

**CITY OF STOKE-ON-TRENT (TRAFFIC REGULATION)
(WHARF PLACE OFF STREET CAR PARK) (NO. 14) ORDER 2017**

The Council of the City of Stoke on Trent (hereinafter referred to as the "the Council") in exercise of its powers under Section 32, 33 and 35(1) and (3) of the Road Traffic Regulation Act 1984 as amended by the Parking Act 1989 (which said Act of 1984 is hereinafter referred to as the "the Act") and Part IV of Schedule 9 to the Act and all other enabling powers and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, HEREBY MAKES the following Order:--

PART I

GENERAL

Interpretation

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

“**ANPR**” means the Automatic Number Plate Recognition Technology provided by the council

“**Charging Period**” means, in relation to the Car Parking Place referred to in the First Schedule and Second Schedule hereto;

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

“**Pay by Phone**” means the Telephone Payment Parking System provided by the Council.

“**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

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

“**Parking Bay**” means any part of a Parking Place marked out, by means of white or yellow lines or otherwise, for the leaving of a vehicle;

“**Car Parking Permit**” means a permit issued by the Council to the owner of a specified vehicle, for the use of such parking places as indicated on that permit.

“**Parking Place**” means the area of land which has been designated as a parking place in the First and Second Schedules of this Order and provided by the council under Section 32 of the Act;

“**penalty charge**” means a charge set by the Council in accordance with Article 6(2) of this Order. The appropriate penalty charge in force will be as shown on the 'Pay and Display' Notice in the parking place where it applies.

“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

"season ticket" means a ticket or other printed document issued by the Council, to the owner of a specified vehicle, for use in such parking place as is indicated on the ticket.

“Specified Class” means a motor car, passenger vehicle or goods vehicle which has a maximum gross weight not exceeding 3.5 tonnes.

"Telephone Payment Parking System" means a system to facilitate and monitor the payment of parking charges using telephone communication with the service provider in accordance with instructions indicated on signs located at each parking place where the system is operational.

"ticket" means a ticket issued by a ticket machine located in a parking place identified in Part II of this Order.

“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 Council of the City of Stoke –on-Trent.

PART II

Use of Land and Parking Place

1. Each area of land specified by name in the First and Second Schedule of this Order may be used, subject to the following provisions of this Order, as a parking place only for such classes of vehicles in such positions, on such days, during such hours and at such charges and subject to such Special Conditions as are specified in relation to that area in the First and Second Schedules PROVIDED THAT:
 - a) The Council may by indication on site temporarily withdraw such parking place or any part thereof from such use;
 - b) All other conditions save that requiring payment shall be observed by the driver of any vehicle which displays a Disabled Person's Badge.
2. Where in the First and Second Schedule a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not wait or permit it to be left in that parking place unless it is of the class and in the position so specified.
3. Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a vehicle displaying a Disabled Person's Badge, the driver of any vehicle not displaying the said badge shall not wait or permit it to be left in that parking bay.

Charges at Parking Place

4. (1) Save as in Article 1(b) and hereinafter provided, no vehicle shall wait or be left in a parking place during the hours that charges for parking as referred to in the First Schedule hereto are to be paid (hereinafter referred to as "the charging hours") without the owner or driver thereof having first paid the appropriate charge as set out in the First Schedule (hereinafter referred to as "the parking charge") in the manner prescribed by this Article.
- (2) The Council may from time to time determine not to collect a charge and/or charges at a parking place and information relating to a change in the collection of a charge and/or charges would be indicated on the "Pay and Display" and/or the "Car Park Charges" Notice in the parking place where it applied.
- (3) The parking charge shall be payable by the insertion of an appropriate coin or coins, bank notes, credit card, debit card, or other approved electronic transaction cards or otherwise as directed into the apparatus or device provided, being an apparatus or device approved in accordance with Section 35 of the Act, and the provisions of Section 35A of the Act shall apply in respect of such apparatus and/or ANPR where it is being used as a payment system.
- (4) The owner of a vehicle may on application to the Council purchase a season ticket in respect of that vehicle for a parking charge ascertained by reference to the charges specified in the First Schedule and that season ticket shall be only valid in such parking place as specified in the First Schedule during the period for which it is issued and is not transferable between any other off street parking place.
- (5) Any ticket issued on payment of the parking charge hereinbefore referred to in paragraph (3) of this Article or any season ticket issued in accordance with paragraph (4) of this Article shall be displayed in a conspicuous position inside the vehicle in order that the ticket can be read from the outside of the vehicle in respect of which it was issued whilst it is left in the parking place. A vehicle shall not be left in a parking place if it displays an expired ticket or expired season ticket.
- (6) The Council may from time to time grant written permission for vehicles to park at such times and in such parking places as it may deem expedient at a charge applicable at the time of application and/or issue.
- (7) Tickets issued on payment of the parking charge are only available for use in the parking place where issued and are not transferable either between parking places or users of the car park.
- (8) In addition to the provisions of Article 4(1) to Article 4(7) of this Order each parking place referred to in the First Schedule of this Order may also be used, where applicable, for such classes of vehicles in such positions, on such days, during such hours on payment of the relevant parking charge including Season Ticket parking charges using Pay by Phone.

