

**SOUTHEND-ON-SEA BOROUGH COUNCIL
(CLIFFS PAVILION AREA) (PROHIBITION OF WAITING &
PERMIT PARKING PLACES) (ZONE CP) ORDER 2016
(AMENDMENT NO. 2) ORDER 2018**

Road Traffic Regulation Act 1984

The Southend-on-Sea Borough Council, in exercise of its powers under Sections 1, 2, 4, 32, 35, 36, 45,46,46A,47, 49, 53 and 124 (and part IV of Schedule 9) of the Road Traffic Regulation Act 1984 (“the Act”), and The Road Traffic Act 1991 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, of 1984 as amended by part 6 of the Traffic Management Act 2004, hereby makes the following Order:-

The Southend-on-Sea Borough Council (Cliffs Pavilion Area) (Prohibition of Waiting and Permit Parking Places) (Zone CP) Order 2016 is hereby further amended by:

the addition of the items listed in the Schedules and Minor Amendments to the Preamble to this Order

This Order may be cited as The Southend-on-Sea Borough Council (Cliffs Pavilion Area) (Prohibition of Waiting & Permit Parking Places) (Zone CP) Order 2016 (Amendment No. 2) Order 2018 and shall come into effect on.

The following Map Tiles will be updated Map Tiles Nos. **U16, U17, V16 & V17**

Other than the amendments of this Order, The Southend-on-Sea Borough Council (Cliffs Pavilion Area) (Prohibition of Waiting and Permit Parking Places) (Zone CP) Order 2016 remains in full force and effect.

THE COMMON SEAL of the **SOUTHEND-ON-SEA**

BOROUGH COUNCIL was pursuant to a resolution

of the Council hereunto affixed this day

of Two Thousand and Eighteen

in the presence of:-

Proper Officer of the Council

SCHEDULE

Schedule 9 - Permit holders only (Zone CP-1) / Payment Parking (Zone CP-1).

Tariff No.	Road	Side of Road	Proposed Description	Tariff	
9	Westcliff Parade	South	From a point opposite the boundary between Nos 31 and 32 Westcliff Parade eastwards to its junction with Clifftown Parade	Up to 1 Hour Up to 3 Hours Up to 6 Hours Over 6 Hours	£1.10 £4.00 £7.00 £10.00
	Clifftown Parade	South	From its junction with Westcliff Parade to 15m east of its junction with the western leg of Prittlewell Square		
	Scratton Road	North	From approximately 35m west of its junction with Milton Place to approximately 15m east of its junction with Park Road		
	Cambridge Road	North	Between Marine Avenue and Wilson Road		

REVOCATIONS

THE SOUTHEND-ON-SEA BOROUGH COUNCIL (VARIOUS ROADS) (STOPPING, WAITING, LOADING AND UNLOADING PROHIBITIONS AND RESTRICTIONS, PARKING PLACES AND PERMIT PARKING ZONES) (CONSOLIDATION) ORDER 2016
No waiting 9am-6pm - 01 Mar - 31 Oct - CLIFFTOWN PARADE - Item No. 108259

Minor Amendment to Preamble

INTERPRETATIONS

“parking area” means any area on a highway designated as a parking area by this Order, which includes solo motorcycle parking areas, restricted zone parking areas and permit parking areas, and which are identified as to the type of parking area on the Map Tile relating to that parking area, by reference to the Map Schedule Legend and/or the Map Tile label in the Map Schedule;

"parking charge" means the amount specified in Article 21 which is payable, subject to the provisions of this Order, in respect of a vehicle left in a payment parking place;

“parking period” means a period of time for which payment of the parking charge has been made in respect of a vehicle and during which, subject to the provisions of this Order, that vehicle may be left in a payment parking place;

“parking place” means an area of highway designated by this Order for the waiting of vehicles of specific classes and indicated on the carriageway by markings in accordance with the Regulations;

“payment” means:

- (a) in the case of a payment of a parking charge in respect of a payment parking place, a payment by coins, payment card or by use of the telephone or mobile phone payment parking system; and
- (b) in relation to a valid permit or season ticket the method used for the purchase of permits and season tickets and shall be in the form of a cheque, payment card, postal order or any other approved electronic means;

