

TAMWORTH BOROUGH COUNCIL
(TEMPORARY ADDITIONAL OFF-STREET PARKING PLACES)
ORDER DECEMBER 2010

TAMWORTH BOROUGH COUNCIL
(ADDITIONAL OFF-STREET PARKING PLACES)
ORDER 2010

Tamworth Borough 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 of all other enabling powers, with the consent of the Staffordshire County Council in accordance with section 39(3) of the 1984 Act and after consultation with the Chief Constable of Staffordshire Constabulary in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

PART 1
GENERAL

Commencement and Citation

1. This Order shall come into operation on the First day of January 2011 and may be cited as the Tamworth Borough Council (TEMPORARY Additional Off-Street Parking Places) Order 2010.

Interpretation

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

"Alternative Approved Method of Payment" means Park and Phone, payment by debit or credit card facilitated by on site or remote verification by, for example, card reader or mobile phone text or phone call or decrementing card;

"Bank Holiday" has the same meaning as described in the 'Banking and Financial Dealings Act 1971 (C.80). The first Monday of May shall be treated as if it were a Bank Holiday for the purposes of this Order;

"Charging Days", means those days other than Christmas Day and Easter Sunday, which are as specified at each Parking Place respectively;

"Charging Hours", means the period as specified at each Parking Place on all charging days;

"Council" means Tamworth Borough Council or its successor authority;

"Daily Charge" means the charge imposed by the Council for Parking in a Parking Place on any one day and for a specified period of time as is identified in the scale of charges specified in the schedules/by notice on site;

"Disabled Persons' Badge" means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons Regulations 2000 or a badge having effect under those regulations as if it were a Disabled Person's Badge);

"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;

"Light Goods Vehicle" means a Vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, the overall height of which does not exceed 1.85 metres and the unladen weight of which does not exceed 1525 kilograms and is not drawing a trailer;

"Loading/Unloading" refers to when a Vehicle is Parked wholly in a Parking Place or bay marked for that purpose on site, for the purpose of delivering or collecting goods or merchandise or loading or unloading the Vehicle at premises adjacent to the Parking Place or bay and the Vehicle does not Park for more than twenty minutes or such longer period as a duly authorised officer of the Council may authorise;

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

"Owner" in relation to a Vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the Vehicle was Parked in the Parking Place in question;

"Park" and "Parked" refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle and a vehicle shall be deemed to be parked for any period in the same parking place or parking bay (as the case may be) if any part of it is below the vehicle or the vehicle's load (if any) whether or not the vehicle is moved during that period;

"Park and Phone" means a method of payment of the Parking charge involving registration of payment by phone or electronic means and, on first use, registration of the relevant registration number of the vehicle, location of the Parking Place, credit or debit card details or any such other details as the Council may from time to time require which is accepted by the Council as a valid method of payment for the relevant time of use of the Parking Place;

"Parking Bay" means an area of a Parking Place, which is provided for the leaving of a Vehicle of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place;

"Parking Permit" means a season ticket, contract permit, business permit, staff permit or resident's permit of a type and design issued by the Council;

"Parking Place" means an area of land provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of Parking of Vehicles and not closed (in part or in whole) by a notice erected thereon by authority of the Council;

"Pay and Display Ticket" means a ticket issued by a Ticket Machine located in the Parking Place in which the Vehicle has been Parked or issued by a person nominated by the Council on payment of a charge and valid for a Parking period as advertised at that Parking Place;

"Penalty Charge" means a charge imposed by legislation in respect of Parking contraventions that are subject to civil enforcement and has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Public Holiday" means Christmas Day, Good Friday and any other day designated by the Government as a public holiday;

"Relevant Position" means

- (a) in respect of a Vehicle displaying a valid Disabled Person's Badge -
 - (i) in the case of a Vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 (the front of the badge), is legible from outside the Vehicle; or
 - (ii) in the case of a Vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the Vehicle so that Part 1 of the badge is legible from outside the Vehicle;
- (b) in respect of a Vehicle displaying a Pay and Display Ticket or Season Ticket / Parking Permit -
 - (i) the ticket or permit is exhibited on the inside surface of the windscreen or in a clearly visible position so that it is facing forwards and can be easily seen and read from the front or side of the Vehicle; or
 - (ii) in the case of a Vehicle that is not fitted with a transparent windscreen, the ticket or permit is exhibited on the front of the Vehicle facing forwards and clearly visible; or
- (c) in respect of a Vehicle displaying a Hackney Carriage Plate
 - (i) the plate must be affixed to the Vehicle in accordance with the instructions given within the licence as issued by the District Borough Council;

"Ticket Machine" means an apparatus of a type and design approved by the appropriate Minister for the purpose of the 1984 Act, being apparatus designed to indicate the time by a clock and to issue Parking tickets which show that a payment has been made of an amount or for a period specified

thereon and which specify the date and, either the time of such payment, or the expiry time of the Parking period for which payment has been made;

"Vehicle" includes any motor car, Motor Cycle or other mechanically propelled automobile.

3. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.
4. 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.
5. Unless the context otherwise requires, words denoting the singular shall include the plural and vice versa and words denoting the persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
6. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART 2

DESIGNATION AND USE OF PARKING PLACES

Designation

7. Each area of land or building specified by the accompanying plans and/or by name in the Schedules may be used, subject to the provisions of this Order, as a place to Park Vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are advertised at each Parking Place.

Class and position of Vehicle

8. Where by notice at a Parking Place, the Parking Place, or any Parking Bay within the Parking Place, is described as available for Vehicles of a specified class or Vehicles to be Parked in a specified location, no person shall cause or permit a Vehicle to be Parked in that Parking Place or in any Parking Bay within the Parking Place,
- (i) unless it is of the specified class;
 - (ii) that is Parked beyond the Parking Bay markings;
 - (iii) in a position other than that specified; or
 - (iv) for a purpose other than provided for in this Order.

Classes of vehicle

9. No person shall cause or permit a Vehicle to be Parked in a Parking Bay unless it is a Passenger Vehicle, Light Goods Vehicle, Vehicle displaying a Disabled Person's Badge, Motor Cycle or a class specifically prescribed in the Schedules.

Position of vehicle

10. If parking bays are marked out in a parking place the driver of a vehicle shall ensure that it is positioned wholly within a parking bay and shall not permit it to wait in that parking place unless it is so positioned.
11. If parking Bays are not marked out in a parking place the driver of a vehicle shall ensure that it is positioned so that it does not obstruct other vehicles using the parking place, the free flow of traffic circulating within the parking place and the entrances to and exits from the parking place.

Disabled person's Parking bays

12. No person shall cause or permit a Vehicle to be Parked in a Parking Bay marked for disabled persons unless the Vehicle displays a valid 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 Disabled Person's Badge has been issued.

Permit Parking Bays

13. No person shall cause or permit a Vehicle to Park in a Parking Bay marked for permit holders unless the Vehicle is displaying a Permit valid for that time and that Parking Bay.

Taxi bays / private parking bays / etc

14. No person shall cause or permit a Vehicle to be Parked in an area marked as a taxi bay / private parking bay unless the Vehicle displays in the relevant position a valid Hackney Carriage plate / permit issued by the Council, or unless authorised by the Council to do so.

Loading and unloading bays

15. No person shall cause or permit a Vehicle to Park in any area marked as a loading bay unless the Vehicle is being used for the purpose of Loading or Unloading.

Motor Cycle Parking bays

16. 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.

Hours of operation and maximum period of stay

17. Where by notice on site, a Parking Place or in any Parking Bay within the Parking Place is described as being in operation on specified days, during specified hours or for a maximum period of stay, no person shall cause or permit a Vehicle to be Parked in that Parking Place or in any Parking Bay within the Parking Place on any day, during such hours or for any period other or longer than those specified.

Period of no return

18. Where by notice on site, a Parking Place is described as having a period within which a Vehicle may not return, no person shall cause or permit a Vehicle to be Parked again in that Parking Place on any day, during such hours within which the vehicle is excluded from waiting in the Parking place.

Power to close or suspend Parking Places

19. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed or erected in a Parking Place:
 - (i) from closing a Parking Place or any part thereof for any period; and/or
 - (ii) from setting aside a Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular Vehicles or organisations.

20. Any person authorised by the Council closing or suspending 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 that part thereof a notice or traffic sign indicating that of that Parking Place or that part thereof is closed or the use is suspended and that Parking by Vehicles is prohibited.

21. No person shall cause or permit a Vehicle to be Parked in a Parking Place or any part thereof during such periods that the Parking Place or that part thereof is closed or the use is suspended or during such period as there is in or adjacent thereto a notice or traffic sign indicating the closure or suspension placed by or on behalf of the Council.

Sale of Goods

22. No person shall in a Parking Place without the express written permission of the Council, use a Vehicle, in connection with the sale of any article, including the Vehicle itself, to any person in or near the Parking Place or in connection with the selling or offering for hire of skill or services in any other capacity.

