

**WORCESTER  
CITY COUNCIL**

**THE WORCESTER CITY COUNCIL (OFF-  
STREET PARKING PLACES)**

**ORDER 2023**

## **WORCESTER CITY COUNCIL (OFF-STREET PARKING PLACES) ORDER 2023**

Worcester City Council ("the Council") in exercise of its powers under Sections 32, 35 and Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") the Traffic Management Act 2004 ("the 2004 Act") and all Regulations and Order made in exercise of the powers conferred by 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 Part III of Schedule 9 to the 1984 Act, hereby make the following Order.

### **PART I**

#### **GENERAL**

#### **1. Commencement and Citation**

This Order shall come into operation on the 1st April 2023 and may be cited as the Worcester City Council (Off-Street Parking Places) Order 2023.

#### **2. Revocation**

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) Order 2009 and the Worcester City Council (Off-Street Parking Places) (Croft Road) Order 2009 as varied are revoked by this Order with effect from 23:59 on 31st March 2023.

#### **3. Interpretation**

3.1 Any reference in this Order to a numbered Article or to a numbered Schedule is a reference to the Article or to the Schedule bearing that number in this Order, unless otherwise stated.

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

**"Charge Certificate"** means the statement that the Penalty Charge has been increased by fifty percent in accordance with Regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

**"Charging Hours"** means the period specified under paragraph 1 of the Schedule, Part 2;

**"Check In Check Out"** means a method of pre-authorisation of a bank card with a full day charge whereby if the user checks out within a time period where a reduced charge is payable the card will only be charged the correct amount for the actual length of stay. If no check out mechanism is used the full day's charge is payable regardless of actual length of stay.

**"Civil Enforcement Officer"** means a person authorised by or on behalf of the Council to supervise the Parking Places and enforce the restrictions imposed by this Order pursuant to Section 63A of the 1984 Act;

**"Council"** means Worcester City Council, Guildhall, High Street, Worcester, Worcestershire WR1 2EY;

**"Council Offices"** means such offices of the Council which accept payments of Penalty Charge Notices;

**"Disabled Parking Bay"** means a bay within a parking place identified by surface markings and/or signage for the parking of Disabled Persons' Vehicles.

**"Disabled Persons' Badge"** means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons (England) Regulations 2000 (as amended)) or a badge having effect under those regulations as if it were a disabled person's badge

**"Disabled Persons' Vehicle"** means a vehicle lawfully displaying in the Relevant Position a valid Disabled Persons' Badge

**"Driver"** in relation to a vehicle waiting in a Parking Place means the person driving the vehicle immediately prior to parking it in the Parking Place;

**"Electric Vehicle Parking Bay"** means a bay within a parking place identified by surface markings and/or signage for the parking of Electric Vehicles.

**"Electric Vehicle"** means a vehicle which uses one or more electric machines for propulsion using electric energy either partially or fully for its operation and which is capable of charging from the charging points on the Electric Parking Bay

**"Fast Chargers"** means the electric charging points charging at a rate of 22kw installed within certain Electric Vehicle Parking Bays and indicated as being fast chargers by virtue of signage and/or markings

**"Goods Vehicle"** means a vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, the overall height of which does not exceed 1.85 metres and the unladen weight of which does not exceed 2540 kilograms and is not drawing a trailer;

**"Motor Cycle"** refers to a solo Motor Cycle only and excludes any Motor Cycle which has a side-car or trailer, or which has more than two wheels;

**"Owner"** means the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

**"Notice to Owner"** means the notice served by the Council pursuant to Regulation 19 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

**"Parking Bay"** means an area of a Parking Place which is provided for the leaving of a vehicle of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place;

**"Parking Place"** means an area of land specified by name in the Schedule and shown for identification purposes only edged red on the plans within the Schedule Part 4 and provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of vehicle parking and not closed (in part or in whole) by a notice erected thereon by authority of the Council;

**"Passenger Vehicle"** means a vehicle constructed or adapted solely for the carriage of passengers and their effects and for the avoidance of doubt shall include PHEV and Electric Vehicles;

