

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Highways Operations
Date:	10 March 2022
Title:	On-Street Chargeable Parking – High Street, Lymington
Report From:	Director of Economy, Transport and Environment

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Purpose of this Report

1. The purpose of this report is to detail the objections received to the public advertisement of a Traffic Regulation Order (TRO) associated with the implementation of on-street chargeable parking, commonly referred to as Pay and Display parking, in the High Street in Lymington and seek approval to make and implement the TRO.

Recommendation

2. That the Executive Member for Highways Operations approves a Traffic Order to be made under the Road Traffic Regulation Act 1984 (RTRA), the effect of which will be to introduce on-street chargeable parking in the High Street, Lymington as shown on plan TM/LYM/01 in Appendix B.

Executive Summary

3. This paper seeks approval to make and implement the proposed Traffic Regulation Order (TRO) for the introduction of on-street chargeable parking on the High Street, Lymington, and consider objections presented by the Local County Member and members of the public to the proposal.

Contextual information

4. The county wide on-street parking service has operated at a net deficit, whereby service expenditure has exceeded income, for many years. The changes to modernise the service, including the proposals for Lymington, will help enable the function to operate on a full cost recovery basis, without continuing to draw on vital highway maintenance funding. The introduction of on-street chargeable parking in targeted locations where parking demand is high, is a key element in being able to achieve this aim.
5. In making this recommendation, due consideration has been given to RTRA section 122(1) and 122(2) and any other relevant legislation. In this case, it is

considered that the Traffic Order is expeditious for the provision of suitable and adequate parking facilities on road.

6. The proposal outlined in paragraph 2 (above) to exercise the functions of the Local Authority under RTRA section 122(1) and 122(2) is made on the basis of what is reasonably practicable after due regard has been given to:
 - the desirability of securing and maintaining reasonable access to premises including retail and hospitality premises
7. To help address concerns raised by local people, particularly business owners, the proposals for the High Street include a free 20-minute parking period that will be in addition to the statutory 10 minute 'grace period'. This free period of parking will facilitate short shopping trips without need for payment. The proposed restrictions also seek to extend the current one-hour maximum stay on the High Street up to two hours to provide increased flexibility.
8. The proposed restrictions will only apply Monday to Friday from 9am through to 6pm to align with the current limited waiting hours of operation. Cars will continue to be prohibited from parking in the High Street on Saturdays due to the Lymington Charter Market. There will be no parking charges on Sundays or during Bank Holidays.
9. The proposed hourly charges will align with the nearby off-street car parks, as operated by New Forest District Council, currently charged at £1 per hour.
10. Enforcement of the current free one-hour restriction is very resource intensive, meaning that many drivers are currently often able to overstay the maximum time period without being issued with a Penalty Charge Notice.
11. Four separate parking occupancy surveys, undertaken both before and during the Covid-19 pandemic, identified that between 160 and 170 people parked in the High Street and ignored the one-hour maximum permitted stay each day. The proposed changes will help overcome these current overstay issues.
12. The parking surveys also showed that around 70% of people parking in the high street do so for short stays of up to 30 minutes meaning that the vast majority of visitors using parking in the High Street will be unaffected by the proposed parking charges.
13. Attached are:
 - (i) the traffic order – Appendix A
 - (ii) a location plan – Appendix B
14. It has come to light that some minor typographical inaccuracies were contained within the draft order attached to the notice of proposal. These have been corrected in the order that is attached below. The amendments are not substantial and do not impact on the effect of the order.

Finance

15. Proposed parking charges will be £1 per hour up to a maximum stay of 2 hours from Monday to Friday from 9am through to 6pm.
16. The cost of implementation of the scheme will be met from the Traffic Management budget.

