

**City of Stoke-on-Trent (Traffic Regulation)**  
**(Fenton Manor & Dimensions Car Park) (No.32) Order, 2011**

**THE COUNCIL OF THE CITY OF STOKE-ON-TRENT** in exercise of its powers under Sections 1, 2, 3, 4, 32, 33, 35 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 MAKE THE FOLLOWING ORDER :-**

**General**

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

**"Charging Period"** means, in relation to those Car Parking Places referred to the first, second and third schedules for those days and hours specified;

**"Civil Enforcement Officer"** has the same meaning as in Part 6, Section 76 of the Traffic Management Act 2004.

**"Car Parking Permit"** means a permit issued under the provisions of Article 22 of this Order;

**"coach"** means a vehicle constructed or adapted to carry 12 passengers or more;

**"designated parking bay"** means a marked individual vehicle space.

**"Driver"** in relation to a vehicle waiting in respect in a parking place, means the person driving the vehicle at the time it is left in the parking place

**"Member"** means a person who has signed up to a membership scheme at either Dimensions Health Club or Shapes Health & Leisure Club thereby making that person eligible to receive a parking permit for a car park relevant to their membership centre only.

**"Staff Parking Permit"** means a permit issued under the provisions of Article 30 of this Order;

**"Owner"** has the same meaning as in Section 142 of "the Act"

**"Parking Place"** means any length of road or area of land which has been designated as a parking place in the First, Second and Third Schedules of this Order and provided by the council under Section 32 of the Act;

**"Relevant Position"** in the case of a vehicle fitted with a front windscreen, the ticket or permit is exhibited thereon with the obverse side facing forwards on the nearside of and immediately behind the windscreen

**"disabled person's badge"** and **"disabled person"** have the same meanings as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000(a);

**"disabled person's vehicle"** has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000(b);

“**Regulations of 2000**” means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“**Traffic Sign**” has the same meaning as in Section 142 of the Act;

“**The Act**” means the Road Traffic Regulation Act 1984

“**The council**” means the Stoke on Trent City Council.

“**Vehicle**” means any one of the specified classes of vehicle as defined in Article 2(5) of this Order.

## PROVISIONS RELATING TO THE USE OF PARKING PLACES

### 1.

- (1) Subject to paragraphs (3) and (4) of this Article each area of land specified in the First, Second and Third Schedules to this Order may be used as a parking place for such classes of motor vehicles, in such positions, on such days and during such hours, on payment of such charges as are specified in relation to that area in the First, Second and Third Schedules, subject to the following provisions of this Order.
- (2) Subject to paragraph (4) of this Article each area of land specified in the First, Second and Third Schedules to this Order may be used, subject to the following provisions of this Order, as such parking places for such vehicles, in such positions, on such days, during such hours and for such vehicles displaying a permit issued by the Council as are specified in relation to that area in the First, Second or Third Schedules.
- (3) Nothing in paragraph (1) of this Article shall restrict the power of the Council to reduce or suspend the payment of charges specified in the First Schedule either generally or for defined periods and/or by a driver or by a class or group of drivers comprised within defined categories.
- (4) Nothing in paragraphs (1) and (2) of this Article shall restrict the power of the Council to close any of the said parking places or any part thereof or to suspend the operation of this Order or any Article thereof in relation to such parking places when such parking place is required for any purpose of the Council or any purpose authorised by the Council.
- (5) The driver of a motor vehicle shall not use a parking place where the Council has suspended the use of the parking place and has exhibited a sign, cones or tape at or near the parking place indicating that the parking place is not for use.

2. (1) Where in the First, Second and Third Schedules to this Order a parking place is described as available for vehicles of a specified class or in a specified position, the driver of that vehicle shall not permit it to wait in that parking place unless it is of the specified class.

