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| | ANGUS COUNCIL (OFF-STREET CAR PARKS) (DECRIMINALISED ENFORCEMENT) ORDER 2017 |
| | 2017 |
| | Head of Legal and Democratic Services Angus House Orchardbank Business Park Forfar DD8 1AN |

Angus Council (Off-Street Car Parks)(Decriminalised Enforcement) Order 2017

Angus Council (hereinafter called “the Council”) in exercise of its powers under Sections 1(1), 2(1) to (3), 4, 32, 35(1) and (3), 3(A), 35A, 35B, 35C, 46 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended (“the Act of 1984”), the Road Traffic Act 1991 and of all other enabling powers in these Acts and otherwise, after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to the Act of 1984 hereby makes the following Order.

PART 1 GENERAL

Commencement and Citation

1. This Order shall come into operation on the 3rd day of May 2017 and may be cited as the Angus Council (Off-Street Car Parks) (Decriminalised Enforcement) Order 2017.

Interpretation

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

“Angus Council” means Angus Council, the local authority constituted under the Local Government etc (Scotland) Act 1994 and having its principal offices at Angus House, Orchardbank Business Park, Forfar DD8 1AX;

"articulated vehicle" means a heavy motor car or motor car, not being an articulated bus, with a trailer so attached that part of the trailer is superimposed upon the drawing vehicle, and when the trailer is uniformly loaded, not less than 20 per cent of the weight of its load is borne by the drawing vehicle.

"car park" means any area of land including accesses and exits specified by name in the Schedule to this Order provided by the Council in pursuance of Section 32(1) of

the Act of 1984 for use as a parking place as defined therein but excluding any parking place which forms any part of a road;

"caravan" means a vehicle designed or adapted for human habitation;

"coach parking space" means a bay in a car park which is provided for the waiting of large passenger vehicles the limits of which are indicated by means of surface markings as may be specified in any traffic regulation or direction;

"alternative approved method of payment" means any cashless payments including park and phone, payment by debit or credit card facilitated by on site or remote verification by, for example, card reader or mobile phone text or phone call or decrementing card, as may be implemented by the Council from time to time;

"charging days" means those days which are as specified at each parking place respectively;

"charging hours" means the period as specified at each parking place on all charging days;

"Council" means Angus Council and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

"daily charge" means the charge imposed by the Council for parking in a parking place on any one day and for a specified period of time as is identified in the scale of charges specified in the schedules to this Order and as advertised on site;

"disabled person's badge" has the same meaning as in the Disabled Persons ('Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended;

“expiry time” is the time indicated on the Pay and Display ticket and is the time by which the vehicle must leave the parking place;

"heavy goods vehicle" means any of the following vehicles: -

- (a) an articulated goods vehicle; or
- (b) a large goods vehicle, that is to say, a motor vehicle (not being an articulated goods vehicle) which is constructed or adapted to carry or to haul goods and the permissible maximum weight of which exceeds 7.5 tonnes, and may include such a large goods vehicle with a heavy trailer in tow;

"heavy trailer“ means a vehicle which is drawn by a motor vehicle and has an unladen weight exceeding 1525 kilograms;

"large passenger vehicle" means a mechanically propelled vehicle designed and constructed for the carriage of more than 15 persons, inclusive of the driver, whether for hire or reward or not;

“light goods vehicle” means a vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, the overall height of which does not exceed 1.85 metres and the unladen weight of which does not exceed 2540 kilograms and is not drawing a trailer;

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

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

“owner” in relation to a vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the vehicle was parked in the parking place in question;

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

“Parking Attendant” means a person authorised by or on behalf of the Council to operate, supervise or control any car park or part thereof by exercise of the appropriate provisions of this Order;

“Park and Phone” means a method of payment of the parking charge involving registration of payment by phone or electronic means and, on first use, registration of the relevant registration number of the vehicle, location of the parking place, credit or debit card details or any such other details as the Council may from time to time require which is accepted by the Council as a valid method of payment for the relevant time of use of the parking place;

