

THE WOLVERHAMPTON CITY COUNCIL (OFF-STREET PARKING PLACES)

ORDER NO 2 2009

Wolverhampton City Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 1, 2, 32, 33, 35 and 35A(1) of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the 1984 Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984, hereby makes the following Order:

PART I – GENERAL

Title and Date of Operation

1. This Order shall come into operation on *24 January 2011* and may be cited as The Wolverhampton City Council (Off-Street Parking Places) Order No 2 2009.
2. The Wolverhampton City Council (Off-Street Parking Places) Order No 2 2009 includes Plans (the "Plans") incorporated in the Wolverhampton City Council (Off-Street Parking Places) Order No 2 2009 Plan Supplements ("the Plan Supplement")

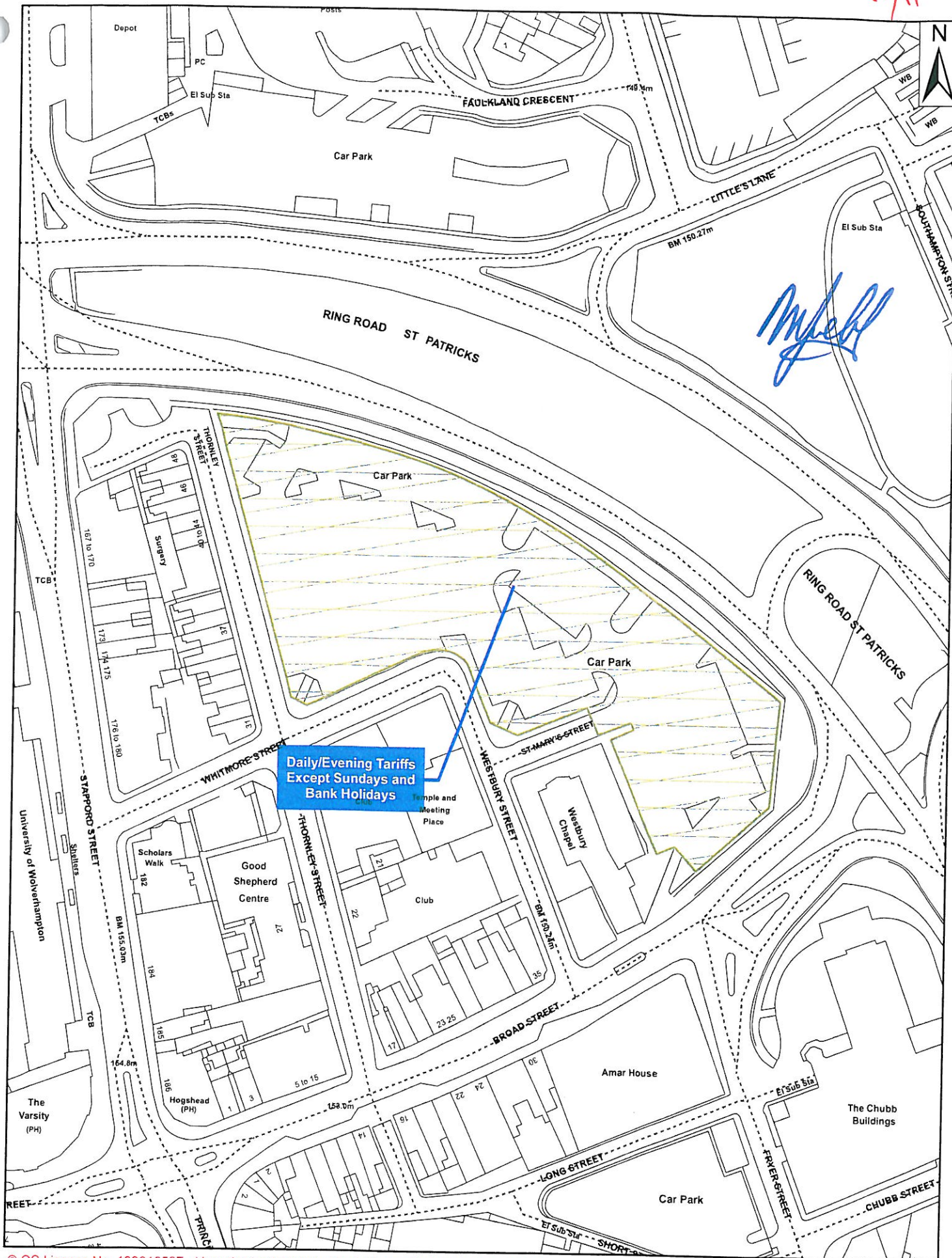
General Definitions

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

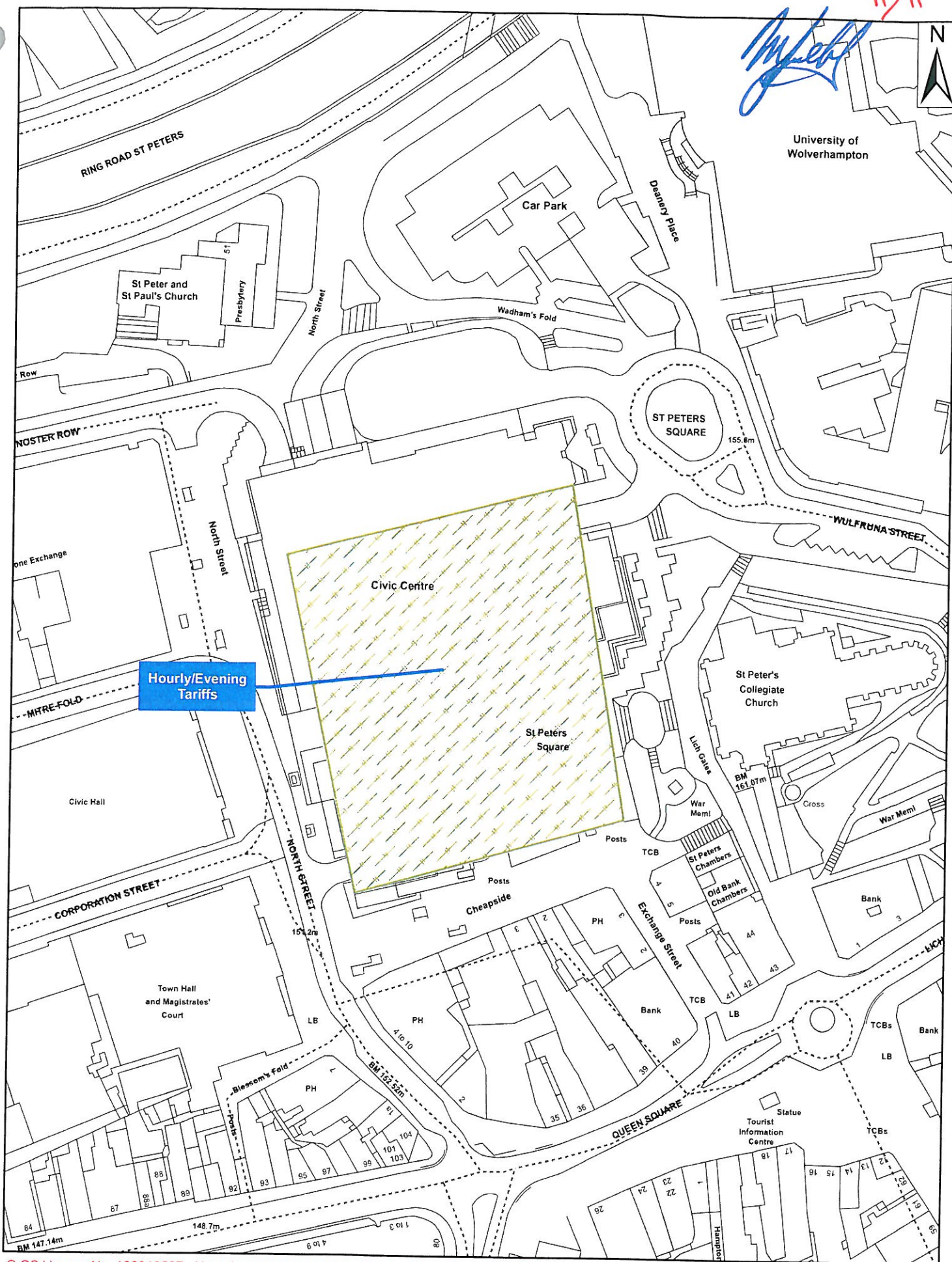
"Charge Certificate" means the charge certificate issued in accordance with Paragraph 6 of Schedule 6 to the 1991 Act;

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council to carry out any duties in relation to the parking place listed in Schedule 1 to this Order;

"coach" means a vehicle defined under Section 1 of the Public Passenger Vehicle Act 1981



