WORCESTERSHIRE COUNTY COUNCIL

(WYRE FOREST DISTRICT – STOURPORT area)
(PERMITTED PARKING AREA AND SPECIAL PARKING AREA)

(WAITING RESTRICTIONS AND STREET PARKING PLACES)
CONSOLIDATION ORDER 2007

Worcestershire County Council (hereinafter referred to as "the Council") in exercise of the powers conferred by Sections 1(1), 2(1) to (3), 4(2), 19, 32, 35, 45, 46, 47 and 124 of 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 and of all other powers them enabling and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 and with the Road Traffic Act 1991, hereby make the following Order:-

PART I
CITATION AND INTERPRETATION

1. This Order shall come into operation on the 8 October 2007 and may be cited as the Worcestershire County Council (Wyre Forest District – Stourport area) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions and Street Parking Places) Consolidation Order 2007.

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

"ambulance" has the same meaning as in the Vehicle Excise and Registration Act 1994;

"authorised agent" means the parking services contractor appointed by or duly authorised to act on behalf of the Council for the purposes of the supervision and enforcement of this Order;

"authorised officer" means the Director of Environmental Services for the Council or any other officer of the Council or Wyre Forest District Council (to whom the Council has delegated all relevant powers) to be designated by the Council;

"authorised parking place" means any parking place on a road authorised or designated by this Order;

"bus" has the same meaning as in Regulation 22 of the 2002 Regulations;

"bus stop" means any area of carriageway, intended for the waiting by buses, which is comprised within and indicated by road markings complying with diagram 1025.1 and incorporating the words "Bus Stop" in Schedule 6 and a sign complying with diagram 975 in Schedule 5 to the 2002 Regulations;

"bus stop clearway" means any area of carriageway intended for the waiting by buses, which is comprised within and indicated by road markings complying with diagram 1025.1 in Schedule 6 and a sign complying with diagram 974 in Schedule 5 to the 2002 Regulations;

"business permit" means a permit issued to a business occupying premises, the postal address of which is in a road or part of a road identified in the plans attached to this Order and issued under the provisions of Article 35;

"business permit holder" means a person to whom a business permit was issued under the provisions of Article 35;

"carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

"delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"disabled person's badge", and "parking disc" have the same meanings as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"doctor" means a 'fully registered person' as defined in section 55 of the Medical Act 1983;

"driver", in relation to a vehicle waiting in a parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

"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 and 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;

"goods" means goods or burden of any description and includes postal packets of any description;

"goods vehicle" means a motor vehicle which is specially constructed or adapted for the carraige of goods or burden of any description or a trailer so constructed or adapted but doea not include a hatchback motor car;

"hackney carriage" means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847, Section 6 of the Metropolitan Carriages Act 1869, or any similar enactment;

"hackney stand" means an area of carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 to the 2002 Regulations;

"immobilisation device" has the same meaning as in Section 104(9) of the Act of 1984;

"loading" means the loading or unloading of goods to or from a vehicle;

"motorcycle" and "invalid carriage" have the same meanings as in Section 136 of the Act of 1984;

"owner", in relation to a vehicle means a resident who is named in the vehicle registration document as the registered keeper of a goods or passenger vehicle or who has the use of such a vehicle in the course of his employment and who is entitled to use such a vehicle as though he were the registered keeper thereof;

"parking attendant" means a person authorised by or on behalf of the Council to supervise and carry out enforcement in respect of any parking area to which the provisions of either Part III of Part IV (as the case may be) of this Order apply;

"parking place" means a road or length of road which is provided for the leaving of vehicles;

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) not exceeding 5.30 metres in length and 2.25 metres in height and constructed or adapted for the carriage of passengers and their effects;

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of section 66 of the Road Traffic Act 1991 and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice;

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provisions of section 66 of the Road Traffic Act 1991;

"permit" means a permit issued under the provisions of Articles 35, 36, 39 and 40;

"permit holder" means a person to whom a permit has been issued;

"permitted hours" means the hours identified on the plans attached to this Order;

