

**THE FYLDE BOROUGH COUNCIL (BALLAM ROAD OFF STREET PARKING PLACE) ORDER**  
**2025**

The Fylde Borough Council (hereinafter called “the Council”) in exercise of its powers under Sections 32 and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act”) and all other enabling powers, with the consent of Lancashire County Council in accordance with section 39 of the Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

**PART 1: GENERAL**

1. This order shall come into operation on [ ] and may be cited as “Fylde Borough Council (Ballam Road Off Street Parking Places) Order 2025”
2. In this Order, except where the context otherwise requires:
  - a. the following expressions have the same meaning as in the Act: –

Disabled Person’s Badge  
 Disabled Person’s Vehicle  
 Heavy Commercial Vehicle  
 Invalid Carriage  
 Motor Car  
 Motor Cycle  
 Owner

- b. The following expressions have the following meanings:

<i>Caravan</i>	means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor Vehicle or Trailer) and any motor Vehicle so designed or adapted.
<i>Car Park</i>	The parking place described in paragraph 1 of the Schedule
<i>Charging Hours</i>	the period during which a charge is payable at the Car Park set out in paragraph 5 of the Schedule
<i>Civil Enforcement Officer</i>	a person authorised to supervise the Car Park and to enforce regulations in the Car Park in accordance with

	the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
<i>Designated Agent</i>	a company authorised to act on the Council's behalf
<i>Designated Parking Bay</i>	a Parking Bay which is provided for the leaving of a Vehicle (a) of a particular kind or description (b) where the Driver or a passengers intend to engage in a particular activity or visit particular premises or (c) where the Driver or one of the passengers is a person of a particular description and indicated as such by different coloured paving blocks, surface studs, kerbs, signs, painted markings on the surface of the Car Park, or any other such indicator or combination of indicators.
<i>Disabled Parking Bay</i>	a Parking Bay for the sole use of vehicles displaying a Disabled Person's Badge indicated by displayed signs and/or surface markings
<i>Driver (in relation to a Vehicle waiting in the Car Park)</i>	the person driving the Vehicle at the time it was left in the Car Park
<i>Horse Box</i>	A motor Vehicle or Trailer designed or adapted for the transport of horses
<i>Mobile Telephone Parking</i>	Means the purchase of a period of parking for one specific vehicle registration number via a mobile telephone to facilitate a cashless and ticketless parking transaction
<i>Motorhome</i>	Any Vehicle classified as a camper van, motor caravan or motorhome or any Vehicle purpose built or converted to allow sleeping.
<i>Parking Bay</i>	A designated area delineated by painted lines or other markings on the surface of the Car Park intended for the parking of a single Vehicle
<i>Parking Disc</i>	the same meaning as in regulation 8(5) of the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000
<i>Pay Station</i>	an apparatus of a type and design approved by the Secretary of State for Transport for the purposes of this Order being apparatus designed to receive payment in respect of pedestrian paid parking
<i>Pay and Display Ticket</i>	a ticket issued by the Pay Station which displays, date and time purchased, date and time expired, value of ticket and location valid for
<i>Penalty Charge</i>	a charge set by the Council in accordance with the charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act which is to be paid to the Council within 28 days beginning with the date of service endorsed upon the Penalty Charge Notice in the manner set out in the Penalty Charge Notice
<i>Penalty Charge Notice</i>	a notice issued or served by a Civil Enforcement Officer or posted by the Council pursuant to the provisions of section 78 of the Traffic Management Act 2004 and supporting regulations
<i>Permit</i>	<i>means a document or digital authorisation issued by the Council which grants permission to leave a Vehicle in the Car Park.</i>

