

WARWICKSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE WARWICKSHIRE COUNTY COUNCIL
(DISTRICT OF STRATFORD ON AVON)
(BISHOPTON PARK & RIDE) (OFF-STREET PARKING PLACES) ORDER 2006

The Warwickshire County Council (hereinafter referred to as "the Council") in exercise of the powers conferred by Sections 32, 33, 35, 35A and 38 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and under the Road Traffic Act 1991 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:-

PART 1
COMMENCEMENT, CITATION AND INTERPRETATION

1. This Order shall come into operation on 7th August 2006 and may be cited as The Warwickshire County Council (District of Stratford on Avon) (Bishopton Park & Ride) (Off-Street Parking Places) Order 2006.
2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"authorised bus" means a public service vehicle provided by the authorised operator for the purposes of operating the park and ride bus service;

"authorised operator" means the operator appointed by or on behalf of the Council for the purposes of undertaking the operation of the park & ride bus service and the parking place and routine maintenance thereof;

"bus stop areas" means areas within the parking place intended for the waiting of public service vehicles and which are marked thereon with the words "Bus Stop"

"charge for coach parking" means:-

the fee of £3.00 for parking a motor coach or bus for up to 4 hours;
the fee of £5.00 for parking a motor coach or bus for up to 8 hours; and
the fee of £6.00 for parking a motor coach or bus for up to 12 hours

"disabled badge holder's bay" means a parking space which is provided for the leaving of a disabled person's vehicle and indicated by markings on the surface of the parking space or signed or otherwise indicated by signs or any other structure place or erected in the parking place;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“disabled person’s vehicle” has the same meaning as in The Motor Vehicles (Approval) (Amendment) Regulations 2004;

“driver” in relation to a vehicle waiting in the parking place, means the person driving or riding the vehicle at the time it was left in the parking place;

“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 and 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;

“hours of operation” means the times during which the parking place is open and being:-

- (a) between the hours of 8.30 am and 7.30 pm on Sundays and Bank Holidays;
- (b) between the hours of 7.00 am and 7.30 pm on every other day with the exception of Christmas Day; and
- (c) at any other time specified by the Council in connection with a special event;

“immobilisation device” has the same meaning as in Section 104(9) of the Act of 1984;

“motor car or light commercial vehicle” means a mechanically propelled vehicle the unladen weight of which does not exceed thirty hundred weight, and shall include a motor cycle but only when that motor cycle has a sidecar attached, which is either:-

- (i) constructed solely for the carriage of not more than twelve passengers and their effects exclusive of the driver;
- (ii) constructed for the conveyance of goods or burden of any description;

“motor car bay” means a parking space which is provided for the leaving of a motor car or light commercial vehicle or a motor cycle, and indicated by markings on the surface of the parking space or signed or otherwise indicated by signs or any other structure placed or erected in the parking place;

“motor coach or bus” means a motor vehicle constructed for the carriage of passengers and which does not fall within the definitions of “motor car or light commercial vehicle” or “motor cycle” in this Article;

“motor cycle” has the same meaning as in Section 136 of the Act;

“owner” in relation to a vehicle means the person by whom such vehicle is kept and used;

“park & ride bus service” means the bus service provided from and to the parking place, to and from Stratford upon Avon Town Centre;

“parking attendant” means a person authorised by or on behalf of the Council to supervise and carry out enforcement in respect of the parking place and to enforce the provisions of this Order;

“parking space” means any area of the parking place which is provided for the leaving of a vehicle of the class specified in this Order or indicated by markings on the surface of the parking space or signed or otherwise indicated by signs or any other structure placed or erected in the parking place, and this definition shall include disabled badge holders’ bays, motor car bays, small motor caravan bays and the pedal cycle area;

“parking place” means the Bishopton Park & Ride Car Park bounded by Bishopton Lane on its eastern side and the A46 on its north-western side, and for the avoidance of doubt includes any private approach roads/access areas leading thereto and therefrom;

“penalty charge” and “reduced penalty charge” means a charge set by the Council under the provisions of Section 66 of the Road Traffic Act 1991 with the approval of the Secretary of State for Transport, and which is to be paid to the Council within 28 days beginning with the date of the notice or within 14 days in the case of a reduced penalty charge following the issue of a penalty charge notice;

“penalty charge notice” means a notice issued or served by a parking attendant pursuant to the provisions of Section 66 of the Road Traffic Act 1991;

“pedal cycle” has the same meaning as in the 2002 Regulations;

“pedal cycle area” means a parking space which is provided for the leaving of a pedal cycle and indicated by markings on the surface of the parking space or signed or otherwise indicated by signs or any other structure placed or erected in the parking place;

