

**ROAD TRAFFIC REGULATION ACT 1984
TRAFFIC MANAGEMENT ACT 2004**

**STAFFORDSHIRE COUNTY COUNCIL (TAMWORTH)
(PROHIBITION AND RESTRICTION OF WAITING AND LOADING AND PARKING
PLACES) ORDER No. 1 (Amendment) No. 14/2016**

The Staffordshire County Council ("the Council") in exercise of its powers under sections 1, 2, 4, 32, 35, 45, 46, 47, 49, 53, 124(1)(d) and Part IV of Schedule 9 of the Road Traffic Regulation Act, 1984 ("the Act of 1984") as amended and the Traffic Management Act 2004 ("the 2004 Act") as amended 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 hereby makes the following Order:-

1. This Amendment Order shall come into operation on 01 February 2016 and may be cited as the Staffordshire County Council (Tamworth) (Prohibition and Restriction of Waiting and Loading and Parking Places) Order No. 1 (Amendment) No. 14/2016.
2. This Amendment Order:
 - (a) amends the Plans marked DB 264 incorporating waiting restrictions at locations specified in the Schedule to this Order and which form part of the Staffordshire County Council (Tamworth) (Prohibition and Restriction of Waiting and Loading and Parking Places) Order No. 1 and in substitution thereof.
 - (b) substitutes the following for the Interpretation of "permit holder" in Article 6 of the Order specified in Article 2(a) above to read as follows:

"permit holder" means a person to whom a permit has been issued under the provisions of this Order and in accordance with the Policy and Guidelines for Residents' Parking as established by the Council and which may from time to time be amended;
 - (c) Inserts the following interpretation in Article 6 of the Order specified in Article 2(a) above:

"primary Order" means the Staffordshire County Council (Tamworth) (Prohibition and Restriction of Waiting and Loading and Parking Places) Order No. 1;
 - (d) Substitutes the following for SECTION 3 and SECTION 4 of the Order specified in Article 2(a) above:

SECTION 3 – PARKING PLACES

Motor cycle parking places

Designation of motor cycle parking places

28. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as parking places for motor cycle and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
29. No person shall cause or permit any vehicle to wait in a motor cycle parking place during the permitted hours unless it is a motor cycle.

Disabled person's parking places

Designation of disabled person's parking places

30. The parts of roads identified as parking places for disabled person's badge holders on the Plans are hereby designated to be used subject to the following provisions of this Order as parking places for disabled person's badge holders and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
31. No person shall cause or permit any vehicle to wait in a parking place for disabled person's badge holders during the permitted hours unless there is displayed on that vehicle in the relevant position a valid disabled person's badge.

Maximum period of waiting

32. Save as provided in Article 53, no person shall cause or permit any vehicle to remain in a parking place for disabled person's badge holders for longer than the maximum period specified for that parking place in the Plans. 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 to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).
33. Where as indicated on the Plans there is a limit on the time of stay on a parking place for disabled person's badge holders, the driver of a vehicle shall upon leaving the vehicle in the parking place for disabled person's badge holders, display in the relevant position a disabled person's badge and a parking disc, on which has been marked the time at which the period of waiting began and shall remove that vehicle from the said parking place within the maximum time specified.
34. Where a period within which a vehicle must not be left again in the parking place for disabled person's badge holders is specified in the Plans, no person shall permit or cause the vehicle to wait again in that parking place until the expiry of that specified period.

Permit Only Parking Places

Designation of Permit Holders only parking places

35. Subject to the provisions of this Order, parking places identified in the Plans as Permit Holders Only parking places are hereby designated as being restricted to use by permit holders during the permitted hours.
36. Save as provided in Article 53 of the primary Order no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait in a Permit Holders Only parking place during the periods specified in the Plans unless there is on display in the relevant position on that vehicle a valid permit for that parking place.
37. Save as provided in Article 53 of the primary Order no person shall except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait in a shared use parking place during the periods specified in the Plans unless there is on display in the relevant position on that vehicle a valid permit for that parking place or,
 - i) For a period longer than specified on the Plans, or
 - ii) If a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

Permits to be displayed on vehicles

38. At all times during which a permit holders vehicle is left in a Permit Holders Only or shared use parking place during the permitted hours, the driver thereof shall cause to be displayed in the relevant position a valid permit issued in respect of that vehicle relating to the parking place within which that vehicle is left.

