

**WOLVERHAMPTON CITY COUNCIL**

**THE WOLVERHAMPTON CITY COUNCIL**

**(TETTENHALL)**

**(PROHIBITION AND RESTRICTION OF WAITING AND STREET PARKING PLACES)**

**ORDER 2007**

Wolverhampton City Council in exercise of its powers under sections 1, 2, 4, 32, 35, 124 (1) (d) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (the Act of 1984) as amended and the Road Traffic Act 1991 (the Act of 1991) 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.

**SECTION 1 – PRELIMINARY**

**Citation and commencement**

1. This Order shall come into operation of the 5<sup>th</sup> day of February 2007 and may be cited as the Wolverhampton City Council (Tettenhall) (Prohibition and Restriction of Waiting and Street Parking Places) Order 2007.
2. The Wolverhampton City Council (Tettenhall) (Prohibition and Restriction of Waiting and Street Parking Places) Order 2007 includes Plans (the "Plans") incorporated in The Wolverhampton City Council (Tettenhall) (Prohibition and Restriction of Waiting and Street Parking Places) Order 2007 Plan Supplement ("the Plan Supplement")

**Interpretation**

3. In this Order, except where the context otherwise required, the following expressions have the meaning hereby respectively assigned to them:

“business permit” means a business permit issued under the provisions of this Order;

“business permit holder” means a person to whom a business permit has been issued under the provisions of this Order;

“Council” means Wolverhampton City Council and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

“designated officer” means an officer of Wolverhampton City Council nominated by the Co-ordinating Director of Sustainable Communities or equivalent to carry out Council functions associated with the provisions of this Order;

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

“disabled persons vehicle” means a vehicle displaying in the relevant position a disabled persons badge and which has been used immediately before or is about to be used by the person(s) in respect of whom the badge has been issued;

“driver” in relation to a vehicle waiting in a restricted area, means the person driving the vehicle at the time it was left in the restricted waiting area;

“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;

“entitled business user” means a person who occupies premises the postal address of which is in any street or part of a street described in Schedule 1 and which has no off-street parking space provided or authorised by any planning consent related to the premises and who is liable for payment of business rates on that premises;

"goods" means goods of any kind whether animate or inanimate and includes postal packets of any description and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"goods carrying vehicle" means a motor 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 2.3 metres and the overall length of which does not exceed 5.25 metres and is not drawing a trailer;

"hackney carriage" has the same meaning as in Section 38 of the Town Police Clauses Act 1847;

"hackney carriage stand" means an area of carriageway which is indicated by road markings complying with diagram 1028.2 in the Traffic Signs and General Directions 2002;

"household" means a dwelling with a separate entry on the Council's Council Tax register;

"invalid carriage" has the same meaning as that in S136 of the Act of 1984;

"loading area" means any of the sides or lengths of roads specified on the Plans where activities other than loading are prohibited;

"Match Day" means a day upon which there is held:

- (a) at Molineux Stadium, any First Team Football match involving Wolverhampton Wanderers Football Club;
- (b) at Molineux Stadium, any event which in the opinion of the Council. After consultation with the Chief Officer of Police, would result in excessive non residential parking in local streets;

"Match Day Controlled Hours" are 6.00pm to 10.00pm on Monday to Friday and Noon to 6.30pm on Saturdays, Sundays and Bank Holidays;

"motor-cycle" has the same meaning as that in S136 of the Act of 1984;

"no loading hours" means in relation to any no loading road the hours during which loading and unloading is restricted on the Plans;

"no loading road" means any of the sides or lengths of roads specified on the Plans where loading is prohibited provided that the expression "no loading road" shall not include any parking place;

"no stopping hours" means in relation to any no stopping road the hours during which stopping is restricted on the Plans;

"no stopping road" means any of the sides or lengths of roads specified on the Plans where stopping is prohibited provided that the expression "no stopping road" shall not include any parking place;

"one-way street" means a highway in which the driving of vehicles otherwise than in one direction is prohibited;

