

ROAD TRAFFIC REGULATION ACT 1984
ROAD TRAFFIC ACT 1991

STAFFORDSHIRE COUNTY COUNCIL
(OFF-STREET PARKING PLACES)
(TIPPING STREET AND SOUTH WALLS, STAFFORD)
(CONVERSION) ORDER 2007

Staffordshire County Council in exercise of its powers under Sections 32, 35, 124 (1) (d) and Part IV of Schedule 9 of the Road Traffic Regulation Act, 1984 ("The Act of 1984"), and the Road Traffic Act 1991 ("The Act of 1991") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to "The Act", and Stafford Borough Council in accordance with Section 39(1) of "The Act" hereby make the following Order :-

PART I

GENERAL

1. This Order shall come into operation on the 1st November 2007 and may be cited as the Staffordshire County Council (Off-Street Parking Places) (Tipping Street and South Walls, Stafford) (Conversion) Order 2007.

2. In this Order –

"council" means Staffordshire County Council and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

"disabled person's vehicle" means a vehicle displaying in the relevant position a disabled persons badge and which has been used immediately before or is about to be used by the person(s) in respect of whom the badge has been issued;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (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;

"enactment" means any enactment, whether public, general or local, and includes any order, byelaw rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"motor-cycle" has the same meaning as that in S136 of the Act of 1984;

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

"parking attendant" means a person employed in accordance with section 63A of the Act of 1984 to carry out the functions therein;

"parking place" means any area of land specified by name in column 1 of the Schedule to this Order, and shown on the plan accompanying the Order, provided by "the Council" under Section 32(1) of "The Act" for use as a parking place;

"relevant position" means, in relation to this Order,

- (a) the front windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the ticket/disabled persons parking badge is clearly legible from outside the vehicle;

"valid parking ticket" means a ticket purchased for that parking place by the insertion of an appropriate coin or coins into an apparatus or device having been specially or generally approved by the Secretary of State for Transport for such purpose.

3. 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 and any reference to a Plan is a reference to a Plan incorporated into this Order.
4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment

PART II

USE OF PARKING PLACES

5. (1) Each area of land specified by name in column 1 of the Schedule to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions and on such days and during such hours and on payment of such charges as are specified in the said Schedule.

- (2) Nothing in the last preceding paragraph shall restrict the power of the Council temporarily to close any part of the parking place referred to therein.
6. Where in the Schedule to this Order a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place:-
- (a) unless it is of the specified class;
 - (b) in a position other than that specified and
 - (c) unless there is displayed on the vehicle in the relevant position a valid parking ticket purchased at the level of charge and for the period required in accordance with the scale of charges specified in the Schedule to this Order.
7. (1) The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in the Schedule to this Order in relation to that parking place.
- (2) When a vehicle has left a parking place after waiting therein the driver thereof shall not within one hour after its leaving permit it to wait again in the parking place.
8. A valid parking ticket is not transferable from one vehicle to another.
9. A valid parking ticket is valid only in the parking zone in respect of which it was issued.
10. The expiry of the period for which the charge has been paid shall be when the time shown on the clock of the issuing ticket machine is later than the time exhibited on the valid parking ticket displayed on the vehicle.
11. If at any time a vehicle is left in a parking place no valid parking ticket is displayed on the vehicle in the relevant position, it shall be judged that the charge has not been paid.
12. If a vehicle is left in a parking place during the permitted hours in contravention of, or without complying with, the requirements of this Order a contravention shall have occurred and a Penalty Charge shall be payable and/or the vehicle may be removed from that location.
13. In the case of a vehicle in respect of which a Penalty Charge may have been incurred it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-

