

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

**STAFFORDSHIRE COUNTY COUNCIL (NEWCASTLE-UNDER-LYME)  
(PROHIBITION AND RESTRICTION OF WAITING AND LOADING AND PARKING  
PLACES) ORDER No. 3**

**STAFFORDSHIRE COUNTY COUNCIL (NEWCASTLE-UNDER-LYME) PROHIBITION  
AND RESTRICTION OF WAITING AND LOADING AND PARKING PLACES)  
(AMENDMENT) ORDER No. 2/2009**

The Staffordshire County Council ("the Council") in exercise of its powers under sections 1, 2, 4, 32, 35, 45, 46, 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:-

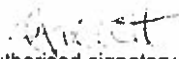
1. The Amendment Order shall come into operation on 10th October 2009 and may be cited as the Staffordshire County Council (Newcastle-under-Lyme) (Prohibition and Restriction of Waiting and Loading and Parking Places) (Amendment) Order no. 2/2009.
2. The above Order amends the Plans marked AG65, AD65, AF64, AH98, AI98 incorporating waiting restrictions at locations specified in the Schedule to this Order, which forms part of the Staffordshire County Council (Newcastle-under-Lyme) (Prohibition and Restriction of Waiting and Loading and Parking Places) Order No. 2 and in substitution thereof.
3. The Order specified in Article 1 above also adds the plan marked AG66 incorporating restrictions in Poplar Drive and Tilstone Close, Newcastle-under-Lyme, to the Order specified in Article 2 above.
4. The Council under the same arrangements and powers hereby immediately consolidates the Amendment Order, and the Staffordshire County Council (Newcastle Under Lyme) (Prohibition and Restriction of Waiting and Loading and Parking Places) Order no. 2, to create the Staffordshire County Council (Newcastle-under-Lyme) (Prohibition and Restriction of Waiting and Loading and Parking Places) Order No. 3.

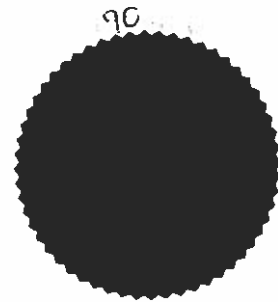
**SCHEDULE**

**Newcastle-under-Lyme:**

**Tilstone Close, Poplar Drive, school access road off Poplar Drive,  
St. Saviour's Street, Congleton Road, St. John's Wood,  
Hassell Street, Stubbs Street,  
The Avenue**

The common Seal of **THE STAFFORDSHIRE  
COUNTY COUNCIL** was hereunto affixed to this  
deed        1<sup>st</sup> day of October 2009 in the  
presence of :-

  
Authorised signatory



## SECTION 1 – PRELIMINARY

### Plans

5. The Staffordshire County Council (Newcastle-under-Lyme) (Prohibition and Restriction of Waiting and Loading and Parking Places) Plans (the "Plans") are incorporated into this Order.

### Interpretation

6. In this Order, except where the context otherwise required, the following expressions have the meaning hereby respectively assigned to them:
  - "civil enforcement officer" means a person authorised by or on behalf of the Council to supervise the Parking Places and enforce the restrictions imposed by 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;
  - "clearway" means the main carriageway of any of the sides or lengths of roads specified in the plans where stopping is prohibited during the restricted hours provided that the expression clearway shall not include any parking place or lay-by;
  - "disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
  - "disabled persons 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;
  - "driver" in relation to a vehicle waiting in a restricted area, means the person driving the vehicle at the time it was left in the restricted waiting area;
  - "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;
  - "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 includes checking the goods for the purpose of their delivery or collection;
  - "goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description the weight of which does not exceed 1.5 tonnes, the length of which does not exceed 5.5 metres and the width of which does not exceed 2.0 metres and is not drawing a trailer;

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"hackney carriage" has the same meaning as in Section 38 of the Town Police Clauses Act 1847;

"invalid carriage" has the same meaning as that in S136 of the Act of 1984;

"lay-by" in relation to a main carriageway means any area of a highway at the side of the main carriageway but not part of it and marked in accordance with the Traffic Signs and General Directions 2002 intended for the waiting of vehicles.

