

THE ARGYLL AND BUTE COUNCIL
(OFF STREET PARKING PLACES AND CHARGES)
(HELENSBURGH) ORDER 1999

The Argyll and Bute Council in exercise of the powers conferred upon them by Section 32 and 35 of the Road Traffic Regulation Act 1984, and of all other powers enabling them in that behalf, and after consultation with the Chief Constable in accordance with the provisions of the Act, hereby make the following order :-

Citation and Commencement

1. This Order may be cited as "The Argyll and Bute Council (Off Street Parking Places and Charges) (Helensburgh) Order 1999", and shall come into operation on Monday the Thirtieth Day of August, Nineteen Hundred and Ninety Nine.

Interpretation

- 2.(i) In this Order, the following expressions have the meanings hereby assigned to them:-

"Council" means the Argyll and Bute Council;

"Chief Constable" means the Chief Constable of Strathclyde Police;

"vehicle" unless the context otherwise requires, means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether or not by mechanical power;

"goods vehicle" has the same meaning as in Section 138(3) of the Act;

"motor car" has the same meaning as in Section 136(2) of the Act;

"car-derived van" has the same meaning as in Schedule 6, Part IV of the Act.

"dual purpose vehicle" has the same meaning as in Regulation 3(1) of the Motor Vehicle (Construction and Use) Regulations 1978 as originally enacted;

"motor cycle" and "invalid carriage" has the same meaning as in Section 136 of the Act.

"light commercial vehicle" means any goods vehicle which has an operating weight which is not greater than 7.5 tonnes;

"heavy commercial vehicle" has the same meaning as in Section 138 of the Act;

"articulated vehicle" has the same meaning as in Section 138 of the Act;

"trailer" - has the same meaning as in Section 138 of the Act;

"living van" has the same meaning as in Schedule 136 of the Motor Vehicles (Construction and Use) Regulations 1978 (No. 1017);

"caravan" has the same meaning as in Section 29(1) of the Caravan Sites and Control of Development Act 1960;

"motor caravan" has the same meaning as in Regulation 2(1) of the Motor Vehicle (Type Approval) (Great Britain) Regulations 1984;

"bus" and "coach" has the same meaning as in Paragraph 22 of the Traffic Signs Regulations and General Directions 1994;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1975;

"disabled person's vehicle" has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Scotland) (Amendment) Regulations 1975;

"relevant position " has the same meaning as in Section 4 of the Local Authorities Traffic Order 2(Exemptions for Disabled Persons) (Scotland) Regulations 1971;

"parking attendant" means a person authorised by the Council to supervise any parking place;

"ticket parking meter" means an apparatus designed to indicate the time of days, and to issue tickets indicating the payment of charge, the period in respect of which it has been paid, the day and time at which that charge was paid and having a mark which enables the issuing ticket parking meter to be identified.

"parking place" - means an area designated as a parking place by this Order:

"day" - means a period commencing at 0001 hours and ending at 2400 hours and any reference to hours shall be construed as referring to consecutive hours within one day.

- (ii) Any reference in this order to any enactment is a reference to that enactment as amended by any subsequent enactment.

Designations of Parking Places

3. Each car park described in Schedule 2 to this order shall be a parking place where, subject to the provisions of this order, drivers may leave vehicles.

Power to Suspend Parking Places

- 4.(i) Any person duly authorised by the Council may suspend the use of a car park or any part of a car park when he reasonably considers that necessary, and shall use suitable means to indicate that the use of the parking bay or parking place is suspended:
- (ii) No person shall cause or permit any vehicle to wait in any part of a parking place which has been suspended in accordance with this article, except with the permission of a person authorised by the Council.

