

THE BOROUGH COUNCIL OF NEWCASTLE-UNDER-LYME 'OFF-STREET PARKING PLACES' ORDER 2017

The Borough Council of Newcastle-under-Lyme (hereinafter called 'the Council') in exercise of its powers under Sections 32, 33, 35 and Parts III and IV of Schedule 9 of the Road Traffic Regulation Act 1984 ('the 1984 Act') and the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 and the Traffic Management Act 2004 ('the 2004 Act') and of all other enabling powers, after consultation with the Chief Officer of Police hereby make the following Order:

PART I

GENERAL

Commencement and Citation

1. This Order shall come into operation on the 3rd day of April 2017 and may be cited as The Borough Council of Newcastle-under-Lyme 'Off-Street Parking Places' Order 2017

Interpretation

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

'The Council' means the Borough Council of Newcastle-under-Lyme of Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG

'Alternative Approved Method of Payment' means Cashless Payment, payment by debit or credit card by on site or remote verification by, for example, card reader or mobile phone text or phone call or decrementing card

'Bank Holiday' means Good Friday, Easter Monday, the first and last Monday in May, the last Monday in August, 26 December, if it is not a Sunday, and 27 December, when 25 or 26 December is a Sunday and 01st January

'Cashless Payment' means a method of payment of the Parking charge operated and maintained by the Councils appointed service provider to accept and record the payments (inclusive of any appropriate service charge), made by means of a credit or debit card or any other approved method of secure authorised payment and transmitted by a mobile phone or any other electronic system (inclusive of internet apparatus) to obtain a period of parking in a parking place where the 'cashless payment' system is operational and indicated by lawful signs.

'Charging Days' means those days other than Christmas Day and Easter Sunday which are specified in the First Schedule for each Parking Place respectively

'Charging Hours' means the period as stated in the First Schedule on all charging days

'Civil Enforcement Officer' means a person authorised by or on behalf of the Council to supervise the Parking Place and enforce the restrictions imposed by this Order

'Day' printed on the front of a parking ticket indicates the day that the pay and display ticket is valid

'Disabled Persons' Badge' means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons (England) Regulations 2000 or a badge having effect under those regulations as if it were a disabled person's badge

'Expiry Time' is the time indicated on the pay and display ticket and is the time by which the vehicle must leave the Parking Place

'Goods Vehicle' means a vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, the overall height of which does not exceed 1.85 metres and the unladen weight of which does not exceed 2540 kilogrammes and is not drawing a trailer

'Motor Cycle' refers to a solo motor cycle only and excludes any motor cycle which has a side-car or trailer, or which has more than two wheels

'Named Days' means days named at the time of the initial purchase of the season ticket in question and written thereon at that time

'Owner' means the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994

'Parking Bay' means an area of a Parking Place which is provided for the leaving of a vehicle of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place

'Parking Place' means an area of land specified by name in the First Schedule and provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of vehicle parking and not closed (in part or in whole) by a Notice erected thereon by authority of the Council

'Passenger Vehicle' means a vehicle constructed or adapted solely for the carriage of passengers and their effects

'Pay and Display ticket' means a ticket issued by a ticket machine located in the Parking Place in which the vehicle has been left or issued by a person nominated by the Council on payment of a charge and valid for a parking period as detailed in the First Schedule

'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. Such Penalty Charge being either the Higher Level Contravention or the Lower Level Contravention as detailed in Part 1 of Schedule 2, determined in accordance with the Civil Enforcement of Parking (Guidelines on Levels of Charges) (England) Order 2007, (or any amendment or variation to it) as detailed in Part 2 of the Second Schedule

'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

'Public Holiday' means Christmas Day, Good Friday and any other day designated by the Government as a public holiday

'Relevant Position' means:

- (a) in respect of a vehicle displaying a disabled person's badge -
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or
 - (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle
- (b) in respect of a vehicle displaying a ticket, season ticket or permit -
 - (i) in the case of a vehicle which is fitted with a transparent windscreen, the ticket or permit is exhibited on the inside surface of the windscreen so that it is facing forwards and can be easily seen and read from the front of the vehicle; or
 - (ii) in the case of a vehicle which is not fitted with a transparent windscreen, the ticket or permit is exhibited on the front of the vehicle facing forwards not more than 2 metres and not less than 1.75 metres above the surface of the Parking Place in the immediate vicinity

'Season Ticket' means a ticket purchased from the Council, subject to certain conditions, valid for the period specified on the ticket for use in Parking Places specified in the First Schedule and indicated on the ticket

'Ticket 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 parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and, either the time of such payment, or the time at which the vehicle must leave the Parking Place.

