

CITY OF EXETER
(CIVIL ENFORCEMENT OFF-STREET PARKING PLACES)
ORDER 2014

The City Council of Exeter in the County of Devon (hereinafter called “the Council”) in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended (“the 1984 Act”) and under the Traffic Management Act 2004 as amended (“the 2004 Act”) and of all other enabling powers, with the consent of Devon County Council in accordance with section 39(3) of the 1984 Act and after consultation with the Chief Constable of Devon and Cornwall Constabulary in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

PART I
GENERAL

Commencement and Citation

This Order shall come into operation on the 3rd day of September 2012 and may be cited as the “City of Exeter (Civil Enforcement Off-Street Parking Places) Order 2014”.

Interpretation

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

“Bank Holiday” has the same meaning as described in the Banking and Financial Dealings Act 1971. The first Monday of May shall be treated as if it were a Bank Holiday for the purposes of this Order.

“Civil Enforcement Officer” means a person authorised by or on behalf of the Council to supervise the Parking Places and enforce the restrictions imposed by this Order and shall have the same meaning as in section 76 of the Traffic Management Act 2004.

“Charging Days”, means those days as specified in the First Schedule and Second Schedule.

“Charging Hours”, means the periods as specified in the First Schedule and Second Schedule in respect of any Parking Place.

“Council” means the Exeter City Council or its successor authority.

"Disabled Persons' Badge" means a badge issued by any Local Authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or a badge having effect under those regulations as if it were a disabled person's badge.

“Driver” in relation to a vehicle left in a Parking Place means the person driving the vehicle at the time it was left in the Parking Place or the person deemed to be the driver under the terms of this Order.

“Expiry Time” is the time by which the Vehicle must leave the Parking Place upon expiry of the period of parking paid for. The expiry time is the time indicated on the Pay and Display Ticket. Where payment is made by the Telephone Payment System the expiry time is the end of the period of parking paid for.

“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.

“Hand Held Device” means a wireless hand-held computer and/or telecommunication device which is programmed to interface with the Telephone Payment System.

“Limited Free Parking Place” means a parking place where there is no charge for parking provided that the period of parking does not exceed the stated time limit.

“Motorcycle” refers to a solo motorcycle only and excludes any motorcycle 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 left in the Parking Place in question.

“Parking Bay” means an area of a Parking Place specifically indicated by markings on the ground or signed or otherwise indicated by signs in the Parking Place to show the position in which a vehicle shall be parked and which is provided for the leaving of a Vehicle of a class specified.

“Parking Permit” means any parking permit issued by or on behalf of the Exeter City Council and a parking permit issued by or on behalf of Devon County Council (together with accompanying Parking Disc of a type and design issued by the Exeter City Council and/or Devon County Council) where the Parking Permit is used in connection with a particular Parking Place or a Parking Places for such period and for such Parking Places as the Council shall determine on payment of such fee as the Council shall determine for a vehicle of a specific class (the current charges being set out in the Third Schedule to this Order) subject to such terms and conditions relating to the Parking Permit and Parking Disc as shall be determined by the Council.

"Parking Place" means the areas of land respectively shown edged in red on the Plans and specified by name in column 1 of the First Schedule and column 1 of the Second Schedule and provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of vehicle parking and not closed (in part or in whole) by a notice erected thereon by authority of the Council.

“Park and Ride Parking Place” means a parking place where there is no charge for parking provided that the period of parking does not exceed the stated time limit and the vehicle is parked for the sole purpose of enabling the driver and passengers to use the Park and Ride bus service.

“Passenger Vehicle” means a motorcar within the provisions of Section 136(2)(a) of the Road Traffic Regulation Act 1984 and does not include any form of trailer or caravan.

“Pay and Display Parking Place” means a parking place where each period of parking is paid for in advance at a ticket machine provided that in the case of payment by the Telephone Payment System a transaction fee shall be payable to the service provider in addition to the amounts specified.

“Pay on Foot Parking Place” means a parking place where a ticket or token is dispensed at the entrance barrier and that ticket or token is inserted into a payment machine at the end of the parking period. Exit from the Car Park is by way of a barrier system.

“Pay and Display Ticket” means a ticket issued by a Ticket Machine provided by the Council at the Parking Place for the period and at the charge and on the days respectively specified in relation to the Parking Place in the First Schedule to this Order.

“Penalty Charge” means the charge set by the Council under Section 77 of part 6 and Schedule 9 of the 2004 Act and Regulations made thereunder and in accordance with any guidance given by the Secretary of State which is to be paid to the Council following the issue of a Penalty Charge Notice (“PCN”).