Manner of Standing in Parking Places

- 5.(i) No motor vehicle, caravan, trailer or other vehicle may be parked in a car park unless it is a vehicle authorised by Schedule 1 to this order in relation to that car park.
- (ii) No vehicle may be parked which has a caravan or other trailer unless in a car park where this is authorised by Schedule 2 to this order.
- (iii) Every vehicle left in a parking place shall so stand that every part of it is within a parking bay marked out by the Council, but if the length of any vehicle precludes it from standing wholly within the limits of a parking bay, that vehicle shall so stand in the parking bay that as much of the vehicle as possible is within the limits of the parking bay and that such portion as is beyond the limits of the parking bay does not constitute a danger or obstruction to other uses of the car park.

- (iv) If a bay is marked by the Council as being specially provided or reserved for disabled drivers, no driver may leave a vehicle in it which is not a disabled persons' vehicle which displays in the relevant position a disabled persons' badge.
- (v) if a bay is marked by the Council as being specifically provided or reserved for vehicles of a specified class or classes, no driver may leave in the bay a vehicle of any other class.

Initial Charges at Parking Places

- 6. Every person leaving or parking a vehicle in a car park shall immediately pay the initial charge appropriate to the time for which he wishes to leave it, in accordance with Schedule 2 to this Order, by inserting coins (or a card or other token issued or approved by the Council for this purpose) in a ticket parking meter provided at that car park by the Council, or by payment to a parking attendant, in return for a ticket. The ticket shall be displayed on the vehicle facing forwards on the glass of the windscreen behind the glass, so that the time shown on the ticket is clearly visible to a person standing beside the vehicle.

Excess Charge, No Ticket Charge and Irregular Parking Charge

- 7.(i) If a vehicle is left in any car park after a time for which the initial charge has been paid and the ticket displayed, the excess charge shall be payable, in accordance with Schedule 3 to this Order, in addition to the initial charge.
- (ii) If a vehicle is left in a car park without the initial charge having been paid or without the ticket being displayed as required by this order, the no ticket charge shall be payable, in accordance with Schedule 3 to this Order, in addition to the initial charge.
- (iii) If a vehicle is left in any car park for more than Twelve hours after an excess charge has been incurred a no ticket charge, in accordance with Schedule 3 to this Order, shall also become due.
- (iv) Once a no ticket charge has been incurred the vehicle may be left for Twenty four hours, at the end of which time a further no ticket charge shall be incurred, and so on for successive periods of Twenty four hours.
- (v) If a vehicle is parked contrary to Article 5 of this order the irregular parking charge shall be incurred, in accordance with Schedule 3 to this Order, in addition to the other charges incurred.
- (vi) When a parking attendant notices that an excess charge, no ticket charge or irregular parking charge has been incurred, the parking attendant may attach to the vehicle in a conspicuous position, a notice which shall include for following particulars :-
 - (a) The registration mark of the vehicle, or where the vehicle is being used under a trade licence, the number of the trade plate;

- (b) The day and time at which he first noticed that the charge had been incurred;
 - (c) A statement that an excess charge, a no ticket charge or irregular parking charge as the case may be, is required to be paid;
 - (d) A statement that it would be an offence under Sub-section 4 of Section 35 of the Road Traffic Regulation Act 1984, to fail duly to pay the charge; and
 - (e) The amount of the charge, the time which the charge is to be paid and the place and manner of payment.
- (vii) Where a notice has been attached to a vehicle in accordance with this order, no person, not being the driver of the vehicle or a person duly authorised by the Council, shall remove the notice from the vehicle.
- (viii) Any excess charge or no ticket charge shall be paid by the driver who left the vehicle in the car park, at the office of the Council stated on the notice, not later than the seventh day following the day on which the charge was incurred, or if the said seventh day is a day on which the office is closed, the next day on which it is open.

