

WORCESTER CITY COUNCIL
THE WORCESTER CITY COUNCIL (PARKING PLACES) (CROFT ROAD)
ORDER 2009

The Worcester City Council (hereinafter referred to as "the Council") in exercise of its powers under Section 35(1) of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and under the Traffic Management Act 2004 (as amended) ("the 2004 Act") and of all other enabling powers, with the consent of the Worcestershire County Council in accordance with Section 39(3) of the Act and after consulting with the Chief Officer of Police in accordance with paragraph 20 of Schedule 9 to the Act, hereby make the following Order:-

1. This Order shall come into operation on the 16th day of March 2009 and may be cited as "The Worcester City Council (Parking Places) (Croft Road) Order 2009".
2.
 - (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order
 - (2) Any reference in this Order to a Schedule is a reference to the Schedule annexed hereto
 - (3) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"charge certificate" means the statement that the penalty charge has been increased by the applicable surcharge in accordance with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

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2. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order
(2) Any reference in this Order to a Schedule is a reference to the Schedule annexed hereto
(3) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-
"charge certificate" means the statement that the penalty charge has been increased by the applicable surcharge in accordance with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"civil enforcement officer" means any officer of the Council who is authorised to supervise and control vehicles in parking places and enforce the provisions of this Order pursuant to Section 63A of the Act;

"disabled parking bay" means a parking bay within a parking place identified by surface markings and or other signage for the parking of vehicles displaying a valid disabled person's badge;

"disabled person's vehicle" means a vehicle lawfully displaying in the relevant position a valid disabled person's badge;

"driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

"large goods vehicle" means a mechanically propelled vehicle the unladen weight of which does not exceed 44,000 kilograms and which is less than 17 metres in height and which is less than 3 metres in width;

"motor car or light commercial vehicle" means a mechanically propelled vehicle the unladen weight of which does not exceed 2750 kilograms and which is less than 2.0 metres in height but does not include motor cycles with a side car attached;

"motor cycle bay" means any area of the parking place as defined in this Article which is provided for the leaving of a solo motor cycle and indicated by signs or any other structure whatsoever placed or erected in the parking place;

"motor vehicle or vehicle" means a motor car or light commercial vehicle or large goods vehicle or passenger carrying vehicle as defined in this Article and also any mechanically propelled vehicle intended or

adapted for use on roads, whether or not in a fit state for such use and includes any trailer intended or adapted for use as an attachment to such a vehicle, any chassis or body with or without wheels appearing to have formed part of such a vehicle or trailer and anything attached to such a vehicle or trailer;

"owner" has the same meaning as in Section 192(1) of the Road Traffic Act 1988 or Section 92 of the 2004 Act

"parking bay" means any area of the parking place as defined in this Article which is provided for the leaving of a motor vehicle of a class specified and indicated by markings on the surface of the parking place or signed or otherwise indicated by signs or any other structure whatsoever placed or erected in the parking place;

"parking place" means any area or areas of land specified by name in Column 1 of the Schedule and provided by the Council under Section 32(1) of the Act for use as a parking place;

"pass" shall mean a ticket issued by the Council on such terms and/or conditions as it shall decide permitting a driver to use a parking place free of charge;

"passenger carrying vehicle" means a motor vehicle constructed or adapted for the carriage of passengers and their effects with no more than 78 seats;

"penalty charge" means a charge as stated in Article 31 of this Order as amended from time to time in compliance with the provisions of Section 77 and Schedule 9 of the 2004 Act and payable in accordance with Regulation 4 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007

"PCN" means a penalty charge notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Section 78 of the 2004 Act and Regulation 8(1) the Civil Enforcement of Parking Contraventions (England) General Regulations 2007

"relevant position" means:-

- (a) in the case of a vehicle fitted with a front windscreen the badge pass or ticket as the case may be is exhibited thereon with the front side facing forwards immediately behind the windscreen so that the same is readable from the outside of the vehicle
- (b) in the case of a vehicle not fitted with a front windscreen the badge pass or ticket as the case may be is exhibited in a conspicuous and readable position on the vehicle

"trailer" means a vehicle drawn by a motor vehicle

3. The parking place specified in column 1 of the Schedule has the designated colour code green and may be used, subject to the following provisions of this Order, as a parking place for vehicles or classes of vehicles in such positions and on such days and for such hours as are specified in relation thereto in the Schedule.
4. The parking place has three designated parking bays for a disabled person's vehicle and a designated parking bay for motor cycles. The Council may at its own discretion alter the layout of the parking place by reducing or increasing the designated parking bays for disabled person's vehicles and motor cycles.
5. Where in the Schedule the parking place is described as available for vehicles of a specified class or in a specified position the driver of a vehicle shall not permit it to wait in the parking place ;-

