

IPSWICH BOROUGH COUNCIL
(OFF-STREET PARKING PLACES) ORDER 2020

Ipswich Borough Council (“the Council”) in exercise of its powers under Sections 32, 35 and 35A and Schedule 9 (Part IV) of the Road Traffic Regulation Act 1984 (“the 1984 Act”), the Traffic Management Act 2004 (“the 2004 Act”) and of all other enabling powers and with the consent of Suffolk County Council in accordance with Section 39 of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Schedule 9 Part III of the 1984 Act and after consultation with the relevant organisations specified in the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 makes the following Order:-

COMMENCEMENT, CITATION AND REVOCATION

- (1) This Order may be cited as the Ipswich Borough Council (Off-Street Parking Places) Order 2020 and shall come into operation on 1st February 2021.

- (2) The following Orders are hereby revoked:
 - a) Ipswich Borough Council (Off-Street Parking Places) Order 2018

 - b) Ipswich Borough Council (Off-Street Parking Places) (Beaufort Street and Fitzwilliam Close) Order 2019

INTERPRETATION

- (3) Any reference in this Order to a numbered paragraph is a reference to the paragraph bearing that number in this Order and any reference in this Order to a numbered Schedule is a reference to the Schedule bearing that number in this Order.

(4) In this Order:

“charging hours” means any period specified in Column 5 of Schedule 1, 2 or 3 in respect of which a charge is specified in paragraphs (17) to (58) inclusive of this Order;

“civil enforcement officer” has the same meaning as in the 2004 Act and for clarity includes any officer appointed as a parking attendant under Section 63A of the 1984 Act;

“convenience fee” means a fee charged in accordance with Schedule 7 for the use of any electronic programme as the Council may make available as a method of payment for paying a parking charge in accordance with this Order;

“disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or under regulations having effect in Scotland or Wales under Section 21 of the Chronically Sick and Disabled Persons Act 1970;

“disabled person’s vehicle” has the same meaning as in Section 142 of the 1984 Act;

“driver” in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place and in relation to a vehicle leaving a parking place means the person driving the vehicle at the time it leaves the parking place;

“dwelling” means any residential premises at the addresses specified in Column 2 of Schedule 6 to this Order relating to the parking places listed in Column 1 of Schedule 6 to this Order and any additional residential premises that the Council may determine to include from time to time and in both cases being within the Borough of Ipswich;

“electric vehicle” means a vehicle that has a plug-in electric charging facility powering the motion of the vehicle that is capable of being connected to an electric vehicle charging point operated by or on behalf of the Council in a parking place;

“electronic permit” means a permit issued electronically by the Council under paragraph (34) of this Order;

“electronic ticket” means a ticket issued electronically by the Council pursuant to this Order;

“electronic season ticket” means a ticket issued electronically by the Council under paragraph (34) of this Order;

“heavy goods vehicle” has the same meaning as a “heavy commercial vehicle” in Section 138 of the 1984 Act;

“invalid carriage” has the same meaning as in Section 136 of the 1984 Act;

“markings” includes lines (whether solid or dashed), changes in surfacing intended to denote a parking bay or other physical measures intended to denote a parking bay such as discs or other markers placed on or in the ground;

“motor car” has the same meaning as in Section 136 of the 1984 Act;

“motor cycle” has the same meaning as in Section 136 of the 1984 Act;

“off-street residents permit parking areas” means the parking areas adjacent or relating to the residential properties as shown in Schedule 2;

“owner” in relation to a vehicle has the same meaning as in Section 92(1) of the 2004 Act or the person who has the use of such a vehicle in the course of

his/her employment and is entitled to use such a vehicle as though he/she were the registered keeper thereof;

“parking bay” means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place, or in the intended absence of any markings indicated by signs;

“parking charge” means the charge paid by drivers to leave a vehicle in a parking place;

“parking disc” has the same meaning as in the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

“parking place” means any area of land specified by name in Column 1 of Schedules 1, 2 and 3 provided by the Council (in agreement with a third party landowner where applicable) under Section 32(1) of the 1984 Act for use as a parking place;