“payment card” means a debit/credit card, or any other accepted form of electronic payment system, that can be used by a person and accepted by a parking ticket machine, or as a means of making a payment for a valid permit or season ticket, for the purposes of paying a parking charge;

“parking ticket machine” means an apparatus designed to issue a ticket indicating the payment of a charge by way of cash or a payment card, for the leaving of a vehicle in a payment parking place and the period in respect of which that charge has been paid;

"permitted hours", in relation to a parking place or parking area, means the period specified in the Map Tile related to that parking place or parking area, by reference to the Map Schedule Legend and/or the Map Tile label in the Map Schedule;

“payment parking ticket” means a ticket issued by a parking ticket machine located in the vicinity of the parking place in which a vehicle has been left and valid for a parking period or periods in relation to the payment for the periods of parking made, as advertised at that parking place and set out in Schedule 9;

“payment” means:

(a) in the case of a payment of a parking charge in respect of a payment parking place, a payment by coins, payment card or by use of the telephone or mobile phone payment parking system;

“shared use parking place” means any parking place designated as such by the provisions of this Order for the leaving of vehicles that comply with the provisions of that parking place as indicated on the Map Tile related to that parking place by means of the Map Schedule Legend and/or the Map Tile label in the Map Schedule;

tariff code” is a payment parking charge identifier specified in the Map Tile labels for such payment parking places in the Map Schedule to indicate the parking charge applicable at a payment parking place by determining the tariffs in Column 6 of Schedule 9 and the period of charge in Column 5 applicable to that tariff code in Column 1 of that Schedule;

“telephone or mobile phone payment”

means a cashless payment made by telephone or mobile phone to allow the vehicle to be parked for the period of time for which payment has been made and available for use as a parking charge payment method where such facility is advertised and provided for in a parking place and use of which is specified by notice in the parking place;

"telecommunications system" has the same meaning as in the Telecommunications Act 1984;

"ticket" means a ticket issued by a parking ticket machine relating to a payment parking place so identified in the Map Tile related to that parking place, by reference to the Map Schedule Legend and/or the Map Tile label in the Map Schedule;

Designation of parking places

- 13 The parts of roads specified in Schedules 2, and 9 where permit parking is permitted are hereby designated to be used as parking places subject to the following provisions of this Order on such days and during such hours as are specified in Schedule 5

Amount of the charge at payment parking places

13a The charge payable for the leaving of a vehicle in accordance with the provisions of this Order in a parking place identified as a payment parking place, or a shared use parking place in which payment parking is permitted, as indicated in the Map Tile relating to that parking place, by reference to the Map Schedule Legend and/or the Map Tile label in the Map Schedule, shall be the tariffs indicated by:

- (1) a sign on the parking ticket machine in the vicinity of the parking place;
- (2) the tariff code included in the Map Tile label in relation to that parking place in which the vehicle is left by reference to the tariffs associated with that tariff code in Column 1 of Schedule 9 with respect to the rate of parking charge set out in Column 6 of Schedule 9 and the period of charge as set out in Column 5 of that Schedule;

Payment of the charge in respect of payment parking places

13b Subject to the provisions of this Order:

- (1) The charge shall be payable, , on the leaving of the vehicle in a payment parking place by:
 - (a) the insertion of appropriate coins or a credit / debit card in a parking ticket payment machine; or
 - (b) payment being made using the telephone or electronic payment system;

at the level of charge and for the period required in accordance with the scale of charges specified by notice on each pay and display machine and in Schedule 9, the appropriate tariff being identified by the tariff code indicated in the Map Tile label identified in the Map Tile related to that parking place, by reference to the Map Schedule Legend and/or the Map Tile label in the Map Schedule.