17. Financial performance of countywide on-street parking will be included within annual performance reporting.

Consultation and Equalities

18. The proposed amendment of parking controls has not raised objection from the Police.
19. The public advertisement of the proposals was carried out from 28 January to 18 February, and 33 representations were received. All objections have been considered with full details of the concerns raised together with officer responses included in the exempt appendix.
20. The key points of objection, together with officer responses are as detailed below:
The introduction of chargeable parking will harm the businesses in the Town.
21. It is considered that the introduction of modest parking charges for on-street parking, coupled with a free parking period of 20 minutes, will not deter people from parking in the High Street where demand for spaces is consistently high.
22. Past national surveys have identified that the majority of people are less likely to visit a location if there is uncertainty over the availability of convenient nearby parking rather than being deterred by reasonable parking charges. The introduction of chargeable parking is known to increase the turnover of parking spaces and it is also far easier to enforce those who overstay, unlike the current parking controls which are often abused.
Charging for parking will deter short shopping trips (e.g. people won't pay for parking to purchase a take away coffee)
23. The proposals include a 20-minute free parking period that will be aimed at allowing short duration shopping visits whilst providing increased flexibility by giving people the ability to pay for additional parking of up to 2 hours if needed. A 10-minute grace period is also allowed for which effectively provides a 30-minute maximum free period giving a safety margin for those who return to their vehicles slightly later than planned.
The use of parking meters is inappropriate due to the conservation area status and the potential impact on the Charter Market.
24. Parking meters are widely used across the UK to help manage on-street parking controls. The latest generation of parking meters, as are being proposed for Lymington and other areas of Hampshire, are compact and relatively unobtrusive, have a small footprint and will be solar powered.
25. The meters will be coloured black to tie in with other street furniture. They will accept coins, card and contactless payments and this will be supplemented with a user-friendly pay by phone system providing a range of easy payment choices. Relatively few parking meters will be required and the County Council will liaise with the Town Council over suitable locations to ensure machines do not cause obstruction or impact on the Charter Market.

The New Forest District Council Parking Clocks should be able to be used on the High Street.

26. The parking clocks are issued and operated by New Forest District Council for off-street car parks and therefore will not be valid for use for on-street parking, which is the responsibility of the County Council as the Highway Authority.

The proposed parking controls will have a detrimental impact on nearby roads.

27. Roads located close to the High Street are already subject to parking controls to deter displaced parking. Residential roads located further away from the High Street are very unlikely to be affected by changes to the short-stay parking within the High Street. High Street parking is very popular due to the convenience of the location in relation to the shops and hospitality establishments.

The current parking system works well and does not need to be changed.

28. The planned changes to parking in the High Street form part of the County Council's proposals to modernise the on-street parking service with the aim of reducing the scale of subsidy provided from general highway maintenance resources to support parking regulation and enforcement. The County Council incurs a range of expenditure to operate the on-street parking service including the cost of enforcement together with the maintenance of parking related signs, posts, and carriageway lining.
29. The County Council cannot continue to operate the on-street parking service at a loss, as has been the case for many years, as this draws much needed funds away from other vital services. The changes being proposed for Lymington, together with many other locations across Hampshire, will result in a modern, consistent, and efficient service that will increase parking turnover and the likelihood of being able to find a convenient place to park, whilst operating the service on a full cost recovery basis.
30. Parking occupancy surveys undertaken both before and during the pandemic, have shown that between 160 and 170 vehicles were observed to overstay the current one-hour restriction, slowing parking turnover and reducing the chance of other people being able to find a space. On-street chargeable parking will be easier to enforce and will increase the turnover of parking spaces.

The proposals will limit the size of parking spaces to marked bays of a standard size.

31. This is not the case as the current marked areas for parking will remain and will not be changed to individual parking bays.

Parking spaces will be occupied for longer as a result of being able to stay for up to 2 hours.

32. Parking Occupancy surveys have shown that the vast majority (70%) of people using the High Street spaces do so for short stops of up to 30 minutes and this is likely to continue. The proposed changes will increase the flexibility of High Street parking by allowing people to either park for up to 30 minutes free, to stay longer for one hour for £1, or two hours for £2.

33. The proposed TRO has been assessed as having a neutral impact on groups with protected characteristics. The position of the meters will align with existing street furniture (bins, lamp columns, existing posts). Given the small footprint of the meters, the minimum widths for footways will not be affected. In addition to paying at the fixed machines, users can also pay via mobile app or phone RingGo to pay for parking sessions, removing the need to walk additional distances to the meters. Meters will be placed at frequent intervals close to parking bays.

Local Member's View

34. The local County Member for Lymington and Boldre, Councillor Dunning, has been extensively consulted as part of proposal and objects to the principle of on-street chargeable parking in Lymington.

