

THE STIRLING COUNCIL
(OFF-STREET PARKING PLACES)
(DECRIMINALISED PARKING ENFORCEMENT AND CONSOLIDATION)
ORDER 2017

The Stirling Council (hereinafter called "the Council") in exercise of its powers under Sections 32, 35(1) and (3), 3(A), 35A, 35B and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended ("the 1984 Act") and of the Road Traffic Act 1991 ("the 1991 Act"); and of all other enabling powers, after consultation with the Chief Constable of the Police Service of Scotland in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

PART 1

GENERAL

Commencement and Citation

1. This Order shall come into operation on the Third day of May Two Thousand and Seventeen and may be cited as The Stirling Council (Off-Street Parking Places) (Decriminalised Parking Enforcement and Consolidation) Order 2017.

Revocation of Previous Orders

2. All existing Orders made by The Stirling Council (or its statutory predecessors) and all of their amendments and any other Orders and Regulations of whatever nature, but only insofar as relating to off-street parking places, made before the coming into operation of this Order are hereby revoked.

Interpretation

1. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:
"alternative approved method of payment" means cashless payments, park and phone, payment by debit or credit card facilitated by on site or remote verification by, for example, card reader or mobile phone text or phone call or decrementing card organised through the Council;

“bank holiday” has the same meaning as described in the ‘Banking and Financial Dealings Act 1971 (C.80). The first Monday of May shall be treated as if it were a bank holiday for the purposes of this Order;

“bus” means a vehicle constructed or adapted to carry more than eight passengers (exclusive of driver);

“car club” means a community car club or similar organisation (including any person or organisation acting on behalf of such club or organisation) approved in writing by the Council for the purposes of this Order;

“car club vehicle” means a vehicle of the type approved by the Council and provided by a car club or by the Council for the use of persons who have paid any relevant membership or other car club fee and by means of a real-time or advance booking system may have use of the vehicle for a specified period and which displays the relevant identification issued and/or approved by the Council.

“caravan” means:-

- i. a vehicle equipped for living in, usually towed by a motor vehicle or horse; or
- ii. a covered cart or caravan;

“charging hours” means on all charging days the periods as specified at each parking place and in Schedules 1 and 2 to this Order as varied from time to time;

“Chief Constable” means the Chief Constable of The Police Service of Scotland;

“coach” has the same meaning as a bus;

“Council” means The Stirling Council or its successor authority and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

“disabled person” means the disabled driver of or a disabled passenger in a vehicle, being such a disabled person as is described in Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 in respect of whom any Council have issued a disabled person’s badge and a valid badge is conspicuously displayed:-

- i. in the case of a vehicle fitted with a dashboard or fascia panel, so that Part 1 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, in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle.

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

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge issued, or having effect as if issued under any regulations for the time being in force under Section 21 of the Chronically Sick and Disabled Persons Act 1970;

"dispensation certificate" means a certificate issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to wait in specified circumstances.

"driver" means the person driving the vehicle at the time it was left in the parking place.

"electric vehicle" means a plug-in electric vehicle or a plug-in Hybrid vehicle;

"electric vehicle charging bay" means a parking bay which has been marked and signed for the exclusive use of an electric vehicle whilst that vehicle is being charged by means of an electric vehicle charging point;

"electric vehicle charging point" means a purpose built unit designed specifically for charging electric vehicles;

"emergency service vehicles" means a vehicle being used by the Police, Fire and Rescue Services or Ambulance Services;

"excursion or tour carriage" has the same meaning as in Section 137 of the Transport Act 1985;

"expiry date" means the date after which a parking permit is no longer valid;

"expiry time" is the time indicated on the Pay and Display ticket and is the time by which the vehicle must leave the parking place;

"goods" include postal packets of any description; and **"delivering"** and **"collecting"** in relation to any goods include checking the goods for the purpose of their delivery or collection;

“heavy goods vehicle” means a goods vehicle exceeding 7.5 tonnes maximum gross weight;

“key” means the key attached to the Plans to be read in conjunction with the Plans;

“keeper” means:

- (i) the owner of a qualifying vehicle;
- (ii) a qualifying resident identified and authorised by a registered business as being the sole or main user of a qualifying vehicle owned or leased by that business; or
- (iii) a qualifying resident identified and authorised by the owner of a qualifying vehicle as being the sole or main user of that vehicle, provided that both the owner of the qualifying vehicle and the qualifying resident are resident at the same address;

