

**THE ROTHERHAM BOROUGH COUNCIL
(VARIOUS ROADS, ROTHERHAM)
(TRAFFIC REGULATIONS CONSOLIDATION) ORDER 2005
(TMA 2004) AMENDMENT ORDER 2008**

Rotherham Borough Council (hereinafter referred to as "the Council") in exercise of its powers under sections 1, 2, 4, 32, 35, 36, 45, 46 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("hereinafter referred to as "the 1984 Act"), the Traffic Management Act 2004 (hereinafter referred to as the "TMA 2004"), the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (hereinafter called "the General Regulations 2007") and all other enabling powers and after consultations with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:-

This Order shall come into force on the 31st day of March 2008 and may be cited as "The Rotherham Borough Council (Various Roads, Rotherham) (Traffic Regulations Consolidation) Order 2005 (TMA 2004) Amendment Order 2008.

The following Articles 1 - 5 are to be substituted in to "The Rotherham Borough Council (Various Roads, Rotherham)(Traffic Regulations Consolidation) Order 2005 ("hereinafter referred to as the 2005 Order") and to all subsequent amendments:

1. Article 2(1) Definitions of the 2005 Order shall be deleted and shall be substituted with the following words:

"authorised permit holder"	means the chief executive, directors, strategic directors and elected members as authorised by the Council;
"authorised vehicle"	means a privately owned motor vehicle displaying a valid shopmobility permit;
"authorised visitor permit holder"	means a permit issued to a visitor or guest attending at the Council's offices and authorised by the Council under the provisions of Part 3 of Article 17;
"charge"	means a charge payable when leaving a vehicle in a parking place during the charging hours;
"charge certificate"	means the statement that the penalty charge has been increased by 50 per cent in accordance with Regulation 21 of the General Regulations 2007
"charging hours"	means any period specified in column 4 of Part V of Schedule 37 to this Order;
"civil enforcement officer"	means an officer employed by the Council under the provisions of the TMA 2004;
"disabled person's badge"	has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) England Regulations 2000;
"disabled person's vehicle"	has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
"driver"	In relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place;

"motorcycle" and "invalid carriage"	have the meaning as in section 136 of the 1984 Act and includes any motor vehicle with less than 4 wheels;
"owner"	in relation to a vehicle means a person by whom the vehicle is kept which in the case of a vehicle registered under the Vehicle & Excise and Registration Act 1984 is presumed unless the contrary is proved to be the person in whose name the vehicle is registered;
"parking bay"	means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings at the location of the area so provided;
"parking disc"	means a disc issued by a local authority which is 125 millimetres square and coloured blue, if issued on or after 1 st April 2000 or orange, if issued before that date and is capable of showing the quarter hour period during which a period of waiting has begun;
"parking place"	means an area on a highway designated as a parking place;
"parking space"	means a space in a parking place designated as a parking place by Article 9 to this order which is provided for the leaving of a vehicle;
"penalty charge"	means a penalty charge imposed under Part 6 of the TMA 2004 the level of which is set by the Council under the provisions of section 77 and Schedule 9 of the TMA 2004 and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 28 days beginning with the date of issue endorsed on the penalty charge notice;
"penalty charge notice"	means a penalty charge notice issued and served by a civil enforcement officer or posted by the Council pursuant to the provisions of section 78 of the TMA 2004 and the General Regulations 2007;
"permit"	means a valid permit which has been issued under the provisions of Parts I, II and III of Article 17 of this order;
"permitted days"	are as specified in column 4 of Parts I, II and III of schedule 37 to this Order;
"permitted hours"	are as specified in column 5 of Parts I, II and III of schedule 37 of this Order;
"reduced penalty charge"	means a penalty charge reduced by 50 per cent by virtue of it being paid within 14 days beginning with the date of issue endorsed on the penalty charge notice;
"relevant date"	means the date upon which any vehicle is or was parked in any parking place, parking space or parking bay or upon which any event occurs or occurred in breach of any of the provisions of this Order or to which this Order relates;
"registered keeper"	means the person in whose name the vehicle was registered under the Vehicle and Excise and Registration Act 1994;
"resident"	means a person whose usual residence is at premises the postal address of which is in any road or part of road described in Part 1 of Schedule 37 to this Order;
"relevant position" means	in the case of a vehicle fitted with a dashboard or fascia panel, the badge or permit is exhibited thereon so that the front part of the badge or permit is legible from the outside of the vehicle;

	in the case of a vehicle not fitted with a dashboard or fascia panel, the badge or permit is exhibited in a conspicuous position on the vehicle so that the front part of the badge or permit is legible from outside of the vehicle;
"shopmobility permit"	means a permit issued by the Council;
"ticket machine"	means the apparatus or device approved in accordance with section 53(3) of the 1984 Act for the payment of a charge at a parking place;
"traffic sign"	means a sign of any size colour and type prescribed or authorised under or having effect as though prescribed or authorised in the Traffic Signs Regulations and General Directions 2002;
"vehicle"	means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver and not drawing a trailer;

