



**South Lanarkshire Council
(Use of Off Street Parking Places)
Consolidation Order 2011, Amendment No. 2
Order 2022**

On the 10 October 2022, South Lanarkshire Council made the above named Order, under the terms of the Road Traffic Act 1984, thereby amending details of the order to reflect a change to the payment system within Duke Street car park, Hamilton.

The Order which comes into operation on the 28 November 2022, was advertised in the Hamilton Advertiser in the week beginning the 4 April 2022. The effect of the order is as previously stated.

A copy of the Order and a map relative thereto are available for inspection on the council's website.

Any person who wishes to question the validity of the order or of any provision contained in it on the grounds that it is not within the powers conferred by the Road Traffic Regulation Act 1984, or on the grounds that any requirement of that Act, or of any instrument made under it, has not been complied with in relation to the Order may, by the 21 November 2022, apply to the Court of Session for this purpose.

Council Offices
Almada Street
Hamilton
ML3 0AA

Cleland Sneddon
Chief Executive

Preliminary Report

For the Amendment to regulated Car Parks

Location: Duke Street car park, Hamilton

Proposal: Amendment to a regulated car park to allow the use of a pay on foot system.

1. Duke Street car park, Hamilton is situated within the town centre and is accessed off Duke Street.
2. Duke Street car park is currently a pay and display car park.
3. A recent review looked at the parking policy and operation within Duke Street car park. The review compared the current pay and display system and the pay on foot system to decide which was more customer friendly.

A pay on foot system allows drivers to pay for the time they have been parked at the end of their stay rather than the existing pay in advance pay and display pre-booked system.

The review showed that the pay on foot system provides a greater degree of flexibility and value for money for those using the car park.

4. It is therefore proposed to change the payment system within Duke Street car park from pay and display to pay on foot.

5. The Chief Constable, Strathclyde Partnership for Transport and the Local Members have been consulted and have no objections to the proposals.
6. I recommend, therefore that South Lanarkshire Council advertises its intention to make a Traffic Regulation Order amending details of the order to reflect a change to the payment system within Duke Street car park, Hamilton.

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South Lanarkshire Council in exercise of the powers conferred on them by Sections 35(1) and (3), 3(A), 35A and 35B 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 Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to the Act hereby make the following order.

1. This order may be cited as "South Lanarkshire Council (Use of Off-street Parking Places) Consolidation Order 2011, Amendment No. 2 Order 2022" and shall come into operation on the 28th day of November 2022.
2. The order specified in the schedule to this order shall have the effect subject to the amendments specified in Schedule 1.
3. The Order specified in Schedule 2 to this Order shall have effect subject to the revocations specified in that Schedule.
4. Signed for and on behalf of South Lanarkshire Council by Colin Park, Head of Roads, Transportation and Fleet Services, on the Tenth day of October, Two Thousand and Twenty Two.

Schedule 1

In the South Lanarkshire Council (Use of Off-street Parking Places) Consolidation Order 2011, **remove**:-

"Article 8"

and **replace** with

"Method of payment of initial charge and requirements as to display of a ticket

8. (i) Methods of Payment

Any of the following methods of payment may be used in the parking places specified in Schedules 1 to 7 to this Order:-

- (a) Payment at the time of departure from the parking place by the insertion of a ticket/token in a ticket parking meter at the parking place.
 - (i) Payment of coins of a denomination detailed on the ticket parking meter, the charge payable being in accordance with the rates specified.

- (ii) Payment by the use of a credit or debit card detailed on the ticket parking meter, the charge payable being in accordance with the rates specified.
- (iii) Payment by the use of a Council approved cashless payment system, the charge payable being in accordance with the rates specified.
- (b) Payment on arrival by insertion in a ticket parking meter at the parking place of coins of a denomination detailed on the ticket parking meter, the charge payable being in accordance with the rates specified
- (c) Payment on arrival by the use of a credit or debit card at a parking meter at the parking place, the charge payable being in accordance with the rates specified.
- (d) Payment prior to or on arrival at the parking place by the use of a Council approved cashless payment system, the charge payable being in accordance with the rates specified.