- (a) unless it is of the specified class; or
 - (b) in a position other than that specified
6. The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in the Schedule in relation to that parking place
7. The driver of a motor vehicle using the parking place shall stop the engine as soon as the vehicle is in a position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place
8. No person shall without the written permission of the Council use any part of the parking place or any vehicle left in the parking place:-
- (1) for sleeping or camping purposes;
 - (2) for the purpose of servicing repairing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place;
 - (3) for preparing or cooking food or washing crockery cutlery clothing or any other articles or things whatsoever;
 - (4) for the purposes of carrying out himself, or permitting to be carried out by any other person any repairs to the vehicle unless authorised in writing so to do by any officer, and or servant of the Council authorised in that behalf;
 - (5) in connection with the sale or advertising for sale of the vehicle or of any other vehicle in connection with the selling or offering for hire of his skills or services;
 - (6) for the purpose of advertising or promoting any cause, event or other matter whatsoever or for the distribution of leaflets or other material

9. The right of passage within the parking place is available only to persons driving or being conveyed in motor vehicles and does not extend to pedestrians other than the drivers of vehicles or their passengers leaving or returning to their vehicles and no rights of way whatsoever over the parking place other than for the purpose of parking or removing vehicles shall be deemed to have been granted by the Council
10. No person shall drive a vehicle into or in the parking place unless:-
- (1) he or she is the holder of a licence authorising him or her to drive a motor vehicle of its class or description on a road, or
 - (2) he or she is the holder of a provisional driving licence and is accompanied in that vehicle by a person holding a licence of that type mentioned in (1) above
 - (3) he or she holds a valid MOT certificate where the vehicle is subject to requirements of a Ministry of Transport test in accordance with the provisions of the Road Traffic Act 1988
11. The driver of a vehicle shall not permit that vehicle to wait in the parking place unless the vehicle is licensed in accordance with the provisions of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of the Road Traffic Act 1988
12. No person in the parking place shall sound any horn or other similar instrument or use or permit to be used on any other motor vehicle or in connection with that motor vehicle any auxiliary motor or generator except when about to change position of a vehicle in or to depart from the parking place

13. No person shall except with the permission of any person duly authorised by the Council drive any vehicle in the parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place
14. No person shall in the parking place play football cricket or any other game or wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood
15. No person shall in the parking place use any threatening abusive or insulting language gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned
16. No person shall leave any trolley, basket on wheels or other similar receptacle designed for the carrying of merchandise in such a position in the parking place as to cause an obstruction nuisance or annoyance to other users of the parking place but shall ensure that trolleys, baskets on wheels or receptacles are returned to the premises of the owners of such trolleys, baskets on wheels or receptacles or to such collection points in the parking place as may be provided by the said owners or by the Council
17. Where in the parking place signs are erected or surface markings are laid for the purpose of:-
 - (a) indicating the entrance to or exit from the parking place, or
 - (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking placeno person shall drive or cause or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance or leaves the

parking place otherwise than by an exit, so indicated, or (ii) in a direction other than that specified, as the case may be

18. A person shall not drive a vehicle in the parking place at a speed exceeding ten miles per hour
19. No person shall use the parking place as a means of passage or of proceeding from one road to another road
20. The driver of a vehicle shall not permit it to wait in such part of the parking place as is marked by the lines studs or other indications so as to indicate its provision as a parking bay for:-
 - (1) a motor cycle unless the vehicle so permitted to wait is a motor cycle Without a side-car attached thereto;
 - (2) a disabled person's vehicle unless the vehicle so permitted to wait is a Vehicle which displays in the relevant position a Disabled Person's badge
21. No person shall permit any vehicle left in the parking place to be used in such a manner as to generate any excessive noise so as to cause a nuisance whether by fumes or otherwise to other lawful users of the parking place or residents living near to the parking place
22. In the parking place no person shall:-
 - (1) erect or cause or permit to be erected any tent booth standing building or other structure without the written consent of the Council;
 - (2) light or cause or permit to be lit any fire;
 - (3) soil or defile remove displace or damage any wall or fence in or enclosing the parking place or any building barrier post notice sign railing ticket machine or any other erection therein