“Penalty Charge Notice” and “PCN” has the same meaning as in Section 78 of the Traffic Management Act 2004 and Regulations made thereunder.

“Plans” means the plans annexed to this Order and which identify (by red edging) the Parking Places affected by this Order.

“Public Service Vehicle” means a motor vehicle which –

- (a) being a vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or
- (b) being a vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers as defined by Section 1 of the Public Passenger Vehicles Act 1981.

“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 Part 1 (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 Part 1 of the badge is legible from outside the Vehicle.
- (b) in respect of a Vehicle displaying a Pay and Display Ticket or Parking Permit-
 - (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.

“Residents Parking Place” means a parking place where there is no charge for parking provided that a valid residents parking permit or visitor’s permit is correctly displayed.

“Service Provider” means the contractor authorised by the Council to accept payment of the parking charge on behalf of the Council and to keep a record of that charge and the vehicle, parking place and parking period in respect of which that payment has been made by the Telephone Payment system.

“Telephone Payment System” means an electronic system using a telephone connection set up and maintained by the Service Provider whereby:

- a) The driver of a vehicle, or some other person authorised by that driver on their behalf, uses a telephone to communicate with the service provider and make payment of the parking charge in respect of a specified vehicle, a specified parking place and for a specified parking period by use of a debit or credit card; and

- b) The service provider, on behalf of the Council, accepts payment by the method referred to in paragraph a) of this definition and records such payment together with the parking period for which payment has been made, the parking place in which the vehicle is left, and the registration mark of the vehicle in respect of which payment has been made.

“Ticket Machine” means an apparatus of a type and design approved by the appropriate Minister for the purpose of this order, 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 time at which the Vehicle must leave the Parking Place.

“Transaction Fee” means a fee payable to the service provider in respect of a parking charge paid by means of the Telephone Payment System as identified on a ticket machine installed in that parking place or sign or notice displayed within or on that parking place.

“Vehicle” means those classes of vehicle which may wait in a Parking Place as specified in this Order and Schedules attached.

2. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order and any reference to a plan is a reference to the Plans incorporated into this Order.
3. 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.
4. 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.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II
DESIGNATION AND USE OF PARKING PLACES

Designation

6. Each area of land or buildings, as shown on the Plans and specified in Column 1 of the First and Second Schedules to this order, may be used, subject to the provisions of this Order, as a parking place to leave vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are specified in the First and Second Schedules to this Order provided always that the use of the said parking place by the vehicle, the driver and any passengers and belongings or goods carried by such vehicle shall be entirely at the risk of the driver.

Class and position of Vehicle

7. Unless otherwise indicated in the First and Second Schedules to this Order in relation to a specific Parking Place, no person shall cause or permit a vehicle to park in The Parking Place unless it is
 - a. A Passenger Vehicle,
 - b. A Motorcycle,
 - c. A vehicle displaying in the relevant position a valid Disabled Person's Badge,
 - d. A vehicle displaying in the relevant position a valid parking permit valid for that Parking Place.
 - e. A vehicle left in a parking place where the Telephone Payment System is available for use and the parking charge has been paid using that system.
8. Where in the First and Second Schedules hereto or by signs and/or markings at the location, a Parking Place or Parking Bay is described as available for Vehicles of a specified class or Vehicles to be left in a specified location, no person shall permit a Vehicle to park in that Parking Place or in any Parking Bay within the Parking Place,
 - (i) unless it is of the specified class;

- (ii) that is parked beyond the Parking Bay markings; or
- (iii) in a position other than that specified.

Designated Parking Bays for Disabled People

9. No person shall cause or permit a Vehicle to park in a Parking Bay 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.

Permit Parking

10. No person shall cause or permit a vehicle to park in a Parking Place or Parking Bay marked for permit holders unless the vehicle is displaying a Parking Permit valid for that time and that Parking Place or Parking Bay.

Motorcycle Parking Bays

11. No person shall cause or permit a Vehicle to park in a Parking Bay marked for Motorcycles unless the Vehicle is a Motorcycle.

Power to close or suspend Parking Places

12. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in a Parking Place:
 - a. from closing a Parking Place or any part thereof for any period; and/or
 - b. 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.
13. Any person suspending the use of a Parking Place or any part thereof in accordance with the provisions of the preceding Article 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 parking by Vehicles is prohibited.
14. 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 the preceding Article.

Sale of Goods

15. No person shall in a Parking Place without the express written permission of the Council use any vehicle in connection with the sale or attempted sale of any article to any person in or near to the Parking Place or offer for hire his or her skills or services and shall not use a Vehicle while it is in the Parking Place or any part of the Parking Place for such purpose or for the purpose of any exhibition and no Vehicle shall be advertised for sale while it is standing in a Parking Place.

