by the Secretary of State for Transport for the purpose of this Order, 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" has the same meaning as in section 136 of the Act of 1984.

Part C - General provisions relating to the use of Parking Places

2. Location of Parking Places

Each Parking Place specified in Schedule 1 may be used, subject to the following provisions of this Order, as a Parking Place for such classes of vehicles, on such days, during such hours and on payment of such charges as are specified in relation to that Parking Place in the Schedules attached to this Order.

The provisions of this Order shall apply at all times regardless of whether the Parking Place is subject to payment charges in accordance with Schedule 1.

3. Class and position of Vehicle

Where in the Schedule a Parking Place is described as available for Vehicles of a specified class or Vehicles to be left in a specified location, no person shall permit a Vehicle to wait in that Parking Place or in any Parking Bay within the Parking Place:

- a. Unless it is of the specified class.
- b. Unless it is wholly within a marked Parking Bay.
- c. In a position other than that specified.

Where a Parking Place displays signage and/or markings indicating that a Parking Bay shall only be used by a certain class of Vehicle only, Vehicles of that specified class shall be permitted to park within that Parking Bay.

4. Maximum period of stay

Where in the Schedule or in this Order, a Parking Place is described as available on specified days, during specified hours or for a maximum period of stay, no person shall permit a Vehicle to wait in that Parking Place on any day, during such hours or for any period other or longer than those specified.

In respect of Electric Vehicles whilst actively charging within an Electric Vehicle Parking Bay (but subject always to the maximum period of stay specified in the Schedule for that Parking Place) the maximum period of stay in respect of Electric Vehicle Parking Bays shall be **two** hours (Electric Vehicle Ticket must be displayed).

5. Period of no return

Where in the Schedule or within this Order, a Parking Place is described as having a period within which a Vehicle may not return, no person shall permit a Vehicle to wait in

that Parking Place on any day, during such hours within which the Vehicle is excluded from waiting in the Parking Place.

In respect of Electric Vehicle Parking Bays within a Parking Place the period within which a Vehicle may not return shall be **two** hours.

6. Season Tickets

Nothing in Articles 4 and 5 shall preclude a Vehicle holding a valid Season Ticket from being parked without payment of the daily charge in the relevant Parking Places specified in Schedule 1 for up to a maximum period as specified in the Schedule and/or within this Order.

7. Must not cause an obstruction.

No Driver of a Vehicle person shall leave the Vehicle or position it in the Parking Place in which it will obstruct access to the Parking Place, or any premises adjoining the Parking Place or obstruct any access way within the Parking Place.

8. No use of Suspended Parking Bay or area

Where there is an authorised sign or Parking Place Notice in a Parking Bay or area indicating that the use of that Parking Bay or area is suspended, the Driver of a Vehicle shall not permit that Vehicle to wait in that Parking Bay or area.

9. Reserved Parking Bay or parking area

Where, within a Parking Place, there is a sign or surface marking that indicates that a Parking Bay or parking area is reserved only for a particular type of Vehicle, no person shall leave a Vehicle in any such Parking Bay or parking area other than the Vehicle type or for the use so specified.

10. Authority to park

Except as otherwise provided in this Order, no Vehicle shall be left in a Parking Place during a Charging Period unless the Driver has first obtained one of the following:

- a) a valid Pay & Display Ticket issued; or
- b) a valid Season Ticket or Parking Permit; or
- c) made use of the Phone Payment Service so that verification of payment of the relevant Parking Charge and specific Vehicle registration mark can be identified on a handheld device.

11. Requirement to park within Bay Markings

Where within a Parking Place, there are surface markings that indicate Parking Bays; the Driver of a Vehicle shall not cause it to park otherwise than wholly within such a Parking Bay, specific to that class of Vehicle.

12. Alterations to Parking Bays and markings

The Council may at its absolute discretion at any time change the location or number of such Parking Bays or markings within a Parking Place.

13. Disabled Persons Parking Bays

Where, within a Parking Place, there is a sign, surface marking, or Parking Place Notice that indicates that a Parking Bay is available only for a Disabled Persons Vehicle, the Driver of a Vehicle shall not cause it to park in that Parking Bay unless it displays a valid

Disabled Persons Badge in accordance with the provisions of the Regulations of 2000 and the registered Disabled Person is either the Driver or a passenger in the Vehicle .