"relevant position" in respect of: -

(a) a disabled person's badge, parking permit or ticket issued pursuant to Article 33 of this Order, means
   (i) in the case of a vehicle fitted with a front windscreen, that the badge or permit is exhibited thereon with the front facing forward on the nearside of and immediately behind the windscreen; or
   (ii) the case of a vehicle not fitted with a front windscreen, that the badge or permit is exhibited on the front or nearside of the vehicle;

(b) a disabled person's parking disc, means that the side showing the time is facing forward or outward and immediately behind the windscreen or side window nearest to the kerb;

"resident" means a person whose usual place of abode is at premises the postal address of which is in a road or part of a road identified as a residents' parking zone on the plans attached

"specified position" a vehicle left in a parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand:-

(a) in the case of the parking place in relation to which special provisions as to the manner of standing of a vehicle in that place are specified in an item specified in a Schedule as to be in accordance with those provisions;

(b) in the case of any other parking place -
   (i) if the parking place is not in a one-way street, that the left or near-side of the vehicle is adjacent to the left-hand edge of the carriageway;
   (ii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres;

(c) so that every part of a vehicle is within the limits of a parking place;

(d) that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

"specified hours" means the hours identified for parking or unloading places on the plans attached to this Order;

"telecommunication system" has the same meaning as in the Telecommunications Act 1984;

"The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002;

"Town of Stourport" in relation to this Order means that part of the Wyre Forest District as designated by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Worcestershire) (Wyre Forest District) Order 2007 which comprises the area administered by the Town Council of Stourport;

"traffic sign" means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act of 1984.

3. (a) Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order;

(b) insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act of 1984 and existing at the time when this Order comes into operation and which imposes a restriction or prohibition on waiting by vehicles other than buses in a bus stop clearway or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

4. The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.

5. Save where the contrary is indicated, any reference in this Order to:-

(a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;

(b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted

PART II
PROHIBITION AND RESTRICTION OF WAITING

6. Save as provided in Articles 7 to 12 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform, traffic warden or a parking attendant, cause or permit any vehicle to wait on the roads or sides of the roads identified and for the periods identified (or, in the case of a road or side of road where limited waiting is permitted, otherwise than during the period identified) on the plans attached to this Order.

7. Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle to wait

so long as it may be necessary for the purpose of enabling goods to be loaded on or unloaded from the vehicles on the roads identified and for the periods identified on the plans attached to this Order.

8. (1) Nothing in Article 6 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) a person to board or alight from the vehicle;

(b) 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, 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 telegraphic line;

(c) 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 of a water authority in pursuance of statutory powers or duties;

(d) the vehicle of a 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;

(e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths or sides of road; or

(f) to enable the vehicle to be used for fire brigade, ambulance or police purposes;

(g) 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 control

(2) Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle

(a) to wait upon an authorised parking place, or

(b) being a hackney carriage, to wait upon a hackney stand.

9. Nothing in Article 6 of this Order shall render it unlawful to cause or permit a 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 any of the roads, lengths of road or on any of the sides of road

identified on the plans attached to this Order 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 in respect of the roads identified in the plans attached to this Order when loading is permitted at all times or limited to certain times such period lies entirely within the period during which loading is permitted.

10. Nothing in Article 6 of this Order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person's badge to wait at the sides of the roads identified on the plans attached to this Order where limited waiting is permitted.

11. Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles other than a public service vehicle in a bus stop clearway area or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

12. Nothing in Article 6 to this Order shall render it unlawful for the driver of a public service vehicle to cause that vehicle to wait at a recognised timing point.

PART III
AUTHORISATION AND USE OF STREET PARKING PLACES

13. (1) The parts of the roads identified on the plans attached to this Order are authorised to be used, subject to the following provisions of this Order, as parking places for such classes of vehicles, in such positions and on such days and during such hours as identified on the plans attached to this Order.

(2) Nothing in paragraph (1) of this Article shall restrict the power of this Council, for preventing obstruction of the streets, by Order on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.

14. Save as provided in Article 23 and identified in the plans attached to this Order a 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 that parking place -

(a) unless it is of the specified class; or

(b) in a position other than that specified.