"loading area" means any of the sides or lengths of roads specified on the Plans where activities other than loading are prohibited;

"main carriageway" means that part of a public highway used primarily for through traffic provided that the expression main carriageway shall not include any lay-by;

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

"no loading hours" means in relation to any no loading road the hours during which loading and unloading is restricted on the Plans;

"no loading road" means any of the sides or lengths of roads specified on the Plans where loading is prohibited provided that the expression "no loading road" shall not include any parking place;

"no stopping hours" means in relation to any no stopping road the hours during which stopping is restricted on the Plans;

"no stopping road" means any of the sides or lengths of roads (including clearways) specified on the Plans where stopping is prohibited provided that the expression "no stopping road" shall not include any parking place;

"one-way street" means a highway in which the driving of vehicles otherwise than in one direction is prohibited;

"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 disc" has the same meaning as in the Local Authorities Orders (Exemptions for Disabled Persons)(England) Regulations 2000;

"parking place" means an area of a highway designated by this Order for the waiting of vehicles of specific classes and marked in accordance with the Traffic Signs and General Directions 2002;

"passenger vehicle" means a motor vehicle (other than a motor-cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

"pay and display ticket machine" means an apparatus of a type approved by the Secretary of State for issuing a ticket indicating the payment of a charge, the date on which the ticket is valid and the time by which the vehicle is required to leave the parking place;

"pay and display ticket" means a ticket issued by a pay and display ticket machine relevant to the parking place in which a vehicle has been left;

"penalty charge" means the charge set by the Council under Section 77 of Part 6 and Schedule 9 of the 2004 Act, which is to be paid to the Council following the issue of a penalty charge notice (PCN) and within the period notified on the PCN, from the date of issue of that notice;

"penalty charge notice" means a notice issued by or served by a civil enforcement officer pursuant to the provisions of 'The Civil Enforcement of Parking Contraventions (England) General Regulations 2007,

"pensionable age" means in the case of a woman, the age of 60 and in the case of a man, the age of 65;

"permit" means a permit issued by the Council under the provisions of this Order;

"permit holder" means a person to whom a permit has been issued under the provisions of this Order;

"permitted hours" means the periods specified for each parking place during which waiting by vehicles of a specific class is permitted as specified on the Plans;

"prohibited hours" means in relation to any prohibited road the hours during which waiting or loading is prohibited as specified on the Plans;

"prohibited road" means any of the sides or lengths of roads specified on the Plans where waiting is prohibited provided that the expression "prohibited road" shall not include any parking place;

"relevant position" in respect of: -

- (a) a disabled person's badge and parking disc has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
- (b) a permit means exhibited on the 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 permit is clearly legible from outside the vehicle; and

- (c) a pay and display ticket means exhibited on the 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 is clearly legible from outside the vehicle,

"resident" means a person whose usual residence is at premises the postal address of which is in any road specified in the Second Schedule to this Order;

"restricted hours" means in relation to any restricted road the hours during which waiting is restricted as specified on the Plans;

"restricted road" means any of the sides or lengths of roads specified on the Plans where waiting is restricted or specific activities are restricted during the restricted hours provided that the expression "restricted road" shall not include any parking place;

"taxi rank" means an area of carriageway which is comprised within and indicated by a road marking complying with diagram 1028.2 in the Traffic Signs and General Directions 2002;

"telecommunication system" has the same meaning as in the Telecommunications Act 1984 (c.12);

"waiver certificate" means a certificate issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited.

7. 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.

8. 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

## **SECTION 2 – PROHIBITION AND RESTRICTION OF WAITING AND LOADING**

### Prohibition of waiting

9. Save as provided in Articles 16 to 21, and 23 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait at any time on any prohibited road as specified on the Plans.

### Restriction of waiting

10. Save as provided in Articles 16 to 21, and 23 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait on any restricted road during the restricted hours as specified on the Plans.

### Limited waiting

11. Save as provided in Articles 16 to 20, 22 and 23 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait on any restricted road in respect of which there is specified on the Plans a period during the restricted hours in which waiting is allowed,
- (a) for a period longer than specified on the Plans, or
  - (b) 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.

### Loading areas

12. Save as provided in Articles 16 to 18 and 20 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait during the restricted hours in any loading area specified on the Plans unless it is of the specified class and except for the loading or unloading of goods in connection with adjoining trade or business premises.
13. Where there is specified in the Plans a maximum period during the restricted hours for which loading or unloading is permitted, no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait on any loading area,
- (a) for a period longer than specified on the Plans, or
  - (b) 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.

#### Restriction on loading and unloading

14. Save as provided in Articles 16 to 17 and 20 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait for the purpose of enabling goods to be loaded to or unloaded from the vehicle on any no loading road during the no loading hours as specified on the Plans.

#### Restriction on stopping

15. Save as provided in Articles 16 and 17 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to stop on any no stopping road or clearway during the no stopping hours as specified on the Plans.

#### Emergencies

16. Nothing in Articles 9 to 15 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable the vehicle to be used in an emergency for fire and rescue, ambulance or police purposes:

#### General exemptions

17. Nothing in Articles 9 to 15 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable:
- (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
    - (i) building, shop fitting, industrial or demolition operations;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
    - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system,
  - (b) the vehicle, not being a passenger carrying vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;



- (c) the vehicle of the Royal Mail or other universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
- (d) in any case where the person in control of the vehicle,
  - (i) is required by law to stop;
  - (ii) is obliged to stop so as to prevent an accident, or
  - (iii) is prevented from proceeding by circumstances outside his/her control;

#### Loading and unloading

- 18. Nothing in Articles 9 to 12 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable goods to be loaded to or unloaded from a vehicle (or goods or merchandise to be delivered or collected).

