

**NORTH SOMERSET COUNCIL****NAILSEA (OFF-STREET PARKING PLACES) CONSOLIDATION ORDER 2025**

North Somerset District Council ('the Council') in exercise of its powers under Sections 32, 33, 34, 35 and 122 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ('the 1984 Act') and under the Traffic Management Act 2004 (the 2004 Act) and of all other enabling powers makes the following Order :-

**PART 1: COMMENCEMENT AND CITATION**

1. This Order shall come into operation on the XX XXXX 2025 and may be cited as the "North Somerset Council Nailsea (Off-Street Parking Places) Order 2017".

**PART 2: PRELIMINARY**

2. In this Order, except where the context requires otherwise, the following expressions have the meanings hereby attributed to them:-
  - a) "Approved Method of Payment" means Pay by Phone or by credit or debit card facilitated by on site or remote verification or by pre-payment card or a Parking Ticket or a Permit or a Virtual Ticket or a Virtual Permit
  - b) "Calendar Day" means a day starting at 00:00 hours and ending at 23:59 hours
  - c) "Caravan" means a touring or other caravan designed to be towed by a motor vehicle and excludes a motor home
  - d) "Charging Hours" means the period of time specified in column 5 of schedule 1
  - e) "Civil Enforcement Officer" has the meaning assigned to it in section 76 of the 2004 Act
  - f) "the Council" shall mean North Somerset Council, and shall include any parking services contractors or agents appointed by or acting on behalf of the Council for the purposes of any function required under the provisions of this Order
  - g) "Credit Card" and "Debit Card" mean methods of payment at such parking places as the Council may from time to time nominate and involve use of a valid credit or debit card which is accepted by the Council as a valid method of payment at the time of use of the parking place
  - h) "Disabled Persons Badge" shall mean a badge issued by a local authority under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 in the form prescribed by the Secretary of State
  - i) "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
  - j) "Electric vehicle" (EV) means a vehicle using an electrical motor instead of an internal combustion engine

- k) "Electric vehicle charging station" mean an element in an infrastructure that supplies electrical energy for the recharging of electric vehicles and hybrid vehicles
- l) "Free Zone" means those parking bays or areas within a parking place marked as such by signs or surface markings and includes pick up and drop off areas and loading bays
- m) "Goods Vehicle" means any vehicle with a design gross weight which exceeds 3,500 kilograms
- n) "Hackney Carriage" a vehicle licenced under section 37 of the Town Police Clauses Act 1847
- o) "Hybrid Vehicle" means a vehicle that uses more than one means of propulsion i.e. combining a petrol or diesel engine with an electric motor
- p) "Motor Car" has the meaning assigned to it by section 136 of the 1984 Act
- q) "Motor Cycle" has the meaning assigned to it by section 136 of the 1984 Act and means a solo motor cycle only and excludes a motor cycle which has a side car or trailer or which has more than two wheels
- r) "Mobile library vehicle" means a vehicle operated by the Council to act as a mobile library for the public
- s) "Motor Home / Camper Van" means a motor vehicle designed to serve as a self-contained living quarters for recreational travel and contains a fixed food preparation area, storage facilities and a convertible sleeping area
- t) "Older Person" means a person who has reached current state retirement age for women, regardless of whether that person is a man or a woman
- u) "Parking Bay" means any area of an off street parking place as indicated by surface markings or signs placed or erected in the off street parking place for the parking of a single vehicle
- v) "2+ Parking Bay" means any area of an off street parking place as indicated by surface markings or signs placed or erected in the off street parking place for the parking of a single vehicle with at least two occupants
- w) "Parking Place" means any area of land specified by name in column 1 of Schedule 1 provided by the Council under Section 32 of the 1984 Act for use as a parking place (a car park)
- x) "Parking Ticket" means a ticket issued by a ticket machine
- y) "Pay and Display Parking Place" means any Parking Place in or at which a Ticket Machine/s are installed or an approved method of payment is in place
- z) "Pay by Phone" means a method of payment involving registration of payment by phone or electronic means and on first use registration of the relevant registration number of the vehicle, location of the Parking Place, Credit or Debit Card details or

any other such details as the Council may from time to time require which is accepted by the Council as a valid method of payment at the time of use of the Parking Place

