

Car Parks SK05

**CITY OF STOKE-ON-TRENT (TRAFFIC REGULATION) (NO. 21)
PAY AND DISPLAY - MARKET PLACE BURSLEM ORDER 2002**

THE COUNCIL OF THE CITY OF STOKE-ON-TRENT in exercise of its powers under Section 1(1) and (2), 2(1) to (3), 4(2), 45 and 46 of the Road Traffic Regulation Act, 1984 ("the Act") 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:-**

Section 1

Parking Places with Ticket Machines

1. Each of the parts of road specified in Schedule One to this Order is authorised to be used, subject to the following provisions of this Order, as a parking place for motor cars licensed as private, motor cycles with or without side cars invalid carriages and goods vehicles not exceeding 30 cwt unladen on such days and during such hours as are specified in relation to that part of road in the said Schedule.
2. The number of parking bays in each parking place shall be determined by the Council.
3. The limits of any parking bay shall be indicated by the Council on the carriageway by appropriate traffic signs.
4. The appropriate parking charge as specified in Schedule Two to this Order hereto shall be payable by the drivers of all vehicles except motorcycles with or without sidecars who shall be exempt from the payment of such parking charge.
5.
 - (1) The parking charge shall be payable on the leaving of the vehicle in the parking place by the insertion in the ticket issuing machine relating to the parking bay in which the vehicle is left coinage of up to 40 pence or, if the parking charge is greater than 40 pence, by the insertion in the machine immediately one after the other of further coins.
 - (2) Upon payment of the parking charge for the vehicle the driver thereof shall exhibit on the vehicle in accordance with the provisions of paragraphs (3) and (4) of this Article a ticket issued by the ticket issuing machine relating to the parking bay in which the vehicle is left.
 - (3) The ticket referred to in paragraph (2) of this Article shall be exhibited:
 - (i) where the vehicle is fitted with a front glass windscreen extending across the vehicle to the near side facing forwards on the near side of the glass of such windscreen behind the glass;
 - (ii) where the vehicle is not fitted with a front glass windscreen as specified in (i) above on the near side of the vehicle facing towards the near side

of the road and not less than 2'6" and not more than 6'6" above the surface of the carriageway in the immediate vicinity.

- (4) The ticket referred to in paragraph (2) of this Article shall be so exhibited on the vehicle that the ticket and machine number, date and expiry time shown on the front of the said ticket is clearly visible to a person standing at the near side of the vehicle.
6.
 - (1)(a) If a vehicle is left in a parking place specified in the Pay and Display Schedules for longer than the permitted period for which payment was made by the parking charge an Additional Parking Charge as specified in Schedule Three to this Order shall be payable.
 - (b) If a vehicle is left in a parking place as specified in Schedule One and that vehicle or driver is in contravention of any other of the provisions of this Order an Additional Parking Charge as set out in Schedule Three to this Order shall be payable.
 - (2) In the case of a vehicle in respect of which an Additional Parking 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 time at which he first noticed that the ticket indicated in the manner specified in Article 10(2) of this Order that the period for which payment was made by the charge had expired;
 - (c) a statement that an Additional Parking Charge of the amount specified in Schedule Three hereto is required to be paid;
 - (d) the manner in which, and the time within which, the Additional Parking Charge should be paid; and
7.
 - (1) Where a Notice has been attached to a vehicle in accordance with the provisions of Article 6(2) of this Order no person not being the driver of the vehicle or a Parking Attendant shall remove the Notice from the vehicle unless authorised to do so by the driver.
 - (2) When a ticket has been exhibited on a vehicle in accordance with the provisions of Article 5(3) and (4) of this Order no person not being the driver of the vehicle shall remove the ticket from the vehicle unless authorised to do so by the driver.
8. Any Additional Parking Charge due to the Council under Article 6(1) of this Order shall be paid to the Council in the same manner as set out in Article 25 of this Order or as directed on the Notice.

