

DATED

18th

AUGUST

2010

THE BABERGH DISTRICT COUNCIL (OFF STREET PARKING PLACES) ORDER
2008 AMENDMENT No 2 ORDER 2010

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The Babergh District Council ("the Council") in exercise of its powers under section 35 of the Road Traffic Regulation Act 1984 (as amended) ("the 1984 Act") and Part IV of Schedule 9 to the 1984 Act and of all other enabling powers, with the consent of the Suffolk County Council in accordance with section 39(3) of the 1984 Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

- 1 This Order shall come into effect on the 18th day of October 2010 and may be cited as "The Babergh District Council (Off Street Parking Places) Order 2008 Amendment No 2 Order 2010".
- 2 The defined term "Ticket Charge" which appears at 3(p) and at Column 8 of the Babergh District Council (Off Street Parking Places) Order 2008 ("the 2008 Order") shall be rescinded and replaced by the defined term "Fee" which means the amount payable (as applicable) for a ticket or a Parking Permit.
- 3 The word "permit" as it appears in Articles 5.2(c) and 5.2(d) of the Babergh District Council (Off Street Parking Places) Order shall be replaced with the defined term "Parking Permit" which means any current parking permit issued by the Council to the Vehicle bearing it and described on the face of it as a parking permit.
- 4.1 The owner of a Vehicle may on application to the Council purchase a Parking Permit in respect of that Vehicle for a fee ascertained by reference to the scale of Fees set out in Schedule 1 to this Order and that Parking Permit shall, subject to the provisions of this Article be valid only at the Parking Place and during the period for which it is issued.
- 4.2 Any Parking Permit issued in accordance with this Article 4 shall be attached in a conspicuous position to the Vehicle in respect of which it was issued.
- 5 Column 6 to the First Schedule of the 2008 Order shall be rescinded and shall be replaced by Column 6 as set out in Schedule 1 of this Order.
- 6 Column 7 to the First Schedule of the 2008 Order shall be rescinded and shall be replaced by Column 7 as set out in Schedule 2 of this Order.
- 7 Column 8 to the First Schedule of the 2008 Order shall be rescinded and shall be replaced by Column 8 as set out in Schedule 3 of this Order.
- 8 Article 8 of the 2008 Order shall be rescinded and shall be replaced by the following words:

"RESTRICTIONS ON RETURN TO A PARKING PLACE AND OBTAINING REPEAT TICKETS

- 8.1 When a Vehicle has left a Parking Place the Driver shall not, within four hours after its leaving, permit it to wait again in that Parking Place.
- 8.2 When a ticket has been obtained in a Parking Place and the Maximum Waiting Period for that ticket has expired, a further ticket for that Parking Place may not be obtained within four hours of expiry of the earlier ticket and any ticket displayed in breach of this Article 8.2 shall be invalid."

9 Part IV of the 2008 Order shall be rescinded and shall be replaced by the following:

“PART IV – FEES AT PARKING PLACES

Amount and Payment of Fees

- 26.1 Insofar as a Vehicle is left in a Parking Place where the payment of a fee is required during the Ticketing Hours the driver thereof shall pay such fee as is specified in Column 8 of Schedule 1 whether this is by purchase of a ticket or purchase of a valid Parking Permit.
- 26.2 Tickets and Parking Permits are not transferable between Vehicles.
- 26.3 Tickets and Parking Permits are not transferable between Parking Places.
- 26.4 The Fee referred to in Column 8 of Schedule 1 in respect of a ticket (and not a Parking Permit) shall be payable by the insertion of the appropriate coin or coins into the apparatus or device provided being an apparatus or device approved in accordance with Section 35(3) of the Act and the provisions of Section 47(5) of the Act shall apply in respect of such apparatus or device for such charge as is specified in Column 8 of Schedule 1.
- 26.5 Any ticket issued in accordance with Article 26 shall be attached in a conspicuous position to the Vehicle in respect of which it was issued.
- 26.6 The date of purchase and charge paid and the time of expiry as stated on the ticket shall be conclusive evidence of those facts for the purposes of this Order and any legal proceedings taken thereunder.”