“light goods vehicle” means a goods vehicle not exceeding 7.5 tonnes total laden weight;

“loading/unloading” refers to when a vehicle is parked wholly in a parking place or parking bay marked for that purpose on site, for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjacent to the parking place or parking bay and the vehicle does not park for more than thirty minutes or such longer period as a duly authorised officer of the Council may authorise;

“motor cycle” has the same meaning as that in Section 136 of the 1984 Act;

“motor cycle parking bay” means a part of a parking place authorised for use as a parking bay for bicycles propelled by mechanical power and not having a sidecar attached thereto;

“motorhome” a motorised vehicle classed as a motorhome, by the Driver and Vehicle Licensing Agency, which can only be parked in bays provided for their use.

“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 parked in the parking place in question;

“park” and “parked” refer to the stopping of a vehicle and it remaining at rest for some time, whether or not the driver is still in the vehicle, and a vehicle shall be deemed to be parked for any period in the same parking place or parking bay (as the case may be) if any part of it is below the vehicle or the vehicle’s load (if any) whether or not the vehicle is moved during that period;

“parking bay” means an area of a parking place, which is provided for the leaving of a vehicle of a class specified and indicated by markings on the surface of the parking place or signed or otherwise indicated by signs in the parking place;

“parking permit” means a permit issued by the Council bearing:-

- (a) the registration number of the vehicle to which it relates
- (b) the expiry time and/or date as applicable
- (c) the zone number, where applicable
- (d) in the case of a parking permit for parking places specified in Schedule 1 of this Order an indication of the parking bay allocation in which the vehicle bearing the permit is authorised to park;

“parking place” means the areas of land respectively shown edged in thick blue lines on the plans annexed hereto and as specified in the Schedules provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of parking of vehicles and not closed (in part or in whole) by a notice erected thereon by authority of the Council.

“passenger vehicle” means a vehicle (other than a motor-cycle) constructed or adapted solely for the carriage of not more than eight passengers (exclusive of the driver) and their effects and not drawing a trailer or caravan.

“pay and display ticket machine” means an apparatus of a type approved by the Secretary of State for issuing a ticket indicating the payment of a charge, the date on which the ticket is valid and the time by which the vehicle is required to leave the parking place;

“pay and display ticket” means a ticket issued by a pay and display ticket machine located in the parking place in which the vehicle has been parked or issued by a person nominated by the Council on payment of a charge and valid for a parking period as advertised at that parking place and specified in the Schedules 1 and 2 to this Order as amended from time to time and must be displayed on the vehicle in a relevant position;

“penalty charge” means a penalty charge which is payable by virtue of paragraph 3(1) and (2) of Schedule 3 to the 1991 Act; or any subsequent legislation so enabling;

“penalty charge notice” means a notice issued or served by a person authorised by the Council pursuant to the provisions of Section 43 and Section 66 of the 1991 Act;

“permit” means any permit being a resident, car club or any other permit issued by the Council under the provisions of this Order;

“permit holder” means a person to whom a permit has been issued under the provisions of this Order;

“plans” means the plans in Schedule 4 to this Order and which identify with thick black edging the parking places affected by this Order.

“plug-in electric vehicle” means a vehicle which utilises rechargeable batteries, or another energy storage device that can be restored to full charge by connecting a plug to an external electric power source;

“plug-in hybrid electric vehicle” means an electric drive vehicle using one or more electric motors for propulsion which may also contain a combustion engine either for exclusive use of supplying energy to recharge the power source and/or supplying motive power;

“prescribed hours” means the hours specified in the Schedule to this Order;

“public holidays” means the days as designated from time to time by the Council, including Christmas Day, Boxing Day, New Year’s Day (or the Monday following when Christmas Day, Boxing Day or New Year’s Day fall on a Sunday), the second day of January (or the Tuesday following when new Year’s Day falls on a Sunday), Good Friday, Easter Monday and May Day;

“relevant charge” means the parking charge imposed by the Council for parking in a parking place on any one day and for a specified period of time as is identified in the scale of charges specified in Schedule 2 to this Order or in a variation notice and as advertised at the parking place;

“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 of the badge (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; or

“season ticket” means a ticket issued by the Council bearing:-

- (i) the valid from date and expiry date as applicable;
- (ii) the area, where applicable; and
- (iii) the zone number, where applicable.

