

**The City Council of Norwich (Eaton Park)**  
**(Off Street Parking Places) Order 2023**

The City Council of Norwich ("the Council") in exercise of its powers and pursuant to an agreement with Norfolk County Council made under Section 19 of the Local Government Act 2000 and Section 101(5) of the Local Government Act 1972, and in exercise of its powers under Section 32(1) and 35(1) and 122 and Parts III and IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and the Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

**1. Citation and Commencement**

This Order may be cited as "The City Council of Norwich (Eaton Park) (Off Street Parking Places) Order 2023" and shall come into effect for all purposes on the 25<sup>th</sup> March 2023.

**2. In this Order;-**

2.1 Any reference 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.

2.2 Where the context otherwise requires the following expressions have the meaning hereby respectively assigned to them.

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

**"display"** means display in accordance with Article 18 of this Order;

**"driver"** in relation to a vehicle waiting in a parking place means either of the following:

- (1) the person driving the vehicle at the time it was left in the parking space; or
- (2) the person deemed to be the driver under the terms of Article 22(1) of this Order.

**"limited waiting place"** means a parking place where vehicles are permitted to wait for a limited period of time;

**"motor vehicle"** and **"motor cycle"** shall have the same meaning as in Section 136 of the 1984 Act;

**"pay and display parking place"** means a parking place so mentioned in column 1 of the Schedule where payment of the parking charge is made at the start of the period of waiting of the vehicle;

**"parking permit"** means a parking permit or season ticket issued under the provisions of Article 40 of this;

**"payment by electronic means"** means the payment of the parking charge by electronic transfer of funds to the Council;

**"parking space"** means either of the following:

- (1) in those parking places containing markings means an area of a parking place which is provided for the waiting of one vehicle and indicated by markings on the surface of the parking place; or
- (2) in those parking place not containing markings means any area of the parking place;

**"parking ticket"** means a parking ticket issued by a ticket machine operated by the Council or their contractor;

**"penalty charge"** means the charge set out under provisions of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;

**"penalty charge notice"** means a notice issued or served by an authorised council officer or contractor pursuant to the provisions of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;

**"parking place"** means any area of land specified by name in column 1 of the Schedule to this Order headed "Parking Place";

**"relevant position"** has the meaning contained in regulation 4 of those Regulations;

**"registered keeper"** means the person whose name and address are registered by the Driver Vehicle Licensing Authority or any substitute body as being the keeper of a vehicle;

**"ticket machine"** means an apparatus of a type and design approved by the Secretary of State for Transport under the 1984 Act being an apparatus designed to issue parking tickets indicating the payment of a charge and the date and time at which the charge was paid;

**"vehicle"** means motor vehicle;

**"waiting" and "wait"** in relation to a vehicle means that the vehicle is not moving;

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

### **USE OF LAND AND PARKING PLACE**

3. Each area of land specified by name in column 1 of the Schedule to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles in such positions, on such days and times and on payment of such parking charge or display of such parking permits as are specified in

relation to that area in the said Schedule or after payment of the parking charge by electronic means

4. Subject to the following provisions of this Order, the driver of a vehicle shall not allow that vehicle to wait in a parking space unless that vehicle displays a valid parking ticket or parking permit or is of a class that can wait free of charge in the parking place as specified in column 6 of the Schedule to this Order or has made payment of the parking charge by electronic means.
5. The driver of a vehicle shall not allow their vehicle to wait in a parking place for longer than a continuous period of two hours after a penalty charge notice has been issued in respect of that vehicle.
6. The driver of a vehicle shall not allow that vehicle to wait in a parking space marked for the use of disabled persons only unless that vehicle displays a valid disabled person's badge in the relevant position specified by the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended).
7. The driver of a vehicle shall not allow that vehicle to wait in a parking place if that vehicle displays a time expired parking ticket or if the time for parking paid for by electronic means has expired.
8. Where in column 2 of the Schedule to this Order a parking place or part thereof is described as available for vehicles of a specified class or if a parking space is designated by surface or other markings as available for vehicles of a specified class then the driver of a vehicle shall not allow the vehicle to wait in that parking space or parking place unless the vehicle is of the specified class.
9. Subject to a parking place having parking space markings or 'T' marks, the driver of a vehicle shall not allow that vehicle to wait within a parking place other than wholly within the markings of a single marked parking space.
10. The driver of a vehicle shall not allow that vehicle to wait in a parking space if that vehicle displays a parking ticket which was purchased (whether by the driver or another person) for a different vehicle or at a different parking place than the parking place where the vehicle is waiting.
11. The driver of a vehicle shall not return after parking in a limited waiting space to that same limited waiting space within the period (if any) stated in the Schedule to this Order as being a period during which return is prohibited.

