

THE ROTHERHAM BOROUGH COUNCIL
EASTWOOD SOUTH, ROTHERHAM
RESIDENTS PARKING PLACES ORDER 2007

1. Rotherham Borough Council ("the Council") in exercise of its powers under Sections 45, 46, 49, and 53 to the Road Traffic Act 1984 and of all other enabling powers, and after consultation with Chief Officer of Police in accordance with Part 3 of Schedule 9 to the Act hereby make the following Order:-

PART 1
GENERAL

Commencement

2. This Order shall come into operation on the 21 day of July 2008 and may be cited as "The Rotherham Borough Council Eastwood South, Rotherham Residents Parking Places Order 2007"

The whole of the Borough of Rotherham was designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Areas and Special Parking Areas) (Metropolitan Borough of Rotherham) Order 2005 taking effect in accordance with paragraph 8(4) of Schedule 8 of the 2004 Act.

Interpretation

"the 1984 Act" means the Road Traffic Regulation Act 1984;

"the 2004 Act" means the Traffic Management Act 2004;

"the 2007 General Regulations" means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Carriageway" means that part of the road over which the public have a right of way for the passage of Motor Vehicles and excludes any way over which the public have a right of way of foot only;

"Charge Certificate" means the statement that the Penalty Charge has been increased by 50 per cent in accordance with Regulation 21 of the 2007 General Regulations;

"Civil Enforcement Officer" means a person employed by the Council under section 76 of the 2004 Act for the enforcement of road traffic contraventions;

"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 Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"Driver in relation to a Motor Vehicle waiting in a Parking Place means a person driving the Motor Vehicle at the time it was left in 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 and is not drawing a drailer;

"Owner" in relation to a Vehicle means the 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 Place" means an area of a highway designated as a parking place by Article 3 of this;

"Passenger Vehicles" means a motor vehicle other than a motor cycle 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;

"Permit" means a valid permit and includes a permit which has been issued by the Council under the provisions of this Order;

"Permit Holder" means a person to whom a Permit or a Visitor Permit has been issued;

"Permitted Hours" means the hours between 9.00 am and 4.00 pm on Monday to Fridays inclusive in respect of those lengths and sides of roads specified in the Schedule to this Order;

"Post Office" and any reference to "post office vehicle" or "postal packets" shall be construed in the context of the Postal Services Act 2000 and the Consequential Amendments Order 2001 (No. 2001/648) and shall include therefore references to "universal service providers";

"Relevant Position" means in conformity with Regulation 12 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI 2000 No. 682)

(a) in relation to a Disabled Person's Badge,

- (i) in the case of a Motor Vehicle fitted with a dashboard or facia panel, the badge is exhibited thereon so that Part 1 of the Disabled Person's Badge is legible from outside the Motor Vehicle; or

- (ii) in the case of a Motor Vehicle not fitted with a dashboard or facia panel, the badge is exhibited in a conspicuous position on the Motor Vehicle so that Part 1 of the Disabled Person's Badge is legible from outside the Motor Vehicle

(b) in relation to a Permit

- (i) in the case of a motor vehicle fitted with a front windscreen the Permit is exhibited thereon on the near side of and immediately behind the windscreen and with the front facing forward so as to be legible from the outside of the vehicle;
- (ii) in the case of a motor vehicle not fitted with a front windscreen, the Permit is exhibited in a conspicuous position on the vehicle;

"Resident" means a person whose usual place of abode is at premises the postal address of which is situate in any road or sides of road described in the Schedule to this Order holding a driving licence;

"Road" means the full width of the highway including the carriageway and footway and any other road to which the public has access and includes bridges over which a road passes;

"Traffic Manager" is the person appoint under Section 17(2) of the 2004 Act to perform such tasks as the Council consider will assist them to perform their network management duty;

"Traffic Sign" means a sign of any size colour and type prescribed or authorised under or having effect as though prescribed or authorised under Section 64 of the Act;

"Vehicle" means either a Goods Vehicle or Passenger Vehicle as defined by this Order;

"Visitors Permit" means a permit issued under the provisions of Article 12 of this Order;

"Zone" means an area in which parking is restricted for Permit Holders within the Permitted Hours;

PROVISION OF PARKING PLACES FOR PERMIT HOLDERS ONLY

3. Each of the parts of Road specified in the schedule to this order is designated as a Parking Place for the parking of Vehicles in accordance with Article 4 below;

