

ROAD TRAFFIC REGULATION ACT 1984
TRAFFIC MANAGEMENT ACT 2004

**CANNOCK CHASE DISTRICT COUNCIL
(CIVIL ENFORCEMENT OF PARKING)
(VARIOUS OFF-STREET PARKING PLACES, SERVICE AREAS AND BUS STATIONS)
ORDER 2009**

Cannock Chase District Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 32, 33, 35, 124(1)(d), and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act"), and under the Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act and the County Council of Staffordshire in accordance with Section 39(3) of the 1984 Act, hereby make the following Order:-

1. This Order shall come into operation on the **TWENTY THIRD** day of **MARCH 2009** and shall be cited as the Cannock Chase District Council (Civil Enforcement of Parking) (Various Off-Street Parking Places, Service Areas and Bus Stations) Order 2009.
2. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to a plan or plans is a reference to a plan or plans incorporated into this Order. Any reference in this Order to "the Schedule" is a reference to the Schedule to this Order. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
3. In this Order –
 - "council" means the Cannock Chase District Council and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;
 - "civil enforcement officer" means a person authorised by or on behalf of the Council to supervise the Parking Places and enforce the restrictions imposed by this Order;
 - "disabled person's vehicle" means a vehicle displaying in the relevant position a disabled person's badge and which has been used immediately before or is about to be used by the person(s) in respect of whom the badge has been issued;
 - "disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and any amendments made thereto;
 - "owner" in relation to a vehicle means the person by whom such vehicle is kept and used. In determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle, or the person who has the use of such vehicle in the course of his/her employment and who is entitled to use such vehicle as though he/she were the registered keeper thereof;
 - "driver", in relation to a vehicle waiting in a parking place, means the person who was driving the vehicle at the time it was left in the parking place, and for the purposes of this Order and

of any legal proceedings taken thereunder, if, on the date a vehicle is left in a parking place, a person is shown to have been the registered owner or keeper thereof by notification in writing from the appropriate authority, he/she shall be deemed to have been the driver of the vehicle on that date unless the contrary is shown;

- “enactment” means any enactment, whether public, general or local, and includes any order, byelaw rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “motor cycle” has the same meaning as that in Section 136 of the 1984 Act;
- “parking place” means any area of land specified by name in Column 1 of the Schedule to this Order, and shown on the plans accompanying the Order, provided by the Council under Section 32(1) of the 1984 Act for use as a parking place;
- “parking bay” means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;
- “service area” means the area of land edged in red and shown on the plans accompanying this Order, which may be used for parking (whether or not any parking bay has been provided for that purpose) by authorised persons who have been issued with a relevant parking permit by the Council;
- “bus station” refers to all or any of the three bus stations situated at Stafford Road/Ringway, Cannock, Victoria Street, Hednesford and Elmore Lane, Rugeley, and edged in red and shown on the plans accompanying this Order, and which have been designated by any enactment for the exclusive use by public service vehicles;
- “charging hours” means any period(s) specified in Columns 6 and 7 of the Schedule to this Order;
- “valid parking ticket” means a ticket purchased for the parking place by the insertion of an appropriate coin or coins into an apparatus or device having been specially or generally approved by the Secretary of State for Transport for such purpose;
- “season ticket” means a device of a type and design generally approved by the Secretary of State for Transport and issued by the Council;
- “relevant parking permit” means a permit issued by the Council from time to time at its discretion to persons who can show, to the satisfaction of the Council, that they require off-street parking facilities due to their particular circumstances. Such a permit will be valid only for the parking place specified in that permit;
- “visitor parking permit” means a temporary permit issued by the Council to visitors to its offices and is valid only for the parking place specified in that permit;
- “penalty charge” means the charge set by the Council under Section 77 of Part 6 and Schedule 9 of the 2004 Act, which is to be paid to the Council following the issue of a Penalty Charge Notice (“PCN”) and within the period notified on the PCN, from the date of issue of that notice;

- “penalty charge notice” means a notice issued by or served by a civil enforcement officer pursuant to the provisions of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, as amended;
- “charge certificate” means a statement served on the owner of a vehicle by or on behalf of the Council in accordance with Section 21 of Part 5 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, as amended, to the effect that a penalty charge which remains unpaid is to be increased by the amount of the applicable surcharge;
- “relevant position” means the front windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the ticket (or the disabled person’s badge if appropriate) is clearly legible from outside the vehicle.