- aa) "Permit" means a document issued by the Council with or without charge, in accordance with Article 30 below and can be either physical or virtual in nature
- bb) "Person Responsible" for the purposes of any contravention of or non-compliance with this Order is the driver of the vehicle
- cc) "Pre-payment Card" means a card which records an advance payment at such Parking Places as the Council may from time to time nominate which is accepted by the Council as a valid method of payment at the time of use of the Parking Place
- dd) "Public Service Vehicle" has the meaning assigned to it by section 1 of the Public Passenger Vehicles Act 1981
- ee) "Ticket Machine" means an apparatus designed to indicate the time by a clock and to issue tickets indicating the payment of charge (if any) and which specify the date and either the time that such payment was made or the time by which the vehicle must leave the parking place
- ff) "Trailer" has the meaning assigned to it by section 136 of the 1984 Act
- gg) "Virtual Ticket or Virtual Permit" means a ticket or permit purchased via the Council approved payment method

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.

3 For the purpose of this Order, a vehicle shall be regarded as displaying a Disabled Person's Badge, Permit or a Parking Ticket in the "relevant position" when:-

- (a) the Disabled Persons Badge, Permit or Parking Ticket is exhibited on the dashboard or fascia of the vehicle; or
- (b) where the vehicle is not fitted with a dashboard or fascia the Disabled Person's Badge, Permit or Parking Ticket is exhibited in a conspicuous position on the vehicle, so that the front of the Disabled Person's Badge, Permit or Parking Ticket is clearly legible from the outside of the vehicle, or
- (c) the Disabled persons Badge, Permit or Parking Ticket is attached to the windscreen such that the Disabled Person's Badge, Permit or Parking Ticket is clearly legible from the outside of the vehicle

4 For the purposes of the Order "Classes of Vehicle" are:

- (a) Motor Cars
- (b) Motor Cycles
- (c) Hackney Carriages

- (d) Public Service Vehicles
  - (e) Goods Vehicles
  - (f) Caravans
  - (g) Motor Homes / Campervans
  - (h) Vehicles displaying Valid Permits
  - (i) Vehicles displaying a Disabled Persons Badge
  - (J) Mobile library vehicle
5. Articles, Schedules and other headings shall not affect the interpretation of this Order
6. The Schedules form part of this Order and shall have effect as if set out in full in the body of this Order. Any reference to this Order includes the Schedules.
7. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament unless otherwise stated.

### **PART 3: AUTHORISATION AND USE OF PARKING PLACES**

#### **Authorisation**

8. Each Parking Place referred to in Column 1 of Schedule 1 and identified as hatched areas shown on the plans referred to by number in column 2 of Schedule 1 and attached to this Order may be used, subject to the provisions of this Order, as a place to leave vehicles of such classes, in such positions, on such days, during such hours, for such period of time, for such payment of charges as are specified in relation to this Order.

#### **Class of Vehicles**

9. No person shall permit any class of vehicle to wait in a parking place specified in column 1 of Schedule 1 of this Order, other than the class of vehicle specified in column 3 of Schedule 1 of this Order for that particular parking place.

#### **Position of Vehicles**

10. No person shall permit any vehicle referred to in Article 9 to park in a parking place other than in a specified location as stated in column 4 of Schedule 1 of this Order for that particular parking place.

#### **Charging Hours**

11. Those charges stated in column 10 of Schedule 1 of this Order shall only apply between the hours stated in column 5 of Schedule 1 to this Order for that parking place.

#### **Opening Hours**

12. No person shall permit any class of vehicle as stated in column 3 of Schedule 1 of this Order, to remain within the parking place stated in column 1 of Schedule 1 of this Order, other than during those hours stated in column 7 of Schedule 1 of this Order.

### **Maximum Period of Stay**

13. No person shall permit a vehicle to wait in a Parking Place stated in column 1 of Schedule 1 of this Order during those hours stated in column 5 of Schedule 1 of this order for a longer period than that stated in column 8 of Schedule 1 of this Order.

### **Period of No Return**

14. No person having left a parking place in accordance with Article 13, shall permit a vehicle to return to the same parking place within the time stated in column 9 of Schedule 1 of this Order

### **15. Electric Vehicle Charge Bays**

An EV/Hybrid vehicle may only park at an Electric Vehicle Charging station to recharge the vehicle battery. Unless otherwise stated in Column 10 of Schedule 1, once the battery is fully charged the vehicle must be removed to a non-electric Parking Bay within 30 minutes for the duration of the stay

### **Express Permission of the Council**

16. A person duly authorised by the Council may give permission for a vehicle to be left in a Parking Place or marked area within a Parking Place without displaying a Parking Ticket or Permit. There shall be no requirement for such permission to be given in writing to the Driver of the vehicle.