- (4) throw down drop or otherwise deposit in the parking place any item or article of rubbish or waste material
23. If in any case owing to the presence of a vehicle in the parking place an accident occurs whereby personal injury is caused to a person other than the driver of that vehicle or damage is caused to a vehicle other than that vehicle or to any other property whatsoever (including the parking place) the driver of the vehicle shall stop and if required so to do by any officer agent or servant of the Council or any other person having reasonable grounds for so requiring give his or her name and address and also the name and address of the owner and the identification marks of the vehicle and details of his or her certificate of insurance
24. No person shall do anything to interfere with the use and enjoyment of the parking place by other users of the parking place
25. No person shall except with the permission of any person duly authorised by the Council drive any vehicle into the parking place where there is exhibited at the entrance to the parking place a notice indicating that the parking place is full
- 26.(1) The driver of a vehicle using the parking place shall immediately on the parking of the vehicle in the parking place pay the appropriate charge in accordance with the scale of charges specified in Column 7 of the Schedule
- Provided that no charge shall be payable in respect of:-
- (a) a vehicle left in the parking place if there is displayed on the vehicle in the relevant position a valid season ticket issued in respect of that vehicle in accordance with the provisions of Article 28

- (b) a vehicle left in the parking place if there is displayed on the vehicle in the relevant position a pass
- (c) a vehicle left in the parking place if there is displayed on the vehicle in the relevant position a valid disabled users badge issued by any local authority parked in a bay reserved for that purpose. If the reserved bays are occupied disabled badge users may use other parking bays
- (d) a motor cycle left in a motor cycle bay

26. (2) The charge referred to in the last preceding paragraph shall be payable by the insertion of an appropriate coin or coins into the apparatus or device situated on the parking place such apparatus or device having been specially or generally approved by the Secretary of State for such purpose

26. (3) The driver of the vehicle shall attach any ticket issued on payment of the charge referred to in paragraph (1) of this Article in the relevant position on the vehicle in respect of which it was issued and shall ensure that the whole of the front of the ticket is clearly visible

26. (4) The driver of the vehicle shall ensure that a ticket or tickets are purchased and displayed as described in the preceding paragraphs to cover the entire period that the vehicle is parked in the parking place

27. The following vehicles left in the parking place namely:-

- (a) an invalid carriage as defined in Section 136(5) of the Act
- (b) a vehicle issued to a disabled person in lieu of an invalid carriage
- (c) any vehicle so left if there is displayed on the vehicle in the relevant position a badge issued by any local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles)

(England) Regulations 2000, or any subsequent regulations amending or re-enacting the same and

(i) the vehicle is one in respect of which the badge has been issued and

(ii) at the time the vehicle was left in the parking place it was being driven or used by the persons or institution to whom the badge was issued

and

(iii) any period shown on the badge as being the period in respect of which it was issued is still subsisting

may park without payment in the parking place to which this order applies for up to three hours and thereafter the driver shall pay a parking charge

28.(1) The Council may permit the owner of a vehicle being a motor car or light commercial vehicle to purchase a season ticket for a specified period in respect of the use of that vehicle of the parking place

28.(2) If the owner of a vehicle wishes to avail himself of the season ticket facility where available he shall pay the appropriate fee fixed by the Council and shall abide by the terms stipulated by the Council for the use of the season ticket

29. (1) Any person duly authorised by the Council may suspend the use of the parking place or any part thereof whenever he considers 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 in or adjacent to the parking place or the maintenance improvement or

reconstruction of the parking place the laying erection alteration
removal or repair in or adjacent to the parking place of any sewer or
of any main pipe or apparatus for the supply of gas water or electricity
or of any telegraphic line or traffic sign

- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or such premises from a depository
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed
 - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions
 - (f) to enable the parking place to be used for or in connection with civic ceremonies or for road safety religious charitable sporting or educational purposes
 - (g) for the purposes of holding thereon a pleasure fair
 - (h) in an emergency
 - (i) for any other purpose which the Council thinks fit
- (2) A police constable in uniform may suspend for not longer than twenty four hours the use of the parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety
- (3) Any person suspending the use of the parking place or of any part thereof in accordance with the foregoing provisions of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or that part thereof a notice or traffic sign indicating that the

use of the parking place or part thereof is suspended and that waiting by vehicles is prohibited

(4) The Council at its discretion may suspend the use of any part of the parking place and thereafter may designate that such part of the parking place to be reserved for the parking of vehicles being used by or engaged in the operations of the Council the County Council the Police the Post Office any voluntary or other organisation or any statutory undertaking and any part of the parking place so designated shall be marked so as to identify that it is reserved for vehicles engaged in such operations

(5) No person shall cause or permit a vehicle to be left

(a) in the parking place or any part thereof during such periods that the use of the parking place or part thereof is suspended or during such period as there is in or adjacent thereto a notice or traffic sign placed in pursuance of paragraph (3) of this Article

(b) in any part of the parking place marked as being designated by the Council in pursuance of paragraph (4) of this Article for the parking of vehicles engaged in the operations of the Council the County Council the Police the Post Office or any statutory undertaking