“season ticket holder” means a person to whom a season ticket has been issued under the provisions of Articles 36 to 38;

“traffic sign” means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under the Traffic Signs Regulations and General Directions made under the Road Traffic Regulation Act 1984;

“trailer” means any apparatus drawn by a vehicle and for the purposes of this Order shall include a boat;

“vehicle” includes any motor car, motor cycle or other mechanically propelled automobile.

“wait, waiting” for the purpose of this Order a vehicle shall be deemed to wait or stop:-

- (i) if any point of that parking place is below the vehicle or its load and the vehicle is stationary; or

- (ii) for more than a specified period in the same place if any point in that parking place is below the vehicle or its load throughout a period exceeding the specified period whether or not that vehicle is moved during that period.
- 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. Any reference in this Order to a Schedule is a reference to a Schedule to 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 as it applies for the Interpretation of an Act of Parliament.

PART 2

DESIGNATION AND USE OF PARKING PLACES

Designation

- 6. Each area of land or building as shown on the plans to this Order and named in the Schedules to this Order may be used, subject to the provisions of this Order, as a place to park vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are advertised at each parking place and as are specified in Schedules 1 and 2 to this Order (as varied from time to time).

Class and Position of Vehicle

7. Where by notice at a parking place, and in terms of this Order a parking place, or any parking bay within the parking place, is described as available for vehicles of a specified class or vehicles to be parked in a specified location, no person shall cause or permit a vehicle to be parked 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;
 - (iii) in a position other than that specified; or
 - (iv) for a purpose other than provided for in this Order.

Classes of Vehicle

8. No person shall cause or permit a vehicle to be parked in a parking bay unless it is a passenger vehicle, a light goods vehicle, a vehicle displaying a valid disabled person's badge in a relevant position, a motor cycle or a class specifically prescribed in the Schedules 1, 2 or 3 or as advertised at a parking place.

Position of Vehicle

9. If parking bays are marked out in a parking place the driver of a vehicle shall ensure that it is not parked beyond the parking bay markings and shall not permit it to wait in that parking place unless it is so positioned.
10. If parking bays are not marked out in a parking place the driver of a vehicle shall ensure that it is positioned so that it does not obstruct other vehicles using the parking place, the free flow of traffic circulating within the parking place and the entrances to and exits from the parking place.

Disabled Person's Parking Bays

11. No person shall cause or permit a vehicle to be parked 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 Bays

12. No person shall cause or permit a vehicle to park in a parking bay marked for season ticket / permit holders unless the vehicle is displaying a season ticket / permit valid for that time and that parking bay.

Electric Vehicle Charging Bays

13. No person shall cause or permit a vehicle to be parked in an area marked as a electric vehicle parking bay unless the vehicle is an electric vehicle.

Car Club Parking Bays

14. No person shall cause or permit a vehicle to be parked in an area marked as a car club parking bay unless the vehicle is a car club vehicle.

Motorhome Parking Bays

15. No person shall cause or permit a vehicle to be parked in an area marked as a motorhome parking bay unless the vehicle is a motorhome.

Motor Cycle Parking Bays

16. No person shall cause or permit a vehicle to park in a parking bay marked for motor cycles unless the vehicle is a motor cycle.

Bus Parking Bays

17. No person shall cause or permit any vehicle to park in a parking bay marked for buses unless that vehicle is a bus, coach, excursion or tour carriage.

Hours of Operation and Maximum Period of Stay

18. Where in Schedules 1, 2 or 3 and as advertised at the parking place a parking place or any parking bay within the parking place is described as being in operation on specified days, during specified hours or for a maximum period of stay, no person shall cause or permit a vehicle to be parked in that parking place or in any parking bay within the parking place on any day, during such hours or for any period other or for longer than those specified.

Period of No Return

19. Where in Schedules 1, 2 and 3 and by notice at a parking place, a parking place is described as having a period within which a vehicle may not return, no person shall cause or permit a vehicle to be parked again in that parking place on any day, during such hours within which the vehicle is excluded from waiting in the parking place.