10 The following shall be incorporated as Part VII of the 2008 Order:

“PART VII – PARKING PERMITS

Applications for Parking Permits

- 37. Any person who is the owner of a Vehicle of a class specified in Column 3 in the First Schedule of this Order (as amended) may apply to the Council for the issue of a Parking Permit for the leaving of that Vehicle in a single identified Parking Place during the periods of operation specified in Columns 4 and 5 in the First Schedule of this Order (as amended) in relation to the said Parking Place and any such application shall be made on a form issued by, or on behalf of, the Council and shall include the particulars and information required by such form to be supplied.
- 38. The Council may require an applicant for a permit or permit holder to produce such evidence in respect of the application as they may reasonably require to verify any particulars of information given to them.
- 39.1 The Council, upon being satisfied that an applicant is the owner of a Vehicle of a class specified in the First Schedule of this Order (as amended) as being of a class of Vehicle permitted in the identified Parking Place and on receipt of the appropriate fee as specified for that Parking Permit in Column 8 of the First Schedule of this Order (as amended) or as subsequently specified from time to time in public notices made by the Council pursuant to the 1984 Act, may issue to that applicant a Parking Permit, valid for a period specified in the First Schedule of this Order (as amended), for the leaving of that Vehicle on the days and at the times specified in the First Schedule of this Order (as amended) in the Parking Place identified for that Parking Permit, by the owner or by any person using such Vehicle with the consent of the owner (other than a person to whom such Vehicle has been let for hire or reward).
- 39.2 The Council reserves the right to reject an application and its decision shall be final.

No Refunds

40. After payment has been made for a Parking Permit no refunds shall be given.

Surrender and Withdrawal of a Parking Permit

41. The Council, may, by notice in writing served on the permit holder at the address shown by that person on the application for the Parking Permit or at any other address which the Council believes to be that person's residence, withdraw a Parking Permit if it appears to the Council that any of the events set out in Article 42 of this Order has occurred, and the permit holder shall surrender the Parking Permit to the Council within 48 hours of the receipt of the said notice.
42. The events referred to in Article 41 of this Order are:-
- a. the permit holder ceases to be the owner of a Vehicle of the class in respect of which a Parking Permit was issued;
 - b. the permit holder ceasing to be the owner of the Vehicle in respect of which a Parking Permit was issued;
 - c. the Vehicle in respect of which such Parking Permit was issued being adapted or used in such a manner that it is not a Vehicle of a class specified as permitted in Column 3 of the First Schedule of this Order (as amended) in relation to the identified Parking Place;
 - d. the issue of a duplicate Parking Permit by the Council under the provisions of Article 44 of this Order;
 - e. the issue of a replacement Parking Permit by the Council under the provisions of Article 46 of this Order;
 - f. the expiry of the period for which the Parking Permit was issued;
 - g. a breach of any condition which may from time to time be determined by the Council and is specified on the Parking Permit and/or application form and/or terms and conditions issued with the Parking Permit
 - h. repeated failure by the permit holder to display the Parking Permit in accordance with Article 4.2 of the Babergh District Council (Off Street Parking Places) Order 2008 No. 2 Amendment Order 2010.
43. A Parking Permit shall cease to be valid on the occurrence of any of the events set out in Article 42 of this Order.

Issue of Duplicate or Replacement Parking Permit

44. If a Parking Permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the Parking Permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and may then apply to the Council for the issue of a duplicate permit.
45. If a Parking Permit is lost or destroyed, the permit holder may apply to the Council for the issue of a duplicate permit.
46. If a permit holder changes their Vehicle, then on surrender of their existing Parking Permit to the Council, the permit holder may apply to the Council for the issue of a replacement permit
47. The provisions of this Order shall apply to a duplicate or replacement Parking Permit and an application for such a Parking Permit as if it were a Parking Permit or, as the case may be, an application for a Parking Permit.
48. Any Parking Permit issued by virtue of the provisions of Articles 44, 45 or 46 of this Order shall be marked as a duplicate or a replacement as the case may be, and upon the issue of a duplicate or replacement Parking Permit the Parking Permit which it duplicates or replaces shall become invalid.
49. The issue of a duplicate or replacement Parking Permit shall be subject to the payment of a £10.00 administration fee by the applicant and the number of duplicate Parking Permits to be issued to a Vehicle or the number of replacement Parking Permits to be issued to a permit holder shall be limited to one per calendar year.

