

**STROUD DISTRICT COUNCIL
(OFF-STREET PARKING PLACES) (CONSOLIDATION) ORDER 2010**

Stroud District Council (hereinafter called "the Council") in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended ("the 1984 Act") and under the Traffic Management Act 2004 as amended ("the 2004 Act") and of all other enabling powers, with the consent of the Gloucestershire County Council in accordance with Section 39(3) of the 1984 Act and after consultation with the Chief Constable of the Gloucestershire Constabulary in accordance with Paragraph 9 to the 1984 Act hereby makes the following Order:

**PART I
GENERAL**

Commencement and Citation

This Order shall come into operation on the 14th June 2010 and may be cited as
The Stroud District Council (Off-Street Parking Places) (Consolidation) Order 2010

Interpretation

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

"Charging Days" means those days other than New Year's Day, Christmas Day, Boxing Day, Easter Sunday, other Bank Holidays and Sundays which are specified for each Parking Place respectively;

"Charging Hours" means the period specified on the Tariff Board in respect of any Parking Place

"Civil Enforcement Officer" means a person authorised under section 76 of the Traffic Management Act 2004;

"Day" the date printed on the front of a parking ticket indicates the day that the pay and display ticket is valid

"Disabled Persons' Badge" has the meaning given in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

"Expiry time" is the time indicated on the pay and display ticket and is the time by which the vehicle must leave the Parking Place;

"Goods Vehicle" has the same meaning as that ascribed to it in Section 192 of the Road Traffic Act 1988

"Motor Cycle" refers to a solo motor cycle only and excludes any motor cycle which has a side-car or trailer, or which has more than two wheels;

"Named Days" means days named at the time of the initial purchase of the season ticket in question and written thereon at that time;

"Owner" means the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

"Parking Bay" means a bay in a Parking Place which is indicated by surface markings which is provided for the leaving of a vehicle

"Parking Place" means a Parking Place designated or authorised by this Order;

"Pay and Display Ticket" means a ticket issued by a ticket machine located in the Parking Place in which the vehicle has been left or issued by a person nominated by the Council on payment of a charge and valid for a parking period as detailed in the Tariff Board;

"Permit" means any valid parking permit issued by the Council and used in accordance with its terms and conditions;

"Penalty Charge" means the charge set by the Council in accordance with the provisions of Section 77 of Part 6 and Schedule 9 of the 2004 Act, which is to be paid to the Council following the issue of a Penalty Charge Notice and within the period notified on the Penalty Charge Notice from the date of issue of that notice.

"Penalty Charge Notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Section 78 of the Act of 2004 and Regulations made there under;

"Relevant Position" means

In respect of a vehicle displaying a valid Disabled Persons Badge

- (i) in the case of a vehicle fitted with a dash board or fascia panel, the badge is displayed on the dash board or fascia panel so that Part 1 (the front of the badge) is legible from outside the vehicle
- (ii) In the case of a vehicle not fitted with a dash board or fascia panel, the badge is displayed in a conspicuous position on the vehicle so that part 1 (the front of the badge) is legible from outside the vehicle

In respect of a vehicle displaying a Pay and Display Ticket or Permit

- (iii) in the case of a vehicle fitted with a dash board or fascia panel, the Pay and Display ticket or Permit is displayed on the dash board or fascia so the whole of the information on the front of the ticket or permit is clearly legible from outside the vehicle
- (iv) In the case of a vehicle not fitted with a dash board or fascia panel, the Pay and Display ticket or Permit is displayed in a conspicuous position on the vehicle so that the Pay and Display ticket or permit is clearly legible from outside the vehicle

"Suspended Bay" means a parking bay or area of a Parking Place pre-booked under agreement with the Council

"Season Ticket" means a season ticket purchased from the Council, subject to Terms and Conditions, valid for the period specified on the ticket for use in Parking Places specified on a Tariff Board and indicated on the ticket;

"Tariff Board" means an information board which details the main Terms and Conditions of usage and tariff information prominently displayed within a car park;

"Ticket Machine" means an apparatus of a type and design approved by the Secretary of State for Transport for the purpose of this Order, being apparatus designed to issue a ticket indicating the payment of the parking charge and the time by which the parking period will expire

1. Except where the context requires otherwise, any reference in this Order to an Article or Tariff Board shall be construed as a reference to that Article or Tariff Board in this Order.