- (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) the grounds on which the parking attendant believes that a penalty charge is payable in respect of that vehicle;
 - (c) the amount of penalty charge required to be paid;
 - (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion or amount;
 - (e) that if the penalty charge is not paid before the end of the 28 day period a notice to owner may be served by the Council on the person appearing to be the owner of the vehicle; and
 - (f) the address to which payment of the penalty charge must be sent.
14. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 13 of this Order, no person not being the driver, a parking attendant, a police officer in uniform or some other person duly authorised by the Council shall remove it from the vehicle unless authorised to do so by the keeper of the vehicle.
 15. The driver of a vehicle in respect of which the charge has been incurred shall pay the charge to the Council in the amount and manner prescribed in the Penalty Charge Notice within 28 days of its issue. Provided that, if the said twenty eighth day falls upon a day on which the said office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.30 on the next full day on which the said office is open.
 16. If the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion.
 17. If the owner fails to pay the penalty charge by the end of the 28 day period, a notice of owner may be served; and if the charge is not paid within a further 28 days it may be increased by 50% on the issue of a charge certificate in accordance with the provisions of paragraph 6 of schedule 6 of the 1991 Act.
 18. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 13 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

19. If a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his/her direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) of the Road Traffic Act 1991 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be reduced penalty charge, along with such release fee as may be required by the Council
20. Subject to Article 32 where any vehicle is standing in a parking place in contravention of, or without complying with, the requirements of this Order, a parking attendant or police officer in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.
21. Subject to Article 32 where a parking attendant is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a vehicle left in any part of a parking place, he / she may remove or cause to be removed the vehicle from the parking place and.
22. Where a parking attendant has removed or caused to be removed a vehicle in accordance with Articles 20 and 21,
 - (a) he / she shall provide for the safe custody of the vehicle;
 - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
 - (c) the provisions of the 1984 Act as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.
23. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.
24. When a valid parking ticket has been exhibited on a vehicle in accordance with the provisions of Article 6(c) of this Order, no person shall remove the parking ticket from the vehicle until the vehicle is removed from the parking place.
25. Nothing in this Order shall prevent any person from causing or permitting a vehicle to wait in the parking places referred to for so long as may be necessary and without payment of any charge:-
 - (a) to enable a person to board or alight from the vehicle;

- (b) to enable goods to be loaded on to or unloaded from the vehicle;
 - (c) to enable the vehicle, if it cannot conveniently be used for such purpose in any other place, to be used in connection with any building operations of demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the parking places so referred to or the laying, erection, alteration or repair in or near to the said parking places, of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications services subject to the prior written consent of "The Council".
 - (d) if the vehicle is being used for fire and rescue, ambulance or police purposes.
26. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in accordance with the provision of the Vehicle Excise and Registration Act 1994 unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirement of the Road Traffic Act 1988.
27. (1) The following vehicles left in a parking place shall be exempt from the payment of any charges specified in Article 6(c), 15 and 16 or in column 6 or 7, as the case may be, of the Schedule to this Order:-
- (a) a pedal cycle;
 - (b) a motor cycle not having a sidecar attached;
- provided that in the case of sub-paragraphs (a) and (b) such vehicles shall only be exempt from the payment of a charge when the vehicle is in a parking place specifically allocated for that class of vehicle.
- (2) The following vehicles left in a parking place shall be exempt from any limitation on time and from the payment of any charge specified in Article 6(c) or in column 6 or 7, as the case may be, of the Schedule to this Order:-
- (a) a disabled person's vehicle which displays a disabled person's badge in the relevant position.
28. No person shall cause any vehicle except a disabled person's vehicle displaying a disabled person's badge to park in those parking spaces on which is marked the disabled logo in yellow.
29. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and

shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

30. No person shall, while a vehicle is in a parking place, permit or cause to permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be moved from the parking place.
31. No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his or her skill or services.
32. Nothing in Articles 20 to 21 shall apply in respect of a vehicle displaying in a relevant position a valid disabled persons parking badge
33. If a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his/her direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) of the Road Traffic Act 1991 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be reduced penalty charge, along with such release fee as may be required by the Council.
34. The driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
35. Save as provided in Article 25 of this Order, no person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departure from the parking place.
36. No person shall, in a parking place, wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
37. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
38. No person shall use any part of a parking place or any vehicle left in a parking place:-
 - (a) for sleeping or camping purposes;
 - (b) for eating or cooking purposes; or
 - (c) for the purpose of servicing or washing any vehicle or part thereof