“parking ticket” means a ticket issued by a pay and display ticket machine pursuant to this Order;

“pay and display” in relation to a parking place means a parking place where the driver makes payment of the parking charge by the insertion of an appropriate sum of coins, credit or debit card into a ticket machine whereby a ticket is issued which must be exhibited on the vehicle or makes payment by the purchase of a valid electronic ticket utilising any electronic programme as the Council may make available for the purpose;

“pay on foot” in relation to a parking place means a parking place where a driver makes payment of the amount due for parking to a machine situated in a pedestrian area of the parking place to validate the ticket issued at the entry barrier to enable a vehicle to be driven from the parking place;

“penalty charge” has the same meaning as in the 2004 Act and is applied as defined in The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“penalty charge notice” is as defined by The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“permit” means a paper or card document issued under paragraph 34 of this Order;

“registered keeper” means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994;

“relevant position” means

- (i) in the case of a disabled person’s badge:-
 - (a) the badge is exhibited on the dashboard or fascia of the vehicle, or
 - (b) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle,so that the front of badge is clearly legible from the outside of the vehicle,
- (ii) in the case of a parking disc:-
 - (a) the disc is exhibited on the dashboard or fascia of the vehicle, or
 - (b) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle,so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle, and
- (iii) in the case of any parking ticket issued on payment of the parking charge or season ticket or permit the ticket, season

ticket or permit shall be attached to the vehicle in respect of which it was issued -

(a) in the case of a two-wheeled motor cycle having a side-car attached thereto in a conspicuous position on the near side of the vehicle in front of the driving seat; or

(b) in the case of any other vehicle -

(i) where the vehicle is fitted with a front glass windscreen extending across the vehicle to the nearside, facing forwards on the near side of the glass of such windscreen behind the glass; or

(ii) where the vehicle is not fitted with a front glass windscreen, on the near side of the vehicle,

so that the all the details shown on the front of the said ticket season ticket or permit are clearly visible to a person standing at the near side of the vehicle;

“resident” means a person residing at a dwelling for whom that dwelling is their permanent place of residence;

“ticket machine” means an apparatus of a type and design approved by the Secretary of State for Transport for the purpose, inter alia of this Order, being apparatus designed to indicate the time by a clock and to issue parking tickets to 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 a non-mechanically propelled vehicle being constructed or adapted for the carriage of goods when attached to the rear of a motor car and for clarity does not include a caravan or other vehicle constructed or designed to allow persons to sleep or live in.

(5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

USE OF LAND AS A PARKING PLACE

Designation

- (6) Each area of land specified:
- (a) by name in Column 1 of Schedule 1 may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions, on such days and during such hours as are specified in relation to that area in Schedule 1; and
 - (b) by name in Column 1 of Schedule 2 may be used, subject to the following provisions of this Order as a parking place for such classes of vehicles, in such positions, on such days and during such hours as are specified in relation to that area in Schedule 2; and
 - (c) by name in Column 1 of Schedule 3 may be used, subject to the following provisions of this Order as a parking place for such classes of vehicles, in such positions, on such days and during such hours as are specified in relation to that area in Schedule 3;
as the case may be.

Provided that the Council may individually authorise in writing any vehicle to be left in any parking place without compliance with all or any of the requirements in this Order.

Class and position of vehicles

- (7) Where a parking place is marked (including where marked solely by signage) and described as available for vehicles of a specified class or in a specified position, no person shall cause or permit a vehicle to wait in that parking place unless it is of the class and in the position so specified and completely within the markings of a single bay except that any person duly authorised by the

Council may authorise or require the driver of any vehicle to park that vehicle in a position other than that specified.

- (8) The reference to a vehicle being positioned completely within the markings of a single bay in paragraph (7) shall not apply to the parking places listed in Schedule 1 in the case of a vehicle with a trailer attached if both the vehicle and the trailer are parked completely within the markings of two adjoining bays lengthwise and the vehicle is displaying two valid parking tickets or permits in the relevant position or has purchased and continues to hold two valid electronic tickets.