Climate Change Impact Assessments

35. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

36. The tools employed by the County Council to assess impacts on climate change adaptation and mitigation were utilised and found not to be applicable on the grounds the decision is seeking to amend a legal traffic order.

37. The introduction of on-street chargeable parking in the High Street, Lymington will require the introduction of a small number of parking machines which will be solar powered.

Conclusions

38. The traffic order will support the County Council in its objective to modernise the parking service as it cannot continue to operate the on-street parking service at a loss, as has been the case for many years, as this draws much needed funds away from other vital services. The changes being proposed for Lymington, together with many other locations across Hampshire, will result in a modern, consistent, and efficient service that will increase parking turnover and the likelihood of being able to find a convenient place to park, whilst operating the service on a full cost recovery basis.

39. The concerns raised during the consultation in particular to the impact on business and vehicle turnover have been considered. Parking Occupancy surveys have shown that the vast majority (70%) of people using the High Street spaces do so for short stops of up to 30 minutes and this is likely to continue. The proposals

include a 20-minute free parking period that will maintain this parking pattern, given a 10-minute grace period is also allowed for, which effectively provides a 30-minute maximum free period. Therefore, it is recommended that the traffic order is implemented as advertised.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> On-Street Chargeable Parking-2021-06-17-EMETE Decision Day (hants.gov.uk)	<u>Date</u> 17 th June 2021
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The proposed TRO has been assessed as having a neutral impact on groups with protected characteristics. The position of the meters will align with existing street furniture (bins, lamp columns, existing posts). Given the small footprint of the meters, the minimum widths for footways will not be affected. In addition to paying at the fixed machines, users can also pay via mobile app or phone RingGo to pay for parking sessions, removing the need to walk additional distances to the meters. Meters will be placed at frequent intervals close to parking bays.

Appendix A

HAMPSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE HAMPSHIRE (HIGH STREET, LYMINGTON) (ON-STREET PAY-AND-DISPLAY PARKING PLACES) ORDER 2022

Hampshire County Council in exercise of its powers and duties under Sections 1, 2, 4, 32, 33, 35(1), 45, 46, 46A, 47, 49, 51, 53, 122(1) and 122(2) of the Act, as amended by the Traffic Management Act 2004 (“the 2004 Act”) and the Road Traffic Regulation (Parking) Act 1986, Part IV of Schedule 9 to 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 makes the following order:

PART I – GENERAL

1. In this order, and the preamble and schedule hereto :
 - “the Act” means the Road Traffic Regulation Act 1984;
 - “the Council” means Hampshire County Council;
 - “charge” means the sum due and payable for the use of the parking places, such sum to be in accordance with Schedule II;
 - “charge certificate” means a penalty levied to persons who have not paid a penalty charge within the statutory time limit, as defined by Regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and prescribed by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amending legislation;
 - “charging hours” means any period specified in Schedule II in respect of which a charge is specified in Article 16;
 - “charge order” means the current order made by the Secretary of State in exercise of the power conferred by paragraph 8 of Schedule 9 to the 2004 Act;
 - “civil enforcement officer” means any person authorised by or on behalf of the Council to supervise any parking place designated by the order and includes any other officers of the Council employed to control and manage any such parking place;
 - “disabled person’s badge” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - “motor vehicle” and “motor cycle” have the same meaning as in Section 136 of the Act;
 - “driver” in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;
 - “goods vehicle” means a motor vehicle or trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description;
 - “hours of operation” means the hours specified in column 4 of the schedule I to this order on those days when parking places are available;
 - “notice to owner” has the same meaning as in Regulation 19 of the Civil Enforcement of Parking (England) General Regulations 2007
 - “owner” has the same meaning as in the 2004 Act;