4. USE OF LAND AND PARKING PLACES

- 1) Each area of land specified by name in column 1 of the Schedule may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions on such days and during such hours and on payment of such charges as are specified in the Schedule to this Order and which may from time to time be amended as advertised at each parking place.
- 2) Nothing in the last preceding paragraph shall restrict the power of the Council temporarily to close any of the parking places referred to therein.
- 3) Where in the Schedule, a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place unless it is of the class and in the position so specified.
- 4) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person’s vehicle, the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person’s vehicle.
- 5) The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in column 6 of the Schedule to this Order in relation to that parking place.
- 6) A vehicle left in a parking place shall be positioned wholly within a parking bay. It shall be a contravention of this Order for a vehicle not to be parked wholly within a bay.
- 7) When a vehicle has left a parking place after waiting therein, the driver thereof shall not within one hour after its leaving, permit it to wait again in that parking place.
- 8) A valid parking ticket is not transferable from one vehicle to another.
- 9) A valid parking ticket is valid only in the parking place in respect of which it was issued.
- 10) The expiry of the period for which the charge has been paid shall be when the time shown on the clock of the issuing ticket machine is later than the time exhibited on the valid parking ticket displayed on the vehicle.
- 11) If at any time a vehicle is left in a parking place and no valid parking ticket is displayed on the vehicle in the relevant position, it shall be judged that the charge has not been paid.

5. AMOUNT OF PAYMENT AND CHARGE

- 1) The driver of a vehicle using a parking place shall, on leaving the vehicle in the parking place, pay the appropriate charge in accordance with the Scale of Charges specified in column 7 of the Schedule to this Order.
- 2) The charge referred to in the last preceding paragraph shall be payable by the insertion of an appropriate coin or coins into the apparatus or device provided, such apparatus or device having been specifically or generally approved by the Secretary of State for Transport for such purpose.
- 3) Any ticket issued on payment of the charge referred to in paragraph (1) of this Article 5 hereof shall be displayed on the vehicle left in a parking place in the relevant position.
- 4) The date and time of the purchase and charge paid as stated on the obverse side of a ticket shall be conclusive evidence of those facts for the purpose of this Order and any legal proceedings taken thereunder.

6. AMOUNT OF PENALTY CHARGE

- 1) Where in relation to a vehicle left in a parking place specified in the Schedule to this Order, a driver:-
 - a) has not purchased and displayed a parking ticket in accordance with Article 5; or
 - b) has left the vehicle for longer than the period for which payment is made, as displayed on the ticket; or
 - c) has not parked their vehicle wholly within a parking bay; or
 - d) has returned the vehicle to the same parking place within one hour of the expiry of a previous period of waiting in contravention of Article 4, paragraph (7);

a contravention of this Order shall have occurred and a Penalty Charge shall be payable and/or the vehicle may be removed from that location. A Penalty Charge Notice showing the information required by the 2004 Act may then be issued by a Civil Enforcement Officer in accordance with the requirements of the 2004 Act or any subsequent applicable legislation.

- 2) Where in relation to a vehicle left parked in any of the service areas or bus stations as indicated on the plans accompanying this Order, a contravention of this Order shall have also occurred and a Penalty Charge shall also be payable and/or the vehicle may be removed from the said service area or bus station, unless –
 - a) the vehicle so parked is displaying a relevant parking permit in a relevant position; or
 - b) the vehicle so parked is a public service vehicle
- 3) In the case of a vehicle in respect of which a Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to either hand the Penalty Charge Notice to the driver of the vehicle, post the Penalty Charge Notice to the owner of the vehicle or attach the Penalty Charge Notice to the vehicle in a conspicuous position.
- 4) The level of Penalty Charge is set out in accordance with the provisions of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007, as amended, and applies to this Order as follows:-