Disabled persons bays

- (9) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, no person shall cause or permit a vehicle to wait in that parking bay unless it is a disabled person's vehicle.

Motor cycle bays

- (10) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a motor cycle, no person shall cause or permit a vehicle to wait in that parking bay unless it is a motor cycle.

Parent and child bays

- (11) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a vehicle being used by a parent with a child under the age of 5 years, no person shall cause or permit a vehicle to wait in that parking bay unless the driver is accompanied by a child under the age of 5 years.

Electric Vehicle bays

- (12) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for an electric vehicle, no person shall cause or permit a vehicle to wait in that parking bay unless it is an electric vehicle and, at the time that the vehicle was initially parked, it was connected to an electric vehicle charging point in such a manner so as to ensure that the supply of electricity was taking place from the electric vehicle charging point to the same electric vehicle (including where required paying any fee for the use of the electric vehicle charging point and any electricity supplied).

Off-Street residents permit bays

- (13) Where, within a parking place listed in Schedule 2, there is a sign or surface marking which indicates that a parking bay is available only for a vehicle displaying a residents permit, no person shall cause or permit a vehicle to wait in that parking bay unless it is a vehicle displaying a valid residents permit or a valid visitors permit in either case being of a design specified or authorised by the Council for that parking place.

Off-Street private non-residential permit bays

- (14) Where, within a parking place listed in Schedule 3, there is a sign or surface marking which indicates that a parking bay is available only for a vehicle displaying a permit, no person shall cause or permit a vehicle to wait in that parking bay unless it is a vehicle displaying a valid permit being of a design specified or authorised by the Council for that parking place.

Parking charge in parking places

- (15) Insofar as a vehicle is left in a parking place during the charging hours the driver of the vehicle shall pay such charge or charges as are specified in

Column 7 of Schedules 1, 2 and 3 and, where applicable, the convenience fee as specified as in Schedule 7.

Maximum period

- (16) No person shall cause or permit a vehicle to wait in a parking place for a period longer than the maximum permitted for waiting specified in Column 6 of the relevant Schedule in relation to that parking place.

AMOUNT OF CHARGE AT PARKING PLACES

- (17) Paragraphs 18 to 33 inclusive apply to the parking places specified by name in Column 1 of Schedule 1.

Pay on foot parking place

- (18) Any parking place described as a Pay on Foot car park in Schedule 1 shall be controlled by entry and exit barriers. The driver of a vehicle shall gain entry to such parking places by taking a ticket at the entry barrier. This ticket shall be submitted to a pay station at the end of the parking period and validated by making a payment in accordance with the parking tariffs shown respectively for the said parking place in column 7 of Schedule 1. The validated ticket shall then be used to operate the exit barrier.

No charge shall be payable by the driver of a vehicle operating the barriers with a valid permit.

- (19) Where a ticket issued at the entry barrier of any parking place described as a Pay on Foot car park in Schedule 1 is subsequently lost before it is presented to a pay station for validation the driver of the vehicle then wishing to exit the said parking place shall pay the amount specified for a 'Lost ticket' for the said parking place in column 7 of Schedule 1 in order to obtain a separate ticket to operate the exit barrier.

- (20) Where a ticket issued at the entry barrier of any parking place described as a Pay on Foot car park in Schedule 1 is subsequently presented to a pay station for validation after a period of time has elapsed that is greater than the maximum stay specified for the said parking place in Column 6 of Schedule 1 then the driver of the vehicle then wishing to exit the said parking place shall pay the amount specified for 'Exceeding maximum stay' for the said parking place in column 7 of Schedule 1 in order for the ticket to be validated so that it may then be used to operate the exit barrier.

