

BOROUGH OF ROCHDALE

(OFF-STREET PARKING PLACES)

ORDER 2008

The Rochdale Borough Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 32, 35, 35C and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act") and of all other enabling powers after consultation with the Chief Officer of Police in accordance with Section 124(1) and paragraph 20 of Part III of Schedule 9 to the 1984 Act, hereby make the following Order:-

PART 1

GENERAL

1. (1) This Order shall come into operation on the 31st day of March 2008 and may be cited as "The Borough of Rochdale (Off-Street Parking Places) Order 2008".
(2) Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the Borough of Rochdale (Off-Street Parking Places) Order 2005 and the Borough of Rochdale ((Off-Street Parking Places) Order 2005) (Amendment) Order 2006 are hereby revoked on the date that this Order comes into operation.
2. Schedule 6 of the Traffic Management Act 2004 ("the 2004 Act") shall apply to the enforcement of this Order.
3. In this Order except where the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them:-

"authorised parking" means the leaving in accordance with the provisions of this Order of an authorised vehicle wholly within a parking bay marked out in a car park and shall include the loading and unloading of such a vehicle;

"authorised vehicle" means any vehicle of the classes specified in Article 9 of Part III and shall include electrically propelled vehicles intended or adapted for use on roads;

"car park" means an off-street parking place specified in Column 1 of Schedule 1;

"charge certificate" means the statement that the penalty charge has increased by 50% in accordance with Regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("the General Regulations of 2007") made under Part 6 of the 2004 Act;

"civil enforcement officer" means any person duly authorised by or on behalf of the Council to supervise any car park;

"disabled person's badge" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 thereto or substitution thereof for the time being in force;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge;

"driver" means the person driving a vehicle at the time it was left in the car park;

"higher level contraventions" means those contraventions shown as a higher level contravention in the list of standard PCN codes used by local authorities engaged in parking enforcement;

"invalid carriage" means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specially designed and constructed and not merely adapted for the use of a person suffering from some physical defect or disability and is used solely by such a person;

"lower level contraventions" means those contraventions shown as a lower level contravention in the list of standard PCN codes used by local authorities engaged in parking enforcement;

"motor car" has the same meaning as in Section 185 of the Road Traffic Act 1988 or any amendment thereto or substitution thereof for the time being in force;

"motor cycle" means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the unladen weight does not exceed 410 kilograms;

"off-street parking place" means a parking place on land which does not form part of a road;

"owner" in relation to an authorised vehicle which is the subject of a hiring agreement or hire purchase agreement includes the person entitled to possession of the vehicle under the agreement;

"parking bay" means any area of a car park which is marked out for the leaving of an authorised vehicle;

"PCN" means a Penalty Charge Notice issued or served by a civil enforcement officer pursuant to the provisions of Part 2 of the General Regulations of 2007;

"penalty charge" means a charge as stated in Article 5 of Part III, as amended from time to time in compliance with the provisions of Section 77 and Part 3 of Schedule 9 to the 2004 Act;

"premium parking pass" means a pass issued by the Council for use in any off-street car parks within the Rochdale Metropolitan Borough for a period of twelve months, after payment of the appropriate fee.

"season ticket" means a ticket issued by the Council for use in off-street car parks for a period of twelve months, after payment of the appropriate fee;

"ticket" means a parking ticket issued by a ticket machine after payment of the appropriate charge;

"ticket machine" means apparatus designed to issue parking tickets indicating the payment of a charge and a date and time at which the charge was paid;

4. Except as otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number.
5. In this Order where the context so admits or requires words importing the masculine gender only include the feminine gender.
6. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
7. The car parks specified in column 1 of Schedule 1 are authorised to be used for off-street parking.

PART II

REGULATION OF USE OF CAR PARK

1. Where within a car park 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 other than the driver of:-
 - (i) an invalid carriage
 - (ii) an authorised vehicle left by the driver who is a person to whom there has been issued by any local authority a Disabled Person's Badge provided such a badge is displayed in a conspicuous position on the vehicleshall not cause or permit it to wait or park in that parking bay.
2. No person shall use any part of a car park for any purpose other than authorised parking.
3. (i) Nothing in this Order shall restrict the power of the Council to close all or any part of a car park on any occasion where the car park is liable to be obstructed or for any other reason.
(ii) When a car park or any part thereof is closed pursuant to Article 3(i) of this Part of the Order no person shall cause or permit any vehicle to wait or be left in that car park or part thereof for the duration of the closure **PROVIDED** that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes to be left in that part of the car park during such period referred to in this paragraph or for any other vehicle to be left if that vehicle is left with the permission:
 - (a) of a police constable in uniform; or
 - (b) of a civil enforcement officer.