"operational vehicle" means a vehicle operated by the entitled business user for the purposes of making deliveries, collections, servicing or such other business purposes as the Council shall approve;

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

"parking attendant / civil enforcement officer" means a person employed in accordance with section 63A of the Act of 1984 to carry out the functions therein;

"parking disc" has the same meaning as in the Local Authorities Orders (Exemptions for Disabled Persons)(England) Regulations 2000;

"parking place" means an area of a highway designated by this Order for the waiting of vehicles of specific classes;

"passenger vehicle" means a motor vehicle (other than a motor-cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

"permit" means a permit issued by the Council under the terms of this Order;

"permit holder" means a person to whom a permit has been issued under the provisions of this Order;

"permitted hours" means the periods specified for each parking place during which waiting by vehicles of a specific class is permitted as specified on the Plans;

"prohibited hours" means in relation to any prohibited road the hours during which waiting or loading is prohibited as specified on the Plans;

"prohibited road" means any of the sides or lengths of roads specified on the Plans where waiting is prohibited provided that the expression "prohibited road" shall not include any parking place;

"relevant position" in respect of: -

- (a) a disabled person's badge and parking disc has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and
- (b) a residents', visitor, special, business or any other permit means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the permit is clearly legible from outside the vehicle;

"resident" means a person whose usual place of abode is at premises the postal address of which is in any street or part of any street specified in Schedule 1;

"residents permit" means a permit issued under the provisions of this Order;

"residents permit holder" means a person to whom a permit has been issued under the provisions of this Order;

"residents visitor permit" means a permit issued under the provisions of this Order;

"residents visitor permit holder" means a person to whom a visitor permit has been issued under the provisions of this Order;

"restricted hours" means in relation to any restricted road the hours during which waiting is restricted as specified on the Plans;

"restricted road" means any of the sides or lengths of roads specified on the Plans where waiting is restricted or specific activities are restricted during the restricted hours provided that the expression "restricted road" shall not include any parking place;

“special parking permit” means a permit issued under the provisions of this Order;

“special parking permit holder” means a person to whom a special parking permit has been issued under the provisions of this Order;

“telecommunication system” has the same meaning as in the Telecommunications Act 1984 (c.12);

4. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to a Plan is a reference to a Plan incorporated into the Plan Supplement.
5. 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.

## **SECTION 2 – PROHIBITION AND RESTRICTION OF WAITING**

### Prohibition of Waiting

6. Save as provided in Articles 12 to 15, 17 to 18 and 20 no person shall, except upon the direction or with the permission of a parking attendant / civil enforcement officer in uniform or police officer in uniform, cause or permit any vehicle to wait at any time on any prohibited road as specified on the Plans.

### Restriction of Waiting

7. Save as provided in Articles 12 to 15, 17 to 18 and 20 no person shall, except upon the direction or with the permission of a Parking Attendant/Civil Enforcement Officer in uniform or Police Officer in uniform, cause or permit any vehicle to wait on any restricted road during the restricted hours as specified on the Plans

#### Limited waiting

8. Save as provided in Articles 12 to 15 and 19 to 20 no person shall, except upon the direction or with the permission of a parking attendant / civil enforcement officer or police officer in uniform, cause or permit any vehicle to wait on any restricted road in respect of which there is specified on the Plans a period during the restricted hours in which waiting is allowed,
- (a) for a period longer than specified on the Plans, or
  - (b) if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

#### Loading areas

9. Save as provided in Articles 12 to 14 and 17 no person shall, except upon the direction or with the permission of a parking attendant / civil enforcement officer in uniform or police officer in uniform, cause or permit any vehicle to wait in any loading area specified on the Plans unless it is of the specified class and except for the loading or unloading of goods in connection with adjoining trade or business premises.

#### Restriction on loading and unloading

10. Save as provided in Articles 12 to 13 and 17 no person shall, except upon the direction or with the permission of a parking attendant / civil enforcement officer or police officer in uniform, cause or permit any vehicle to wait for the purpose of enabling goods to be loaded to or unloaded from the vehicle on any no loading road during the no loading hours as specified on the Plans.