Pay and display parking places

- (21) The driver of a vehicle using a parking place specified as a pay and display parking place in Column 1 of Schedule 1 shall on leaving the vehicle in the parking place either:
- (a) purchase a parking ticket at the price and for the period indicated in accordance with the scale of charges specified in Column 7 of Schedule 1 and display the parking ticket on the vehicle in the relevant position at all times that the vehicle is in the parking place; or
 - (b) purchase an electronic ticket at the price and for the period indicated in accordance with the scale of charges specified in Column 7 of Schedule 1 and pay the convenience fee specified in Schedule 7

provided that no charge shall be payable by the driver of a vehicle left in that parking place and either:

- (i) displaying in the relevant position a valid season ticket or permit issued in respect of that vehicle for that parking place; or
- (ii) for which a valid electronic season ticket or electronic permit has been issued in respect of that vehicle for that parking place.

Method of payment

- (22) The Council may, at its complete discretion, decide that in respect of the payment of parking charges for any individual parking place(s) specified in this Order the only method of payment acceptable shall be by the purchase of an electronic ticket and/or electronic season ticket by utilising any electronic programme as the Council may make available for the purpose, and shall ensure that signage stating that this is the case shall be displayed in any parking place(s) to which this paragraph applies.
- (23) Except as referred to in paragraph (22), the charge shall be paid on the leaving of a vehicle in a parking place and may be paid by insertion of an appropriate coin, coins, or credit/debit card into a ticket machine or in the case of an electronic ticket by utilising any electronic programme as the Council may make available for the purpose.

Top up of electronic tickets

- (24) Where an electronic ticket has been purchased and the relevant charge shown in Column 7 of Schedule 1 has been paid, the person who purchased the electronic ticket may on further payment by the same method of the relevant charge shown in Column 7 of Schedule 1 increase the length of stay for the vehicle that the electronic ticket relates to in the parking place that the electronic ticket relates to up to the maximum stay for the parking place in question as shown in Column 6 of Schedule 1.
- (25) The payment of a further charge referred to in paragraph (24) to extend the length of stay of a vehicle in a parking place does not exempt that vehicle from any penalty charge or penalty charge notice which may have become applicable for any period between the expiry of any electronic ticket which preceded the electronic ticket issued in respect of the payment of the further charge and the issuing of the latter electronic ticket.

Parking for long periods

- (26) The driver of a vehicle leaving a vehicle in any one of the parking places referred to as Portman Road A, Portman Road B, Portman Road C, Portman Road D, Princes Street or West End Road within Column 1 of Schedule 1 may purchase several days' parking at one time by purchasing and displaying the number of daily tickets or purchasing the number of electronic tickets, in either case corresponding to the number of days stay required.

Length of stay

- (27) No person shall cause or permit a vehicle to wait during the charging hours in a pay and display parking place specified in Column 5 of Schedule 1 for longer than the period for which the payment was made and shall not cause or permit the vehicle to return to that parking place within one hour of leaving the parking place if doing so would cause the vehicle to exceed the maximum stay for the parking place as specified in Column 6 of Schedule 1.

Expiry of parking period

- (28) Subject to paragraph (26), the expiry of the period for any pay and display parking place which the charge specified for that parking place in Schedule 1 has been paid shall be indicated when either:
- (a) there is exhibited on the vehicle a parking ticket and the time shown on the clock of the issuing ticket machine is later than the time at which the period for which a parking charge has been paid expired; or
 - (b) in the case where an electronic ticket has been purchased the time shown on any electronic device issued by the Council to its civil enforcement officers for the purposes of enforcement of the parking place is later than the time at which the period for which a parking charge has been paid for the vehicle in question electronically expired.

No ticket on display or valid

- (29) If at any time during the charging hours listed in Column 5 of Schedule 1 a vehicle has been left in a pay and display parking place no valid ticket or permit is displayed in the relevant position or no valid electronic ticket or electronic season ticket has been purchased and is still valid, it shall be deemed to be in contravention of this Order.

Indications as evidence

- (30) The indications given by any ticket machine or any parking ticket issued by it or by any electronic system or programme that the Council shall utilise for the purposes of issuing electronic tickets shall be treated as evidence of the facts which the ticket machine or ticket or electronic system or programme (as the case may be) purports to record.

Non-transferable

- (31) A ticket purchased from a ticket machine under paragraph (21) is not transferable between vehicles or between different parking places.