Power to Close or Suspend Parking Places

20. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed or erected in a parking place:
 - (i) from closing a parking place or any part thereof for any period; and/or
 - (ii) 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.
21. Any person closing or suspending the use of a parking place or any part thereof 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 that parking place or that part thereof is closed or the use is suspended and that parking by vehicles is prohibited.
22. No person shall cause or permit a vehicle to be parked in a parking place or any part thereof during such periods that the parking place or that part thereof is closed or the use is suspended or during such period as there is in or adjacent thereto a notice or traffic sign indicating the closure or suspension placed by or on behalf of the Council.

Sale of Goods

23. No person shall in a parking place without the express written permission of the Council, use a vehicle, in connection with the sale of any article, including the vehicle itself, to any person in or near the parking place or in connection with the selling or offering for hire of skill or services in any other capacity.

Parked with Engine Running

24. No person shall in a parking place continue to run the engine when the vehicle is in the parking bay 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

25. No person shall in a parking place park the vehicle in such a manner or place where it causes an obstruction to any other users of the parking place.

PART 3

CHARGES FOR PARKING

Payment

26. No person shall cause or permit any vehicle to be parked in a parking place without arranging for the relevant charge (if any) to be paid in accordance with the scale of charges as specified in Schedule 2 or a variation notice and as advertised at the parking place. Schedule 2 to this Order describes the charges relevant at the making of this order.

Means of Payment

27. The relevant charge referred to in the preceding Article shall be payable in the manner as specified in the following Article and as advertised at that parking place.

Pay and Display Parking Places

28. The person in charge of a vehicle, upon parking the vehicle in a parking bay, shall immediately arrange for the purchase of a pay and display ticket from a pay and display ticket machine situated at that parking place at the level of charge and for the period required in accordance with the scale of relevant charges as advertised at that parking place.

Display of Ticket

29. Once a vehicle has been parked within a pay and display parking place the person in charge of the vehicle shall ensure that:
- (i) a valid pay and display ticket has been obtained to cover the entire period that the vehicle is parked in the parking place, and

- (ii) the valid pay and display ticket is displayed in the relevant position on the vehicle in respect of which it was issued at all times the vehicle is parked.

Validity of Pay and Display Tickets

- 30. A pay and display ticket is not transferable from one vehicle to another and on transfer the pay and display ticket ceases to be valid.
- 31. 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 pay and display ticket machine located in that parking place printed on the pay and display ticket. In all cases pay and display tickets shall only be valid for the period for which payment was made

Expiry of Parking Period

- 32. The expiry of the period for which the daily charge has been paid shall be where a pay and display ticket has been purchased, when the date and time shown on the issuing pay and display ticket machine is later than the expiry date and expiry time shown on the pay and display ticket.

No Pay and Display Ticket Displayed

- 33. If at any time while a vehicle is parked in a parking place, no pay and display ticket is displayed on that vehicle in the relevant position and in accordance with the provisions of this Order, it shall be deemed that the charge has not been paid.
- 34. If at the time when a vehicle is parked during the charging hours in a parking place and the nearest pay and display ticket machine in that parking place is out of order, then a ticket shall be obtained from another pay and display ticket machine within the same parking place (where provided) or as directed in the parking place.
- 35. Where no valid pay and display ticket can be obtained from a pay and display ticket machine within a parking place, vehicles may be parked in a parking place but may not be parked for longer than the maximum period of parking in that parking place as specified in Schedules 1, 2 or 3 and at the parking place.

Season Tickets/Parking Permits

36. Season tickets/parking permits are available from the Council at the appropriate fee, for a vehicle of a specific class and for a specific parking place subject to conditions determined by the Council.
37. A season ticket / parking permit is only valid in the parking place(s) in respect of which it was issued, for the vehicle in respect of which it was issued and up to the date of expiry shown on the season ticket / parking permit.
38. The driver shall abide by the terms stipulated by the Council for the use of the season ticket / parking permit.

Display of Season Ticket/Parking Permit

39. A parking permit shall be displayed in the relevant position on the vehicle in respect of which it was issued at all times during which the vehicle is parked in the parking place.

Restriction on Removal

40. When a pay and display ticket or season ticket / parking permit has been exhibited on a vehicle in the relevant position no person shall remove the pay and display ticket or season ticket / parking permit from the vehicle until the vehicle is removed from the parking place.

