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**BOROUGH OF TORBAY**

**(OFF STREET PARKING PLACES) AMENDMENT ORDER No.3 2025**

**Statement of Reasons**

The proposals in this Order are to place a restriction on Torbay Council staff permits being used in Colin Road car park between the hours of 8am and 3pm each day.

Documents giving more details particulars of all of the proposed changes are shown on plans on deposit.

**Notice of Proposals**

**Borough of Torbay**

(Off Street Parking Places) Amendment Order No3 2025

Torbay Council proposes to make the above Order under the relevant provisions of the Road Traffic Regulation Act 1984, the effect of which would be to amend the existing measures in the “Borough of Torbay (Off Street Parking Places) Order 2025”, as follows:-

**Restriction on use of Torbay Council staff parking permits in Colin Road car park**

Article 6(1)(a) of this Order places a further restriction on Torbay Council staff car park permits being used in Colin Road car park between the hours of 8am and 3pm each day.

Documents giving more detailed particulars of the Order may be inspected between 9:00am and 5:00pm each working day on the self-service computers at the Torbay Council Connections Office, Paignton Library and Information Centre, Great Western Road, Paignton, TQ3 3HZ. The documentation may also be viewed online at the following web address: [www.torbay.gov.uk/parking/tro/off-street-tros/](http://www.torbay.gov.uk/proposedtros)

All objections and representations relating to the Order must be submitted in writing to the address given below, or via email at tro.consultation@torbay.gov.uk to arrive no later than Wednesday 8th October 2025 and all objections must state the grounds on which they are made.

|  |  |
| --- | --- |
| Date: Thursday 18th September 2025Parking ServicesTorbay CouncilTown Hall, Castle CircusTORQUAY TQ1 3DR | A black text on a white background  AI-generated content may be incorrect. |

**DATED:** **2025**

**BOROUGH OF TORBAY**

**(OFF STREET PARKING PLACES)**

**AMENDMENT ORDER No3 2025**

**Anne-Marie Bond**

**Chief Executive**

**Torbay Council**

**Town Hall**

**Torquay**

**TQ1 3DR**

**Off Street Order.**

**BOROUGH OF TORBAY,**

**(OFF STREET PARKING PLACES)**

**AMENDMENT ORDER No3 2025**

The Council of the Borough of Torbay (“the Council”) in exercise of its powers under Sections 32, 33 and 35 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) as amended by the Parking Act 1989 and the Traffic Management Act 2004 and of all other enabling powers with the consent of the County Council of Devon in accordance with Section 39(3) of the 1984 Act and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:-

**Part I**

1. This Order shall come into operation on and may be cited as “Borough of Torbay (Off Street Parking Places) Order Amendment Order No3 2025”.

2. (1) In this Order, except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

“car park permit” shall mean any season ticket issued for a period not exceeding one year and expiring at any time;

“civil enforcement officer” means a person authorised by or on behalf of the Council to supervise any parking place;

“mobile telephone parking” 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;

“motor car” has the same meaning as in Section 136 of the Act;

“motorcycle” and “invalid carriage” have the same meaning respectively as in Section 136 of the Act;

“parking bay” means a space in a parking place which is provided for the leaving of a vehicle;

“parking place” means any area of land provided in pursuance of Section 32 and 33 of the 1984 Act for use as a parking place and as specified in the Schedules or in any amending Order for the time being in force and shall include approach roads, footpaths, footways, verges (including flower beds) and grassed areas not forming part of the adopted highway and for the purpose of avoidance of doubt, the area of land comprised within a parking place shall be as shown on any plan attached to this Order and the said plan or plans shall in any proceedings be conclusive evidence as to the areas of land so comprised and shall include parking places at which a pay and display machine is installed;