Format of Parking Permits

50. A Parking Permit shall be in writing and include the following particulars:-
- a. the registration mark of the Vehicle in respect of which the Parking Permit has been issued;
 - b. the Parking Place in respect of which the Parking Permit is valid;
 - c. the period during which, subject to the provisions of Article 43 of this Order, the Parking Permit shall remain valid; and
 - d. an authentication that the permit has been issued by, or on behalf of, the Council, to include the unique reference number of the Parking Permit.

Display of Parking Permits

51. Whenever a Vehicle has been left in a Parking Place during any part of the Ticketing Hours in that Parking Place there shall be displayed in a conspicuous position on the Vehicle a Parking Permit valid in respect of that Vehicle so that all the particulars referred to in Article 50 of this Order are readily visible from outside the vehicle.
52. When a Parking Permit has been displayed on a Vehicle in accordance with the provisions of Article 51 of this Order, no person shall remove the Parking Permit from the Vehicle unless authorised to do so by the driver of the Vehicle."
11. In the First Schedule of the 2008 Order the content of Column 2 in relation only to the Station Road Lorry Park shall be rescinded and shall be replaced by the following:
- "Wholly within a Parking Bay".

SCHEDULE 1

Name of Parking Place 1	Maximum Waiting Period 6
Pin Mill, Chelmondiston	24 hours
Stonehouse Road, Hadleigh	24 hours
Magdalen Road Long-Term, Hadleigh	<ul style="list-style-type: none"> • If a ticket is purchased from a machine: 24 hours including up to a maximum of 9 Ticketing Hours • If a ticket is obtained free of charge from a machine: 3 hours during Ticketing Hours, otherwise 24 hours (including up to a maximum of 3 Ticketing Hours) • If a Parking Permit is displayed: 24 hours
Magdalen Road Short-term, Hadleigh	3 hours during Ticketing Hours otherwise 24 hours (including up to a maximum of 3 Ticketing Hours)
Maiden Way, Hadleigh	3 hours during Ticketing Hours otherwise 24 hours (including up to a maximum of 3 Ticketing Hours)
High Street, Hadleigh	3 hours during Ticketing Hours otherwise 24 hours (including up to a maximum of 3 Ticketing Hours)
Toppesfield Hall, Hadleigh	3 hours during Ticketing Hours otherwise 24 hours (including up to a maximum of 3 Ticketing Hours)
Girling Street, Sudbury	3 hours during Ticketing Hours otherwise 24 hours (including up to a maximum of 3 Ticketing Hours)
North Street, Sudbury	3 hours during Ticketing Hours otherwise 24 hours (including up to a maximum of 3 Ticketing Hours)
Gt. Eastern Road (Roys Superstore), Sudbury	3 hours during Ticketing Hours otherwise 24 hours (including up to a maximum of 3 Ticketing Hours)
Station Road, Sudbury	<ul style="list-style-type: none"> • If a ticket is purchased from a machine: 24 hours including up to a maximum of 9 Ticketing Hours • If a ticket is obtained free of charge from a machine: 3 hours during Ticketing Hours, otherwise 24 hours (including up to a maximum of 3 Ticketing Hours) • If a Parking Permit is displayed: 24 hours
Station Road Lorry Park	24 hours
The Station, Sudbury	<ul style="list-style-type: none"> • If a ticket is purchased from a machine: 24 hours including up to a maximum of 9 Ticketing Hours • If a ticket is obtained free of charge from a machine: 3 hours during Ticketing Hours, otherwise 24 hours (including up to a maximum of 3 Ticketing Hours) • If a Parking Permit is displayed: 24 hours