Maximum Period of Stay

16. Where in the First Schedule and Second Schedule to this Order or by notice on site a Parking Place or Parking Bay is described as available on specified days, during specified hours or for a maximum period of stay, no person shall permit a vehicle to park in that Parking Place or Parking Bay on any day, during such hours or for any period other or longer than those specified.

Period of no return

17. Where in the First Schedule and Second Schedule to this Order or by notice on site a Parking Place or Parking Bay is described as having a period within which a vehicle may not return, no person shall permit a vehicle to park in that Parking Place or Parking Bay on any day during such period.

Parked with engine running

18. The driver of a motor vehicle using a Parking Place shall stop the engine as soon as the vehicle is in the parking space 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

19. The driver of a motor vehicle using a Parking Place shall not park the vehicle in such a manner or place where it causes an obstruction to any other users of the car park.

Other provisions relating to the use of each Parking Place

20. a. No person shall, except with the express permission of any person duly authorised by the Council, drive any Vehicle in any Parking Place other than for the purpose of leaving that Vehicle in a Parking Place in accordance with the provisions of this Order or for the purposes of departure from the Parking Place.
- b. No person shall use any Parking Place for any purpose other than such as may be permitted by this Order.
21. No person shall use any Parking Place as a means of passage proceeding from one road to another.
22. Where in a Parking Place signs, bollards, cones or barriers are erected or surface markings are laid for any purpose and in particular (but not only for) the following purposes:
- a. Regulating the direction in which vehicles should or should not proceed;
 - b. Delineating or indicating areas of parking spaces or access or circulation spaces into which vehicles should or should not proceed;
 - c. Indicating the class or type of vehicle which may use a particular area or parking space;
- No person shall leave a Motor Vehicle in such a position so as to unreasonably interfere with or prevent the use of access ways or circulation areas or spaces.
23. No person shall use any part of a Parking Place or any Vehicle left in a Parking Place:
- a. for sleeping or camping purposes;
 - b. for heating, cooking or preparing food;
 - c. for the purpose of servicing cleansing or washing any Vehicle or part thereof other than is reasonably necessary to enable that Vehicle to depart from a Parking Place or without prior written consent of the Council;
 - d. for the transfer of goods of any description from one Vehicle to another or the loading and unloading of goods except with prior written consent of the Council.

24. No person shall in any Parking Place use any threatening abusive or insulting language gesture or conduct with the 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.
25. No person shall in any Parking Place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of a Parking Place or residents of premises in the neighbourhood.
26. In a Parking Place no person shall:
- a. erect or cause or permit to be erected any tent, booth, stand building or other structure without the written consent of the Council;
 - b. light or cause or permit to be lit any fire;
 - c. carry on any trade or business of whatever description without the prior written consent of the Council;
 - d. distribute allow to be or cause to be distributed advertising material except with the prior written consent of the Council;
 - e. deposit or cause to be deposited any rubbish or litter of whatever description except in a container provided at the Parking Place for that purpose;
 - f. transfer fuel out of or into a vehicle except where necessary to allow the vehicle to be removed.
27. Where in any Parking Place a container or containers have been provided for the collection of specified items for the purpose of recycling it shall not be a breach of this Order for any person to enter a Parking Place whether on foot or in a Vehicle for the purpose of depositing specified items for recycling in such container or containers provided that such a person leaves the Parking Place immediately thereafter or else proceeds immediately in accordance with the remaining Articles of this Order.
28. Where a Civil Enforcement Officer or authorised person is present at a Parking Place no person shall use a Vehicle in contravention of his directions.

29. Where a Civil Enforcement Officer or authorised person is reasonably of the opinion that any of the provisions contained in Articles 6 to 28 inclusive have been contravened or not complied with in respect of a Vehicle left in a Parking Place he may:
- a. require any person apparently in charge of the Vehicle to remove it from the Parking Place or he may himself remove the vehicle from the Parking Place or alter its position or cause it to be removed or its position to be altered and where it is so removed shall reasonably provide for its safe custody and the Council may recover any costs so incurred as a Civil debt;
 - b. require any person whom he reasonably believes to be responsible for or to have information concerning the said contravention or non-compliance to provide his name and address and evidence of identity.
30. Any person removing or altering the position of a Vehicle by virtue of Article 29 of this Order may do so by towing or driving the Vehicle or in such other manner as he may think necessary and may take such measures in relation to the Vehicle as he may think necessary to enable him to remove it or alter its position, as the case may be.
31. Where a Parking Place is enlarged or a new Parking Place created the Council may by resolution apply the provisions of this Order to that enlarged or new Parking Place and this Order shall be construed accordingly provided that within twelve months of the date of that resolution the Council shall either rescind that resolution or incorporate its terms within an Off-Street Parking Places Amendment Order.