### No stopping

11. Save as provided in Articles 12 to 13 and 17 no person shall, except upon the direction or with the permission of a parking attendant / civil enforcement officer or police officer in uniform, cause or permit any vehicle to stop on any no stopping road during the no stopping hours as specified on the Plans.

### Emergencies

12. Nothing in Articles 6 to 11 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable the vehicle to be used in an emergency for fire and rescue, ambulance or police purposes:

### General exemptions

13. Nothing in Articles 6 to 11 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable:
  - (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
    - (i) building, shop fitting, industrial or demolition operations;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
    - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system,

- (b) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;
  - (c) the vehicle of the Royal Mail or other universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
  - (d) the vehicle to be used to facilitate a funeral or wedding service;
  - (e) in any case where the person in control of the vehicle,
    - (i) is required by law to stop;
    - (ii) is obliged to stop so as to prevent an accident, or
    - (iii) is prevented from proceeding by circumstances outside his/her control;
14. Nothing in Articles 6 to 9 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable goods to be loaded to or unloaded from a vehicle (or goods or merchandise to be delivered or collected).
15. Nothing in Articles 6 to 8 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable a person to board or alight from the vehicle.
16. Nothing in Articles 6 to 11 of this Order shall render it unlawful to cause or permit any vehicle to wait upon an authorised parking place.
17. Nothing in Articles 6 to 11 shall prevent any person from causing or permitting a vehicle to wait in any prohibited or restricted road if it is displaying in the relevant position a valid permit or waiver certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said permit or certificate.

#### Waiting by disabled persons' vehicle

18. Nothing in Articles 6 to 7 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc, on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began, to wait in a prohibited road or a restricted road for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day):
- Provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).
19. Nothing in Article 8 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait on the sides of roads where waiting is permitted:
- Provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

#### Hackney carriages

20. Nothing in Articles 6 to 8 shall prevent any person from causing or permitting a licensed hackney carriage to wait in any duly authorised hackney carriage stand.

#### Waiver certificate

21. The Council may issue a waiver certificate on receipt of written application with at least 5 days working notice and may impose terms and conditions as appropriate.

22. A waiver certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the certificate at any address that the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

### **SECTION 3 – PARKING PLACES**

#### Designation of disabled person's parking places

23. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as disabled person's parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
24. No person shall cause or permit any vehicle to wait in a disabled person's parking place during the permitted hours unless there is displayed on that vehicle in the relevant position a valid disabled person's badge.

#### Maximum period of waiting

25. Save as provided in Article 12, no person shall cause or permit any vehicle to remain in a disabled person's parking place for longer than the maximum period specified for that parking place in the Plans.  
Provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).
26. Where as indicated on the Plans there is a limit on the time of stay on a disabled person's parking place, the driver of a vehicle shall upon leaving the vehicle in the disabled person's parking place, display in the relevant position a disabled person's badge and a parking disc, on which has been marked the time at which the period

of waiting began and shall remove that vehicle from the said parking place within the maximum time specified.

27. Where a period within which a vehicle must not be left again in the disabled person's parking place is specified, no person shall permit or cause the vehicle to wait again in that parking place until the expiry of that specified period.

Manner of standing in a parking place

28. Every vehicle left in a parking place in accordance with the provisions of this Order shall stand:
- (i) if the parking place is in a one-way street, so that the vehicle is facing according to the direction of the traffic flow and adjacent to the edge of the carriageway;
  - (ii) if the parking place is not in a one-way street, so that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway;
  - (iii) so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300mm;
  - (iv) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting; and
  - (v) so that every part of the vehicle is within the limits of the parking place.

Alteration of position of a vehicle in a parking place

29. Where any vehicle is standing in a parking place in contravention of the provisions of the preceding Article, a parking attendant / civil enforcement officer or police officer in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

#### Removal of a vehicle from a parking place

30. Where a parking attendant / civil enforcement officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle left in any part of a parking place, he / she may remove or cause to be removed the vehicle from the parking place and, where it is so removed, shall provide for the safe custody of the vehicle.