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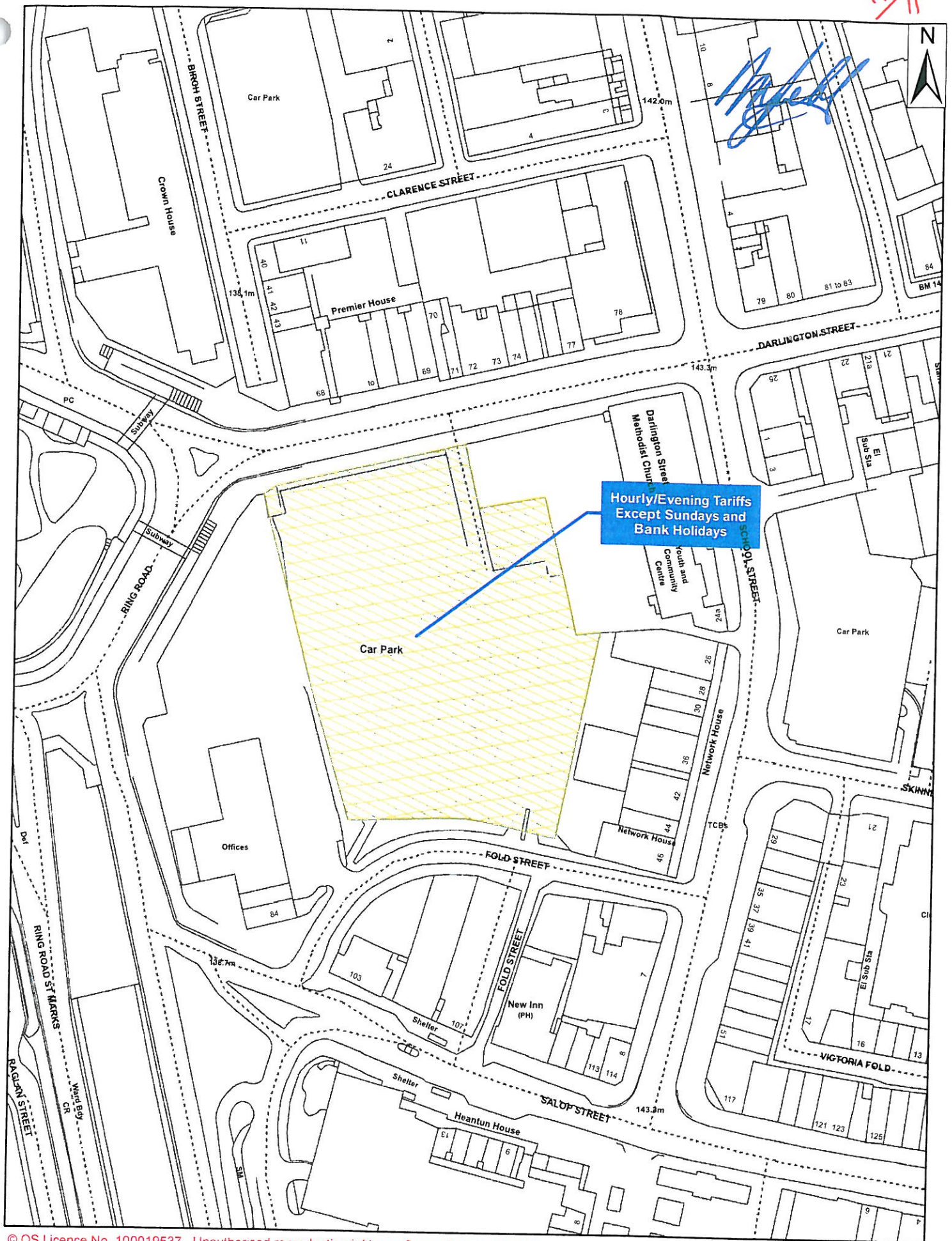
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Wolverhampton
City Council

