

**THE ROTHERHAM BOROUGH COUNCIL
BOSTON CASTLE, ROTHERHAM
(RESIDENTS PARKING PLACES, PROHIBITION OF WAITING AND
RESTRICTED WAITING) ORDER 2010**

1. Rotherham Borough Council in exercise of its powers under Sections 1, 2, 4, 32, 35, 45, 46, 49, and 53 to the Road Traffic Regulation Act 1984 (hereinafter called "the 1984 Act"), the Traffic Management Act 2004 ("the TMA 2004"), the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("CEoPC General Regulations 2007") and of all other enabling powers, and in pursuance of The Road Traffic (Permitted Parking Areas and Special Parking Areas) (Metropolitan Borough of Rotherham) Order 2005 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**

Citation and Commencement

2. This Order is made on the 15th day of July 2010 and shall come into force on the 19th day of July 2010 and may be cited as "The Rotherham Borough Council Boston Castle, Rotherham (Residents Parking Places, Prohibition of Waiting and Restricted Waiting) Order 2010"

Definitions

3. In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

	the TMA 2004:
"Council"	means Rotherham Borough Council;
"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 any of the roads, length of Road or on the

	sides of Road specified in the schedules to this Order and means the person driving the Vehicle at the time it was left;
"Goods"	means goods of any kind whether animate or inanimate and includes Postal Packets of any description and "delivering" and "collecting" in relation to any goods and includes checking the goods for the purpose of their delivery or collection;
"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 Disc"	means a disc issued by a local authority which is 125 millimetres square and coloured blue, if issued on or after the 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;
"Penalty Charge"	means a penalty charge imposed under Part 6 of the TMA 2004
"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 CEoPC General Regulations 2007;

	provisions of this Order until such time as that permit is surrendered to the Council or the Permit expires;
"Permit Holder"	means a person to whom a Permit has been issued;
"Permitted Hours"	means the hours between 8.00 am and 5.00 pm on Monday to Friday (inclusive) in respect of those lengths and sides of Roads specified in Schedule 1 to the 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 Date"	means the date upon which any Vehicle is or was parked in any Residents Parking Place specified in Schedule 1 or upon which any Vehicle is or was parked on any of the Roads or sides of Roads specified in schedules 2 and 3 of this Order and upon which any event occurs or occurred in breach of any of the provisions of this Order or to which this Order relates;
"Resident"	means a person whose usual place of abode is at premises the postal address of which is situate in any Road or sides or Road described in Schedule 1 to this Order holding a driving licence;
"Resident's Parking Place"	means an area designated as a parking place in which parking is restricted for Permit holders Monday to Friday (inclusive) 8a.m – 5p.m
"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 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 1984 Act;

	in section 136 of the 1984 Act;
"Visitors Permit"	means a Visitors Permit issued under the provisions of this Order;

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

(b) Relevant Position in relation to a Parking Disc,

- (i) in the case of a Vehicle fitted with a dashboard or facia panel, the Parking Disc is exhibited thereon so that it is legible from outside the Vehicle; or
- (ii) in the case of a Vehicle not fitted with a dashboard or facia panel, the Parking Disc is exhibited in a conspicuous position on the Vehicle so that it is legible from outside the Vehicle;

so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside the Vehicle

(c) Relevant Position in relation to a Permit,

- (j) in the case of a Vehicle fitted with a dashboard or facia panel, the Permit is exhibited thereon so that it is legible from outside the Vehicle; or
- (ii) in the case of a Vehicle not fitted with a dashboard or facia panel, the Permit is exhibited in a conspicuous position on the Vehicle so that it is legible from outside the Vehicle;

4. Any reference in this Order to a numbered Article shall unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order.

of this Order as it applies for the interpretation of an Act of Parliament as if this Order were an Act of Parliament.

PART 2

PROHIBITION OF WAITING

6. Save as provided in Articles 11 (a)(b)(c)(d)(e)(f)(g)(h)(i) and 12 of this Order, no person shall except upon the direction or with the permission of a police constable in uniform or a Civil Enforcement Officer, cause or permit any Vehicle to wait at any time on any of the lengths and sides of

Road or Roads specified in Schedule 2 to this Order.

RESTRICTION OF WAITING

7. Save as provided in Articles 11 (a)(b)(c)(d)(e)(f)(g)(h)(i) and 12 of this Order, no person shall except upon the direction or with the permission of a police constable in uniform or a Civil Enforcement Officer, cause or permit any Vehicle to wait at any time between the hours of 8am – 5pm Monday to Friday (inclusive) on any of the lengths and sides of Road or Roads specified in Schedule 3 to this Order.