- 3. Except where the context requires otherwise, any reference in this Order to an Article or Schedule shall be construed as a reference to that Article or Schedule in this Order.
- 4. 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.
- 5. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II

DESIGNATION AND USE OF PARKING PLACES

Designation

6. Each area of land referred to in the First Schedule may be used, subject to the provisions of this Order, as a place to leave vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are specified in relation thereto in the First and Second Schedule hereto

Class and position of vehicle

7. Where in the First Schedule a Parking Place is described as available for vehicles of a specified class or vehicles to be left in a specified location, no person shall permit a vehicle to wait in that Parking Place or in any parking bay within the Parking Place,
- (i) unless it is of the specified class;
 - (ii) unless it is wholly within a marked parking bay; or
 - (iii) in a position other than that specified.

Maximum period of stay

8. Where in the First Schedule a Parking Place is described as available on specified days, during specified hours or for a maximum period of stay, no person shall permit a vehicle to wait in that Parking Place on any day, during such hours or for any period other or longer than those specified.

Period of no return

9. Where in the First Schedule a Parking Place is described as having a period within which a vehicle may not return, no person shall permit a vehicle to wait in that Parking Place on any day, during such hours within which the vehicle is excluded from waiting in the Parking Place.

Season Ticket

10. Nothing in Articles 8 and 9 shall preclude a vehicle displaying a valid Season Ticket in the relevant position from being parked without payment of the daily charge in the relevant Parking Places specified in the First Schedule up to a maximum period of 7 consecutive days.
- The Council may request the vehicle registration mark(s) of the vehicle.

Disabled persons' parking bays

11. No person shall cause or permit a vehicle to park in a parking bay marked for Disabled Persons unless the vehicle displays a Disabled Person's Badge in the relevant position and immediately before or immediately after the act of parking the vehicle has been or is about to be used by the person(s) in respect of whom the badge has been issued.

Motor cycle parking bays

12. No person shall cause or permit a vehicle to park in a parking bay marked for motor cycles unless the vehicle is a motor cycle.

Power to close or suspend Parking Places

13. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the Parking Place:
- (i) from closing the Parking Place or any part thereof for any period;
 - and/or
 - (ii) from setting aside the Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations.
14. Any person authorised by the Council suspending the use of a Parking Place or any part thereof in accordance with the provisions of Article 13 shall thereupon place or cause to be placed in or adjacent to that Parking Place or that part thereof a notice or traffic sign indicating that the use of that Parking Place or that part thereof is suspended and that waiting by vehicles is prohibited.
15. No person shall cause or permit a vehicle to be left in a Parking Place or any part thereof during such periods that the use of that Parking Place or that part thereof is suspended or during such period as there is in or adjacent thereto a notice or traffic sign placed by or on behalf of the Council in pursuance of the preceding Article.

Parked with engine running

16. No person shall in a parking place continue to run the engine when the Vehicle is in the parking space and shall not start the engine except when about to change the position of the Vehicle in or to depart from the Parking Place.

PART III

CHARGES FOR PARKING

Payment

17. The driver of a vehicle using a Parking Place shall upon leaving the vehicle in the Parking Place pay the appropriate charge (if any) in accordance with the scale of charges specified in the First and Second Schedule hereto.

Pay on exit Parking Places

18. The driver of a vehicle using a Pay on Exit Parking Place shall, upon arriving at the Parking Place, take a ticket from the machine to establish time of entry and shall on exit, pay the attendant on duty, or a person nominated by the Council at the entry point, a parking fee at the level of charge and for the period required in accordance with the scale of charges specified in the First Schedule.

Pay and Display Parking Places

19. The driver of a vehicle using a Pay and Display Parking Place shall upon leaving the vehicle in the Parking Place shall immediately either

(a) arrange for the purchase a Pay and Display Ticket from a Ticket Machine situated at that parking Place at the level of charge and for the period required in accordance with the scale of charges specified in the First Schedule.

or

(b) Make arrangements to pay the appropriate fee through an Alternative Approved Method of Payment if available such as Cashless Payment at the level of charge and for the period required in accordance with the scale of charges specified in the First Schedule.