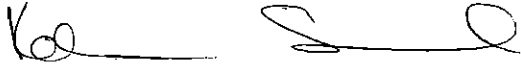
SCHEDULE 2

Name of Parking Place	Ticketing Hours
1	7
Pin Mill, Chelmondiston	09.00 'til 17.00 all week
Stonehouse Road, Hadleigh	Not applicable
Magdalen Road Long-Term, Hadleigh	08.00 'til 17.00 Monday to Saturday Tickets not required on Sundays Tickets not required on Bank holidays
Magdalen Road Short-term, Hadleigh	08.00 'til 17.00 Monday to Friday 08.00 'til 12.00 Saturday Tickets not required on Sunday Tickets not required on Bank Holidays
Maiden Way, Hadleigh	08.00 'til 17.00 Monday to Friday 08.00 'til 12.00 Saturday Tickets not required on Sunday Tickets not required on Bank Holidays
High Street, Hadleigh	08.00 'til 17.00 Monday to Friday 08.00 'til 12.00 Saturday Tickets not required on Sunday Tickets not required on Bank Holidays
Toppesfield Hall, Hadleigh	08.00 'til 17.00 Monday to Friday 08.00 'til 12.00 Saturday Tickets not required on Sunday Tickets not required on Bank Holidays
Girling Street, Sudbury	08.00 'til 17.00 Monday to Friday 08.00 'til 12.00 Saturday Tickets not required on Sunday Tickets not required on Bank Holidays
North Street, Sudbury	08.00 'til 17.00 Monday to Friday 08.00 'til 12.00 Saturday Tickets not required on Sunday Tickets not required on Bank Holidays
Gt.Eastern Road (Roys Superstore), Sudbury	08.00 'til 17.00 Monday to Friday 08.00 'til 12.00 Saturday Tickets not required on Sunday Tickets not required on Bank Holidays
Station Road, Sudbury	08.00 'til 17.00 Monday to Saturday Tickets not required on Sundays Tickets not required on Bank holidays
Station Road Lorry Park	Not applicable
The Station, Sudbury	08.00 'til 17.00 Monday to Saturday Tickets not required on Sundays Tickets not required on Bank holidays

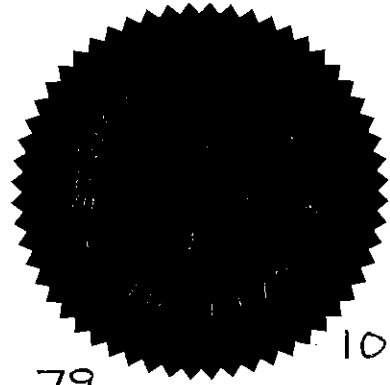
SCHEDULE 3

Name of Parking Place	Fee
1	8
Pin Mill, Chelmondiston	30p per hour or part hour
Stonehouse Road, Hadleigh	Nil
Magdalen Road Long-Term, Hadleigh	Ticket £1.50 after 3 hours Nil if stay is under 3 hours Annual Parking Permit £250 per annum Quarterly Parking Permit £70 per quarter Monthly Parking Permit £25 per month
Magdalen Road Short-term, Hadleigh	Nil
Maiden Way, Hadleigh	Nil
High Street, Hadleigh	Nil
Toppesfield Hall, Hadleigh	Nil
Girling Street, Sudbury	Nil
North Street, Sudbury	Nil
Gt.Eastern Road (Roys Superstore), Sudbury	Nil
Station Road, Sudbury	Ticket £1.50 after 3 hours Nil if stay is under 3 hours Annual Parking Permit £250 per annum Quarterly Parking Permit £70 per quarter Monthly Parking Permit £25 per month
Station Road Lorry Park	Nil
The Station, Sudbury	Ticket £1.50 after 3 hours Nil if stay is under 3 hours Annual Parking Permit £250 per annum Quarterly Parking Permit £70 per quarter Monthly Parking Permit £25 per month

THE COMMON SEAL of the
BABERGH DISTRICT COUNCIL was hereunto
affixed in the presence of:



Solicitor to the Council



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10/11

Date.....18th August 2010.....