#### Boarding and alighting

- 19. Nothing in Articles 9 to 11 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable a person to board or alight from the vehicle.

#### Waiver certificate

- 20. Nothing in Articles 9 to 15 shall prevent any person from causing or permitting a vehicle to wait in any prohibited or restricted road if it is displaying 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 permit or certificate.

#### Waiting by disabled persons' vehicle

- 21. Nothing in Articles 9 and 10 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 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 a prohibited road or a restricted road for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road or on 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 to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

22. Nothing in Article 11 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait on the sides of roads where waiting is permitted: 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).

#### Taxi ranks

23. Nothing in Articles 9 to 11 shall prevent any person from causing or permitting a licensed hackney carriage to wait in any duly authorised taxi rank during the period of operation specified on the Plans.
24. No person shall cause or permit a hackney carriage to wait on a hackney carriage stand during the period of operation other than for the purpose of plying for hire.
25. No person shall cause or permit any vehicle to wait on a hackney carriage stand outside the period of operation of the hackney carriage stand as specified on the plans.

#### Waiver certificate

26. The Council may issue a waiver certificate on receipt of written application with at least 5 days working notice and may impose terms and conditions as appropriate.
27. A waiver certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the certificate at any address that the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

### **SECTION 3 – PARKING PLACES**

#### **Pay and display parking places**

##### Designation of pay and display parking places

28. The parts of roads identified as pay and display parking places on the Plans are hereby designated to be used subject to the following provisions of this Order as pay and display parking places 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 pay and display parking place during the permitted hours unless it is of the specified class and there is displayed on that vehicle in the relevant position a pay and display ticket valid for that time and for that parking place.

Classes of vehicles for which parking places are designated

30. Subject to the provisions of this Order, parking places may be used during the permitted hours for the leaving of passenger vehicles, goods vehicles, motor cycles, disabled persons' vehicles and invalid carriages.

Maximum period of waiting

31. Save as provided in Articles 58 and 59 no person shall cause or permit any vehicle to remain in a pay and display parking place for longer than the maximum period specified on the Plans.

Ticket machines to be installed at pay and display parking places

32. The Council will –
- (a) install in such positions at or in the vicinity of a parking place as it may think fit such pay and display ticket machines as are required by this Order for the purposes of that parking place; and
  - (b) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place.

Payment

33. The driver of a vehicle using a parking place shall, upon leaving the vehicle in the pay and display parking place, and on payment of a charge, purchase a pay and display ticket at the level of charge and for the period required in accordance with the scale of charges displayed on or near the Ticket Machine.
34. If at the time when a vehicle is left during the permitted hours in a parking place and the nearest pay and display ticket machine is out of order, then a pay and display ticket shall be obtained from another pay and display ticket machine relative to that parking zone (where provided).

Means of payment

35. The charge referred to in the preceding Articles shall be payable by the insertion of an appropriate coin, coins or banknotes, or other approved method of payment together making up the amount of the charge into the pay and display ticket machine relative to the pay and display parking place in which the vehicle has been left.

#### Display of ticket

36. The driver of the vehicle shall
- (i) display the pay and display ticket issued on payment of the charge in the relevant position on the vehicle in respect of which it was purchased, and
  - (ii) ensure that a pay and display ticket is displayed during the entire period that the vehicle is parked in the parking place.

#### Validity of Pay and Display Tickets

37. A pay and display ticket is not transferable from one vehicle to another.
38. A pay and display ticket is valid only in the parking zone in respect of which it was issued. This is defined by the identification on the pay and display ticket machine located in respect of that parking zone and the information printed on the pay and display ticket.

#### Expiry of parking period

39. The expiry of the period for which the charge has been paid shall be when the time shown on the clock of the issuing pay and display ticket machine is later than the time exhibited on the pay and display ticket displayed on the vehicle.

#### No ticket displayed

40. If at any time while a vehicle is left in a parking place no pay and display ticket is displayed on that vehicle in the relevant position, it shall be judged that the charge has not been paid.

#### Restriction on removal of tickets

41. Where a pay and display ticket or residents permit has been attached to a vehicle in accordance with the provisions of Article 36 no person, not being the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver.