15. (1) Save as provided in Article 23 of this Order, 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 relation to that parking place and as identified on the plans attached to this Order.

(2) Save as provided in Article 23 of this Order, when a vehicle has left a parking place after waiting thereon the driver thereof shall not within the period specified in relation to that parking place and as identified on the plans attached to this Order after its leaving permit it to wait again upon that parking place.

16. A driver of a vehicle shall not use a parking place -

(a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any other persons, or so as to be a nuisance;

(b) when for preventing obstruction of the streets the Council shall by Order made on the occasion of any public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed have closed that parking place and exhibited notice of such closing on or near the parking place.

17. The driver of a motor vehicle using a 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.

18. Save as provided in Article 23 of this Order no person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.

a No person shall use any part of a parking place or any vehicle left in a parking place:-

(i) for sleeping, camping or cooking; or

(ii) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

b. The driver of a vehicle using a parking place shall not sound any horn or similar instrument except when about to change position of the vehicle in or to depart from the parking place.

19. The following vehicles left in a parking place shall be exempt from any limitation on time:-

(i) an invalid carriage;

(ii) a vehicle left by the driver thereof , being a vehicle which displays in the relevant positions a disabled person's badge and a parking disc.

20. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 14, 15 or 16 of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place. Provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 14(b) of this Order, 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.

21. Any person removing a vehicle or altering its position by virtue of the last preceding Article of this Order 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 alter its position as the case may be.

22. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 16 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

23. The provisions contained in Article 14, 15 and 18 of this Order and the restrictions imposed

by Article 6 of this Order shall not apply to any hackney carriage while waiting upon a hackney stand.

PART IV
STREET PARKING PLACES WITH CHARGES

24 (1) The parts of the roads identified on the plans attached to this Order as "Pay and Display bays" are authorised to be used subject to the following provisions of this Order, as parking places for such classes of vehicles, in such positions, on such days, during such hours and on payment of such charges as identified on the plans attached to this Order.

(2) Where on the plans attached to this Order a parking place is described as available for vehicles of a specified class or in a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place:-

(a) unless it is of the specified class; or

(b) in a position other than that specified.

25 (1) The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period for which payment has been made in accordance with Article 33 of this Order.

(2) When a vehicle has left a parking place after parking therein the driver thereof shall not within two hours after its leaving permit it to wait again upon that parking place.

26 The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of 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.

27 The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

28 (1) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.

(2) No person shall use any part of a parking place or any vehicle left in a parking place –

(a) for sleeping or camping or cooking; or

(b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

29 The driver of a vehicle using a parking place shall not sound any horn or similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

30 (1) If a vehicle is left in a parking place in a position other than in accordance with the

provisions of Article 24, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.

(2) For the purpose of meeting the requirements of any emergency, a person authorised in that behalf by the Council or a police officer in uniform may alter or cause to be altered the position of a vehicle a parking place or remove or arrange for the removal of a vehicle from a parking place.

(3) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraph (2) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

(4) Any person removing or arranging for the removal of a vehicle by virtue of paragraph (2) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

31 Where in a 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 place,

no person shall drive 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 so specified.

32 No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of the Order or for the purpose of departing from the parking place.

33 (1) The driver of a vehicle using the parking place shall immediately on the parking of the vehicle on the parking place pay the appropriate charge in accordance with the charges specified on the plans attached to this Order.

(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.

(3) The driver of the vehicle shall attach any ticket issued on payment of the charge referred to in paragraph (1) of the 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 visible.

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

(5) The following vehicles left in a 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) a vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation on time and from payment of any charge specified on the plans attached to this Order.

34 (1) Any person duly authorised by the Council may suspend the use of a 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 or 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 of 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 to 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 time of weddings or funerals or on other street 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 purpose of holding thereon a pleasure fair;
(h) for any other purpose which the Council thinks fit.

(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 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 a parking place or 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 of that thereof a notice or traffic sign indicating that the use of that parking place or that part thereof is suspended and that waiting by vehicles is prohibited.