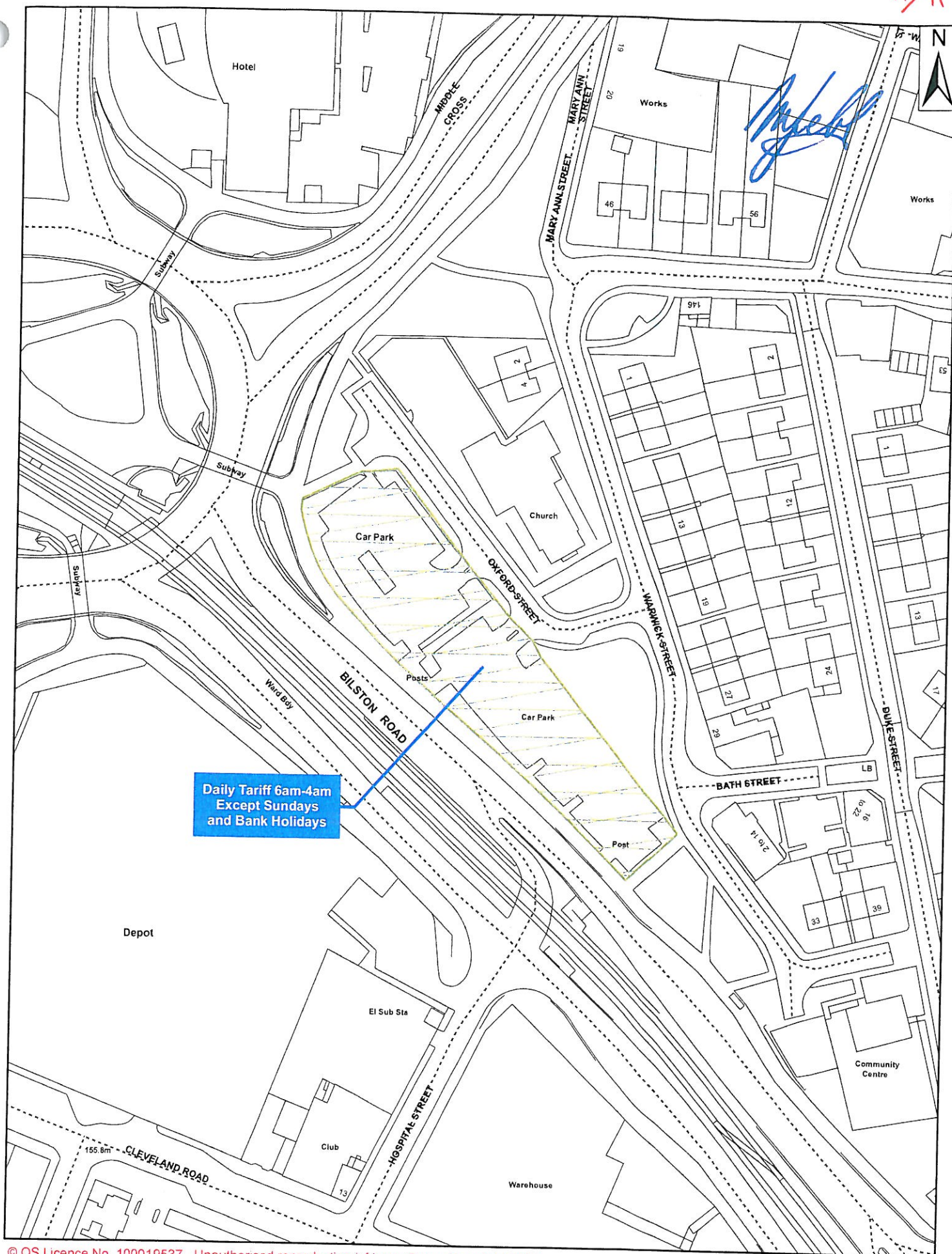


The Wolverhampton City Council
(Off-Street Parking Places) Order No.2 2009
Civic Centre Car Park