9. There shall be a ticket issuing machine on or in the vicinity of each parking place.
10.
 - (1) Payment of the parking charge for a vehicle left in a parking place shall be indicated by the issue by the ticket issuing machine relating to the parking bay in which the vehicle is left of a numbered ticket indicating that the charge has been paid and the date of payment of the charge, together with an expiry time and by exhibition of that ticket on the vehicle in the manner specified in Article 5 of this Order.
 - (2) The expiry of the initial period for which the parking charge has been paid shall be indicated when there is exhibited on the vehicle a ticket issued by the ticket machine showing the day of payment of the charge together with an expiry time.
11. If at any time while a vehicle is left in a parking place during the permitted hours no ticket is exhibited on that vehicle in accordance with the provisions of Article 5 of this Order it shall be presumed unless the contrary is proved that the parking charge has not been duly paid.
12. No person shall insert in a ticket issuing machine relating to the parking bay in which a vehicle is left any coins additional to those inserted by way of payment of the parking charge in respect of that vehicle.
13. Where in Schedule One to this Order a parking place is described as available for a vehicle as specified in Article 1 of this Order the driver of the vehicle shall not permit it to wait in that parking place unless it is of the specified class.
14. Every vehicle left in a parking place in respect of which a charge has been incurred shall stand so that every part of the vehicle is within the limits of a parking bay which shall be the appropriate bay in relation to the ticket machine in which has been or should have been inserted any coin for the purpose of payment of the parking charge.
15. Where any vehicle is standing in a parking place in contravention of the provisions of the last preceding article a Police Constable in uniform or any person duly authorised by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with the provisions.
16. Where a Police Constable in uniform or any person duly authorised by the Council is of the opinion that any of the provisions contained in this Order, Schedules One or Two of this Order have been contravened or not complied with in respect of a vehicle left in a parking place he may remove or cause to be removed the vehicle from the parking place and when it is so removed shall provide for the safe custody of the vehicle.
17. Any person duly authorised by the Council or a police constable in uniform may move or cause to be moved in case of emergency to any place he thinks fit any vehicle left in a parking place.

18. (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers 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 in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line, traffic sign or ticket machine;
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (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 constable in uniform or a Parking Attendant may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or (2) above shall thereupon:
- (a) in the case of a parking place within which the use of all parking bays relating to a ticket issuing machine has been suspended place or caused to be placed over the ticket issuing machine relating to those parking bays a hood or other cover indicating that the use of bays is suspended and that waiting by vehicles is prohibited; and
 - (b) in the case of a parking place the use of any part or parts of which whether including a parking bay or not has been suspended place or caused to be placed in or adjacent to that part or those parts a traffic sign or traffic signs indicating that waiting is prohibiting.
- (4) On any suspension of the use of a parking place or part of a parking place in accordance with the provisions of paragraph 18(1) above if the use of all the parking bays relating to one ticket issuing machine has been suspended any person duly authorised by the Council may temporarily remove that ticket machine and any post bracket or other support on which such ticket machine is fitted.

- (5) No person shall cause or permit a vehicle to be left in any part of a parking place
- (a) during such period as there is over the ticket issuing machine relating to that parking place a hood or other cover indicating that the use of all parking bays is suspended;
 - (b) during such period as there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of paragraph (3)(b) above:

Provided that nothing in this paragraph shall render it unlawful or cause or permit any vehicle being used for fire brigade ambulance or police purposes or any vehicle being used for any purpose specified in Article 18(1)(b), (d) or (e) of this Order to be left in that part of the parking place during such period referred to in this paragraph or to any other vehicle so left if that vehicle is left with the permission (i) of the person suspending the use of the parking place or part thereof in pursuance of paragraph (i) above (ii) of a police constable in uniform.