All references to "Parking Attendant" in the 2005 Order shall be deleted and replaced by the words "Civil Enforcement Officer"

2. Article 9(2) (a)(b)(c)(d)(e)(f)(h)(i)(j)(k)(l) and 9(3) of the 2005 Order shall be deleted and shall be substituted with the following words:-

9(2)	Each length and side of road falling with the area as a designated meter parking zone and indicated as such by a traffic sign and specified in column 1 of Schedules 42 and 43 of this order may be used subject to the following:-								
(a)	the limits of each parking place and of any parking bay shall be indicated by the appropriate traffic signs;								
(b)	in relation to the parking bays specified in Schedules 42 and 43 the driver of a vehicle who leaves that vehicle in a parking place shall pay the charge specified in paragraph (d) of this Article;								
(c)	the charge for a vehicle left in a parking place shall be <table> <tr> <td>up to 20 minutes</td><td>£00.40p</td></tr> <tr> <td>up to 40 minutes</td><td>£00.80p</td></tr> <tr> <td>up to 1 hour</td><td>£01.20p</td></tr> <tr> <td>up to 2 hours</td><td>£02.60p</td></tr> </table>	up to 20 minutes	£00.40p	up to 40 minutes	£00.80p	up to 1 hour	£01.20p	up to 2 hours	£02.60p
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up to 2 hours	£02.60p								
(d)	the charges referred to in sub paragraph (d) of this article shall be payable by the insertion of a coin or coins into the ticket machine;								
(e)	no further coins shall be inserted into the ticket machine additional to the coin or coins inserted by way of payment of the charge in respect of that parking bay in which a vehicle is left ;								
(f)	a ticket issued on payment of the charge shall be affixed on the vehicle and shall show the date and time of expiry on that ticket and shall be displayed in accordance with the following provisions:-								

- (i) in the case of a vehicle which is fitted with a transparent windscreen by affixing the ticket to the inside surface of the windscreen or by placing it on the dashboard so that it can be easily visible from the front of the Vehicle at all times: or
 - (ii) in the case of a vehicle which is not fitted with a transparent windscreen by affixing the ticket on the front or nearside of the vehicle so that the ticket is visible and readable;
 - (g)
 - (i) if at any time when a vehicle is left during the permitted hours in a parking bay or in or adjacent to that bay a notice placed by a Civil Enforcement Officer or a person authorised by the Council indicating that the ticket machine relating to that bay is out of order, the vehicle shall be exempt from payment of the charge provided that it is removed from the parking bay within one hour after the ticket machine is back in working order.
 - (ii) if a vehicle is not removed from the parking place within the period specified in paragraph (i) of this Article a charge shall be deemed to be payable at the time that the ticket machine is brought back in working order and all the provisions of this Order shall apply;
 - (h) a disabled person's vehicle which displays in the relevant position a disabled person's badge shall be exempt from the payment of any charge or compliance with any limitation of time during which a vehicle may be left in a parking place;
 - (i) the Council may:-
 - a. install in such positions in or in the vicinity of a parking place as it thinks fit a ticket machine or such other apparatus as required by this Order for the purposes of the parking place; and
 - b. carry out such other work as is authorised by this order or is reasonably required for the purposes of the satisfactory operation of a parking place;
- 9(3) A penalty charge shall be payable if a vehicle is left in a parking place, parking space or parking bay in contravention or non compliance with the provisions of this Order. In the case of a vehicle in respect of which a penalty charge has been incurred a civil enforcement officer shall serve the penalty charge notice which shall comply with the requirements of the General Regulations 2007;
- 9(4) If a vehicle is left in contravention of or non-compliance with this Order a penalty charge shall be payable by the owner for each day of the said contravention or non-compliance;
- 9(5) The penalty charge or reduced penalty charge shall be in the sum of the following amounts:-
- (a) The penalty charge – Band 2 as set out in section 1 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007 subject to payment being received by the Council as provided in paragraph 9 of this Article within 28 days beginning with the date of issue of the penalty charge notice;