- (d) other than is reasonably necessary to enable that vehicle to depart
 - (e) from the parking place.
- 39. No person shall use a parking place as a means of passage proceeding from one road to another road.
- 40. Where in a parking place signs are erected or surface markings are laid for the purpose of :-
 - (a) indicating the entrance to or exit from the parking place; or
 - (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place;no person shall drive or cause or permit to be driven any vehicle :-
 - (i) so that it enters the parking place otherwise than by an entrance or leaves the parking place otherwise than by an exit so indicated, or
 - (ii) in a direction other than that specified as the case may be.
- 41. In a parking place no person shall:-
 - (a) erect or cause or permit to be erected any tent, booth, stand building or other structure without written consent of the Council;
 - (b) light or cause or permit to be lit any fire.

PART III

REVOCATION

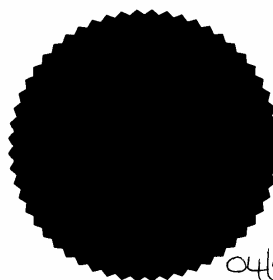
- 42. The Staffordshire County Council (Off-Street Parking Places) (Tipping Street and South Walls, Stafford) Order 2005 is hereby revoked.

SCHEDULE

1	2	3	4	5	6	7
Name of Parking Place	Position in which vehicle may wait	Classes of vehicle	Days of operation of parking	Hours of operation of parking	Maximum period for which vehicles may wait	Scale of charges for parking
(A) South Walls, Stafford	Wholly within a marked parking bay	Motor Cars, estate cars, station wagons, motor cycles (with or without side cars), light vans the unladen weight of which does not exceed 1 tonne, invalid carriages, pedal cycles. Vehicles less than 2m in height	All days	All hours	Between 8.00 a.m. and 6.00 p.m. on any day except Sunday – max. 4 hours. Between 6.00 p.m. on any day and 8.00 a.m. on the following day and between 8.00 a.m. and 6.00 p.m. on Sunday – no limit. Christmas Day – no limit	Between 8.00 a.m. and 6.00 p.m. on any day except Sunday – Up to 1 Hour 70p, upto 2 hours £1.00, upto 3 hours £2.00, upto 4 hours £3.00 (Maximum stay 4 hours) (Monthly tickets not valid). Christmas Day – no charge. At any other time – no charge.
(B) Tipping Street, Stafford	Wholly within a marked parking bay	Motor Cars, estate cars, station wagons, motor cycles (with or without side cars), light vans the unladen weight of which does not exceed 1 tonne, invalid carriages, pedal cycles. Vehicles less than 2m in height	Saturdays, Sundays and Bank Holidays and other days on which the owner at its discretion permits public car parking.	All hours on Saturdays, Sundays and Bank Holidays and such hours as permitted by the owner on other days	Between 8.00 a.m. and 6.00 p.m. on Saturday and Bank Holidays – max. 4 hours. Between 6.00 p.m. on any day and 8.00 a.m. on the following day and between 8.00 a.m. and 6.00 p.m. on Sunday – no limit. Christmas Day – no limit.	Between 8.00 a.m. and 6.00 p.m. on any day except Sunday – Up to 1 Hour 70p, upto 2 hours £1.00, upto 3 hours £2.00, upto 4 hours £3.00 (Maximum stay 4 hours) (Monthly tickets not valid). Christmas Day – no charge. At any other time – no charge.

The common Seal of **THE STAFFORDSHIRE**)
COUNTY COUNCIL was hereunto affixed to this)
deed 2nd day of October 2007 in the)
presence of :-


Authorised signatory



04/07