**THE NORFOLK COUNTY COUNCIL (CRINGLEFORD, VARIOUS ROADS)**

**(ON STREET CHARGES AND PARKING PLACES) ORDER 2022** .

The Norfolk County Council (hereinafter referred to as “the Council”) in exercise of their powers under Sections 1(1), 2(1), 2(2) and 4(1) and (2), 32(1) and 35(1), 45 and 46 and 122 and Parts III and IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act”) and the Traffic Management Act 2004 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 may be cited as the Norfolk County Council (Cringleford, Various Roads) (On Street Charges and Parking Places) Order 2022 and shall come into effect on the day of 2022.

**PART 1 – GENERA**L

2. In this Order –

Any reference to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment. Where the context otherwise requires the following expressions have the meaning hereby respectively assigned to them.

“Agent” means any period in which there is in force an Agreement under the Local Government Act 2000 between Norfolk County Council and Great Yarmouth Borough Council, The Borough Council of King’s Lynn and West Norfolk and South Norfolk District Council to administer functions conferred by that Agreement on the Council’s behalf, failing which it shall mean Norfolk County Council;

“Charging Hours” means the periods specified in Column 5 of the Schedule to this Order in respect of which a charge is made as specified in Article 3;

“Civil Enforcement Officer” has the same meaning as in section 76 of the 2004 Act;

"Civil Enforcement Officer" has the same meaning as in section 76 of the Traffic Management Act 2004;

"Council" means The Norfolk County Council, their Permit Agent or their Enforcement Agent as defined in this Order;

"Disabled Person's Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2013;

"Disabled Person's Vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“Driver” in relation to a vehicle waiting in contravention of an Order, means the person driving the vehicle at the time it was left at that contravention;

“Enforcement Agent” means Norfolk County Council or their appointed person to administer such functions on their behalf pursuant to an Agreement under The Local Government Act 2000;

“Enforcement Authority” means the Council;

“General Directions” shall mean The Traffic Signs Regulations and General Directions 2016;”

“The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022”;

“Motor Car”, Motor Cycle” and Invalid Carriage” have the same meaning as in section 136 of the 1984 Act;

“Parking Charge” means the sum of money specified in Column 6 of Schedule 1 to this Order;

"Parking Disc" means a disc, issued by a local authority, complying with the requirements of the British Standard Specification for Parking Discs (BS No. 6571: 1997), but coloured blue and capable of showing the quarter hours period during which a period of waiting begins; and

for the purpose of this Order a vehicle shall be regarded as displaying

(a) a disabled person's badge in the relevant position, when

(i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen, and

(ii) in the case of a vehicle not fitted with a front windscreen the badge is exhibited in a conspicuous position on the front or near side of the vehicle, and

(b) in the case of a vehicle not fitted with a front windscreen the badge or disc is exhibited in a conspicuous position on the side of the vehicle.

"Parking Place" means the length of road specified in Column 1 of the Schedule to this Order indicated by markings on the surface as an area where a vehicle in accordance with the provisions of this Order may be stationed;

“Penalty Charge” has the same meaning as in section 2 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Penalty Charge Notice” has the same meaning as in section 8 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

“The regulations” in Article 4(5) of this Order means The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000” and The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 and any statutory modifications or re-enactments thereof;

“Rider” in relation to a cycle or a Motor Cycle, means the person riding the cycle at the time it was left in a Parking Place;

“Virtual parking ticket” means the period of time purchased by the driver by use of online or mobile phone technology to permit a vehicle registered on an electronic database approved by the Council or its Permit Agent for enforcement of parking, including for periods for which no charge is made.

**PART 2**

**DESIGNATION, CHARGES AND PENALTY CHARGES**

3. The lengths of carriageway specified in column 1 of the Schedule to this Order are authorised to be used, subject to the following provisions of this Order, by such classes of vehicles, in such positions and on such days, during such operational hours as are specified in relation to that section of road in column 1 of the said Schedule and where required, at such scale of charges as are specified in relation to that section of road in column 7 of the said Schedule.

