

**THE BOROUGH OF STAFFORD (OFF-STREET PARKING PLACES)
(VARIOUS CAR PARKS, STAFFORD) ORDER 2006**

The Council of the Borough of Stafford (hereinafter referred to as "the Council") in exercise of their powers under Section 35(1) of the Road Traffic Regulation Act 1984 (which Act of 1984 is hereinafter referred to as "the Act of 1984"), and of all other enabling powers with the consent of the County Council of Staffordshire in accordance with Section 39(3) of the Act of 1984, and after consultation with the Chief Officer of Police in accordance with Section 124(1)(c) and paragraph 20(1) Schedule 9 Part III of the Act of 1984, hereby make the following Order:-

PART I

GENERAL

1 This Order shall come into operation on the 5 day of June 2006 and may be cited as the Borough of Stafford (Off-Street Parking Places) (Various Car Parks, Stafford) Order 2006.

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

"disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 as amended;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 as amended;

"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;

"owner" has the same meaning as in Section 142(1) of the Act of 1984;

"parking attendant" means a person authorised by or on behalf of the Council to supervise a parking place;

"parking place" means any area of land specified by name in column 1 of Schedule 1 to this Order and shown on the plan accompanying the Order provided by the Council under Section 32(1) of the Act of 1984 for use as a parking place; and

"relevant position" means, in relation to Article 10 of this Order,

(a) in the case of a vehicle fitted with a front windscreen, the ticket is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen;

- (b) in the case of a vehicle not fitted with a front windscreen, the ticket is exhibited in a conspicuous position on the vehicle.
- (c) season tickets must be displayed so that vehicle registration details are clearly visible.

"valid parking ticket" means a ticket purchased for that parking place by the insertion of an appropriate coin or coins into an apparatus or device specially or generally approved by the Minister of Transport for such purpose.

"minibus", "motor caravan", "trailer" and "goods vehicle" have the same meaning as they have in Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986.

PART II

USE OF PARKING PLACES

- 3(1) Each area of land specified by name in column 1 of the Schedule to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions and on such days and during such hours and on payment of such charges as are specified in the said Schedule.
- (2) Nothing in the last preceding paragraph shall restrict the power of the Council temporarily to close any of the parking places referred to therein.
- 4 (1) Where in the Schedule 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.
- (2) Notwithstanding the provisions of sub-article (1) the driver of a vehicle shall not permit it to wait at any time in the access roads forming part of the Civic Centre and Riverside parking places.
- 5 (1) 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 to this Order in relation to that parking place.
- (2) When a vehicle has left a parking place after waiting therein the driver thereof shall not within one hour after its leaving permit it to wait again in that parking place.

- 6 (1) Subject to the other provisions of this Order herein contained the charge for a vehicle left in a parking place for any period shall be £40.00 inclusive of Value Added Tax between the hours shown in the Schedule hereto.
- (2) Notwithstanding the provisions of sub-article (1) the said charge shall be reduced to £20.00 providing that payment is made to and received by the Council not later than 10.00 a.m. on the seventh day next following the day upon which the said charge was incurred.
- 7 In the case of a vehicle in respect of which the charge may have been incurred it shall be the duty of a parking attendant 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 plates carried by the vehicle;
 - (b) the time at which he noticed that the charge had been incurred;
 - (c) a statement that the charge of £40.00 inclusive of Value Added Tax is required to be paid;
 - (d) the manner in which and the time within which the charge should be paid and
 - (e) a statement that it is an offence under this Order and sub-section 1 of Section 35A of the Road Traffic Regulation Act 1984, for the driver of a vehicle who has left the vehicle in a parking place to fail duly to pay the charge.
- 8 Where a notice has been attached to a vehicle in accordance with the provisions of Article 7 of this Order, no person not being a parking attendant or some other person duly authorised by the Council shall remove the notice from the vehicle until the vehicle is removed from the parking place.
- 9 The driver of a vehicle in respect of which the charge has been incurred shall pay the charge to the Council by cheque or postal order which shall be delivered or sent by post so as to reach the Council not later than 10.00 a.m. on the twenty-eighth day following the day on which the charge was incurred or via the Council's telephone payments system 01785 619271 or via the Council's website www.staffordbc.gov.uk or in cash in person at the Council's Offices not later than as aforesaid:-

Provided that, if the said twenty-eighth day falls upon a day on which the Council's Offices are closed, the period within which payment of the charge shall be made to the Council shall be extended until 10.00 a.m. on the next full day on which the Council's Offices are open.

The provisions of this Article are subject to the provisions of Article 6(2) herein.