- (2) Where in the First and Third Schedules to this Order a parking place is described as available for vehicles displaying a valid permit, the driver of the vehicle shall not, except with the permission of any person authorised by the Council, permit that vehicle to wait in that parking place unless it displays a valid permit as applicable.
- (3) Where, within a parking places referred to in the First, Second and Third Schedules, there is a sign or surface marking which indicates that a designated parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait or park in that parking bay unless it displays a current 'disabled person's badge' in accordance with the provisions of the Regulations of 2000 and the registered disabled person is either the driver or a passenger in the vehicle. The driver of a vehicle displaying a current 'disabled person's badge' in accordance with the provisions of the Regulations of 2000 may wait or park the vehicle, free of charge in a marked disabled parking bay for an unlimited time period.
- (4) Where, within a parking place, there are roadways and other areas which are not available for the parking of vehicles, the driver of a vehicle shall not permit it to wait or park at any location other than wholly within a marked parking bay specific to that class of vehicle.
- (5) In this Article, "specified classes" means the following classes of vehicle
- (a) motor vehicles within the provisions of Section 136 of the Act of 1984;
  - (b) motor cycles as defined in Section 136(4) of the Act of 1984;
  - (c) invalid carriages;
  - (d) disabled person's vehicles;
  - (e) coach
- and specified classes shall be construed accordingly.
3. The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in the First, Second and Third Schedules to this Order in relation to that parking place.
4. The driver of a motor vehicle shall not park a motor vehicle wholly or partly outside a parking bay nor cause an obstruction.
5. The driver of a motor vehicle shall not permit the trailer to wait in a parking place unless the trailer remains connected to the vehicle drawing it and for the purpose of this Article the motor vehicle and the trailer shall be deemed to be separate motor vehicles and the driver shall be deemed to be the driver of each of the said motor vehicles.
6. Where the parking of a vehicle in any parking place is authorised by a prepaid permit, such vehicle shall not be left in the parking place for longer than the period permitted by said permit.
7. The driver of a motor vehicle parked in the parking place shall attach the permit inside the front windscreen of the motor vehicle so that the time and other relevant details are clearly visible from the outside of the vehicle and should remain in position until the vehicle leaves the parking place

### **AUTHORITY TO PARK**

The parking charges apply as stated in in the First, Second and Third Schedules.

8. (1) Except as otherwise provided by this Order, no vehicle shall be left in a parking place during the charging hours unless the driver has first obtained the relevant ticket, Permit or Staff Permit.
- (2) The parking charge shall be paid upon the first parking of the vehicle in the parking place by use of a ticket machine within the parking place or any other method agreed by the Council.
- (3) Any ticket issued shall be displayed, in a conspicuous position on the windscreen of the vehicle at all times whilst the vehicle is in the parking place.
- (4) A ticket issued on payment of the parking charge shall only be valid for use in the parking place.
- (5) A ticket is not transferable between vehicles.
- (6) Any permit issued in respect of a vehicle shall be fixed to the windscreen in a conspicuous position in the vehicle in respect of which it was issued, at all times whilst the vehicle is in the parking place.
- (7) A vehicle shall not be left in a parking place if at any time there is displayed on the vehicle an expired ticket or an expired permit.

### **ACTIVITIES PROHIBITED IN PARKING PLACES**

9. Except with the prior permission of the council, no vehicle shall be used while it is in a parking place in connection with the sale of anything to persons in or near the parking place unless written consent from the Council has been obtained.
10. No vehicle shall be sold, offered or exhibited for sale whilst it is in a parking place
11. The driver of the motor vehicle using a parking place shall stop the engine as soon as the vehicle is within a parking bay and shall not start the engine except when he/she is about to change the vehicle's position in or on leaving the car park.
12. No person shall, except with the permission of a civil enforcement officer or such person authorised by the Council, use a parking place as a means of passage from one road to another road or drive any motor vehicle in the parking place other than for the purpose of leaving that motor vehicle in the parking place in accordance with the provisions of this Order, or for the purpose of departing from that parking place.
13. No person shall use any part of the car park or any vehicle left in the car park for :-
  - (a) sleeping or camping purposes
  - (b) eating or cooking purposes
  - (c) the purposes of servicing, washing, cleaning, constructing, maintaining or repairing any vehicle or motor vehicle or part thereof than is reasonably necessary to enable a person to depart from the parking place.

14. In a parking place no person shall:
- (a) erect or cause to permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council
  - (b) light or cause to permit to be lit any fire
  - (c) light or cause to permit to be lit any cooker or stove
15. No person in a parking place shall carry out or permit any work of construction or repair to a motor vehicle except such as may be necessary to enable it to be moved from the parking place.

#### **NUISANCES IN PARKING PLACES**

16. No person shall in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of the users of the car park or residents/proprietors of premises in the neighbourhood.