#### Movement of a vehicle in a parking place in an emergency

31. A police officer in uniform may move or cause to be moved, in case of emergency, to any place he / she thinks fit, any vehicle left in a parking place and shall provide for the safe custody of the vehicle.

#### Power to suspend the use of a parking place

32. (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
  - (b) for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place or any sewer or of any main, pipe, or apparatus for the supply of gas, water or electricity or of any telecommunications system or the placing, maintenance or removal of any traffic sign;
  - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office

or dwelling-house adjacent to the parking place from or to a depositary, another office or dwelling-house;

- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed: or
- (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.

- (2) A police officer in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person or police officer suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or, as the case may be, paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.

- 33. No person shall cause or permit a vehicle to be waiting in a parking place or any part thereof during which such period as the Council or a police officer has suspended that parking place or part thereof and exhibits notice of such suspension on or near that parking place.
- 34. Nothing in the preceding Article shall render it a contravention to cause or permit a vehicle to be left in a parking place, which displays in the relevant position a valid waiver certificate issued by the Council, and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

#### Restrictions of the use of vehicles in a parking place

- 35. During the permitted hours no person shall use any parking place or any vehicle whilst it is in a parking place in connection with the sale or offering or exposing for

sale any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity:

Providing that nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is a passenger vehicle, a goods carrying vehicle, a motorcycle 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 and the vehicle does not wait for a period exceeding 20 minutes or such longer period as a parking attendant / civil enforcement officer may approve.

Exemptions to restriction on waiting by a vehicle in a parking place

36. (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:
- (a) the vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from a vehicle or load thereon or unload therefrom their personal luggage;
  - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
  - (c) the vehicle is being used for fire brigade, ambulance or police or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
  - (d) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
  - (e) the vehicle is waiting –



- (i) while postal packets addressed to the premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered; or
    - (ii) while postal packets are being collected for the loading on the vehicle from premises or posting boxes adjacent to the parking place in which the vehicle is waiting or, having been so collected, are being loaded thereon;
  - (f) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for a period exceeding twenty minutes or for such longer period as a police officer in uniform, or a traffic warden may approve.
- (2) Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under section 25 of the Road Traffic Regulation Act 1974.

Placing of traffic signs etc.

37. The Council shall:

- (a) place and maintain traffic signs indicating the limits of each parking place
- (b) place and maintain traffic signs of a design approved by the Secretary of State for the Department for Transport indicating that such parking places may be used during the permitted hours for the leaving only of the vehicles of the specified classes, and
- (c) carry out such other work as it reasonably required for the purposes of the satisfactory operation of a parking place.

## **SECTION 4 – MATCH DAY PERMIT HOLDERS ONLY PARKING PLACES**

### Match day permit holders only parking places

38. Subject to the provisions of this Order, parking places identified in the Plans as permit holders only match day parking places are hereby designated as being restricted to use by permit holders during the Match Day Controlled Hours
39. No person shall cause or permit any vehicle to wait in a permit holders only match day parking place during the periods specified in the Plans unless there is on display in the relevant position on that vehicle a valid permit.

### Classes of vehicles for which permits are applicable

40. Subject to the provisions of this Order, permits may be issued to classes of vehicles being passenger vehicles, goods carrying vehicles, motor-cycles, disabled persons vehicles and invalid carriages.

### Permits to be displayed on vehicles

41. At all times during which a vehicle is left in a permit holders only match day parking place during the permitted hours, the driver thereof shall cause to be displayed in the relevant position a valid residents, visitor, special or business permit issued in respect of that vehicle relating to the parking place within which that vehicle is left.

### Display of a permit or ticket on a covered vehicle

42. Where a vehicle is covered by a protective cover such that a ticket or permit cannot be displayed on the vehicle in the relevant position then the permit may be displayed in a protective pocket or pouch attached to the cover in such a manner that the particulars are then visible as required. The designated officer may agree

arrangements for the display of permits to deal with exceptional circumstances but in any event the decision is final.

