

THE EAST RENFREWSHIRE COUNCIL

(OFF-STREET PARKING PLACES)

ORDER 2017

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THE EAST RENFREWSHIRE COUNCIL
(OFF STREET PARKING PLACES)
ORDER 2017

Preamble and Definitions

The East Renfrewshire Council in exercise of the powers conferred upon them by Sections 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the Act”) and of all other enabling powers, and after consultation with the Police Scotland in accordance with Part III of Schedule 9 to the Act, hereby propose to make the following Order: -

1. This Order may be cited as “The East Renfrewshire Council (Off Street Parking Places) Order 2017”, and shall come into operation on 19 May 2017.

2. In this Order the following expressions shall have the meaning hereby assigned to them:-

“Authorised Person” means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order;

“Blue Badge” has the same meaning as “Disabled Person’s Badge”;

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

“Car-derived Van” has the same meaning as in Schedule 6, Part IV of the Act;

“Council” means the East Renfrewshire Council and its statutory successors;

“Disabled Person’s Badge” has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002;

“Disabled Person’s Vehicle” means a Vehicle lawfully displaying a Disabled Person’s Blue Badge in the Relevant Position;

“Dual Purpose Vehicle” means a Vehicle which is constructed or adapted both to carry or haul goods and to carry more than eight persons in addition to the driver;

“Electric Vehicle”, unless the context otherwise requires, means a vehicle designed and constructed to be propelled by electricity, supplied by a battery or other form of electrical cell or reservoir;

“Electric Vehicle Charging Bay” means a parking bay which has been marked as intended for the exclusive use of an electric vehicle whilst said vehicle is being charged and at which is provided an electric charging point and is appropriately signed as per the Traffic Signs Regulations and General Directions 2016;

“Electric Vehicle Charging Point” means a purpose build designed specifically for charging Electric Vehicles;

“Emergency Service Vehicle” means a Vehicle being used by the police, fire brigade or ambulance services;

“Goods Vehicle” has the same meaning as in Section 138 of the Act (but not including a Dual-Purpose Vehicle);

“Heavy Commercial Vehicle” has the same meaning as in Section 138 of the Act;

“Licensing Authority” has the same meaning as in Section 2 of the Civic Government (Scotland) Act 1982;

“Light Commercial Vehicle” means any Goods Vehicle which has an operating weight which is not greater than 7.5 tonnes;

“Load” means to wait for the purpose of placing or removing any object of any description into or from a Vehicle;

“Local Authority” means East Renfrewshire Council and its statutory successors;

“Motor Car” has the same meaning as in Section 136 of the Act;

“Motor Caravan” means a mechanically propelled Caravan intended or adopted for use on roads but not including a Caravan which is a Trailer;

“Motor Cycle” has the same meaning as in Section 136 of the Act;

“Motor Vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“Park” and/or “Parking” means allowing a Vehicle to wait for any period of time in a Parking Place and/ or leaving a Vehicle unattended in a Parking Place;

“Parking Attendant” has the same meaning as in Section 63A of the Act;

“Parking Bay” means a space within the area of a Parking Place which is provided for the leaving of a single vehicle with the limits of each space appropriately marked by lines, studs or other indications in such a manner as deemed appropriate by the Council or an Authorised Person;

“Parking Place” means any area of land designated as a Parking Place by this Order and listed in Schedule 1;

“Permitted” means permitted by the Local Authority;

“Public Service Vehicle” has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981 operated in accordance with a standard licence issued under Sections 12 and 13 of the said Act;

“Registered Keeper” means the person in whose name the Vehicle is registered under the Vehicle Excise and Registration Act 1994.