- (b) The reduced penalty charge – a 50 per cent reduction of the penalty charge subject to payment being received by the Council as provided in paragraph 9 of this Article within 14 days beginning with the date of issue of the penalty charge notice;
- (c) On the issue of a charge certificate in accordance with the provisions of Regulation 21 of the General Regulations 2007 the penalty charge shall be increased by 50 per cent;
- 9(6) Service of a penalty charge notice or charge certificate by post is deemed effective on the second working day of posting;
- 9(7) Where a penalty charge has been incurred a civil enforcement officer may attach to the vehicle in a conspicuous position or hand to the driver a penalty charge notice which shall comply with the requirements of Regulation 9 and the Schedule to the General Regulations 2007;
- 9(8) Where a penalty charge has been incurred a penalty charge notice may be issued by post by the Council if the owner of the vehicle drives the vehicle away before the civil enforcement officer has issued a penalty charge notice or the civil enforcement officer has been prevented from issuing a penalty charge notice such a penalty charge notice shall comply with the requirements of Regulation 10 and the Schedule to the General Regulations 2007;
- 9(9) Payment of the penalty charge to the Council shall be by cheque postal order electronic transfer or cash in person which shall be delivered or sent by post so as to reach the relevant Department/Office of the Council as stated on the penalty charge notice not later than 4.30p.m. by the date specified on the penalty charge notice but should the said Council Department/Office be closed on the said date specified the period for receiving payment may be extended until 4.30p.m on the next full day;
- 9(10) The particulars given in the penalty charge notice attached to the vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge;
- 9(11) Nothing in the provisions of this Order shall restrict the power of the Council to close any parking place;

3. Article 10 shall be substituted with the following words:-

10. Where in Schedule 38, 42 and 43 to this Order a parking place is described as available for vehicles of a specified class ^{and} ~~or~~ must park in a specified position, the driver of that vehicle shall not permit it to wait in the parking place unless it displays in the manner specified in this Order:
- i) a shopmobility permit in respect of Schedule 38;
 - ii) a permit authorised under parts 2 and 3 of Article 17 in respect of Schedules 42 and 43; or
 - iii) a ticket obtained from a ticket machine as the case may be in respect of that vehicle

4. Article 17 sub-paragraphs (1-22) of the 2005 Order shall be deleted and substituted with the following words:

Part 1

Residents permits and applications for and issue of permits for the use of residents

17. (1) Any resident may apply to the Council for the issue of a permit for the leaving of a vehicle or for the issue of a maximum number of two such permits relating to such vehicles (one relating to each vehicle) and such application shall be made on a form issued by and obtainable from the Council and shall include the information required by such form and shall be accompanied by a remittance for such charge as is appropriate for the time being in respect the permit for which application is being made.
- (2) The Council may at any time require such application for one or more permits to produce to an officer of the Council such evidence in respect of an application for one or more permits made to it as it may reasonably require to verify any information given to it.
- (3) On receipt of an application made under the foregoing provisions of this Article and payment of the relevant fee as is appropriate for the time being, the Council, upon being satisfied that the applicant is a resident shall issue to that applicant one permit (or in such cases where the Council issues more than one permit up to a maximum number of two permits) for the leaving during the permitted hours on the permitted days in a parking space in a parking place designated as a parking place of a vehicle to which such permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been left for hire or reward and may in its absolute discretion issue to that applicant either one or more additional permits for such leaving by such person or persons of the vehicle or vehicles to which the additional permit or permits relates or relate.
- (4) Any refund made appropriate by any exercise of the discretion of the Council mentioned in paragraph (3) of Part 1 this Article shall be paid to the applicant by the Council.
- (5) Any resident may apply to the Council for the issue of one permit for the leaving of any vehicle being either a passenger vehicle, a dual purpose vehicle, a goods vehicle or a motor cycle (with specifying which category of that class) by a visitor (without specifying which visitor) to the address of the resident and any such application shall be made on a form issued by and obtainable from the Council and shall include the information required by such form.
- (6) The Council may for a fee on request issue a resident visitor permit to a visitor of a resident in the form of a scratch card which is validated by scratching the card to reveal the date and year and marking on the scratch card the registration number of the vehicle;