- 10(1) The driver of a vehicle left in a parking place shall be exempt from payment of the charge referred to in Article 6 hereof in either of the following circumstances:-
- (a) in respect of any period for which a valid parking ticket has been purchased for that parking place and is exhibited on the vehicle in the relevant position provided also that the driver of a vehicle otherwise complies with the terms of this Order;
 - (b) where the vehicle displays in the relevant position a valid season ticket issued in respect of that vehicle in accordance with the provisions of the following paragraph of this Article provided also that the driver of a vehicle otherwise complies with the terms of this Order.
- (2) The owner of a vehicle may on application to the Council purchase a season ticket in respect of that vehicle for a charge ascertained by reference to the Scale of Charges specified in column 7 of the Schedule to this Order, and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued.
- 11 When a season ticket or parking ticket has been exhibited on a vehicle in accordance with the provisions of Article 10 of this Order, no person shall remove the season ticket or parking ticket from the vehicle until the vehicle is removed from the parking place.
- 12 Nothing in Articles 3, 4 or 5 of this Order shall prevent any person from causing or permitting a vehicle to wait in the parking places referred to in those Articles for so long as may be necessary and without payment of any charge to enable the vehicle, if it cannot conveniently be used for such purpose in any other place, to be used in connection with any building operations or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the parking places so referred to or the laying, erection, alteration or repair in or near to the said parking places, of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications services subject to the prior written consent of Stafford Borough Council.
- 13 The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in accordance with the provisions of the Vehicle Excise and Registration Act 1994 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.

14(1) The following vehicles left in a parking place shall be exempt from the payment of any charge specified in Article 6, or in column 6 or 7, as the case may be, of the Schedule to this Order:-

(i) a pedal cycle;

(ii) a motor cycle not having a sidecar attached;

provided that in the case of sub-paragraphs (i) and (ii) such vehicles shall only be exempt from the payment of a charge when the vehicle is in a parking place specifically allocated for that class of vehicle.

(2) The following vehicles left in a parking place shall be exempt from any limitation on time and from the payment of any charge specified in Article 6 or in column 6 or 7, as the case may be, of the Schedule to this Order:-

a disabled person's vehicle which displays a disabled person's badge.

15 No person shall cause any vehicle except a disabled person's vehicle displaying a disabled person's badge to park in those parking spaces on which is marked the disabled logo in yellow.

16 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.

17 No person shall, while a vehicle is in a parking place, permit or cause to permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be moved from the parking place.

18 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 or her skill or services.

19 Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions of Articles 3, 4 or 5 of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for its removal from that parking place:-

Provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 4(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.

- 20 The driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
- 21 Save as provided in Article 12 of this Order, no person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a 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 departure from the parking place.
- 22 No person shall in a parking place 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.
- 23 No person shall in a 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.
- 24 No person shall use any part of a parking place or any vehicle left in a parking place:-
- (a) for sleeping or camping purposes;
 - (b) for eating or cooking purposes; or
 - (c) 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.
- 25 No person shall use a parking place as a means of passage proceeding from one road to another road.
- 26 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 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.
- 27 In a parking place no person shall:-
- (a) erect or cause or permit to be erected any tent, booth, stand building or other structure without the written consent of the Council;

- (b) light or cause or permit to be lit any fire.
- 28 Any person removing a vehicle by virtue of Article 19 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.
- 29 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 19 of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- 30 (1) Save as provided in sub-article (2), no person shall cause any vehicle to be left at any time between the hours of 4.00 pm and 6.00 pm Monday to Friday inclusive in a parking bay in the Riverside Parking Place if that parking bay is marked "Reserved Parking Only";
- (2) Nothing in sub-article (1) shall prevent a vehicle being left in a parking bay of the type specified in that sub-article during the hours specified if the vehicle is being used for or is required for use for official purposes on behalf of Stafford Borough Council.
- 31 The charges applicable between the hours of 4.00 pm and 6.00 pm Monday to Friday inclusive excepting Bank Holidays in the Riverside Parking Place as stated in the Schedule to this Order shall not apply to a vehicle where the driver of that vehicle is an employee of the Council and is duly authorised by the Council to leave his vehicle in the parking place during those hours whilst at work.
- 32 (1) Save as provided in sub-article (2), no person shall cause any vehicle to be left at any time in a parking bay in the Broad Street Parking Place if that parking bay is marked for use by clients of the shopmobility scheme;
- (2) Nothing in sub-article (1) shall prevent a vehicle being left in a parking bay of the type specified in that sub-article if that vehicle is being used by or is required for use by a client of the shopmobility scheme, subject otherwise to the provisions of this Order.
- 33 (1) Save as provided in sub-article (2), no person shall cause any vehicle to be left at any time in a parking bay in the Broad Street Parking Place if that parking bay is marked "Ambulance";
- (2) Nothing in sub-article (1) shall prevent a vehicle being left in a parking bay of the type specified in that sub-article if the vehicle is an ambulance.

34 The following Orders are hereby revoked:-

The Borough of Stafford (Off-Street Parking Places) (Various Car Parks, Stafford) Order 2002

The Borough of Stafford (Off-Street Parking Places) (Various Car Parks, Stafford) (Variation) Order 2004

THE COMMON SEAL OF THE)
COUNCIL OF THE BOROUGH OF)
STAFFORD was hereunto affixed)
this 23 day of May Two)
thousand and six in the presence of:-)