General conditions in respect of parking places

Manner of standing in a parking place

39. Every vehicle left in a pay and display, disabled person's and permit holders only or shared use parking place in accordance with the foregoing provisions of this Order shall stand:
 - i) if the parking place is in a one-way street, so that the vehicle is facing according to the direction of the traffic flow and adjacent to the edge of the carriageway;
 - ii) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting; and
 - iii) so that every part of the vehicle is within the limits of the parking place as marked on the carriageway.

Alteration of position of a vehicle in a parking place

40. Where any vehicle is standing in a parking place in contravention of the provisions of the preceding Article, a civil enforcement officer 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.

Removal of a vehicle from a parking place

41. Where a civil enforcement officer 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, where it is so removed, shall provide for the safe custody of the vehicle.

Movement of a vehicle in a parking place in an emergency

42. A police officer in uniform may move or cause to be moved or remove or cause to be removed, in case of emergency, to any place he/she thinks fit, any vehicle left in a parking place and shall provide for the safe custody of the vehicle.

Suspension of use of a parking place

43. Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary:
- i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - ii) for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place or any sewer or of any main, pipe, or apparatus for the supply of gas, water or electricity or of any telecommunications system or the placing, maintenance or removal of any traffic sign;
 - iii) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depositary, another office or dwelling-house;
 - iv) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed: or
 - v) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.
44. A police officer in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he / she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

45. Any person or police officer suspending the use of a parking place or any part thereof in accordance with the provisions of Article 43 above or, as the case may be, Article 44 of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.
46. No person shall cause or permit a vehicle to be waiting in a parking place or any part thereof during which such period as the Council or a police officer has suspended that parking place or part thereof and exhibits notice of such suspension on or near that parking place.
47. Nothing in the preceding Article shall render it a contravention to cause or permit a vehicle to be left in a parking place which has been suspended, which displays in the relevant position a valid waiver certificate issued by the Council, and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

Restrictions of the use of vehicles in a parking place

48. During the permitted hours no person shall use any parking place or any vehicle whilst it is in a parking place in connection with the sale or offering or exposing for sale any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity: Providing that nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is a passenger vehicle, a goods carrying vehicle, a motorcycle or an invalid carriage and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected and the vehicle does not wait for such longer period as a civil enforcement officer may approve.
49. 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.
50. No person shall use any part of a parking place or any vehicle left in a parking place:
 - i) for sleeping or camping or cooking, or
 - ii) for the purpose of servicing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
51. The driver of a vehicle using a parking place shall not sound any horn or similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
52. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the

Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.

Exemptions to restriction on waiting by a vehicle in a parking place

53. Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:
- i) the vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from a vehicle or load thereon or unload there from their personal luggage;
 - ii) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
 - iii) the vehicle is being used for fire and rescue, ambulance or police or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
 - iv) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - v) the vehicle is waiting –
 - (a) while postal packets addressed to the premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered; or
 - (b) while postal packets are being collected for the loading on the vehicle from premises or posting boxes adjacent to the parking place in which the vehicle is waiting or, having been so collected, are being loaded thereon;
 - vi) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for a period exceeding that as a parking attendant or police officer in uniform may approve.

CONDITIONS AS TO PERMITS

Classes of vehicles for which permits are applicable

54. Subject to the provisions of this Order, permits may be issued to classes of vehicles being passenger vehicles, goods vehicles, motor-cycles, disabled persons vehicles and invalid carriages.

Application for and issue of permits

55. Any resident who is the owner of a vehicle of the class specified may apply to the Council for the issue of a permit in respect of that vehicle and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
56. Any non-resident who may be eligible for a permit, the type of which is determined from time to time at the absolute discretion of the Council, shall make application in the manner determined by the Council and shall include the particulars and information required by such application.
57. Any resident who is of pensionable age or is registered disabled may apply to the Council for the issue of a permit in respect of a vehicle of the class specified owned by a visitor to the residents premises and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
58. The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council or authorised agent such evidence in respect of an application for a permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require for to verify that the permit is valid.
59. Upon receipt of an application duly made under Article 55 above the Council upon being satisfied that the applicant is a resident who is the owner of a vehicle of the class specified and on receipt of any fee may issue to the applicant a permit for the leaving during the permitted hours in a parking place of the 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 let for hire or reward.
60. Upon receipt of an application duly made under Article 56 above, the Council upon being satisfied that the applicant satisfies the requirements and on receipt of any fee may issue to the applicant a permit for the leaving during the permitted hours in a parking place of the vehicle to which a 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 let for hire or reward).
61. Upon receipt of an application duly made under Article 57 above, the Council upon being satisfied that the applicant satisfies the requirements and on receipt of any fee may issue to the applicant a permit for the

leaving during the permitted hours in a parking place of the vehicle to which a 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 let for hire or reward).