The Driver of a Vehicle displaying a valid Disabled Persons Badge in accordance with the provisions of the Regulations of 2000 may park the Vehicle, free of charge in a Parking Place provided that the period of stay does not exceed the maximum stay for that Parking Place. A Driver displaying a valid Disabled Persons Badge may also park in a standard bay under the same conditions.

14. Electric Vehicle Parking Bays

No person shall use an Electric Vehicle Parking Bay, designated as such by sign, surface marking, or Parking Place Notice, for any purpose unless it is an Electric Vehicle that is connected to and in the process of receiving an active electrical charge from an immediately adjacent Electric Vehicle Charging Point. The Driver of an Electric Vehicle must display an Electric Vehicle Parking Ticket in the Relevant Position whilst that Electric Vehicle is connected to and in the process of receiving an active electrical charge from an immediately adjacent Electric Vehicle Charging Point.

The maximum Dwell Time for an Electric Vehicle within an Electric Vehicle Parking Bay is **three** hours when parked between the hours of **08.00 and 18.00**, with no return to an Electric Vehicle Parking Bay within the same Parking Place within **two** hours. (Council fleet Vehicles are exempt maximum dwell time). There is **no** restriction on Dwell Times for an Electric Vehicle that park within an Electric Vehicle Parking Bay between the hours of **18.00 and 08.00**.

The Driver of an Electric Vehicle shall pay a Penalty Charge if an Electric Vehicle is parked in an Electric Vehicle Parking Bay before 18.00 but then exceeds the 3-hour Dwell Time. For example, if the Electric Vehicle is parked in an Electric Vehicle Parking Bay at 17.59 the Driver must ensure that it is removed by 20.59. If an Electric Vehicle is parked in an Electric Vehicle Parking Bay after 18.00 the Driver must ensure that it is removed by 08.00 the next day.

The Driver of an Electric Vehicle shall pay a Penalty Charge if such Electric Vehicle is left in any Parking Bay that is not an Electric Vehicle Parking Bay. Any non-Electric Vehicle or Electric Vehicles not receiving an active charge in an Electric Vehicle Parking Bay may receive a Penalty Charge Notice.

For the avoidance of doubt, users may not move to an alternative Electric Vehicle Parking Bay within the period of no return but, subject to the relevant Parking Place's maximum stay, may move to a standard Parking Bay subject to the payment of the appropriate Parking Charge.

15. Taxi Bays

Those Parking Bays in any Parking Place that, by sign, surface marking, or Parking Place Notice, are marked "TAXI ONLY" are reserved for the sole use of Hackney Carriage Vehicles licensed as Hackney Carriage Vehicles by Hart District Council. The Driver shall pay a Parking Charge if such licensed Hackney Carriage is left in any Parking Bay that is not a Taxi Parking Bay.

16. Police Parking Bays

Those Parking Bays in any Parking Place that, by sign, surface marking, or Parking Place Notice, are marked " POLICE VEHICLES ONLY" are reserved for the sole use of marked Hampshire and Isle of Wight Constabulary Vehicles.

17. Red Bays

The Driver of a Vehicle shall not cause or allow that Vehicle to remain in the Parking Bays with red road markings at Monachus Lane Parking Place, Hartley Wintney, longer than advertised by signs adjacent to the Parking Bays. (Free Vend Pay & Display Ticket must be displayed)

18. Motorcycle Parking Bays

No person shall cause or permit a Vehicle to park in a parking area marked for Motorcycles unless the Vehicle is a Solo Motorcycle.

19. Central Courtyard "Pay & Display" Bays

The Driver of a Vehicle shall not cause or permit that Vehicle to park in the Bays marked "1,2 and 3" during the advertised Hart District Council Office opening times, unless they are attending on Council business the Civic Offices Harlington Way, Fleet and the Driver has first obtained a valid Pay & Display Ticket, or made use of the Phone Payment Service so that verification of payment of the relevant Parking Charge and specific Vehicle registration mark can be identified on a handheld device.

20. Gurkha Square Parking Area

The Driver of a Vehicle shall not allow that Vehicle to remain in the Gurkha Square Parking Area between the hours of Midnight Friday and 6pm on Saturdays. Any Vehicle that remains within the Gurkha Square Parking Area between the hours of Midnight Friday and 6pm on Saturdays will be removed.

21. Restrictions on driving of Vehicles in Parking Places

Where in a Parking Place, signs are erected, or surface markings are laid, for the purpose of either 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, The Driver of a Vehicle shall not cause that Vehicle to be driven:

- a) so that it enters the Parking Place otherwise than by an entrance so indicated.
- b) so that it leaves the Parking Place otherwise than by an exit so indicated.
- c) in a direction other than so specified; or
- d) in a manner or at a speed so as to cause a danger to other users of the Parking Place.