(4) The Council at its discretion may suspend the use of any part of a parking place and thereafter may designate that part of such 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 a parking place or any part thereof during such periods that the use of that parking place or that part thereof is suspended or during such period as there is in or adjacent thereto a notice of traffic sign placed in pursuance of paragraph (3) of the Article;

(b) in any part of a parking place marked as being designated by the Council in pursuance of paragraph (4) of the Article for the parking of vehicles engaged in the operations of the Council, Wyre Forest District Council, the Police, the Post Office or any statutory undertaking.

PART V
PERMITS

35. (1) Any business, resident or doctor, who is the owner of a vehicle of the following class, that is to say a passenger user vehicle, a goods vehicle, an invalid carriage or a motorcycle may apply to the Council or an authorised agent for a permit for the parking of that vehicle in a parking place specified in paragraph (5) of this Article and any such application shall be made on a form issued by and obtainable from the Council or authorised agent and shall include the particulars and information required by such form to be supplied and such fee as is for the time being prescribed by the Council.

(2) The Council or authorised agent may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council or authorised agent such evidence in respect of an application for a permit as they may reasonably require to verify the particulars or information given to them or to verify that the permit is valid.

(3) The Council or authorised agent upon being satisfied that the applicant is:-

(a) a business user or a resident who is the owner of a vehicle of the class specified in paragraph (1) of this Article, shall issue to the applicant not more than three Business or Residents Parking Permits, as the case may be, for the leaving during the permitted hours in a parking place of the vehicle or vehicles to which such permit or permits relate, by the owner or by any person 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 and reward);

(b) a Doctor, who is the owner of a vehicle of the class specified in paragraph (1) of this Article, shall issue to the applicant 1 Doctors Parking Permit for the leaving at any time in the Doctors Parking Place specified thereon such vehicles as they are satisfied are used by fully registered persons who are liable to be called of necessity to emergencies away from the surgery or consulting room shown on the application to the extent that the need for special parking arrangements is justified and to whom no suitable alternative parking facility is available within a reasonable distance.

(4) (a) a Business Permit shall only be a valid for use in a parking place on a road identified on the plans attached to this Order for use by holders of such Permits and in accordance with the guidance and regulations issued by the Council for the use thereof;

(b) a Residents Parking Permit shall only be a valid for use in a parking place on a road identified on the plans attached to this Order for use by holders of such permits and in accordance with the guidance and regulations issued by the Council for the use thereof;

(c) a Doctors Parking Permit shall only be valid for use in a parking place on a road identified on the plans attached to this Order for use by the holders of such Permits and in accordance with the guidance and regulations issued by the Council for the use thereof.

36. Notwithstanding the provisions contained in Article 35 the Council may also grant permits to such other persons as they may think fit.

37. (1) A permit holder (whether of a Business, Residents or Doctors Parking Permit), may surrender such permit to the Council or authorised agent at any time and shall surrender such permit to the Council or authorised agent on the occurrence of any one of the events set out in paragraph (3) of this Article.

(2) The Council or authorised agent may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's residence, withdraw a permit if it appears to the Council or authorised agent that any one of the events set out in paragraph (3) of this Article has occurred and the 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 permit holder ceasing to be a resident or a business, as the case may be;

(b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;

(c) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 35(1);

(d) the issue of a duplicate permit by the Council under the provisions of Article 40;

(e) the expiry of the period for which the permit was issued;

(f) where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect;

(g) in the case of a fully registered person holding a Doctor's Parking Permit:-

(i) the vehicle or any vehicle in respect of which the permit was issued ceasing to be used by a fully registered person who is liable to be called of necessity to emergencies away from the surgery or consulting room shown on the application for the permit to the extent that the need for special parking arrangements is justified;

(ii) the revocation of the designation of the parking place in respect of which the permit was issued.

38. Without prejudice to the provisions of Article 37, a permit shall cease to be valid at the expiration of the period specified thereon:-

(a) which period, in the case of a Business Permit, shall not exceed a period of eleven months from the end of the month during which it first became valid; or

(b) which period, in the case of a Residents or Doctors Permit, shall not exceed a period of twenty-three months from the end of the month during which it first became valid;

or on the occurrence of any one of the events set out in paragraph (3) of Article 37, whichever is the earlier.