PART III

USE OF CAR PARKS

1. **Period of waiting**
With the exception of Season Ticket Holder and Parking Permit Holders, the driver of an authorised vehicle shall not permit the said authorised vehicle to remain in the car park for a longer period than that specified in Schedule 1 subject to Article 7 of this Part of the Order.
2. **Ticket machines**
There shall be at least one ticket machine installed on Pay and Display and Pay on Exit Car Parks.
3. **Charges**
 - (i) **Pay and Display**
The driver of an authorised vehicle or other person on his behalf shall after parking the said vehicle within a pay and display car park obtain a ticket by paying the appropriate charge as specified in column 3 of Part 1 of Schedule 1 unless in possession of a valid season ticket.
 - (ii) **Pay on Exit**
The driver of an authorised vehicle or other person on his behalf shall on leaving a pay on exit car park pay the appropriate charge as specified in column 3 of Part 1 of Schedule 1 unless in possession of a valid season ticket.

(iii) Season Tickets

The driver of an authorised vehicle shall not park in any of the permit holders only car parks listed in Column 1 of Part 2 of Schedule 1 unless in possession of a valid permit for which the charge specified in Part 2 of Schedule 1 shall be made.

4. Display of Ticket/Season Ticket/Premium Parking Pass

Any ticket, permit or pass shall be displayed inside of the front windscreen of the vehicle so that it is facing forwards and can be clearly seen from the front of the vehicle.

5. Penalty Charge

(1) A penalty charge shall be payable by the owner of a vehicle (subject to the provisions of Regulation 9 of the General Regulations of 2007) in the following circumstances:-

- (i) if a vehicle is left in a car park for longer than the period for which payment was made
- (ii) if any authorised vehicle is left in the car park and no payment was made
- (iii) if a vehicle other than an authorised vehicle is left in the car park
- (iv) if an authorised vehicle is left in any position other than that specified in Article 9(b) of this Part of the Order
- (v) If an authorised vehicle is left in a car park and the ticket, season ticket or premium parking pass issued is not displayed in accordance with Article 4 of this Part of the Order
- (vi) If an authorised vehicle is left in a car park and the season ticket or premium parking pass has expired.

(2) (a) The penalty charge shall be in the sum of the following amounts:-

- (i) for lower level contraventions, £50 on the issue of a PCN subject to it being discounted to £25 if payment is received by the Council within 14 days of issue;
 - (ii) for higher level contraventions, £70 on the issue of a PCN subject to it being discounted to £35 if payment is received by the Council within 14 days of issue;
- (b) on the issue of a Charge Certificate in accordance with the provisions of Regulation 21 of the General Regulations of 2007, the penalty charge shall be increased to the sum of £75 for the lower level contraventions and £105 for high level contraventions;
- (c) payment of any charge should be made in accordance with the provisions of the PCN.

(3) The PCN may be served in accordance with the provisions of Regulation 9 or Regulation 10 of the General Regulations of 2007 and the PCN shall comply with the requirements of Part 5 of the said Regulations of 2007;

(4) The particulars given in the PCN 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.

(5) Restriction on removal of tickets, season tickets, premium parking passes and PCNs

- (i) When a ticket, season ticket or premium parking pass has been displayed on an authorised vehicle in accordance with Article 4 of this

Part of the Order no person shall remove the ticket, season ticket or premium parking pass from the authorised vehicle until the authorised vehicle is removed from the car park;

- (ii) Where a PCN has been attached to an authorised vehicle in accordance with the provisions of Article 5(3) of this Part of the Order no person except the driver of the authorised vehicle or person duly authorised by the Council shall remove the PCN from the vehicle unless authorised to do so by the driver.