4. Each Parking Place is authorised to be used subject to the provisions of this Order for the leaving during the Permitted Hours of such Vehicles which display in the Relevant Position a Permit specific to the Parking Place specified in the schedule to this order and issued by the Council in respect of that Vehicle;
5. For the avoidance of doubt the Driver of a Vehicle shall not permit it to wait in any Parking Place specified in the schedule to this order during the Permitted Hours unless the Vehicle is
 - (a) a Vehicle which displays a Permit;
 - (b) positioned wholly within the limits of the Parking Place indicated by markings on the Carriageway, and no part of it whilst so parked, projects over or to or straddles any marking placed within the Parking Place;
6. Nothing in Articles 3 and 4 of this Order shall restrict the power of the Council for preventing obstruction of the Road by order on the occasion of any public procession rejoicing or illumination or where the Road is thronged or liable to be obstructed to suspend the Parking Places specified in the schedule to this order;
7. Nothing in Articles 3 and 4 of this order shall render it unlawful for a Vehicle to wait on the lengths of Road or sides of Road specified therein:-
 - (a) if it is being used for Police, Fire Brigade or Ambulance purposes;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place or the laying, erection, alteration, removal or repair in or adjacent to the Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water, electricity or of any telecommunications apparatus or traffic sign;
 - (c) waiting owing to the Driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accidents;
 - (d) if it is being used in the service of local authority or water authority which is being used in pursuance of statutory powers or duties;
 - (e) the delivery or collection of postal packets as defined in section 125(1) of the Postal Services Act 2000;
 - (f) the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository

or to such premises from a depository;

(g) waiting to enable it to be used in connection with the removal of any obstruction to traffic;

8. A Driver of a Vehicle shall not use any Parking Place specified in the schedule to this order:-
 - (a) so as to unreasonably prevent access to any premises adjoining the Road or the use of the Road by other persons or so as to be a nuisance or;
 - (b) when for preventing obstruction of the Roads, the Council shall by order made on the occasion of any public procession, rejoicing or illumination or where the Roads are thronged or liable to be obstructed have suspended any Parking Places and have exhibited notice of such suspension on or near the Parking Place;
9. The Driver of a Vehicle using a Parking Place on any of the lengths of Road specified in the schedule to this order shall stop the engine as soon as the Vehicle is in position in the Parking Place and the engine shall not be started except when the position of the Vehicle in the Parking Place is about to be changed or the Vehicle is about to depart from the Parking Place;
10. No Vehicle shall be used while it is in the Parking Place in connection with the selling or offering for hire of the skill or services of any person;

ISSUE AND DISPLAY OF PERMITS

11. Entitlement

(1) The Council shall issue a Permit or Permits of the following type specified in sub paragraph (2) below to persons and users qualifying under the provisions of this order;

(2) Residents Permit

Additional Residents Permit

Visitors Permit

Additional Visitors Permit

12. Application

A Resident who is the Owner of a Vehicle may apply to the Council for the issue of a Residents Permit for the leaving of a Vehicle and or a Resident may apply to the Council for the issue of a Permit for 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;

13. A Resident may apply for a maximum of 2 Permits made up as follows:-

- (i) 2 Residents Permits; or
- (ii) 2 Visitors Permit; or
- (iii) 1 Residents Permit and or 1 Visitors Permit
- (iv) In addition a Resident may purchase from the Council one daily Visitor Permit on payment of the relevant fee as is appropriate for the time being;

14. The Council may at any time require an applicant 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 they may reasonably require to verify any particulars or information given to it or in respect of any Permit issued by it or to verify that Permit is valid;

15. On receipt of any 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 issued more than one Permit up to a maximum of two Permits) for the leaving during the Permitted Hours in the parking space in a Parking Place designated as a Parking Place 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;

16. Any refund made appropriate by any exercise of the discretion of the Council mentioned in Article 15 of this Order and shall be paid to the applicant by the Council.