Parked with engine running

23. No person shall in a Parking Place continue to run the engine when 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.

Parked causing an obstruction

24. No person shall in a Parking Place Park the Vehicle in such a manner or place where it causes an obstruction to any other users of the Parking Place.

PART 3
CHARGES FOR PARKING

Payment

No person shall cause or permit any Vehicle to be Parked in a Parking Place without arranging for the appropriate charge (if any) to be paid in accordance with the scale of current charges as advertised at the Parking Place.

Means of payment

25. The charges referred to in the preceding Article shall be payable in the manner as advertised at that Parking Place.

Pay and display Parking Places

26. The person in charge of a Vehicle, upon Parking the Vehicle in a Parking Bay, shall immediately
- (i) arrange for the purchase of a Pay and Display Ticket from a Ticket Machine situated at that Parking Place at the level of charge and for the period required in accordance with the scale of Daily Charges as advertised at that Parking Place.
 - (ii) make arrangements to pay the appropriate fee through an Alternative Approved Method of Payment if available such as Park and Phone at the level of the daily charge and for the period required in accordance with the scale of charges as advertised at that Parking Place.

Display of ticket

27. Save for payment by an Alternative Approved Method of Payment, once a Vehicle has been Parked within a pay and display Parking Place the person in charge of the Vehicle shall ensure that:
- (i) a valid Pay and Display Ticket has been obtained to cover the entire period that the Vehicle is Parked in the Parking Place, and
 - (ii) the valid Pay and Display Ticket is displayed in the Relevant Position on the Vehicle in respect of which it was issued at all times the Vehicle is Parked.

Expiry of Parking period

28. The expiry of the period for which the appropriate charge has been paid shall be
- (i) where a Pay and Display Ticket has been purchased, when the time shown on the clock of the issuing Ticket Machine is later than the Expiry Time shown on the Pay and Display Ticket displayed, or
 - (ii) where an Alternative Approved Method of Payment has been used, when the period for which payment has been made and recorded has been exceeded.

No Pay and Display Ticket displayed

29. If at any time while a Vehicle is Parked 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.
30. If at the time when a Vehicle is Parked during the Charging Hours in a Parking Place and the nearest Ticket Machine in that Parking Place is out of order, then a ticket shall be obtained from another Ticket Machine within the same Parking Place (where provided) or as directed in the Parking Place.
31. Where no valid Pay and Display Ticket can be obtained from a Ticket Machine within a Parking Place, Vehicles may be Parked in a Parking Place but may not be Parked for longer than the maximum period of Parking in that Parking Place as advertised at the Parking Place.

Season Tickets / Parking Permits

32. Season Tickets / Parking Permits are available from the Council at the appropriate fee, for a Vehicle of a specific class and for a specific Parking Place subject to conditions determined by the Council.
33. A Season Ticket / Parking Permit is only valid in the Parking Place(s) in respect of which it was issued, for the Vehicle in respect of which it was issued and up to the date of expiry shown on the Season Ticket / Parking Permit.

34. The driver shall abide by the terms stipulated by the Council for the use of the Season Ticket / Parking Permit.

Display of Season Ticket / Parking Permit

35. A Parking Permit shall be displayed in the Relevant Position on the Vehicle in respect of which it was issued at all times during which the Vehicle is Parked in the Parking Place.

Articles 37 to 39 are conditions of season tickets / parking permits and not matters of regulation and could be covered in the parking policy document or the application process

Replacement Parking Permits

36. A damaged or lost Season Ticket / Parking Permit will be replaced on application to the Council and on payment of an administration fee in accordance with Council policies. The damaged or lost Season Ticket / Parking Permit will then become immediately invalid.

Surrender

37. A Season Ticket / Parking Permit remains the property of the Council and must be surrendered on request.
38. The holder of a Season Ticket / Parking Permit may, on surrendering the Season Ticket / Parking Permit, be entitled to a refund based upon the Council policy in place at that time.

Restriction on removal

39. When a Pay and Display Ticket or Season Ticket / Parking Permit has been exhibited on a Vehicle in the relevant position no person shall remove the Pay and Display Ticket or Parking Permit from the Vehicle until the Vehicle is removed from the Parking Place.

PART 4
EXEMPTIONS

Exemption from daily Charge

40. 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; or
 - (iii) a Vehicle Parked displaying in a relevant position a Season Ticket / Parking Permit valid for that Parking Place.