## **SECTION 5 – CONDITIONS AS TO PERMITS**

### **Residents permit**

#### Application for and issue of residents permits

43. (1) Any resident who is the owner of a vehicle of the class specified may apply to the Council for the issue of a residents permit in respect of that vehicle and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
- (2) The Council may at any time require an applicant for a residents permit or a residents permit holder to produce to an officer of the Council or authorised agent such evidence in respect of an application for a residents permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any residents permit issued by them as they may reasonably require for to verify that the residents permit is valid.
- (3) Upon receipt of an application duly made under the foregoing provisions of this Article the Council upon being satisfied that the applicant is a resident who is the owner of a vehicle of the class specified and on payment of any fee shall issue to the applicant a residents permit for the leaving during the permitted hours in a parking place of the vehicle to which such residents permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward.

#### Surrender, withdrawal and validity of residents permit

44. (1) A residents permit holder may surrender a residents permit to the Council at any time and shall surrender a residents permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article or in accordance with the provisions of paragraph (4) of this Article.
- (2) The Council may, by notice in writing served on the residents permit holder by sending the same by the recorded delivery service to the residents permit holder at the address shown by that person on the application for the residents permit or at any other address believed to be that persons place of abode, withdraw a residents permit if it appears to the Council or authorised agent that any of the events set out in paragraph (3) (a), (b), (c) or (d) of this Article has occurred and the residents permit holder shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the aforementioned notice.
- (3) The events referred to in the foregoing provisions of this Article are:
- (a) the residents permit holder ceasing to be either a resident within the household in respect of which the residents permit was issued;
  - (b) the residents permit holder ceasing to be the owner of the vehicle in respect of which the residents permit was issued;
  - (c) the withdrawal of such residents permit by the Council under the provisions of paragraph (2) of this Article;
  - (d) the vehicle in respect of which such residents permit by the Council was issued being adapted or used in such manner that it is not a vehicle of the class specified;
  - (e) the issue of a duplicate residents permit by the Council; and
  - (f) the residents permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.

- (4) Without prejudice to the foregoing provisions of this Article and the provisions of the next following paragraph, a residents permit shall cease to be valid at the expiration of the period specified thereon, or on the occurrence of any one of the events set out in paragraph (3) (a), (b), (c), (d), or (e) of this Article, whichever is the earlier.

#### Application for and issue of duplicate residents permits

45. If a residents permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the residents permit has become altered by fading or otherwise, the residents permit holder shall either surrender it to the Council and apply to the Council for the issue to them of a duplicate residents permit and the Council, upon receipt of the residents permit and payment of the appropriate fee shall issue a duplicate residents permit, so marked. Upon such issue the residents permit shall become invalid.

#### Form of residents permits

46. A residents permit shall be in writing and shall include the following particulars:
- (a) the registration mark of the vehicle in respect of which the residents permit has been issued unless at the discretion of the Council's designated officer the permit has been issued as an open permit;
  - (b) the period during which, subject to the provisions of this Order, the residents permit shall remain valid;
  - (c) an indication that the residents permit has been issued by the Council; and
  - (d) the word "RESIDENT"

## **Visitor permits**

### Application for and issue of residents visitor permits

47. (1) Any resident may apply to the Council for the issue of a residents visitor permit for a vehicle of a bona fide visitor to the resident of the specified class and any such application shall be made on a form issued by and obtainable from the Council and shall include particulars and information required by such form to be supplied.
- (2) The Council may at any time require an applicant for a residents visitor permit or a residents visitor permit holder to provide to an officer of the Council or authorised agent such evidence in respect of an application for a residents visitor permit made to them as they may reasonably call upon to verify any particulars or information given to them or in respect of any residents permit issued by them as they may reasonably call for to verify that the residents visitor permit is valid.
- (3) Upon receipt of an application duly made under the foregoing provisions of this Article the Council upon being satisfied that the applicant is a resident, and on payment of the appropriate fee shall issue to the applicant therefore a residents visitor permit for the leaving of a vehicle of the class specified in paragraph (1) above in a match day only parking place during the permitted hours.