**"Pay and Display ticket"** means a ticket issued by a Ticket Machine located in the Parking Place in which the vehicle has been left or issued by a person nominated by the Council on payment of a charge and valid for a parking period as detailed in the charges due for the relevant Parking Place listed in the Schedule, Part 2;

**"Pay by Phone"** means the system put in place by the Council in conjunction with a third party which enables a Driver to pay the required parking charge via the third parties payment system. Payment by this manner may incur an administrative fee to the Driver by the third party;

**"Penalty Charge"** means the charge set by the Council pursuant to the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council following the service of a Penalty Charge Notice not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice was served;

**"Penalty Charge Notice"** means a notice issued by or served by a Civil Enforcement Officer pursuant to the provisions of Section 78 of the 2004 Act and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"**PHEV**" means a Plug-in hybrid electric vehicle. It has an electric motor that can be plugged in to an external electricity supply. It also has an internal combustion engine.

"**Rapid Chargers**" means the electric charging points charging at a rate of 50kw installed within certain Electric Vehicle Parking Bays and indicated as being rapid chargers by virtue of signage and/or markings

"**Relevant Position**" means: in the case of a vehicle fitted with a front windscreen and/or front side windows, the badge, pass or ticket is affixed to the windscreen (or visibly displayed in the windscreen) or Driver's window with the obverse side facing forwards and so that the same is readable from the outside of the vehicle; in the case of a vehicle not fitted with a front windscreen the badge, pass or ticket is exhibited in a conspicuous and readable position on the vehicle;

"**Season Ticket**" means a ticket purchased from or issued by the Council, subject to certain conditions, valid for the period specified on the ticket for use in the Parking Places indicated on the ticket or an electronic season ticket valid for the period specified on the digital receipt. For the avoidance of doubt these tickets provide unlimited access to standard parking bays for the length of parking season purchased.

"**Staff/Member Season Ticket**" means a ticket issued by the Council subject to certain conditions, valid for the period specified on the ticket for use in the Parking Places indicated on the ticket or digital receipt;

"**Ticket Machine**" means an apparatus of a type and design approved by the Secretary of State for Transport for the purpose of this order, being apparatus designed to indicate the time by a clock and to issue paper or digital parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and, either the time of such payment, or the time at which the vehicle must leaving the Parking Place;

"**vehicle**" means Goods Vehicle, Motor Cycle or Passenger Vehicle.

3.3 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.

3.4 The Interpretation Act 1978 shall apply for the interpretation of this Order.

## **PART II**

### **DESIGNATION AND USE OF PARKING PLACES**

#### **4. Designation**

4.1 Each Parking Place may be used, subject to the provisions of this Order, as a place to leave vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are specified in relation thereto in the Schedule.

4.2 The provisions of this Order shall apply at all times regardless of whether the Parking Place is subject to payment charges in accordance with the Schedule

#### **5. Class and position of vehicle**

5.1 Where in the Schedule a Parking Place is described as available for vehicles of a specified class or vehicles to be left in a specified location, no person shall permit a vehicle to wait in that Parking Place or in any Parking Bay within the Parking Place:

5.1.1 unless it is of the specified class;

5.1.2 unless it is wholly within a marked Parking Bay;

5.1.3 in a position other than that specified; or

5.1.4 without a valid vehicle excise licence, insurance and MOT certificate

5.2 Where a Parking Place displays signage and / or markings indicating that a Parking Bay shall only be used by a certain class of vehicle only vehicles of that specified class shall be permitted to park within that Parking Place or certain Parking Bays (as appropriate)

#### **6. Maximum period of stay**

6.1 Where in the Schedule or this Order a Parking place is described as available on specified days, during specified hours or for a maximum period of stay, no person shall permit a vehicle to wait in that Parking Place on any day, during such hours or for any period other or longer than those specified.

6.2 In respect of Electric Vehicles and PHEV whilst actively charging within Electric Vehicle Parking Bay (but subject always to the maximum period of stay specified in the Schedule for that Parking Place) the maximum period of stay in respect of these bays shall be as follows:-

6.2.1 In respect of Fast Chargers no person shall permit a vehicle to park in said Electric Vehicle Parking Bay to exceed a maximum stay of 4 hours.