22. Alteration of the position of Vehicles

For the purpose of meeting the requirement of an emergency, an Authorised Person may alter, or cause to be altered, the position of a Vehicle in a Parking Place or remove or arrange for the removal of a Vehicle from a Parking Place.

Any person removing or arranging the removal of a Vehicle by virtue of this Article shall make such arrangements as they consider reasonably necessary for the safety of the Vehicle in the place to which it is removed.

23. Activities prohibited in Parking Place

The Driver of a 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.

The Driver of a Vehicle using a Parking Place shall not sound any horn or other similar instrument except to warn other Vehicles of danger.

24. Actions requiring written permission from the Council.

Except with the prior written permission of the Council, no person shall use any part of a Parking Place, or any Vehicle left in a Parking Place –

- a) for overnight sleeping, camping, or cooking.
- b) to erect (or cause to be erected) any tent, booth, stand, building, structure, or any other thing.
- c) to light, allow or cause any fire to be lit.
- d) to display, place on Vehicles or distribute, or cause to be displayed, placed, or distributed any Parking Place Notice, leaflet, handbill, booklet, book, or other item.
- e) for the unauthorised sale of any article to persons in or near the Parking Place, or in connection with the selling or offering for hire of their skill or services.
- f) for the furtherance of business of any kind, private or otherwise.
- g) 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.
- h) for the display of any Vehicle for sale or to sell any Vehicle.
- i) to park any Caravan, motorhome/motor Caravan, bus/coach, or Trailer
- j) to carry out repairs or adaptations to the Vehicle unless the need for such works was not identified until after parking took place and that without them the Vehicle could not be moved from the Parking Place PROVIDED such repairs are carried out within 24 hours of the identification of the breakdown.

25. Annoyance, nuisance, and antisocial behaviour

No person in a Parking Place shall.

- a) shout or make or cause any loud noise to be made to the annoyance or disturbance of any users of the Parking Place, any occupants of adjoining or neighbouring premises or any passers-by.
- b) use any threatening, abusive, or insulting language, gesture or conduct likely to occasion, or occasioning, a breach of the peace.
- c) deposit litter or fly tip any items.
- d) cycle, skateboard, or play any ball game or any other game.

26. Requirements for the safe management of Parking Places

An Authorised Person may move, or cause to be moved, any Vehicle or other container containing any substance which appears to them to be hazardous to health as defined by the Control of Substances Hazardous to Health Regulations 1988 or any other legislation relating to health or safety.

27. Restrictions on driving of Vehicle s in Parking Places

No person shall, except with the prior written permission of the Council, drive, or cause to be driven any Vehicle in a Parking Place for any purpose other than that of leaving that Vehicle in the Parking Place in accordance with the provisions of this Order or for the purpose of departing from that Parking Place.

Part D –Parking Charges

28. Parking Charges

Unless the Driver or the Vehicle is exempt from the requirement to pay parking charges, whenever a Vehicle occupies any of the Parking Places and where Parking Charges apply, the Driver shall immediately upon parking a Vehicle in a Parking Place, pay the Parking Charge, or have a valid Season Ticket for the relevant Parking Place for that Vehicle.

For the avoidance of doubt, no refund shall be payable should the length of stay be less than the time paid for.

29. Payment of the Parking Charge

Payment of the Parking Charge may be made by the following means:

- a) payment at a Ticket Machine within the Parking Place
- b) payment made by a Driver using the Council's Phone Payment Service option where a Parking Place Notice or Parking Place Notices are displayed stating that such a facility is available.

Where any parking Ticket Machine is defective, it shall be the responsibility of the Driver of a Vehicle to obtain a Pay & Display Ticket from an alternative parking apparatus, or by making use of the Council's Phone Payment Service option where a Parking Place Notice or Parking Place Notices are displayed stating that such a facility is available.

Whenever the Council's Phone Payment Service option is used it is the Driver's responsibility to ensure that their period of stay and Vehicle has been correctly recorded with the Relevant Company.

Where free parking is in place for the entire period that the Vehicle is parked in the Parking Place, the Driver must nevertheless obtain a Free Vend Pay & Display Ticket from the Ticket Machine and place it in the Relevant Position on the Vehicle in respect of which it was issued.