Means of payment

20. The charge referred to in the preceding Article shall be payable by the insertion of an appropriate coin, coins or banknotes, or other approved method of payment together making up the amount of the charge into the ticket machine situated in that Parking Place or by payment to a person nominated by the Council.

Display of ticket

21. Save for payment by an Alternative Approved Method of Payment, once a vehicle has been Parked within a pay and display Parking Place the driver of the Vehicle shall:

(i) display the Pay and Display ticket issued on payment of the charge in the relevant position on the vehicle in respect of which it was issued,

and

(ii) ensure that a Pay and Display ticket is purchased and displayed to cover the entire period that the vehicle is parked in the Parking Place.

Validity of Pay and Display Tickets

22. A Pay and Display ticket is not transferable from one vehicle to another.

23. A Pay and Display ticket is valid only in the Parking Place in which it was issued. This is defined by the reference code of the parking ticket machine located in that Parking Place printed on the Pay and Display ticket.

Expiry of parking period

24. The expiry of the period for which the charge specified for that Parking Place in the First Schedule has been paid shall be

(a) indicated when there is exhibited on the vehicle a parking ticket and the time shown on the clock of the issuing ticket machine is later than the time at which the period for which a charge has been paid expired.

(b) Where an Alternative Approved Method of Payment has been used, when the period for which payment has been made and recorded has expired.

No ticket displayed

25. If at any time while a vehicle is left in a Parking Place and no Pay and Display Ticket is displayed on that vehicle in the relevant position and in accordance with the provisions of Article 20 or without proof of permit or valid cashless parking receipt, it shall be deemed that the charge has not been paid.
26. If at the time when a vehicle is left during the permitted hours in a Parking Place and on the nearest ticket machine in that Parking Place there is a notice placed by any person duly authorised by the Council, indicating that the said ticket machine is out of order, then a ticket should be obtained from another machine in that Parking Place (where provided).
27. Where no valid Pay and Display ticket can be obtained and displayed vehicles may be left in a Parking Place but may not be left for longer than the maximum period of waiting in that Parking Place as specified in the First Schedule.

Season Tickets

28. Season Tickets are available at the appropriate fee, for a vehicle of a specific class and for the Parking Places as specified in the First Schedule subject to conditions determined from time to time by the Council.
29. The driver of the vehicle shall abide by the terms stipulated by the Council for the use of the Season Ticket.
30. A Season Ticket is only valid in the Parking Place in respect of which it was issued and up to the date of expiry shown on the season ticket.
31. A season Ticket remains the property of the Council and must be surrendered on request. In such instances where a refund fee is appropriate this will be provided in accordance with the Council's policies.

Display of Season Ticket

32. The driver of the vehicle shall display the Season Ticket in the relevant position on the vehicle in respect of which it was issued at all times during which the vehicle is left in the Parking Place during the hours of operation.

Replacement Season Tickets

33. Damaged or lost Season Tickets or Resident Permits will be replaced on application to the Council and on payment of an administration fee of £20.00. The damaged or lost Season Ticket will then become immediately invalid.

Surrender of Season Ticket

34. A holder of a Season Ticket on surrendering the ticket shall be entitled to a refund based upon the number of complete months remaining unexpired from the beginning of the calendar month following the date on which the Council receives the surrendered ticket. The refund will be one twelfth of the annual rate for each unexpired calendar month less a £20.00 administration fee.

Restriction on removal

35. When a Pay and Display ticket or season ticket or permit has been exhibited on a vehicle in the relevant position no person shall remove the Pay and Display ticket or

season ticket or permit from the vehicle until the vehicle is removed from the Parking Place.

PART IV

EXEMPTIONS FROM DAILY CHARGES

36. No daily charge shall be payable in respect of;
- (i) a vehicle which displays in the relevant position a valid Disabled Person's Badge provided that the vehicle immediately before or after the act of parking has been used or is about to be used by the person(s) in respect of whom the badge is issued;
 - (ii) a motor cycle which is left in a parking bay specified for such vehicles (if any);
 - (ii) a vehicle left displaying in a relevant position a Season Ticket valid for that Parking Place;
 - (iv) a vehicle left displaying in a relevant position a pass or permit issued by the Council valid for that time and for that Parking Place;

Absence of ticket machine

37. If at the time when a vehicle is left in a Parking Place shown during the charging hours there is no ticket machine at the Parking Place, or all the ticket machines at that Parking Place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order, the driver of that vehicle shall be exempt from purchasing a parking ticket.