- (7) The Council may at any time require such an application for a permit to produce to an officer of the Council such evidence in respect of an application for a permit or permits made to it as it may reasonably require to verify any information given to it.
- (8) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events set out in sub paragraph (9) of Part 1 of this Article.
- (9) The Council may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or any other address believed to be that person's residence, withdraw a permit if it appears to the Council that any one of the events set out in sub paragraphs 9 (a), (b), (c) or (d) of Part 1 of this Article.
- (10) The events referred to in the foregoing provisions of sub paragraphs (8) and (9) of Part 1 of his Article are:-
- (a) (in the case of a permit issued under the provisions of Part 1 of Article 17 of this Order) the permit holder ceasing to be a resident for the purposes of the issue of a permit.
 - (b) of Part 1 of Article 17 of this Order) the permit holder ceasing to be owner of the vehicle in respect of which the permit was issued.
 - (c) (in the case of a permit issued under the provisions of Part 1 of Article 17 of this Order) the vehicle in respect of which such permit was issued being adapted in such a manner that it is not a vehicle of the class specified in Article of this Order.
 - (d) the issue of a duplicate permit by the Council under the provisions of sub paragraph 1 of Part 1 of this Article.
- (11) A permit shall cease to be valid at the expiration of the period specified thereon (which period shall be in the case of a permit issued under the provisions of sub paragraphs (1) and (5) of Part 1 of this Article be that in respect of which payment has been made) or on the occurrence of any of the events set out in sub paragraph (9) of Part 1 of this Article, whichever is the earlier.
- (12) Where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall by notice served on the person to whom such permit was issued by sending the same by recorded delivery to the permit holder at the address shown by that person on the application for the permit as the place of abode of that person or any other address believed to be that person's place of abode require that person to surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
- (13) The Council may at any time require a permit holder to produce to an officer of the Council such evidence in respect of any permit.

- (14) If a permit is mutilated or defaced or the figures or particulars on it have become illegible, the permit holder shall surrender it to the Council and may apply to the Council for the issue to him of a duplicate permit and the Council upon the receipt of the permit, if such receipt is accompanied by an application for a duplicate permit, shall issue a duplicate permit so marked.
- (15) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a duplicate permit and the Council upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked.
- (16) The provisions of this Order shall apply to a duplicate permit and an application for a duplicate permit as if it were a permit or, as the case may be, an application for a permit.
- (17) If an officer of the Council identifies any misuse of a permit issued under sub paragraphs (1) and (5) of Part 1 of this Article or a Civil Enforcement Officer reports misuse of a permit, the owner of the vehicle in respect of which such permit has been issued may be given 14 days notice to cease such misuse as detailed in a notice served by the Council on the owner at the address shown on the application made to the Council for the issue of such permit and if such misuse of the permit continues after the period of 14 days after the date of issue of the notice the Council will revoke such permit and not issue any further permit to the resident living at the address shown on the application made to the Council for the issue of such permit.
- (18) A permit shall be in writing and shall include the following particulars:-
- a. the postcode of the permit holder's address;
 - b. the registration number of the vehicle in respect of which the permit has been issued;
 - c. the period during which the permit remains valid;
 - d. an authentication that the permit has been issued by the Council.
- (19) A resident shall pay the charge as is appropriate for the time being in connection with the issue of a permit under the provisions of sub paragraphs (1), (2) and (3) of Part 1 of this Article for the leaving of a vehicle in any parking place designated as a parking place by Article 9 (1) of this Order during the permitted hours on the permitted days for a maximum period of 12 months running from the 1 October in each year.
- (20) A person shall pay the charge as is appropriate for the time being in connection with the issue of a permit under the provisions of sub paragraph's (5) and (6) of Part 1 of this Article for the leaving of a vehicle in any parking place designated as a parking place by Article 9 (1) of this Order during the permitted hours on the permitted days for one calendar day only for which the permit is valid.
- (21) The charges in respect of the issue of a permit for the leaving of a vehicle in a parking place designated as a parking place by Article 9 (1) of this Order shall be payable in accordance with the provisions of sub paragraph (1) of Part 1 this Article.

(22) At all times during which a vehicle is left in any parking place designated as a parking place by Article 9 (1) of this Order during the permitted hours on the permitted days there shall be displayed on the front or near side of the vehicle a valid permit relating to that parking place (issued in respect of that vehicle in the case of a permit issued under the provisions of sub paragraphs (1), (2), (3) and (5) of Part 1 of this Article) so that all the particulars referred to in sub paragraphs (17) (a), (b), (c) and (d) of Part 1 of this Article are readily visible from the front of the vehicle.