- a) for higher level contraventions the Penalty Charge will be £70.00;
 - b) for all other contraventions the Penalty Charge will be £50.00.
- 5) The driver of a vehicle in respect of which the Penalty Charge has been incurred shall pay the charge to the Council in the amount and manner prescribed in the Penalty Charge Notice within 28 days of its issue. Provided that, if the said twenty eighth day falls upon a day on which the Council Offices are closed, the period within which payment of the Penalty Charge shall be made to the Council shall be extended until 4.30pm on the next full day on which the said offices are open.
 - 6) If the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the notice, or within 21 days for Penalty Charge Notices issued by post, the amount of the Penalty Charge will be reduced by 50%.
 - 7) If the driver fails to pay the Penalty Charge by the end of the 28 day period, a notice to the owner may be served; and if the charge is then not paid within a further 28 days it may be increased by 50% on the issue of a Charge Certificate in accordance with the provisions of Section 21 of Part 5 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007. Continued failure to pay the Penalty Charge may result in a judgment in the County Court against the owner to enable the Council to recover the payments due.
 - 8) The particulars given in the Penalty Charge Notice attached to a vehicle in accordance with Article 6(3) above shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.
 - 9) If a vehicle is left after a Penalty Charge has been incurred, a Civil Enforcement Officer or a person acting under his/her direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of the 2004 Act, and that vehicle shall only be released from the device on payment of the Penalty Charge, or as the case may be, reduced Penalty Charge, along with such release fee as may be required by the Council.

7. RESTRICTION AND REMOVAL OF NOTICES

- 1) A Penalty Charge Notice fixed to a vehicle in accordance with Article 6 shall not be removed or interfered with except by or under the authority of –
 - a) the owner or person in charge of the vehicle; or
 - b) the Council.

A person contravening this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale.

- 2) When a valid parking ticket has been exhibited on a vehicle in the relevant position, no person shall remove the parking ticket from the vehicle until the vehicle is removed from the parking place, service area or bus station.

8. MOVEMENT AND REMOVAL OF VEHICLES

- 1) Where a vehicle is left in a parking place, service area or bus station in a position other than in accordance with the foregoing provisions of this Order, a Civil Enforcement Officer or other person authorised by the Council may alter or cause to be altered the position of that vehicle in order that its position shall comply with the said provisions.
- 2) Where a Civil Enforcement Officer or other person authorised by the Council is of the opinion that any provisions of this Order have been contravened or not complied with in respect of a vehicle left in any part of a parking place, service area or bus station, he/she may remove or cause to be removed the vehicle from the parking place, service area or bus station, or arrange for such removal.
- 3) Where a Civil Enforcement Officer or other person authorised by the Council has removed or caused to be removed a vehicle in accordance with this Article –
 - a) he/she shall provide for the safe custody of the vehicle;
 - b) the Council shall be entitled to recover from the person responsible such charges and expenses in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
 - c) the provisions of the 1984 Act as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.
- 4) Any person altering or causing the alteration of the position of a vehicle, or removal or causing the removal of a vehicle by virtue of this Article, may do so by towing or driving the vehicle or in any 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.

9. EXEMPTION FROM PARKING AND CHARGING RESTRICTONS

- 1) The following vehicles left in a parking place shall be exempt from the payment specified in Articles 5 and 6 to this Order:-
 - a) a pedal cycle; and
 - b) a motor cycle not having a sidecar attached, provided that in the case of subparagraphs 1(a) and 1(b) of this Article such vehicles shall only be exempt from the payment of a charge when the vehicle is left in a parking place specifically allocated for that class of vehicle.

- 2) The following vehicles left in a parking place or parked within a service area or bus station as indicated in red on the plans attached to this Order shall be exempt from any limitations on time and from the payment of any charge specified in Articles 5 or 6 or in columns 6 or 7, as the case may be, of the Schedule to this Order:-
 - a) a disabled person's vehicle which displays a disabled person's badge in the relevant position; or
 - b) a vehicle belonging to any of the Emergency Services (namely, police, fire and ambulance authorities) which is being used in the carrying out of the authorities' normal duties and functions; or
 - c) a public service vehicle authorised to operate from the designated bus stations as shown on the plans; or
 - d) any vehicle used for the purpose of being loaded and unloaded in connection with a trade or business in the designated service areas as shown on the plans; or
 - e) any vehicle displaying a relevant parking permit in a relevant position.
- 3) No person shall cause any vehicle except a disabled person's vehicle displaying a disabled person's badge to park in those parking spaces on which is marked the disabled logo in yellow.