Payment by Alternative Method of Payment

38. Where arrangements to pay the appropriate charge have been made through an Alternate Approved Method of Payment and no ticket is produced by the process, the driver of the vehicle shall be exempt for the requirement to display the ticket.

PART V

RELOCATION AND REMOVAL OF VEHICLES

Relocation of a vehicle

39. Where any vehicle is standing in a Parking Place in contravention of the provisions of this Order, or is left in such a manner so as to cause danger or obstruction a Civil Enforcement Officer or a person authorised by the Council may, using such measures as are appropriate, alter or cause to be altered the position of the vehicle.

Removal of a vehicle

40. Where a Civil Enforcement Officer or a person authorised by the Council is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a vehicle left in a Parking Place he/she may, using such measures as are appropriate, remove or cause to be removed the vehicle from the Parking Place.

Emergencies

41. A Civil Enforcement Officer, a person authorised by the Council or a Police Constable in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any vehicle left in a Parking Place.

Safe keeping

42. Any person removing a vehicle from a Parking Place under the preceding Articles shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle

PART VI

OTHER PROVISIONS

Stop engine and apply brakes

43. The driver of a motor vehicle using a Parking Place shall stop the engine as soon as the vehicle is in the parking space and shall not start the engine except when about to change the position of the vehicle in or to depart from the Parking Place;

Manner of parking of trailers

44. The driver of a vehicle drawing a trailer shall not permit the vehicle or the trailer to wait in a Parking Place unless they have been disconnected, and for the purposes of this Order the vehicle and the trailer shall be deemed to be separate vehicles and the driver of the leading vehicle shall be deemed to be the driver of both of the vehicles. A valid ticket must be purchased for the trailer in addition to the vehicle.

Repair of vehicles in Parking Places

45. No person shall, while a vehicle is in a Parking Place, permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be moved from the Parking Place.

Vehicle Tax and Insurance

46. No person shall permit any vehicle to wait in a Parking Place:
- (i) unless the vehicle holds a current licence issued in accordance with the provisions of the Vehicle Excise and Registration Act 1994;
 - (ii) unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with requirements of the Road Traffic Act 1988;

Entry and Exit

47. Where signs are erected or surface markings are laid for the purpose of indicating the entrances to or exits from the Parking Place; or indicating that a vehicle proceed in a specified direction, no person shall drive or cause to be driven 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;
 - (ii) in a direction other than that specified;
 - (iii) In a manner or at a speed so as to cause danger to other users of the Parking Place.

Use of vehicles and Parking Places

48. No person shall in a Parking Place:

- (i) without the express written permission of the Council, use a vehicle, in connection with the sale of any article, including the vehicle itself, to any person in or near the Parking Place or in connection with the selling or offering for hire of skill or services in any other capacity;
- (ii) 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;
- (iii) except with the permission or at the direction of a Civil Enforcement Officer or a person authorised by the Council or a police constable in uniform, drive any vehicle other than for the purpose of leaving the vehicle in the Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place or for the purpose of visiting any amenity site in the Parking Place;
- (iv) use any part of the Parking Place or a vehicle in a Parking Place without the express written permission of the Council for;
 - (a) sleeping or camping purposes;
 - (b) cooking purposes;
 - (c) the purpose of washing, valeting or servicing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place;
- (v) use that Parking Place solely as a means of passage proceeding from one road to another;
- (vi) deposit or leave any vehicle, trailer, or anything which formed part of a vehicle or trailer, or any rubbish, litter or anything with the purpose of abandoning it there;
- (vii) wantonly shout or otherwise make any noise to cause disturbance or annoyance of users of the Parking Place or residents or other occupiers of adjacent premises;
- (vii) act in a manner to cause nuisance or danger to any car park user, resident or other person;

- (viii) erect or cause or permit to be erected, any tent, booth, stand, building or other structure;
- (ix) light or cause to be lit a fire.

Silverdale Road Parking Place

49. (1) In this Article:

‘Resident’ means a person whose only or principal home is at one of the dwellings numbers 4 to 36 (inclusive) of Silverdale Road and numbers 14 to 22 (inclusive) of Pool Dam, Newcastle-under-Lyme;

‘Resident’s Permit’ means a parking ticket issues to a resident in accordance with this Article;

‘Silverdale Road Parking Place’ means the Parking Place referred to as number 9 in the First Schedule.

