

Beer Parish Council
Townsend Coach and Car Park off Street Parking Terms & Conditions
1st April 2012

DEFINITIONS

1. In this document, the following expressions have the meanings respectively assigned to them.
2. ‘Beer Parish Council’ (hereinafter called “the council”) is the legal owner of the Townsend coach car park, since receiving it from East Devon County Council in August 2011.
3. ‘Townsend Coach and Car Park’ means: The area situated to the South of Causeway, Beer, Devon, bounded by Ash Hill Court for the purpose of permit parking for cars, overnight coaches and commercial vehicles and free parking for visiting coaches between 9am – 5pm (hereinafter called “the coach & car park”).
4. ‘Goods Vehicle’ means: a vehicle which has been purposely made, or adapted, to use in the carriage of goods of any description, and which has an unladen weight not exceeding 2540 kilograms.
5. ‘Light Goods Vehicle’ means: a vehicle which has been purposely made, or adapted, to use in the carriage of goods of any description, and which has an unladen weight not exceeding 1525 kilograms.
6. ‘Heavy Goods Vehicle’ means: a vehicle which has been purposely made, or adapted, to use in the carriage of goods of any description, and which has an unladen weight exceeds 1525 kilograms.
7. ‘Motor Cycle’ means: any vehicle, with or without a side car, having less than four wheels weighing less than 410kg un-laden. This definition includes three wheeled motorcycles and three-wheel mopeds. Three Wheeled Motorcycle - a motorcycle having three wheels, including a motorcycle with a sidecar. Moped - a motorcycle weighing less than 250kg and with a maximum design speed not greater than 30mph.
8. ‘Passenger vehicle’ means: a motor car within the provisions of section 185(1) of the Road Traffic Act 1988 and section 136(1) of the Road Traffic Regulations Act 1984 as “a mechanically propelled vehicle, intended or adapted for use on roads.
9. ‘Owner’ means: in relation to a vehicle, the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency.
10. ‘Driver’ means: in relation to a vehicle, the person who is normally responsible for driving and or parking the vehicle or the last person to drive and park the vehicle in the coach & car park.
11. ‘Parking Bay’ means: an area of the coach & car park specifically indicated by markings on the ground or boundaries to show the position in which the vehicle shall be parked.

12. 'Parking Permit' means: a permit, supplied by the council after receiving the correct fee, that shows the start and finish date of the parking allowed for this coach & car park and is within that designated time period.
13. 'Motor Vehicle' means: A mechanically propelled, three or four wheeled Vehicle used, principally for transporting one to eight passengers.
14. 'Motor Coach' Means: A coach which is a large motor vehicle, used for conveying more than eight passengers on excursions and on longer distance between cities - or even between countries. They may have a luggage hold separate from the passenger cabin and are normally equipped with facilities required for longer trips including comfortable seats and sometimes a toilet.

CONDITIONS OF USE

15. No person shall cause or permit any other type of Vehicle to park in a parking space unless it is;
 - a) A Motor vehicle displaying a current parking permit issued by the council. Private/light goods are numbered 1 – 9. Commercial vehicle/heavy goods are numbered 1 - 2
 - b) A Motor coach that is parking for free in one of the 3 designated coach bays for the period 9am – 5pm.
 - c) A Motor coach displaying a current parking permit issued by the council that is parked overnight in one of the 3 designated coach bays.
16. Permits are issued for the period of 1 April – 31 March in any year. Refunds are only given in exceptional circumstances at the discretion of the Council. Exceptional circumstances constitute a) death or serious illness of permit holder b) permit holder no longer able to drive or c) closure of parking facility.
17. Permits are issued on an annual basis and on-going eligibility will be reviewed annually. Permits are registered to the permit holder and not the property and the permit holder shall be the **primary user of the space**.
18. No person shall cause or permit a parking space to be let or rented out to someone else.
19. Beer Parish Council aims to maximise the use of the parking bays for the residents of Beer by ensuring that the parking bays are **well used** by permit holders. Annual renewal is at the discretion of the Council.
20. Beer Parish Council operates a waiting list for the coach and car park. If a parking space becomes available the following criteria will always apply:
 - 1st priority to applicants on the Beer electoral roll
 - 2nd priority to applicants who own or lease property in Beer or pay a property tax in Beer
 - 3rd priority to applicants who are employed in Beer
 - 4th Others

21. A permit holder may be eligible for a second bay only if there is no one else on the waiting list (who meets criteria 1-3 of the eligibility criteria as listed under section 19). If someone else joins the waiting list during the year (who meets criteria 1-3 of the eligibility criteria as listed under section 19), the permit holder would be required to give up the second bay at the point of annual renewal.
22. Permits are transferable between similar vehicles and must be displayed at all times.
23. Damaged and or lost parking permits shall be replaced by the council upon application by the permit holder. An administration fee may be imposed.
24. Notwithstanding, any permit must be surrendered to the council upon demand.
25. The council reserves the right to request the East Devon District Council to remove any vehicle from the coach and car park at the sole risk of the driver and/or the owner and the council shall be entitled to recover from the driver and/or owner any costs of such removal as may be made for the safe keeping of the vehicle.
26. The council accepts no liability for any loss or damage to any vehicles or property within any vehicles other than proven negligence by the council.
27. No person shall cause or permit any Motor Vehicle to park in a parking space unless it is in a Parking Bay designated for the specific type of vehicle as described above.
28. No person shall cause or permit any Motor Vehicle to park in a parking space unless it is displaying a current parking permit, legally issued by the council.
29. No person shall cause or allow to be caused the sale or attempted sale of any article/s, including vehicles, to any person in or near the coach and car park.
30. No person shall cause or allow to be caused the hire of services to any person in or near the coach and car park
31. Nothing in these conditions shall prevent the council by notice, sign, barrier or other suitable means from closing any part of the coach and car park for any period deemed reasonable by the council.
32. Maximum Stay. Other than vehicles with a parking permit and coaches which can park free between 9am and 5pm, no other vehicles of any type whatsoever shall park in the coach and car park.
33. All persons driving a vehicle into a parking bay, shall stop the engine as soon as the vehicle is safely in the parking bay. Under no circumstances shall any person allow a vehicle to park with the engine running except whilst about to change position and or depart from the parking bay.
34. No person parking any vehicle shall park in such a manner or position as shall cause an obstruction to any others users of the coach and car park.

35. All persons that are driving any vehicle in the coach and car park, must have a current driving licence that has been issued by the United Kingdom Driver and Vehicle Licensing Agency.
36. All persons using the coach and car park shall abide by the terms and conditions of this document. Contravention of the terms and conditions may lead to enforcement and fines and cancellation of permit.
37. No person shall use a parking place or any part of the parking place for any of the following.
 - a. For sleeping or camping purposes
 - b. For cooking purposes
 - c. For vehicle servicing and or repairing other than to enable the vehicle to be driven from the parking bay onto the main highway.
 - d. For changing, emptying and or refilling any vehicle fuel tank or oil reservoir.
 - e. For any other purpose than parking the permitted vehicle.
 - f. For parking any vehicle that contains flammable and or explosive substances, other than the fuel in the vehicles tank.
 - g. For parking any vehicle that does not have a current policy of insurance as complies with current Road Traffic regulations.
38. The permit holder shall be responsible for the collection and disposal of any litter in the parking bay and for ensuring the parking bay is kept free from weeds.
39. The Parish Council may change the conditions of use if the changes are considered to be in the best interests of the community.