- (9) Pay by Phone information signs and the relevant Location Identification Number signs will be located in each parking place where Pay by Phone is in operation and will provide information in regard to the operation and use of Pay by Phone.
- (10) The payment of a parking charge using Pay by Phone will relate only to the parking place as indicated by the location identification number displayed on the location identification number sign situated in the parking place.
- (11) Where a vehicle has been left in a parking place operating Pay by Phone an indication that the relevant parking charge including Season Ticket parking charges has been made in respect of that vehicle using Pay by Phone together with an indication of the parking periods for which payment has been made shall appear on the hand-held device.
- (12) Without prejudice to the provisions of Article 4(1) to Article 4(7) of this Order if at any time while a vehicle is left in a parking place referred to in Part I of the Schedule of this Order no indication appears on a hand held device that payment of the parking charge has been made using Pay by Phone, or a hand-held device indicates that the payment period for which payment was made using Pay by Phone has expired it shall be presumed (as the case may be and unless the contrary is proved) that either:
 - (a) the parking charge has not been duly paid in respect of that vehicle in accordance with the provisions of Article 4 of this Order; or
 - (b) the parking period for which payment was made using Pay by Phone has expiredand in either case a civil enforcement officer may serve a penalty charge notice.
- (13) The Council may determine to use ANPR as a payment system in the parking places contained in the First Schedule of this Order.
- (14) Payment of a parking charge using ANPR will be as outlined in Article 4(1) to Article 4(4) and Article 4(6) to Article 4(7) of this Order.
- (15) In addition to the provisions of Article 4(1) to Article 4(4) and Article 4(6) to Article 4(7) of this Order payment of parking charges using ANPR may also be paid using Pay by Phone in accordance with the provisions of Article 4(8) to Article 4(10) of this Order.
- (16) Save as in Article 1(b) and hereinafter provided, no vehicle shall wait or be left in a parking place referred to in the Second Schedule hereto without the owner or driver thereof having displayed a valid parking permit relevant to that parking place.

USE OF AUTOMATIC NUMBER PLATE RECOGNITION ('ANPR') AT PARKING PLACES

5. ANPR may be used in the Parking Places contained in First Schedule of this Order

- (1) Details of the payment requirements and method(s) of payment available, during ANPR, will be published on the councils website, on a notice within the Parking Place or any other method deemed appropriate and / or required.

PENALTY CHARGE AT PARKING PLACE

6. (1) Subject to the provisions of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 in respect to a vehicle where there has been committed in relation to that vehicle a parking contravention within paragraph 4 of Schedule 7 of the Traffic Management Act 2004 (parking contraventions outside Greater London) in a civil enforcement area outside Greater London and/or the provisions of this Order a penalty charge is payable by the owner or driver of the vehicle to the Council in accordance with Article 7 of this Order.
- (2) Penalty charges including any discounts or surcharges thereto shall be of such levels as are from time to time set by the Council in accordance with the provisions of Section 77 and Part 3 of Schedule 9 of the Traffic Management Act 2004 and the Schedule to the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 ('the Guidelines Order') made by the Secretary of State under Paragraph 8 of Part 3 of Schedule 9 of the Traffic Management Act 2004. All off-street parking contraventions are prescribed as either Higher Level or Lower Level contraventions in respect of which different penalty charges apply at the levels described in Table 1 of the Schedule to the Guidelines Order as Band 1 or Band 2. In relation to both the Higher Level and Lower Level contraventions the Council may in its absolute discretion set the level of penalty charge at either the Band 1 or Band 2 level PROVIDED that the Council will publish the level of charges in a newspaper circulating in the locality not less than 14 days before such charges shall come into force.