1. The driver of a vehicle using a Parking Place within the lengths of road in the Schedule to this Order, on leaving the vehicle stationed wholly in a parking place, pay the appropriate Parking Charge in accordance with the scale of charges specified in column 7 of the Schedule to this Order and clearly shown on the Notice at the Parking Place.
2. The Parking Charge shall be payable by the purchase of a Virtual Parking Ticket by use of online or mobile phone technology. The driver must ensure the vehicle is registered on an electronic database approved by the Council or its Permit Agent for enforcement of parking, including for periods for which no charge is made.
3. To pay the Parking Charge the driver, having ensured the vehicle is registered in accordance with Article 5 above, must purchase a period of time for parking for that registered vehicle by online or mobile phone technology as prominently displayed on the Notice at the Parking Place. Confirmation the vehicle by registration is eligible to wait, together with payment and period of eligibility must be available to a Civil Enforcement Officer via display on a hand-held enforcement facility or by reasonable enquiry. The driver of the vehicle paying a Parking Charge as specified in this Article should retain any electronic documentation as evidence of payment.
4. Any Virtual Parking Ticket issued on payment of the Parking Charge referred to in Article 5 of this Order is not transferable and shall not be valid for any vehicle (whether or not that other vehicle is owned or is under the control of the driver) other than that for which it was originally purchased.

8. The driver or rider of a vehicle shall not:-

1. cause or permit a vehicle to be left: in a Parking Place in any position other than wholly within a Parking Place; nor

(ii) cause or permit a vehicle to be left in such as position as to prevent the driving away of any vehicle already standing in a Parking Bay or in such a position as to cause an obstruction to other vehicles;

(iii) cause or permit a vehicle to be left in a Parking Bay so unreasonably as to prevent access to any premises adjoining the road, or the use of the road by other persons;

(iv) when for preventing obstruction of the streets, or danger or for any other lawful purpose, the Council by Order has closed that Pay and Display Parking Place or Parking Place and exhibited notice of such closure on or near that Pay and Display Parking Place or Parking Place.

9. Nothing in this Order shall restrict the power of the Council, for preventing obstruction of the streets, by Order, on the occasion of any public procession, rejoicing or illumination or where the streets are thronged or liable to be obstructed, to close any Pay and Display Parking Place or Parking Place and exhibit such Notices to that effect. Failure to observe such notices shall be a contravention of this Order.

**Disabled Person’s Parking**

10. Nothing in this Order shall prohibit a person to cause or permit a Disabled Person’s Vehicle which displays in the relevant position a Disabled Person’s Badge and Parking Disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in the lengths of road or on the side of road referred to in that Article for a period not exceeding the time specified in the current regulations.

11. The driver of a vehicle displaying a Disabled Person’s Badge (subject to compliance with all other provisions of this Order) may park that vehicle in a designated Disabled Parking Place provided that:

(a) the driver of the vehicle is a disabled person to whom the badge was issued in respect of that vehicle; or

(b) the vehicle is being used for the carriage of a disabled person to whom the badge was issued; or

(c) the vehicle is one being used for the carriage of disabled persons by an institution to whom the badge was issued in respect of that vehicle; and

(d) the time during which the vehicle will be parked in the said parking bay is indicated on the parking disc provided by local authority for that purpose.

**Penalty Charge and Penalty Charge Notice**

12. Where a vehicle is left waiting in a Parking Place in contravention of this Order a Penalty Charge shall become payable. A Penalty Charge Notice to that effect will be attached to the vehicle or handed to the driver by a Civil Enforcement Officer, in accordance with Article 15 of this Order.

13. A Penalty Charge shall be payable to the Enforcement Authority.

14. In the event of payment of the Penalty Charge being received by the Enforcement Authority within 14 days of the day in which it was incurred the amount of Penalty Charge will be discounted in accordance with Regulation 5 of the General Regulations 2007.

15. A Penalty Charge Notice referred to in Article 17 and issued by a Civil Enforcement Officer shall include the following particulars:

(a) the Enforcement Authority,

(b) the Parking Place at which the contravention occurred,

(c) the registration mark or when the vehicle is being used under a trade licence, the registration mark of that trade licence,

(d) the date and time at which the Penalty Charge was seen to be payable,

(e) the grounds on which the Civil Enforcement Officer serving the Penalty Charge Notice believes that a Penalty Charge is payable,

(f) the amount of the Penalty Charge,

(g) the manner in which and time within which the Penalty Charge shall be paid,

(h) a statement that a reduced charge may be payable if payment is made within fourteen days of the Penalty Charge Notice being incurred,

(i) a statement to the effect that if the Penalty Charge is not paid before the end of the period of 28 days a Notice to Owner may be served by the Enforcement Authority on the owner of the vehicle.