17. 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.
18. 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 Article 12 for the leaving of a Vehicle in any Parking Place designated as a Parking Place by Articles 3 and 4 of this order during the Permitted Hours for a maximum period of 12 months running from the date of issue of the Permit;
19. At all times during which a Vehicle is left in any Parking Place designated as a Parking Place by Articles 3 and 4 of this Order during the Permitted Hours there shall be displayed in the Relevant Position a Permit relating to that Parking Place;
20. Where a Permit has been displayed on a Vehicle in the Relevant Position 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 Motor Vehicle;

Duplicate Permits

21. 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.
22. 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 the loss or destruction shall issue a duplicate Permit so marked.
23. 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.

24. Surrender, Withdrawal and Validity of Permits

- (1) 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 paragraphs (2) (3) (4) and (5) of this Article.
- (2) The Council may, by notice in writing served on the Permit

Holder at the address shown by that person on the application form 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 (3) (a) (b) (c) and (d) below:-

- (3)
 - (a) in the case of a Permit issued under the provisions of Articles 12 and 13 of this order) the Permit Holder ceasing to be a Resident for the purposes of the issue of a Permit.
 - (b) in the case of a Permit issued under the provisions of Articles 12 and 13 of this order) the Permit Holder ceasing to be the Owner of the Vehicle in respect of which the Permit was issued.
 - (c) (in the case of a Permit issued under the provisions of Articles 12 and 13 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 Article 21 of this Order;
- (4) A Permit shall cease to be valid at the expiration of the period specified thereon;
- (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 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 a Permit Holder to produce to an officer of the Council such evidence in respect of any Permit.

Misuse of Permits

25. If an officer of the Council identifies any misuse of a Permit issued under Articles (11) and (15) of this Order 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 incur a fixed Penalty Charge the Resident Permit Holder will be given 14 days from the date of issue of a notice served by the Council to cease such misuse 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 Permit Holder living at the address shown on the application made to the Council for the issue of such Permit.

26. PENALTY CHARGE AT PARKING PLACES

(1)

- (a) where a Vehicle is left in a Parking Place in contravention of or non-compliance with any provisions of this Order a Penalty Charge shall become payable by the Owner of the Vehicle for each day of the said contravention or non-compliance;
- (b) where a Vehicle waits parks or is left on a Road in contravention of the provisions of this order or otherwise contravenes or fails to comply with the provisions of this order insofar as it relates to Vehicles waiting, parking or being left on a Road;

(2)

then a Penalty Charge or Reduced Penalty Charge shall be payable as follows:-

- (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 not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice is served as provided in paragraph 6 this Article;
 - (b) The Reduced Penalty Charge – a 50 per cent reduction of the Penalty Charge subject to payment being received by the Council not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge Notice is served as provided in paragraph 6 of this Article;
 - (c) On the issue of a Charge Certificate in accordance with the provisions of regulation 21 of the 2007 General Regulations the Penalty Charge shall be increased by 50 per cent;
- (3) Service of a Penalty Charge Notice or Charge Certificate by post is deemed effected on the second working day of posting;
- (4) Where in the case of a stationary Vehicle in a designated Parking Place a Civil Enforcement Officer has reason to believe that a Penalty Charge is payable with respect to the Vehicle, the Civil Enforcement Officer may:-
- (i) fix a Penalty Charge Notice to the Vehicle; or

- (ii) give a Penalty Charge Notice to the person appearing to be in charge of the Vehicle;

which shall comply with the requirements of Regulation 9 and the Schedule to the 2007 General Regulations;

- (5) Where a Penalty Charge has been incurred a Penalty Charge Notice may be served 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 if the Civil Enforcement Officer has been prevented from issuing a Penalty Charge Notice, provided that such a Penalty Charge Notice shall comply with the requirements of Regulation 10 of the Schedule to the 2007 General Regulations;
- (6) 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 4.30 p.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 4.30 p.m on the next full day;
- (7) 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;

27. RESTRICTION ON REMOVAL OF A PENALTY CHARGE NOTICE

When a Penalty Charge Notice has been fixed to a Vehicle no person other than a person authorised on behalf of the Council, the Owner, or a person in charge of the Vehicle shall remove the Penalty Charge Notice;

28. EXEMPTIONS

A Disabled Person's Vehicle which displays in the Relevant Position a Disabled Person's Badge and a disabled person's parking disc may be left during the Permitted Hours in a parking space and any such Vehicle shall be exempt from the provisions of this Order;

29. OPERATION OF THE ORDER

This Order is intended to operate within the provisions of the 1984 Act and the 2004 Traffic Management Act and applied to the administrative area of the Metropolitan Borough of Rotherham by the designation Order 2005 together with any other related enactment or consequential provision as referred to therein and any further Order that the Secretary of State for Transport shall later make.