“pay and display machine” means an apparatus of a type and design approved by the Secretary of State for Transport for the purpose of this Order being apparatus designed to indicate the time by a clock and to issue numbered tickets indicating the payment of a charge, the period in respect of which it has been paid, the vehicle registration number noted by the user at the time of purchase, the day and time at which the charge was paid, or the expiry time of the period paid for;

“pay and display ticket” means a ticket issued by a pay and display machine;

“payment machine” means an apparatus in a pay on exit parking place where the user is required to input their vehicle registration number into the machine and then pay a parking charge dependant on the amount of time their vehicle has remained in the parking place;

“permitted hours” means the hours specified for charging purposes in the Schedules to this Order in respect of any parking place and are the hours during which a parking charge shall be paid for the leaving of a vehicle in that parking place;

“telecommunication apparatus” has the same meaning as defined in Section 4(3) of the Telecommunications Act 1984;

“traffic sign” means a sign of any size, colour and type prescribed or authorised under or having effect as though prescribed or authorised under, section 64 of the Act;

“virtual permit” means an electronic permit purchased via Parking Services’ Permit Portal where the specified vehicle registration number is held on record with no hard copy permit needing to be displayed in the vehicle;

(2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

# Part 2

## Designation of Parking Places

4. Each area which is specified in Schedules 1 to 3 of this Order is designated as a parking place.

**Vehicles for which Parking Places are Designated.**

5. Each parking place may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are motor cars, motorcycles, or motor homes, provided that they are parked within a relevant bay to their class of vehicle, and in accordance with the Articles of this Order.

**Torbay Council Staff Car Park Permits**

6. (1) A vehicle shall be exempt from paying the parking charges specified in Articles 6(1) to 6(5) of the “Borough of Torbay (Off Street Parking Places) Order 2025” when a valid car park permit specified in sub-paragraph (a) of this Article is displayed in the vehicle in accordance with paragraph (2) of this Article -

(a) where a virtual permit has been issued to a Torbay Council staff member via the Permit Portal, the permit may be used from the valid from date designated electronically when the virtual permit was activated, and shall remain valid until the expiry date noted on the Permit Portal. The permit shall only be valid for use in one vehicle at any given time, the registration number of the vehicle will be recorded on the Permit Portal, and may be amended by the applicant when required. The permit shall be valid for use in all parking places specified in Schedules 1 to 3 of this Order and will allow the user to park for the maximum period permitted for permit holders in that parking place (with the exception of Colin Road and Town Hall car parks where the permit may only be used between the hours of 15:00 and 08:00) provided that –

(i) a pay and display ticket or mobile parking session has been purchased in accordance with Article 6(5) of the “Borough of Torbay (Off Street Parking Places) Order 2025”, and –

(ii) in the case of any pay and display ticket, the ticket must be displayed in accordance with Articles 6(8) and 6(9) of the “Borough of Torbay (Off Street Parking Places) Order 2025”;

 (2) The permits referred to in this Article shall –

 (a) when issued with a hard copy permit, the permit must be exhibited in the vehicles front windscreen at all times during which the vehicle is left in a parking place during the permitted hours so that all the particulars on that side of the permit which bears the valid from date, expiry date, serial number, hologram (where applicable) and valid location are readily visible from the front or near side of the vehicle to a person standing on the near side of the vehicle;

 (b) have no requirement for a permit to be displayed in the vehicle when issued as a Virtual Permit.

 (3) If a Permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the Permit has become altered by fading or otherwise the permit shall become invalid and the Permit Holder shall be required to surrender it to the Council and apply for the issue to him of a duplicate Permit.

 (4) If a Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue to him of a duplicate Permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate Permit and upon such issue the Permit that has been replaced shall become invalid.

 (5) Car park permits may not be copied under any circumstances. If the Council has reason to believe that a permit has been copied or falsified then the Council may at its absolute discretion by serving notice in writing on the permit holder at the address provided by that person on their application for the permit, or at any other address believed to be that persons place of abode, withdraw the permit and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.