- (2) Where payment has resulted in the issue of a parking payment ticket this will indicate the charge paid, the date and time of expiry and by the display of that ticket on the vehicle in the manner specified in Article 13c. The ticket shall be valid from the time and date of issue up to the time and date of expiry indicated on the ticket.
- (3) No person shall after obtaining a parking payment ticket alter the indication given by that ticket whilst the vehicle to which the ticket relates remains in the parking place, or knowingly exhibit on a vehicle a parking payment ticket which has been altered, defaced, mutilated, or added to or upon which the figures or particulars have become illegible, except where such mutilation or illegibility has been produced by the parking ticket payment machine.
- (4) If at any time when a vehicle is parked during the charging hours in a payment parking place and the nearest parking ticket payment machine to that payment parking place is out of order, then a ticket shall be obtained from another parking ticket payment machine within the same zone area.
- (5) In the event that one of the methods of payment specified under paragraph (1) above is unavailable, then the alternative method of payment must be used on leaving a vehicle in a payment parking place.

- (6) Upon payment of the charge for a vehicle left in a payment parking place:
- (a) the driver thereof shall display or cause to be displayed on the vehicle, in accordance with the provisions of the next following paragraph, the ticket issued by the parking ticket machine on payment of the charge in accordance with the provisions of the last foregoing paragraph; or
 - (b) cause an indication that payment has been made using the telephone or mobile phone payment parking system and the parking period for which payment has been made to appear on a hand held device.
- (7) The ticket referred to in the last preceding paragraph shall be displayed on the front or nearside of the vehicle in respect of which it was issued at all times during which the vehicle is left during the permitted hours in the parking place so that all the particulars on that side of the ticket which bears the indication that a charge has been paid are readily visible from the front or nearside of the vehicle, as the case maybe.
- (8) A vehicle left in a payment parking place displaying in the relevant position a valid disabled person's badge shall be exempt from the payment of any parking charge and in addition shall be exempt from any limitation of time as identified in the Map Tile related to that parking place, by reference to the Map Schedule Legend and/or the Map Tile label in the Map Schedule.
- (9) If at any time when a vehicle is left in a payment parking place, or a shared use parking place where payment parking applies, and no parking ticket machine ticket and no season ticket is displayed and no indication appears on a CEO's hand held device that a payment of the parking charge has been made using the telephone payment parking system, or registered for a virtual parking permit, or the parking period for which payment was made has expired, it shall be presumed, unless the contrary is proved, that either:
- (a) the parking charge has not been duly paid in respect of that vehicle; or
 - (b) the parking period for which payment was made has already expired.

Tickets, and permits to be displayed

- 13c** (1) At all times during which a vehicle is left during the permitted hours in a relevant parking place in accordance with the provisions of Article **13b** (2), (5) and (6), the driver thereof shall cause to be displayed on the front windscreen of the vehicle a valid permit issued in respect of that vehicle so that all the particulars for that permit are readily visible from the front or near-side window of the vehicle.

13d

- (2) At all times during which a vehicle is left during the permitted hours in a payment parking place, or a shared use parking place where payment parking is permitted, in accordance with the provisions of Article 13i, the driver thereof shall cause to be displayed on the front or nearside thereof, either:
- (a) a valid parking ticket machine ticket issued in respect of that vehicle by a parking ticket machine should be displayed so that all the particulars on that side of the ticket which bears the indications that it has been issued in respect of that vehicle and the time by which the charge period for which it is permitted to be left in that parking place will expire are readily visible from the front or nearside of the vehicle; or
 - (b) In the case where the vehicle is registered for a virtual parking permit details are checked on the hand held device by the CEO
- (3) If at any time while a vehicle is parked in a payment parking place and no parking payment ticket is displayed on that vehicle in the relevant position in accordance with paragraph (2)(a) of this Article, it shall be deemed that the charge has not been paid.

Provided that, the requirement for that vehicle to clearly display a valid parking ticket machine ticket in paragraph (2) (a) of this Article and the provision of the foregoing paragraph shall not apply if the driver of that vehicle, or a person authorised by the driver to act on their behalf, has paid the parking charge using the telephone or mobile phone, electronic payment system, or virtual permit system has been displayed in accordance with paragraph (2) (b) of this Article.

Validity of payment parking tickets

- 13e** (1) A parking payment ticket is not transferable from one vehicle to another.
- (2) A parking payment ticket is valid in any payment parking place within the parking payment zone in which it was purchased.