"parking space" means an area or bay in a car park which is provided for the leaving of a vehicle the limits or restrictions as to which are indicated by means of surface markings or by different coloured blockwork or otherwise indicated by signs in the parking place;

"parking place" means an area of land provided by the Council pursuant to Section 32(1) of the Act of 1984 for the purpose of parking of vehicles and not closed (in part or in whole) by a notice erected thereon by authority of the Council;

“pay and display ticket” means a ticket issued by a ticket machine located in the parking place in which the vehicle has been parked or issued by a person nominated by the Council on payment of a charge and valid for a parking period as advertised at that parking place;

“penalty charge” means a penalty charge which is payable by virtue of paragraph 3(1) and (2) of Schedule 3 to the Road Traffic Act 1991; or any subsequent legislation so enabling;

“permit” means any permit, charged for or free, being a resident, business, community care, civic or staff permit or visitor voucher issued by the Council under the provisions of this Order;

“public holiday” means any day designated by the Council as a public holiday;

"refrigeration vehicle" means a goods vehicle fitted with an ancillary motor which is being used in connection with cold storage equipment;

“relevant position” means

- (a) in respect of a vehicle displaying a valid disabled person’s badge -
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that the front of the badge is legible from outside the vehicle; or
 - (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is legible from outside the vehicle;

- (b) in respect of a vehicle displaying a pay and display ticket:-
 - (i) the ticket or permit is exhibited on the inside surface of the windscreen or in a clearly visible position so that it is facing forwards and can be easily seen and read from the front or side of the vehicle; or
 - (ii) in the case of a vehicle that is not fitted with a transparent windscreen, the ticket or permit is exhibited on the front of the vehicle facing forwards and clearly visible;

"Schedule" means a schedule to this Order;

“short stay car park” means a car park in which vehicles may only be left for short stay periods between the hours of 8 am and 6 pm every day except Sunday.

“short stay period” means the period up to a maximum of two hours, during which a vehicle may be left in a car park designated as a Short Stay Car Park in the Schedule to this Order.

"small goods vehicle" means a motor vehicle which is constructed or adapted to carry or haul goods and the permissible maximum weight of which does not exceed 3.5 tonnes;

“small trailer” means a vehicle which is drawn by a motor vehicle and has an unladen weight not exceeding 1525 kilograms;

"small vehicles" means passenger vehicles, small goods vehicles and small trailers all as defined herein;

"solo motor cycle" means a mechanically propelled vehicle, not being an invalid carriage, with not more than two wheels and the weight of which unladen does not exceed 410 kilogrammes;

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act;

"trailer" means a vehicle drawn by a motor vehicle;

“ticket machine” means an apparatus of a type and design approved by the appropriate Minister for the purpose of the Act of 1984, being apparatus designed to indicate the time by a clock and to issue parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and, either the time of such payment, or the expiry time of the parking period for which payment has been made;

“vehicle” includes any motor car, motor cycle or other mechanically propelled automobile.

“Virtual Parking Permit” means an electronic record of parking ticket, issued and confirmed by Angus Council to exempt a vehicle from a restriction or to make

payment other than on site covered in the provisions of this order, under the terms applicable at the time of issue. A Virtual Parking Permit may be obtained by any of the methods provided from time to time by the Council (if any) and to be valid must be registered on an account in an electronic database approved by the Council with an indication that the permit has been issued and validated in accordance with Council procedures.

3. Except where the context requires otherwise, any reference in this Order to a numbered Article or Schedule shall be construed as a reference to the Article or Schedule bearing that number in this Order.
4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
5. Unless the context otherwise requires, words denoting the singular shall include the plural and vice versa and words denoting the persons shall include either gender, bodies corporate, unincorporated associations and partnerships. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act of 1984 or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.
6. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by this Order were Acts of Parliament thereby repealed.
7. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act of 1984 or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by

this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.