(6) **Presumption of Non-Payment**

If at any time while an authorised vehicle is left in a car park no ticket/ season ticket or premium parking pass is displayed indicating the payment of the appropriate pay and display season ticket or premium parking pass charge it shall be presumed unless the contrary is proven that the said charge has not been duly paid for the authorised vehicle.

- 6. Section 46A of the 1984 applies to this Order and all pay and display parking charges may be varied at any time by Notice.
- 7. **Period of Stay**
An authorised vehicle may only remain in a car park for the period specified on the ticket.
- 8. **Exemption from Charges**
Solo motor cycles left in a car park shall be exempt from any limitation on time and from the payment of any charge specified in Column 3 of Schedule 1 provided that they are parked so as not to occupy or obstruct a parking bay or obstruct access and egress to and from the car park.
- 9. **Classes of Vehicles**
 - (a) No vehicle other than a vehicle specified below shall be left in the car park:
 - (i) motor cars as defined in Article 3 of Part 1
 - (ii) motor cycles as defined in Section 136(4) of the 1984 Act
 - (iii) motor vehicles constructed or adapted for use for the conveyance of goods the unladen weight of which does not exceed 5 tonnes
 - (iv) invalid carriages
 - (b) Vehicles shall be parked wholly within a parking bay where marked.

PART IV

REMOVAL OF VEHICLES FROM CAR PARKS

1. **General Provisions**

When a civil enforcement officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of any vehicle left or abandoned in a car park he may remove the said vehicle or arrange for it to be removed from the car park provided that:-

- (a) when an authorised vehicle is waiting in the car park in contravention of Article 9(b) of Part III any person duly authorised by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply therewith
- (b) a police constable in uniform, a civil enforcement officer or any person duly authorised by the Council may move or cause to be moved in

case of emergency any vehicle left or abandoned in the car park to any place he thinks fit.

2. **Manner of removal of vehicles from car parks**
Any person removing or altering the position of a vehicle by virtue of Article 1 of this Part of the Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.

3. **Safe custody of vehicles removed from car parks**
When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a car park by virtue of Article 1 of this Part of the Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle following such removal Section 101 and 102 of the 1984 Act shall be applicable if it appears to the Council that the vehicle has been abandoned.

SCHEDULE 1
PART 1

1. Name of Car Park	2. Days of Operation	3. Charges and Maximum Period for which Vehicles may Wait
Town Hall Square, Rochdale	Monday to Saturday inclusive	Maximum Stay – up to 4 hours no return within 1 hour 8 a.m. to 6 p.m. 0 – 1 hour – 70p 1 – 2 hours – 100p 2 – 3 hours – 130p 3 – 4 hours – 230p
Reed Hill, Rochdale	Monday to Saturday inclusive	Maximum Stay – up to 3 hours no return within 1 hour 8 a.m. to 6 p.m. 0 – 1 hour – 70p 1 – 2 hours – 100p 2 – 3 hours – 130p
Wet Rake Gardens, Rochdale	Monday to Saturday inclusive	Maximum Stay – up to 10 hours 8 a.m. to 6 p.m. 0 – 2 hours – 90p 2 – 3 hours – 120p 3 – 6 hours – 160p 6 + hours – 260p

1. Name of Car Park	2. Days of Operation	3. Charges and Maximum Period for which Vehicles may Wait
Upper Yorkshire Street, Rochdale	Monday to Saturday inclusive	Maximum Stay – up to 3 hours no return within 1 hour 8 a.m. to 6 p.m. 0 – 1 hour – 70p 1 – 2 hours – 100p 2 – 3 hours – 130p
Townhead, Rochdale (Social Services)	Saturday only	Maximum Stay – up to 3 hours no return within 1 hour 8 a.m. to 6 p.m. 0 – 1 hour – 70p 1 – 2 hours – 100p 2 – 3 hours – 130p
Back Oldham Road, Rochdale	Monday to Saturday inclusive	Maximum Stay – up to 10 hours 8 a.m. to 6 p.m. 0 – 1 hour – 30p 1 – 2 hours – 90p 2 – 3 hours – 120p 3 – 6 hours – 160p 6 + hours – 260p
Eastgate Street, Rochdale	Monday to Saturday inclusive	Maximum Stay – up to 3 hours no return within 1 hour 8 a.m. to 6 p.m. 0 – 1 hour – 70p 1 – 2 hours – 100p 2 – 3 hours – 130p
High Street, Rochdale	Monday to Saturday inclusive	Maximum Stay – up to 10 hours 8 a.m. to 6 p.m. 0 – 2 hour – 90p 2 – 3 hours – 120p 3 – 6 hours – 160p 6 + hours – 260p