Absence of Ticket Machine

41. If at the time when a Vehicle is Parked in a Parking Place 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 Pay and Display Ticket.

Payment by Alternative Approved Method of Payment

42. Where arrangements to pay the Daily Charge have been made through an Alternative Approved Method of Payment and no Pay and Display Ticket is produced by following the process, the driver of a vehicle shall be exempt from the requirement to display such a ticket.

PART 5
RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES

Emergencies

43. A person authorised by the Council or a Police Constable in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any Vehicle Parked in a Parking Place.

Contraventions in suspended Parking Place

44. A person authorised by the Council may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any Vehicle Parked in a Parking Place which has been closed or suspended in whole or in part by the Council and the cost of movement or removal and safe keeping shall be the liability of the owner of the vehicle.

Safe keeping

45. Any person removing a Vehicle from a Parking Place under the provisions of this Order shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the Vehicle.

Disposal of Vehicles abandoned in Parking Places

46. The Council may sell or otherwise dispose of, in accordance with current legislation, a Vehicle which has been, or could at any time be, removed from a Parking Place if the Vehicle appears to have been abandoned.

PART 6

CONTRAVENTION AND PENALTY CHARGE

Contravention

47. Save for the provisions in Part 7, if a Vehicle is Parked in a Parking Place without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice may then be served and/or the vehicle may be removed from the location.

Restriction on removal of notices

48. A notice fixed to a Vehicle in accordance with this Order shall not be removed or interfered with except by or under the authority of:
- (i) the Owner, or person in charge of, the Vehicle;
 - (ii) the Council for the Parking Place in which the Vehicle in question was found.

Indications as Evidence

49. The particulars given in any notice served on a Vehicle in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay the Penalty Charge.

PART 7 LIABILITY AND OTHER PROVISIONS

Liability

50. The Council accepts no liability for the loss or damage to Vehicles or other property left in any of the Parking Places to which this Order applies save for that arising from the negligence of the Council.

Validity

51. If a court, the Department for Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

Driving within a Parking Place

52. Where in a Parking Place signs are erected or surface markings are laid for the purpose of
- (i) indicating the entrance to or exit from the Parking Place, or
 - (ii) indicating that a Vehicle using the Parking Place shall proceed in a specified direction within the Parking Place,
- any person who drives or permits 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
- shall be liable to prosecution.
53. Any person who, without with the permission of a person authorised by the Council in that behalf, drives or permits to be driven any Vehicle in a Parking Place for any purpose other than the purpose of leaving that Vehicle in the Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place shall be liable to prosecution.

Wilful damage

54. Any person who with intent to defraud interferes with a 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, shall be liable to prosecution.

Domestic purposes

55. Any person who uses any part of the Parking Place or any Vehicle Parked in a Parking Place
- (i) for sleeping or camping or cooking, or
 - (ii) for the purpose of servicing or washing any Vehicle or part thereof other than is reasonably necessary to enable the Vehicle to depart from the Parking Place, shall be liable to prosecution.

Behaviour

56. Any person who wilfully sounds any horn or any other similar instrument on a Vehicle except when about to change the position of the Vehicle in or to depart from the Parking Place shall be liable to prosecution.
57. Any person who in Parking Place shouts or otherwise makes any loud noise to the disturbance or annoyance of users of the Parking Place or residents or premises in the neighbourhood shall be liable to prosecution.
58. Any person who in a Parking Place uses 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 shall be liable to prosecution.

Other activities

59. Any person who in a Parking Place
- (i) erects or causes or permits to be erected any tent, booth, stand, building or other structure without the written consent of the Council, or
 - (ii) lights or causes to be lit any fire, shall be liable to prosecution.

PART 8
REVOCATIONS

Revocations

60. This Order supplements all previous orders made by Tamworth Borough Council and all their Amendments.

EXECUTED as a Deed by)
affixing the COMMON SEAL)
of TAMWORTH BOROUGH COUNCIL)
in the presence of:)



A handwritten signature in black ink, consisting of several overlapping loops and lines, positioned to the left of the date.