8. If a court, Transport Scotland or The Parking and Bus Lane Tribunal for Scotland or other statutory body or authority, declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

PART 2
DESIGNATION AND USE OF PARKING PLACES

Designation

9. Each area of land specified by name or referred to in Column 1 of the Schedule may be used, subject to the provisions of this Order, as a place to park vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are or may be advertised at each parking place from time to time.

Class and position of vehicle

10. Where by notice at a parking place, a parking space is described as available for vehicles of a specified class or vehicles to be parked in a specified location, no person shall cause or permit a vehicle to be parked in that parking space:-
- (i) unless it is a vehicle of the specified class;
 - (ii) in a position other than that specified; or
 - (iii) for a purpose other than provided for in this Order.

Classes of vehicle

11. No person shall cause or permit a vehicle to be parked in a parking space or a parking bay unless it is of a class prescribed in the Schedule or as advertised on site.
12. Notwithstanding the generality of Article 11 of this Order, no vehicle may be left in a car park:-
- (a) during any period specified in Column 3 of the Schedule opposite to the name of the car park if it is of a class specified in Column 2 of the Schedule opposite to the name of the parking place;

- (b) if it is a short stay parking space, subject to Article 21 hereof, for more than a maximum of two hours at any time, between the hours of 8 am and 6 pm, during any day except Sunday;
- (c) if it is a small-trailer or a heavy trailer; or
- (d) for more than 72 consecutive hours.

Position of vehicle

- 13. If parking spaces are marked out in a parking place the driver of a vehicle shall ensure that it is not parked beyond the parking space markings and shall not permit it to wait in that parking place unless it is so positioned.
 - 14. If parking spaces are not marked out in a parking place the driver of a vehicle shall ensure that it is positioned so that it does not obstruct other vehicles using the parking place, the free flow of traffic circulating within the parking place and the entrances to or exits from the parking place.
 - 15. Subject to sub-paragraph (a) below and Article 21 of this Order a heavy vehicle left in a car park shall so stand that every part of such vehicle is within the limits of two adjacent parking spaces and parallel to their longitudinal axes; provided that where the dimensions of the vehicle preclude its being left in the manner specified herein it shall be left, either under the direction of a Parking Attendant (if one is present), or in such position that the movement of other vehicles is not obstructed
 - (a) Where a reserved area for heavy vehicles is provided in any car park -
 - (i) no heavy vehicle shall be left in that car park, except within the reserved area, and
 - (ii) no small vehicle shall be left in that car park within the reserved area
- unless the driver of the vehicle is otherwise directed by a Parking Attendant.

Disabled person's parking spaces

16. No person shall cause or permit a vehicle to be parked in a parking space marked for disabled persons unless the vehicle displays a valid disabled person's badge in the relevant position and immediately before or immediately after the act of parking the vehicle has been or is about to be used by the person(s) in respect of whom the disabled person's badge has been issued.

Loading and unloading bays

17. No person shall cause or permit a vehicle to park in any area marked as a loading bay unless the vehicle is being used for the purpose of loading or unloading.

Motor cycle parking bays

18. No person shall cause or permit a vehicle to park in a parking space marked for motor cycles unless the vehicle is a motor cycle.

Hours of operation and maximum period of stay

19. Where by notice on site a parking place is described as being in operation on specified days, during specified hours or for a maximum period of stay, no person shall cause or permit a vehicle to be parked in that parking place within the parking place on any day, during such hours or for any period other or longer than those specified.

Period of no return

20. Where by notice on site, a parking place is described as having a period within which a vehicle may not return, no person shall cause or permit a vehicle to be parked again in that parking place or parking bay on any day, during such hours within which the vehicle is excluded from waiting in the parking place or parking bay.