#### **RESTRICTIONS ON DRIVING OF VEHICLES IN PARKING PLACES**

17. Where in a parking place signs are erected or surface markings are laid for the purpose of:
- (a) indicating the entrance to, or exit from the parking place
  - (b) indicating that a motor vehicle using the parking place shall proceed in a specified direction within the parking place

No person shall drive any motor vehicle:

- (a) so that it enters the parking place other than by the entrance or leaves the parking place by an exit so indicated; or
- (b) in a direction other than specified

#### **ALTERATION OF THE POSITION, AND REMOVAL, OF VEHICLES**

18. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 1 of this order, an authorised person may alter, or cause to be altered, the position of the vehicle so that its position is in accordance with the said provisions.
- (2) If a vehicle is left in a parking place in contravention of any of the provisions of this Order, an authorised person may remove the vehicle from that parking place or arrange for such removal.
  - (3) For the purpose of meeting the requirement of an emergency, an authorised person may alter, or cause to be altered, the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
  - (4) An authorised person may move, or cause to be moved, any vehicle or other container containing any substance which appears to him to be hazardous to health as defined by the Control of Substances Hazardous to Health Regulations 1988 or any other legislation relating to health or safety.
  - (5) A person:
    - (a) altering or causing the alteration of the position of a vehicle by virtue of Paragraph (1) of this Article; or
    - (b) removing or causing the removal of a vehicle by virtue of Paragraph (2), (3) or (4) of this Article,

may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

- (6) Any person removing or arranging the removal of a vehicle by virtue of Paragraph (2) or (3) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

#### **RESRICTION ON REMOVAL OF NOTICES**

18. Where a penalty charge notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order, no person other than:

- (a) an authorised person;
- (b) the driver; or
- (c) a person authorised by the driver in that behalf,

shall remove the notice from the vehicle whilst it is in the parking place.

#### **MANNER OF PAYMENT OF PENALTY CHARGE**

19. A penalty charge shall be paid to the Council by the driver or the registered keeper of the vehicle in accordance with the instructions on the penalty charge notice.

#### **PARKED VEHICLES TO BE LICENSED AND INSURED**

20. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless:

- (a) there is displayed on the vehicle a valid vehicle excise licence issued in pursuance of the provisions of the Act of 1971; and
- (b) there is no 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 1972.

#### **CAR PARK PERMITS**

##### **Application For and Issue of Car Park Permits**

21. The owner of a motor vehicle may, on application to the Council, purchase a parking permit in respect of the motor vehicle in the parking places specified in the First Schedule for the appropriate charge set out in the First Schedule to this Order and subject to the following provisions :-

- a. The driver of a motor vehicle parked in a parking place shall attach the parking permit inside the front windscreen of the motor vehicle so that all relevant details are visible from the outside of the vehicle.
- b. If the parking permit restricts the use to certain parking places, or to certain periods of time, the parking permit shall not be valid for any other circumstances.
- c. Parking permits do not entitle the driver of the motor vehicle to the reservation of an individual parking space and in the event of the loss of a parking permit, a five pounds (£5.00) administration charge shall become payable.

22. On receipt of an application made under Article 21 of this Order, the Council, upon being satisfied that the applicant is bona fide, shall issue to the applicant a car parking permit for the leaving during the Charging period in any parking place of the vehicle to which such a parking permit relates. Any such car parking permit so issued shall remain the property of the Council at all times.
23. A car parking permit holder may surrender a car parking permit to the council at any time and shall surrender a car parking permit to the Council on the occurrence of any of the events set out in paragraph (a) of this Article and upon such surrender the Council shall not be obliged to make any refund in respect thereof.
- a) The events referred to in the foregoing provisions of this Article are:
- (i) the parking permit holder ceasing to be the owner of the vehicle in respect to which the parking permit is issued
  - (ii) the issue of a duplicate parking permit by the Council under the provisions of Article 25 of this Order;
  - (iii) A parking permit shall cease to be valid at midnight on the expiry date specified thereon or on the occurrence of any one of the events set out in this Article whichever is the earlier.
  - (iv) Where an application to become a member upon receipt of a cheque or direct debit payment and the cheque or direct debit is subsequently dishonoured the membership shall cease to be valid and the Council shall by notice in writing, to whom such car parking permit was issued at the address shown by that person on their submitted application form.
24. If a parking permit is lost, The Council on the receipt of an application along with an administration charge of five pounds (£5.00), may issue a duplicate parking permit so marked and upon such issue the original car parking permit shall become invalid.
25. If a parking permit is destroyed, mutilated or accidentally defaced or the figures or particulars on it have become illegible or the colour of the parking permit has become altered by fading or otherwise the parking permit holder shall surrender it to the Council and may apply to the Council for the issue of a duplicate parking permit. The Council on the receipt of the above shall issue a duplicate parking permit so marked and upon such issue the original car parking permit shall become invalid.
26. An issued parking permit under Article 22 of this Order shall be in the form prescribed by the council and shall include the following particulars
- (a) the registration mark of the vehicle in respect of which the parking permit has been issued;
  - (b) the expiry date;
  - (c) an authentication that the parking permit has been issued by the Council and that it relates to the parking place as set out in the First Schedule of this Order.

