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**THE WOLVERHAMPTON CITY COUNCIL (LONDON PLACE)**  
**(STREET PARKING PLACES) ORDER 2007**

Wolverhampton City Council in exercise of its powers under sections 1, 2, 4, 32, 35 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 12<sup>th</sup> day of November 2007 and may be cited as the Wolverhampton City Council (London Place) (Street Parking Places) Order 2007

Interpretation

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

“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;

“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;

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“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;

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

“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;

“pay and display ticket machine” means an apparatus of a type approved by the Secretary of State for issuing a ticket indicating the payment of a charge, the date

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on which the ticket is valid and the time by which the vehicle is required to leave the parking place;

“pay and display ticket” means a ticket issued by a pay and display ticket machine relevant to the parking place in which a vehicle has been left;

“permitted hours” means the periods specified for each parking place during which waiting by vehicles of a specific class is permitted;

“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;
- (b) a 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; and
- (c) a pay and display parking ticket 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 ticket is clearly legible from outside the vehicle;

3. 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

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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.

## **SECTION 2 – PARKING PLACES**

### **Pay and display parking places**

#### Designation of pay and display parking places

5. The parts of roads identified as such in the Schedule are hereby designated to be used subject to the following provisions of this Order as pay and display parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified
6. No person shall cause or permit any vehicle to wait in a pay and display parking place during the permitted hours unless it is of the specified class and there is displayed on that vehicle in the relevant position a pay and display ticket valid for that time and for that parking place.

#### Waiver Certificate

7. 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
8. 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

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Classes of vehicles for which parking places are designated

9. Subject to the provisions of this Order, parking places may be used during the permitted hours for the leaving of passenger vehicles, goods carrying vehicles, motor cycles, disabled persons' vehicles and invalid carriages.

Maximum period of waiting

10. Save as provided in Articles 22 and 23, no person shall cause or permit any vehicle to remain in a pay and display parking place for longer than the maximum period specified for that parking place in the Schedule.
11. Save as provided in Articles 22 and 23, no person shall cause or permit any vehicle which has been taken away from a parking place during the permitted hours, to be left again in a pay and display parking place in the same road during the permitted hours as specified in the Schedule.

Ticket machines to be installed at pay and display parking places

12. The Council will –
- (a) install in such positions at or in the vicinity of a parking place as it may think fit such pay and display ticket machines as are required by this Order for the purposes of that parking place; and
  - (b) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place.

Payment

13. The driver of a vehicle using a parking place shall, upon leaving the vehicle in the pay and display parking place, and on payment of a charge, purchase a pay and display ticket at the level of charge and for the period required.

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#### Means of payment

14. The charge referred to in the preceding Article 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 pay and display ticket machine relative to the pay and display parking place in which the vehicle has been left.

#### Display of ticket

15. The driver of the vehicle shall
- (i) display the pay and display ticket issued on payment of the charge in the relevant position on the vehicle in respect of which it was issued, and
  - (ii) ensure that a pay and display ticket is purchased and displayed to cover the entire period that the vehicle is parked in the parking place.

#### Validity of Pay and Display Tickets

16. A pay and display ticket is not transferable from one vehicle to another.
17. A pay and display ticket is valid only in the parking zone in respect of which it was issued. This is defined by the identification on the parking ticket machine located in respect of that parking zone and the information printed on the pay and display ticket.

#### Expiry of parking period

18. The expiry of the period for which the charge has been paid shall be when the time shown on the clock of the issuing ticket machine is later than the time exhibited on the pay and display ticket displayed on the vehicle.

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#### No ticket displayed

19. If at any time while a vehicle is left in a parking place no pay and display ticket is displayed on that vehicle in the relevant position, it shall be judged that the charge has not been paid.
20. If at the time when a vehicle is left during the permitted hours 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, then a pay and display ticket shall be obtained from another parking ticket machine relative to that parking zone (where provided).

#### Restriction on removal of tickets

21. Where a ticket has been attached to a vehicle in accordance with the provisions of Article 15 no person, not being the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver.

#### Exemptions from payment

22. If at the time when a vehicle is left during the permitted hours in a pay and display parking place there is on all the ticket machines relative to that parking place a notice placed by any person duly authorised by the Council indicating that the said ticket machine is out of order, that vehicle shall be exempt from payment of the charge provided that it is removed within the maximum period of waiting specified for that parking place on street.
23. Any vehicle displaying in the relevant position a valid disabled persons badge or waiver certificate shall be exempt from payment of the parking charge provided that the vehicle is being used in accordance with the conditions applying to the said badge or certificate.

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#### Manner of standing in a parking place

24. Every vehicle left in a pay and display parking place in accordance with the foregoing 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

25. 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

26. Where a parking attendant / civil enforcement officer is of the opinion that any of the provisions contained in 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.



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Movement of a vehicle in a parking place in an emergency

27. 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.

Suspension of use of a parking place

28. (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 depository, 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.

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- (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.
29. 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.
30. Nothing in the preceding Article shall render it a contravention to cause or permit a vehicle to be left in a parking place which has been suspended, 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

31. 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

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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

32. (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

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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 parking attendant / civil enforcement officer or police officer in uniform 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 1984.

#### Placing of traffic signs etc.

33. 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 3 - CONTRAVENTION OF ORDER**

#### Contravention

- 34. 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.

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### Penalty charge notice

35. 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

36. 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

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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.

37. 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.
38. 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.
39. 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

40. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 35 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

#### Restriction on removal of notices

41. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 35 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.

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### Immobilisation

42. 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

### Removal of vehicle

43. Where a parking attendant / civil enforcement officer has removed or caused to be removed a vehicle in accordance with Articles 26, 27 or 34,
- (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.
44. Nothing in Articles 26, 27, 34 or 42 shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.
45. 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 1984 Act or by or under any other enactment.

## SCHEDULE

### ZONE 1

Charging Hours Monday to Saturday 8.30am to 6.00pm

Maximum Stay 2 Hours in any one day no return to the same parking place within 1 hour

#### Location of Parking Place

London Place

the east side

- (i) from a point 10 metres north of its junction with Pitt Street northward for a distance of 10 metres
- (ii) from a point 25 metres north of its junction with Pitt Street northwards for a distance of 30 metres

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

*Sarah J. Stephens*

Authorised Officer

Dated: *6 November 2007*