### **Disabled Persons Parking Bays**

17. No person shall cause or permit a vehicle to park in a Parking Bay marked for disabled persons unless the vehicle is displaying a Disabled Persons Badge and has been or is about to be used by the person in respect of whom the Disabled Persons Badge has been issued

### **Additional Time, up to a maximum of 5 hours, for Drivers of Vehicles Displaying a Disabled Persons Badge**

18. Drivers of vehicles displaying a Disabled Persons Badge (regardless of whether the vehicle is in a Disabled Persons Parking Bay) shall up to a maximum of 5 hours, be entitled to leave the vehicle in a Parking Place specified in column 1 of Schedule 2 for the additional period of time specified in column 2 of Schedule 2 in excess of:
- (i) any period of maximum stay as specified in Article 9 and of column 8 in Schedule 1, or
  - (ii) any time period specified on a Parking Ticket issued by a Ticket Machine or a Virtual Ticket

### **Power to close or suspend Parking Places**

19. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the Parking Place;

- (i) from closing the Parking Place or any part thereof for any period; and / or
- (ii) from setting aside the Parking Place or any part or parts thereof on all days or on certain days or during parts of days for use only by certain vehicles or persons or

20. Where the Council suspends use of a Parking Place or any part thereof in accordance with Article 19 above, it shall cause to be placed in or adjacent to that Parking Place or that part thereof a notice or sign indicating that the use of that Parking Place or part thereof is suspended and that waiting by vehicles is prohibited
21. No person shall cause or permit a vehicle to be left in a Parking Place or any part thereof during such periods that the use of that Parking Place or part thereof is suspended or during such period as there is in or adjacent thereto a notice or sign placed by or on behalf of the Council in accordance with Article 9 above

#### **PART 4: CHARGES FOR PARKING**

##### **Payment**

22. The Driver of a vehicle waiting in a Parking Place shall upon arriving in that Parking Place pay the appropriate charge (if any) in accordance with the scale of charges specified in column 10 of Schedule 1 to this Order

##### **Pay and Display Parking Places**

23. The Driver of a vehicle using a pay and display Parking Place shall upon arriving in the Parking Place;
- (i) obtain a Parking Ticket from a Ticket Machine situated in that Parking Place, or
  - (ii) make arrangement to pay the appropriate fee through an Approved Method of Payment
24. Where the Driver of a vehicle is required by any sign or notice displayed in a Parking Place to obtain and display a Parking Ticket in respect of any period during which a vehicle may wait in the Parking Place free of charge, such Parking Ticket shall be obtained from the Ticket Machine or via an Approved Method of Payment immediately on arriving in the Parking Place

##### **Display of Ticket in Pay and Display Parking Places**

25. Upon obtaining a Parking Ticket, the Driver of the vehicle shall;
- (i) display the Parking Ticket in the relevant position in accordance with Article 3 of this Order, and
  - (ii) ensure that the Parking Ticket is continuously displayed throughout the entire period that the vehicle is waiting in the Parking Place

##### **Validity of Parking Tickets**

26. A Parking Ticket is not transferrable from one vehicle to another
27. A Parking Ticket is only valid in the Parking Place in which it was issued unless specified on signage within the Parking Place

##### **Failure to Display Parking Tickets**

28. Save as provided by Part 5 below, if at any time while a vehicle is waiting in a Parking Place, no Parking Ticket is displayed in the relevant position, or the Parking Ticket or Virtual Ticket has expired and a Civil Enforcement Officer is unable to confirm the purchase of a valid ticket via an Alternative Method of Payment, it shall be deemed that a contravention of this Order has occurred.