62. A permit shall only be valid for use in a parking place on a road within an area identified on the permit and specified on the Plans.

Surrender of permits

63. A permit holder may surrender such permit to the Council or authorised agent at any time and shall surrender such permit to the Council or authorised agent on the occurrence of any one of the events set out in Article 65 below.

Withdrawal of permit

64. The Council or authorised agent may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's residence or place of business, withdraw a permit if it appears to the Council or authorised agent that any one of the events set out in Article 65 below has occurred or for other reason that the Council from time to time, e.g. fraudulent use and the permit holder shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the aforementioned notice.
65. The events referred to in Article 63 and 64 above are:-
- i) the permit holder ceasing to be a resident, business owner or employee of such a business;
 - ii) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
 - iii) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 54 above;
 - iv) the issue of a duplicate permit by the Council under the provisions of Article 66 or 67 below;
 - v) the expiry of the period for which the permit was issued.

Duplicate permits

66. If a permit is accidentally mutilated or defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council or authorised agent and apply to the Council or authorised agent for the issue of a duplicate permit.
67. If a permit is lost, stolen or destroyed, the permit holder may apply to the Council or its authorised agent for the issue of a duplicate permit.

68. On application under Articles 66 or 67 above, the Council or its authorised agent, being satisfied as to the circumstances as indicated, and on payment of any fee as the Council may from time to time determine, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.
69. All the provisions of this Order shall apply to a duplicate permit to the same extent as they applied to the original permit.

Form of permit

70. A permit shall be in writing and shall include the following particulars:-
- i) the registration mark of the vehicle in respect of which the permit has been issued. Provided that in exceptional circumstances at the absolute discretion of the Council the vehicle registration mark may be omitted;
 - ii) the period during which, subject to the provisions of Article 65 above, the permit shall remain valid;
 - iii) an authentication that the permit has been issued by the Council;
 - iv) a code or identification indicating the parking area for which the permit is valid, and
 - v) any other information that the Council may deem valid.

SECTION 4 - CONTRAVENTION OF ORDER

Contravention

71. If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention of, or without complying with, the requirements of this Order a contravention shall have occurred and a penalty charge shall be payable for each day of the contravention and/or the vehicle may be removed from that location. A penalty charge notice showing the information required by the 2004 Act may then be issued by a civil enforcement officer in accordance with the requirements of the 2004 Act or any subsequent applicable legislation.

Penalty charge notice

72. In the case of vehicles in respect of which a penalty charge may have been incurred, it shall be the duty of a civil enforcement officer to either hand the penalty charge notice to the driver of the vehicle, post the penalty charge notice to the owner of the vehicle or attach the penalty charge notice to the vehicle in a conspicuous position.

Manner of payment of penalty charge

73. The penalty charge shall be paid 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 4.30pm on the next full day on which the said office is open.
74. If the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, or within 21 days for penalty charge notices issued by post, the amount of the penalty charge will be reduced by the specified proportion.
75. If the driver fails to pay the penalty charge by the end of the 28 day period, a notice to 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 Section 21 of Part 5 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
76. Continuing failure to pay the penalty charge may result in a judgement in the County Court against the owner to enable the Council to recover the payments due.

Indications as evidence

77. The particulars given in the penalty charge notice issued in accordance with Article 72 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

Restriction on removal of notices

78. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 72 no person, not being the driver of the vehicle, a police officer in uniform, a civil enforcement officer or some other person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle.

Immobilisation

79. If a vehicle is left after a penalty charge has been incurred, a civil enforcement officer 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 12 of part 3 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 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

Removal of vehicle

80. Where a civil enforcement officer has removed or caused to be removed a vehicle in accordance with Articles 40 and 41,
- (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.
81. Nothing in Articles 40 and 41 shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.
82. 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.

SCHEDULE

Cherry Street and Cross Street, Tamworth

The common Seal of **THE STAFFORDSHIRE**)
COUNTY COUNCIL was hereunto affixed to this)
deed 26TH day of January 2016 in the)
presence of :-

P. Rushton

Authorised signatory