Power to close or suspend parking places

21. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed or erected in a parking place:
- (i) from closing a parking place or any part thereof for any period; and/or
 - (ii) from setting aside a parking place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations.
22. Any person closing or suspending the use of a parking place or any part thereof 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 of that parking place or that part thereof is closed or the use is suspended and that parking by vehicles is prohibited.

23. No person shall cause or permit a vehicle to be parked in a parking place or any part thereof during such periods that the parking place or that part thereof is closed or the use is suspended or during such period as there is in or adjacent thereto a notice or traffic sign indicating the closure or suspension placed by or on behalf of the Council.

Sale of Goods

24. No person shall in a parking place without the express written permission of the Council, use a vehicle, in connection with the sale of any article or goods, including the vehicle itself, to any person in or near the parking place or in connection with the selling or offering for hire of skills or services in any other capacity.

Parked with engine running

25. No person shall in a parking place or parking space continue to run the engine when the vehicle is in the parking space or 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.

Parked causing an obstruction

26. No person shall in a parking place park the vehicle in such a manner or place where it causes an obstruction to any other users of the parking place.

PART 3
CHARGES FOR PARKING

Payment

27. No person shall cause or permit any vehicle to be parked in a parking place without arranging for the appropriate charge (if any) to be paid in accordance with the scale of current charges as set out in the Schedule and as advertised at the parking place from time to time.

Means of payment

28. The charges referred to in the preceding Article shall be payable in the manner as advertised at that parking place.

Pay and display parking places

29. The person in charge of a vehicle, upon parking the vehicle in a parking space shall immediately

- (i) arrange for the purchase of a pay and display ticket from a ticket machine situated at that parking place at the level of charge and for the period required in accordance with the scale of daily charges as advertised at that parking place, or
- (ii) make arrangements to pay the appropriate fee through an alternative approved method of payment such as Park and Phone at the level of daily charge and for the period required in accordance with the scale of charges as advertised at that parking place.

Display of ticket

30. Save for payment by an alternative approved method of payment, once a vehicle has been parked within a pay and display parking place the person in charge of the vehicle shall ensure that:
- (i) a valid pay and display ticket has been obtained to cover the entire period that the vehicle is parked in the parking place, and
 - (ii) the valid pay and display ticket is displayed in the relevant position on the vehicle in respect of which it was issued at all times the vehicle is parked.
31. A pay and display ticket is not transferable from one vehicle to another and on transfer the pay and display ticket ceases to be valid.
32. A pay and display ticket is valid only in the parking place in which it was issued. This is defined by the reference code of the ticket machine located in that parking place printed on the pay and display ticket or by such other means of identification as may be referenced by the machine and ticket issued.

Expiry of parking period

33. The expiry of the period for which the appropriate charge has been paid shall be
- (i) where a pay and display ticket has been purchased, when the time shown on the clock of the issuing ticket machine is later than the expiry time shown on the pay and display ticket displayed, or
 - (ii) where an alternative approved method of payment has been used, when the period for which payment has been made and recorded has been exceeded.

No pay and display ticket displayed

34. If at any time while a vehicle is parked in a parking place, no pay and display ticket is displayed on that vehicle in the relevant position and in accordance with the provisions of this Order, it shall be deemed that the charge has not been paid unless an alternative approved method of payment has been used.
35. If at the time when a vehicle is parked during the charging hours in a parking place and the nearest ticket machine in that parking place is out of order, then a ticket shall be obtained from another ticket machine within the same parking place (where provided) or as directed in the parking place.
36. Where no valid pay and display ticket can be obtained from a ticket machine within a parking place, vehicles may be parked in a parking place but may not be parked for longer than the maximum period of parking in that parking place as advertised at the parking place.

Restriction on removal

37. When a pay and display ticket has been exhibited on a vehicle in the relevant position no person shall remove the pay and display ticket from the vehicle until the vehicle is removed from the parking place.