PART 4

EXEMPTIONS

Exemption from Relevant Charge

41. No daily charge shall be payable in respect of;
 - i. a motor cycle;
 - ii. a vehicle parked displaying in a relevant position a season ticket/parking permit valid for that parking place;
 - iii. an electric vehicle parked in an electric charging bay while charging their vehicle for a maximum period of time as displayed at the parking place;
 - iv. a car club vehicle parked in a car club parking bay; or
 - v. a vehicle parked displaying in a relevant position a disabled badge.

Absence of Pay and Display Ticket Machine

42. If at the time when a vehicle is parked in a parking place during the charging hours there is no pay and display ticket machine operational at the parking place, or all the pay and display 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 5

RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES

Emergencies

43. A person authorised by the Council or a police officer 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 parked in a parking place.

Contraventions in Suspended Parking Places

44. A person authorised by the Council may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any vehicle parked in a parking place which has been closed or suspended in whole or in part by the Council and the cost of movement or removal and safe keeping shall be the liability of the owner of the vehicle.

Safe Keeping

45. Any person removing a vehicle from a parking place under the provisions of this Order shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

Disposal of Vehicles Abandoned in Parking Places

46. The Council may sell or otherwise dispose 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.

PART 6

CONTRAVENTION AND PENALTY CHARGE

Contravention

47. If a vehicle is parked 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 served/and or the vehicle may be removed from its location. A penalty charge shall be payable in respect of any contravention on each calendar day. All enforcement action shall be in terms of legislation and subsequent amendments.

Restriction on Removal of Notices

48. Any notice including a penalty charge notice fixed to a vehicle in accordance with this Order shall not be removed or interfered with except by or under the authority of:
- (i) the Owner, or person in charge of, the vehicle;
 - (ii) the Council for the parking place in which the vehicle in question was found.

Manner of Payment of Penalty Charge

49. The penalty charge shall be paid in accordance with the instructions contained on the penalty charge notice.

Indications as Evidence

50. The particulars given in any notice served on a vehicle in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay the penalty charge.

Other Provisions

51. No person shall, without the prior written permission of the Council, use a vehicle, while it is in the parking place, in connection with the sale or distribution of any article to persons in or near the parking place or in connection with the selling or offering for hire of his or her skill or service or in connection with the sale or hire of the vehicle itself or in connection with the dissemination of information or for party political purposes provided that nothing in this Article shall apply to motoring organisations, military organisations, charitable organisations and others providing a public information service or community service of a non-commercial nature specifically authorised in that regard by the Council. In particular no person shall sell a vehicle in the said parking place or use the said parking place in connection with vehicle sales or hires. No person shall distribute leaflets or pamphlets or post bills within the parking place.
52. No person shall load or unload a vehicle while the vehicle is in the parking place except for such operations as are necessary for the delivery to and/or collection from adjacent premises for goods, refuse, etc.
53. No person shall transfer loads or put loads from one vehicle to another within the parking place.
54. The driver of a vehicle shall not permit it to park in a parking place for longer than the maximum stay permitted for parking specified in Schedules hereto in relation to that parking place.
55. No person shall leave an unlicensed un-roadworthy or broken down vehicle in a parking place.
56. No person shall leave a trailer in a parking place.
57. No person shall leave a caravan or other vehicle adapted for sleeping in the parking place.
58. No person shall store or deposit any goods or materials of any description in any part of the parking place. The Council will be entitled to remove from the parking place any vehicles contravening any of the provisions of this Order and any goods or material stored or deposited in the parking place and to store such vehicles or goods or materials until the owner or person in charge thereof shall have paid the costs of such removal and storage.

59. No person shall, while a vehicle is in the parking place, permit the carrying out of any work of maintenance or repair thereto except such repair as may be necessary to enable the vehicle to be moved from the parking place.
60. No persons shall engage in any activity which creates a disturbance or causes a nuisance in a parking place.
61. No person shall without with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than 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.

PART 7

LIABILITY AND OTHER PROVISIONS

Liability

62. 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 save for that arising from the negligence of the Council.

Validity

63. If a court, Transport Scotland or the Parking and Bus Lane Tribunal Service for Scotland, declares any part of this Order to be invalid or un-enforceable, such declaration shall not invalidate the remainder of the Order

Tax and Insurance

64. Any person who causes or permits any vehicle to wait in a parking place without the vehicle being licensed in pursuance of the provisions of the Vehicles Excise and Registration Act 1994 and without a current policy of insurance in relation to the use of the vehicle by the driver such as complies with the requirements of Part VI of the Road Traffic Act 1972 shall be liable to prosecution.