PROVISION OF RESIDENTS PARKING PLACES FOR PERMIT HOLDERS ONLY

8. Each of the parts of Road or Roads specified in schedule 1 to this Order is designated as a Residents Parking Place for the parking of Vehicles in accordance with Article 9 below;
9. Each Residents 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 Residents Parking Place specified in schedule 1 to this Order and issued by the Council in respect of that Vehicle;
10. For the avoidance of doubt the Driver of a Vehicle shall not permit it to wait in any Residents Parking Place specified in Schedule 1 to the Order during the Permitted Hours unless the Vehicle is
 - (a) a Vehicle which displays a Permit in the Relevant Position;
 - (b) positioned wholly within the limits of the Residents Parking Place indicated by markings on the Road, and no part of it whilst so parked, projects over or to or straddles any marking placed within the Residents Parking Place.

Exemptions:-

11. Nothing in Articles 6, 7 and 8 of this order shall render it unlawful to cause or permit any Vehicle to wait on any of the lengths and sides of Roads specified in schedules 1, 2 and 3 of this order for so long as may be necessary to enable:-
 - (a) a person to board or alight from the Vehicle;
 - (b) Goods to be loaded or unloaded from the Vehicle;

- (c) the Vehicle, if it cannot conveniently be used for such purpose in any other part of Road, to be used in connection with any of the following operations, namely
- (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of any of the said lengths or sides of Road;
 - (iv) the laying, erection, construction, alteration or repair on or in land adjacent to any of the said lengths or sides of Roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Telecommunication Apparatus
- (d) the Vehicle, if it cannot conveniently be used for such purpose in any other part of Road to be used in the service of a local authority or of the national rivers authority or of a water company in pursuance of statutory powers or duties;
- (e) the Vehicle to be used for the purpose of delivering or collecting Postal Packets;
- (f) the Vehicle to be used for fire brigade, ambulance or police purposes;
- (g) Vehicles operated by or on behalf of the south yorkshire road safety camera partnership for the purpose of carrying out roadside monitoring or enforcement operations;
- (h) the Vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to any of the said lengths and sides of Road;

adjacent to any of the said lengths and sides of Road for so long as such waiting by that Vehicle is reasonably necessary in connection with any wedding, funeral or christening.

12. Nothing in Articles 6 and 7 of this order shall render it unlawful to cause or permit a Disabled Person's Vehicle which displays in the Relevant Position a Disabled Person's Badge and which displays in the Relevant Position a Parking Disc (on which the Driver, or other person in charge of the Vehicle, has marked the time at which the period of waiting began) to wait in the sides of Roads referred to in those Articles for a period not

exceeding 3 hours (not being a period of waiting separated by an interval of less than 1 hour from a previous period of waiting by the same Vehicle in the same side of Road on the same day) provided that the Vehicle immediately before or after the act of parking has been or is about to be driven or used by the person(s) in respect of whom the Disabled Person's Badge has been issued, or as the case may be used for the carrying of disabled person(s) as passengers(s).

13. Nothing in Articles 6, 7 & 8 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 Residents Parking Places specified in the schedule to this order;
14. A Driver of a Vehicle shall not use any Residents Parking Place specified in schedule 1 to this order: 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;
15. The Driver of a Vehicle using a Residents Parking Place on any of the lengths or sides of Road specified in schedule 1 to this Order shall stop the engine as soon as the Vehicle is in position in the Residents Parking Place and the engine shall not be started except when the position of the Vehicle in the Residents Parking Place is about to be changed or the Vehicle is about to depart from the Residents Parking Place;
16. No Vehicle shall be used while it is in the Residents Parking Place in connection with the selling or offering for hire of the skill or services of any person;
17. When a Vehicle is left in a Residents Parking Place in contravention of any of the provisions contained in Articles 8, 9 and 10 of this Order a person authorised by the Council may remove the Vehicle or arrange for it to be removed from the Residents Parking Place.
18. When a person authorised by the Council removes or makes

reasonably necessary for the safe custody of the Vehicle.

ISSUE AND DISPLAY OF PERMITS

19. 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

20. Application

A Resident 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;

21. 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;

22. 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;

23. 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

Residents 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;

24. Any refund made appropriate by any exercise of the discretion of the Council mentioned in Article 23 of this Order and shall be paid to the applicant by the Council.

25. 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.
26. 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 19 for the leaving of a Vehicle in a Residents Parking Place designated as a Residents Parking Place by Articles 8, 9 and 10 of this Order during the Permitted Hours for a maximum period of 12 months running from the date of issue of the Permit;
27. At all times during which a Vehicle is left in a Residents Parking Place designated as a Residents Parking Place by Articles 8, 9 and 10 of this Order during the Permitted Hours there shall be displayed in the Relevant Position a valid Permit relating to the Residents Parking Place;
28. 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 Vehicle;

Duplicate Permits

29. 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
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30. 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.
31. 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.

32. 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 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 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 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;
 - (d) the issue of a duplicate Permit by the Council under the provisions 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

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.

33. 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

34. If an officer of the Council identifies any misuse of a Permit issued under the provisions 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 and 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 Resident living at the address shown on the application made to the Council for the issue of such Permit..