Exemptions from Charges

- 8.(i) A disabled person's vehicle which displays in the relevant position a disabled person's badge shall be exempt from any charge but not from any other provisions of this order, but if it is parked in a bay marked by the Council as being provided or reserved for disabled persons' vehicles the driver shall not leave it for longer than 3 hours.
- (ii) A solo motor-cycle in any part of a car park at which the Council have placed a sign indicating that that part of the car park is for motor-cycles shall be exempt from any charge but not from any other provisions of this order.
- (iii) A vehicle on which a valid season ticket issued by the Council for this purpose is displayed in such a position that the front side of the ticket or permit is clearly visible to any persons standing at the front or nearside of the vehicle shall be exempt from any charge but not from any other provisions of this order. Such season ticket shall not guarantee the holder the use of a parking bay.
- (iv) At a car park where there is no ticket parking meter, drivers shall be exempt from all charges but not from any other provisions of this order.
- (v) A boat trailer in any part of a car park at which the Council have placed a sign indicating that that part of the car park is for boat trailers shall be exempt from any charge but not from any other provisions of this order.

Restriction of Use of Parking Places

Restriction of Use of Parking Places

- 9.(i) No person shall use any vehicle in a car park in connection with the sale of any article or the selling or offering for sale of his skill in handicraft or his services in any other capacity other than with the written consent of the Council.
- (ii) No person shall wash, clean or overhaul any vehicle or execute any mechanical or other alterations or repairs to a vehicle while it is in a car park, except to make such repairs as may be essential for the purpose of enabling the vehicle to be towed or driven away from the car park.
- (iii) No person shall light or cause or permit to be lit any fire in the car park without the written consent of the Council.
- (iv) No person shall cause litter to be dropped in the car park or fuel oil or diesel spilled.
- (v) No person shall wilfully remove or destroy any sign, marking, notice or notice board within the car park or any fastening or equipment used for the purpose of exhibiting or displaying such sign, marking, notice or notice board.
- (vi) No person shall wilfully or negligently deface or destroy any part of the car park.
- (vii) No person shall use a vehicle or trailer as sleeping accommodation while it is upon a car park between the hours of 11.00 pm and 7.00 am.
- (viii) No person shall use a vehicle or trailer for residential purposes while it is upon a car park between the hours of 11.00 pm and 7.00 am.
- (ix) No person shall use the parking place for the purpose of splitting loads or transferring plant between vehicles or for loading or unloading goods in association with a commercial concern.
- (x) No person shall use the car park for the parking of trailers or caravans separately from their motor vehicles.
- (xi) No person shall erect or cause to be erected any tent, booth, stand, building or other structure without the written consent of the Council.
- (xii) No person shall carry on any business within the limits of the car park without the written consent of the Council.
- (xiii) While a vehicle is in a car park it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection therewith, to ply for hire or to accept passengers for hire either directly or via remote radio control.

Removal of Vehicles from Parking Places

Removal of Vehicles from Parking Places

10. When a parking attendant or any other person authorised by the Council is of the opinion that any of the provisions of this order have been contravened or not complied with in respect of a vehicle left in a parking place or that a vehicle has been abandoned, he may remove or cause the vehicle to be moved within the car park or removed from the car park, and if it is so removed, shall provide for the safe custody of the vehicle.

Waiving of Restrictions for Prevailing Leases

11. If, at any time, either prior to or after the enactment of this Order, there is in relation to any car park a written lease permitting the car park to be used for any of the activities listed in Article 9, then those activities insofar as they are undertaken in terms of the lease shall not be deemed restricted while the lease remains valid.

Power to Dispose of Abandoned Vehicle

12. The Council may, in respect of a vehicle which has been removed from car park in pursuance of this order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle.

Movement of Vehicles in Car Parks in Emergencies

13. A parking attendant or any other person authorised by the Council may, in an emergency, move or cause to be moved to any place he thinks fit, vehicles left in a parking place.

Revocation

14. The Order specified in Schedule 4 of this Order shall have effect subject to the amendments specified in that Schedule.

Sealed with the Seal of the Argyll and Bute Council and subscribed for them and on their behalf by Susan Mair, their Head of Legal Services, at Lochgilphead on the Twelfth day of July Nineteen Hundred and Ninety Nine.