“public service vehicle” has the meaning given in Section 1 of the Public Passenger Vehicles Act 1981;

“relevant date” means the date upon which a vehicle is or was parked or left in the parking place or upon which an event occurs or occurred in breach of any of the provisions of this Order or to which this Order relates;

“relevant position” has the same meaning as in The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“small motor caravan” means a motor home or camper van of a size not exceeding 6.5 metres by 2.3 metres by 3 metres and with a maximum technically permissible laden mass of 3500 kilograms;

“small motor caravan bay” means a parking space which is provided for the leaving of a small motor caravan and indicated by markings on the surface of the parking space or signed or otherwise indicated by signs or any other structure placed or erected in the parking place;

“the 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002;

"tourist bus" means a public service vehicle used for the purposes of operating a tour bus service within the town of Stratford upon Avon; and

"traffic sign" means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act of 1984;

3. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order;
4. The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.
5. Save where the contrary is indicated, any reference in this Order to:-
 - (a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;
 - (b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted.

PART II

USE OF PARKING PLACES

- 6(1) (a) The parking place is authorised to be used, subject to the following provisions of this Order, during the hours of operation, as a parking place for motor cars or light commercial vehicles, motor cycles, small motor caravans and pedal cycles, provided:-
- (i) its driver or passengers are using the park & ride bus service; or
 - (ii) its driver or passengers are the pre-booked passengers of a public service vehicle authorised to wait in the parking place in accordance with the provisions of Article 8 of this Order; or
 - (iii) its driver or passengers are using a tourist bus.
- (b) The parking place is authorised to be used, subject to the following provisions of this Order, during the hours of operation, as a parking place for motor coaches or buses with the prior authority of the Council and upon payment of the charge for coach parking. Provided always the Council shall retain the absolute discretion as to whether or not to authorise parking by a motor coach or bus and any such vehicle may only be parked or left in the position as directed by or on behalf of the Council or authorised operator;

and, save as provided below, the parking place shall not be used by any other person for any other purpose or at any other times whatsoever.

- 6(2) Any right of passage within the parking place is available only to persons driving or being conveyed in motor vehicles or riding or being conveyed on other vehicles and does not extend to pedestrians and no rights of way whatsoever over the said parking place other than for the purpose of parking vehicles shall be deemed to have been granted by the Council by virtue of this Order.
- 6(3) No person other than a person authorised by the Council, the driver of or a passenger in a vehicle parked or intended to be parked in the parking place, or other person authorised by such driver or passenger shall enter the parking place for any purpose whatsoever except in connection with the operation or maintenance of the parking place, the park and ride bus service.
- 6(4) Notwithstanding the provisions of this Order the Council reserves the right to grant upon such terms and conditions as it thinks fit rights of access across the parking place for the purpose of obtaining rear access to any premises adjoining the parking place, in which case the provisions of this Order shall apply to vehicles exercising such rights in accordance with the terms and conditions thereof.
- 7 Notwithstanding the provisions of Article 6 above, the parking spaces within the parking place may only be used by the following classes of vehicles:-
- (a) motor cars or light commercial vehicles are permitted to use motor car bays;
 - (b) small motor caravans are permitted to use small motor caravan bays;
 - (c) disabled person's vehicles displaying in the relevant position a disabled person's badge are permitted to use disabled badge holders' bays; and
 - (d) pedal cycles may be left in the pedal cycle area.
- 8 The parking place is hereby authorised to be used by public service vehicles for the purposes of picking up and setting down passengers within a bus stop area provided always (except in the case of an authorised bus) the operator of the public service vehicle has obtained the prior written consent of the Council so to do.
9. Where a sign or notice is displayed prescribing a maximum height, width or length limit for vehicles permitted to use the parking place, no vehicle exceeding that height, width or length may use the parking place.
10. A person shall not drive a vehicle in the parking place at a speed exceeding that officially notified by way of signs or in absence of such signs at a speed exceeding ten miles per hour.
11. A person shall not drive a motor vehicle in the parking place unless:-
- (a) he or she is the holder of a licence authorising him or her to drive a motor vehicle of its class or description on a road, or
 - (b) he or she is the holder of a provisional driving licence and is accompanied in the vehicle by a person holding a licence of the type mentioned in (a) above.
12. The driver of a vehicle in the parking place shall comply with any instruction given by or on behalf of the Council, authorised operator or by direction signs or given in any other manner as to the route to be followed within the parking place and shall comply with any other road markings or signs within the parking place.