PENALTY CHARGE AT PARKING PLACES

35.1 From the effective date of the Designation Order 2005 the following provisions shall apply by operation of law namely:-

- (a) where a Vehicle is left in a Residents Parking Place in contravention of or non-compliance with any provisions of this Order a Penalty Charge shall become payable for each day of the said contravention or non-compliance;
- (b) where a Vehicle waits parks or is left in the Roads or sides of Roads specified in schedules 2 and 3 of this order in contravention or non compliance with any of the provisions of this order or otherwise contravenes or fails to comply with the provisions of this order then a Penalty Charge shall become payable for each day of the said contravention or non-compliance.

35.2 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

OPERATION OF THE ORDER

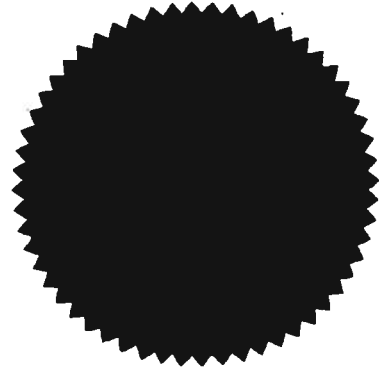
36 This Order is intended to operate within the provisions of the 1984 Act and the 2004 Traffic Management Act and applied to the administrative area of the Metropolitan Borough of Rotherham by the designation

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.

The Common Seal of
Rotherham Borough Council
was hereunto affixed
in the presence of:-



Duly authorised officer



3549

Schedule 1

Residents Parking Place Mon-Fri 8am-5pm

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
Boston Castle Grove The north side from a point 280 metres west of the western kerb line of Moorgate Road for a distance of 5 metres in a westerly direction	Wholly within the designated area	Vehicles which display a valid parking permit	Monday to Friday (inclusive)	8am-5pm
Boston Castle Grove The north side from a point 300 metres west of the western kerb line of	Wholly within the designated area	Vehicles which display a valid parking permit	Monday to Friday (inclusive)	8am-5pm
distance of 30 metres in a westerly direction				
Boston Castle Terrace The west side from a point 5 metres south of the southern kerb line of Boston Castle Grove for a distance of 21 metres in a southerly direction	Wholly within the designated area	Vehicles which display a valid parking permit	Monday to Friday (inclusive)	8am-5pm

1	2	3	4	
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	Hour of operation
Boston Castle Terrace The west side from a point 31 metres south of the southern kerb line of Boston Castle Grove for a distance of 15 metres in a southerly direction	Wholly within the designated area	Vehicles which display a valid parking permit	Monday to Friday (inclusive)	8am
Boston Castle Terrace The west side from a point 55 metres south of the southern kerb line of Boston Castle Grove for a distance of 5 metres in a southerly direction	Wholly within the designated area	Vehicles which display a valid parking permit	Monday to Friday (inclusive)	8am
Boston Castle Terrace The east side from a point 55 metres south of the southern kerb line of Boston Castle Grove for a distance of 5 metres in a southerly direction	Wholly within the designated area	Vehicles which display a valid parking permit	Monday to Friday (inclusive)	8am

SCHEDULE 2

No Waiting At Any Time

The north side from the western kerb line of Moorgate Road for a distance of 39 metres in a westerly direction;
The north side from a point 140 metres west of the western kerb line of Moorgate Road for a distance of 140 metres in a westerly direction;
The north side from a point 285 metres west of the western kerb line of Moorgate Road for a distance of 15 metres in a westerly direction;
The north side from a point 330 metres west of the western kerb line of Moorgate Road for a distance of 2 metres in a westerly direction;
The south side from the western kerb line of Moorgate Road for a distance of 203 metres in a westerly direction;

The south side from a point 284 metres west of the western kerb line of Moorgate Road for a distance of 99 metres in a westerly direction;

The west side from the southern kerb line of Boston Castle Grove for a distance of 59 metres in a southerly direction;

The south side across its southern terminus from its west side for a distance of 5 metres in an easterly direction;

Boston Castle Terrace

The east side from the southern kerb line of Boston Castle Grove for a distance of 56 metres in a southerly direction;

The west side from the southern kerb line of Boston Castle Grove for a distance of 5 metres in a southerly direction;

SCHEDULE 3

No Waiting Monday-Friday "8am-5pm"

Boston Castle Grove

The north side from a point 39 metres west of the western kerb line of Moorgate Road for a distance of 101 metres in a westerly direction;

The south side from a point 203 metres west of the western kerb line of Moorgate Road for a distance of 31 metres in a westerly direction;

The east side from a point 5 metres south of the southern kerb line of Boston Castle Grove for a distance of 54 metres in a southerly direction;

The south side across the southern terminus of Boston Castle Grove from a point 5 metres west of its western kerb line for a distance of 5 metres in an easterly direction;

Boston Castle Terrace

The west side from a point 26 metres south of the southern kerb line of Boston Castle Grove for a distance of 5 metres in a southerly direction;

The west side from a point 46 metres south of the southern kerb line of Boston Castle Grove for a distance of 9 metres in a southerly direction;