Susan Mair

SCHEDULE 1**Categories of Vehicle**

<u>Category Number</u>	<u>Vehicle Type</u>
1.	Motor Car Car-derived van dual purpose vehicle
2.	motor cycle
3.	invalid carriage
4.	light commercial vehicle
5.	heavy commercial vehicle
6.	articulated vehicle
7.	trailer
8.	caravan living van
9.	motor caravan
10.	bus and coach

Susan Hain

SCHEDULE 2

Location of Off Street Parking PlaceCharges and Periods of OperationPier Car Park, Helensburgh

Situated West of Sinclair Street and South of Clyde Street West, Helensburgh and shown coloured red on Map 1 annexed and signed and sealed as relative hereto.

1st January to 31st December
8 am to 6 pm
Monday to Sunday

Area "A" on Map 1Categories 1 - 3

Up to 1 Hour £0.20

Up to 2 Hours £0.50

Up to 4 Hours £1.00

Up to 6 Hours £2.00

Up to 8 Hours £3.00

Up to 10 Hours £4.00

Quarterly Season

Ticket £55 + VAT

Season Ticket £185 + VAT

Area "B" on Map 1

Categories 1 - 3 No charge

Categories 4 - 10

Up to 1 Hour £0.50

Up to 2 Hours £1.00

Up to 4 Hours £2.00

Up to 6 Hours £3.00

Up to 8 Hours £4.00

Up to 10 Hours £5.00

Maitland Street Car Park, Helensburgh

Situated North of Clyde Street East and West of Maitland Street, Helensburgh and shown coloured red on Map 2 annexed and signed and sealed as relative hereto.

1st January to 31st December
8 am to 6 pm
Monday to Saturday

Categories 1 - 3

Up to 1 Hour £0.20

Up to 2 Hours £0.50

Sinclair Street Car Park, Helensburgh

Situated North of Princes Street West and West of Sinclair Street, Helensburgh and shown coloured red on Map 3 annexed and signed and sealed as relative hereto.