16. Where a driver has left a vehicle in a Pay and Display Parking Place or a Parking Place in contravention of this Order and a Penalty Charge Notice could not be issued as specified in Article 17 of this Order a Penalty Charge Notice may be issued by post by the Enforcement Authority in accordance with section 10 of the General Regulations 2007.

17. Any Penalty Charge Notice issued in accordance with Article 21(1) of this Order shall, in addition to the particulars specified in Article 20(a), (b), (c), (e) and (f) of this Order, include the particulars specified in paragraph 2 of the Schedule to the General Regulations 2007.

18. The driver of a vehicle in respect of which a Penalty Charge Notice has been incurred shall pay the Penalty Charge or provide proof of payment of the Penalty Charge to the Enforcement Authority as detailed on the reverse of the notice within 28 days of the date on which the Penalty Charge Notice is served. If payment is received within a period of 14 days beginning with the date on which the Penalty Charge Notice is served the amount of the penalty Charge shall be reduced by 50% (provided that if the fourteenth day falls upon a day on which the Enforcement Authority’s offices are closed the period within which payment of the said charge is due shall be extended to 1.00 p.m. on the next full day on which the office is open).

19. Where the driver of a vehicle fails to pay the Penalty Charge as specified in Article 23 of this Order the Enforcement Authority may follow the procedures set out in the General Regulations 2007 to recover the Penalty Charge.

20. The driver of a vehicle who desires to make representation to or appeal against a Penalty Charge Notice issued to him may make representation or appeal to the Enforcement Authority pursuant to the procedures set out in the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

21. Where a Penalty Charge Notice has been attached to a vehicle as a result of the provisions of Article 17 no person, not being the driver of the vehicle or a person duly authorised by the Council, shall remove that Notice from the vehicle unless authorised to do so by the driver.

**PART 3**

**USE OF PARKING PLACES**

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

23. Except with the authority of the Council or person authorised on behalf of the Council, no person shall use a vehicle, whilst it is in a Parking Place, in connection with the sale of any article to persons in or near that parking place or in connection with the selling or offering for hire of his skill or services.

24. Except with the authority of the Council or person authorised on behalf of the Council, no person shall distribute, affix or cause to be affixed any advertising material to any vehicle left in a Parking Place.

25. Subject to the proviso hereto, when a vehicle is left in a Parking Place in contravention of any of the provisions of Articles 3,4, 5 and 6 of this Order, or it is necessary to meet the requirements of an emergency, a person authorised on behalf of the Council or a Civil Enforcement Officer may remove the vehicle or arrange for it to be removed from that parking place, or may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions or meet the requirements of the emergency.

26. Any person removing or altering the position of a vehicle by virtue of Article 25 of this Order may do so by towing or driving the vehicle or in such other manner as that person may think necessary and may take such measures in relation to the vehicle as that person may think necessary to enable that person to remove or alter its position.

27. When a person authorised by the Council or a Civil Enforcement Officer removes or makes arrangements for the removal of a vehicle from a Pay and Display Parking Place or a Parking Place by virtue of Articles 31 and 32 of this Order, that person shall make such arrangements as may be reasonably necessary for the safe custody of that vehicle.

28. Where a vehicle has been removed in accordance with Articles 25, 26 and 27 of this Order the charges as specified in section 3 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 shall become payable.

29. The driver of a motor vehicle using the parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from a Parking Place.

30. No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a Parking Place other than for the purpose of leaving that vehicle in that parking place in accordance with the provisions of this Order or for the purpose of departing from that parking place.

31. No person shall, in a Parking Place, wantonly shout or otherwise make a loud noise to the disturbance or annoyance of users of that parking place or residents of premises in the neighbourhood.

32. No person shall, in a Parking Place, use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.

33. No person shall, except with the authority of the Council use a Parking Place or any vehicle left in a parking place:

(a) for sleeping or camping purposes,

(b) for eating or cooking purposes,

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

1. for skateboarding, roller skating or wheeled activities which may be hazardous to other traffic,
2. for the instruction of pupils whilst undertaking driving lessons;

(f) to play or take part in any game.

34. In a Parking Place no person shall:

(a) erect or cause or permit to be erected any tent, booth, stand, building or other structure except with the authority of the Council or person authorised on behalf of the Council; or

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

35. No person shall proceed to enter a Parking Place whilst towing any vehicle except;

(a) where the towed vehicle is required in order that a vehicle may be removed in accordance with Articles 25, 26 and 27 of this Order;

(b) where the towed vehicle is carrying equipment required by the driver for ground maintenance at that parking place;

(c) where the towed vehicle is required for remedial works at or to that parking place by statutory utilities staff; or

(d) where permission has been granted by the Council.