10. OTHER PROVISIONS

- 1) The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in accordance with the provisions of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of the Road Traffic Act 1988.
- 2) The driver of a motor 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 except when about to change the position of the vehicle in or to depart from the parking place.
- 3) No person shall use a vehicle, while it is in a parking place in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services and no person shall, while the vehicle is in a parking place, affix or place thereon any advertisement.
- 4) No person shall, while a vehicle is in a parking place, permit or cause to permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be removed from the parking place.
- 5) No person shall use any part of a parking place or any vehicle left in a parking place:-
 - a) for sleeping or camping or cooking, or;
 - b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
- 6) The driver of a vehicle using a parking place shall not 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.
- 7) In a parking place, 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) cause, or take part in any game;
 - c) play or take part in any game;
 - d) use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned;
 - e) wantonly shout or otherwise make a loud noise to the nuisance or annoyance of users of the parking place or residents or occupiers of premises in the neighbourhood;
 - f) light or cause or permit to be lit any fire.
- 8) Where in a parking place signs are erected or surface markings are laid for the purpose of:-
- a) indicating the entrance to or exit from the parking place; or
 - b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place, no driver shall drive any vehicle:-
 - I. so that it enters the parking place otherwise than by an entrance or leaves the parking place otherwise than by an exit as indicated; or
 - II. in a direction other than specified.
- 9) No driver shall, except with the permission of a person authorised by or on behalf of the Council, drive any vehicle in a parking place for any purpose other than the purpose of leaving the vehicle in a parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

11. REVOCATION

The following Orders are hereby revoked:-

- The Cannock Urban District Parking Places Order 1961
- The Cannock Urban District Parking Places Order (No. 1) 1966
- The Cannock Urban District Council (Off-Street Parking Places) Order 1973
- Cannock Chase District Council (Service Roads, Rugeley) Prohibition and Restriction of Waiting Order 1978
- The Cannock Chase District Council (Parking Places) Order 1984
- Cannock Chase District (Off-Street Parking Places) (Stafford Road, Cannock and Elmore Lane, Rugeley) Order 1987
- Cannock Chase District (Off-Street Parking Places) Order 1989
- Cannock Town Centre (Off-Street Parking Places) Order 1993
- Cannock Town Centre (Off-Street Parking Places) (Variation) Order 1994
- Cannock Chase District (Backcrofts Car Park Access Road and Service Road), Cannock (Prohibition of Waiting and Off-Street Parking For The Disabled) Order 1996
- Rugeley Town Centre (Off-Street Parking Places) Order 1999
- Cannock Railway Station Car Park, Girton Road, Cannock (Off-Street Parking Places) Order 2002

SCHEDULE

Column 1 Name of car parking place	Column 2 Position in which vehicle may wait	Column 3 Class of vehicle	Column 4 Days of operation	Column 5 Hours of operation of parking	Column 6 Max period for which vehicles may wait	Column 7 Scale of charging for parking
<p><u>Cannock</u></p> <p>Car parking spaces in the lay-by fronting the Council House, Beecroft Road</p> <p>Car park adjacent to the Civic Centre Offices, Beecroft Road</p> <p>Civic Centre (rear car park), Brunswick Road</p>	<p>Wholly within a parking bay</p> <p>-ditto-</p> <p>-ditto-</p>	<p>Motor cars, estate cars, station wagons, motor vehicles (with or without sidecars), light vans, the unladen weight of which does not exceed 1 tonne, invalid carriages, pedal cycles. Height of vehicles shall not exceed 2.1 metres</p> <p>-ditto-</p> <p>-ditto-</p>	<p>All days</p> <p>All days (when barrier is not in place)</p> <p>Saturdays only</p>	<p>All hours</p> <p>All hours (when barrier is not in place)</p> <p>All hours</p>	<p></p> <p></p> <p></p>	<p>Between 7.30am and 6.30pm on any day except a Sunday, Christmas Day, Good Friday, or a Bank Holiday being a Public Holiday:-</p> <p>0-1 hour £0.80 1-2 hours £1.60 2-3 hours £2.40 3-4 hours £3.20 At any other time – no charge</p> <p>-ditto-</p> <p>Between 7.30am and 6.30pm on any Saturday except</p>