“Relevant Position” means:

- (a) for the display of a Disabled Person’s Badge, that the Disabled Person’s Badge is displayed as prescribed by Regulation 3 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002;

“School Bus” means a bus being used in association with educational facilities;

“Trailer” has the same meaning as in Section 138 of the Act;

“Taxi” has the same meaning as in Section 23(1) of the Civic Government (Scotland) Act 1982;

“Taxi Stance” has the same meaning as in Section 19 of the Civic Government (Scotland) Act 1982;

“Touring Bus” means a bus in use for holiday or recreational purposes;

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

Note:

- i. All words importing the singular also include the plural and vice versa where the context requires.
- ii. All words defined as nouns have the same meaning when used as verbs or any other part of speech and vice versa where applicable and the context requires.
- iii. Except where the context otherwise requires, references to any enactment include any such enactment as amended, extended or applied or re-enacted by or under any other enactment for the time being in force. Enactment means Acts, orders, rules, regulations, directions, bylaws and other instruments made or to be made, issued or given under any Act or deriving validity therefrom.

Article 1: Designation of Parking Places

1/01 Each area which is described in Schedule I to this Order is designated as a Parking Place for the purpose of this Order.

1/02 The limits of each Parking Place and the limits of every Parking Bay in that Parking Place, as described in Schedule I to this Order, may be determined by the Council from time to time marked by lines, studs or other indications in such a manner as is deemed appropriate by the Council or an Authorised Person.

Article 2: Controlling Regulations

2/01 Vehicles which may use Parking Places:

- (a) Subject to any restrictions imposed by this Order, each Parking Place may be used for the leaving of such class of Vehicle as are listed in Schedule 1, Column D to this Order and not for any other class of Vehicle.

2/02 Conditions of use:

- (a) Unless a suspension as in Article 4 of this Order is in place, each Parking Place shall be used, subject to the following provisions of this Order, as a Parking Place for such classes of Vehicle as are listed in Schedule 1, Column D;
- (b) The following conditions of use within Parking Places shall apply:
 - (i) No person shall wash, clean or overhaul any vehicle or execute any mechanical or other alterations or repair to a vehicle or any part thereof whilst such a vehicle is upon a Parking Place except such repairs as may be necessary for the purpose of enabling the vehicle to be moved from the Parking Place;
 - (ii) No person shall light or cause or permit to be lit any fire in the Parking Place;
 - (iii) No person shall cause litter to be dropped in the Parking Place or fuel oil or diesel to be spilled;
 - (iv) No person shall wilfully remove or destroy any sign, marking, notice or notice board within the Parking Place or any fastening or equipment used for the purpose of exhibiting or displaying such sign, marking, notice or notice board;
 - (v) No person shall wilfully or negligently deface or destroy any part of the Parking Place;
 - (vi) No person shall play, cause, or permit to be played a vehicle stereo, car radio, transmitter or receiver, or similar item to be operated while the vehicle is upon a Parking Place in such a manner as may be a nuisance to other users of the Parking Place or to the owners or occupiers or proprietors adjoining the Parking Place;

- (vii) No person shall park a vehicle in a Parking Place for a period longer than Permitted without permission of an Authorised Person;
- (viii) No person shall use a Vehicle or Trailer as sleeping accommodation or for residential purposes while it is upon a Parking Place;
- (ix) No person shall use the Parking Place for the purpose of splitting loads or transferring plant or machinery between vehicles or for loading or unloading goods in association with a commercial concern;
- (x) No person shall use the Parking Place for the Parking of Trailers or Caravans separately from their Vehicle except where specifically authorised in Article 6/02(b);
- (xi) No person shall use a Parking Place as a means of passage for proceeding from one road to another;
- (xii) No person shall erect or cause to be erected any tent, booth, stand, building or other structure or advertisement either free standing or on a Vehicle without the written consent of the Council;
- (xiii) The selling or offering for sale of a Vehicle or of any goods or merchandise within the limits of the Parking Place or any form of advertisement shall be prohibited, without the written consent of the Council;
- (xiv) The carrying out of any business or commercial activities within the limits of the Parking Place shall be prohibited without the written consent of the Council, except where prior leases/agreements exist as in Article 5/02 (b);
- (xv) While a Vehicle is within a Parking Place it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection therewith, to ply for hire or to accept passengers for hire or to accept passengers via remote radio control, mobile phone, or any other telecommunication device:
 - (a) Nothing in Article 2/02 (xv) shall apply to a Taxi licensed by a Licensing Authority while in a Parking Bay designated by the Local Authority as a Taxi Stance for the exclusive use of Taxis and during the authorised hours of operation as a Taxi stance;
- (xvi) No person shall cause or permit a Vehicle to Park or wait in a Parking Bay which has been designated for the time being as a Taxi Stance for the exclusive use of Taxis during the hours of operation as a Taxi stance unless the vehicle is a Taxi;
- (xvii) No person shall cause or permit a Vehicle to park or wait in a Parking Bay which has been designated as a Disabled Person's parking bay unless the vehicle is correctly displaying a valid Disabled Person's Blue Badge;
- (xviii) The method of Parking in any Parking Place shall be within the area delineated for the purpose or such a location as may be determined by an Authorised Person;