19. No person shall use any vehicle while it is in a parking place during the permitted hours in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity. Provided that nothing in this Article shall prevent the sale of goods from a vehicle -
- (a) if the vehicle is one which may be left in a parking place in accordance with Article 1 of this Order and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
 - (b) the vehicle is one to which the provisions of Article 20(1)(i) of this Order apply.
20. (1) Without prejudice to the foregoing provisions of this Order with respect to vehicles which are left in a parking place in accordance with those provisions of this Order any vehicle may wait during the hours permitted under the Schedule One anywhere in a parking place other than a parking place or part of a parking place the use of which has been suspended if:-
- (a) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle or to load thereon or to unload therefrom his personal luggage;
 - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary to avoid an accident;
 - (c) the vehicle is a vehicle used for fire brigade purposes or an ambulance or a vehicle (other than a passenger vehicle) in the service of a local

authority or a vehicle in the service of a police force in either case being used in pursuance of statutory powers or duties;

- (d) the vehicle is waiting only 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 in the service of or employed by the Post Office and is waiting while postal packets addressed to 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 while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting;
 - (f) the vehicle not being a passenger vehicle is waiting only or so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 18(1)(b) of this Order;
 - (g) the vehicle is in actual use in connection with the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository,
 - (h) the vehicle being a goods vehicle is delivering goods to any premises the postal address is in any of the roads or streets specified in Schedule One to this Order PROVIDED that such period of waiting does not exceed 30 minutes return prohibited within one hour of leaving;
 - (i) in any other case a vehicle on contracted Bank business is waiting for the purpose of delivering or collecting goods or merchandise including cash or other valuables or valuable securities 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 such purpose for more than thirty minutes or for such longer period as a police constable in uniform may authorise.
- (2) No charge specified in the foregoing provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article.

21. A person causing or permitting a vehicle to wait in a parking place by virtue of the provisions of sub-paragraph (e), (f), (g) or (h) in paragraph (1) of the last preceding Article shall take all steps as are necessary to ensure:

- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of vehicle in that place are specified that the vehicle shall so stand unless the length of the vehicle precludes compliance with this sub-paragraph, as to be in accordance with those provisions and so that every part of the vehicle is within the limits of the parking place.

22. (1) If at the time when a vehicle is left during the hours permitted under the Schedule One in a parking bay there is on the ticket issuing machine relating to that bay or in or adjacent to that bay a notice placed by any person duly authorised by the Council indicating that the machine relating to that bay is out of order that vehicle shall be exempt from the charge provided that it is removed within two hours after the said machine is rectified; if it be not removed within that period the parking charge shall be treated as having been incurred and paid at the time when the vehicle was left in the parking bay and all the provisions of this Order shall apply accordingly.
- (2) A disabled person's vehicle which displays in the relevant position a disabled person's badge shall be exempt from the payment of any charge or compliance with any limitation of time.
- (3) Without prejudice to the generality of this Article a vehicle to which this Article applies shall stand in the parking bay in accordance with the provisions of Article 14 of this Order and wholly within the limits of that bay.
23. The Council may:
- (a) install in such positions on or in the vicinity of a parking place as they may think fit such ticket issuing 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.
24. No driver shall cause or permit any vehicle other than a motorcycle with or without a sidecar to be parked in a parking bay marked "Motorcycles Only".

Section 2

Manner of Payment of Additional Parking Charge

- 25(a) The Additional Parking Charge shall be paid to the Council by post to:-

Corporate Resources Department, Revenue and Benefit Services, Income Services Section, PO Box 712, Swann House, Booths Road, Stoke-on-Trent, ST4 4SX, not later than 4.00 p.m. on the fourteenth day following the day on which the Additional Parking Charge was incurred or in person at any Council payment office or by debit/credit card at Swann House (as above) or the Department of Environment and Transport, Parking & Security Group, Regent Road, Hanley, Stoke-on-Trent, ST1 3EG, not later than aforesaid provided;

- (i) that if the said fourteenth day falls on a day on which the said Office is closed the period within which payment of the said charge should be made to the Council shall be extended until 4.00 p.m. on the next full day on which the said Office is open.

The City Council may at its discretion prescribe other manners of payment such details to be set out on the Notice.