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Beecroft Road	-ditto-	-ditto-	All days	-ditto-		<p>Christmas Day or a Bank Holiday being a Public Holiday:- 0-1 hour £0.80 1-2 hours £1.60 2-3 hours £2.40 3-4 hours £3.20 4-5 hours £8.00 5-6 hours £10.50 At any other time – no charge</p> <p>Between 7.30am and 6.30pm on any day except a Sunday, Christmas Day, Good Friday or a Bank Holiday, being a Public Holiday:- 0-2 hours £1.00 2-3 hours £2.40 3-4 hours £3.20 4-5 hours £8.00 5-6 hours £10.50 At any other time – no charge</p> <p>Between 7.30am and 6.30pm on any day</p>

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Avon Road			-ditto-	-ditto-		<p>except a Sunday, Christmas Day, Good Friday or a Bank Holiday being a Public Holiday:-</p> <p>0-1 hour £0.80 1-2 hours £1.60 2-3 hours £2.40 3-4 hours £3.20 Over 4 hours £4.00 At any other time – no charge</p>
Backcrofts	-ditto-	-ditto-	-ditto-	-ditto-		<p>Between 7.30am and 6.30pm on any day except a Sunday, Christmas Day, Good Friday or a Bank Holiday being a Public Holiday:-</p> <p>Up to ½ hour £0.50 ½ - 1 hour £0.80 1-2 hours £1.60 2-3 hours £2.40 3-4 hours £3.20 4-5 hours £8.00 5-6 hours £10.50 At any other time – no charge</p>

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Market Hall Multi-Storey	-ditto-	-ditto-	-ditto-	-ditto-		<p>Between 7.30am and 6.30pm on any day except a Sunday, Christmas Day, Good Friday or a Bank Holiday being a Public Holiday:-</p> <p>0-1 hour £0.80 1-2 hours £1.60 All Day (max. 11 hours) £3.20</p> <p><u>Season Tickets:</u></p> <p>1 month £64.00 3 month £160.00</p> <p>At any other time – no charge</p>
Danilo Road	-ditto-	-ditto-	-ditto-	-ditto-		<p>Between 7.30am and 6.30pm on any day except a Sunday, Christmas Day, Good Friday or a Bank Holiday being a Public Holiday:-</p> <p>All Day £3.20</p>

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Railway Station, Girton Road	-ditto-	-ditto-	-ditto-	-ditto-		<u>Season Tickets:</u> 1 month £64.00 3 month £160.00 At any other time – no charge Between 7.30am and 6.30pm on any day except a Sunday, Christmas Day, Good Friday or a Bank Holiday being a Public Holiday:- All Day £1.60 Weekly Ticket (Monday – Saturday) £5.00 At any other time – no charge Between 7.30am and 6.30pm on any day except a Sunday, Christmas Day, Good Friday or a Bank Holiday being a

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<u>Rugeley</u> Forge Road			-ditto-	-ditto-		Public Holiday:- 0-1 hour £0.70 1-2 hours £1.40 2-3 hours £2.10 3-4 hours £2.80 Over 4 hours £3.50 At any other time – no charge -ditto- -ditto- -ditto-
St. Paul's Road	-ditto-	-ditto-	-ditto-	-ditto-		Between 7.30am and 6.30pm on any day except a Sunday, Christmas Day, Good Friday or a Bank Holiday being a Public Holiday:- Up to ½ hour £0.50 ½ - 1 hour £0.70 1-2 hours £1.40 2-3 hours £2.10
Taylor's Lane	-ditto-	-ditto-	-ditto-	-ditto-		
St. Joseph's Church, Lichfield Street	-ditto-	-ditto-	-ditto-	-ditto-		

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Market Street	-ditto-	-ditto-	-ditto-	-ditto-		3-4 hours £2.80 Over 4 hours £3.50 At any other time – no charge Between 7.30am and 6.30pm on any day except a Sunday, Christmas Day, Good Friday or a Bank Holiday being a Public Holiday:- 0-2 hours £1.00 2-3 hours £2.10 3-4 hours £2.80 Over 4 hours £3.50 At any other time – no charge
Market Hall	-ditto-	-ditto-	-ditto-	-ditto-		

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