Dated this 17th day of July 2008

EXECUTED as a Deed by affixing
The Common Seal of
Rotherham Borough Council
In the presence of:

R. Waller

3264

Duly Authorised Officer

Schedule

Residents Parking Space Mon-Fri 9am-4pm

1	2	3	4	5
Parts of road authorised to be used as street Parking Places	Position in which Motor Vehicles may wait	Classes of Motor Vehicles	Days of operation	Hours of operation of Parking Places
Cottenham Road Eastwood The north east side from a point 100 metres south east of the south eastern kerb line of Fitzwilliam Road for a distance of 60 metres in a south easterly direction.	Wholly within the designated area	Motor Vehicles which display a valid parking permit	Mon-Fri	9am-4pm
Cottenham Road Eastwood The north east side from a point 200 metres south east of the south eastern kerb line of Fitzwilliam Road for a distance of 14 metres in a south easterly direction.	Wholly within the designated area	Motor Vehicles which display a valid parking permit	Mon-Fri	9am-4pm
Cottenham Road Eastwood The north east side from a point 241 metres south east of the south eastern kerb line of Fitzwilliam Road for a distance of 17 metres in a south easterly direction.	Wholly within the designated area	Motor Vehicles which display a valid parking permit	Mon-Fri	9am-4pm
Cottenham Road Eastwood The south west side from a point 43metres south east of the south eastern kerb line of Fitzwilliam Road for a distance of 173 metres in a south easterly direction.	Wholly within the designated area	Motor Vehicles which display a valid parking permit	Mon-Fri	9am-4pm

1	2	3	4	5
Parts of road authorised to be used as street Parking Places	Position in which Motor Vehicles may wait	Classes of Motor Vehicles	Days of operation	Hours of operation of Parking Places
line of Fitzwilliam Road for a distance of 64 metres in a south easterly direction Ridge Road, St Anns the south east from a point 14 metres south east of the eastern kerb line of St Anns Road for a distance of 50 metres in a north easterly direction		permit		
Ridge Road, St Anns the south east from a point 112 metres south east of the eastern kerb line of St Anns Road for a distance of 18 metres in a north easterly direction	Wholly within the designated area	Motor Vehicles which display a valid parking permit	Mon-Fri	9am-4pm
Ridge Road, St Anns the south east from a point 144 metres south east of the eastern kerb line of St Anns Road for a distance of 87 metres in a north easterly direction	Wholly within the designated area	Motor Vehicles which display a valid parking permit	Mon-Fri	9am-4pm
St Leonards Road, Eastwood The south east side from a point 14 metres north east of the north eastern kerb line of St Anns Road for a distance of 165 metres in a northeasterly direction	Wholly within the designated area	Motor Vehicles which display a valid parking permit	Mon-Fri	9am-4pm
St Leonards Road, Eastwood The south east side from a point 217 metres north east of the north eastern kerb line of St Anns Road for a distance of 51 metres in a northeasterly direction	Wholly within the designated area	Motor Vehicles which display a valid parking permit	Mon-Fri	9am-4pm
St Leonards Road, Eastwood				

1	2	3	4	5
Parts of road authorised to be used as street Parking Places	Position in which Motor Vehicles may wait	Classes of Motor Vehicles	Days of operation	Hours of operation of Parking Places
The north west side from a point 218 metres north east of the north eastern kerb line of St Anns Road for a distance of 154 metres in a northeasterly direction	Wholly within the designated area	Motor Vehicles which display a valid parking permit	Mon-Fri	9am-4pm
St Stephens Road, Eastwood the north west side from a point 58 metres north east of the north eastern kerb line of St Anns Road for a distance of 127 metres in a north easterly direction	Wholly within the designated area	Motor Vehicles which display a valid parking permit	Mon-Fri	9am-4pm
St Stephens Road, Eastwood the south east side from a point 14 metres north east of the north eastern kerb line of St Anns Road for a distance of 171 metres in a north easterly direction	Wholly within the designated area	Motor Vehicles which display a valid parking permit	Mon-Fri	9am-4pm