

ROAD TRAFFIC REGULATION ACT 1984
TRAFFIC MANAGEMENT ACT 2004

**CANNOCK CHASE DISTRICT COUNCIL
(CIVIL ENFORCEMENT OF PARKING)
CAR PARK AT MILL GREEN NATURE RESERVE, CANNOCK
(WAITING RESTRICTIONS) 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 23rd day of **November 2009** and shall be cited as the Cannock Chase District Council (Civil Enforcement of Parking) Mill Green Nature Reserve, Cannock (Waiting Restrictions) 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 located within the Mill Green Nature Reserve and to enforce the restrictions imposed by this Order;
 - “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 plan accompanying the Order, provided by the Council under Section 32(1) of the 1984 Act for use as a parking place;
- “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;

4. USE OF LAND AND PARKING PLACES

- 1) The area of land specified by name in column 1 of the Schedule and shown edged in red on the plan accompanying this Order 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 for such periods 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) 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.
- 5) When a vehicle has left a parking place after waiting therein, the driver thereof shall not within two hours after its leaving, permit it to wait again in that parking place.

5. AMOUNT OF PAYMENT AND CHARGE

- 1) The driver of a vehicle using a parking place specified in the Schedule to this Order shall be allowed to park their vehicle without charge for a period not exceeding three hours.

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 left the vehicle for longer than a period of three hours; or
 - b) has returned the vehicle to the same parking place within two hours in contravention of Article 4, paragraph (5) of this Order;

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) 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.
- 3) 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 for the purpose of this Order the Penalty Charge will be £50.00.
- 4) 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.
- 5) 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%.
- 6) 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.
- 7) The particulars given in the Penalty Charge Notice attached to a vehicle in accordance with Article 6(2) above shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.
- 8) 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.

8. MOVEMENT AND REMOVAL OF VEHICLES

- 1) Where a vehicle is left in a parking place 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, he/she may remove or cause to be removed the vehicle from the parking place 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 RESTRICTIONS

- 1) The following vehicles left in a parking place shall be exempt from the provisions and restrictions contained in this Order:-
 - a) a pedal cycle;
 - b) a motor cycle not having a sidecar attached;
 - c) 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;


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.

Dated this 11th day of November 2009

THE COMMON SEAL of the
 CANNOCK CHASE DISTRICT
 COUNCIL) was hereunto affixed in the
 presence of:-



Deputy Proper Officer

SCHEDULE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
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Name of car parking place	Position in which vehicle may wait	Class of vehicle	Days of operation	Hours of operation of parking	Max period for which vehicles may wait	Scale of charging for parking
Car Park at Mill Green Nature Reserve, Lichfield Road, Cannock	All available parking spaces within the designated car park	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	All days	All hours	3 hours Any day except a Saturday, Sunday, Christmas Day, Good Friday, or a Bank Holiday, being a public holiday (at any other time – no limit)	Up to 3 hours - no charge (Vehicles parked for a period exceeding 3 hours will be subject to a Penalty Charge of £50.00)