Absence of ticket machine

- (32) Except in a parking place to which paragraph (22) applies, if at any time when a vehicle is left in a pay and display parking place during the charging hours there is no ticket machine at the parking place, or all the ticket machines in that parking place carry notices placed on them by the Council indicating that they are out of order, the driver of that vehicle shall be exempt from purchasing a parking ticket during the charging hours for up to the maximum period of stay in the parking place.

Disabled person's vehicles

- (33) A disabled person's vehicle may wait in a disabled person's bay in a pay and display parking place for the maximum time specified in Schedule 1 with no return within 1 hour after leaving the parking place if the vehicle is displaying in the relevant position a valid disabled person's badge and parking disc and the vehicle immediately before or after the act of parking has been driven or used or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) or passenger(s) and, where charged, if the relevant charge in Column 7 of Schedule 1 for the parking place in question has been paid.

SEASON TICKETS, PERMITS AND WAIVERS

Season tickets and permits

- (34) Subject to paragraph (36), the Council may issue season tickets, electronic season tickets, permits or electronic permits in respect of a vehicle subject to such criteria as the Council may determine from time to time but where a charge is made then this shall be as stated in Schedule 1, 2 or 3 for the parking place(s) to which the season ticket, electronic season ticket, permit or electronic permit shall apply, and where applicable the convenience fee in Schedule 7 shall also apply. The season ticket, electronic season ticket, permit or electronic permit shall, subject to any conditions upon which it is issued, be valid in respect of that vehicle in such parking places as are specified thereon during the period for which it is issued.
- (35) A season ticket, electronic season ticket, permit or electronic permit issued under paragraph (34) is only valid in the parking places for which it is issued.
- (36) A permit issued under paragraph (34) for a parking place listed in Schedule 3 shall be subject to paragraph (57).

- (37) A season ticket or permit shall not be considered valid for the purposes of this Order if defaced or obstructed so that it cannot be read from outside the vehicle.
- (38) A season ticket, electronic season ticket, permit or electronic permit shall not be considered valid for the purposes of this Order if it has expired by the passing of time.
- (39) A season ticket, electronic season ticket, permit or electronic permit shall not be considered valid for the purposes of this Order if it has been declared invalid by the Council following any payment for that season ticket, electronic season ticket, permit or electronic permit being dishonoured.
- (40) The issue by the Council of a season ticket, electronic season ticket, permit or electronic permit shall be subject to the provision of such information as the Council shall require.
- (41) A season ticket, electronic season ticket, permit or electronic permit shall be in such a form and containing such information as the Council may determine.

Waivers

- (42) The Council may issue waivers to the registered keeper of a vehicle subject to such criteria as the Council may determine from time to time but where a charge is made then this shall be as stated in Schedule 4 for the parking place(s) to which the waiver shall apply. The waiver shall, subject to any conditions upon which it is issued, be valid in respect of that vehicle in such parking places as are specified thereon during the period for which it is issued. A waiver may be issued on paper or electronically at the Council's complete discretion.
- (43) A waiver issued under paragraph (42) is only valid in the parking places for which it is issued.

OFF-STREET RESIDENTS PARKING PLACES

Use of parking bays

- (44) The provisions of paragraphs (45) to (52) shall only apply to parking places in Schedule 2.
- (45) If parking bays are marked out at a parking place, the driver of a vehicle shall not allow that vehicle to wait within a parking place other than completely within the markings of a single parking bay.
- (46) The driver of a vehicle
- (a) shall not allow that vehicle to wait in a parking place if that vehicle displays a parking permit which was purchased or issued in respect of a different parking place than that in which the vehicle is waiting; and
 - (b) shall not permit it to wait in a parking place unless it displays a permit valid for that parking place and either:
 - (i) the driver is a resident and the permit is a residents permit; or
 - (ii) the driver is a visitor and the permit is a visitors permit.

Display of permit

- (47) Parking permits shall be displayed in the relevant position during the entire period the vehicle is waiting in the parking place.