39. (1) A holder of a Doctors Parking Permit, may at any time apply to the Council or authorised agent for a permit issued to him to be amended so as to relate to any other vehicle, being a vehicle which is used by a fully registered person who are liable to be called of necessity to emergencies away from the surgery or consulting room shown on the application to the extent that the need for special parking arrangements can be justified.

(2) Upon receipt of an application pursuant to paragraph (1) of this Article and of the relevant permit, the Council or authorised agent may amend the permit accordingly, or to such extent as they think fit, or at their discretion issue a revised permit, and if a revised permit is so issued, the permit shall become invalid and shall be surrendered to the Council.

40. (1) If a permit is accidentally mutilated or defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council or authorised agent and apply to the Council or authorised agent for the issue to him of a duplicate permit, whereupon Council or authorised agent, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.

(2) If a permit is lost or destroyed, the permit holder may apply to the Council or authorised agent for the issue to him of a duplicate permit and the Council or authorised agent upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked and upon such issue the permit shall become invalid.

(3) All the provisions of this Order shall apply to a duplicate permit to the same extent as they applied to the original permit.

41. A permit shall be in writing and shall include the following particulars:-

(a) the registration mark of the vehicle in respect of which the permit has been issued;

(b) the period during which, subject to the provisions of Article 38, the permit shall remain valid;

(c) an authentication that the permit has been issued by the Council;

(d) a code indicating the parking area for which the permit is valid.

42. At all times during which a vehicle is left in a parking place specified in Article 35(4) during the permitted hours, there shall be displayed in the relevant position a permit issued in respect of

that vehicle valid for that parking place.

43. When a permit has been displayed in accordance with the provisions of Article 42, or where a penalty charge notice has been attached to the vehicle in accordance with Article 46(2) no person other than a parking attendant shall remove such permit or notice from the vehicle unless authorised to do so by the driver of that vehicle.

44. Notwithstanding the foregoing provisions of this Order, the Council may at its discretion issue a discretionary notice allowing a specific vehicle to wait in a road or a parking place during the hours of operation of any restriction or prohibition to the contrary.

PART VI
DESIGNATED PARKING PLACES FOR DISABLED PERSONS' VEHICLES

45. (1) The areas of land identified in the plans attached to this Order and therein designated "Disabled Badge Holders Only" may be used, subject to the provisions of this Order, as parking places for disabled persons' vehicles, in such positions as are identified on the plans attached to this Order.

(2) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in the parking bay unless it is a disabled person's vehicle.

PART VII
CONTRAVENTION OF ORDER

46. (1) If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention of any provision of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location.

(2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by section 66(3) of the Road Traffic Act 1991 may then be issued by a parking attendant in uniform in accordance with section 66(1) of the said Act.

(3) If a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) and (2) 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 a reduced penalty charge, along with such release fee as may be required by the Council.

(4) Where a parking attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-

(a) he 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;

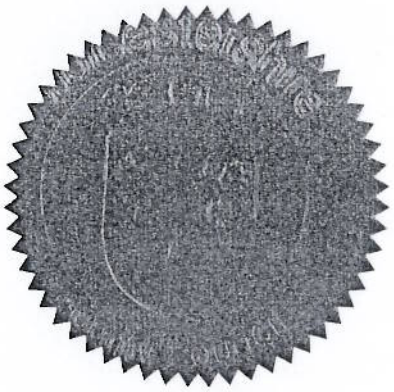
(c) the provisions of the Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

Nothing in paragraphs (3) and (4) of this Article shall apply in respect of a vehicle displaying in the relevant position a valid disabled person's badge issued by any local authority.

47. All the traffic regulation orders imposing waiting prohibitions and restrictions and all the street parking places orders which relate to roads in the Town of Stourport made prior to this Order are hereby revoked or, where part only of their provisions are contained in this Order from the date of its coming into force, varied so as to remove such provisions.

Dated 27 September 2007

THE COMMON SEAL of WORCESTERSHIRE)
COUNTY COUNCIL was hereunto)
affixed in the presence of:-)



HEAD OF LEGAL & DEMOCRATIC SERVICES