Designation of parking places

- 13f** (1) Each area on a highway identified:
- (a) on the Map Schedule by way of a Map Tile label and/or the Map Schedule Legend as a parking place, loading place or parking area; and
 - (b) as an area marked out and signed for the use therein of specified classes of vehicles following the conditions specified in this Order in relation to that parking place, or parking area, is designated as a parking place by this Order.
- (2) Unless otherwise so identified, a designated parking place shall be bounded on one side of its length by the edge of the carriageway and be an area marked out to a road marking and depicted by a regulatory sign, either in accordance with the Regulations or, if applicable, by virtue of any special authorisation given by the Secretary of State.

Vehicles for which parking places and loading places are designated

- 13g** (1) Each parking place identified as such in the Map Tile relating to that parking place, by reference to the Map Schedule Legend and/or the Map Tile label in the Map Schedule may be used, subject to the provisions of this Order, for the leaving during the permitted hours of passenger vehicles, goods carrying vehicles, solo motor cycles or disabled persons vehicles.

- (2) Where the parking place or parking area identified in Article 13 is a relevant parking place for valid permit holders it may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are described in Article 13(1) which either:
- (a) display a valid permit in the manner specified in Article 13c; or
 - (b) display a disabled persons badge in the relevant position.
- (3) A valid permit applicable to a parking place or parking area, to be displayed in accordance with paragraph (2)(a) of this Article, shall be determined by the type of permit identified in Column 1 of Schedule 5 for each type of parking place or parking area identified in Column 1 of that Schedule, subject to the conditions identified in Column 2 and 3 of that Schedule and the provisions of this Order.
- (4) Where the parking place identified in Article 13 is a payment parking place or a shared use parking place in which a parking payment applies, it may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are described in Article 13g which either:
- (a) displayed in the manner specified in Article 13c a valid parking ticket machine ticket;
 - (b) indicates on a hand held device a payment having been made, using the telephone or mobile phone payment parking system;
 - (c) displays a disabled person's badge in the relevant position; or
 - (d) Or registered for a virtual parking permit
- (5) Subject to the provisions of this Order, the following parking places or parking areas identified in Article 13g may only be used by the class of vehicle specified as follows:
- (a) a disabled persons' badge parking place may be used, for the leaving during the permitted hours of such vehicles as display in the relevant position a disabled persons' badge;

PART 10 – PAY BY PHONE PARKING PLACES & VIRTUAL PERMIT PARKING

Pay by Phone Parking Places

- 43.** The driver of a vehicle using a pay by phone in a pay and display parking place, shall upon parking the vehicle in a parking pay, and prior to leaving a parking place, shall use the telephone payment system to pay for the said parking charge at the level of charge and for the period required in accordance with the scale of charges specified by notice on each pay and display machine.

Indication of payment of parking charges using the pay by phone system

- 44.** Where a vehicle has been left in a pay and display parking place and payment of the parking charge has been made using the telephone payment parking system, an indication that the payment has been made and the parking period for which payment has been made shall appear on the CEO's hand-held device.

Virtual Permit Parking

- 45.** Virtual Permits are electronic forms of parking tickets or permits. To be valid the virtual permit must be registered on line and paid for through an account held with Southend-on-Sea Borough Council or its contractors.

46. Once a virtual permit has been purchased there will be no requirement to display a parking ticket or permit in the vehicle. Civil Enforcement Officers download the information regarding which vehicles have paid onto the hand held computers they carry for enforcement purposes. The account holder will have the ability to manage their account online and are able to make changes instantaneously, such as the registration numbers permitted to park, without the need to contact the Council

SCHEDULE 5 – TYPES OF PERMIT AND DAYS AND HOURS OF OPERATION

PARKING PLACE	DAYS OF OPERATION	PRESCRIBED HOURS OF OPERATION
Resident, Visitor, Carers, Business & Hotel Visitor Permit Parking Places & Pay & Display/Pay by Phone Parking	Daily inclusive, any such day not being Christmas day or Good Friday	Between 11.00 a.m. and 9.00 p.m.