CHARGE WHERE CONTRAVENTION OF THIS ORDER (PENALTY CHARGE NOTICE)

7. (1) A penalty charge notice may be in such form as may from time to time be considered appropriate by the Council, provided that it displays the information required by the Schedule to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and Part 2 of the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
- (2) The penalty charge, reduced penalty charge and charge payable after service of a charge certificate shall be in the following amounts:
 - (a) In respect of any contravention the penalty charge payable shall, subject to Articles 7(2)(b) and 7(2)(c) of this Order, be the amount from time to time set by the Council in accordance with Article 6(2) of this Order and payment shall be received by the Council not later than the last day of the period of 28 days beginning with the date on which the penalty charge notice is served.
 - (b) Notwithstanding the provisions of Article 7(2)(a) of this Order a reduced penalty charge shall be payable PROVIDED payment is received by the Council not later

than the last day of the period of 14 days beginning with the date on which the penalty charge notice is served.

- (c) On the issue of a charge certificate in accordance with the provisions of Regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 the penalty charge shall be increased by 50 per cent.
- (3) For the avoidance of doubt the reference in Articles 7(2)(a) and 7(2)(b) of this Order to payment being received by the Council not later than the last day of the period of 28 or 14 days (as the case may be) shall be interpreted to mean that payment must be received by the Council by no later than 00.00 hours on the last day of the said period of 28 or 14 days.
- (4) The penalty charge, reduced penalty charge and charge payable after service of a charge certificate (as appropriate) shall be paid to the Council in cash or by means of cheque, postal order, credit card or debit card payment or any other means of payment acceptable to the Council, in the manner specified on the received penalty charge notice.
- (5) Where a penalty charge has been incurred due to a parking contravention a civil enforcement officer may attach to the vehicle in a conspicuous position or hand to the driver of the vehicle a penalty charge notice which complies with the requirements of Regulation 9 and Schedule to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
- (6) Where a penalty charge has been incurred a penalty charge notice may be issued by post by the enforcement authority if the owner of the vehicle drives the vehicle away before the civil enforcement officer has issued a penalty charge notice or the civil enforcement officer has been prevented from issuing a penalty charge notice, such a penalty charge notice shall comply with the requirements of Regulation 10 and the Schedule to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
- (7) Part 6 of the Traffic Management Act 2004, the Schedule to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, Part 2 of the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 and the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 shall have effect with respect to penalty charges, notices to owners and other matters supplementing the provisions of Article 7 of this Order.

OTHER PROVISIONS

8. The driver of a motor vehicle using a Parking Place shall stop the engine as soon as the vehicle is in the parking space and shall not start the engine except when about to change the position of the vehicle in or to depart from the Parking Place:
9. (1) Unless the Council's prior written consent is obtained, no person in a parking place shall:-

- a) drive any vehicle or otherwise than for the purpose of leaving it in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place;
- b) use a vehicle, while it is in the parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of skills or services;
- c) erect or cause to be erected any tent, booth, stand, building or structure or other thing;
- d) light or cause or permit to be lighted any fire;
- e) display or distribute or cause to be displayed or distributed any notice, leaflet, handbill, booklet, book or other item;
- f) maintain, repair, service or wash any vehicle or part thereof other than is reasonably necessary to enable the vehicle to depart from the parking place;
- g) drive any vehicle and cause it to wait, in a parking place, without displaying a valid ticket, in accordance with Article 4 of this Order.

(2) No person in a parking place shall :-

- a) sound any horn or similar instrument except when necessary for the safety of persons or vehicles in the parking place;
- b) shout or make or permit any noise or otherwise behave to the disturbance or annoyance to users of the parking place, occupants of neighbouring premises or passers-by;
- c) use any threatening, abusive or insulting language, gesture or conduct likely to cause, or causing, a breach of the peace;
- d) use any part of the parking place or any vehicle in it for sleeping, cooking or camping purposes;
- e) use any part of the parking place for skating, skateboarding or cycling;
- f) Engage in any other activity which causes disturbance or annoyance to users of the parking place, occupants of neighbouring premises or passers-by.

10. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 3 hereof a person authorised by the Council in that behalf 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, or is abandoned, a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal and the Council shall be entitled to recover as a civil debt from any person responsible such charges in respect of the removal, storage and disposal of the vehicle as the Council may require in accordance with Schedule 9 of the Traffic Management Act 2004.

(3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a police officer in uniform 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) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary.

(5) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (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.