27. A car parking permit displayed on a vehicle in a parking place shall, be valid only if the conditions specified in this Order are met and the car parking permit is displayed in accordance with the provisions of Article 28 of this of this Order.
28. At all times during which a vehicle is left in a parking place during the Charging Period a car parking permit shall be displayed in the relevant position on the front or near side of the vehicle so that all particulars referred to in Article 26 of this Order are readily visible from the front or near side of the vehicle.
29. Where a vehicle is parked in a parking place during the Charging Period without a valid car parking permit displayed in accordance with the provisions of Article 28 of this Order and is not subject to any of the exemptions to this Order the driver of the vehicle shall pay to the Council a Penalty Charge.

#### STAFF PARKING PERMITS

30. Any person who is an employee of either Dimensions Leisure Centre or Fenton Manor Sports Complex may apply to the Council for the issue of a staff car parking permit for the leaving of a vehicle in a parking place indicated in the Third Schedule. Any such application shall be made on a form issued and obtainable from the Council and shall include the information required by that form.
31. On receipt of an application made under Article 30 of this Order, the Council, upon being satisfied that the applicant is an employee shall issue to the applicant a car parking permit for the leaving during the Charging period in any parking place of the vehicle to which such a parking permit relates. Any such car parking permit so issued shall remain the property of the Council at all times.
32. An issued staff car parking permit under Article 31 of this Order shall be in the form prescribed by the council and shall include the following particulars
  - (a) the registration mark of the vehicle in respect of which the parking permit has been issued;
  - (b) the expiry date;
  - (c) an authentication that the parking permit has been issued by the Council and that it relates to the parking place as set out in the Third Schedule of this Order.
33. A staff car parking permit holder may surrender a car parking permit to the council at any time and shall surrender a car parking permit to the Council on the occurrence of any of the events set out in this Article and upon such surrender the Council shall not be obliged to make any refund in respect thereof.

The events referred to in the foregoing provisions of this Article are:

- (i) the permit holder ceasing to be a member of staff
- (ii) the parking permit holder ceasing to be the owner of the vehicle in respect to which the parking permit is issued
- (iii) the issue of a duplicate parking permit by the Council under the provisions of Articles 25 of this Order;



- (iv) A parking permit shall cease to be valid at midnight on the expiry date specified thereon or on the occurrence of any one of the events set out in this Article whichever is the earlier.

#### **PAY AND DISPLAY**

34. The driver of the motor vehicle shall on leaving the motor vehicle in the parking place pay a charge ("the appropriate charge") for the motor vehicle in accordance with the Scale of Charges specified in the First Schedule of this Order.
35. The scale of charges shall be payable throughout the specified Charging Period as stated in the First Schedule of this Order, by the insertion of an appropriate coin or coins for the period required into the ticket machine provided (being a machine, apparatus or device in accordance with Section 35(3) of The Act) to the sum of money representing the appropriate charge.
36. The issue of a ticket by a ticket machine in a parking place shall indicate the payment of the sum of money in accordance with the scale of charges as specified in the First Schedule.
37. Evidence of payment of the appropriate charge by the driver of a motor vehicle shall consist of the display of the appropriate ticket in the relevant position issued by a ticket machine stating the day, time of issue or expiry and vehicle index number.

#### **VISITORS PERMITS**

38. Any person who is a visitor on business to either Dimensions Leisure Centre or Fenton Manor Sports Complex may apply to the Council for the issue of a visitors car parking permit for the leaving of a vehicle in a parking place indicated in the First and Second Schedules. Any such application shall be made on a form issued and obtainable from the Council and shall include the information required by that form.
39. On receipt of an application made under Article 38 of this Order, the Council, upon being satisfied that the applicant is an employee shall issue to the applicant a car parking permit for the leaving during the Charging period in any parking place of the vehicle to which such a parking permit relates. Any such car parking permit so issued shall remain the property of the Council at all times.