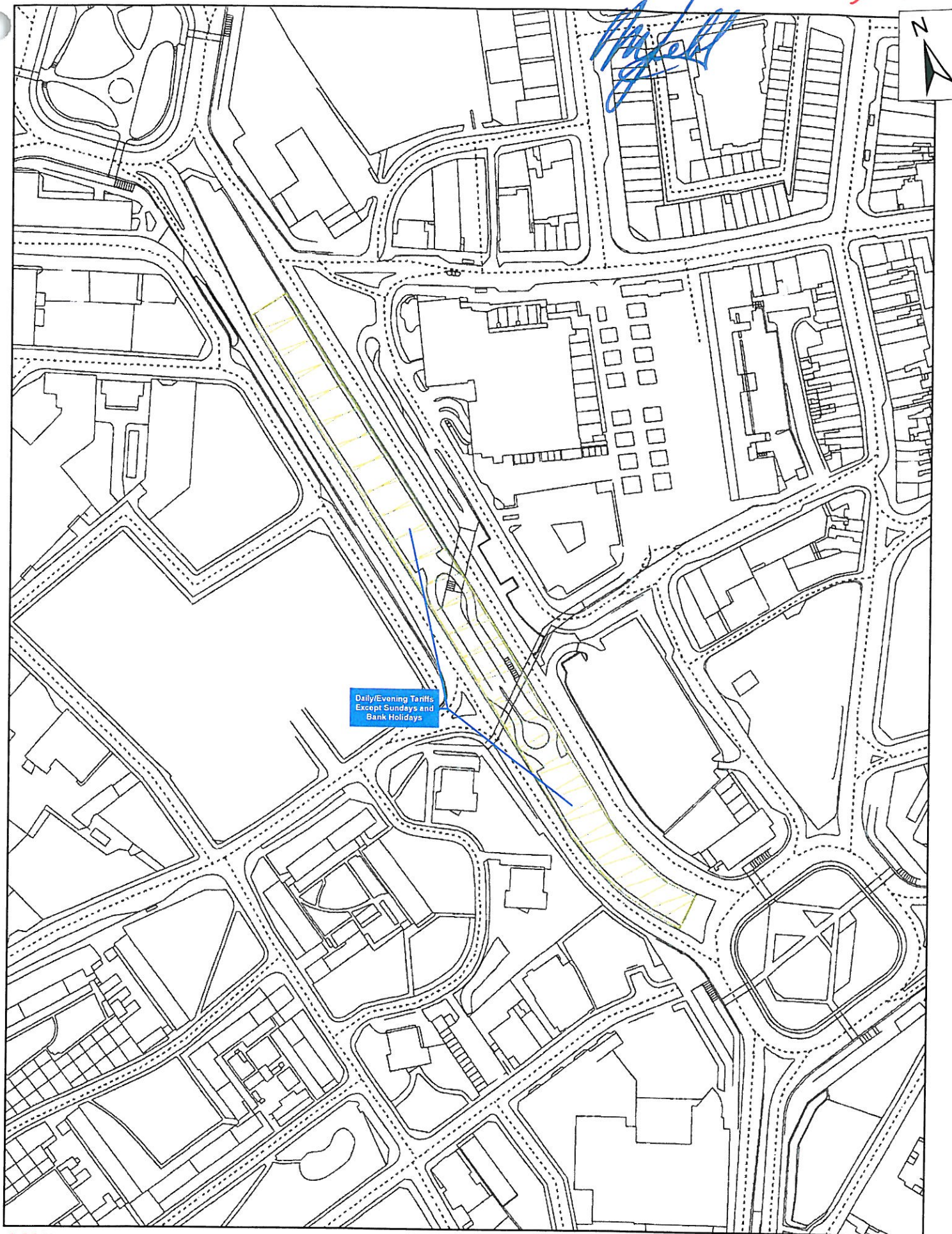
Transportation Network Management
Heantun House
Salop Street
Wolverhampton
WV3 0SQ



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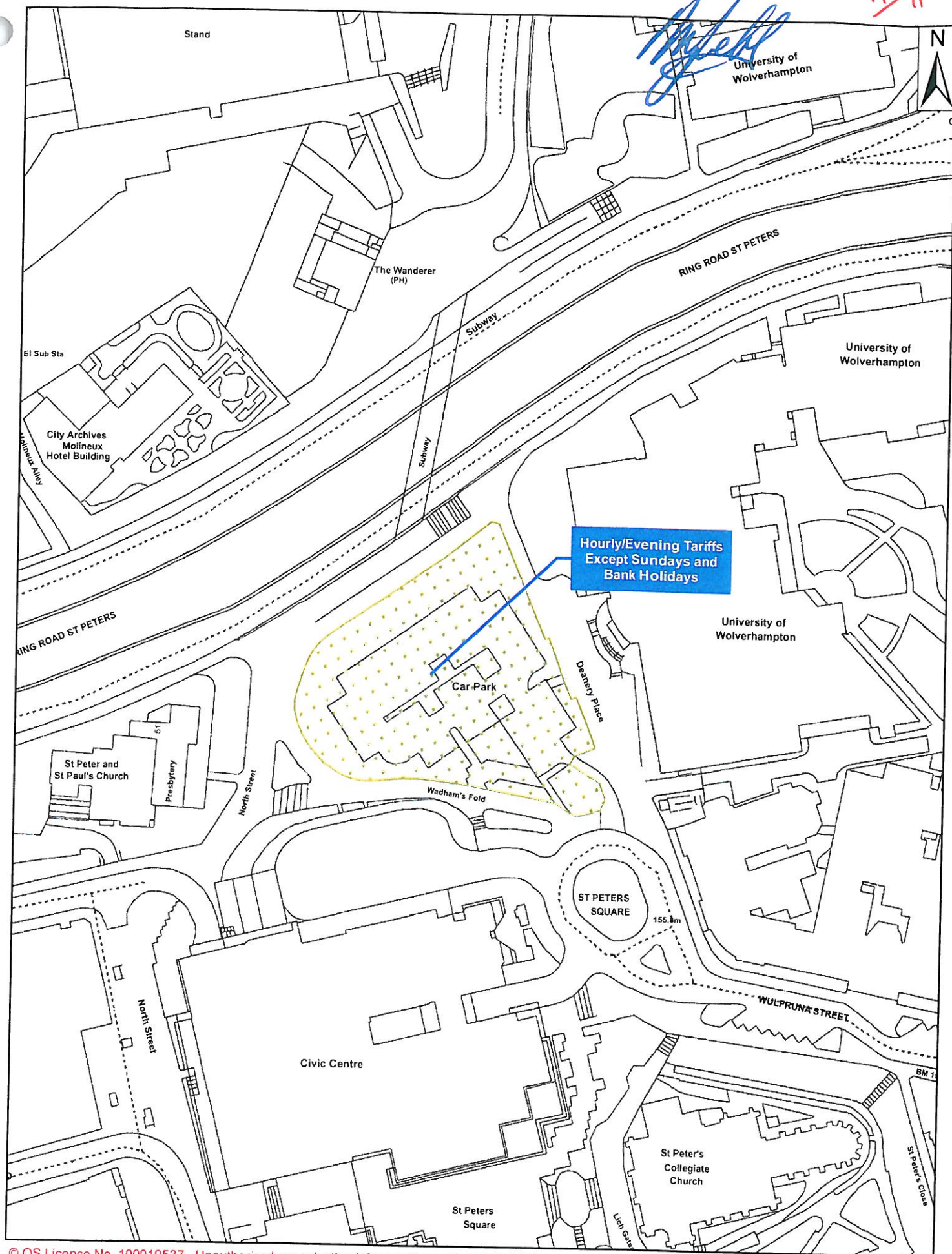