1. Name of Car Park	2. Days of Operation	3. Charges and Maximum Period for which Vehicles may Wait
Church Lane, Rochdale	Monday to Saturday inclusive	Maximum Stay – up to 3 hours no return within 1 hour 8 a.m. to 6 p.m. 0 – 2 hour – 70p 2 – 3 hours – 100p 3 – 6 hours – 130p
Broadfield, Rochdale	Monday to Saturday inclusive	Maximum Stay – up to 3 hours no return within 1 hour 8 a.m. to 6 p.m. 0 – 1 hour – 70p 1 – 2 hours – 100p 2 – 3 hours – 130p
Rochdale Bus Station	Monday to Friday Levels 1 – 4 only Saturday All Levels	Maximum Stay – up to 12 hours 7 a.m. to 7 p.m. 0 – 1 hour – 70p 1 – 2 hours – 100p 2 – 3 hours – 130p 3 – 4 hours – 180p 4 – 5 hours – 210p 5 – 6 hours – 260p 6 + hours – 650p
Union Street, Rochdale	Monday to Saturday inclusive	Maximum Stay – up to 3 hours no return within 1 hour 8 a.m. to 6 p.m. 0 – 1 hour – 70p 1 – 2 hours – 100p 2 – 3 hours – 130p
Cheetham Street, Rochdale	Monday to Saturday inclusive	Maximum Stay – up to 3 hours no return within 1 hour 8 a.m. to 6 p.m. 0 – 1 hour – 70p 1 – 2 hours – 100p 2 – 3 hours – 130p

1. Name of Car Park	2. Days of Operation	3. Charges and Maximum Period for which Vehicles may Wait
Greenwood Street, Rochdale	Monday to Saturday inclusive	Maximum Stay – up to 3 hours no return within 1 hour 8 a.m. to 6 p.m. 0 – 1 hour – 70p 1 – 2 hours – 100p 2 – 3 hours – 130p
Whitworth Road, Rochdale (Dunelm)	Monday to Saturday inclusive	Maximum Stay – up to 10 hours 8 a.m. to 6 p.m. 0 – 2 hours – 90p 2 – 3 hours – 120p 3 – 6 hours – 160p 6 + hours – 260p
Slack Street, Rochdale (Yellowways)	Saturday only	Maximum Stay – up to 3 hours 8 a.m. to 6 p.m. 0 – 1 hour – 70p 1 – 2 hours – 100p 2 – 3 hours – 130p
Hollingworth Lake Country Park, Littleborough	Sunday to Saturday inclusive	Maximum Stay – up to 10 hours 8 a.m. to 6 p.m. 0 – 1 hour – 70p 1 – 4 hours – 100p 4 + hours – 200p
Hollingworth Road, Littleborough	Sunday to Saturday inclusive	Maximum Stay – up to 10 hours 8 a.m. to 6 p.m. 0 – 1 hour – 70p 1 – 4 hours – 100p 4 + hours – 200p
Lake Bank, Littleborough	Sunday to Saturday inclusive	Maximum Stay – up to 10 hours 8 a.m. to 6 p.m. 0 – 2 hours – 70p 2 – 4 hours – 100p 4 + hours – 200p
Suffield Street, Middleton	Monday to Saturday inclusive	Maximum Stay – up to 3 hours no return within 1 hour 8 a.m. to 6 p.m. 0 – 1 hour – 40p 1 – 2 hours – 70p 2 – 3 hours – 90p