Driving within a Parking Place

65. Where in a parking place signs are erected or surface markings are laid for the purpose of: -
- (i) indicating the entrance to or exit from the parking place, or
 - (ii) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,
- any person who drives or permits to be driven any vehicle
- (i) so that it enters the parking place otherwise than by an entrance or leaves the parking place otherwise than by an exit, so indicated; or
 - (ii) in a direction other than so specified,
- shall be liable to prosecution.
66. Any person who, without with the permission of a person authorised by the Council in that behalf, drives or permits to be driven any vehicle in a parking place for any purpose other than 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 shall be liable to prosecution.

Wilful Damage

67. Any person who with intent to defraud interferes with a pay and display 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, shall be liable to prosecution.
68. No person shall cause damage to any Council equipment, signing or lighting installations or other installations within the parking place or to any part of the fabric of the parking place and any person so doing shall be liable to prosecution.

Domestic Purposes

69. Any person who uses any part of the parking place or any vehicle parked in a parking place;
- (i) for sleeping or camping or cooking; or

- (ii) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable the vehicle to depart from the parking place,

shall be liable to prosecution.

- 70. Nothing in Article 69 will prevent the driver of a heavy goods vehicle, bus or coach being permitted to use such parking places as authorised by the Council for sleeping between the hours of 5.30 pm and 7.45 am from and including Monday to Saturday and at any time on Sundays.

Behaviour

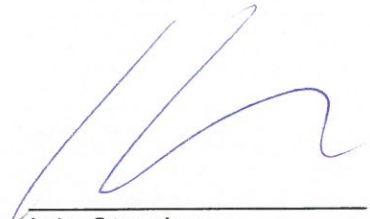
- 71. Any person who wilfully sounds any horn or any other similar instrument on a vehicle except when about to change the position of the vehicle in or to depart from the parking place shall be liable to prosecution.
- 72. Any person who in a parking place shouts or otherwise makes any loud noise to the disturbance or annoyance of users of the parking place or residents or premises in the neighbourhood shall be liable to prosecution.
- 73. Any person who in a parking place uses 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 shall be liable to prosecution.

Other Activities

- 74. Any person who in a parking place
 - (i) erects or causes or permits to be erected any skip, tent, booth, stand, building or other structure without the written consent of the Council;
 - (ii) lights or causes to be lit any fire;
 - (iii) engages in vending or trading of goods or services; or
 - (iv) conducts activities that do not relate directly to the parking of a vehicle in the regulated car park under the terms of use of the said car park, shall be liable to prosecution.

DATED THIS NINTH DAY OF MARCH TWO THOUSAND AND SEVENTEEN

**EXECUTED as a Deed by affixing the COMMON SEAL
of The Stirling Council
in the presence of**



Iain Strachan
Proper Officer

**Stirling Council Offices
Viewforth
Stirling**

STATEMENT OF REASONS

The Stirling Council (Off-Street Parking Places) (Decriminalised Parking Enforcement and Consolidation) Order 2017

The Council has made an application to the Scottish Government under the Road Traffic Act 1991 for the Stirling Area to be designated as “a permitted parking area and a special parking area”. The designation and the proposed Order will enable the Council and its authorised Officers to enforce off-street parking within the Stirling Area. Car Park Attendants will issue Penalty Charge Notices in respect of contravention.


This above Order will achieve continuity and equal standards of enforcement across the Stirling Area, improving traffic management and car park regulations.

The Order will:-

- Introduce civil enforcement under the 1991 Act for the Stirling Area for off-street parking.
- Enable all existing off-street restrictions in place in the Local Authority area of Stirling (“Stirling Area”) to be made into a new Map-based Traffic Regulation Order.
- Remove some car parks which are no longer owned or maintained by the Council.