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“disabled person’s badge” has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) Regulations 2000

“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

“parking disc” means a disc, issued by a Local Authority in accordance with Article 8(5) of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

“parking place” means the locations specified by name in Schedule 1 to this Order;

“parking space” means an area of a parking place used for parking a single vehicle;

“Penalty Charge” means the charge referred to in Section 66 of the 1991 Act;

“Permitted hours” means

(a)	Broad Street	6:00 am until 4:00 am Monday to Saturday
(b)	Civic Centre	6:00 am until 11:00 pm Monday to Sunday
(c)	Faulkland Street	6:00 am until 6:00 am Monday to Saturday
(d)	Fold Street	6:00 am to 4:00 am Monday to Saturday
(e)	Oxford Street	6:00 am until 4:00 am Monday to Saturday
(f)	Peel Street	6:00 am until 4:00 am Monday to Saturday
(g)	St Peter’s	6:00 pm until 4:00 am Monday to Friday 7:00 am until 4:00 am Saturday

“registered keeper” means the person who at the time of any contravention or non-compliance with this Order was the person in whose name the vehicle was registered under the Vehicle (Excise) Act 1971;

“the 1991 Act” means the Road Traffic Act 1991, as modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (City of Wolverhampton) Order 2006 (2006 No 3420).

For the purpose of this Order a vehicle shall be regarded as displaying -

- (a) a disabled person's badge in the relevant position if the badge is displayed in accordance with Part III of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000
- (b) a parking disc in the relevant position, when the disc is exhibited thereon with the side which shows the time facing forwards or outwards and immediately behind the windscreen or side window

PART II – USE OF PARKING PLACES

Use of Parking Places

- 4. The areas of land specified by name in Schedule 1 to this Order may be used, subject to the following provisions of this Order, as parking places.
- 5. Every vehicle parked in the said parking places:-
 - (1) where parking spaces are defined by markings on the ground or otherwise, shall be parked wholly within a marked bay and nowhere else within the parking place;
 - (2) where parking spaces are not defined by markings, shall be parked in a position so as not to cause an obstruction or as may reasonably be required by a Civil Enforcement Officer on duty at the parking place;
 - (3) where parking spaces are marked as being reserved for a special class of vehicle (e.g. disabled persons vehicles) shall not be parked in any parking space unless the vehicle is of that class;

- (4) whether parking spaces are defined by marking or not, shall not be parked in any location likely to cause an obstruction to other vehicles entering, leaving or manoeuvring around the parking place;
6. There shall be a ticket machine on or in the vicinity of each parking place
7. In relation to parking places specified in Schedule 1 Nos. 2 to 7:
 - (1) payment of the charge for a vehicle left in a parking place shall be indicated by the issue from the ticket machine relating to the parking space in which the vehicle is left on a numbered ticket indicating that charge and by exhibition of that ticket on the vehicle in the manner specified in Article 8(3)
 - (2) the expiry of the period for which the charge has been paid shall be indicated when there is exhibited on the vehicle a ticket issued by the ticket machine showing the day of payment of the charge together with an expiry time and the time shown on the clock on the said ticket machine is indicating a time later than the expiry time
8.
 - (1) the charge for a vehicle left in a parking place, during the permitted hours shall, subject as hereinafter provided, where applicable, be as specified in Schedule 2 hereto
 - (2) the charge shall be payable on the leaving of the vehicle in the parking place by the insertion in the ticket machine relating to the parking space in which the vehicle is left coins up to the value of the relevant period of parking in the parking space
 - (3) upon payment of the charge for the vehicle the driver thereof shall exhibit on the vehicle in accordance with the provisions of paragraphs (3) and (4) of this Article a ticket issued by the ticket machine relating to the parking space in which the vehicle is left
 - (4) The ticket referred to in paragraph (3) of this Article shall be exhibited on the vehicle:-