13. No driver or rider of a vehicle entering the parking place shall use the parking place as a direct means of access for that vehicle from one highway to another unless the vehicle is first parked in a parking space in accordance with the provisions of this Order.
14. Where in the parking place signs are erected or surface markings are laid for the purpose of indicating the entrance to or exit from the parking place, no person shall drive or cause or permit to be driven any vehicle so that it enters the parking place otherwise than by an entrance or leaves the parking place otherwise than by an exit so indicated.
15. No person shall, except with the permission of the Council or authorised operator, drive any vehicle into the parking place where there is exhibited at the entrance to the parking place a notice indicating that the parking place is full.
16. Where in this Order a parking space is described as being available to vehicles of a specified class, the driver of a vehicle shall not permit it to wait in that parking space unless it is of the specified class, or unless directed to do so by the Council, authorised operator or by a parking attendant.
17. A driver of a vehicle using the parking place shall not park the vehicle in any position other than within a parking space indicated as being reserved for vehicles of that class and every vehicle parked in a parking space shall so stand so that every part of the vehicle is wholly within the limits of a marked bay.
18. The driver of a motor vehicle using the parking place shall stop the engine as soon as the vehicle is in a position in a parking space and shall not start the engine except when about to change the position of the vehicle or to depart from the parking space.
19. A driver shall not park a vehicle on any parking space indicated by an appropriate marking as being reserved for official use or to be kept clear.
20.
 - (1) Except with the authority of the Council, the driver of a vehicle shall not leave the vehicle or permit the vehicle to be left in the parking place at any time other than during the hours of operation specified in this Order.
 - (2) Notwithstanding the provisions of this Order, if a vehicle is left in the parking place outside of the said hours of operation without the authority of the Council, the owner or driver of that vehicle may retrieve the vehicle from the locked parking place by telephoning the helpline number displayed at the entrance to the parking place and paying to the Council or duly authorised person a charge for release of £36.00.
21. The driver of a vehicle which is constructed or adapted for drawing a trailer or caravan is not permitted to use the parking place whilst such caravan or trailer is attached to the vehicle except when such vehicle is being used for or in connection with the operation and maintenance of the parking place.
22. No person shall leave or permit to be left in the parking place any vehicle having a secondary generating motor for the purposes of a refrigeration unit or any other purpose unless he ensures that at all times whilst the vehicle is so left the secondary generating motor is not in operation.

23. No person shall permit any vehicle left in the parking place to be used in such a manner so as to generate excessive noise or so as to cause a nuisance whether by fumes or otherwise to other lawful users of the parking place or residents living near to the parking place.
24. No person shall cause or take part in any gathering or demonstration within the parking place, or cause any unreasonable or unnecessary noise.
25. No person shall use the parking place for the playing of any game.
26. No person shall within the parking place, commit any act which if committed on a public highway would constitute an offence under the provisions of the Environmental Protection Act 1990.
27. No person shall leave any trolley, basket on wheels or similar receptacle designed for the carrying of merchandise in the parking place.
28. The driver of a vehicle while it is waiting in the parking place shall not carry out or permit to be carried out any work of cleaning, maintenance or repair to the vehicle except such as may be necessary to enable the vehicle to be moved from the parking place.
29. The draining or replenishing of fuel tanks shall not be carried out in the parking place.
30. No person shall cause or permit the contents of any closet, urinal, lavatory, basin or sink or of any tank into which such a closet, urinal, lavatory, basin or sink drains to be discharged or to leak on to the parking place or into the drainage system of the parking place.
31. No person shall light or cause or permit to be lit any fire in or on the parking place or use any part of the parking place or any vehicle left in the parking place for cooking purposes.
32. No horn or other similar instrument may be sounded on a vehicle using the parking place except when the position of the vehicle in a parking space is about to be changed or the vehicle is about to depart from a parking space.
33.
 - (1) Except with the written authority of the Council, no person shall use a vehicle or anything towed by a vehicle while it is in the parking place for domestic or sleeping purposes or as a place of habitation.
 - (2) Except with the written authority of the Council, no person shall within the parking place erect or place or cause to be erected or placed, any tent, booth, stand, building or other structure.
34. Unless authorised in writing by the Council so to do, no person shall within the parking place sell or attempt to sell any article to persons in or near the parking place, or sell or offer for hire his skills or services and shall not use a vehicle or anything towed by a vehicle while it is in the parking place or any part of the parking place for such purposes or for the purpose of any exhibition and no vehicle shall be advertised for sale while it is standing in the parking place.