11. (1) Where in a parking place signs are erected or surface markings are laid for the purpose of:

- a) indicating where parking is prohibited, or
- b) indicating the entrance to or exit from the parking place, or
- c) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,

No person shall leave a vehicle in a place where parking is indicated to be prohibited or drive or permit to be driven any vehicle;-

- (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or
- (ii) in a direction other than so specified.

(2) Any person in a parking place shall comply with any reasonable direction by a person authorised in that behalf by the Council or a police officer in uniform whether as to the driving or positioning of a vehicle or otherwise and shall upon request provide his name and address and the name and address of the owner of the vehicle which he or she is driving.

12. The Driver of a vehicle shall not permit a vehicle to wait or park on any yellow line or hatched area or cause an obstruction or permit the vehicle to wait in a Parking Place other than in a Parking Bay and for this purpose, except with the permission of the Council and Civil Enforcement Officer, every part of the vehicle must be within the limits of the Parking Bay and not more than one vehicle, except Motorcycles shall occupy any one such Parking Bay.

13. The Council accepts no responsibility, either at common law or under the Occupiers Liability Act 1957, or otherwise, for loss of or damage to vehicles or other property left in any of the Council's parking places.

14. Any person who with intent to defraud interferes with the parking ticket machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination, or other approved method of payment, shall be liable to prosecution.

STAFF PERMITS

15. Any person who is a bonafide employee of the council, may apply to the Council for the issue of a car parking permit for the leaving of a vehicle in a parking place indicated in the Second 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.
16. On receipt of an application made under Article 15 of this Order, the Council, upon being satisfied that the applicant is a bona fide employee, and with the relevant levels of documentation shall issue to the applicant a car parking permit for the leaving during the Charging period in the 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.
17. 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 an employee of the council.
 - (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 4 and 7 of this Order;
18. If a car parking permit is 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 to him/her of a duplicate parking permit following the payment of an administration charge of five pounds (£5.00). The Council on the receipt of the above, and such charge shall issue a duplicate parking permit so marked and upon the issue the original car parking permit shall become invalid.
19. A car parking permit holder may surrender a car parking permit to the council on the the event whereby the parking permit holder ceases to be the owner of a vehicle to which the permit relates. Upon receipt of the above the original car parking permit shall become invalid.
20. On receipt of an application for a new car parking permit following the events referred to in Article 5 of this Order. The council on receipt of such application shall issue to the applicant a new car parking permit following the receipt of an administration charge of five pounds (£5.00).
21. If a car parking permit is lost or destroyed, the parking permit holder may apply to the Council for the issue to him of a duplicate parking permit and the Council, upon being satisfied as to such loss or destruction, shall issue to him or her a duplicate parking permit following the payment of an administration charge of five pounds

(£5.00), and the duplicate permit so marked and on such issue the original car parking permit shall become invalid.

22. An issued car parking permit under Article 16 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 Parking Bay in which the vehicle may park within that Parking Place
- (c) the expiry date;
- (d) an authentication mark that the parking permit has been issued by the Council and that it relates to the parking place as specified in the Second Schedule of this Order.

23. 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 24 of this of this Order.

24. 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 22 of this Order are readily visible from the front or near side of the vehicle.

25. 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 24 of this Order or within the wrong parking bay to which the parking permit is valid for 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.

26. Where a Penalty Charge has been issued in respect of a vehicle under Article 24 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.

INTERPRETATION AND CITATION

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

28. This Order shall come into operation on the 28 November 2017 and may be cited as the City of Stoke-on-Trent (Traffic Regulation) (Wharf Place Off Street Car Park) (No.14) Order, 2017.

DATED this 23rd day of November 2017.

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



Authorised signatory

FIRST SCHEDULE
OFF STREET CAR PARK

Name of Parking Place	Permitted Waiting Time	Scale of Charges	Charging Period	
Wharf Place, Stoke	Weekly Charge (7 days)	£35.00		
	Evening Charge	£5.00	6pm-6am	
	24 Hours	£10.00	Mon - Fri	
	48 Hours	£20.00	Mon - Fri	
	72 Hours	£30.00	Mon - Fri	
	<u>All Day Charge</u>			
	(6am-Midnight)	£9.00	Mon - Fri	
(10am – Midnight)	£5.00	Mon - Fri		
	1 Month Permit (30 Days)	£208		
	3 Month Permit (90 Days)	£468		
	12 month Permit (One year)	£1872		

SECOND SCHEDULE
OFF STREET CAR PARK

Name of Parking Place	Permitted Waiting Time	Scale of Charges	Charging Period
Swift House, Stoke	24 Hours	Permit Required	All Days