### Surrender, withdrawal and validity of residents visitor permits

48. (1) A residents visitor permit shall cease to be valid for use on the date indicated on the permit.
- (2) A visitor permit holder may surrender a visitor permit to the Council at any time and shall surrender a visitor permit to the Council on the occurrence of

the visitor permit holder ceasing to be a resident in the street in respect of which the visitor permit was issued.

- (3) The Council may, by notice in writing served on the visitor permit holder by sending the same by the recorded delivery service to the visitor permit holder at the address shown by that person on the application for the visitor permit or at any other address believed to be that person's place of abode, withdraw a visitor permit if it appears to the Council that the visitor permit holder has ceased to be a resident and the visitor permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.

#### Application for and issue of duplicate residents visitor permits

49. If a residents visitor permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the residents visitor permit has become altered by fading or otherwise, the residents visitor permit holder shall either surrender it to the Council and apply to the Council for the issue to them of a duplicate residents visitor permit and the Council, upon receipt of the residents visitor permit shall issue a duplicate residents visitor permit, so marked. Upon such issue the residents visitor permit shall become invalid.

#### Form of residents visitor permit

50. A residents visitor permit shall be in writing and shall include the following particulars:-
  - (a) A unique reference number provided by the Council;
  - (b) the period during which, subject to the provisions of this Order, the residents visitor permit shall remain valid;
  - (c) an indication that the residents visitor permit has been issued by the Council; and
  - (d) the word "VISITOR"

## **Special permits**

### Application for and issue of special permits

51. (1) Any person (or person acting on behalf of a resident) may at any time apply to the Council for the issue of a special parking permit in respect of a vehicle of the class specified identifying the user of the vehicle. The decision to issue a special parking permit is at the discretion of the Council's designated officer. Without prejudice to the generality of the Council's designated officer's discretion the following circumstances may be relevant to an application:
- (a) the applicant's exceptional medical needs;
  - (b) the applicant's exceptional social needs;
  - (c) any exceptional difficulty experienced by a carer for any resident;
  - (d) the applicant's exceptional employment situation which requires that the applicant's vehicle be parked of necessity for business purposes near the applicant's home.
- (2) The Council may at any time require an applicant for a special parking permit or a special parking permit holder to produce to an officer of the Council or authorised agent such evidence in respect of an application for a special parking permit made to them as they reasonably call for to verify any particulars or information given to them or in respect of any special parking permits issued by them as they may reasonable call for to verify that the special parking permit is valid.
- (3) Upon receipt of an application duly made under the foregoing provisions of this Article the Council upon being satisfied that the applicant should be issued with a special parking permit, and on payment of the appropriate fee, shall issue to the applicant therefore a special parking permit for the leaving



of a vehicle of the class specified in a parking place during the permitted hours.

#### Terms and effect of special parking permits

52. (1) A special parking permit shall be issued subject to such terms and conditions as the Council's designated officer shall think fit.
- (2) A special parking permit shall authorise the user of the vehicle identified by the applicant to leave the vehicle specified therein:
- (a) in any parking place;
  - (b) on such days or days, during such periods and at such times during the permitted hours, and
  - (c) subject to such conditions or limitations as shall be indicated on the permit.
- (3) A special parking permit shall be valid for such period as the Council's designated officer shall think fit but in any event no longer than a period of twelve months from the date the permit first becomes valid.
- (4) The Council's designated officer may issue any special parking permit free of charge.

#### Withdrawal and validity of special parking permits

53. (1) The Council may, by notice in writing served on the special parking permit holder by sending the same by the recorded delivery service to the special parking permit holder at the address shown by that person on the application for the special person's place of abode, withdraw a special parking permit if it appears to the Council's designated officer that there are sufficient reasons to justify withdrawal of the special parking permit having regard to the

circumstances of the permit holder, so far as they may be known, and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.