<i>“paid early”</i>	<i>refers to the penalty charge when it is paid not later than 0900 hours on the 15th day following the day on which the penalty charge was incurred;</i>
<i>“parking bay”</i>	<i>means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;</i>
<i>“parking disc”</i>	<i>means a disc, issued by a Local Authority, 125 millimetres square, coloured blue and capable of showing the quarter hour period during which a period of waiting begins;</i>
<i>“parking place”</i>	<i>means any area of land specified by name in column 1 of Schedule 1 to this order provided by the Council under Section 45 of the Act for use as a parking place;</i>
<i>“parking ticket”</i>	<i>means a ticket issued by an apparatus or device of a type and design approved by the Secretary of State as set out in Article 17 following insertion of an appropriate coin or coins, debit or credit card or pre-payment card into the apparatus or device;</i>
<i>“penalty charge”</i>	<i>has the same meaning as in the Civil Enforcement of Parking (England) General Regulations 2007;</i>
<i>“penalty charge band”</i>	<i>means the band of penalty charges published by the Council in accordance with Part 3 of Schedule 9 of the 2004 Act;</i>
<i>“penalty charge notice”</i>	<i>has the same meaning as in the Civil Enforcement of Parking (England) General Regulations 2007</i>
<i>“recharging”</i>	<i>means the connection to the electric charging point for the electric vehicle parking place;</i>
<i>“registered driver”</i>	<i>means the driver of a vehicle who has, prior to leaving his or her vehicle in a parking place, registered so many of his or her personal details with a service provider as that service provider may require to enable the telephone or electronic payment system to be activated in favour of the said driver;</i>
<i>“road”</i>	<i>means any length of highway or any other length of road to which the public has access, and includes bridges over which a road passes;</i>
<i>“service provider”</i>	<i>means the company authorised and appointed by the Council to operate, administer and maintain the payment of parking charges using the telephone or electronic payment system;</i>
<i>“taxi”</i>	<i>has the same meaning as in the Traffic Signs Regulations and General Directions 2016;</i>
<i>“telephone or electronic payment”</i>	<i>means a payment made using the telephone or electronic payment system;</i>
<i>“telephone or electronic payment system”</i>	<i>means an electronic system, using a telephone connection or electronic application set up and maintained by the service provider whereby:</i> <i>(a) the driver of a vehicle, or some other person authorised by that driver on their behalf, uses a telephone or electronic device to communicate with the service provider and make payment of the parking charge in respect of a specified vehicle and parking place in which the vehicle is left and for a specified parking period by use of a credit or debit card; and</i> <i>(b) the service provider, on behalf of the Council, accepts payment of the parking charge by the method referred to in paragraph (a) of this definition and records such payment together with the parking period for which payment has been made, the parking place in which the vehicle is left and the</i>

“vehicle” registration mark of the vehicle in respect of which payment has been made; and means a motor vehicle or motor cycle or electric vehicle as defined in the Act and in this order;

2. Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 has effect for the purpose of defining the expression “relevant position” in this order.

3. In the event of any dispute as to the meaning of any heading or legend used in any part of this order, any schedule to this order or any plan attached to this order, the substantive wording in the order or schedule shall prevail over the heading or legend. The prohibitions and restrictions imposed by this order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

PART II – AUTHORISATION AND USE OF PARKING PLACES

1. 4. (i) The lengths of road specified in column 1 of Schedule I to this order may be used subject to the following provisions of this order as parking places for such classes of vehicles, on such days, during such hours and for such maximum periods as are specified in the said schedule in relation to that part of the road.

(ii) Nothing in this order shall restrict the power of the Council, by a notice displayed at a parking place:

(a) from closing the parking place or any part thereof for any period whilst any works are being executed therein or whilst the parking place or part thereof is required for use for some special purpose or for any other reason;

(b) from setting aside for use only by specially authorised vehicles part or parts of a parking place on all days or on certain days during certain parts of certain days.

5. Where in Article 4 of, or Schedule I to this order a parking place is described as available for waiting on all days or on certain days by specified classes of vehicle, the driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it to wait in that parking place on any day:

(a) unless it is a vehicle of one of the specified classes of vehicles appropriate to that parking place and that day;

(b) otherwise than within a parking bay marked out on the parking place.

6. Insofar as a vehicle is left in a parking place (or part thereof) during the charging hours, the driver thereof shall pay such charge or charges or display such permits as are specified in the provisions of this order.