PART 4
EXEMPTIONS

38. Any person may cause a vehicle to wait without incurring a penalty charge anywhere in a car park, other than a car park or part of a car park the use of which has been suspended, only if:-

- (a) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
- (b) the vehicle is a vehicle used for fire brigade purposes or an ambulance or a vehicle in the service of a local authority or a vehicle in the service of a police force provided that the vehicle is being used in pursuance of statutory powers or duties;
- (c) the vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose of facilitating the movement of traffic or promoting its safety;

and, only if it is not causing an obstruction, if

- (d) the vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose of any road works, building operations, demolition or excavation or for the construction, maintenance, repair or removal of any sewer or of any main, pipe, cable or apparatus for the supply of gas, water or electricity or of any telegraphic line, traffic sign or ticket issuing machine within or adjacent to the car park or for the maintenance, improvement or reconstruction of the car park or, if the vehicle is waiting only for so long as is necessary to enable it to be used in connection with the posting or removing of advertising material in the form of posters on or from, or cleaning windows or chimneys in premises adjacent to the car park in which the vehicle is waiting;
- (e) the vehicle, not being a passenger vehicle, is in actual use in connection with the removal of furniture from one office or dwellinghouse to another or the

removal of furniture from such premises to a depository or to such premises from a depository;

- (f) the vehicle, not being a passenger vehicle, is waiting for the purpose of loading or unloading goods at premises adjacent to the car park in which the vehicle is waiting and the vehicle does not wait for such purpose for more than thirty minutes or such longer period as a Parking Attendant may authorise;
- (g) the vehicle is a passenger vehicle and is waiting only for so long as may be necessary to enable a person to board or alight therefrom or to load thereon or unload therefrom personal luggage.

No daily charge shall be payable in respect of

- (i) a vehicle which displays in the relevant position a valid disabled person's badge provided that the vehicle immediately before or after the act of parking has been used or is about to be used by the person(s) in respect of whom the badge is issued;
- (ii) a motor cycle; or
- (iii) a vehicle parked displaying in a relevant position a parking ticket valid for that parking place.

Absence of Ticket machine

39. If at the time when a vehicle is parked in a parking place during the charging hours there is no ticket machine at the parking place, or all the ticket machines at that parking place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order, the driver of that vehicle shall be exempt from purchasing a pay and display ticket.

Alternative approved method of payment

40. Where arrangements to pay the daily charge have been made through an alternative approved method of payment and no pay and display ticket is produced by following

the process, the driver of a vehicle shall be exempt from the requirement to display such a ticket.

PART 5
RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES

Emergencies

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

Contraventions in suspended parking place

42. A person authorised by the Council may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any vehicle parked in a parking place which has been closed or suspended in whole or in part by the Council and the cost of movement or removal and safe keeping shall be the liability of the owner of the vehicle.

Safe keeping

43. Any person removing a vehicle from a parking place under the provisions of this Order shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

Disposal of vehicles abandoned in parking places

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

PART 6
CONTRAVENTION AND PENALTY CHARGE

Contravention

45. Save for the provisions in Part 7, if a vehicle is parked in a parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable.

Restriction on removal of notices

46. Any notice fixed to a vehicle in accordance with this Order shall not be removed or interfered with except by or under the authority of:
- (i) the owner, or person in charge of the vehicle;
 - (ii) a Parking Attendant.

Indications as Evidence

47. The particulars given in any notice served on a vehicle in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay the penalty charge.