- (2) Without prejudice to the foregoing provisions of this Article, a special parking permit shall cease to be valid at the expiration of the period specified thereon, or on the occurrence of the events set out in paragraph (1) of this Article, whichever is the earlier.

#### Application for and issue of duplicate special parking permits

54. If a special parking permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the special parking permit has become altered by fading or otherwise, the special parking permit holder shall either surrender it to the Council and apply to the Council for the issue to them of a duplicate special parking permit and the Council, upon receipt of the special parking permit, shall issue a duplicate special parking permit, so marked, and upon such issue the original special parking permit shall become invalid.

#### Form of special parking permit

55. A special parking permit shall be in writing and shall include the following particulars:
- (a) the registration mark of the vehicle in respect of which the special parking permit is being issued;
  - (b) the period during which, subject to the provisions of this Order, the special parking permit shall remain valid;
  - (c) an indication that the special permit has been issued by the Council;
  - (d) any conditions or limitation on the issue of such a permit; and
  - (e) the word "SPECIAL"

## **Business permits**

### Application for and issue of business permits

56. (1) Any owner or operator of a business who is the keeper of an operational vehicle being of the class specified pay apply to the Council for the issue of a maximum of three business permits and any such application shall be made on a form issued by and obtainable from the Council and shall include the specified information required by such form to be supplied.
- (2) The Council may at any time require an applicant for a business permit or a business permit holder to produce to an officer of the Council or authorised agent such evidence in respect of an application for a business permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any business permit issued by them as they may reasonably call for to verify that the business permit is valid.
- (3) Upon receipt of an application duly made under the foregoing provisions of this Article the Council, upon being satisfied that the applicant is an entitled business user and is the owner of a vehicle or vehicles of the class specified in paragraph (1) of this Article and on payment of the appropriate fee, shall issue to the applicant therefore a maximum of three business permits for the leaving during the permitted hours in a parking place of the vehicle or vehicles to which such business permit(s) relates (but not all of them at the same time) by the owner of such vehicle or vehicles or by any person or persons using such vehicle or vehicles with the consent of the owner other than a person to whom such vehicle or vehicles have been let for hire or reward.

### Surrender, withdrawal and validity of business permits

57. (1) A business permit holder may surrender a business permit to the Council at any time and shall surrender a business permit to the Council on the

occurrence of any one of the events set out in paragraph (3) of this Article or in accordance with the provisions of paragraph (4) of this Article.

- (2) The Council may, by notice in writing served on the business permit holder by sending the same by the recorded delivery service to the business permit holder at the address shown by that person on the application for the business person's place of business, withdraw a business permit if it appears to the Council that any of the events set out in paragraph (3)(a), (b) or (c) of this Article has occurred and the business permit holder shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the aforementioned notice.
- (3) The events referred to in the foregoing provisions of this Article are:-
  - (a) the business permit holder ceasing to be an entitled business user within the parking place in respect of which the business permit was issued;
  - (b) the business permit holder ceasing to be the owner of the vehicle or vehicles in respect of which the business permit was issued;
  - (c) the withdrawal of such business permit by the Council under the provision of paragraph (2) of this Article;
  - (d) the vehicle or vehicles in respect of which such business permit was issued being adapted or used in such manner that it is not a vehicle of the class specified in Article 56(1);
  - (e) the issue of a duplicate business permit by the Council under the provisions of paragraph (4) of this Article.
- (4) Without prejudice to the foregoing provisions of this Article, a business permit shall cease to be valid at the expiration of the period specified thereon, or on the occurrence of any one of the events set out in paragraph (3) (a), (b), (c), (d), or (e) of this Article whichever is the earlier.

#### Application for and issue of duplicate business permits

58. (1) If a business permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the business permit has become altered by fading or otherwise, the business permit holder shall either surrender it to the Council and apply to the Council for the issue to them of a duplicate business permit and the Council, upon receipt of the business permit and appropriate fee, shall issue a duplicate business permit, so marked, and upon such issue the original business permit shall become invalid.