1st January to 31st December
8 am to 6 pm
Monday to Saturday

Categories 1 - 3

Up to 1 Hour £0.20

Up to 2 Hours £0.50

Susan Main

SCHEDULE 3

AMOUNT OF EXCESS CHARGE, NO TICKET CHARGE
AND IRREGULAR PARKING CHARGE

EXCESS CHARGE	£20.00
NO TICKET CHARGE	£30.00
IRREGULAR PARKING CHARGE	£30.00

Susan Main

SCHEDULE 4

ORDER TO BE AMENDED

SLC

Name of Order

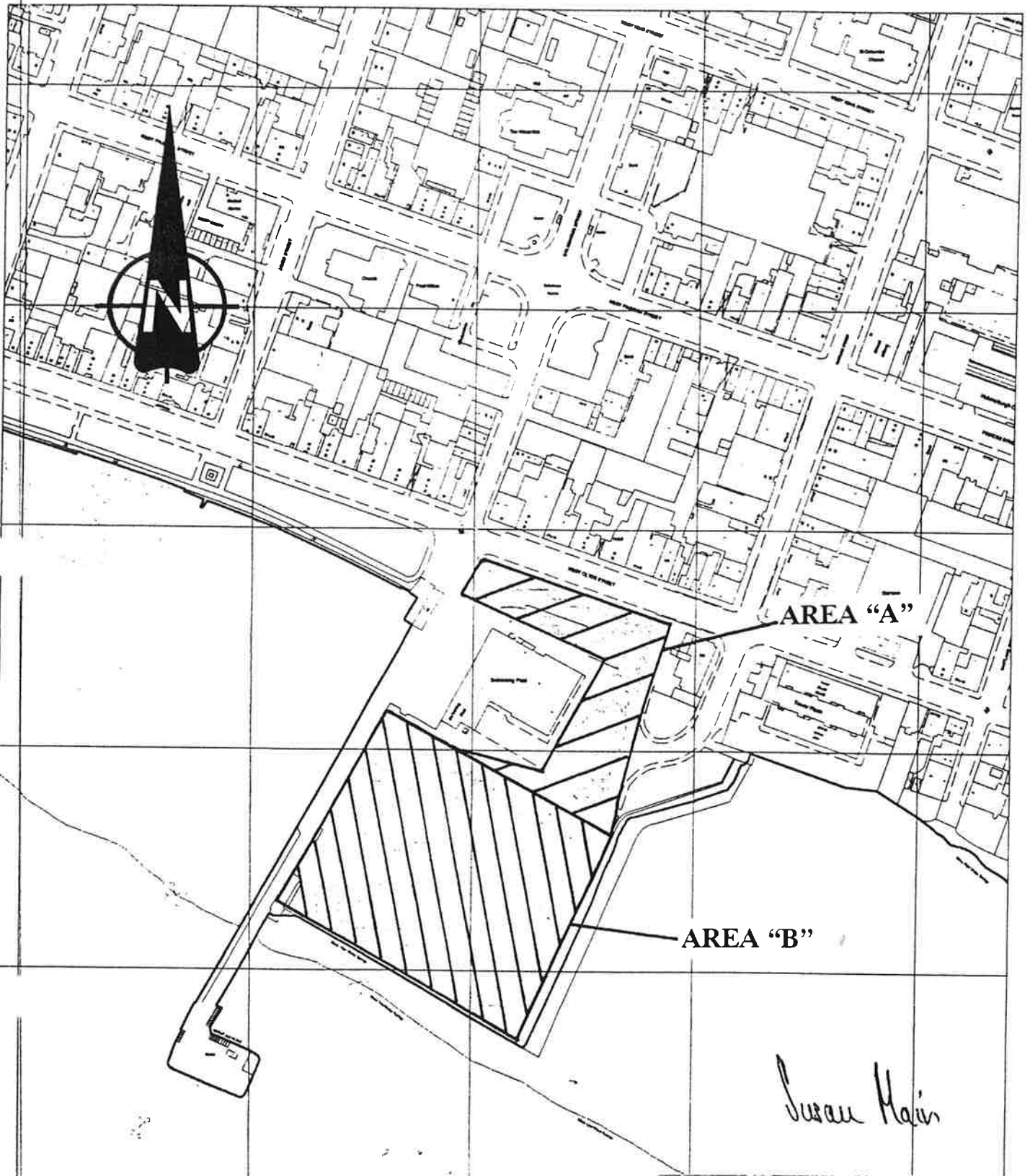
The Argyll and Bute Council
(Off Road Parking Places)
(Controlling Regulations) Order 1987
as amended.

Extent of Amendment

In Schedule 1, delete the references
to the following car parks:-

Helensburgh
Pier Car Park
Maitland Street Car Park
Sinclair St/West King Street Car Park

Susan Main



Susan Main

Scale 1:2500

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**TITLE. Off Street Parking Places and
Charges (Helensburgh) Order
1999**

Pier Car Park Map No 1.

ARGYLL & BUTE COUNCIL
TRANSPORTATION & PROPERTY

Director: Alistair Gow

SCALE: 1:2500

DATE. July 1999

HEAD OF TRANSPORTATION SERVICES

FILE REF. 58.40(HL)

DESIGN OFFICE.