#### **PARKING CHARGE AT A PARKING PLACE**

12. Subject to Articles 13 and 38 below, the driver of a vehicle which may not wait free of charge as specified in column 6 of the Schedule to this Order waiting in a parking space shall pay a charge (called "the parking charge") for the vehicle in respect of the period for which the driver leaves the vehicle in that parking place in accordance with the scale of charges specified in respect of that parking place in column 6 of the Schedule to this Order.

13. No parking charge shall be payable by the driver of a vehicle left in a parking place if that vehicle displays a parking permit valid for that parking place.
14. A disabled person's badge shall not be considered valid for the purposes of this Order if defaced or obstructed so that it cannot be read from outside the vehicle, or if it has expired by effluxion of time.
15. A parking permit shall not be considered valid for the purposes of this Order if defaced or obstructed so that it cannot be read from outside the vehicle, or if the parking permit has expired by effluxion of time or been declared invalid by the Council.
16. The parking charge shall be payable by the use of an appropriate payment card either by contactless use or by inserting the card into the payment device at an apparatus or device provided being an apparatus or device known as a ticket machine or by payment by electronic means in accordance with the conditions governing electronic payment specified by the Council.
17. The issue of a ticket by a ticket machine provided in a parking place shall (without any statement to that effect upon the ticket) indicate the payment of the parking charge in accordance with the scale of charges appropriate to such a parking place as specified in the Schedule to this Order provided that the ticket is displayed in accordance with Article 18.
18. The driver of a vehicle waiting in a pay and display parking place shall display a parking ticket or a parking permit within the vehicle either by attaching it firmly to the front windscreen or any other window or by placing it on the dashboard of the vehicle, in all cases so that the time and all other particulars shown are clearly visible from outside the vehicle during the entire time period the vehicle is waiting in the parking place or shall have paid the parking charge by electronic means in accordance with the conditions governing electronic payment specified by the Council.

### **SUSPENSIONS OF A PARKING PLACE OR PART THEREOF**

19. Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever that person feels it is reasonably necessary:-
  - (a) for the purpose of facilitating the movement of traffic or promoting its safety;
  - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance or improvement of the parking place or the laying, erection, alteration, removal or repair of any sewer or any services for the supply of gas, water, electricity or telecommunications.
  - (c) any other purpose as they see fit.

No person shall cause or permit a vehicle to be left in any parking place or part of a parking place whilst its use is suspended unless that vehicle is left with the permission of the person suspending the use of the parking place or the part thereof.

## **AMOUNT AND PAYMENT OF PENALTY CHARGE NOTICE**

20.

- (1) If a vehicle is left in a parking place without complying with the provisions of this Order, then a contravention shall be deemed to have occurred and a penalty charge shall be payable.
- (2) When a vehicle has incurred a penalty charge it shall be the duty of an authorised council officer or contractor to affix a penalty charge notice to that vehicle or to hand the penalty charge notice to the driver. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of this Order no person other than the driver of the vehicle or a duly authorised representative of the Council shall remove the notice from the vehicle.

## **OTHER PROVISIONS**

21. Where a parking ticket has been placed on the dashboard or attached to a window of a vehicle in accordance with the provisions of this Order no person not being the driver of the vehicle shall remove the parking ticket from such location unless authorised to do so by the driver.

22. Pursuant to powers given under Section 35 of the 1984 Act the following shall apply:

- (1) if on the date a vehicle is left in a parking place a person is shown to have been the registered keeper of that vehicle by information in writing received from the Driver Vehicle Licensing Authority or any successor organisation then for the purposes of this Order they shall be deemed to have been the driver of the vehicle on that date unless the contrary is shown;
- (2) the date and time printed on any ticket from a ticket machine at a parking place shall be good evidence in any legal proceedings in relation to this Order that the ticket was purchased on that date and expired at that time;
- (3) in any legal proceedings in relation to this Order it shall be assumed unless the contrary is shown that any ticket machine at a parking place is of an industry standard type and design.