PART 7
RESTRICTIONS ON USE OF CAR PARKS AND OTHER PROVISIONS

Restrictions on Use of Car Parks

48. When in or near any car park signs are erected or surface markings are laid down for the purpose of indicating the entrance or exit thereof, a specified direction of travel, an area of the car park which is to be kept clear of vehicles, or for any other purpose, no person shall drive or cause or permit to be driven or shall leave any vehicle other than in accordance with the instructions indicated by means of the said signs or markings.
49. No person shall use any car park or any vehicle left therein or shall cause a vehicle to wait in a car park:-
- (i) in connection with the sale of the vehicle;
 - (ii) in connection with the use of the vehicle for the advertising, retail selling or hiring of any skill, service or article; Provided that nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is a small goods vehicle left in a car park in terms of Article 38(f) of this Order and the goods are immediately delivered or taken into premises adjacent to the car park from which the sale is effected;
 - (iii) in connection with canvassing the public for political or electioneering purposes;
 - (iv) for the purpose of the transfer of goods to or from a heavy vehicle for trading, industrial or business purposes;
 - (v) for the purpose of cleaning or washing the vehicle; or
 - (vi) in order that repairs may be effected upon the vehicle, except for the purpose of enabling its removal from the car park.

50. No person shall sound the horn or other similar instrument of a vehicle within a car park except when about to change the position of the vehicle or to depart from the car park.
51. No person shall use a car park as a means of driving a vehicle from one street to another street unless authorised to do so by a person authorised by the Council or a police constable in uniform.
52. The person in charge of a motor vehicle in a car park shall stop the engine as soon as the vehicle is in position in the car park and shall not start the engine except when about to change the position of the vehicle or in order to depart from the car park.
53. No person shall, except with the permission of a person duly authorised by the Council, drive any vehicle in a car park other than for the purpose of leaving that vehicle in the car park in accordance with the provisions of this Order or for the purpose of departing from the car park; Provided that nothing in this Article shall prevent any person from driving or causing any vehicle to be driven in a car park for the purpose of taking access to premises or ground adjoining or abutting on the car park to which vehicular access is not available from any public street or otherwise for the purpose of using a means of access provided by the Council in terms of Section 34 of the Act of 1984 and in compliance with the terms of a written agreement between the Council and the occupier of such adjoining or abutting premises under the said Section of the Act.
54. The owner of a vehicle shall not permit that vehicle to be caused or permitted to wait in a car park unless the vehicle is properly licenced in accordance with the provisions the Vehicles Excise and Registrations Act 1994 (as amended) 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;
55. The person in charge of a vehicle in a car park shall hold a valid licence to drive issued in terms of Part III of the Road Traffic Act 1988, and shall drive the

vehicle in such a manner as is conducive to the safety of other persons and vehicles in the car park.

56. No person shall use any part of a car park or any vehicle left in a car park for sleeping, camping, or for cooking purposes.
57. No person shall in a car park cause disturbance or annoyance of other persons within the car park or occupiers of premises in the neighbourhood.
58. No person shall erect or cause to be erected any tent, booth, stand, building or other structure in a car park without the written consent of the Council.
59. No person shall light or cause or permit to be lit any fire in a car park.
60. No person shall throw down, drop or otherwise deposit in, into or from a car park or leave anything whatsoever so as to cause the defacement by litter of the car park.
61. No person shall enter or leave a car park except by the duly appointed entrances or exits respectively.
62. No person shall enter or wilfully remain within a car park or part thereof which is suspended in terms of Article 21 or 22 of this Order.
63. No person shall wilfully remove or destroy any sign, marking, notice or notice board within a car park or any fastening or equipment used for the purpose of exhibiting or displaying such sign, marking, notice or notice-board.
64. No person shall deposit or affix any advertising material or leaflets to vehicles parked within a car park or on any structure situated within or forming part of a car park.
65. No person shall wilfully or negligently deface or destroy any part of a car park.

66. A pedestrian in a car park shall whenever possible use the walkways (if any) set aside for pedestrians and shall conduct himself at all times in such a manner as is conducive to the safety of himself and of other persons using the car park.
67. No person shall skateboard, roller skate, roller blade, play roller hockey or other activities in a car park without written consent of the Council.
68. A Parking Attendant, car park supervisor, or other duly authorised representative of the Council may require any person contravening any of the provisions contained in Articles 48 to 67 inclusive to leave a car park immediately.

Wilful damage/failure to comply

69. Any person who (a) with intent to defraud interferes with a ticket machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination, or (b) fails to comply with any of the provisions of Articles 48 to 67 inclusive may be liable to prosecution.