MANSE BRAE, LOCHGILPHEAD PA31 8RD

DRAWING No. TM378/12



Scale 1:1250
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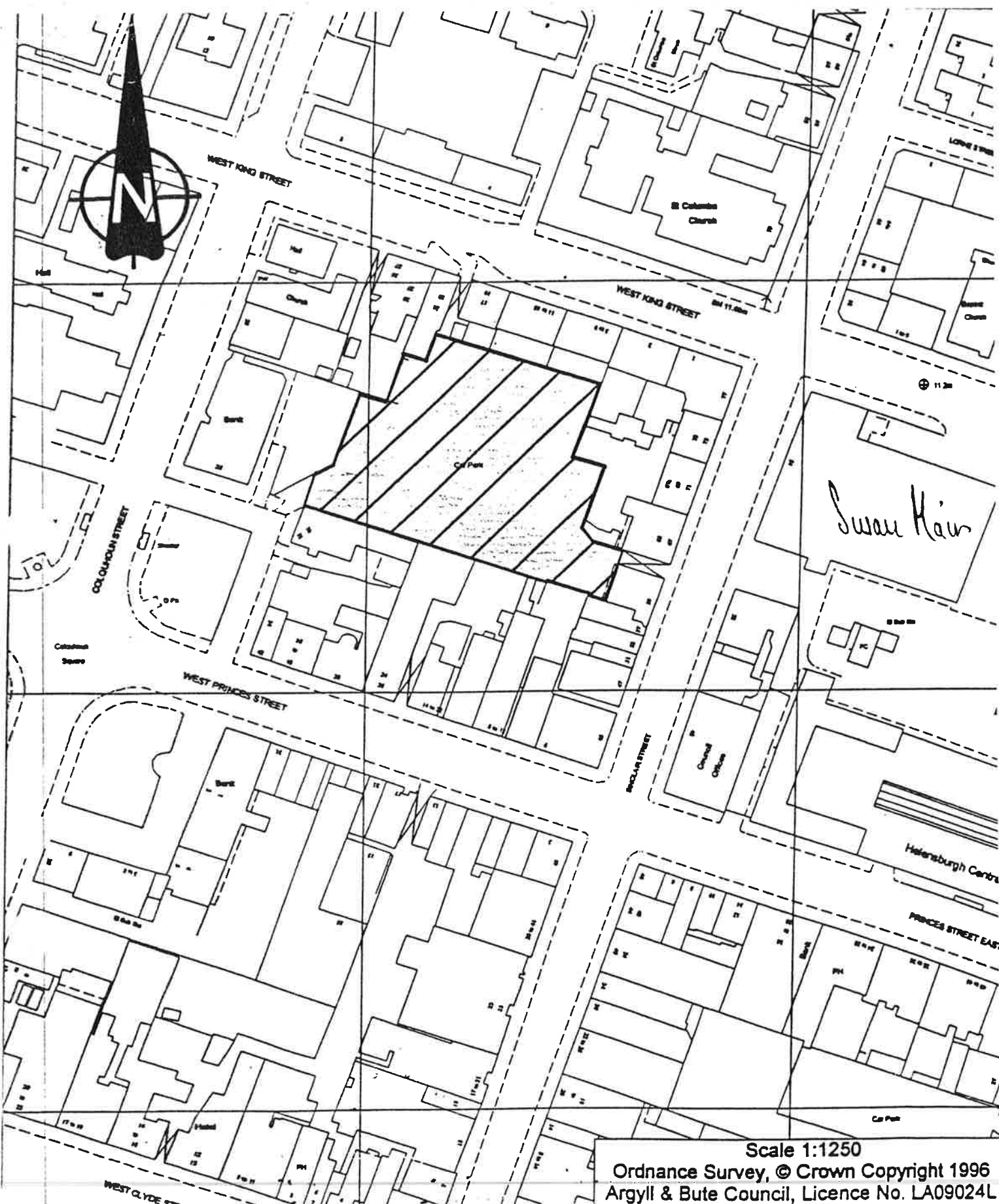
TITLE. Off Street Parking Places and Charges (Helensburgh) Order 1999. Maitland Street Car Park Map No 2.

ARGYLL & BUTE COUNCIL
 TRANSPORTATION & PROPERTY
 Director: Alistair Gow

SCALE 1:2500 DATE July 1999

DESIGN OFFICE: HEAD OF TRANSPORTATION SERVICES
 MANSE BRAE, LOCHGILPHEAD PA31 8RD

FILE REF. 58.40(HL)
 DRAWING No. TM378/9



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TITLE. Off Street Parking Places and Charges (Helensburgh) Order 1999. Sinclair Street Car Park Map No 3.

ARGYLL & BUTE COUNCIL
 TRANSPORTATION & PROPERTY

Director: Alistair Gow

SCALE. 1:2500 DATE. July 1999

DESIGN OFFICE. HEAD OF TRANSPORTATION SERVICES
 MANSE BRAE, LOCHGILPHEAD PA31 8RD

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 DRAWING No. TM378/10