- (xix) No Vehicle shall be parked wholly or partially outside the marked limits of a Parking Bay;
- (xx) Where there are lines, studs or other indications indicating that a Parking Bay is designated for the Parking of Vehicles of a particular class such as (but not restricted to) for a Disabled Person's Vehicle or for a Motor Cycle, the driver of the Vehicle shall not permit it to Park in a Parking Bay unless it is of that Vehicle class;
- (xxi) The driver of a Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in position in the Parking Place and shall not start the engine or sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the Parking Place;
- (xxii) Where in the Parking Place it is indicated for the time being that Parking is not Permitted in the Parking Place or in a specified Parking Bay within the Parking Place, the driver of a Vehicle shall not permit that Vehicle to Park in the Parking Place or in the specified Parking Bay within the Parking Place;

Article 3: Removal or alteration of Vehicles from Parking Places

- 3/01** Where any Vehicle is left in a Parking Place in contravention of any of the provisions contained in this Order, a Parking Attendant, Authorised Person, or any person acting on the instructions of such a Parking Attendant or Authorised Person, may remove the Vehicle or arrange for it to be removed from that Parking Place following the procedures in Articles 3/03 and 3/04.
- 3/02** In an emergency, an Authorised Person, Parking Attendant, or police constable in uniform may alter or cause to be altered the position of a Vehicle in a Parking Place or may remove or arrange for the removal of a Vehicle from a Parking Place.
- 3/03** Where a Vehicle is removed or altered under the provisions provided in this Order, the person removing or arranging for the alteration or removal of a Vehicle may do so by towing, driving, or in any such other manner as they may think reasonably necessary and shall make such arrangements as they consider reasonably necessary for the safety of the Vehicle in the place to which it is removed or to enable the position of the Vehicle to be altered.
- 3/04** Where a Vehicle is removed or altered from the Parking Place for being in contravention of the provisions contained in this Order, the Council may charge the registered keeper all costs incurred in such removal, alteration and storage and may retain custody of the Vehicle until such charges are paid.
- 3/05** The Council may with respect to a Vehicle which has been removed from a Parking Place in pursuance of the provisions within this Order, if it appears to have been abandoned, sell or otherwise dispose of the Vehicle after having made reasonable enquiry to ascertain the name

and address of the Registered Keeper of the vehicle in accordance with the procedures set out in the Refuse Disposal (Amenity) Act 1978.