DATED THIS NINTH DAY OF MARCH TWO THOUSAND AND SEVENTEEN

**EXECUTED as a Deed by affixing the COMMON SEAL
of The Stirling Council
in the presence of**



Iain Strachan
Proper Officer

**Stirling Council Offices
Viewforth
Stirling**

THE STIRLING COUNCIL
(OFF-STREET PARKING PLACES)
(DECriminalISED PARKING ENFORCEMENT AND CONSOLIDATION)

ORDER 2017

SCHEDULE 1 – PAYMENT PARKING PLACES

Plan Ref. No of Parking Place	Location of Parking Place	Name of Parking Place	Special classes of vehicle (if any) which can be parked in the Parking Place	Car Parking Charging Hours (Days and hours when charges will be made)	Days and hours of operation of controls and maximum stay in the Parking Place
CP011	Baker Street	Dalgliesh Court	-	Monday to Saturday 8.45 am to 5.30 pm	Monday to Saturday 8.45 am to 5.30 pm 2 hours
CP014	Forthside Way	Forthside	-	Monday to Saturday 8.45 am to 5.30 pm	Monday to Saturday 8.45 am to 5.30 pm No max stay
CP021	Burghmuir Road	Linden Avenue	-	Monday to Saturday 8.45 am to 5.30 pm	Monday to Saturday 8.45 am to 5.30 pm No max stay
CP033	Riverside	The Meadows		Monday to Sunday 8.45 am to 5.30 pm	Monday to Sunday 8.45 am to 5.30 pm No max stay
CP036	Springfield Terrace (lower level)	Springfield Terrace	-	Monday to Friday 8.45 am to 5.30 pm	Monday to Friday 8.45 am to 5.30 pm No max stay

SCHEDULE 1 (Cont'd) – PAYMENT PARKING PLACES

CP039	Station Road	Station Road	HGVs - Buses	Monday to Sunday 8.45 am to 5.30 pm	Monday to Sunday 8.45 am to 5.30 pm No max stay
CP043	Wellgreen	Wellgreen	-	Monday to Saturday 8.45 am to 5.30 pm	Monday to Saturday 8.45 am to 5.30 pm 4 hours max

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THE STIRLING COUNCIL (OFF-STREET PARKING PLACES)
(DECriminalISED PARKING ENFORCEMENT AND CONSOLIDATION)

ORDER 2017

SCHEDULE 2 – OFF STREET CAR PARKS TABLE OF TARIFFS

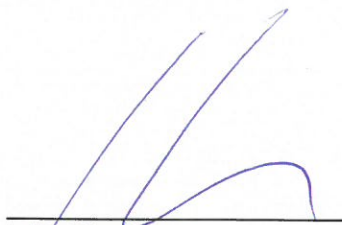
Plan Ref. No of Parking Place	Name and Location of Parking Place	Charging Hours	Scale of Charges
CP011	Dalgliesh Court Car Park Baker Street Stirling	Monday to Saturday 8.45 am to 5.30 pm	Up to 30 mins £0.80 Up to 1 hour £1.50 Up to 2 hours £2.00
CP014	Forthside Car Park Forthside Way Stirling	Monday to Saturday 8.45 am to 5.30 pm	All day £1.40 Weekly £5.00
CP021	Linden Avenue Car Park Burghmuir Road Stirling	Monday to Saturday 8.45 am to 5.30 pm	All day £1.40 Weekly £5.00
CP033	Riverside Car Park Riverside Callander	Monday to Sunday 8.45 am to 5.30 pm	Up to 2 hours £1.90 Up to 4 hours £2.40 All day £2.90
CP036	Springfield Terrace (lower level) Car Park Springfield Terrace Dunblane	Monday to Friday 8.45 am to 5.30 pm	Up to 2 hours £0.60 Up to 4 hours £1.10 All day £2.40 Multiple days £2.40 / day
CP039	Station Road Car Park Station Road Callander	Monday to Sunday 8.45 am to 5.30 pm	Up to 2 hours £1.90 Up to 4 hours £2.40 All day £2.90

SCHEDULE 2 (Cont'd) – OFF STREET CAR PARKS TABLE OF TARIFFS

CP043	Wellgreen Car Park Wellgreen Stirling	Monday to Saturday 8.45 am to 5.30 pm	Up to 1 hour £1.50 Up to 2 hours £1.80 Up to 4 hours £2.60
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(OFF-STREET PARKING PLACES)
(DECriminalISED PARKING ENFORCEMENT AND CONSOLIDATION)