#### **CONTRAVENTIONS, PENALTY CHARGES AND PENALTY CHARGE NOTICES**

40. If a vehicle is left in a parking place specified in the First, Second or Third Schedule during the charging hours –
- (a) for longer than the period for which payment was made by the parking charge;
  - (b) without a valid ticket or permit being exhibited on that vehicle in accordance with Articles 8 of this Order; or
  - (c) in a position reserved for a specified class of user or vehicle unless of that specified class

a contravention shall have occurred and a civil enforcement officer or other authorised person may attach to the vehicle a penalty charge notice a penalty charge shall be payable for each occurrence.

41. If a vehicle is left in a parking place specified in the First, Second or Third Schedule at any time –

- (d) for longer than the maximum period for which vehicles may wait contrary to that specified in the First, Second and Third Schedules of this Order; or
- (e) contrary to the classes of vehicle permitted to park in the parking place as specified in Article 2(5); or
- (f) in a position so as to obstruct access to the parking place or to any premises adjoining the parking place or to obstruct an access way within the parking place; or
- (g) in a position so as to be not wholly within a marked parking bay; or
- (h) in a position reserved for disabled persons' vehicles, a disabled persons' badge not being validly displayed; or
- (i) when the use of the parking place, area or bay in which the vehicle is left is suspended.

a contravention shall have occurred and a civil enforcement officer or other authorised person may attach to the vehicle a penalty charge notice a penalty charge shall be payable for each occurrence.

42. Any Penalty Charge due to the Council under this Order shall be paid to the Council as directed on the Penalty Charge Notice.

43. Where a Penalty Charge has been issued in respect of a vehicle under Articles 40 and 41 of this Order, a Civil Enforcement Officer shall complete a Penalty Charge Notice and attach it in a conspicuous place to that vehicle or hand or attempt to hand it to the driver of the vehicle.

44. Any Penalty Charge Notice issued under Articles 40 and 41 of this Article 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 date and time at which the Civil Enforcement Officer first noticed that a Penalty Charge Notice had been incurred under this Order;
- (c) the reason for the Penalty Charge Notice being incurred;
- (d) a statement that a Penalty Charge Notice is required to be paid;
- (e) the manner in which and the time within which the Penalty Charge Notice should be paid.

45. Nothing in this Order shall apply upon the direction or with the permission of a Police Officer in uniform.

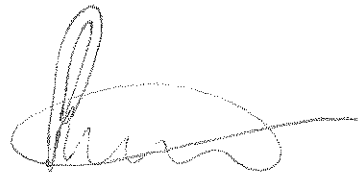
46. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the Interpretation of an Act of Parliament.

## COMMENCEMENT AND CITATION

47. This Order shall come into operation on the 29th ~~January~~<sup>June</sup> 2011 and may be cited as the City of Stoke-on-Trent (Traffic Regulation) (Fenton Manor & Dimensions Car Park) (No.32) Order, 2011

DATED this 27 June 2011

SIGNED ON BEHALF of the )  
COUNCIL OF THE CITY )  
OF STOKE-ON-TRENT )



authorised signatory

### FIRST SCHEDULE OFF STREET PAY and DISPLAY CAR PARKS

<u>Car Park / Charging Period</u>	<u>Permitted Waiting Period</u>	<u>Scale of Charges</u>
FENTON MANOR	Upto 3 Hours	£1.00
SPORTS COMPLEX, FENTON	upto 24 Hours	£4.00
Mon – Sun (24 Hours)	3 Month Permit	£15.40
	6 Month Permit	£22.50
	12 Month permit	£37.50
DIMENSIONS LEISURE	Upto 3 Hours	£1.00
CENTRE, BURSLEM	upto 24 Hours	£4.00
Mon – Sun (24 Hours)	3 Month Permit	£15.40
	6 Month Permit	£22.50
	12 Month Permit	£37.50

### SECOND SCHEDULE OFF STREET DISABLED BLUE BADGE CAR PARK

<u>Car Park / Charging Period</u>	<u>Permitted Waiting Period</u>	<u>Scale of Charges</u>
FENTON MANOR SPORTS COMPLEX DISABLED CAR PARK, FENTON (Mon – Sun (24 Hours)	Unlimited	FREE

### THIRD SCHEDULE OFF STREET STAFF PERMIT CAR PARK

<u>Car Park / Charging Period</u>	<u>Permitted Waiting Period</u>	<u>Scale of Charges</u>
FENTON MANOR STAFF PERMIT CAR PARK Mon – Sun (24 Hours)	Unlimited	FREE