### **Ticket Machines**

29. If at any time when a vehicle is waiting during the Charging Hours in a Parking Place as specified in column 5 of Schedule 1 of this order, and a Ticket Machine in that Parking Place is out of Order, the driver of the vehicle shall obtain a Parking Ticket from an alternative Ticket Machine in that Parking Place (where provided) or purchase a ticket via an Alternative Method of Payment

### **Parking Permits**

30. Permits may be issued by the Council. Such permits are valid;
- (i) in such Parking Place or Parking Places as specified on the Permit;
  - (ii) on such day or days as specified on the Permit
  - (iii) on such hours as specified on the Permit, if any
  - (iv) up to and including the expiry date specified on the Permit
  - (v) unless cancelled by the Council
31. Where a Permit is issued in respect of a particular vehicle, identified by the registration number of the vehicle specified on the Permit; such permit shall only be valid in respect of and when displayed in the vehicle in respect of which it was issued
32. Permits are available to purchase at the discretion of the Council in such Parking Places as specified in Schedule 3 of this Order
33. The Driver of the vehicle shall;
- (i) display the Permit in the relevant position in accordance with Article 3 of the Order, and
  - (ii) ensure that the Permit is continuously displayed throughout the entire period that the vehicle is waiting in the Parking Place

## **PART 5: EXEMPTIONS AND DISPENSATIONS**

### **Exemptions from Daily Charges**

34. No daily charge shall be payable in respect of a vehicle waiting in a Parking Place;
- (i) displaying in the relevant position a Permit valid for that day and time, for that Parking Place and which has not expired
  - (ii) being a Motor Cycle left in marked motor cycle bays
  - (iii) with express permission of the Council, pursuant to Article 16, above

### **Exemption where Ticket Machines Out of Order**

35. Where no Parking Ticket can be obtained and displayed by reason that all Ticket Machines in the Parking Place are out of order, and no alternative method of payment is available, drivers of vehicles left in the Parking Place shall be exempt from the requirement in Article 23 above to purchase a Parking Ticket, provided that vehicles

may not wait for longer than the maximum period of waiting in that Parking Place as specified in column 7 of Schedule 1 to this Order or 24 hours whichever is the shorter

### **Exemption from the Requirement to Display a Parking Ticket or Permit**

36. Where arrangement has been made to pay the charge specified in Article 22 has been made by an Approved Method of Payment and no Parking Ticket is produced by following the process, the Driver of a vehicle shall be exempt from the requirement to display such a ticket
37. Where a person authorised by the Council has given permission for a vehicle to wait in a Parking Place pursuant to Article 16 above, and no Parking Ticket or Permit is produced, the Driver of the vehicle shall be exempt from the requirement to display such a Parking Ticket or Permit

### **Dispensations for Drivers Displaying Disabled Persons Badge**

38. Drivers of vehicles displaying a Disabled Persons Badge waiting in the Parking Places specified in column 1 of Schedule 2 of this Order shall not be in contravention of this Order by reason that the vehicle has been left in the Parking Place for longer than that maximum period of stay, provided that the maximum period of stay has been exceeded by not more than the period of time specified in column 2 of Schedule 2

## **PART 6: OTHER PROVISIONS**

### **Stop Engine**

39. The Driver of a vehicle using a Parking Place shall stop the engine as soon as 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

### **Vehicle Tax and Insurance**

40. No person shall permit any vehicle to wait in a Parking Place:
  - (i) unless the vehicle has a current licence issued in accordance with the provisions of the Vehicle Excise and Registration Act 1994
  - (ii) unless there is in relation to the use of the vehicle by the Driver such a policy of insurance as complies with the requirements of the Road Traffic Act 1988

### **Entry and Exit**

41. Where signs erected or surface marking are laid for the purpose of indicating the entrances to or exits from the parking place; or indicating the vehicle is to proceed in a specified direction, no person shall drive or cause 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;
  - (ii) in a direction other than that specified;
  - (iii) in a manner or at a speed so as to cause a danger to other users of the Parking Place
42. A Civil Enforcement Officer or other person authorised by the Council or a police officer in uniform may ask the driver of any vehicle to leave a parking place at any time should they feel/believe the vehicle is being driven in a dangerous fashion so as to be likely to



cause injury or nuisance to others. No refund of any parking charges paid will be available should a vehicle be asked to leave the parking place for that reason.