(2) (a) The driver of a vehicle waiting in a parking bay in the Silverdale Road Parking Place shall pay the appropriate charges in accordance with the provisions of this Order, provided that no charge shall be payable by the driver of a vehicle left in such a parking bay who shall exhibit in the relevant position a Resident’s Permit in respect of the vehicle in accordance with the provisions of sub-paragraphs 2(b) and (c) of this Article.

(b) Any resident who is the owner of a vehicle may on application to the Council purchase a Resident’s Permit in respect of that vehicle for a charge specified in the First Schedule relating to the Silverdale Road Parking Place and that Resident’s Permit shall be valid in such Parking Place during the period for which it is issued provided that only one such Resident’s Permit shall be issued to each household of which a resident is a member and the Resident’s Permit shall only apply to the vehicle for which it is issued and to no other vehicle belonging to the resident or any other member of his household.

(c) A driver of a vehicle for which a Resident’s Permit has been issued in accordance with paragraph 2(b) of this Article shall exhibit the Resident’s Permit in the relevant position on such vehicle.

Hassell Street Parking Place

50. (1) In this Article:

‘resident’ means a person whose only or principal home is at one of the dwellings situate in that part of Hassell Street, Newcastle-under-Lyme between its junctions with Hanover Street and North Street.

‘Resident’s Permit’ means a parking ticket issued to a resident in accordance with this Article.

‘Hassell Street Parking Place’ means the Parking Place referred to a number 10 in the First Schedule.

(2) (a) The driver of a vehicle waiting in a parking bay in the Hassell Street Parking Place shall pay the appropriate charges in accordance with the provisions of

this Order provided that no charge shall be payable by a driver of a vehicle left in such a parking bay who shall exhibit in the relevant position a Resident's Permit in respect of the vehicle in accordance with the provisions of sub-paragraphs 2(b) and (c) of this Article

(b) Any resident who is the owner of a vehicle may on application to the Council purchase a Residents Permit in respect of that vehicle for a charge specified in the First Schedule relating to the Hassell Street Parking Place and that Residents Permit shall be valid in such Parking Place during the period for which it is issued provided that only one such Resident's Permit shall be issued to each household of which a resident is a member and the Resident's Permit shall only apply to the vehicle for which it is issued and to no other vehicle belonging to the resident or to any other member of his household

(c) A driver of a vehicle for which a Resident's Permit has been issued in accordance with paragraph (b) of this Article shall exhibit the Resident's Permit in the relevant position on such vehicle.

Windsor Street Parking Place

51. (1) In this Article:

'parent' means a person who is a parent, child minder, foster carer or other person with primary responsibility of a child attending the Hassell Street County Primary School

'for 30 minutes at close of school' means from 3.15 p.m. to 3.45 p.m. on a Monday to Friday inclusive;

'School holidays' means such periods during the year when the Hassell Street County Primary School is closed;

'School Permit' means a parking ticket referred to as such in Column 6 of the Schedule relating to the Windsor Street Parking Place;

'Windsor Street Parking Place' means the Parking Place referred to as number 12 in the First Schedule.

(2) (a) The driver of a vehicle waiting in a parking bay in the Windsor Street Parking Place shall pay the appropriate charges in accordance with the provisions of this Order. Provided that no charge shall be payable by the driver of a vehicle left in such a parking bay who shall exhibit in the relevant position a School Permit in respect of that vehicle in accordance with the provisions of paragraphs (b) and (c) of this Article.

(b) A parent being the owner of a vehicle may on application to the Council purchase a School Permit in respect of that vehicle for a charge specified the First Schedule relating to the Windsor Street Parking Place and that School Permit shall be valid in such Parking Place for 30 minutes at close of school except during school holidays for the period for which it is issued.

(c) A driver of a vehicle for which a School Permit has been issued in accordance with paragraph (b) of this Article shall exhibit the School Permit in the relevant position in such vehicle.

Rear High Street, Fogg Street East and Bankside Parking Places

52 (1) In this Article

‘numbered bay’ means an individual marked parking bay with a unique bay number.

‘permit’ means an additional Season Ticket purchased in addition to a Season Ticket with the same bay number.

(2) (a) A Season Ticket purchased for either of Rear High St. or Fogg St. East shall only be valid for the relevant car park and the numbered bay indicated on the Season Ticket.