**PART 8
REVOCATIONS**

Revocations

70. All previous Orders made by Angus Council and all their amendments and any other Orders and Regulations of whatever nature relating to off-street parking places made before the introduction of this Order and in so far as inconsistent herewith are hereby revoked.

IN WITNESS WHEREOF this Order comprising this and the preceding 26 pages including the front sheet together with the Schedule annexed hereto have been executed for and on behalf of Angus Council as follows:

All of the above presented to, subscribed and initialled by me Sheona Craig Hunter, Head of Legal and Democratic Services, Angus Council

At Forfar on this Thirteenth day of April Two thousand and seventeen

.....
Sheona Craig Hunter

All in the presence of

.....
Alan Cameron Ingram, Senior Solicitor, Angus Council, Orchardbank Business Park, Angus Forfar DD8 1AN

Angus Council (Off-Street Car Parks) (Decriminalised Enforcement) Order 2017

SCHEDULE

| 1 Parking Place | column 2 Classes of Prohibited Vehicles | 3 Period of Prohibition | 4 Charges Car park charges/ tariffs (non- Prohibited Vehicles |
|------------------------------------|---|-------------------------------|---|
| 1. <u>ARBROATH</u> | | | |
| (i) GENERAL CAR PARKS | | | |
| (a) Elliot | Heavy Vehicles Small Trailers | at all times | Nil |
| (b) Gravesend | Heavy Vehicles Small Trailers | at all times | Nil |
| (c) Guthrie Port | Heavy Goods Vehicles Small Trailers | at all times | Nil |
| (d) Rosemount Road | Heavy Vehicles Small Trailers | at all times | Nil |
| (e) Helen Street | Heavy Vehicles Small Trailers | at all times | Nil |
| (f) High Street/Hill Street | Heavy Vehicles | at all times | Nil |

| | | | | |
|----------------------------------|--|--|---------------------|------------|
| (g) | Ladybridge Street/ Marketgate | Heavy Vehicles | at all times | Nil |
| (h) | Leonard Street | Heavy Vehicles Small Trailers | at all times | Nil |
| (i) | Millgate/North Grimsby | Heavy Vehicles | at all times | Nil |
| (j) | Stanley Street | Heavy Vehicles Small Trailers | at all times | Nil |
| (k) | The Shore | Heavy Vehicles Small Trailers | at all times | Nil |
| (ii) SHORT STAY CAR PARKS | | | | |
| (a) | North Port | Heavy Vehicles Small Trailers | at all times | Nil |
| (b) | West Abbey Street | Heavy Vehicles Small Trailers | at all times | Nil |

2. BRECHIN

(i) GENERAL CAR PARKS

| | | | | |
|-----|----------------------------------|-----------------------|---------------------|------------|
| (a) | City Road (West side) | Heavy Vehicles | at all times | Nil |
|-----|----------------------------------|-----------------------|---------------------|------------|

2. BRECHIN (cont)

- | | | | | |
|------------|----------------------------------|--|---------------------|------------|
| (b) | City Road (South end) | Heavy Vehicles Small Trailers | at all times | Nil |
| (c) | Maisondieu Lane West | Heavy Vehicles Small Trailers | at all times | Nil |

(ii) SHORT STAY CAR PARKS

- | | | | | |
|------------|-----------------------------|--|---------------------|------------|
| (a) | Church Street | Heavy Vehicles Small Trailers | at all times | Nil |
| (b) | Maisondieu Lane East | Heavy Vehicles Small Trailers | at all times | Nil |
| (c) | Market Street | Heavy Vehicles Small Trailers | at all times | Nil |

3. CARNOUSTIE

(i) GENERAL CAR PARKS

- | | | | | |
|------------|---------------------|--|---------------------|------------|
| (a) | Links Avenue | Heavy Vehicles Small Trailers | at all times | Nil |
| (b) | Park Avenue | Heavy Vehicles Small Trailers | at all times | Nil |