Article 4: Power to suspend the use of Parking Places

4/01 Any Authorised Person may suspend, either permanently or temporarily, the use of a Parking Place or any part thereof whenever it is considered such a suspension is reasonably necessary:

- (a) For the purposes of facilitating the movement of traffic or its safety;
- (b) For the purposes of any building operation, demolition, or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place the laying, erection alteration, removal or repair in or adjacent to the Parking Place of any traffic sign, Ticket Machine, sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as defined in sub-paragraph of Schedule 2 of the Telecommunications Act 1984;
- (c) For the convenience of occupiers of premises adjacent to the Parking Place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- (d) For the convenience of occupiers of premises adjacent to the Parking Place at times of weddings, funerals or other specific occasions as agreed by the Council;
- (e) On any occasion on which it is likely by reason of some special attraction or procession that any Parking Place be thronged or obstructed;
- (f) Recreation, display, charity or fund raising functions; motoring organisations, or work associated with adjacent building or contracting operations or which may be required by the Council or for any purpose authorised by the Council; or
- (g) For any other purpose which the Council may from time to time see fit and which has received their prior approval.

4/02 Any Authorised Person suspending the use of a Parking Place or any part thereof in accordance with the provisions of Article 4/01 of this Order shall thereupon place or cause to be placed in or adjacent to any part of that Parking Place the use of which is suspended a traffic sign or other suitable means to indicate that the use of the Parking Bay or Parking Place is suspended.

4/03 No person shall cause or permit a vehicle to be left in any part of a Parking Place or Parking Bay during such period as there is in or adjacent to that part of the Parking Place or Parking Bay a traffic sign placed in pursuance of Article 4/02 of this Order:- provided that nothing in this Article shall render it unlawful to cause or permit any Emergency Service Vehicle to be left or any other Vehicle to be so left if that Vehicle is left with the permission of the Council suspending the use of the Parking Place or the part thereof in pursuance of Article 4/01 of this Order or of a police constable in uniform or a Parking Attendant in uniform.

Article 5: Responsibility of Parties

5/01 Responsibility of Driver:

- (a) The person who was driving the Vehicle at the time when it was left in the Parking Place shall be responsible for complying with the provisions of this Order and unless otherwise proved the Registered Keeper of the vehicle shall be deemed to be the driver of that Vehicle.

5/02 Responsibility of East Renfrewshire Council

- (a) East Renfrewshire Council will accept no responsibility for the death or personal injury or loss suffered by any person within the Parking Place or for the loss of, damage to or theft from any Vehicle left in the Parking Place.
- (b) If, prior to the enactment of this Order, there is in relation to any Parking Place a written lease/agreement with the Council permitting the Parking Place to be used for any of the activities listed in Article 2 then those activities insofar as they are undertaken in terms of the lease/agreement shall not be deemed restricted while the lease/agreement remains valid.

Article 6: Powers of the Council

6/01 A Parking Attendant or any other Authorised Person may require any person contravening this Order to leave the Parking Place at once.

6/02 The Council may remove and dispose of any item which may have been deposited in a Parking Place in contravention of this Order including (without prejudice to the foregoing generality) any tent, booth, stand, building or other structure or advertisement placed or erected and may take such other action as is appropriate in the circumstances including (without prejudice to the foregoing generality) action to recover their costs.

6/03 Nothing in this Order shall restrict the powers of the Council to close to the public the whole, or any part of a Parking Place whether temporarily or permanently or to vary or amend the classes of vehicles, Permitted time of use or, Permitted length of stay that apply to specified Parking Places.

6/04 Nothing in this Order shall restrict or limit the statutory powers available to the Council as Roads Authority or in any other capacity.

Article 7: Revocation of existing Traffic Regulation Order

The East Renfrewshire Council (Off Street Parking Places) (Controlling Regulations) Order 2009 is hereby revoked.

Given under the seal of The East Renfrewshire Council and signed for them and on their behalf by Joseph George Abrami, Principal Solicitor and duly Authorised Signatory together at Giffnock on the FIFTH DAY OF APRIL, TWO THOUSAND AND SEVENTEEN.