2. 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.
3. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II

DESIGNATION AND USE OF PARKING PLACES

Designation

4. Each Parking Place as shown on the plans at Appendices 1.1 to 5.12 may be used subject to the provisions of this Order, as a place to leave vehicles of such classes, in such positions, on such days, during such hours, for such period, on payment of such charges and on such terms and conditions as are advertised at each Parking Place and or as set out in Schedules 1 to 6 and Table 1 of this Order.

Class and position of vehicle

5. Where by notice at a Parking Place, a Parking Place is described as available for Vehicles of a specified class or Vehicles to be left in a specified location, no person shall permit a Vehicle to park in that Parking Place or as in the case may be in any Parking Bay within the Parking Place
 - (i) unless it is of the specified class;
 - (ii) unless it is wholly within a marked parking bay; or
 - (iii) in a position other than that specified.

Maximum period of stay

6. Where a Parking Place is described by a Tariff Board displayed within it as being available for use on specified days during specified hours or as being available for use for a maximum period of stay no person shall permit a vehicle to park in that Parking Place on any day during such hours or any period longer than that specified on the Tariff Board

Period of no return

7. Where a Parking Place is described by a Tariff Board displayed within it as having a period within which a vehicle may not return, no person shall permit a vehicle previously parked in that Parking Place, to park again in that Parking Place on that same day during the period of no return

Season Ticket

8. Nothing in Articles 6 and 7 shall preclude a vehicle displaying a valid Season Ticket in the relevant position from being parked without payment of the daily charge in the relevant Parking Places specified on the Tariff Board and or on the Season Ticket

Disabled person's parking bays

9. No person shall cause or permit a vehicle to park in a Parking Bay marked for Disabled Persons unless the vehicle displays a Disabled Person's Badge in the relevant position and immediately before or immediately after the act of parking the vehicle has been or is about to be used by the person(s) in respect of whom the badge has been issued.

Motor cycle parking bays

10. No person shall cause or permit a vehicle to park in a Parking Bay marked for motor cycles unless the vehicle is a motor cycle.

Suspended Bay

11. No person shall cause or permit a vehicle to be left in a Parking Place or any part thereof during such periods that the use of that Parking Place or that part thereof is suspended or during such period as there is in or adjacent thereto a notice or traffic sign.

PART III CHARGES FOR PARKING

Pay and Display Parking Places

Payment

12. The driver of a vehicle using a Pay and Display Parking Place shall upon leaving the vehicle in the Parking Place, and on payment of a charge, purchase a Pay and Display Ticket at the level of charge and for the period required in accordance with the instructions on the machine and the scale of charges specified on the Tariff Board and or Ticket Machine.

Means of payment

13. The charge referred to in the preceding Article shall be payable by the insertion of an appropriate coin, coins or banknotes, mobile phone payment or other approved method of payment together

making up the amount of the charge into the ticket machine situated in that Parking Place or by payment to a person nominated by the Council.

Display of ticket

14. The driver of the vehicle shall
 - (i) display the Pay and Display Ticket issued on payment of the charge in the relevant position on the vehicle in respect of which it was issued, and
 - (ii) ensure that a Pay and Display Ticket is purchased and displayed to cover the entire period that the vehicle is parked in the Parking Place.

Validity of Pay and Display Tickets

15. A Pay and Display Ticket is not transferable from one vehicle to another.
16. A Pay and Display Ticket is valid only in the Parking Place in which it was issued it is not transferable from one Parking Place to another. This is defined by the reference code of the parking ticket machine located in that Parking Place printed on the Pay and Display Ticket.

