

**CITY OF STOKE-ON-TRENT (TRAFFIC REGULATION)
(HANLEY AREA – ON STREET PARKING) (NO. 46) ORDER 2010**

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

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

“**council**” means The City Council of Stoke –on –Trent

“**delivery**” and “**collecting**” in relation to goods includes checking the goods for the purpose of their delivery or collection;

“**disabled person’s badge**” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“**goods vehicle**” has the same meaning as in Section 58 of the Goods Vehicles (Licensing of Operations) Act 1995

“**goods**” include postal packets of any kind;

“**Civil Enforcement Officer**” means a person authorised by the Council to supervise and issue penalty charge notices at any parking place;

“**parking bay**” means any part of a parking place marked out by means of white lines or otherwise for the leaving of a vehicle;

“**parking place**” means an area of highway designated as a parking place by an article of the respective parts of this Order;

“**relevant position**” means in relation to disabled persons badges or disc exhibited on the dashboard or facia of the vehicle or if the vehicle does not have a dashboard or facia exhibited in a conspicuous position on the vehicle so that the front of the badge or disc is clearly legible from the outside of the vehicle;

“**relevant position**” means in relation to parking tickets

- (a) in the case of a vehicle fitted with a front windscreen, the parking permit or visitors permit is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen;
- (b) in the case of a vehicle not fitted with a front windscreen, the parking ticket or tickets is exhibited in a conspicuous position on the front or near side of the vehicle;

1. Save as provided for in Articles 2 and 3, the lengths of road specified in the First schedule be designated as on-street pay and display parking places for motor vehicles, licensed as private, motor cycles with side cars, invalid carriages, goods vehicles not exceeding 30 cwt unladen which display a valid parking ticket (obtained in accordance with Article 6) and subject to the following provisions of this Order, as a parking place for such classes of motor vehicles in such positions as specified in the First Schedule and during the hours prescribed in the First Schedule hereto.
2. Nothing in Article 1 of this Order shall render it unlawful to cause or permit a vehicle to wait in the lengths of road referred to in that Article for so long as may be necessary :-
 - a) to enable a person to board or alight from the vehicle.
 - b) to enable goods to be loaded onto or unloaded from the vehicle.
 - c) to enable the vehicle if it cannot be used for such purposes in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the length of road so referred to, or the laying, erection, alteration or repair in or near to the said road of any sewer or main pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus kept installed for the purpose of a Telecommunication code system or with any service provided by means of any such apparatus as defined in the Telecommunications Act 1984.
 - d) to enable a vehicle of (and bearing a livery used by) a universal service provider within the meaning ascribed by the Postal Services Act 2000 to be used for the purpose of delivering or collecting postal packets in the course of the provision of a universal postal service as defined in that Act.
 - e) to enable a vehicle if it cannot be used for such purposes in any road for the pursuance of statutory powers and duties.
 - f) for the conveyancing of persons, goods or merchandise to or from any premises situated on or adjacent to that road

3. Nothing in Article 1, shall restrict the power of the Council or a person designated by the Council to suspend the use of the parking place or any part thereof whenever he/she considers such suspension reasonably necessary –

- (a) for the purposes of facilitating the movement to traffic or promoting its safety;
- (b) to enable a motor vehicle if it cannot conveniently be used for such purposes in any other road, to be used in connection with –
 - (i) any building operation, demolition or excavation;
 - (ii) the maintenance, improvement or reconstruction of a road;
 - (iii) the laying, erection, alteration, repair or cleaning of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunication lawfully kept installed in any position;
 - (iv) the collection of household refuse from, premises situated on or near the sides and lengths of roads specified in First Schedule of this Order;
- (c) for the convenience of the occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository;
- (d) to enable goods to be loaded onto or unloaded from a motor vehicle;
- (e) to enable a motor vehicle to be used for police, ambulance, fire brigade or a vehicle in the service of a local authority which is being used in pursuance of statutory powers or duty.
- (f) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions; provided that the person authorised by the Council to suspend the use of a parking place or any part thereof, shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof, the use of which is suspended, a traffic sign indicating that waiting by motor vehicles is prohibited.