Issuing of permits

- (48) Subject to paragraphs (49) and (50) a resident of a dwelling shown in Column 2 of Schedule 6 may apply to the Council on payment of such fees as are shown in Column 7 of Schedule 2 for the issue of a permit or visitors permit

permitting a vehicle owned by them or in the case of a visitors permit by a visitor of the resident to wait in the parking place shown for their dwelling in Column 1 of Schedule 6 and being specified on the permit but only one permit and one visitors permit will be issued for each dwelling.

- (49) The issue of visitors permits shall not apply to the parking places at Cobbold Street or Richmond Road.
- (50) A resident of a dwelling entitled to apply for a permit for the parking place at Wilberforce Street shall be entitled to apply for up to five books of five visitors permits in a six month period instead of the one visitors permit referred to in paragraph (48).
- (51) The parking places shown in Column 1 of Schedule 6 shall be the parking places shown in Column 1 of Schedule 2 and the provisions of Schedule 2 for each parking place shall have full effect.

Paragraphs (34) to (43) application

- (52) The provisions of paragraphs (34) to (43) inclusive apply in full to parking places in Schedule 2.

OFF-STREET PRIVATE NON-RESIDENTIAL PARKING PLACES

Use of parking bays

- (53) The provisions of paragraphs (54) to (58) inclusive shall only apply to parking places in Schedule 3.
- (54) If parking bays are marked out at a parking place, the driver of a vehicle shall not allow that vehicle to wait within a parking place other than completely within the markings of a single parking bay.
- (55) The driver of a vehicle

- (a) shall not allow that vehicle to wait in a parking place if that vehicle displays a parking permit issued, obtained or purchased in respect of a different parking place than that in which the vehicle is waiting; and
- (b) shall not permit it to wait in a parking place unless it displays a permit valid for that parking place.

Display of permit

- (56) Parking permits shall be displayed in the relevant position during the entire period the vehicle is waiting in the parking place.

Issuing of permits

- (57) Permits permitting a vehicle to wait in the parking place specified on the permit being a parking place in Schedule 3 shall be issued by the person, company or organisation (which may include a club, society or charity) who are the freehold owner or leaseholder of the land on which the parking place (or part of the parking place as the case may be) exists, or where the said freehold owner or leaseholder has agreed in writing then by the Council; and shall be issued on application to any person who the said freehold owner or leaseholder (or as the case may be the Council) shall wish to issue with such a permit provided that where a charge is shown in Column 7 of Schedule 3 for the issue of a permit then the person applying for the permit shall not be issued with it unless they pay the said charge in advance and also on condition that the permit must be returned to the person, company or organisation who issued it either upon request by them or by any time that may be specified by them.

Paragraphs (34) to (43) application

- (58) Except where otherwise stated, the provisions of paragraphs (34) to (43) inclusive apply in full to parking places in Schedule 3.

SUSPENSION OF PARKING PLACE

Power to suspend parking places

- (59) Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in any parking place:
- (a) from suspending the parking place or any part thereof for any period; and/or
 - (b) from setting aside the parking place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations.

Signing of suspension

- (60) Any person authorised by the Council in that respect who suspends the use of a parking place or any part thereof in accordance with the provisions of paragraph (59) shall thereupon place or cause to be placed in or adjacent to that parking place or that part thereof a notice or traffic sign indicating that the use of that parking place or that part thereof is suspended and that waiting by vehicles is prohibited.

No parking on suspended bays

- (61) No person shall cause or permit a vehicle to be left in a parking place or any part thereof during such periods that the use of that parking place or that part thereof is suspended or during such period as there is in or adjacent thereto a notice or traffic sign placed by or on behalf of the Council in pursuance of paragraph (60).

CONTRAVENTION AND PENALTY CHARGE

Contravention

- (62) If a vehicle is left in a parking place in contravention of or without complying with any paragraph(s) of this Order a penalty charge shall be payable and/or the vehicle may be removed from that location or parking place.