30. Ticket not transferable

Pay & Display Tickets issued on payment of the Parking Charge may only be used in the Parking Place for which it has been issued. Any telephone payment made using the Phone Payment Service option must relate only to the Parking Place for which the telephone payment was made using the unique reference number for that Parking Place that is displayed adjacent to each Ticket Machine.

31. Requirement to clearly display Pay & Display Tickets, Season Tickets, and Permits etc.

Whenever a Vehicle occupies any of the Parking Places, the Driver is required to display one of the following in the Relevant Position:

- (a) A valid Pay & Display Ticket, Electric Vehicle Ticket (if the Vehicle is an Electric Vehicle parked in an Electric Vehicle Parking Bay), or a Free Vend Ticket (if the Vehicle is parked in a free vend area) in a manner so that the name of the Council, amount paid, date and time of purchase, expiry time, name of Parking Place, the

Ticket Machine reference number, and the Vehicle registration number is clearly visible at all times; or

- (b) A valid Season Ticket or Permit (if not previously purchased or issued from the Council Phone Payment Service) in a manner so that the name of Parking Place, the expiry date, and the Vehicle registration number is clearly visible at all times.

32. No Pay & Display Ticket displayed or purchased.

If at any time whilst a Vehicle is left in a Parking Place no Pay & Display Ticket, or an Electric Vehicle Ticket, (if the Vehicle is an Electric Vehicle parked in an Electric Vehicle Parking Bay), or a Free Vend Ticket (if the Vehicle is parked in a free vend area) is displayed on that Vehicle in the Relevant Position and in accordance with the provisions of Article 31, and no payment via the Council's Phone Payment Service or a Season Ticket has been made in respect of that Vehicle, it shall be deemed that the charge has not been paid.

33. Maximum duration

No Vehicle shall be left in the Parking Place for longer than the period permitted by the prepaid Pay & Display Ticket, Electric Vehicle Ticket (if the Vehicle is an Electric Vehicle parked in an Electric Vehicle Parking Bay), Free Vend Ticket (if the Vehicle is parked in a free vend area), or Phone Payment Service transaction. Further prepaid Pay & Display Tickets may be purchased, or further time purchased by Phone Payment Service transaction to extend the period of stay provided the maximum period permitted in that Parking Place or any parking area as stated in this Order or as stated in Schedule 1 is not exceeded.

For the avoidance of doubt, no further Electric Vehicle Ticket or Free Vend Ticket may be purchased when in a Parking Place where it would result in a contravention of Article 5.

Part E – Season Tickets

34. Application for a Season Tickets

The Owner of a Vehicle or a business trading within Hart District Council's area, may on application to the Council, purchase a Season Ticket using the Council's Phone Payment Service option which will enable that Vehicle to park:

- a) in a Parking Place for which season Tickets are available and
- b) for a charge identified in Schedule 2.

35. Validity of Season Tickets

Season Tickets are issued subject to the provisions of this Order, and to availability, and are only valid (unless otherwise specified) in respect of the Parking Place or places for which it was issued.

36. Discretion to issue Season Tickets

Without prejudice to the Council's powers as set out in this Order, the Council shall have absolute discretion not to issue Season Tickets to a Vehicle that has two or more unpaid and unchallenged Penalty Charge Notices issued by the Council, being those Penalty Charge Notices where payment is lawfully due.

37. Charges for replacement of Season Tickets

An administrative charge may be made for the replacement of any Season Ticket, whether resulting from loss, damage or to change details thereon.

38. Rights to terminate Season Tickets

The Council shall be entitled at its absolute discretion to terminate all rights granted by the issue of any Season Ticket at any time the Holder is in Contravention of any of the provisions contained in this Order. In any such circumstance the Holder shall not be entitled to any refund whatsoever without prejudice to any other right of action the Council may have whether under this Order or otherwise.

Notwithstanding the previous paragraph, the Council shall be entitled to terminate, without any reason, any Season Ticket subject to a full refund for any unused period.

39. Staff/Member Electronic Permit/Season Ticket

The Council may issue a Staff/Member Season Ticket, electronic permit or visitors pass, as it considers reasonably appropriate and may limit availability to any specified category of person and shall be subject to such terms and conditions, as it deems fit in respect of the Parking Places. For the avoidance of doubt only one such permit shall be available per staff or member.

A Staff/Member Season Ticket electronic permit or visitor pass shall only be valid when it is being used for Council business related activities in Parking Places specified in the permit.

