

**THE BOROUGH OF WARRINGTON**

**(OFF-STREET PARKING PLACES) CONSOLIDATION ORDER 2006**

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The Council of the Borough of Warrington (hereinafter referred to as “the Council”) in exercise of the powers of the said Council under Sections 1, 2, 4, 32, 35 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the Act”) in accordance with Regulation 21 of The Local Authorities’ Traffic Orders (Procedure)(England and Wales) Regulations 1996, Section 43 of The Road Traffic Act 1991 and of all other enabling powers hereby makes the following Order;

### **Part 1 - Citation and interpretation**

1. This Order shall come into operation on 5<sup>th</sup> February 2007 and may be cited as The Borough of Warrington (Off-Street Parking Places) Consolidation Order 2006

2. (1) In this Order:-

“charging hours” means any period specified in the signs on site of the individual parking places in respect of which there is a charge

"disabled person's badge" means a badge in the form prescribed by regulation 11 of The Disabled Persons (Badges for Motor Vehicles) Regulations (England) 2000 issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person, and includes a replacement badge issued in accordance with regulation 7.

“disabled persons’ vehicle” means a vehicle displaying a disabled person’s badge;

“driver”, in relation to a vehicle waiting in a parking place, means the person driving 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 any enactment

“hired vehicle” means a vehicle temporarily hired by a person for the use of such vehicle

“invalid carriage” means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person

“motorcycle” has the same meanings as in Section 136 of the Act of 1984

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads

“owner” in relation to a vehicle means the person by whom such vehicle is kept and used. It is presumed (unless the contrary is proved) that the owner is the person in whose name the vehicle is registered or the person who has the use of such a vehicle in the course of his/her employment and who is entitled to use such a vehicle as though he/she were the registered keeper thereof;

“parking attendant” means a person authorised by or on behalf of the Council to supervise the restrictions and prohibitions imposed by this Order

“parking bay” means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;

"parking disc" means a device which –

- (a) is 125 millimetres square and coloured blue;
- (b) has been issued by a local authority and has not ceased to be valid; and
- (c) is capable of showing the quarter hour period during which a period of waiting has begun.

“parking space” means a space in a parking place which is provided for the leaving of a vehicle;

“penalty charge” means the charge set by the Council under the provisions of The Road Traffic Act 1991 which is to be paid to the Council following the issue of a penalty charge notice and within 28 days of the issue of that 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

“relevant position” means

- (i) A disabled person's badge is displayed in the relevant position when:-
  - (a) the badge is exhibited on the dashboard or fascia of the vehicle, or
  - (b) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle.
- (ii) A parking disc is displayed in the relevant position when:-
  - (a) the disc is exhibited on the dashboard or the fascia of the vehicle; or
  - (b) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle,

so that, when marked to show the quarter period during which a period of waiting began, that period is clearly legible from the outside of the vehicle.

(iii) A vehicle displays a parking ticket permit in the relevant position if:-

(a) in the case of a vehicle fitted with a dashboard or facia panel, the permit is exhibited thereon so that it is legible from outside the vehicle;

or

(b) in the case of a vehicle not so fitted, the permit is exhibited in a conspicuous position on the vehicle so that it is legible from outside the vehicle.

“ticket” means a ticket issued by a parking ticket machine located in the parking place in which the vehicle is left

“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 indicate the time by a clock and to issue tickets indicating the payment of a charge and the date and time at which the charge was paid, or if no charge is applicable the date and time at which the ticket was issued or alternatively the date and time by which the vehicle must leave the parking place.

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

(2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

### **Part 2 - Revocations**

3. The Orders as specified in Schedule 1 to this Order will be revoked in their entirety

### **Part 3 - Designation of Off-Street Parking Places**

4. Each area of land specified in Column 1 of Schedule 2 to this Order shall be designated as an off-street parking place.

### **Part 4 - Restriction of Use of Vehicle Parking Places**

5. (1) Subject to the provisions of this Order each area of land specified in Column 1 of Schedule 2 to this Order may be used as a parking place for such classes of vehicles, in such positions and on such days and during such hours as specified on signs in the parking place site.

(2) A vehicle left in the parking place shall be parked wholly within a parking bay.

(3) Where in Schedule 2 to this Order a parking place is described as available for vehicles of a specified class or that the vehicles must be parked in a specified position the driver of a vehicle shall not permit it to wait in that parking place unless it is of the class and in the position so specified.