Penalty charge notice

- (63) In the case of a vehicle in respect of which the penalty charge may have been incurred, it shall be the duty of a civil enforcement officer in uniform to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:
- (a) the grounds on which the civil enforcement officer believes that a penalty charge is payable with respect to the vehicle;
 - (b) the amount of the penalty charge which is payable;
 - (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
 - (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the penalty charge will be reduced by 50%;
 - (e) that if the penalty charge is not paid before the end of the 28 day period a notice to the owner may be served by the Council on the person appearing to them to be the owner of the vehicle;
 - (f) the address to which payment of the penalty charge must be sent.

Manner of payment of Penalty charge

- (64) The penalty charge shall be paid to the Council either by cheque, banker's draft, money order, postal order, debit/credit card or other such electronic payment means as may be approved by the Council which shall be made payable to Ipswich Borough Council and delivered or sent by post so as to reach Ipswich Borough Council at the office of the Ipswich Parking Service, PO Box 668, Ipswich IP1 9AS not later than 4.30pm on the twenty eighth day following the day on which the penalty charge was incurred or in cash in person or by messenger at a place of business accepting cash payments for such penalty charges via the 'Payzone' system not later than as aforesaid;

Provided that, if the twenty eighth day falls upon a day on which the said office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.30pm on the next full day on which the said office is open.

Indications as evidence

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

Restriction on removal of a penalty charge notice

- (66) Where a penalty charge notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order, no person, not being the owner or person in charge of the vehicle, a person authorised by the driver of the vehicle, 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 owner or person in charge of the vehicle.

OTHER PROVISIONS

Tax and Insurance

- (67) The driver of a vehicle shall not permit that vehicle to wait in a parking place in Schedule 1 unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.

Prevention of Pollution

- (68) 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.

Restriction on use of vehicle

- (69) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services except as provided in paragraph (71).
- (70) No person shall use any part of a parking place or leave any vehicle in a parking place:
- (a) for sleeping, camping or cooking; or
 - (b) 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.

- (71) Paragraph (69) so far as it relates to selling and paragraph (70) so far as it relates to cooking shall not apply to catering operators who are duly authorised in writing by the Council.

Prevention of Noise Nuisance

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

Movement or removal of vehicle

- (73) If a vehicle is left in a parking place in a position other than in accordance with the provisions of paragraphs (6) to (16) inclusive, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
- (74) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.

Emergency

- (75) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a police constable in uniform 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.

Method of movement or removal

- (76) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (73) or (75), or removing, or causing the removal of, a vehicle by virtue of paragraphs (74) or (75) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably

necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

Safe keeping

- (77) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (74) or (75) shall make such arrangements as he considers to be reasonably necessary for the safe keeping of the vehicle in the place to which it is removed. The Council shall be entitled to recover its reasonable expenses in the removal, storage and disposal of the vehicle from the registered keeper thereof.

Traffic control

- (78) Where in a parking place signs are erected or surface markings are laid for the purpose of:

- (a) indicating the entrance to or exit from the parking place; or
- (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place; or
- (c) the maximum speed of vehicles using the parking place; or
- (d) indicating that parking is not permitted in that area

no person shall drive or permit 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; or

- (iii) at a speed greater than that indicated; or
- (iv) parks in a prohibited area delineated by lines, signs or cones.

Parking uses only

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

Nuisance

- (80) No person shall in a parking place wantonly or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
- (81) 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.
- (82) No person shall in a parking place urinate, defecate, spit or drop litter.
- (83) No person shall in a parking place consume alcohol or any illegal substance.
- (84) No person shall in a parking place display or distribute or cause to be displayed or distributed any notice, leaflet, handbill, book, booklet or other item.

Structures and fires

- (85) In a parking place, no person shall:

- (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure, machine or device without the written consent of the Council; or
- (b) light or cause or permit to be lit any fire.

Council's Liability

- (86) The Council accepts no responsibility, either at common law or under the Occupier's Liability Act 1957, or otherwise, for loss of or damage to vehicles or other property left in any of the parking places.

Contravention

- (87) Any person acting in contravention or non-compliance with a provision of this Order shall be guilty of an offence as provided for by Section 35A of the 1984 Act.

THE COMMON SEAL of
IPSWICH BOROUGH COUNCIL
was affixed on
in the presence of:-

Authorised Officer

Authorised Officer