Part F – Suspension of Parking Place

40. Discretionary Powers

Nothing with this Order shall restrict the power or absolute discretion 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 for any purpose authorised by the Council, in the Parking Places specified in the permit.

41. Vehicle not to be left in a Parking Place whilst the Parking Place is closed.

The Driver of a Vehicle shall not leave that Vehicle in a Parking Place at any time when it is deemed to be suspended or closed by the Council.

42. No compensation for Parking Place closure

The Council shall not be obliged to compensate any person for any loss or inconvenience or for any other reason caused by a Parking Place not being available for the parking of Vehicles under licence, or suspended, or otherwise unavailable.

Part G– Enforcement and Contraventions of this Order

43. Penalty Charge

If a Vehicle is left in a Parking Place in Contravention of or without complying with the provision within this Order a Penalty Charge shall be payable and/or the Vehicle may be removed from that location or Parking Place.

44. Parking “out of bay”

A Vehicle that is left outside of a marked Parking Bay within a Parking Place where Parking Spaces are marked shall be deemed to be in Contravention of this Order.

45. Parking with an expired or amended Pay & Display Ticket or Permit.

A Vehicle that exhibits an expired or amended Pay & Display Ticket or Season Ticket is invalid and is in Contravention of this Order.

46. Penalty Charge Notice

Where a penalty charge may have been incurred it shall be the duty of the Civil Enforcement Officer to issue a Penalty Charge Notice which shall include the information required by the Act of 2004.

47. Payment of the Penalty Charge Notice

The Owner of the Vehicle in respect of which the Penalty Charge has been incurred shall pay the amount of the Penalty Charge to the Council as specified in the Penalty Charge Notice.

48. Indications as evidence

The particulars given in the Penalty Charge Notice attached to a Vehicle in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

49. Restriction on removal of a Penalty Charge Notice

When a Penalty Charge Notice has been attached to a Vehicle in accordance with any of the provisions of this Order, no person, not being the Driver of the Vehicle, a police constable in uniform, a Civil Enforcement Officer or some other person duly authorised by the Council shall remove the Penalty Charge Notice from the Vehicle unless authorised to do so by the Driver.

PART H – REMOVAL AND DISPOSAL OF VEHICLES

50. Removal of Vehicles

On occasion when a Vehicle is left in a Parking Place in Contravention of any of the provisions of the Order, a Civil Enforcement Officer or other person authorised by the Council may, at their absolute discretion, remove or arrange for the Vehicle to be removed from a Parking Place and for the safe custody of that Vehicle.

51. Method of Removal

Any person removing a Vehicle by virtue of this Order may do so by lifting or towing or driving the Vehicle or in any such a manner as it may be considered necessary and take measures in relation to the Vehicle as may be considered necessary to enable removal of the Vehicle as the case may be.

52. Removal Costs

When a Vehicle has been removed from a Parking Place under the provisions of this Order, the costs of removal and its safe custody shall be the liability of the Driver and if the Driver cannot be identified or traced then the person appearing to the Council to be the Owner of the Vehicle shall be liable for such a charge.

53. Payment of Removal Charge

The Vehicle removal and any storage charges shall be paid to the removal company in respect of removal of a Vehicle from a Parking Place to the point of its safe custody.

54. Abandoned Vehicles

If it appears to the Council that any Vehicle within any Parking Place has been abandoned, the Council may remove it or arrange to have it removed and may sell or otherwise at its absolute discretion dispose of the Vehicle and may recover, including any expenses any charges reasonably incurred for its removal and storage from any person responsible including the Owner.

55. Removal by Third Parties

During such times a Parking Place is licenced for a use other than a Parking Place to a third party, then Vehicles may be removed from that place under licence by the third party or its agents, and the removal and storage costs will be those as shown on relevant Parking Place Notices placed on the land for each licence.

Part I – Exceptions and Exemptions

Schedule 1 (Exemptions from initial charges in Parking Places) shall have effect for the purpose of exempting Drivers of Vehicles from payment of a Parking Charge.

Part J - Liabilities

The Council does not undertake to supervise any Parking Places and Vehicles are parked entirely at the Owner's and Driver's risk and the Council accepts no responsibility for any loss or damage howsoever caused either to the Vehicle or other property.

Part K - Revocations and Consolidations

Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the Hart District Council (Off-Street Parking Places) Order 2018 and its subsequent amendments are revoked by the Order with effect from 23:59 on 25th January 2024