#### Form of business permits

59. A business permit shall be in writing and shall include the following particulars:
- (a) the period during which, subject to the provisions of this Order, the business permit shall remain valid;
  - (b) an indication that the business permit has been issued by the Council; and
  - (c) the word "BUSINESS"

#### **General**

#### Replacement permits

60. (1) If a residents permit, residents visitor permit, special permit or business permit is lost or destroyed the permit holder may apply to the Council for a replacement permit on payment of the appropriate fee at for each replacement permit issued.
- (2) Any replacement permit issued shall be marked as a replacement permit and upon the issue of a replacement permit the original permit shall become invalid.

61. The provisions of this Order shall apply to a duplicate or replacement permit as if it were an original permit.

#### Restriction on the removal of permits

62. Where a residents, visitor, special or business permit has been displayed in the relevant position no person, not being the driver of the vehicle shall remove the residents, visitor, special or business permit unless authorised to do so by the driver of the vehicle.

Provided that nothing herein shall apply to a traffic warden or police officer in uniform or a person removing the vehicle in pursuance of an arrangement made by the police officer by or under regulations in pursuance of powers contained in section 99, 100, 101 and 102 of the Road Traffic Regulation Act 1984.

### **PART 4 - CONTRAVENTION OF ORDER**

#### Contravention

63. If a vehicle is left in a parking place during the permitted hours or in any road or length of road 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

64. 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 / civil enforcement officer 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 / civil enforcement officer 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

65. 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 Wolverhampton City 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.

66. 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.

67. 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.
68. 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

69. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 64 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

#### Restriction on removal of notices

70. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 64 no person, not being the driver of the vehicle, a police officer in uniform, a parking attendant / civil enforcement officer 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

71. If a vehicle is left after a penalty charge has been incurred, a parking attendant / civil enforcement officer 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

72. 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.

#### Removal of vehicle

73. Where a parking attendant / civil enforcement officer has removed or caused to be removed a vehicle in accordance with Articles 30, 31 or 63,
- (a) he / she 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) the provisions of the 1984 Act as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.
74. Nothing in Articles 30, 31, 63 or 71 shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.

### **SECTION 5 - REVOCATIONS**

75. All the traffic regulation orders or parts of traffic regulation orders imposing the following restrictions as they relate to roads in the Wolverhampton City Council Tettenhall area made prior to this Order are hereby revoked:
- (a) Prohibition and restrictions of waiting and loading and unloading;
  - (b) Prohibition of stopping;
  - (c) Disabled Parking Spaces;
  - (d) Permit holders only match day parking places;

**SCHEDULE 1**  
**MATCH DAY RESIDENTS PARKING SCHEME - TETTENHALL**

**76. Roads and lengths of roads where residents, visitors, businesses are eligible for permits**

Almond Grove  
Appletree Grove  
Austin Street  
Bath Avenue  
Bright Street  
Chester Street  
Devon Road  
Drummond Street  
Dunkley Street  
Dunstall Avenue  
Dunstall Hill  
Dunstall Road (part)  
Evans Street  
Fawdry Street  
Francis Street  
Gloucester Street  
Great Hampton Street  
Harrow Street  
Jameson Street  
Kingsland Road  
Lansdowne Road  
Leicester Street  
Lydian Close  
Morley Grove  
Mostyn Street  
Newhampton Road East  
Paget Street

Park Avenue  
Rugby Street  
Sherwood Street  
Staveley Road

**Charges for permits**

Residents permit	-	free
Visitor permit	-	free
Special permit	-	free
Business permit	-	free

**Replacement of lost or damaged permits - £10.00**

**Dated:** 30 January 2007

THE COMMON SEAL of WOLVERHAMPTON  
CITY COUNCIL was hereunto affixed in the  
presence of:-

*Barbara B Stephens*

**Authorised Officer**