35. Except with the prior written consent of the Council, no person shall affix to the exterior of any vehicle or any part thereof in the parking place or to the fabric, structure or equipment of the parking place or any part thereof any advertisement or promotional literature.
36. No person shall in the parking place use any threatening abusive or insulting language gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
37. No person shall do anything to interfere with the use and enjoyment of the parking place by other users of the parking place.
38. (1) If in any case, owing to the presence of a motor vehicle in the parking place, an accident occurs whereby personal injury is caused to a person other than the driver of that vehicle or damage is caused to a vehicle other than that vehicle or to any other property whatsoever, the driver of the motor vehicle shall stop and, if required so to do by an officer or agent of the Council or the authorised operator, or any other person having reasonable grounds for so requiring, give his name and address and also the name and address of the owner and the identification marks of the vehicle.

(2) If in the case of such accident as aforesaid, the driver of the motor vehicle for any reason does not give his name and address to any such persons as aforesaid, he shall report the accident at the Stratford-upon-Avon Police Station or to a police officer as soon as reasonably practicable and in any case within twenty-four hours of the occurrence thereof.
39. Any person who wilfully or carelessly damages in any way or interferes with the fabric or structure or equipment of the parking place shall be guilty of an offence under this Order and in addition to the penalty provided by Section 35A of the Act, shall be liable for the cost of repair of the damage.
40. The Council shall not be responsible for any loss or damage to any vehicle, or to anything contained therein or thereon, from any cause whatsoever whilst any such vehicle is entering, within or leaving the parking place.

PART III

SUSPENSION OF PARKING PLACES

41. Any person authorised by the Council may suspend the use of the parking place or any part thereof whenever he consider such suspension reasonably necessary for the purposes of:-
 - (a) facilitating the movement of traffic or promoting its safety;
 - (b) any building operation, demolition or excavation in or adjacent to the parking place or the maintenance improvement or reconstruction of the parking place, the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or traffic sign;
 - (c) on any occasion on which it is likely by reason of some special attraction or event that the parking place or a street will be thronged or obstructed;

- (d) to enable the parking place to be used for or in connection with civic ceremonies or for road safety, religious, charitable, sporting or educational purposes;
 - (e) for the purposes of holding thereon a pleasure fair;
 - (f) for any other purpose which the Council thinks fit.
42. A police constable in uniform may suspend for not longer than twenty-four hours the use of the 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.
43. Any person suspending the use of the parking place or any part thereof in accordance with the provisions of Articles 41 or 42 above shall thereupon place or cause to be placed in or adjacent to that parking place or the part thereof the use of which is suspended, a notice or traffic sign indicating that the use of that parking place or part thereof is suspended and that parking by vehicles is prohibited.
44. The Council at its discretion may suspend the use of any part of the parking place and thereafter may designate that part of such parking place be reserved for the parking of vehicles used by or engaged in the operations of the Council, Stratford on Avon District Council, the Police or other organisation, or in connection with the operation and maintenance of the parking place, and any part of the parking place so designated shall be marked so as to identify that it is reserved for vehicles engaged in such operations.
45. No person shall cause or permit a vehicle to be left in any parking space or any part thereof during such period as there is in or adjacent to that parking space a notice or traffic sign placed in pursuance of Articles 43 or 44 above.

PART IV

CONTRAVENTION OF ORDER

46. (1) If a vehicle is left in the parking place in contravention of any provision of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location.
- (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by Section 66(3) of the Road Traffic Act 1991 may then be issued by a parking attendant in uniform in accordance with Section 66(1) of the said Act.
- (3) When a penalty charge notice has been issued in accordance with the foregoing provisions of this Order, no person other than a person authorised by the Council in that behalf or the owner or driver or a persons authorised by the owner or driver in that behalf, shall remove the penalty charge notice from the vehicle.

- (4) Save as provided in paragraph (6) of this Article, if a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of Section 69(1) and (2) of the Road Traffic Act 1991 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be a reduced penalty charge, along with such release fee as may be required by the Council.
- (5) Save as provided in paragraph (6) of this Article, where a parking attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-
- (a) he 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) if it appears to the Council to have been abandoned, the Council may sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain the name and address of the owner of the vehicle provided that the Council shall be deemed to have made reasonable enquiry to ascertain the name and address of the owner of the vehicle if it has taken in relation to that vehicle such steps as may be prescribed by any regulations from time to time being in force by virtue of the Act for authorising the Council to sell or otherwise dispose of the vehicle had it been abandoned on a road.
- (6) Nothing in paragraphs (4) and (5) of this Article shall apply in respect of a vehicle displaying in the relevant position a valid disabled person's badge issued by any Local Authority.

GIVEN under the Seal of the Warwickshire County Council the 27th day of July 2006

The COMMON SEAL of the
 Warwickshire County Council)
 was hereunto affixed in the)
 presence of:)

H. Board
 Designated Officer



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DATED 27th July . 2006

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