30. (1) If a vehicle is left in the parking place in contravention of or in non-compliance with this Order a penalty charge shall be payable by the owner for each day of the said contravention or non-compliance

(2) The penalty charge shall be in the sum of the following amounts:-

(a) parked in a restricted area in the car park £70

(b) parked after the expiry of time paid for £50

- (c) parked in the car park without clearly displaying a valid pay and display ticket £50
 - (d) parked in a permit bay without clearly displaying a valid permit £70
 - (e) parked beyond the bay markings £50
 - (f) parked in a disabled person's parking space without clearly displaying a valid disabled persons badge £70
 - (g) parked in an area not designated for that class of vehicle £70
 - (h) parked causing obstruction £70
 - (i) parked in a car park when closed £50
- (3) A discount of 50% will apply to the penalty charge on the issue of a PCN, if payment is received by the Council within 14 days of the date of issue
- (4) On the issue of a charge certificate in accordance with the provisions of regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, the penalty charge shall be increased by 50 per cent.
- (5) Where a penalty charge has been incurred a Civil Enforcement Officer may attach to the vehicle in a conspicuous position a PCN which shall comply with the requirements of Regulation 9 and the Schedule of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007
- (6) Where a Civil Enforcement Officer is prevented from issuing a PCN or the driver drives off before the PCN can be issued a PCN shall be issued by post and shall comply with the requirements of the

Regulation and the schedule of the Civil Enforcement of Parking
Contraventions (England) General Regulations 2007

- (7) Subject to Article 26 nothing in this Article 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 in the parking place referred to in the Schedule
- (8) Payment of the penalty charge to the Council shall either be by electronic transfer cheque postal order credit or debit card or by cash in person which shall be delivered or sent by post so as to reach the relevant Department/Office of the Council as stated on the PCN not later than 4.30 p.m. by the date specified on the PCN but should the said Council Department/Office be closed on the date specified, the period for receiving payment may be extended until 4.30 p.m. on the next full working day
- (9) The particulars given in the PCN attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge
31. When a PCN has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the owner or driver or a person authorised by the owner or driver in that behalf shall remove the PCN from the vehicle
32. (1) Subject to the proviso hereto when a vehicle is left in the parking place in contravention of any of the provisions of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from the parking place PROVIDED that when a vehicle is waiting in the parking place in contravention of the

provision of Article 5(b) a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision

(2) Any person removing or altering the position of a vehicle by virtue of the last preceding paragraph may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or to alter its position as the case may be

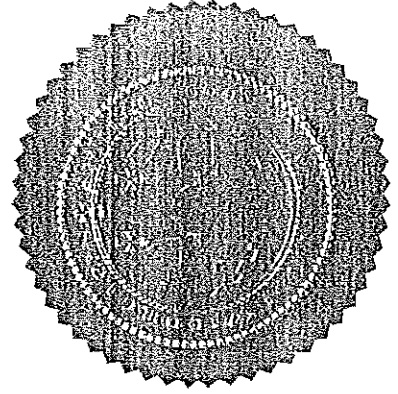
(3) When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking place in accordance with the provisions of the preceding paragraphs he shall make such arrangements as may be reasonably necessary for its safe custody

33. Any person duly authorised by the Council may move or cause to be moved in case of emergency to any place he thinks fit any vehicle left in the parking place

SCHEDULE

Name of parking place in City of Worcester (1)	Position in which vehicles may wait (2)	Classes of vehicles (3)	Days of operation of parking place (4)	Hours of operation of parking places (5)	Maximum period for which vehicles may wait (6)	Scale of Charges Monday - Sunday 0700 - 2100 hours (7)						
						Up to 1hr	Up to 2 hrs	Up to 3 hrs	Up to 4 hrs	Up to 6 hrs	Up to 24 hrs	
Croft Road	Between such lines (if any) as are marked on the surface of the parking place to indicate each parking bay	Motor car, light commercial vehicle or motor cycle, large goods vehicle, passenger carrying vehicle, trailer	Monday to Sunday inclusive	07.00 hours to 21.00 hours	A period not exceeding twenty three hours in every period of twenty four hours	60	120	180	240	300	350	
						Coaches 500 per 12 hours						

THE COMMON SEAL of WORCESTER)
)
CITY COUNCIL was hereunto affixed)
)
this 6th day of March 2009)
)
in the presence of:)



D. Porter

Legal and Democratic Services Manager

DATED 6th March 2009

WORCESTER CITY COUNCIL

THE WORCESTER CITY COUNCIL
(OFF-STREET PARKING PLACES)
(CROFT ROAD) ORDER 2009

Doreen Porter
Legal and Democratic Services Manager
Orchard House Complex
Worcester
WR1 3BB