7. A driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it to wait in a parking place (or part thereof):

(a) at any time when the parking place or that part (as the case may be) has been closed under Article 4 (ii) (a) of this order; or

(b) at a time when that part has been set aside for use by a specially authorised vehicle or vehicles in accordance with Article 4 (ii) (b) of this order unless the vehicle is so authorised; or

(c) If it is of a class other than that specified in relation to that parking place (or part of that parking place) in Schedule I; or

- (d) during charging hours for longer than the initial period for which payment has been made; or*
- (e) for a period longer than the specified for that particular parking place in Column 5 of Schedule I to this order; or*
- (f) otherwise than in the position specified in Column 1 of Schedule I to this order; or*
- (g) where the vehicle in question is not of one of the classes authorised to use the parking place and is so left without the consent of the Council.*

8. (1) The driver of a vehicle shall upon depositing the vehicle in a parking place immediately pay the appropriate charge applicable to the class of vehicle, and period of parking ascertained by reference to Schedule I to this order.

(2) The charge referred to in paragraph (1) of this Article shall be payable in accordance Article 17

(3) The particulars as to the time at which a ticket was obtained from parking apparatus or by telephone or electronic payment system specified on the ticket issued by such apparatus or by telephone or electronic payment system shall be evidence of the particulars so specified.

(4) No person shall exhibit on any vehicle, any parking ticket, or disabled person's badge upon which the figures or particulars have become illegible or altered in any way by anyone other than a person duly authorised by the Council.

(5) Where any parking apparatus is defective or is not installed in a car park the charge referred to in paragraph (1) of this Article may be collected by a civil enforcement officer.

(6) A vehicle left by the driver thereof who has been issued with a permit by the Council for the purpose of leaving the vehicle in a parking place for such time as that vehicle is parked in consequence of the driver's duty or business on behalf of the Council shall be exempted from payment of the charges specified in Schedule II hereto.

(7) A ticket issued on payment of the charge referred to in Article 8 (1) hereof shall be valid only at the parking place at which it was issued.

9. (a) The driver of a vehicle in a parking place shall comply with all directions, signs, road surface markings, traffic control devices or other reasonable instructions given by a civil enforcement officer.

(b) The driver of a vehicle using a parking place shall not drive the vehicle:

(i) recklessly or at a speed or in a manner which is dangerous to other users of that parking place, or without due care and attention or without consideration for other users of that parking place;

(ii) other than for the purpose of leaving that vehicle in a parking place in accordance with the provisions of this order or the purpose of departing from the parking place.

10. No person shall use a caravanette whilst it is in a parking place as a dwelling place or for any domestic or sanitary purpose.

11. No person shall except with permission in writing from the Council use or permit a vehicle to be used in a parking place in connection with the sale of any articles to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.

12. *Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in this order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place; provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 5(b) of this order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.*

13. *Any person removing a vehicle or altering its position by virtue of the last preceding article of this order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position, as the case may be.*

14. *When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 13 of this order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.*

Part III – Amount of Charge at Parking Places

15. *Amount of charge at parking places:*

(a) *this Article applies to the parking places specified in Column 1 of Schedule I to this order;*

(b) *the charge for a vehicle left in a parking place during the charging hours shall be that specified in Schedule II to this order or as subsequently specified from time to time in public notices made by the Council pursuant to the Act.*

16. *The charge referred to in Article 15 above shall be payable either:*

(a) *by the insertion of an appropriate coin or coins, debit or credit card or pre-payment card into the apparatus or device provided, being an apparatus or device approved in accordance with Section 35 of the Act, and the provisions of Section 47 of the Act shall apply in respect of such apparatus; or*

(b) *by means of a telephone or electronic payment by a registered driver, in those parking places where a notice or notices are displayed stating that such a facility is available; and in either case in accordance with the conditions and instructions displayed in the parking place.*

17. *Where any parking apparatus is defective, it shall be the responsibility of the driver of a vehicle to obtain a parking ticket of the appropriate denomination or kind from an alternative parking apparatus.*

18. *Any parking ticket issued on payment of the charge referred to in Article 16 shall be displayed at all times, within the vehicle's front windscreen or on the dashboard so as to be visible from outside the vehicle in respect of which it was issued facing forwards and in such a position that it can easily be seen and read from the front of the vehicle to confirm it is valid for that specified vehicle registration and that specific location as specified on the ticket.*

Part IV – Exemptions

19. *The following persons shall be exempted from the payment of the charges specified in Schedule II to this order:*