If, at the time when a vehicle is left in a parking place, operated by any of the methods detailed in (b) and (c) of this Article, there are on the ticket parking meter or other apparatus relating to that parking place, notices placed by any person duly authorised by the Council, indicating the meters or apparatus are out of order, then payment should be made at a neighbouring meter (if one is available).

- (ii) Method of Display

Where method (b) and (c) is used, the ticket shall be displayed on the vehicle facing forwards on the nearside of the glass of the windscreen, behind the glass.

The parking ticket shall be so displayed on the vehicle that the time shown on the front is clearly visible to a person standing beside the vehicle.”

and

In the South Lanarkshire Council (Use of Off-street Parking Places) Consolidation Order 2011, **replace** :-

Amount of penalty charge at parking places

- 9. (i) If a vehicle is left in any of the parking places described in Schedules 1 to 7 to this Order for longer than the period authorised in terms of that Schedule, in respect of the value of the ticket purchased, if applicable, an additional amount of sixty pounds (hereinafter referred to as the “penalty charge”) shall be payable.
- (ii) (a) If a vehicle (not being a vehicle exempt from payment of the initial charge by virtue of Article 16 hereof) is left in a parking place without the initial charge having been paid, a penalty charge shall become payable.
- (b) If a vehicle is left in a parking place detailed in column 1 of Schedule 7 to this Order and does not comply with the restriction detailed in column 2, opposite the said column 1, relative to parking permits, season tickets, minimum or maximum length of stay, as appropriate, a penalty charge shall become payable.

- (iii) In the case of a vehicle, in respect of which a penalty charge has been incurred, it shall be the duty of the parking attendant to fix a penalty charge notice to the vehicle; or give such a notice to the person appearing to him to be in charge of the vehicle as specified in the Road Traffic Act 1991, Section 66.”

with

Amount of penalty charge at parking places

- 9. (i) If a vehicle is left in any of the parking places described in Schedules 1 to 7 to this Order for longer than the period authorised in terms of that Schedule, in respect of the value of the parking purchased, if applicable, a penalty charge shall be payable.
- (ii) (a) If a vehicle (not being a vehicle exempt from payment of the initial charge by virtue of Article 16 hereof) is left in a parking place without the initial charge having been paid, a penalty charge shall be payable.
- (b) If a vehicle is left in a parking place detailed in column 1 of Schedule 7 to this Order and does not comply with the restriction detailed in column 2, opposite the said column 1, relative to parking permits, season tickets, minimum or maximum length of stay, as appropriate, a penalty charge shall be payable.
- (iii) In the case of a vehicle, in respect of which a penalty charge has been incurred, it shall be the duty of the parking attendant to fix a penalty charge notice to the vehicle; or give such a notice to the person appearing to him to be in charge of the vehicle as specified in the Road Traffic Act 1991, Section 66.”

and

In the South Lanarkshire Council (Use of Off-street Parking Places) Consolidation Order 2011, **remove:-**

“Article 10”

and **replace** with

“Prohibition of meter feeding and transfer of tickets.

- 10. (i) Where the method of payment detailed in Article 8(i)(b) and (c), of this Order, is used:-
 - (a) A ticket shall be valid for a single stay only and no other ticket issued by a parking ticket meter shall be displayed on a vehicle thereafter i.e. meter feeding is prohibited.

- (b) A ticket can only be used on one vehicle and cannot be transferred to another, whether that vehicle remains in or leaves the parking place.

Any vehicle, displaying a ticket contrary to the conditions described in (a) or (b) above, shall be subject to the payment of a penalty charge.

- (ii) Where the method of payment detailed in Article 8(i) (d), of this Order, is used then that method may be used to extend a parking session up to the maximum permitted time for that location up to the maximum permitted time as shown in Schedules 1 to 7 of this Order.”

Schedule 2

Orders to be Revoked

Name of Order	Extent of Revocation
South Lanarkshire Council (Use of Off-street Parking Places) Consolidation Order 2011, Amendment No. 4 Order 2015	Revoke full order
South Lanarkshire Council (Use of Off-street Parking Places) Consolidation Order 2011, Amendment No. 2 Order 2020	Revoke full order

Statement of Reasons

It is considered necessary to make the above Order to improve the amenity of the area.

If you need this information in another language or format, please contact us to discuss how we can best meet your needs. Phone 0303 123 1015 or email equalities@southlanarkshire.gov.uk