Expiry of parking period

17. If the time shown on the clock of the issuing ticket machine is later than the time shown on the Pay and Display Ticket displayed on the vehicle then a contravention shall be deemed to have occurred.

No ticket displayed

18. If at any time while a vehicle is left in a Parking Place no Pay and Display Ticket is displayed on that vehicle in the relevant position and in accordance with the provisions of this Order, it shall be deemed that the charge has not been paid.
19. If at the time when a vehicle is left during the permitted hours in a Parking Place where no valid Pay and Display Ticket can be obtained and displayed from the nearest ticket machine then a ticket shall be obtained from another machine (where provided).
20. If at the time when a vehicle is left during the permitted hours in a Parking Place on the nearest ticket machine in that Parking Place there is a notice placed by any person duly authorised by the Council, indicating that the said ticket machine is out of order, then a ticket shall be obtained from another machine (where provided).
21. Where no valid Pay and Display Ticket can be obtained and displayed vehicles may be left in a Parking Place but may not be left for longer than the maximum period of waiting in that Parking Place as specified on the Tariff Board.

Season Tickets

22. Season Tickets are available from the Council at the appropriate fee, for a vehicle of a specific class and for a specific Parking Place subject to terms and conditions determined by the Council
23. The driver shall abide by the terms stipulated by the Council for the use of the Season Ticket.
24. A Season Ticket is only valid in the Parking Place(s) in respect of which it was issued and up to the date of expiry shown on the Season Ticket.
25. A Season Ticket remains the property of the Council and must be surrendered on request. In such instances where a refund fee is appropriate this will be provided in accordance with the Council's terms and conditions.

Display of Season Ticket

26. The driver of the vehicle shall display the Season Ticket in the relevant position on the vehicle at all times during which the vehicle is left in the Parking Place during the hours of operation.

Restriction on removal

27. When a Pay and Display Ticket or Season Ticket or permit has been exhibited on a vehicle in the relevant position no person shall remove the Pay and Display Ticket or Season Ticket or permit from the vehicle until the vehicle is removed from the Parking Place.

PART IV EXEMPTIONS FROM DAILY CHARGES

28. No daily charge shall be payable in respect of;
 - (i) a vehicle which displays in the relevant position a valid Disabled Person's Badge provided that the vehicle immediately before or after the act of parking has been used or is about to be used by the person(s) in respect of whom the badge is issued;
 - (ii) a motor cycle which is left in a parking bay specified for such vehicles (if any);
 - (iii) a vehicle left displaying in a relevant position a Season Ticket valid for that Parking Place;
 - (iv) a vehicle left displaying in a relevant position a pass or permit issued by the Council valid for that time and for that Parking Place;

- (v) a vehicle which is being used for fire and rescue, ambulance or police purposes or a vehicle being used for local authority in pursuance of statutory powers or duties.

Absence of ticket machine

29. If at the time when a vehicle is left in a Parking Place shown during the charging hours there is no ticket machine at the Parking Place, or all the ticket machines at that Parking Place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order, the driver of that vehicle shall be exempt from purchasing a parking ticket.

PART V

CONTRAVENTION AND PENALTY CHARGE

Contravention

30. If a vehicle is left in a Parking Place without complying with the provisions of this Order, then a contravention shall be deemed to have occurred and an excess charge shall be payable as

Restriction on removal of notices

31. A Penalty Charge Notice fixed to a vehicle shall not be removed or interfered with except by or under the authority of:
- (i) the owner of, or person in charge of, the vehicle;
 - (ii) the Council

PART VI

REVOCATIONS

Revocations

32. All Orders relating to Off Street Parking Places in the District of Stroud made prior to this order are hereby revoked.

Given under the Common Seal of Stroud District Council THE COMMON SEAL of STROUD DISTRICT COUNCIL was hereunto affixed in the presence of:-


Authorised Officer