### **Use of a Vehicle and Parking Places**

43. No person shall in a parking place:

- (i) use a vehicle, without the express permission of the Council, 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;
- (ii) use a vehicle in connection with the sale of any article unless so doing as part of a market, the existence of which has been authorised by the Council;
- (iii) hand out promotional goods, merchandise or products with or without charge, without the express permission of the Council;
- (iv) sound any horn or similar instrument except to warn other persons of imminent danger
- (v) except with the permission or at the direction of a Civil Enforcement Officer or other person authorised by the Council or a police officer in uniform, drive any vehicle other than for the purpose of leaving the vehicle in the Parking Place in accordance with the provisions of this Order, or for the purpose of leaving the Parking Place, or for the purpose of visiting any amenity site in the parking place or as a necessary means of access
- (vi) without express permission of the Council, use any part of the Parking Place or any vehicle in the Parking Place for;
  - a) sleeping or camping purposes
  - b) cooking purposes
- (vii) without the express written permission of the Council, use any part of the Parking Place or any vehicle in the Parking Place for the purpose of washing, valeting or servicing any vehicle or part thereof other than is reasonably necessary to enable the vehicle to depart the Parking Place
- (viii) without the express written permission of the Council, carry out or permit the carrying out of any work or maintenance or repair to a vehicle except such as may be necessary to enable to vehicle to be moved from the Parking Place
- (ix) use a Parking Place solely as a means of passage proceeding from one road to another
- (x) wantonly shout or otherwise make any noise to cause disturbance or annoyance to users of the Parking Place, residents or other occupiers of nearby premises
- (xi) deposit or leave any vehicle, trailer, or anything which formed part of a vehicle or trailer, or any rubbish litter or any other material whether by dumping or fly posting with the purpose of abandoning it there
- (xii) act in a manner to cause nuisance, harassment alarm or distress to any Parking Place user, resident or other person
- (xiii) without express written permission of the Council; erect or cause to be erected any tent, booth, stand or other structure
- (xiv) without express permission of the Council leave a Caravan
- (xv) light or cause to be lit any fire
- (xvi) obstruct or misuse any of the ramps, stairs doors or lifts in a multi storey car park
- (xvii) except with the express written permission of the Council, distribute leaflets or other advertising material or promote any cause, event or any other matter
- (xviii) cause any vehicle, at any time, to obstruct any pedestrian walkways or paths, whatever their colour

- (xix) cause a vehicle to wait in any Parking Place in any position other than that specified in Schedule 1
- (xx) leave a vehicle, where stated in Schedule 1 in a marked bay, other than wholly within said marked bay
- (xxi) leave a vehicle in any access road forming part of the Parking Place
- (xxii) leave a vehicle in a 2+ Parking Bay unless there are at least 2 occupants within the vehicle upon arrival

44. A Civil enforcement Officer may issue a penalty charge notice to a vehicle in contravention to this order every Calendar Day

### **Liability**

- 45. The Council accepts no liability for the loss or damage to vehicles or other property left in any Parking Place
- 46. The Council accepts no liability for injury occurring within any Parking Place save where such injury is attributable to the negligence of the Council

## **PART 7: REVOCATION**

### **Revocation**

- 47. The North Somerset District Council (Various Sites) (Off-Street Parking Places) (Consolidation Order) 2017 (Variation 4) together with all its amendments and variations is hereby revoked insofar as it relates to those parking places referred to in Schedule 1 and 2 of this Order and Station Road Car Park Service Road.

Given under the Common Seal of North Somerset Council on the XX<sup>th</sup> day of XXXXXXXX 202X

The COMMON SEAL of  
NORTH SOMERSET  
COUNCIL  
was hereunto affixed in  
the presence of:-

Assistant Director Governance & Monitoring Officer

Dated:

## SCHEDULE 1- PARKING PLACES AND REQUIREMENTS

(1) Name of Parking Place	(2) Plan No	(3) Classes of Vehicles	(4) Position in which vehicle may be left	(5) Charging Hours	(6) Restriction Hours	(7) Opening hours	(8) Maximum Period for which vehicles may wait	(9) Period During Which Vehicles may not return	(10) Scale of Daily Parking Charges
Clevedon Road Car Park, Nailsea	6	Vehicles displaying a Valid Permit	In marked bays as indicated by marked lines	24 hours	24 Hours	24 hours	None	None	N/A
Station Road Car Park, Nailsea	40	Motor Cars (except Hackney Carriages)	In marked bays as indicated by marked lines	Mon – Sat 09.00 to 18.00	24 hours	24 hours	None	None	1 hour - £1.00 2 hours - £1.50 3 hours - £2.50 All-day - £3.50
		Motorcycles	In marked Motor Cycle bays						Free of charge

## SCHEDULE 2 – DISABLED PERSONS BADGES ADDITIONAL PERMITTED WAITING TIME

(1) Name of Parking Place	(2) Additional Time Permitted for Vehicles Displaying a Disabled Persons Badge
Station Road Car Park, Nailsea	1 hour