- (b) If payment of the Additional Parking Charges is made within fourteen days following the day on which the said charge was incurred then the amount payable to the Council will be the reduced amount as specified in Schedule 9 of this Order.
- (c) If payment of the Additional Parking Charge is made after fourteen days following the day on which the said charge was incurred and before the issue of the Charge Certificate then the standard amount as specified in Schedule 9 of this Order shall be payable.
- (d) Following the issue of the Charge Certificate then the greater amount as specified in Schedule 9 of this Order shall be payable.

Section 3

General

- 26. This Order shall come into operation on the 15th day of July 2002 and may be cited as the City of Stoke-on-Trent (Traffic Regulation) (No. 21) Pay and Display Market Place Burslem Order 2002.
- 27. The Interpretation Act shall apply for the interpretation of this Order as it applies for the Interpretation of an Act of Parliament.
- 28. In this Order expressions shall have the meanings assigned to them as in the City of Stoke-on-Trent (Traffic Regulation) (No. 5) (Consolidation Order) 2002.

SCHEDULE ONE

PAY AND DISPLAY RESTRICTED TO THREE HOURS, NO RETURN WITHIN ONE HOUR 7.00 A.M. - 6.30 P.M.

MARKET PLACE (NORTH) (South East Side)

- (i) From its junction with New Street for a distance of 35 metres in a south westerly direction.
- (ii) From a point 41 metres south west of its junction with New Street to a point 58 metres north east of its junction with Market Place (South).

**PARKING AREA BETWEEN WOODBANK
STREET/ST JOHNS SQUARE**

16 Parking Spaces

SCHEDULE TWO

SCHEDULE OF CHARGES

Parking Charges:-

Between the hours of 6.30 p.m. - 7.00 a.m. on any day - FREE

Between the hours of 7.00 a.m. - 6.30 p.m.:

Up to 30 mins	-	£0.30
Up to 1 hour	-	£0.40
Up to 2 hours	-	£0.80
Up to 3 hours	-	£1.20

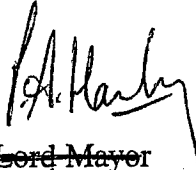
SCHEDULE THREE

ADDITIONAL PARKING CHARGES

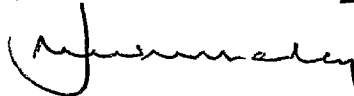
Penalty Charge Notices	- if paid within 14 days	- £25.00 ("the reduced amount")
	- if paid between 14 days and the issue of a Charge Certificate	- £50.00 ("the standard amount")
	- if paid after the issue of a Charge Certificate (usually after 56 days)	- £75.00 ("the greater amount")
Wheelclamp Release Fee	- Release Fee	-£105.00
	- Storage Fee	- £12.00 for each 24 hours or part thereof that vehicles impounded
	- Disposals of Unclaimed Vehicles Fee	- £50.00

DATED this 8th day of July 2002

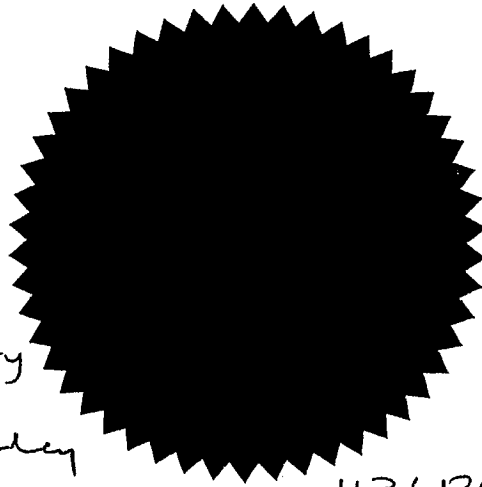
THE CORPORATE SEAL of the)
COUNCIL OF THE CITY OF)
STOKE-ON-TRENT was hereunto)
affixed in the presence of:-)



~~Lord Mayor~~
Assistant City Secretary



City Secretary



436126

CERTIFIED to be a true copy of the original
Mae
Director of Law and Administration
City of Stoke-on-Trent