 (6) In any parking place a parking bay(s) may be set aside for the sole use of pay & display customers, any such bays will be identified by signs in the parking place. Torbay Council car park permits will not be valid for use in these locations.

(7) Car Park Permits provided by Torbay Council shall not be valid for use in any on street pay and display parking facilities within Torbay.

(8) All vehicles displaying a valid car park permit shall be parked wholly within a relevant marked bay.

**Contravention in a Parking Place**

7. If a vehicle is left in a parking place 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.

8. (1) When a penalty charge notice has been issued in respect of a vehicle in accordance with the provisions of Article 7 of this Order, no person not being the driver of the vehicle, a civil enforcement officer or a person duly authorised by the Council shall remove the notice from the vehicle.

(2) When a ticket or permit has been exhibited on a vehicle in accordance with the provisions of Article 6 of this Order no person shall remove the ticket or permit from the vehicle until the vehicle has been removed from the parking place.

**Manner of Payment of the Penalty Charge**

9. (1) The Penalty charge notice shall be paid to the Council in accordance with the instructions indicated on the penalty charge notice, either –

1. by cheque or postal order, which shall be delivered or sent by post to the address indicated in the penalty charge notice; or
2. by any other acceptable means which is agreed by the Council or authorised agent and the person or persons paying the penalty charge.

(2) The penalty charge must be paid to the Council before the end of twenty-eight days beginning with the date of the penalty charge notice.

(3) If the penalty charge is paid to the Council before the end of a period of fourteen days beginning with the date of the penalty charge notice, the amount of the penalty charge shall be reduced in accordance with the provisions of the Traffic Management Act 2004.

(4) For the purposes of this Article the penalty charge shall be taken to be paid when it is received at the office at the address indicated on the penalty charge notice and if the end of the period of twenty-eight days specified in paragraph(2) of this Article or the end of the period of fourteen days specified in paragraph(3) of this Article falls upon a day the said office is closed, the period within which the payment of the penalty charge shall be made shall be extended until the time at which the said office closes on the next full day on which that office is open.

**No Additional Coins to be inserted after Payment of Initial Charge**

10. No person shall insert in a pay and display machine relating to the parking bay in which a vehicle is left any coins additional to those inserted by way of payment of the initial charge in respect of that vehicle.

**Manner of Standing in Parking Places**

11. Every vehicle left in a parking place shall so stand so that every part of the vehicle is within the limits of a marked parking bay which shall be the appropriate bay in relation to the type of vehicle;

**Tickets As Evidence**

12. For the purposes of Section 35(3)-(5) of the 1984 Act any indication of date and time printed on a ticket issued by a ticket machine shall, unless the contrary is proved, be conclusive of the date of and the time at which such ticket was purchased.

DATED the day of 2025

THE COMMON SEAL of )

The Council of )

The Borough of Torbay was )

Hereunto affixed in the presence of:

Proper Authorised Signatory.

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| **Schedule 1** | Zone 1 Parking Places |
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**Schedule 1: Zone 1 Parking Places**

**Brixham Paignton Torquay**

Brixham Central Churchward Road Brunswick Square

 Crown & Anchor Chilcote Close

 Great Western Lower Union Lane multi-storey

 Preston Gardens Lower Union Lane Shoppers

 Station Lane Lymington Road Coach Station

 Victoria Melville Street

 St Marychurch

 Town Hall

 Union Square

**Schedule 2: Zone 2 Parking Places**

**Brixham Paignton Torquay**

Freshwater Clennon Valley Hampton Avenue

Oxen Cove Roundham Harbour

 Meadfoot Road

 Princes Street

 Shedden Hill

 Torre Valley

 Walls Hill

**Schedule 3: Zone 3 Parking Places**

**Brixham Paignton Torquay**

Breakwater Broadsands Abbey Park

 Cliff Park Road Beacon Quay

 Colin Road Kilmorie

 Goodrington Meadfoot Beach

 Quay West

 Youngs Park