(b) A permit may be purchased in addition to a Season Ticket is only valid for the same car park and bay as marked on the Season Ticket.

PART VII

LIABILITIES / PENALTIES

Liability

53. The Council accepts no liability for the loss or damage to vehicles or other property left in any of the Council's Parking Places to which this Order applies.

Wilful damage

54. Any person who with intent to defraud interferes with the parking ticket machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination, or other approved method of payment, shall be liable to prosecution.

PART VIII

CONTRAVENTION AND PENALTY CHARGE

Contravention

55. If a vehicle is left in a Parking Place referred to in the First Schedule without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable. 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 subsequently applicable legislation.

Notice of Penalty Charge

56. In the case of a vehicle in respect of which the Penalty Charge may have 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:

- (i) The grounds on which the Civil Enforcement Officer believes that a Penalty Charge is payable with respect to the vehicle;
- (ii) The amount of the Penalty Charge which is payable;
- (ii) That the Penalty Charge must be paid before the end of the period of 28 days beginning with the date on which the Penalty Charge Notice was served;
- (iii) that if the Penalty Charge is paid before the end of the period of 14 days beginning with the date on which the Penalty Charge Notice was served, the amount of the Penalty Charge will be reduced by the specified proportion;
- (iv) that if the Penalty Charge is not paid before the end of the 28 day period a Notice to the owner may be served by the Council on the person appearing to them to be the owner of the vehicle;
- (v) the address to which payment of the Penalty Charge must be sent.

In sub-section (iii) above 'specified proportion' means such proportion, applicable to all cases, as may be determined by the Local Authorities acting through the Joint Parking Committee.

Restriction on removal of notices

57. A Penalty Charge Notice fixed to a vehicle in accordance with the preceding Article shall not be removed or interfered with except by or under the authority of:
- (i) the owner, or person in charge of, of the vehicle;
 - (ii) the Council for the place in which the vehicle in question was found.

Payment of Penalty Charge

58. The owner of a vehicle in respect of which the Penalty Charge has been incurred shall pay the Penalty Charge to the Council within 28 days of the issue of the Penalty Charge.
59. If the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the Penalty Charge Notice, the amount of the Penalty Charge will be reduced by the specified proportion.
60. If the owner fails to pay the Penalty Charge by the end of the 28 day period, a Notice to Owner may be served; and if the charge is then not paid within a further 28 days it may be increased by 50%.
61. Payment shall be received not later than 1600 on the 28th day following the day on which such Penalty Charge was incurred or the 14th day following the day on which the Charge was incurred if the reduced charge is paid.

Provided that if the said 28th or 14th day falls upon a day on which the Civic Offices, Merrial Street, Newcastle-under-Lyme or other nominated place are closed,

the period within which payment of the said Penalty Charge shall be made to the Council shall be extended until 1600 on the next full day on which the Civic Offices or other nominated place are open.

Indications as Evidence

62. The particulars given in the Penalty Charge Notice attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

PART IX

DISPOSAL OF VEHICLES

Disposal of vehicles abandoned in parking places

63. The Council may sell or otherwise dispose of a vehicle which has been, or could at any time be, removed from a parking place pursuant to Articles 39 or 40, if the vehicle appears to have been abandoned, provided that this power of disposal shall not be exercisable unless the Council has taken such of the following steps as are applicable to the vehicle in question, and there has elapsed a period of six weeks beginning with the taking of the first of those steps.
64. Where the vehicle carries a registration mark the Council shall ascertain from the appropriate body the name and address of the person who is the Registered Keeper of the vehicle pursuant to the Vehicles (Excise) Act 1971, unless the Council is satisfied that the true owner of the vehicle has identified himself to it.
65. The Council shall, where it is by virtue of Articles 58, 60 and 61, aware of the name and address of a person who it appears may be the owner of the vehicle, send a Notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the Notice) on or after a specified date (which shall not be less than two weeks from the date of the Notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said Notice or from such place as may be subsequently notified in writing by the Council to that person.
66. If any person to whom a Notice is sent in accordance with paragraph 63 of this Article informs the Council of the name and address of some other person who he/she alleges may be the owner of the vehicle, a Notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the Notice to the said other person be led to believe may be the owner of the vehicle.
67. Where a vehicle does not carry a registration mark the first step to be taken by the Council shall be to apply in writing to the Chief Officer of Police in whose area the parking place is situated enquiring whom that officer considers is the owner of the vehicle and the address of that person.
68. The Council shall then make such further enquiries as to ownership as it thinks fit.

69. Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof and of any charge or payment to which it is entitled.
70. In the event that any such costs incurred by the Council in connection with the disposal of the vehicle are not satisfied by virtue of the last preceding Article, the Council may recoup those costs from the person who was the owner of the vehicle immediately before it was removed from the parking place, provided that that person was sent by the Council a Notice under paragraph 63 of this Article.
71. Any sums received by the Council on a sale of a vehicle shall, after deducting any sum by virtue of Article 66, be payable within a period of one year from receipt hereof to any person to whom, but for such sale, the vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid into the General Rate Fund of the Council.
72. Where under the foregoing provisions of this Order a Notice is required to be or may be sent to a person the Notice shall be sent by recorded delivery post.

PART X


REVOCATIONS

Revocations

73. All Orders relating to Off-street Parking Places in the Borough of Newcastle-under-Lyme made prior to this Order are hereby revoked.

THE COMMON SEAL of THE BOROUGH
COUNCIL OF NEWCASTLE-UNDER-LYME
was hereunto affixed in the presence of:-


Mayor/Councillor


Authorised Signatory



Dated.. ^{28th} day of March 2017

FIRST SCHEDULE

Parking Place	Classes of Vehicles	(a) days of operation (b) hours of operation	Charging days and hours	Maximum period of waiting	Scale of Charges (£)
1. Midway	Passenger vehicles Goods vehicles Motor vehicles	Monday – Saturday 07.00 – 21.00 Sunday 07.00 – 18.00	Monday – Saturday 24hrs	24 hrs	1.10 for up to 1 hour 2.10 for up to 2 hours 3.20 for up to 3 hours 4.25 for up to 4 hours 6.00 for up to 24 hours 1.00 overnight 20.00hrs to 08.00hrs Season ticket £230/ per quarter Overnight season ticket £60.00/ per quarter
2. Corporation Street	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	Monday – Saturday 24hrs	1 hour except 20.00 to 08.00	0.80 for up to ½ hour 1.50 for up to 1 hour 1.00 overnight 20.00hrs to 08.00hrs Overnight season ticket £60.00/ per quarter
3. Merrial Street	Passenger vehicles Goods vehicles Motor vehicles Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours (a) All days (b) All hours	Saturday only 08.00 – 21.00 Monday – Friday 08:00-21:00	1 hour 24 hours	0.80 for up to ½ hour 1.50 for up to 1 hour
4. Civic Offices	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	Saturday only 08.00 – 21.00	4 hours	1.00 for up to 1 hour 1.90 for up to 2 hours 2.80 for up to 3 hours 4.00 for up to 4 hours
					Permit Only

	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	Monday – Friday 08:00-21:00	24 hours	Permit Only
5. Goose Street	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	Monday – Saturday 24hrs	24 hours	1.00 for up to 1 hour 1.90 for up to 2 hours 2.80 for up to 3 hours 4.00 for up to 4 hours 5.20 for up to 24 hours 1.00 overnight 20.00hrs to 08.00hrs Season ticket £230 per quarter Overnight season ticket £60.00 per quarter
6. Cherry Orchard	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	Monday – Saturday 24hrs	24 hours	1.00 for up to 1 hour 1.90 for up to 2 hours 2.80 for up to 3 hours 4.00 for up to 4 hours 5.20 for up to 24 hours 1.00 overnight 20.00hrs to 08.00hrs Season ticket £230 per quarter Overnight season ticket £60.00 per quarter
7. School Street	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	3 hours no return within 3 hours except 20.00 to 08.00	24 hours	1.00 for up to 1 hour 1.90 for up to 2 hours 2.80 for up to 3 hours 1.00 overnight 20.00hrs to 08.00hrs Season ticket £230 per quarter Overnight season ticket £60.00 per quarter
8. Blackfriars	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	Monday – Saturday 24hrs	24 hours	1.00 for up to 1 hour 1.50 for up to 2 hours 2.00 for up to 3 hours 2.50 for up to 4 hours 3.00 for up to 6 hours