- (a) In the case of a two-wheeled motorcycle having a sidecar attached thereto in a conspicuous position on the near side of the vehicle in front of the driving seat; and
 - (b) in the case of any other vehicle:-
 - (i) where the vehicle is fitted with a front glass windscreen extending across the vehicle to the near side facing forwards on the near side of the glass of such windscreen behind the glass;
 - (ii) where the vehicle is not fitted with a front glass windscreen as specified in (i) above on the near side of the vehicle facing towards the near side of the road and not less than 0.75 metres and not more than 2 metres above the surface of the carriageway in the immediate vicinity
- (5) The ticket referred to in paragraph (3) of this Article shall be so exhibited on the vehicle that the time shown on the front of the said ticket is clearly visible to a person standing at the near side of the vehicle

9. The charge for vehicles parking at any parking place referred to in Article 7 hereto outside the permitted hours shall be as specified in Schedule 3
10. If while a vehicle is left in any parking place referred to in Article 7 at any time except Sundays or Bank Holidays no ticket is exhibited on that vehicle in accordance with the provisions of paragraph (3) of the last preceding Article it shall be presumed unless the contrary is proved that the charge has not been duly paid

Powers of the Council to close the Parking Place

11. Nothing in Article 5 of this Order shall restrict the power of the Council to close any of the parking places either temporarily or permanently.

Powers of the Council to suspend the provisions of the Order

12. Without prejudice to the provisions of Article 5 of this Order, the Council shall be entitled to suspend any or all of the provisions of this Order on such occasions and for such periods as they shall think fit.
13. No person shall cause or permit any vehicle to use or park in the parking places if the vehicle exceeds a maximum height of 2.1m and maximum weight of 3 tons except for Coaches on Faulkland Street Coach Park.

Maximum length of stay for vehicles using the Parking Places

14. No person shall cause or permit any vehicle to stay in any of the parking places specified in Schedule 1 nos. 2 to 7 for any longer time than that specified on the ticket issued by the ticket machine and displayed in the vehicle in accordance with Article 8(3).

Restriction on Vehicles using the Parking Places

15. (1) The driver of a vehicle shall not permit the vehicle to wait in any of the parking places unless:-
 - (a) The vehicle is licensed in accordance with the provisions of the Vehicle (Excise) Act 1971;
 - (b) 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;
- (2) No person shall cause or permit any goods vehicle or trailer to be left in any of the parking places.

Restrictions on use of the Parking Places

16. (1) No person shall cause a vehicle while it is in a parking place;

- (i) to close any or all of the parking spaces either temporarily or permanently:
 - (a) for the erection of any tent, booth stand, building or other structure except with the written consent of the Council;
or
 - (b) for the purpose of storing, repairing, maintaining, loading or unloading any goods, materials, equipment or machinery or of carrying, storing, loading or unloading any explosive materials.
 - (ii) to be used in connection with the sale or offering or exposing for sale of goods
- (2) No person shall:
- (i) light a fire or direct or permit a fire to be lit; or
 - (ii) erect or direct or permit to be erected a tent or other temporary means of shelter;
- in the parking place

Notice of Penalty Charge incurred

17. In the case of a vehicle in respect of which a Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position a notice hereinafter referred to as a "PCN" which shall include the following particulars:-

- (1) The registration of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade licence and the number of the trade plates carried by the vehicle;
- (2) The date and time at which the PCN was completed by the Civil Enforcement Officer

- (3) A statement of the Penalty Charge that is required to be paid
- (4) The manner in which and the time within which the Penalty Charge should be paid; and
- (5) A statement that it is an offence under this Order for the registered keeper of a vehicle in respect of which a Penalty Charge has been incurred to fail to pay the Penalty Charge.