- (4) Where within a parking place there is a sign or surface marking which indicates that the parking bay is available only for a vehicle displaying a disabled person's badge, the driver of a vehicle shall not permit it to wait in that parking bay.
- (5) Should drivers not adhere to the conditions as stated in this Order they will be deemed to be in breach of the said Order together with the provisions as set down in Section 35 of the Road Traffic Act 1984.
- (6) While any vehicle is in a parking place during the permitted hours, no person shall use the vehicle in connection with the sale of any Article to any person in or near the parking place or in connection with the selling or offering for sale of his skill or services.

Provided that nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is a passenger vehicle, a goods vehicle or a motor cycle (or an invalid carriage) and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

- (7) The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuant to the provisions of the Vehicle (Excise & Registration) Act 1994 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.
- (8) The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place 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) No person shall use any part of the parking place or any vehicle left in a parking place:-
  - (a) for sleeping or camping or cooking; or
  - (b) for the purpose of servicing or washing any vehicle or part thereof, other than is reasonably necessary to enable that vehicle to depart from the parking place.
- (10) The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

#### **Part 5 - Ticket and charges**

##### **Payment**

6. The driver of a vehicle using a parking place shall, upon leaving the vehicle in the parking place, and on payment of a charge, purchase a ticket at the level of charge and for the period required in accordance with the scale of charges specified in signs in the parking place.

##### **Means of payment**

7. The charge for parking shall be payable by the insertion of an appropriate coin, coins or banknotes, or other approved method of payment together making up the amount of the charge into the parking ticket machine situated in that parking place or by payment to a person nominated by the Council.

### **Display of ticket**

8. The driver of the vehicle shall;
- (i) display the 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 ticket is purchased and displayed to cover the entire period that the vehicle is parked in the parking place.

### **Validity of Ticket**

9. A ticket is not transferable from one vehicle to another.
10. A ticket is valid only in the parking place in which it was issued. This is defined by the reference code of the parking ticket machine located in that parking place printed on the ticket.

### **Expiry of parking period**

11. The expiry time is the time exhibited on the ticket displayed on a vehicle. The period will have expired when the time indicated on the clock of the parking ticket machine that issued the ticket is later than the time indicated on the Pay and Display Ticket.

### **No ticket displayed**

12. If at any time while a vehicle is left in a parking place no ticket is displayed on that vehicle in the relevant position and in accordance with the provisions of Article 8, it shall be judged that the charge has not been paid.
13. If at the time when a vehicle is left in a parking place and 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 parking ticket machine is out of order, or the parking ticket machine displays “not in use” or a ticket cannot be obtained from that machine for any reason, then a ticket shall be obtained from another parking ticket machine (where provided).

### **Charges for Parking Places**

#### Amount of Initial Charge at Parking Places

14. (1) The driver of any vehicle using a parking place for which a charge is made under this Order shall pay the appropriate charge.
- (2) The charge referred to in Paragraph (2) of this Article shall be payable by the insertion of an appropriate coin or coins into the apparatus or device provided, being an apparatus or device approved in accordance with Section 35 (3) of the Act.
- (3) Any ticket issued on payment of the charge referred to in Paragraph (2) of this Article shall be attached in a conspicuous position to the vehicle in respect of which it was issued. A vehicle shall not be left in a parking place if it displays an out of date ticket.

- (4) The ticket or tickets shall be so exhibited on the vehicle that the time shown on the front of the said ticket or tickets is clearly visible.

#### **Part 6 - Movement of Vehicles in Parking Places in Emergencies**

15. A police constable in uniform or a parking attendant may in case of emergency move or cause to be moved any vehicle left in a parking place to any place he/she thinks fit.

#### **Power to Close or Suspend use of Parking Places**

16. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the parking place;
- (i) from closing the parking place or any part thereof for any period; and/or
  - (ii) from setting aside the 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.
17. Any person suspending the use of a parking place or any part thereof in accordance with the provisions of Article 10 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 the use of that parking place or that part thereof is suspended and that waiting by vehicles is prohibited.
18. 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 placed by or on behalf of the Council in pursuance of the preceding Article.

#### **Restriction on the Removal of Tickets**

19. Where a ticket has been displayed on a vehicle in accordance with the provisions of Article 8 of this Order, no person, not being the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver of the vehicle.

#### **Part 7 - Movement and removal of Vehicles from Parking Place**

20. When a vehicle is waiting in a parking place in contravention of the provision of Article 5(1) or (4) of this Order, a person authorised by the Council to do so may alter or cause to be altered the position of the vehicle so that its position shall comply with that provision.
21. Any person removing a vehicle or altering its position by virtue of Article 20 of this Order may do so in such manner as he/she thinks necessary.
22. Where a parking attendant is of the opinion that any of the provisions contained in this Order have been contravened or have not been complied with in respect of any vehicle left in the parking place, he/she may remove the vehicle from the parking place or cause it to be removed and where it is so removed shall place the vehicle in the care of the officer duly authorised by the Council to take custody of vehicles.

23. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 22 of this Order, he/she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
24. All costs incurred by the Council under Article 22 in removing a vehicle from a parking place and in holding it secure shall be paid in full by the driver or owner thereof prior to its release from the custody of the Council or other person.
25. All costs incurred by the Council in altering the position of a vehicle under Article 22 shall be paid in full by the driver or owner thereof within 10 days of an invoice for such costs being received from the Council.
26. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit 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.

#### **Part 8 - Exemptions**

27. The driver of a disabled persons vehicle shall be exempt from any limitation of time specified in Article 6 and from any payments in relation to all parking bays in respect of all sites except the South East Quadrant car park

#### **Part 9 - Penalty Charge Notice, Payment, Evidence, Restriction Removal of Notice & Immobilisation**

##### **Contravention**

28. If a vehicle is left in a parking place during the permitted hours in contravention or without complying with the requirements of this Order a contravention shall have occurred and a penalty charge shall be payable and/or the vehicle may be removed from that location.

##### **Penalty Charge Notice**

29. In the case of vehicles in respect of which a penalty charge may have been incurred, it shall be the duty of the Parking Attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:
  - (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
  - (b) the grounds on which the Parking Attendant believes that a Penalty Charge is payable in respect of that vehicle;
  - (c) the amount of Penalty Charge required to be paid;
  - (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion or amount;
  - (e) that if the penalty charge is not paid before the end of the 28 day period a Notice to owner may be served by the Council on the person appearing to be the owner of the vehicle; and
  - (f) the address to which payment of the Penalty Charge must be sent.



### **Manner of payment of Penalty Charge**

30. The penalty charge shall be paid to the Council within 28 days of the issue of the penalty charge notice either;
- (a) by cheque, bankers' draft, money order or postal order delivered or sent by post as indicated on the penalty charge notice, or
  - (b) by cheque, postal order, in cash, by credit card or debit card in person at any Borough of Warrington Council office which accepts such payments, or
  - (c) by credit card or debit card over the phone using the number specified on the penalty charge notice

Provided that, if the said twenty eight day falls upon a day on which the said Department or office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.30 on the next full day on which the said Department is open.

31. If the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by 50%.
32. If the owner fails to pay the penalty charge by the end of the 28 day period, a notice of owner may be served; and if the charge is not paid within a further 28 days it may be increased by 50% on the issue of a charge certificate in accordance with the provisions of paragraph 6 of schedule 6 of the 1991 Act.
33. Continuing failure to pay the penalty charge may result in a judgement in the County Court against the owner to enable the Council to recover the payments due.

### **Indications as evidence**

34. The particulars given in the penalty charge notice attached to a vehicle in accordance with any of the foregoing provisions shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

### **Restriction on removal of notices**

35. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 29 no person, not being the driver of the vehicle, a police constable in uniform, a parking attendant or some other person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle.

### **Immobilisation**

36. If a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his/her direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) 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 reduced penalty charge, along with such release fee as may be required by the Council

37. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

### **SCHEDULE 1 – REVOCATIONS**

Order dated 09/07/1951

Variation Order dated 08/02/1952

Variation Order dated 18/05/1954

Order dated 09/07/1954

Order dated 03/05/1955

Variation Order dated 04/10/1955

Variation Order dated 27/03/1956

Order dated 05/07/1957

Variation Order dated 05/07/1957

Variation Order dated 16/04/1959

Order dated 16/04/1959

(Off Street Parking Place) Order 1964

(Off Street Parking Places) Order 1968

(Off Street Parking Places) Order 1970

(Off Street Parking Places) (Holt Street) Order 1968

(Off Street Parking Places) Order 1975

(Off Street Parking Places) Order 1976

(Off Street Parking Places) (Variation) (No 1) Order 1976

(Off Street Parking Places) Order 1977

(Off Street Parking Places) (Amendment) Order 1982

(Off Street Parking Places) (Pay and Display) Order 1982

(Off Street Parking Places and Pay and Display) (Amendment) (No 2) Order 1983

(Bus Station, Golborne Street) Order 1979

(Bus Station, Golborne Street) (Off-Street Parking Places) Order 1979

(Bus Station, Golborne Street) Regulation 1979

(Off Street Parking Places) (Variation) (No. 2) Order 1979

(Off Street Parking Places) (Variation) (No. 3) Order 1980

(Off Street Parking Places) (Variation) (No. 4) Order 1981

(Off Street Parking Places) (Variation) (No. 5) Order 1982

(Off Street Parking Places and Pay and Display) (Amendment) (No. 1) Order 1983

(Off Street Parking Places) (Amendment) (No. 3) Order 1984

(South East Quadrant) (Off Street Parking Places) Order 1985

(Off Street Parking Places) (Amendment) (No. 4) Order 1985

(Off Street Parking Places) Order 1990

(Off Street Parking Places) (Variation No 1) Order 1993

(Walton Gardens Car Park) (Pay and Display) (Variation No.1) Order 1993

(Off Street Parking places) (Variation No 1) Order 1993

(Walton Gardens Car Park) (Pay and Display) Order 1992

(Off Street Parking Places) (Variation No. 1) Order 1995

(Off Street Parking Places) (Variation No. 1) Order 1997

(Off Street Parking Places) (No 1) Order 1999

(Off Street Parking Places) (Pay & Display) Order 2000

(Off Street Parking Places) (Pay and Display) (No 1) Order 2002

(Off Street Parking Places) (Variation No. 1) Order 2002

(Off Street Parking Places) (Pay & Display) (Variation No.1) Order 2003

(Off Street Parking) (Pay & Display) (Variation No 2) Order 2003

(Off Street Parking Places) (Variation No 1) Order 2003

(Off Street Parking Places) (Variation No 2) Order 2003

(Off Street Parking Places) (Pay & Display) (Variation No 3) Order 2003

(Pyramid Centre) (Off Street Parking Places) Order 2005

(Bus Station) (Winwick Street) Order 2005

(Bus Station, Winwick Street) (Off Street Parking Places) Order 2005

(Bus Station, Golborne Street) (Revocation) Order 2006

(Walton Gardens Car Park) (Revocation and Off-Street Parking Places) Order 2006

(Off Street Parking Places) (Pay and Display) Order 1998

## **SCHEDULE 2**

### **OFF-STREET PARKING PLACES**

MARKET MULTI STOREY CAR PARK	land to the south side of Academy Way and west side of Bank Street
SOUTH EAST QUADRANT CAR PARK	land north west of the junction of Academy Street and Academy Way
OLD ROAD CAR PARK	land at the western end of Old Road and south of the junction of Knutsford Road and Wilderspool Bridge
WINWICK STREET CAR PARK	land fronting the west side of Winwick Street immediately to the south of No 30 Winwick Street and east side of Foundary Street
WALTON HALL GARDENS CAR PARK	land to the North of Walton Lea Road and east of Walton Lea Crematorium Drive
CAR PARK 'A' (TOWN HALL)	land to the rear of Bank House (No. 88) Sankey Street
PALMYRA SQUARE SOUTH CAR PARK	land fronting the north side of Museum Street immediately to the west of No. 25 Museum Street
PYRAMID CENTRE CAR PARK	land to the south of the Pyramid Centre building
THE FORGE CAR PARK	land north of West Avenue and east of Egerton Street, Stockton Heath

TOWN HILL CAR PARK	land at Hill Street, western half, fronting part of that section of Hill Street at the rear of properties nos 26-34 Horsemarket Street
SHARP STREET CAR PARK	land fronting Orford Lane at its junction with Sharp Street
MARSH STREET CAR PARK	land south of Marsh House Lane at its junction with Marsh Street
COBDEN STREET CAR PARK	land fronting the south side of Orford Lane at its junction with Cobden Street
JACKSON AVENUE CAR PARK	land north of Jackson Avenue and east of Thompson Avenue and west of Common Lane, Culcheth
COMMON LANE CAR PARK	land north of Common Lane at its junction with Warrington Road, Culcheth
PEPPER STREET CAR PARK	land north of Pepper Street and east of The Cross and west of Grove Rise, Lymm
HENRY STREET CAR PARK	land north of Eagle Brow and south of the Boat Stage, Lymm
DAVIES WAY CAR PARK	land north of No.s 22 – 30 Eagle Brow and east of Brookfield Road, Lymm
GRAMMAR SCHOOL ROAD	land east of Grammar School Road and immediately south of No.s 24 – 26 Grammer School Road
BUS STATION	land on the west side of Winwick Street, bounded by A57 Midland Way to the north, the site of Golden Square to the west and the Bus Station to the south
ORFORD STREET CAR PARK	land fronting the east side of Orford Street, the south side of Cockhedge Lane and the west side of Naylor Street, Warrington
BARRY STREET CAR PARK	land north of Barry Street and south of Knutsford Road, Warrington

APPLETON RESERVOIR CAR PARK

land fronting the north side of Park Lane, Appleton  
approximately 200 metres west of "The Kennels",  
Park Lane, Appleton

**GIVEN** under the Common Seal of the Council of the Borough of Warrington this 6th day of December 2006.

The Common Seal of **WARRINGTON** )  
**BOROUGH COUNCIL** was hereunto )  
affixed in the presence of:- )

Authorised Signatory