(a) *the driver of a vehicle which displays, in the relevant position, for the entire period that the vehicle remains in a parking place (other than a designated disabled persons' parking place), a valid disabled persons' badge and parking disc issued in respect of the driver of, or passenger in the said vehicle, and parks the said vehicle in any parking bay in any parking place PROVIDED that the vehicle remains within the parking place for a period not exceeding three hours.*

(b) *the driver of a vehicle who has been issued with a permit by the Council for the purpose of leaving a vehicle in a parking place for such time as that vehicle is parked in consequence of the driver's duty or business on behalf of the Council;*

(c) *the driver of a vehicle left in a parking bay within any parking place during the prescribed hours at a time when there is no ticket machine at that parking place or all the 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.*

(a) PART V – PENALTY CHARGE NOTICES AND
(b) PAYMENT OF PENALTY CHARGE

20. (1) *If a vehicle has been left in contravention of or failure to comply with the provisions of this order a penalty charge shall become payable provided that if the penalty charge is paid early before the end of the period of 14 days beginning with the date of the penalty charge notice, the amount of the penalty charge will be reduced by 50%.*

(2) *In the case of a vehicle in respect of which a penalty charge has been incurred a civil enforcement officer may fix a penalty charge notice to the vehicle or give such a notice to the person appearing to him or her to be in charge of the vehicle. A penalty charge notice must state:*

- (a) *the name of the enforcement authority;*
- (b) *the registration mark of the vehicle or where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;*
- (c) *the time at which they first observed that the initial period for which payment was made had expired, or the other reason for the penalty charge having been incurred in the particular case;*
- (d) *the grounds on which the civil enforcement officer believes that a penalty charge is payable with respect to the vehicle;*
- (e) *the amount of the penalty charge which is payable;*
- (f) *that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;*
- (g) *that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion;*
- (h) *that, if the penalty charge is not paid before the end of the 28 day period, a notice to owner may be served by the Council on the person appearing to them to be the owner of the vehicle;*

(i) the address to which payment of the penalty charge must be sent.

(3) The penalty charge should be paid to the Council either by cheque (drawn upon a bank or building society acceptable to the Council), postal order, cash, credit or debit card or by such other means as the Council may deem acceptable, which shall be delivered or sent by post (or by telephone in the case of credit or debit card) so as to reach the offices of the Council, its authorised agent or other address specified in the penalty charge notice no later than 4.00pm on the 28th day following the day on which the penalty charge was incurred provided that if the said twenty eighth day falls upon a day upon which the said offices are closed the period within which payment of the said charge shall be made to the Council shall be extended until 4.00pm on the next full day on which the said offices are open.

(4) For the purpose of paragraph (1) of this Article the amount of the penalty charge shall be as specified in the charge order for the parking contravention at the level corresponding to the penalty charge band.

(5) The Council may issue a charge certificate where a vehicle owner has:

- (i) ignored a notice to owner;
- (ii) made an unsuccessful appeal to the traffic penalty tribunal, but still not paid the outstanding penalty charge;
- (iii) made an unsuccessful formal challenge to the Council, and has made no further appeal against that decision to the traffic penalty tribunal.

A charge certificate will increase a penalty charge by 50% and must be paid in full within 14 days of service, otherwise the Council may recover the increased penalty charge amount as if it were a County Court order.

21. The holder of any ticket, disabled person's badge or other purported authority to park shall produce such document on demand for inspection by a civil enforcement officer or any other person duly authorised by the Council.

PART VI- TAXIS

22. Nothing in this order shall:

- (a) render it unlawful to cause or permit any vehicle to wait on any side of road if that vehicle is a taxi waiting at an authorised taxi rank;
- (b) be deemed to authorise or permit any vehicle which is not a taxi to wait at an authorised taxi rank;

during any period that the rank is so authorised.

PART VII REVOCATIONS AND COMMENCEMENT

23. Each of the orders specified in column 1 of Schedule III to this Order are hereby revoked to the extent specified in column 2 of that Schedule.

24. This order shall come into force on _____ 2022 and may be cited as "The Hampshire (High Street, Lymington) (On-Street Pay-and-Display Parking Places) Order 2022".

