

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

The Worcester City Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (as amended) (hereinafter referred to as "the 1984 Act") and under the Traffic Management Act 2004 (as amended) (whether generally or in relation to the area of the Council) ("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 1984 Act and after consulting with the Chief Officer of Police in accordance with paragraph 20 of Schedule 9 to the 1984 Act, hereby make the following Order:-

PART I

GENERAL

1. (1) This Order shall come into operation on the 16th day of March 2009 and may be cited as "The Worcester City Council (Off Street Parking Places) Order 2009"
- (2) Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the Worcester City Council (Off-Street Parking Places) (Consolidation) Order 2003 is revoked on the date that this Order comes into operation.
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 the parking places and enforce the provisions of this Order pursuant to Section 63A of the 1984 Act;

"disabled parking bay" means a 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;

"lorry" includes any vehicle constructed for the conveyance of goods or burden of any description which does not fall within the definition of

"motor car or light commercial vehicle" contained below;

"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 a parking place as defined in this Article which is provided for the leaving of a solo motor cycle 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;

"motor coach" includes any vehicle constructed for the carriage of passengers which does not fall within the definition of "motor car or light commercial vehicle" contained below;

"motor vehicle" or "vehicle" means "motor car or light commercial vehicle" as defined in this Article and also any mechanically propelled vehicle intended or adapted for use on roads, whether or not it is 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 a 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 the Schedule to this Order and provided by the Council under Section 32(1) of the 1984 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;

"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 Traffic Management Act 2004 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 Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the

purposes of that Act this Order was an Act of Parliament and the Order revoked by Article 1 was an Act of Parliament thereby repealed

PART II

USE OF PARKING PLACES

4. Each parking place may be used, subject to the following provisions of this Order, as a parking place for such vehicles or classes of vehicles in such positions and on such days and during such hours as are specified in relation thereto in the Schedule to this Order. Each parking place except the Cornmarket has three designated parking bays for a disabled person's vehicle and a designated parking bay for motorcycles. The Council may at its own discretion alter the layout of any parking place by reducing or increasing the number of designated parking bays for disabled person's vehicles and motorcycles.
5. 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.
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 to this Order in relation to that parking place
7. 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

8. No person shall without the written permission of the Council use any part of a parking place or any vehicle left in a 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 or 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 a 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 a 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 the 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 a 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 a parking place shall sound any horn or other similar instrument or use or permit to be used on any 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 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 departing from the parking place
 14. No person shall in a 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 any parking place as to cause an obstruction nuisance or annoyance to other users of the parking place but shall ensure that such 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 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 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 a parking place at a speed exceeding ten miles per hour
19. No person shall use a 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 a 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. (1) No person shall leave or permit to be left in a parking place a trailer of any kind including a touring or any other type of caravan or any vehicle having a secondary generating motor for the purposes of a refrigeration unit or any other purpose

- (2) No person shall permit any vehicle left in a 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 a 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 any parking place any item or article of rubbish or waste material

23. If in any case owing to the presence of a vehicle in a 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 any parking place by other users of the parking place and in particular no person shall obstruct or misuse any of the ramps stairs doors or lifts in a multi-storey car park
25. No person shall except with the permission of any person duly authorised by the Council drive any vehicle into a parking place when there is exhibited at the entrance to the parking place a notice indicating that the parking place is full

PART III

PAYMENT FOR PARKING

26. (1) The driver of a vehicle using a 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 Schedule 1;

Provided that no charge shall be payable in respect of:-

- (a) a vehicle left in a 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 29;
- (b) a vehicle left in a parking place if there is displayed on the vehicle in the relevant position a pass;

- (c) a motor cycle which is left in a parking bay specified for such vehicles
 - (d) a vehicle left in a parking place if there is displayed on the vehicle in the relevant position a valid disabled person's badge issued by any local authority parked in a bay being reserved for that purpose. If the reserved bays are occupied disabled badge users may use other parking bays
- (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 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
 - (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 a parking place namely:-

- (a) an invalid carriage as defined in Section 136(5) of the 1984 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 wait without payment in the parking places to which this Order applies for up to three hours and thereafter the driver shall pay the appropriate charge in accordance with the scale of charges specified in column 7 of the Schedule to this Order

28. The driver of any vehicle using the parking place known as Cornmarket must observe the charges at all times
29. (1) On certain Parking Places 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 by that vehicle of the parking place
- (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

PART IV

SUSPENSION OF PARKING PLACE

30. (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 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 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 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 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 or traffic sign placed in pursuance of paragraph (3) of this Article;

- (b) in any part of a 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

PART V

PENALTY CHARGE AT PARKING PLACES

31. (1) If a vehicle is left in a 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 a car park £70
 - (b) parked after the expiry of time paid for in a pay and display car park £50
 - (c) parked in a pay and display 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 persons parking space without clearly displaying a valid disabled person's badge £70
 - (g) vehicle parked exceeds maximum weight and/or height permitted in this area £70
 - (h) parked in an area not designated for that class of vehicle £70
 - (i) parked causing obstruction £70
 - (j) 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 places referred to in Part I of 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 said 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

RESTRICTION ON REMOVAL OF A PCN

32. 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

PART VI

REMOVAL OF VEHICLES

33. (1) Subject to the proviso hereto when a vehicle is left in a 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 a 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

34. 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 a parking place

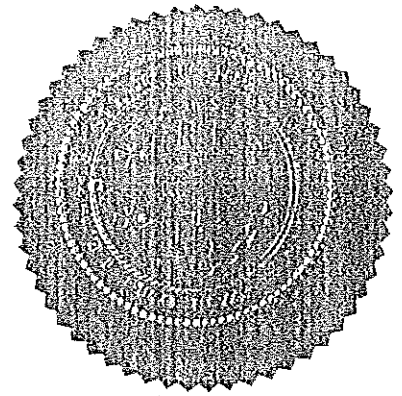
Name of parking place in City of Worcester	Position in which vehicles may wait	Classes of vehicles	Days of operation of parking places	Hours of operation of parking places	Maximum period for which vehicles may wait	Colour/Zone Scale of Charges Monday - Sunday 0700 - 2100 hours						
						(1)	(2)	(3)	(4)	(5)	(6)	(7)
Pitchcroft/Moors	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	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						
Tallow Hill	"	"	"	"	"	60						
Tybridge Street	"	"	"	"	"	60						
						Upto 1hr	Upto 2 hrs	Upto 3 hrs	Upto 4 hrs	Upto 6 hrs	Over 6 up to 24 hrs	
							120	180	240	300	380	
							120	180	240	300	350	
							120	180	240	300	350	

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

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