					3.50 for up to 24 hours 1.00 overnight 20.00hrs to 08.00hrs Season Ticket £150.00 per quarter Overnight season ticket £60.00 per quarter
9. Silverdale Road	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	Monday – Saturday 24hrs	24 hours	1.00 for up to 1 hour 1.50 for up to 2 hours 2.00 for up to 3 hours 2.50 for up to 4 hours 3.00 for up to 6 hours 3.50 for up to 24 hours 1.00 overnight 20.00hrs to 08.00hrs Season Ticket £150.00 per quarter Overnight season ticket £60.00 per quarter Resident Permit £60.00 per quarter
10. Hassell Street	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	Monday – Saturday 24hrs	24 hours	1.00 for up to 1 hour 1.90 for up to 2 hours 2.80 for up to 3 hours 4.00 for up to 4 hours 5.20 for up to 24 hours 1.00 overnight 20.00hrs to 08.00hrs Season ticket £230 per quarter Overnight season ticket £60.00 per quarter Resident Permit £50.00 per quarter
11. King Street	Passenger vehicles	(a) All days	Monday – Saturday	24 hours	1.00 for up to 1 hour

	Goods vehicles Motor vehicles	(b) All hours	24hrs	<p>1.50 for up to 2 hours 2.00 for up to 3 hours 3.00 for up to 6 hours 3.50 for up to 24 hours 1.00 overnight 20.00hrs to 08.00hrs Season Ticket £150.00 per quarter Overnight season ticket £60.00 per quarter</p>
12. Windsor Street	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	Monday – Saturday 24hrs	<p>1.00 for up to 1 hour 2.00 for up to 2 hours 1.00 overnight 20.00hrs to 08.00hrs Overnight season ticket £60.00 per quarter Season Ticket – ½ hour after close of Hassell Street School £3.00 per annum</p>
13. Rear of High Street	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	Monday – Saturday 24hrs	<p>Season Ticket £230.00 per quarter Additional permit for another vehicle in same bay £25.00 per quarter Overnight (18.00 – 07.00 hours) season ticket £60.00 per quarter Overnight season ticket £60.00 per quarter</p>
14. Bankside	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	Monday – Saturday 08.00 to 18.00hrs	<p>Season Ticket £150.00 per quarter Additional permit for another vehicle in same bay £25.00 per quarter Overnight (18.00 – 07.00 hours) season ticket £60.00 per quarter</p>

15. Barracks Road	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	3 hours no return within 3 hours except 20.00 to 08.00	24 hours	1.00 for up to 1 hour 1.90 for up to 2 hours 2.80 for up to 3 hours 1.00 overnight 20.00hrs to 08.00hrs Season ticket £230 per quarter Overnight season ticket £60.00 per quarter
16. Fogg Street east	Passenger vehicles Goods vehicles Motor vehicles	(a) All days (b) All hours	Monday – Saturday 24hrs	24 hours	Season Ticket £230.00 per quarter Additional permit for another vehicle in same bay £25.00 per quarter Overnight (18.00 – 07.00 hours) season ticket £60.00 per quarter
17. Ryecroft	Passenger vehicles Goods vehicles Motor vehicles	a) All days (b) All hours	Monday – Saturday 24hrs	24 hours	1.10 for up to 1 hour 2.10 for up to 2 hours 3.20 for up to 3 hours 4.25 for up to 4 hours 6.00 for up to 24 hours

SECOND SCHEDULE

PART 1

High Level Contravention - Penalty Charge £70.00

Low Level Contravention - Penalty Charge £50.00

PART 2

High Level Contraventions

Contravention No.	
73	Parked without payment of the parking charge
80	Parked for longer than the maximum period permitted
82	Parked after the expiry of the paid for time
83	Parked in a car park without clearly displaying a valid pay and display ticket or voucher or parking clock
84	Parked with additional payment made to extend the stay beyond time first purchased
86	Parked beyond the bay markings
90	Re-parked within one hour of leaving a bay or space in a car park
93	Parked in a car park when closed
94	Parked in a pay and display car park without clearly displaying two valid pay and display tickets when required
95	Parked in a Parking Place for a purpose other than the designated purpose for the Parking Place
96	Parked with engine running where prohibited

Low Level Contraventions

70	Parked in a loading area during restricted hours without reasonable excuse
74	Using a vehicle in a Parking Place in connection with the sale or offering of exposing for sale of goods when prohibited
81	Parked in a restricted area in the car park
85	Parked in a permit bay without clearly displaying a valid permit
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge in the prescribed manner
89	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area
91	Parked in a car park or area not designated for that class of vehicle
92	Parked causing an obstruction