#### Exemptions from payment of daily charge

42. No daily charge shall be payable in respect of a vehicle left during the permitted hours in a pay and display parking place when there is on all the ticket machines relative to that parking place a notice placed by any person duly authorised by the Council indicating that the said ticket machine is out of order or that parking charges have been suspended for a specified period and on suspended days provided that the vehicle is removed within the maximum period of waiting specified for that parking place on the Plans and on street.

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43. No daily charge is payable in respect of a vehicle displaying in the relevant position a valid disabled persons badge or waiver certificate provided that the vehicle is being used in accordance with the conditions applying to the said badge or certificate.

**Motor cycle parking places**

Designation of motor cycle parking places

44. 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.
45. 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

46. 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.
47. 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

48. Save as provided in Article 67, 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).
49. 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.

50. 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 residents' permit holders only parking places

51. Subject to the provisions of this Order, parking places identified in the Plans as residents' permit holders only parking places are hereby designated as being restricted to use by residents' permit holders during the permitted hours.
52. Save as provided in Articles 16 to 21 and 23 no person shall cause or permit any vehicle to wait in a residents' 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.

Classes of vehicles for which permits are applicable

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

Permits to be displayed on vehicles

54. At all times during which a vehicle is left in a residents' permit holders only 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

55. Every vehicle left in a pay and display, disabled person's and residents permit holders only 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) if the parking place is not in a one-way street, so that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway;
  - (iii) so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300mm;
  - (iv) 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

- (v) 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

56. 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

57. 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

58. 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

59. (1) 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:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
  - (b) 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;
  - (c) 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;

- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
  - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.
- (2) 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.
  - (3) Any person or police officer suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or, as the case may be, paragraph (2) 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.
- 60. 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.
  - 61. 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

- 62. 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.
- 63. 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.
- 64. No person shall use any part of a parking place or any vehicle left in a parking place:



- a. for sleeping or camping or cooking, or
  - b. for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
- 65. 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.
- 66. 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

- 67. 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:
  - (a) 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 therefrom their personal luggage;
  - (b) 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;
  - (c) 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;
  - (d) 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;
  - (e) the vehicle is waiting –
    - (i) 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
    - (ii) 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;

- (f) 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.

Placing of traffic signs etc.

68. The Council shall:

- (a) place and maintain traffic signs indicating the limits of each parking place
- (b) place and maintain traffic signs of a design approved by the Secretary of State for the Department for Transport indicating that such parking places may be used during the permitted hours for the leaving only of the vehicles of the specified classes, and
- (c) carry out such other work as it reasonably required for the purposes of the satisfactory operation of a parking place.

**SECTION 4 - CONDITIONS AS TO PERMITS**

Classes of vehicles for which permits are applicable

69. 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 residents permits

- 70. Any resident who is the owner of a vehicle of the class specified may apply to the Council for the issue of a residents' 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.
- 71. 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.
- 72. The Council may at any time require an applicant for a residents' permit or a residents' permit holder to produce to an officer of the Council or authorised agent such evidence in respect of an application for a residents permit made to them as

they may reasonably require to verify any particulars or information given to them or in respect of any residents permit issued by them as they may reasonably require for to verify that the residents' permit is valid.

73. Upon receipt of an application duly made under Article 70, 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 residents permit for the leaving during the permitted hours in a parking place of the vehicle to which such residents 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.
74. Upon receipt of an application duly made under Article 71, the Council upon being satisfied that the applicant satisfies the requirements and on receipt of any fee may issue to the applicant up to two permits 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).
75. 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

76. 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 78.

#### Withdrawal of permit

77. 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 78 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.
78. The events referred to in Article 76 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 69.

- (iv) the issue of a duplicate permit by the Council under the provisions of Article 79; or 80.
- (v) the expiry of the period for which the permit was issued.

#### Duplicate permits

- 79. 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.
- 80. If a permit is lost or destroyed, the permit holder may apply to the Council or its authorised agent for the issue of a duplicate permit.
- 81. On application under Articles 79 or 80, 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.
- 82. 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**

- 83. 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 78, 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 5 - CONTRAVENTION OF ORDER**

#### Contravention

- 84. 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

85. 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

86. 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 4.30 on the next full day on which the said office is open.
87. 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.
88. 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.
89. 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

90. The particulars given in the penalty charge notice issued in accordance with Article 66 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

#### Restriction on removal of notices

91. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 85 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

92. 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

93. Where a civil enforcement officer has removed or caused to be removed a vehicle in accordance with Articles 56 and 57,
- (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.
94. Nothing in Articles 56 and 57 shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.
95. 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.

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## **SECOND SCHEDULE**

### **RESIDENTS' PERMITS**

**List of streets where residents are eligible for residents' permits  
Borough of Newcastle-under-Lyme**

Zone A 1 - Hanover Street

Zone A 3 - West Street

Zone A 4 - Garden Street and Well Street

Zone A 5 - Vessey Terrace