	<p><i>A permit may be:</i></p> <ul style="list-style-type: none"> <li>• <i>a physical item, such as a paper permit, badge, or sticker; or</i></li> <li>• <i>an electronic permit, including a record held in a digital system accessible by enforcement officers or authorised personnel.</i></li> </ul> <p>For the avoidance of doubt, a Permit does not include a ticket, receipt, or other proof of payment issued upon purchase of parking time from a pay-and-display machine, pay-on-foot system, or any similar facility.</p>
<i>Permit Holder</i>	The holder of a Permit
<i>Relevant Position (in connection with the display upon a Vehicle of a physical Pay and Display Ticket or Permit)</i>	<p><i>means a location within a vehicle where a pay and display ticket or permit, notice, or other authorised document required under a Traffic Regulation Order is displayed in such a manner that it is clearly visible from outside the vehicle. This includes display through:</i></p> <ul style="list-style-type: none"> <li>• <i>the front windscreen,</i></li> <li>• <i>the front nearside window, or</i></li> <li>• <i>the front offside window</i></li> </ul> <p><i>The document must be positioned so that it is unobstructed and easily visible to enforcement officers or authorised persons conducting inspections from outside the vehicle.</i></p>
<i>Relevant Position (in connection with the display upon a Vehicle of a Disabled Persons Badge or Parking Disc)</i>	the position defined in section 4 of the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000
<i>Return Period</i>	As defined in the Schedule at paragraph 4
<i>Trailer</i>	A vehicle drawn by another vehicle, and designed to be used for the carriage of goods or animals.
<i>Vehicle</i>	a motor vehicle, a passenger vehicle, a dual-purpose vehicle, a goods vehicle, a motorcycle or an invalid carriage or any other vehicle of any description whether drawn or propelled along a road by animal or mechanical power

## PART 2: PARKING IN THE CAR PARK

3. Article 4 sets out the conditions under which the Car Park may be used by Vehicles, by reference to the Schedule.
4.
  - a. A Driver must not leave their Vehicle in the Car Park unless it is one of the classes of Vehicle specified in paragraph 2 of the Schedule and is left in a Parking Bay. This does not apply to emergency vehicles, Vehicles specifically authorised by the Council or Vehicles connected with ongoing maintenance work in the Car park.
  - b. A Driver must not leave their Vehicle in the Car Park for longer than the maximum period specified in paragraph 4 of the Schedule, if this time ends

during the Charging Hours. But this does not apply to emergency vehicles, Vehicles specifically authorised by the Council or Vehicles connected with ongoing maintenance work in the Car Park.

- c. If a Driver leaves their Vehicle in the Car Park during Charging Hours, they must pay the charge set out in paragraph 5 of the Schedule for each parking bay they occupy in whole or in part. But this does not apply to Disabled Person's Vehicles that fulfil the conditions in Article 4 d, Permit Holders that fulfil the conditions in Article 4 e, emergency vehicles, Vehicles specifically authorised by the Council, Vehicles connected with ongoing maintenance work in the Car Park, or Motor Cycles.
- d. The conditions mentioned in article 4 c. for Disabled Person's Vehicles are that the Disabled Person's Vehicle is left in a Disabled Parking Bay, is displaying a Disabled Person's Badge and a Parking Disc, each in the Relevant Position, and that three hours have not elapsed since the Vehicle entered in the Car Park. I
- e. The conditions mentioned in Article 4 c for Permit Holders are that the Permit relates to the Vehicle, is (if a physical token) displayed in the Relevant Position and that the Vehicle is parked within the scope of the Permit and in accordance with any restrictions that apply to its use.
- f. If the Council puts up a notice in or near the Car Park restricting the use of all or part of it or places a barrier restricting the use of the whole or part of the Car Park, a Driver must not park their Vehicle in the restricted area. This rule applies even if other parts of this Order say otherwise.
- g. If the Council puts up a notice in or near the Car Park restricting parking to Vehicles involved in a Council-approved activity, a Driver must not park their Vehicle in this area except in connection with that activity. This rule applies even if other parts of this Order say otherwise.
- h. A Driver must not park their Vehicle in a Disabled Parking Bay unless it is a Disabled Person's Vehicle displaying a Disabled Person's Badge and a Parking Disc, each in the Relevant Position.
- i. A Driver must not park their Vehicle in a Designated Parking Bay unless the Vehicle is of the kind or description, or a Vehicle associated with a particular activity or status for which the Designated Parking Bay is provided. This rule applies even if other parts of this Order say otherwise.