1. Name of Car Park	2. Days of Operation	3. Charges and Maximum Period for which Vehicles may Wait
Chapel Street, Middleton	Monday to Saturday inclusive	Maximum Stay – up to 3 hours no return within 1 hour 8 a.m. to 6 p.m. 0 – 1 hour – 40p 1 – 2 hours – 70p 2 – 3 hours – 90p
East View, Middleton	Monday to Saturday inclusive	Maximum Stay – up to 3 hours no return within 1 hour 8 a.m. to 6 p.m. 0 – 1 hour – 40p 1 – 2 hours – 70p 2 – 3 hours – 90p
Park Road, Middleton	Monday to Saturday inclusive	Maximum Stay – up to 10 hours 8 a.m. to 6 p.m. 0 – 1 hour – 40p 1 – 2 hours – 70p 2 – 3 hours – 90p 3 – 5 hours – 200p 5+ hours – 400p
Middleton Archer	Monday to Saturday inclusive	Maximum Stay – up to 10 hours 8 a.m. to 6 p.m. 0 – 1 hour – 40p 1 – 2 hours – 70p 2 – 3 hours – 90p 3+ hours – 200p
Limetrees, Middleton.	Monday to Saturday inclusive	Maximum Stay – up to 10 hours 8 a.m. to 6 p.m. 0 – 1 hour – 40p 1 – 2 hours – 70p 2 – 3 hours – 90p 3+ hours – 200p

1. Name of Car Park	2. Days of Operation	3. Charges and Maximum Period for which Vehicles may Wait
Carouses Club, Park Road, Middleton	Monday to Saturday inclusive	Maximum Stay – up to 10 hours 8 a.m. to 6 p.m. 0 – 1 hour – 40p 1 – 2 hours – 70p 2 – 3 hours – 90p 3 + hours – 200p

SCHEDULE 1
PART 2

1. Name of Car Park	2. Days of Operation	3. Hours of Operation
Townhead, Rochdale	Monday – Saturday	8.00 a.m. – 6.00 p.m.
High Street, Rochdale	Monday – Saturday	8.00 a.m. – 6.00 p.m.
Slack Street, Rochdale (Yellowways)	Monday – Saturday	8.00 a.m. – 6.00 p.m.
Rochdale Bus Station – Levels 5 – 8 only	Monday – Saturday	7.00 a.m. – 7.00 p.m.
Whitworth Road, Rochdale (Dunelm)	Monday – Saturday	8.00 a.m. – 6.00 p.m.
The Holme, Rochdale	Monday – Saturday	24 hours
Park Road, Middleton	Monday to Saturday	8.00 a.m. – 6.00 p.m.
Middleton Archer	Monday to Saturday	8.00 a.m. – 6.00 p.m.
Limetrees, Middleton	Monday to Saturday	8.00 a.m. – 6.00 p.m.
Suffield Street, Middleton	Monday to Saturday	8.00 a.m. – 6.00 p.m.
Chapel Street, Middleton	Monday to Saturday	8.00 a.m. – 6.00 p.m.
East View, Middleton	Monday to Saturday	8.00 a.m. – 6.00 p.m.
Market Place, Middleton	Monday to Saturday	8.00 a.m. – 6.00 p.m.
Carouses Club, Park Road, Middleton	Monday to Saturday	8.00 a.m. – 6.00p.m.

CHARGES FOR SEASON TICKETS – ROCHDALE

5 days (Monday – Friday) - between £390 and £600

6 days (Monday – Saturday) - between £450 and £660

CHARGE FOR SEASON TICKETS – MIDDLETON

5 days (Monday – Friday) - £310 and £420

6 days (Monday – Saturday) -£360 and £470

The charges for season tickets are charged on the basis of the vehicles CO2 emissions linked directly to the bands that the DVLA uses when issuing car tax.

CHARGE FOR PREMIUM PARKING PASS

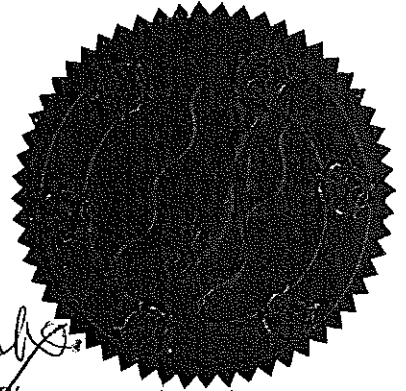
£1000

THE COMMON SEAL of **THE ROCHDALE**)

BOROUGH COUNCIL was hereunto)

affixed this 17th day of March 2008)


Authorised Signatory



NUMBER IN SEAL BOOK
34492.