Speed

32. No person shall drive a Vehicle in a Parking Place at a speed in excess of 10 miles per hour.
33. In the event of the Council permanently closing any one of the Parking Places referred to herein as a public car park this Order shall cease to have effect in respect of such a Parking Place.

PART III
CHARGES FOR PARKING

Payment

34. The driver of a vehicle using a Pay and Display Parking Place shall upon leaving the vehicle in the Parking Place pay the appropriate charge (if any) in accordance with the scale of current charges as specified in the First Schedule to this Order.

Pay and display Parking Places

35. The driver of a Vehicle using a pay and display Parking Place, or any Parking Bay within the Parking Place, shall upon parking the Vehicle in a Parking Bay, and prior to leaving the Parking Place, purchase a Pay and Display Ticket or make payment through the Telephone Payment System at the level of charge and for the period required in accordance with the scale of charges as specified in the First Schedule to this Order.

Means of payment

36. The charge referred to in the preceding Articles shall be payable by:
- a. the insertion of an appropriate coin, coins or banknotes, together making up the amount of the charge into the Pay and Display Ticket Machine situated in that Parking Place; or
 - b. The insertion and payment by way of debit card and/or credit card (where such a facility is available) to the amount of the charge into the Pay and Display Ticket Machine; or
 - c. payment of the correct charge through the Telephone Payment system using the location reference displayed at that Parking Place. An administrative charge for this service will be paid.

Display of ticket

37. Once a Vehicle has been parked within a pay and display Parking Place the driver of the Vehicle shall:
- a. ensure that a valid Pay and Display Ticket has been obtained and is displayed at all times the vehicle is parked, to cover the entire period that the Vehicle is parked in the Parking Place, and

- b. display the Pay and Display Ticket issued at that Parking Place in the Relevant Position on the Vehicle in respect of which it was issued.

37A. Provided that when payment has been made in accordance with Clause 36c there shall be no requirement to display a Pay and Display Ticket and evidence that the charge referred to in Article 35 has been paid shall be provided by the appearance on a Hand-Held Device operated by the Civil Enforcement Officer of:

- a. an indication that the correct payment according to the appropriate charge applicable to the Parking Place in which the vehicle has been left has been made to the Service Provider in respect of that vehicle together with details of the date and time of expiry of that parking period for which that payment has been made; and
- b. an indication that the parking period for which payment has been made has not expired.

Validity of Pay and Display Tickets

- 38. A Pay and Display Ticket is not transferable from one Vehicle to another and on transfer the ticket ceases to be valid.
- 39. 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.

Expiry of parking period

- 40. If a vehicle is left in the Parking Place for longer than the time shown as the expiry time on the Pay and Display ticket exhibited on the vehicle then the parking period has expired.
- 40A. If a vehicle is left in the Parking Place for longer than the parking period paid for through the Telephone Payment System as appears on a Hand-Held Device operated by a Civil Enforcement Officer

Ticket Machine out of action

- 41. If at the time when a Vehicle is left during the charging hours in a Pay and Display Parking Place and on the nearest Ticket Machine in that Parking Place there is a

notice placed by any person duly authorised by the Council, indicating that the said Ticket Machine is out of order, then a ticket shall be obtained from another Ticket Machine within the same Parking Place (where provided).

No Pay and Display Ticket displayed

42. If at any time while a Vehicle is left in a Pay and Display Parking Place no Pay and Display Ticket is displayed on that Vehicle in the Relevant Position, it shall be deemed that the charge has not been paid unless payment has been made by the Telephone Payment System when evidence of payment shall be determined by the appearance on a Hand-Held Device of an indication that the correct payment has been made in respect of that vehicle together with details of the date and time of expiry of the parking period for which that payment has been made..

Limit on time

43. Where, in the absence of a Ticket Machine or all of the Ticket Machines in the Pay and Display Parking Place being out of order, no valid Pay and Display Ticket can be obtained and displayed, Vehicles may be left in a Parking Place but may not be left for longer than the maximum period of parking in that Parking Place as specified in the first Schedule to this Order.

Pay on Foot

44. The driver of a vehicle using a Pay on Foot Parking Place shall, upon leaving the Parking Place, pay the appropriate charge (if any) in accordance with the scale of current charges as specified in the first Schedule to this Order.