36. In the Parking Place no person shall leave stationed or cause or permit to be stationed a vehicle which has a maximum gross vehicle weight exceeding 2 tonnes except upon the direction or with the permission of the Council or a Civil Enforcement Officer.

37. The following Orders will become revoked on the date of commencement of this Order as follows:-

The Norfolk County Council (Cringleford, Colney Lane) (Street Parking Places) Order 2011; and

The Norfolk County Council (Cringleford, Colney Lane) (Street Parking Places) Amendment Order 2018.

38. Insofar as any provision of this Order conflicts with any provision of any previous Order relating to the lengths of road specified in the Schedules to this Order, that provision of this Order shall prevail.

**SCHEDULE**

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Parts of Road authorised to be used as street parking places | Position in which vehicles may wait | Classes of Vehicles | Days of operation of parking place | Hours of operation of parking place | Maximum period for which vehicles may wait | Parking Charges |
| **C183 Colney Lane**  **East Side**  From a point 39 metres south of its junction with the C645 Roundhouse way southwards for 83 metres (30 parking places).  From a point 398 metres south of its junction with C645 Round House Way southwards for 19 metres.  From a point 427 metres south of its junction with C645 Round House Way southwards for 28 metres.  From a point 464 metres south of its junction with C645 Round House Way southwards for 12 metres.  From a point 883 metres south of its junction with C645 Round House Way southwards for 20 metres.  From a point 915 metres south of its junction with C645 Round House Way southwards for 24 metres. | Wholly within the markings placed on the carriageway | All | Monday to Friday | 0800 hrs to 1800 hrs | Waiting limited to 4 hours no return within 2 hours | First 2 hours free (a driver still needs to register this stay) then;  £4.00 for up to 3 hours  £6.00 for up to 4 hours |

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| --- | --- | --- | --- | --- | --- | --- |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Parts of Road authorised to be used as street parking places | Position in which vehicles may wait | Classes of Vehicles | Days of operation of parking place | Hours of operation of parking place | Maximum period for which vehicles may wait | Parking Charges |
| From a point 947 metres south of its junction with C645 Round House Way southwards for 33 metres.  From a point 991 metres south of its junction with C645 Round House Way southwards for 24 metres.  From a point 1128 metres south of its junction with C645 Round House Way southwards for 32 metres. | Wholly within the markings placed on the carriageway | All | Monday to Friday | 0800 hrs to 1800 hrs | Waiting limited to 4 hours no return within 2 hours | First 2 hours free (a driver still needs to register this stay) then;  £4.00 for up to 3 hours  £6.00 for up to 4 hours |
| **C183 Colney Lane**  **West Side** |  |  |  |  |  |  |
| From a point 510 metres south of its junction with C645 Round House Way southwards for 16 metres. |  |  |  |  |  |
| From a point 617 metres south of its junction with C645 Round House Way southwards for 10 metres. |  |  |  |  |  |

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| --- | --- | --- | --- | --- | --- | --- |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Parts of Road authorised to be used as street parking places | Position in which vehicles may wait | Classes of Vehicles | Days of operation of parking place | Hours of operation of parking place | Maximum period for which vehicles may wait | Parking Charges |
| From a point 633 metres south of its junction with C645 Round House Way southwards for 26 metres. | Wholly within the markings placed on the carriageway | All | Monday to Friday | 0800 hrs to 1800 hrs | Waiting limited to 4 hours no return within 2 hours | First 2 hours free (a driver still needs to register this stay) then;  £4.00 for up to 3 hours  £6.00 for up to 4 hours |
|  |
| From a point 707 metres south of its junction with C645 Round House Way southwards for 33 metres. |
| From a point 774 metres south of its junction with C645 Round House Way southwards for 25 metres. |
| **C178 Intwood Road**  **East Side**  From a point 404 metres south of its junction with the C821 Newmarket Road for 17 metres in a southerly direction | Wholly within the markings placed on the carriageway | All | Monday to Friday | 0800 hrs to 1800 hrs | Waiting limited to 2 hours no return within 2 hours | Not applicable |
| From a point 431 metres south of its junction with C821 Newmarket Road for 5 metres in a southerly direction |  |  |  |  |  |  |

Dated this day of 2022

Chief Legal Officer

*HKS/70554PJA063SPP)22*