SCHEDULE 1 : List of designated Parking Places & Conditions

Column			
(A)	(B)	(C)	(D)
ERC Car Park Ref. No.	Area/Town	Name or Road	Classes of Permitted Vehicle
ERC01	Barrhead	Carlibar Road	Schedule 2 (i-iv)
ERC02	Barrhead	Cochrane Street	Schedule 2 (i-iv)
ERC03	Barrhead	Ralston Road	Schedule 2 (i-iv)
ERC04	Barrhead	Princes Square	Schedule 2 (i-iv)
ERC05	Barrhead	Bank Street (Lowndes Street Council Offices)	Schedule 2 (i-iv)
ERC06	Barrhead	Water Road	Schedule 2 (i-iv)
ERC07	Barrhead	The Foundry	Schedule 2 (i-iv)
ERC08	Busby	Mary Young Place	Schedule 2 (i-iv)
ERC09	Clarkston	Moray Drive	Schedule 2 (i-iv)
ERC10	Clarkston	Clarkston Library (Clarkston Road)	Schedule 2 (i-iv)
ERC11	Clarkston	Clarkston Goods Yard (Clarkston Road)	Schedule 2 (i-iv)
ERC12	Clarkston	Overlee (Moray Drive)	Schedule 2 (i-iv)
ERC13	Giffnock	Giffnock Station	Schedule 2 (i-iv)
ERC14	Giffnock	Merryvale Place	Schedule 2 (i-iv)
ERC15 (i)	Giffnock	Eastwood Park (Council HQ)	Schedule 2 (i-iv)
ERC15 (ii)	Giffnock	Eastwood Park (Eastwood House)	Schedule 2 (i-iv)
ERC16	Giffnock	Rouken Glen Park (Main Car Park)	Schedule 2 (i-iv)
ERC17	Giffnock	Rouken Glen Park (East Lodge Car Park)	Schedule 2 (i-iv)

SCHEDULE 1 : List of designated Parking Places & Conditions

Column			
(A)	(B)	(C)	(D)
ERC Car Park Ref. No.	Area/Town	Name or Road	Classes of Permitted Vehicle
ERC18	Neilston	Main Street	Schedule 2 (i-iv)
ERC19	Neilston	Kingston Road	Schedule 2 (i-iv)
ERC20	Neilston	Neilston Library & Leisure Centre (Main Street)	Schedule 2 (i-iv)
ERC21	Muirend	Muirend Sports Pavilion (Hazelden Gardens)	Schedule 2 (i-iv)
ERC22	Netherlee	Netherlee Pavilion (Linn Park Avenue)	Schedule 2 (i-iv)
ERC23	Newton Mearns	Broomburn Drive (Shops)	Schedule 2 (i-iv)
ERC24	Newton Mearns	Broom Shops (Ayr Road)	Schedule 2 (i-iv)
ERC25	Newton Mearns	Harvie Avenue (Shops)	Schedule 2 (i-iv)
ERC26	Newton Mearns	Patterton Country Park (Stewarton Road)	Schedule 2 (i-iv)
ERC27	Newton Mearns	Fairweather Hall (Barrhead Road)	Schedule 2 (i-iv)
ERC28	Newton Mearns	Albertslund Community Centre (Westacres Road)	Schedule 2 (i-iv)
ERC29	Thornliebank	Eastwood Crescent (Shops)	Schedule 2 (i-iv)
ERC30	Thornliebank	Council Depot (Carnwadric Road)	Schedule 2 (i-iv)
ERC31	Thornliebank	Woodfarm Sports Pavilion (Berryhill Drive)	Schedule 2 (i-iv)
ERC32	Thornliebank	Thorntree Hall (Main Street)	Schedule 2 (i-iv)
ERC33	Uplawmoor	Mure Hall (Tannoch Road)	Schedule 2 (i-iv)

SCHEDULE 2 : Classes of Vehicle

Class Number	Vehicle Type
(i)	motor car
(ii)	car-derived van
(iii)	dual purpose vehicle
(iv)	motor cycle
(v)	light commercial vehicle
(vi)	heavy commercial vehicle
(vii)	articulated vehicle
(viii)	trailer
(ix)	caravan/living Van
(x)	motor caravan
(xi)	public service vehicle
(xii)	school bus
(xiii)	touring bus