GIVEN this

day of

2022

THE COMMON SEAL of HAMPSHIRE)
COUNTY COUNCIL was hereunto affixed)
in the presence of:)

Authorised Signatory

SCHEDULE I

PART 1

<i>1 Situation of parking place</i>	<i>2 Class of Vehicles</i>	<i>3 Days of Operation</i>	<i>4 Hours of Operation</i>	<i>5 Maximum Period Which a Vehicle May Stay</i>
<i>Those parts of road specified in Part 2 of this Schedule and shown coloured blue on the plans annexed to this order</i>	<i>Any vehicle displaying or having purchased a telephone or electronic parking ticket in accordance with this order</i>	<i>Mondays to Fridays (both days inclusive)</i>	<i>(i) 9am – 6pm –as specified in Schedule II below (ii) 6pm – 9am - free</i>	<i>2 hours, no return within 3 hours</i>
<i>Those parts of road specified in Part 3 of this Schedule and shown stippled blue on the plans annexed to this order</i>	<i>Vehicles displaying a disabled person's badge</i>	<i>All days</i>	<i>All hours</i>	<i>No limit</i>
<i>Those parts of road as described in Part 4 below and shown stippled green on the plans annexed to this order</i>	<i>Goods vehicles</i>	<i>Monday – Friday (both days inclusive)</i>	<i>8am - 6pm</i>	<i>For as long as may be necessary to load or unload goods</i>
<i>Those parts of road as described in Part 5 below and shown stippled yellow on the plans annexed to this order</i>	<i>Motor cycles only</i>	<i>All days</i>	<i>9am – 6pm</i>	<i>2 hours, no return within 3 hours</i>
<i>Those parts of road as described in Part 6 below</i>	<i>Taxis only</i>	<i>All days</i>	<i>All hours</i>	<i>No limit</i>

1 Situation of parking place	2 Class of Vehicles	3 Days of Operation	4 Hours of Operation	5 Maximum Period Which a Vehicle May Stay
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and shown
stippled orange
on the plans
annexed to this
order

PART 2

Sides of road at Lymington in the District of New Forest On-Street Pay-and-Display Parking Places, Mondays to Fridays 9am – 6pm, 2 Hours, No Return Within 3 Hour

Road	Side	length
High Street	South-east	<p>(i) between a point 8 metres north-east of its junction with Church Lane and a point 14 metres north-east of that point.</p> <p>(ii) between a point 27 metres north-east of its junction with Church Lane and a point 9 metres north-east of that point.</p> <p>(iii) between a point 47 metres north-east of its junction with Church Lane and a point 12 metres north-east of that point.</p> <p>(iv) between a point 2 metres south-west of the north-eastern property wall of property no. 53 and a point 12 metres south-west of that point.</p> <p>(v) between a point 1 metre north-east of the western boundary wall of property no. 51 and a point 46 metres north-east of that point.</p> <p>(vi) between a point 6 metres south-west of the south-western boundary wall of property nos. 44-46 and a point 12 metres north-east of that point.</p> <p>(vii) between a point 1 metre south-west of the north-eastern property wall of property no. 39 and a point 21 metres south-west of that point.</p> <p>(viii) between a point 2 metres south-west of the north-eastern boundary wall of property no. 38 –and a point 5 metres west of that point.</p> <p>(ix) between a point contiguous with the north-eastern boundary wall of property no. 33 and a point 23 metres north-east of that point.</p> <p>(x) between a point 0.5 of a metre south-west of the eastern boundary wall of property no. 25 and a point 4.5 metres south-west of that point.</p>

<i>Road</i>	<i>Side</i>	<i>length</i>
<i>High Street</i>	<i>North-west</i>	<i>(xi) between a point 5 metres north-east of the north-eastern boundary wall of property no. 25 and a point 17 metres north-east of that point.</i>
		<i>(i) between a point 4 metres south-west of the south-western boundary wall of property no. 77 and a point 32 metres south-west of that point.</i>
		<i>(ii) between a point contiguous with south-western boundary wall of property no. 77 and a point 30 metres north-east of that point.</i>
		<i>(iii) between a point contiguous with the shared boundary of property nos. 88 and 89-90 and a point 38 metres south-west of that point.</i>
		<i>(iv) between a point 4 metres north-east of its junction with New Street and a point 22 metres north-east of that point.</i>
		<i>(v) between a point 1 metre north-east of the western boundary wall of property no. 98 and a point 69 metres north-east of that point.</i>
		<i>(vi) between a point 4 metres south-west of the south-western boundary wall of property no. 115 and a point 32 metres south-west of that point.</i>
		<i>(vii) between a point 1 metre south-west of the north-eastern boundary wall of property no. 120 and a point 30 metres south-west of that point.</i>
		<i>(viii) between a point 1 metre south-west of the north-eastern boundary wall of property no. 128 and a point 31 metres south-west of that point.</i>
		<i>(ix) between a point 41 metres south-west of its junction with Gosport Street and a point 8 metres south-west of that point.</i>
		<i>Gosport Street</i>