4. No motor vehicle shall be permitted to wait in the parking place :-

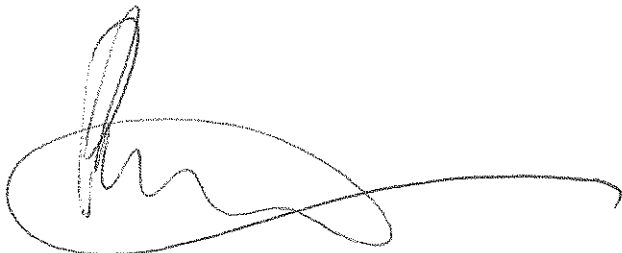
- (a) when the Council has suspended or suspended part of that parking place in accordance with the provisions of Article 3 of this Order;
- (b) For a period exceeding the length of time specified in First Schedule of this Order.
- (c) If there is an interval of less than the duration specified in the First Schedule from a previous period of waiting by the same vehicle in the same side and length of road. when the Council has suspended or suspended part of that parking place in accordance with the provisions Article 3;

5. Where the parking place is marked by signs, lines, studs or other indications so as to indicate its provision as a parking place for motor vehicles of a specified class or in a specified position, the driver of a motor vehicle shall not permit it to wait in the parking place unless it is –
- (a) of the specified class and
 - (b) in the specified position
except upon the direction of a Police Officer in uniform or a Civil Enforcement Officer.
6. Except as provided in Article 9, the following provisions relate to all motor vehicles having more than 2 wheels.
- (a) Subject as hereinafter provided the driver of a motor vehicle waiting in a parking place specified in the First Schedule to this Order, during the hours specified in First Schedule, on leaving the motor vehicle in that parking place, must pay the daily charges specified in Second Schedule, by the insertion of a coin or coins for the period required into the ticket machine approved in accordance with Section 35(3) of the Act of 1984, and the provisions of Section 47(5) of the Act of 1984 shall apply in respect of such apparatus namely :-
 - (i) Parking Places specified in the First Schedule to this Order- For any one visit charges as specified in the Second Schedule to this Order.
 - (b) Any ticket issued in receipt of payment of the charges referred to in Article 6 (a) of this Order, shall be displayed in a relevant position in the motor vehicle in respect of which it was issued and shall continue to be displayed in such conspicuous position during the whole of the time that the motor vehicle remains in the parking place, so that it can be read by any Parking Attendant carrying out his normal enforcement duties.
 - (c) Following the issue and display of a ticket in accordance with Article 6 no further ticket shall be purchased for and displayed in the same vehicle whilst parked in the same side and length of road. This clause shall apply if the vehicle has remained in the parking place and shall also apply if it has returned to the same parking place after an interval of less than the duration specified in First Schedule from a previous period of waiting in the same side and length of road.
 - (d) Nothing in Article 6 (c) shall apply if the additional ticket or tickets purchased bear an expiry time not later than the length of time specified in Second Schedule, after the time of purchase of the initial ticket issued in accordance with Article 6 (a).
 - (e) Any vehicle using the parking place shall wait wholly within a designated bay.

7. The particulars as to the time at which a ticket or tickets were obtained from the apparatus or device provided specified on the ticket or tickets issued by the apparatus or device and affixed in accordance with the provisions of Article 6 shall be evidence of the particulars so specified.
8. No person shall use any parking ticket or tickets issued in respect of a motor vehicle left in a parking place specified in Article 1 in relation to any other motor vehicle.
9. Nothing in Article 6 of this Order shall apply to a vehicle which displays :-
 - (a) a disabled person's badge, in the relevant position, to wait in the lengths of lengths of road referred to in First Schedule
10. The revoke those parts of City of Stoke on Trent (Traffic Regulation) (No.13) Consolidation Order 2008 as specified in the Schedule of Revocations hereto, and amend them Orders accordingly.
11. Nothing in this Order shall apply upon the direction or with the permission of a police officer in uniform.
12. The Interpretation Act, 1978 shall apply for the interpretation of this Order as it applied for the interpretation of an Act of Parliament.
13. This Order shall come into operation on the 5th day of July 2010 and may be cited as "City of Stoke-on-Trent (Traffic Regulation) (Hanley Area – On Street Parking) (No. 46) Order 2010".

DATED this 1st day of July 2010.

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

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Authorised Signatory

FIRST SCHEDULE

(On Street Pay and Display, 24 Hours – Monday to Saturday)
Pay and Display Parking 2hours, no return within 1 hour

Birch Terrace (South Side)

From a point 49 metres east of its junction with Lichfield Street for a distance of 88 metres in an easterly direction.

Lichfield Street (Service Area between Potteries Way and Birch Terrace)

West Side from a point 3 metres south of its junction with Lichfield Street in a south easterly direction and including the whole of the southern truncated end.

East Side from a point 5 metres south of its northern truncated end for a distance of 17 metres in a southerly direction.

SECOND SCHEDULE

<u>Existing Parking Period / Charges</u>		<u>Proposed Parking Periods / Charges</u>	
Upto 15 mins	55p	Upto 30 mins	55p
Upto 30 mins	£1.10	Upto 1 Hour	£1.10
Upto 1 Hour	£2.20	Upto 2 Hours	£2.20
Evening Charges 6pm – 7am	£1.00	Evening Charges 6pm – 7am	£1.00

SCHEDULE OF REVOCATIONS

Schedule

Part

One Hundred and Ninth

Birch Terrace

Lichfield Street (Service Area between Potteries Way and Birch Terrace)