### **PART 3: PAYMENT OF CHARGES**

- 5. Where a Driver is required to pay a charge set out in paragraph 5 of the Schedule, they may pay it in any of the following ways:-
  - a. at the Pay Station by using a method of payment accepted by the Pay Station and in accordance with instructions displayed at the Pay Station and obtaining a Pay and Display Ticket;

- b. Where provision is made for the use of the Mobile Telephone Parking this method may be used as an alternative to a Pay and Display Ticket issued from the Pay Station.

#### **PART 4: OTHER PROVISIONS**

- 6. Where a person is allowed to park using a Permit or Disabled Person's Badge and associated Parking Disc they must then pay the charges at the standard rate after the free period has expired. Payment tickets may be bought at time of arrival or at some time before the free period expires at the Car Park and the time will be added to the end of their free parking period.
- 7. No Vehicle which has been taken away from the Car Park during the Charging Hours shall again be left in the Car Park during the Charging Hours before the expiration of the Return Period.
- 8. Where a Pay and Display Ticket or a Permit has been displayed on a Vehicle, nobody except the Driver may remove the Pay and Display Ticket or Permit from the Vehicle unless the Driver has authorised them.
- 9. Where Car Park signs are erected and/or surface markings are laid for the purpose of:-
  - a. indicating the entrance to or exit from the Car Park, or
  - b. indicating that a Vehicle using the Car Park shall proceed in a specified direction within the Car Park,

no person shall drive or cause or permit to be driven any Vehicle (i) so that it enters the Car Park otherwise than by an entrance or leaves the Car Park otherwise than by an exit, so indicated or (ii) in a direction other than that specified, as the case may be.
- 10. Where there are signs or surface markings in the Car Park indicating that waiting is prohibited or that access to premises is to be kept clear no person shall cause or permit a Vehicle to wait in the part of the Car Park indicated by that sign or those surface markings.
- 11.
  - a. If a vehicle is left in a Car Park in a position other than in accordance with the provisions of this order, a Civil Enforcement Officer or other person authorised by the Council in that behalf may alter or cause to be altered the position of the Vehicle so that its position is in accordance with the said provisions.
  - b. If a Vehicle is left in a Car Park in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the Vehicle from the Car Park or arrange for such removal. The costs of such removal and any subsequent storage of the vehicle shall be recoverable from the Driver

or Owner of that Vehicle (or if different) from the person responsible for leaving it in the Car Park as a civil debt.

- c. For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a Police Officer in uniform may alter or cause to be altered the position of a Vehicle in the Car Park or remove or arrange for the removal of a Vehicle from the Car Park.
  - d. Any person altering, or causing the alteration of the position of a vehicle by virtue of paragraphs a or c of this Article, or removing or causing the removal of, a Vehicle by virtue of paragraph b or c of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the Vehicle to be altered or the vehicle to be removed.
  - e. Any person removing or arranging for the removal of a Vehicle by virtue of paragraph b or c of this Article shall make such arrangements as considered to be reasonably necessary for the safety of the Vehicle in the place to which it is removed.
  - f. Where a Civil Enforcement Officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle they may remove or cause to be removed the Vehicle and, where it is so removed, shall provide for the safe custody of the Vehicle.
12. The Driver of a Vehicle shall not permit that Vehicle to use a Car Park unless the Vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by a Driver such a policy of insurance as complies with the requirement of part VI of the Road Traffic Act 1988.
13. The Driver of a Vehicle using a Car Park shall stop the engine as soon as the Vehicle is in position in the Car Park and shall not start the engine except when about to change the position of the Vehicle in or depart from the Car Park.
14. No person shall sell any goods or services from a Vehicle in the Car Park without written consent from the Council.
15. No person shall sleep overnight, camp or cook in the Car Park
16. No person shall service or wash any Vehicle in the Car Park except for any servicing reasonably necessary to enable that Vehicle to depart from the Car Park.
17. No person shall sound the horn of any Vehicle except in circumstances where sounding the horn would have been in accordance with the Highway Code if the Car Park had been a highway.
18. No person shall except as otherwise provided by this Order drive any Vehicle in the Car Park other than for the purpose of leaving the Vehicle in the Car Park or for the purpose of departing from the Car Park.