Deputy
Chief Executive

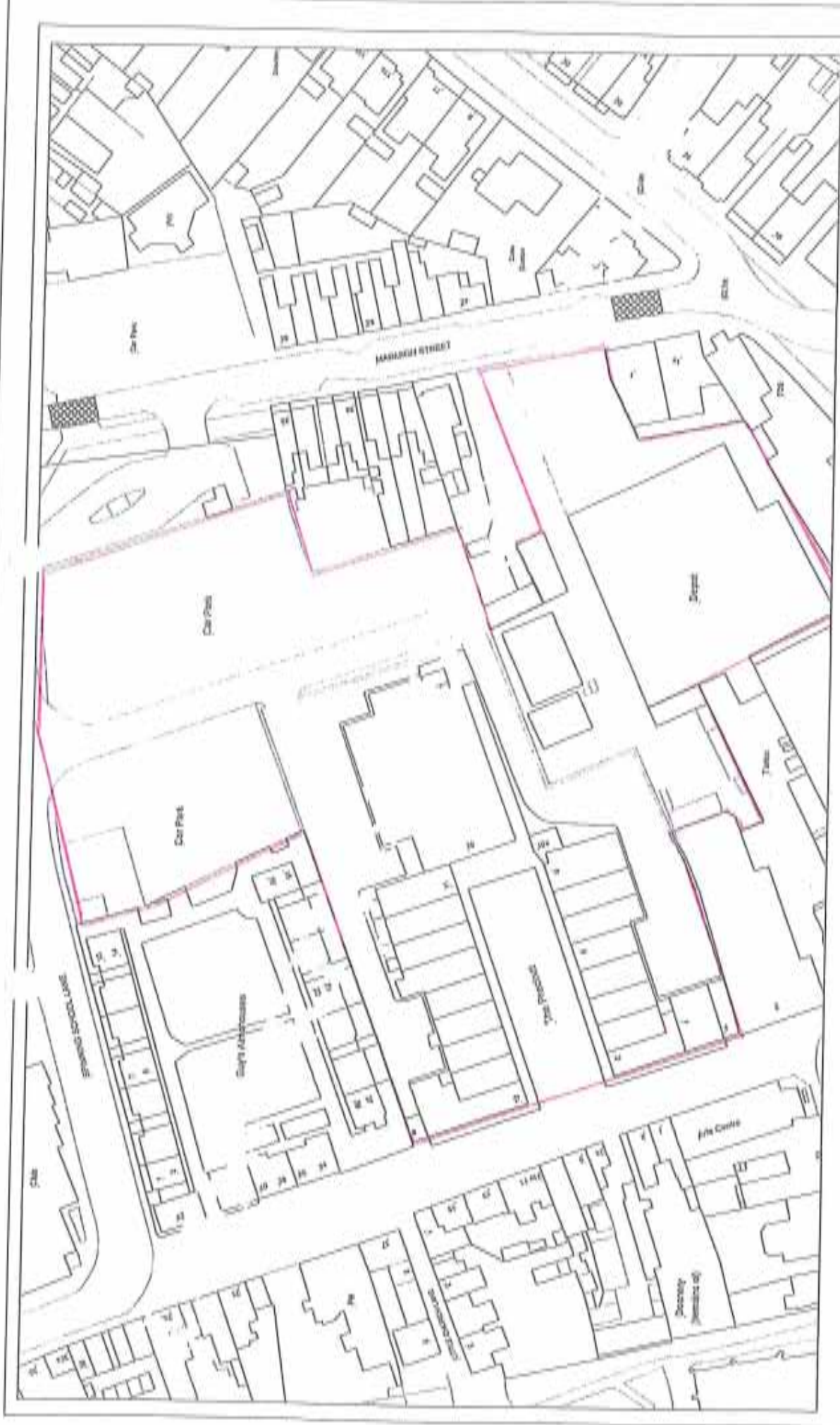
Dated this 24th day of February 2011

THE BOROUGH OF Tamworth (ADDITIONAL OFF STREET PARKING PLACES)

ORDER December 2010

SCHEDULE 1 –TEMPORARY PAYMENT PARKING PLACES (FOR A PERIOD OF
THREE YEARS)

Name of Parking Place	Special classes of Vehicle (if any)	Days and hours of operation of Parking Place	Charging days and hours and maximum stay
Spinning School Lane as identified on the attached plan		Mon – Sat 08:00 – 18:00	Charging Monday to Saturday except Christmas Day, Boxing Day, New Years Day, and any other Bank Holiday as defined by the regulation Maximum Stay all day



Date: 17/01/11 Scale: 1:1

SPINNING SCHOOL LANE TEMPORARY CAR PARK

Approved for the Council by the Planning Committee on 17/01/11. The Council is not responsible for any damage to property or injury to persons arising from the use of the temporary car park. Tamworth Borough Council reserves the right to amend the plan at any time.