(23) Where a permit has been displayed on a vehicle in accordance with sub paragraph (21) of Part 1 of this Article, no person, not being a driver of the vehicle, shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

Part 2

Authorised permit holders and the application and issue of a permit for an authorised permit holder

- (1) The Council may issue or arrange for the issuing of a permit allowing vehicles to wait in a parking place subject to the conditions of use and eligibility as set out in the provisions of this Order;
- (2) An application for a permit if accompanied by a fee or otherwise can be made to the Council's offices at Bailey House, Rawmarsh Road, Rotherham, South Yorkshire and a permit may be issued;
- (3) A permit shall be in writing and shall include the following particulars:
 - (i) the name of the authorised permit holder
 - (ii) the registration number of the vehicle in respect of which the permit has been issued;
 - (iii) the period for which the permit remains valid;
 - (iv) an authentication that the permit has been issued by the Council;
- (4) The Council may by notice in writing served upon the authorised permit holder withdraw a permit issued under the provisions of Part 2 of this article if it appears to the Council that any of the circumstances of the authorised permit holder in respect of the issuing of the permit have changed and one of the following has occurred:-
 - (i) where the authorised permit holder has ceased to be the owner of the in respect of which the permit was issued;
 - (ii) the vehicle in respect of which the permit was issued has been adapted in such a manner that it is not a vehicle of the class specified in this order;
 - (iii) a duplicate permit has been issued by the Council;
 - (iv) where the authorised permit holder is no longer an authorised permit holder as set down in minute number 63 dated 3 December 2007;
- (5) Where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall by notice served on the person to whom such permit was issued by sending the same by recorded delivery to the authorised permit holder at the address shown by that person on the application for the permit as the place of abode of that person or any other address believed to be that person's place of abode require that person to surrender the permit to the Council within

48 hours of the receipt of the aforementioned notice;

- (6) The Council may at any time require an authorised permit holder to produce to an Officer of the Council such evidence in any manner relevant to the Issuing of the permit;
- (7) If a permit is mutilated or defaced or the figures or particulars on it have become illegible, the authorised permit holder shall surrender it to the Council and may apply to the Council for the issue to him of a duplicate permit and the Council upon the receipt of the permit, if such receipt is accompanied by an application for a duplicate permit, shall issue a duplicate permit so marked.
- (8) If a permit is lost or destroyed, the authorised permit holder may apply to the Council for the issue to him of a duplicate permit and the Council upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked.
- (9) The provisions of this Order shall apply to a duplicate permit and an application for a duplicate permit as if it were a permit or, as the case may be, an application for a permit.
- (10) If an officer of the Council identifies any misuse of a permit issued under sub paragraphs (1) and (5) of Part 1 of this Article or a civil enforcement officer reports misuse of a permit, the owner of the vehicle in respect of which such permit has been issued, will be given 14 days to cease such misuse as detailed in a notice served by the Council on the owner at the address shown on the application made to the Council for the issue of such permit and if such misuse of the permit continues after the period of 14 days after the date of issue of the notice the Council will revoke such permit and not issue any further permit to the owner of the vehicle living at the address shown on the application made to the Council for the issue of such permit.
- (11) A photograph copy of a permit shall not be a valid permit for the purposes of this order and the provisions of this order shall not apply;
- (12) A permit issued shall be non-transferable between the vehicle or vehicles in respect of which it was issued;
- (13) An authorised permit holder who has been issued with a permit may leave that vehicle in a parking space for use by authorised permit holders and shall display a permit in the relevant position

Part 3

Authorised visitor permit holder and the issue of a permit for a visitor permit holder

- (1) The Council may on request issue a visitor permit to a guest or visitor attending at the Council's offices for the parking of a vehicle in a parking place on a specified date,
- (2) The visitor permit is in the form of a scratch card which is validated by scratching off the card to reveal the date and year and writing on the card the registration of the vehicle;

5. There shall be included as Article 9 of Part 2 Waiting Restrictions to the 2005 Order the following words:-

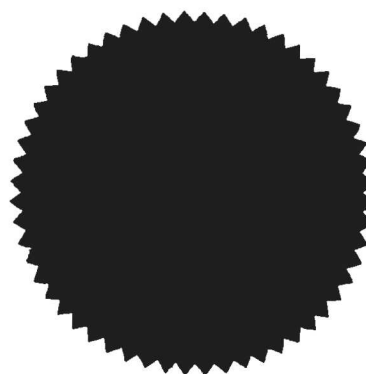
9. Nothing in Article 5(3) shall render it unlawful to cause or permit a vehicle which displays a permit authorised under the provisions of Parts 2 and 3 of Article 17 to wait in the sides of road referred to in Article 5(3) and which is designated as a parking place provided for the leaving of a vehicle;

GIVEN under the Common seal of
Rotherham Borough Council this
13th day of March 2008

EXECUTED as a Deed by affixing
the Common Seal of
Rotherham Borough Council
in the presence of:-



Duly Authorised Officer



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