ORDER 2017

SCHEDULE 3 – NON PAYMENT PARKING PLACES

Plan Ref. No of Parking Place	Location of Parking Place	Name of Parking Place	Special classes of vehicle (if any) which can be parked in the Parking Place	Days and hours of operation of parking place	Days and hours of operation of controls and maximum stay in the Parking Place
CP001	Bridge of Allan	Allanvale Road – North	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP002	Bridge of Allan	Allanvale Road - South	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP003	Lochearnhead	Auchraw Terrace	HGVs Buses	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP004	Killlearn	Balfron Road	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP005	Balmaha	Balmaha	HGVs Buses	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay

SCHEDULE 3 (Cont'd) – NON PAYMENT PARKING PLACES

CP006	Balfron	Buchanan Street	HGVs Buses (only between 5.30pm – 7.45am Monday to Saturday inclusive and at any time on Sunday)	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP007	Doone	Castlehill	HGVs Buses (only between 5.30pm – 7.45am Monday to Saturday inclusive and at any time on Sunday)	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP008	Stirling	Castleview Park and Ride	-	Monday to Saturday inclusive	Monday to Saturday inclusive No Max Stay
CP009	Stirling	Central Library	-	Monday to Friday 8.45am – 5.30pm	Monday to Friday 8.45am – 5.30pm No Max stay
CP010	Crianlarich	Crianlarich	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP012	Stirling	Endrick / Allanwater House	-	Monday to Friday 8.45am – 5.30pm	Monday to Friday 8.45am – 5.30pm No Max Stay

SCHEDULE 3 (Cont'd) – NON PAYMENT PARKING PLACES

CP015	Bridge of Allan	Fountain Road	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP016	Callander	Glenartney Road	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP017	Dunblane	Haining	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP018	Stirling	Holy Trinity Church	-	Monday to Friday 8.45am – 5.30pm	Monday to Friday 8.45am – 5.30pm No Max Stay
CP020	Inversnaid	Inversnaid	HGVs Buses	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP022	Stirling	Livilands Lane	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP023	Bannockburn	Main Street	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP024	Buchlyvie	Main Street	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP025	Killearn	Main Street	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay

SCHEDULE 3 (Cont'd) – NON PAYMENT PARKING PLACES

CP026	Killin	McLaren Hall	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP027	Dunblane	Millrow	HGVs Buses	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP028	Killin	Monemore	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP029	Stirling	Municipal Buildings	-	Monday to Friday 8.45am – 5.30pm	Monday to Friday 8.45am – 5.30pm No Max Stay
CP030	Callander	North Ancaster Square	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP031	A809 nr Carbeth	Queen's View	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP032	Aberfoyle	Riverside	HGVs Buses	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP034	Stirling	Sports Village	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP035	Dunblane	Springfield Terrace (Upper Level)	-	Monday to Friday inclusive	Monday to Friday inclusive 2 hours max stay

SCHEDULE 3 (Cont'd) – NON PAYMENT PARKING PLACES

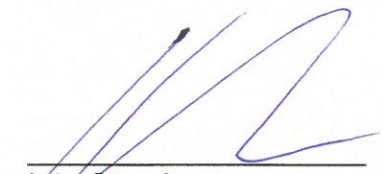
CP037	Stirling	Springkerse Park and Ride	-	Monday to Saturday inclusive	Monday to Saturday inclusive No Max Stay
CP038	Killin	Station Road	HGVs Buses	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP040	Drymen	Stirling Road	HGVs Buses HGVs fitted with sleeper cabs (only between 5.30pm – 7.45am Monday to Saturday inclusive and at any time on Sunday)	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
CP041	Stirling	Teith House	-	Monday to Friday 8.45 am – 5.30pm	Monday to Friday 8.45am – 5.30pm No Max Stay
CP042	Stirling	Viewforth	-	Monday to Friday 8.45am – 5.30pm	Monday to Friday 8.45am – 5.30pm No Max Stay

SCHEDULE 3 (Cont'd) – NON PAYMENT PARKING PLACES

CP044	Drymen	Winnock Hotel / Balmaha Road	-	Monday to Sunday inclusive	Monday to Sunday inclusive No Max Stay
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Proper Officer

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Viewforth
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THE STIRLING COUNCIL
(OFF-STREET PARKING PLACES)
(DECriminalISED PARKING ENFORCEMENT AND CONSOLIDATION)
ORDER 2017
SCHEDULE 4 – PLANS OF CAR PARKS (Parking Places)

DATED THIS NINTH DAY OF MARCH TWO THOUSAND AND SEVENTEEN

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