(ii) SHORT STAY CAR PARKS

- | | | | | |
|------------|--------------------|-----------------------|---------------------|------------|
| (a) | High Street | Heavy Vehicles | at all times | Nil |
|------------|--------------------|-----------------------|---------------------|------------|

Small Trailers

4. FORFAR

(I) GENERAL CAR PARKS

| | | | | |
|------------|--|--|---------------------|------------|
| (a) | East Greens (Victoria Street) | Heavy Goods Vehicles | at all times | Nil |
| (b) | Myre (Myre Road) | Heavy Vehicles | at all times | Nil |
| (c) | Myre Road (East) | Heavy Vehicles Small Trailers | at all times | Nil |
| (d) | Old Halkerton Road | Heavy Vehicles Small Trailers | at all times | Nil |
| (e) | St James Road | Heavy Vehicles Small Trailers | at all times | Nil |
| (f) | West High Street | Heavy Vehicles Small Trailers | at all times | Nil |

(ii) SHORT STAY CAR PARKS

| | | | | |
|------------|---------------------|--|---------------------|------------|
| (a) | Green Street | Heavy Vehicles Small Trailers | at all times | Nil |
|------------|---------------------|--|---------------------|------------|

5. FOWLIS EASTER

(i) GENERAL CAR PARKS

| | | | | |
|-----|---------------|----------------------------------|--------------|-----|
| (a) | Fowlis Easter | Heavy Vehicles Small Trailers | at all times | Nil |
|-----|---------------|----------------------------------|--------------|-----|

6. **GLAMIS**

(i) **GENERAL CAR PARKS**

| | | | | |
|-----|------------|---|--------------|-----|
| (a) | The Square | Heavy Goods Vehicles Small Trailers | at all times | Nil |
|-----|------------|---|--------------|-----|

7. **KIRRIEMUIR**

(i) **GENERAL CAR PARKS**

| | | | | |
|-----|--------------|---------------------------|--------------|-----|
| (a) | Bellies Brae | Refrigeration Vehicles | at all times | Nil |
|-----|--------------|---------------------------|--------------|-----|

| | | | | |
|-----|-----------|----------------------------------|--------------|-----|
| (b) | Glenagate | Heavy Vehicles Small Trailers | at all times | Nil |
|-----|-----------|----------------------------------|--------------|-----|

(ii) **SHORT STAY CAR PARKS**

| | | | | |
|-----|---------------|----------------|--------------|-----|
| (a) | Reform Street | Heavy Vehicles | at all times | Nil |
|-----|---------------|----------------|--------------|-----|

8. MONTROSE

(i) GENERAL CAR PARKS

| | | | | |
|------------|--|--|---------------------|------------|
| (a) | Murray Lane (Lower Hall Street) | Heavy Vehicles Small Trailers | at all times | Nil |
| (b) | Traill Drive (North Seafront) | Heavy Vehicles Small Trailers | at all times | Nil |
| (c) | Traill Drive (South Seafront) | Heavy Vehicles Small Trailers | at all times | Nil |
| (d) | Lower Hall Street | Heavy Vehicles Small Trailers | at all times | Nil |
| (e) | William Street, Ferryden | Heavy Vehicles Small Trailers | at all times | Nil |

(ii) SHORT STAY CAR PARKS

| | | | | |
|------------|----------------------|-----------------------|---------------------|------------|
| (a) | Baltic Street | Heavy Vehicles | at all times | Nil |
|------------|----------------------|-----------------------|---------------------|------------|

9. ST VIGEANS

(i) GENERAL CAR PARKS

| | | | | |
|------------|-------------------|--|---------------------|------------|
| (a) | St Vigeans | Heavy Vehicles Small Trailers | at all times | Nil |
|------------|-------------------|--|---------------------|------------|

.....
Sheona Craig Hunter