Parking Permits

45. Parking Permits are available from the Exeter City Council and Devon County Council at the appropriate fee, for a specific duration, for a Vehicle of a specific class and for a specific Parking Place or Parking Places as specified in the Third Schedule to this Order and subject to conditions determined by the Council from time to time.
46. The driver shall abide by the terms stipulated by the Council for the use of the Parking Permit.

47. A Parking Permit is only valid in the Parking Place or Parking Places in respect of which it was issued and up to the date of expiry shown on the Parking Permit.
48. A Parking Permit issued by Exeter City Council remains the property of the Council and must be surrendered on request. In such instances where a refund fee is appropriate this will be provided in accordance with the Council's policies.

Display of Parking Permit

49. The driver of the Vehicle shall display the Parking Permit in the Relevant Position on the Vehicle in respect of which it was issued at all times during which the Vehicle is left in the Parking Place.

Replacement Parking Permits

50. Damaged or lost Parking Permits issued by the Council will be replaced on application to the Council and on payment of an administration fee to be determined from time to time by the Council. The damaged or lost Parking Permit will then become immediately invalid.

Surrender of Parking Permit

51. The holder of a Car Park Season Ticket (Parking Permit) shall on surrendering the Parking Permit be entitled to a refund based upon the number of complete months remaining unexpired from the date on which the Council receives the surrendered Parking Permit. The refund will be one twelfth of the annual rate for each un-expired calendar month less an administration fee of £20.00.

A complete month is defined as the period from a given date in a specific month, to the day before that same date in the following month: e.g. the 28th May to the 27th June; or the 1st June to the 30th June.

Restriction on removal

52. When a Pay and Display Ticket or Parking Permit has been exhibited on a Vehicle in the relevant position no person shall remove the Pay and Display Ticket or Parking Permit from the Vehicle until the Vehicle is removed from the Parking Place.

PART IV
EXEMPTIONS FROM DAILY CHARGES

Exemptions

53. No daily charge shall be payable in respect of:
- a. 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 (this exemption does not apply to Pay on Foot Parking Places);
 - b. a Motorcycle which is left in a Motorcycle parking bay (if any);
 - c. a Vehicle displaying in a relevant position a valid Parking Permit valid for that Parking Place;
 - d. a Vehicle parked in a Parking Place where no charge is specified provided that the Vehicle is parked in accordance with the conditions for Parking at that Parking Place;
 - e. An Exeter City Council liveried vehicle in the course of Council business.

Absence of ticket machine

54. If at the 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 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.

PART V
RELOCATION AND REMOVAL OF VEHICLES

Emergencies

55. A Civil Enforcement Officer, a person authorised by the Council or a Police Constable 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 left in a Parking Place.

Safe keeping

56. Any person removing a Vehicle from a Parking Place under Article 55 shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the Vehicle

PART VI **LIABILITIES / PENALTIES**

Liability

57. The Council accepts no liability for the loss or damage to Vehicles or other property left in any of the Parking Places to which this Order applies.

Wilful damage

58. Any person who with intent to defraud interferes with the 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 other approved method of payment, shall be liable to prosecution.

PART VII **CONTRAVENTION AND PENALTY CHARGE**

Contravention

59. If a Vehicle is left in a Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice may then be issued and/or the Vehicle may be removed from the location. A Penalty Charge shall be payable in respect of any contravention on each separate calendar day. All enforcement action shall be in accordance with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and subsequent amendments.

Restriction on removal of notices

60AA Penalty Charge Notice fixed to a Vehicle in accordance with the provisions of this Order shall not be removed or interfered with except by or under the authority of:

- a. the Owner, or person in charge of, the Vehicle;
- b. the Council for the Parking Place in which the Vehicle in question was found.

Manner of Payment of Penalty Charge

61. The Penalty Charge shall be paid in accordance with the instructions contained on the Penalty Charge Notice:

Indications as Evidence

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

PART VIII **DISPOSAL OF VEHICLES**

Disposal of Vehicles abandoned in Parking Places

63. The Council may sell or otherwise dispose of a Vehicle 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 and may apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the sale or disposal thereof and of any charge or payment to which it is entitled.

PART IX
REVOCATIONS

Revocations

64. The City of Exeter (Civil Enforcement Off-Street Parking Places) Order 2014 and subsequent amendments is revoked as from the date this Order comes into operation.

The Common Seal of Exeter City Council
Was hereunto affixed
This fourth day of April 2014
In the presence of

Miss Baan Al-Khafaji
Corporate Manager
Legal Services