19. No person shall intentionally shout or cause or permit loud noises in the Car Park that disturb or annoy Car Park users or other people in the vicinity of the Car Park.
20. No person shall use any threatening abusive or insulting language, gesture or conduct in the Car Park.
21. In the Car Park no person shall –
  - a. erect or cause or permit to be erected any tent, booth, stand, building, or other structure without the written consent of the Council.
  - b. light or cause or permit to be lit any fire.
22. No person shall cause or permit any Caravan, Horse Box, Trailer or Heavy Commercial Vehicle to enter or remain in Car Park. This restriction applies at all times and to all parts of the Car Park, unless otherwise indicated by signage or authorised by the Council
23. No person may use the Car Park for the purposes of driving instruction or training, except in relation to category A (mopeds and motor cycles) & Category B Vehicles (cars and small Vans).
24. The Council may suspend any or all of the above provisions in relation to the whole or part of the Car Park and may allow its use for specific purposes.

#### **PART 4: PENALTY CHARGE**

25. If a vehicle is left in the Car Park during the Charging Hours without complying with the provisions of this Order, then a contravention shall be deemed to have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice showing the information required by the Traffic Management Act 2004 may then be issued by a Civil Enforcement Officer in accordance with the requirements of that Act.
26. In the case of a Vehicle in respect of which a Penalty Charge has been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the Vehicle in a conspicuous position, a Penalty Charge Notice which shall include the following particulars required by the Traffic Management Act 2004: –
  - a. the registration mark of the Vehicle, or where the Vehicle is being used under a trade licence, the number of the trade licence carried by the Vehicle;
  - b. the nature of the contravention;
  - c. the date and time at which the Civil Enforcement Officer first noticed that a contravention had occurred;
  - d. a statement that a Penalty Charge is required to be paid; and
  - e. the manner in which and the time within which the Penalty Charge is to be paid.
27. The Penalty Charge shall be paid in accordance with the instructions contained on the Penalty Charge Notice.

28.

- a. Payment of the Penalty Charge to the Council or its Designated Agent shall either be by cheque, credit card or debit card.
- b. Payments can be delivered, sent by post, or paid via the internet to the contact details as stated on the Penalty Charge Notice.
- c. Payment must be made by the date specified on the Penalty Charge Notice but should the relevant office of the Council or Designated Agent be closed on the said date specified the period for receiving payment may be extended until the next full working day.

29. The particulars given in the Penalty Charge Notice attached to a Vehicle in accordance with Section 66(1)(3) of the Road Traffic Act 1991 shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

30. When a Penalty Charge Notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order, no person other than a person authorised by the Council or the Owner or Driver or a person authorised by the Owner or Driver shall remove the Penalty Charge Notice from the Vehicle

## **PART 5: LIABILITIES AND PENALTIES**

31. The Council accepts no liability for the loss or damage to Vehicles or other property left in any vehicle of the Council's Car Parks to which this Order applies.

32. Any person who contravenes or fails to comply with any provision of this Order shall be pursuant to section 35A of the Act be guilty of an offence.

33. Any person who with intent to defraud interferes with a Pay Station or operates or attempts to operate it by the insertion of objects other than current coins of the appropriate denomination shall be guilty of an offence.

## **SCHEDULE**

### **Paragraph 1: The Car Park**

Ballam Road Car Park

### **Paragraph 2: Class of vehicle**

Motor Car

Motor Cycle

### **Paragraph 3: Charging Hours**

Motor Car – Monday to Sunday, 9am to 6pm



**Paragraph 4: Maximum period for which vehicles may stay**

Motor Car and Motor Cycle

24 hours for all Vehicles in a parking bay or in a designated disabled person’s parking bay as indicated by a sign or surface markings

No return within 2 hours

**Paragraph 5: Amount of charge**

Motor Car	Up to 1 hour	£1.00
	1 to 2 hours	£1.60
	2 to 4 hours	£2.40
	Over 4 hours	£3.00
	Transferable ticket	£5.00

THE COMMON SEAL OF FYLDE  
BOROUGH COUNCIL  
was hereunto affixed  
this     day of  
in the presence of:-

Head of Governance