Restrictions of removal of a notice

18. Where the PCN has been attached to a vehicle in accordance with the provisions of Article 17 of this Order, no person shall remove the PCN from the vehicle until the vehicle is removed from the parking place except:
 - (1) For the purpose of ascertaining the purport of the PCN;
 - (2) Where the person is a Civil Enforcement Officer or some other person authorised by the Council;

Penalty Charge

19.
 - (1) On the issue of a PCN a Penalty Charge of £60.00 is payable immediately by the registered keeper of the vehicle in respect of which a PCN has been issued such sum discounted to £30.00 providing payment of the Penalty Charge is received within 14 days of the issue of the PCN.
 - (2) On the issue of a Charge Certificate the Penalty Charge shall be increased to £90.00 in accordance with the provisions of Paragraph 6 of Schedule 6 to the 1991 Act.
 - (3) Payment shall be made by telephone, on-line or by post on the telephone numbers, www address or postal address given on the PCN. All payments shall be payable to Wolverhampton City Council.

Registered keeper to be responsible for compliance with this Order

20. The person responsible for any contravention of, or non-compliance with, any of the provisions of this Order shall be the registered keeper of the vehicle at the time of the contravention or non-compliance notwithstanding that the person was not the driver of the vehicle at the time of the contravention or non-compliance.

Liability for Summary Conviction

21. In the event of any contravention of, or non-compliance with this Order, the person responsible shall be liable, on summary conviction by virtue of Section 35(A)(1) of the 1984 Act to a fine, and the Council may institute proceedings against such a person.

Provisions for Removal

22. (1) A person authorised by or on behalf of the Council for that purpose may remove any unattended vehicle or goods trailer or arrange for its removal from a parking place to a safe place;
- (2) The Council may dispose of any vehicle or trailer which has been removed under the provisions of this Article, providing that a minimum of 14 working days have elapsed from the date of removal;
- (3) Any person removing a vehicle in accordance with this Article shall:-
- (a) Do so by towing or driving the vehicle or in such other manner as may be considered necessary;
 - (b) Take such measures in relation to the vehicle as are considered necessary to enable it to be removed or its position altered as appropriate;
 - (c) Make such arrangements as may be necessary for the safe custody of the vehicle.

SCHEDULE 1

LOCATION OF OFF STREET PARKING PLACES

1. Civic Centre
2. Broad Street
3. Faulkland Street
4. Fold Street
5. Oxford Street
6. Peel Street
7. St Peter's

SCHEDULE 2

CHARGES AT OFF-STREET PARKING PLACES DURING PERMITTED HOURS

1. BROAD STREET

£4.50 all day until 5:30 pm

£2.50 for entry after 5:30 pm

2. FAULKLAND STREET

Cars	:	all day	£4.50
	:	entry between 5.30pm and 6.00am	£2.50
Coaches	:	Up to 4 hours	£5.00
	:	Over 4 hours	£8.00

3. FOLD STREET

(a)	Up to 1 hour	:	£0.80
(b)	Up to 2 hours	:	£1.50
(c)	Up to 3 hours	:	£2.30
(d)	Up to 4 hours	:	£3.80
(e)	Up to 5 hours	:	£5.50
(f)	Over 5 hours	:	£8.50

For entry between 5.30pm and 4.00am : £2.50

4. OXFORD STREET

£2.50 all day

5. PEEL STREET

Monday to Friday	:	£4.50 all day
	:	£2.50 for entry between 5.30pm and 4.00am

Saturday : £2.50 all day
: £2.50 for entry between 5.30pm and 4.00am

6. **ST PETER'S**

Monday to Friday : £2.50 for entry between 5.30pm and 4.00am

Saturday	Up to 2 hours:	£1.50
	Up to 3 hours:	£2.50
	Up to 4 hours:	£4.00
	Up to 5 hours:	£5.50
	Up to 6 hours:	£8.50
	Over 6 hours :	£10.00

£2.50 for entry between 6:00 pm and 4.00 am

SCHEDULE 3

**CHARGES AT OFF-STREET PARKING PLACES OUTSIDE
PERMITTED HOURS**

- | | | | |
|----|--------------------------------|---|--------------------------------|
| 1. | <u>BROAD STREET</u> |) | |
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| | |) | |
| | |) | |
| 2. | <u>FAULKLAND STREET</u> |) | |
| | |) | |
| | |) | |
| | |) | |
| 3. | <u>FOLD STREET</u> |) | |
| | |) | |
| | |) | Sundays and Bank Holidays Free |
| | |) | |
| | |) | |
| 4. | <u>OXFORD STREET</u> |) | |
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| 5. | <u>PEEL STREET</u> |) | |
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| | |) | |
| | |) | |
| 6. | <u>ST PETER'S</u> |) | |

THE COMMON SEAL of Wolverhampton
City Council was hereunto affixed in the
presence of:-

11/11



Authorised Officer



Dated 18 January 2011