23. The driver of a vehicle shall not allow that vehicle to wait in a parking place for longer than the time period for which payment was made.

24. The driver of a vehicle shall not allow their vehicle to wait in any parking place in a position which restricts or prohibits other motorists' movements except in so far as the vehicle is waiting fully within the markings of a single parking space.

25. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

26. No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place other than with the authority of the Council.
27. No person shall use a vehicle, while it is in parking place in connection with the selling or offering for hire of their skill or services other than with the authority of the Council.
28. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place: Provided that when a vehicle is waiting in a parking place in contravention of the provisions of Article 9 of this Order than a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
29. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
30. No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.
31. No person shall in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or local residents.
32. No person shall in a parking place use any threatening abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
33. No person shall use any part of a parking place or any vehicle left in a parking place:-
- (1) for sleeping or camping purposes;
  - (2) for eating or cooking purposes; or
  - (3) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
34. No driver of a motor vehicle shall use a parking place as a means of passage from one road to another road unless the vehicle has waited in the parking place.
35. Where in a parking place signs are erected or surface markings are laid for the purpose of indicating the entrance to or exit from the parking place; or indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place, then no person shall drive or cause or permit to be driven any vehicle:-

(1) so that it enters the parking place otherwise than by an entrance so indicated, or leaves the parking place otherwise than by an exit so indicated; or

(2) in a direction other than that specified.

36. In a parking place no person shall:-

(1) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council;

(2) light or cause or permit to be lit any fire.

37. No person shall without the permission of the Council use a parking place for a purpose other than parking a vehicle.

38. Any person removing or altering the position of a vehicle by virtue of Article 28 of this Order may do so by towing or driving the vehicle or in such other manner as they may think necessary and may take such measures in relation to the vehicle as they may think necessary to enable them to remove the vehicle or alter the vehicle's position, as the case may be.

39. A person authorised by the Council may remove a vehicle from a parking place. They shall in such cases make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

40. A driver of a vehicle may subject to the Council's discretion and on application to the Council purchase a parking permit to be valid in respect of any vehicle being driven by that driver. The Council may also issue parking permits to allow the permit holder to park a vehicle in a parking place

Provided that: - if a parking permit is restricted in use to certain parking places or otherwise conditioned that parking permit shall be used only in accordance with such restriction or conditions.

41. The types of parking permits are specified in column 7 to the Schedule to this Order.

42. If a parking permit is restricted in use to certain parking places or otherwise conditioned the permit shall be used only in accordance with such restriction or conditions.

43. The issue of a parking permit under Article 40 shall not entitle the holders of the parking permit to the reservation of any individual parking space.

#### **44. Revocation;-**

The Order entitled "The City of Norwich (Eaton Park) (Off Street Parking Places) Order 2011" is revoked in its entirety.

Dated this 22<sup>nd</sup> day of March 2023

THE COMMON SEAL of )  
THE CITY COUNCIL OF NORWICH )  
was hereunto affixed )  
in the presence of:- )

  
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Seal No: H/20220426



# SCHEDULE

1	2	3	4	5	6	7
Parking place	Classes of vehicle	Position in which vehicle may wait	Days of operation of parking place	Hours of operation of parking place	Scale of parking charges	Type of permits authorised to park
Eaton Park Car Park (East and West)	<b>a)</b> Motor car as defined in section 136 of the 1984 Act other than motor vehicles intended or adapted for use for living accommodation, or vehicles having an unladen weight in excess of 3050 Kgs except for a public service vehicle parked with the approval of an authorised officer of the council	<b>a)</b> In bays indicated by white lines and/or by other suitable notice or marking	<b>a)</b> Monday to Sunday (Except Christmas Day)	<b>a)</b> See notices on site detailing specific hours of operation	<b>a)</b> Monday to Sunday, including bank holidays: Up to 4 hours - £2.00 Up to 5 hours - £5.00 Up to 6 hours - £6.00 Over 6 hours - £8.00	Eaton Park Season Ticket
	<b>b)</b> Motor cars as defined in a) above displaying a valid disabled persons badge in the relevant position	<b>b)</b> As above	<b>b)</b> As above	<b>b)</b> As above	<b>b)</b> Free of charge	
	<b>c)</b> Motor cycles	<b>c)</b> As above	<b>c)</b> As above	<b>c)</b> As above	<b>c)</b> Free of charge	