PART 3

Sides of road at Lymington in the District of New Forest Disabled Persons' Parking Places

<i>Road</i>	<i>Side</i>	<i>length</i>
<i>High Street</i>	<i>South-east</i>	<i>Between a point 1 metre south-west of a point contiguous with the north-eastern boundary wall of property no. 36 and a point 12 metres south-west of that point</i>
	<i>North-west</i>	<i>(i) between a point 4 metres north-east of a point continuous with the south-western boundary wall of property no. 63 and a point 18 metres north-east of that point. (ii) between a point 36 metres south-west of its junction with Gosport Road and a point 5.5 metres south-west of that point. (iii) between a point contiguous with the shared boundary of property nos. 88 and 89-90 and a point 5.5 metres north-east of that point.</i>

PART 4

Sides of road at Lymington in the District of New Forest Loading and Un-loading Only

<i>Road</i>	<i>Side</i>	<i>length</i>
<i>High Street</i>	<i>South-east</i>	<i>(i) between a point 6 metres north-east of the south-western boundary of property nos 44-46 and a point 17 metres north-east of that point. (ii) between a point 22 metres north-east of the north-eastern boundary wall of property no. 25 and a point 21 metres north-east of that point.</i>

PART 5

Sides of road at Lymington in the District of New Forest Motor Cycles Only

<i>Road</i>	<i>Side</i>	<i>length</i>
<i>High Street</i>	<i>South-east</i>	<i>Between a point 50 metres north-east of a point contiguous with the south-western boundary of property no. 51 and a point 3 metres north-east of that point.</i>

PART 6

Sides of road at Lymington in the District of New Forest Taxis Only

<i>Road</i>	<i>Side</i>	<i>length</i>
<i>High Street</i>	<i>South-east</i>	<i>Between a point contiguous with the north-eastern boundary wall of property no. 33 and a point 20 metres south-west of that point.</i>

SCHEDULE II

Charging Hours and Level of Charges

Monday to Friday 9am – 6pm

20 mins – Free

1hr – £1.00

2hrs - £2.00

Sundays and Bank Holidays – no charge

SCHEDULE III

Revocations

Column 1 - Order

Column 2 - Extent Revoked

The New Forest District (Various Roads Lymington and Pennington) (Parking Places and Restriction of Waiting) Order 2005

Insofar as it relates to any part of High Street specified in any schedule to this Order, except Articles 27 (i) and 29 where they relate to the parts specified in Schedule XVIII thereto

The New Forest District (Various Roads Lymington and Pennington) (Parking Places and Restriction of Waiting) Order 2006

Insofar as it relates to any part of High Street specified in any schedule to this order.

The New Forest District (Various Roads Lymington and Pennington) (Parking Places and Restriction of Waiting) Order 2008

Insofar as it relates to any part of High Street specified in any schedule to this order.

The New Forest District (Various Roads Lymington and Pennington) (Parking Places and Restriction of Waiting) Order 2010

Insofar as it relates to any part of High Street specified in any schedule to this order.

The New Forest District (Various Roads Lymington and Pennington, Sway, Hordle, Everton and Hythe) (Parking Places and Restriction of Waiting) Order 2011

Insofar as it relates to any part of High Street specified in any schedule to this order.

Column 1 - Order

Column 2 - Extent Revoked

The New Forest District (Various Roads Lymington and Pennington) (Parking Places and Restriction of Waiting) Order 2013

Insofar as it relates to any part of High Street specified in any schedule to this order.

The New Forest District (Various Roads Lymington, Pennington, New Milton, Ashley and Barton-on-Sea) (Parking Places and Restriction of Waiting) Order 2015

Insofar as it relates to any part of High Street specified in any schedule to this order.