

**THE BOROUGH OF STOCKTON-ON-TEES
(PRESTON PARK CAR PARK, STOCKTON, LITTLEBOY REC CAR PARK, THORNABY
AND COWPEN BEWLEY COUNTRY CAR PARK, BILLINGHAM)
(OFF-STREET PARKING PLACES) ORDER 2023**

The Council of the Borough of Stockton-on-Tees (hereinafter referred to as "the Council") in exercise of their powers under Sections 32, 33 and 35 of the Road Traffic Regulation Act 1984 ("the 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. This Order shall come into operation on the **XX** day of **XX** 2023 and may be cited as The Borough of Stockton-on-Tees (Preston Park Car Park, Stockton, Littleboy Rec Car Park, Thornaby and Cowpen Bewley Country Car Park, Billingham) (Off-Street Parking Places) Order 2023.

2. **Definitions**

"the Act" means the Road Traffic Regulation Act 1984 as amended.

"Charging Hours" means in relation to all parking places between the hours of 9am and 5pm on any day other than a Sunday, Christmas Day, Good Friday or a Bank Holiday being a Public Holiday.

"Charging Post" means an installation adjacent to a parking place for the purpose of recharging the battery of an electrical vehicle by way of a connecting lead.

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council to supervise a Parking Place.

"Driver" in relation to a vehicle waiting in a Parking Place or in an Electrical Charging Bay means the person who was driving the vehicle or was the person in control of the vehicle at the time it was left in the Parking Place or Electrical Charging Bay and for the purposes of any excess charge or enforcement of the provisions of this order if, on the date a vehicle is left in a Parking Place or Electrical Charging Bay, a person is shown to have been the registered owner or keeper thereof that person shall be deemed to have been the driver of the vehicle on that date unless the contrary is shown.

"Electrical Charging Bay" means a Parking Bay within a Parking Place, indicated by appropriate signs & markings, which is provided for the recharging of Electrical Vehicles' batteries by means of a recharging post and is marked on the ground as an Electrical Charging Bay, or similar wording

"Electrical Vehicle" means a vehicle in which the electrical motive power is fully or partially derived from an electrical storage battery.

"Parking Bay" means an area of a Parking Place which is provided for the leaving of a vehicle to wait and indicated by markings on the ground such as a white box marking or such other marking signs as may be required by the Traffic Signs Regulations and General Directions 2002 or any other superseding Regulations as may be in force.

"Parking Place" means the off-street car parks specified in the Schedule of this Order.

"Penalty Charge Notice" has the same meaning as Section 2 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

"Plan" means the plans TM2/349, TM2/350 and TM2/351 appended to this Order.

"Schedule" means the Schedule to this Order.

3. Use of Off-Street Parking Places

- (1) The off-street car parks specified in the Schedule to this Order are designated as parking places under Section 32 of the Act as off-street parking places for the purpose of allowing vehicles to wait subject to the conditions set out in this Order.
- (2) No vehicle over 7.5 tonnes laden weight shall wait in the Parking Place at any time, other than with the prior approval of the council.
- (3) Nothing in Article 3 of this order shall restrict the power of the Council for any purpose to close any Parking Place and may authorise the temporary use of a Parking Place for the purpose other than car parking and may for this purpose prohibit the parking of cars in a Parking Place.
- (4) A Driver of a vehicle shall not leave a vehicle in a Parking Place when the Council shall have closed that Parking Place or the highway on which the Parking Place is situated in accordance with Article 3(3) and exhibited notice of such closing on or near the Parking Place or length of highway so closed.
- (5) No Driver shall, except with the permission of a police officer in uniform or a Civil Enforcement Officer, leave or cause to wait any vehicle in a Parking Place for any purpose other than the purpose of leaving the vehicle in a Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place.
- (6) Where, in any Parking Place designated by this Order, signs are erected or surface markings are laid for the purpose of:
 - (a) Indicating the entrance to or exit from the parking place,or
 - (b) Indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place.

No driver shall drive any vehicle so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, as indicated, or in a direction other than specified or otherwise in contravention of the signs or surface markings.
- (7) Any Parking Bay within a Parking Place marked as an Electrical Charging Bay shall not be used by any vehicle other than an Electric Vehicle during the Charging Hours
- (8) During the Charging Hours whilst an Electric Vehicle is waiting in an Electrical Charging Bay, the driver of the vehicle shall cause or permit that vehicle to be connected via a recharging lead to the Charging Post installed in respect of the parking place. No Electrical Vehicle shall wait in an Electrical Charging Bay whilst it is not actively being charged and charging costs being incurred as indicated on the Charging Post.
- (9) No person shall cause or permit an Electrical Vehicle to wait in an Electrical Charging Bay for a period exceeding four hours during the Charging Hours.

- (10) The driver of an Electric Vehicle shall not cause or permit that vehicle to return to an Electrical Charging Bay within a period of two hours after the end of the last period of waiting in an Electrical Charging Bay in that same Parking Place.
- (11) All Electrical Vehicles waiting in an Electrical Charging Bay must park wholly within the Electrical Charging Bay.
- (12) All charges for electricity will be market value to ensure subsidy control compliance.
- (13) The Council reserves the right to permanently close or temporarily suspend the use of whole or part of any of its Parking Places, or enlarge or otherwise alter any of its Parking Places and any associated facilities without prior notice as it deems appropriate. Any remaining Vehicles left in a Parking Place after the notified closing time, and before the stated opening time, may be removed by a person authorised by the Council, and released subject to a release fee being paid by the Driver of the Vehicle.

4. Other provisions

4(1) No person shall use any part of a Parking Place, or any Vehicle left in a Parking Place for

- i. sleeping, camping or cooking; or
- ii. 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.

4(2) Unless authorised by the Council no person shall whether or not in connection with the use of a vehicle while it is in a Parking Place, sell or attempt to sell any article to persons in or near the Parking Place or sell or offer to hire or attempt to sell or offer for hire skills or services and no person shall while is in a Parking Place affix or place thereon any advertisement.

THE SCHEDULE

Off Street Long Stay Car Parks:

Car Park Name	Location of Car Park	
Preston Park Car Park, Stockton	The land edged and stippled red on Plan 1 appended to this Order	
Littleboy Rec Car Park, Thornaby	The land edged and stippled red on Plan 2 appended to this Order	
Cowpen Bewley Country Car Park, Billingham	The land edged and stippled red on Plan 3 appended to this Order	

Given under the Common seal of the Council of the Borough of Stockton-on-Tees on XXXX
2023

THE COMMON SEAL of THE COUNCIL OF
THE BOROUGH OF STOCKTON-ON-TEES
was hereunto affixed in the presence of:

Authorised Officer of the Council

**THE BOROUGH OF STOCKTON-ON-TEES
(PRESTON PARK CAR PARK, STOCKTON, LITTLEBOY REC CAR PARK, THORNABY
AND COWPEN BEWLEY COUNTRY CAR PARK, BILLINGHAM)
(OFF-STREET PARKING PLACES) ORDER 2023**

STATEMENT OF REASONS

The Council propose to make the above named Order for preserving or improving the amenities of the area through which the road runs.