6.2.2 In respect of Rapid Chargers no person shall permit a vehicle to park in said Electric Vehicle Parking Bay to exceed a maximum stay of 60 minutes.

## **7. Period of no return**

7.1 Where in the Schedule or within this Order, a Parking Place is described as having a period within which a vehicle may not return, no person shall permit a vehicle to wait in that Parking Place on any day, during such hours within which the vehicle is excluded from waiting in the Parking Place.

7.2 In respect of Electric Vehicle Parking Bay within a Parking Place the period within which a vehicle may not return shall be in accordance with Article 22.

## **8. Season Tickets**

8.1 Nothing in Articles 6 and 7 shall preclude a vehicle holding a valid Season Ticket from being parked without payment of the daily charge in the relevant Parking Places specified in the Schedule, Part 1 for up to a maximum period as specified in the Schedule and/or within this Order.

## **9. Disabled Persons' Parking Bays**

9.1 No person shall cause or permit a vehicle to park in a Disabled Parking Bay unless the vehicle displays a Disabled Persons' Badge in the Relevant Position and immediately before or immediately after the act of parking the vehicle has been or is about to be used by the person(s) in respect of whom the Disabled Persons' Badge has been issued.

## **10. Motor Cycle Parking Bays**

10.1 No person shall cause or permit a vehicle to park in a Parking Bay marked for Motor Cycles unless the vehicle is a Motor Cycle.

## **11. Electric Vehicle Parking Bays**

11.1 No person shall cause or permit a vehicle to park in an Electric Vehicle Parking Bay unless the vehicle is an Electric Vehicle or PHEV. The Electric Vehicle or PHEV must be actively charging whilst using the bay.

## **PART III**

### **CHARGES FOR PARKING**

## **12. Payment**

12.1 The Driver of a vehicle using a Parking Place shall upon leaving the vehicle in the Parking Place pay the appropriate charge (if any) in accordance with the scale of charges specified in the Schedule, Part 2 such payment shall be made via:

12.1.1 Cash or card payment prior to leaving the vehicle at the parking machines in the Parking Place.

12.1.2 Pay by Phone service such as RingGo or other similar mobile application/telephone payment method upon leaving the vehicle.

12.1.3 Check In Check Out whereby card payment is made upon exit depending on the length of stay at the time of departure. A holding charge for a full day shall be paid upon leaving the vehicle whereby the user shall enter their vehicle registration number and card details and such charge shall only be made in respect of the actual length of stay in the Parking Place. For the avoidance of doubt in the event that the user does not check out at the time of exit a charge for the full day shall be applied to the card.

12.2 For the avoidance of doubt no refunds shall be payable should the length of stay be less than the time paid for.

### **13. Pay and Display Parking Places**

The Driver of a vehicle using a Parking Place shall upon leaving the vehicle in the Parking Place either:

13.1 on payment of a charge, purchase a Pay and Display ticket from the Ticket Machine at the level of charge and for the period required in accordance with the scale of charges specified in the Schedule, Part 2; or

13.2 utilise a Pay by Phone service advertised at the Parking Place following instructions displayed at the level of charge and for the period required in accordance with the scale of charges specified in the Schedule, Part 2; or

13.3 utilise the Check In Check Out service whereby a holding card payment is made at check-in for the full day's charge and only the relevant period shall be charged at check-out in accordance with the scale of charges specified in the Schedule, Part 2 (save that if no check-out is made the full day charge shall be payable regardless of length of stay without refund).

13.4 Have a valid Season Ticket for the relevant Parking Place for their vehicle

### **14. Means of payment**

The charge referred to in the preceding Article 13 shall be payable by the insertion of appropriate coins or card or other approved method of payment together making up the amount of the charge into the Ticket Machine situated in that Parking Place, or by Pay by Phone or by Check In Check Out method (save for in the case of a Season Ticket whereby regular payment shall be made in advance in accordance with the terms for such Season Ticket).

### **15. Display of ticket**

Unless Pay by Phone, Season Ticket or Check In Check Out is utilised where no paper ticket is issued, the Driver of the vehicle shall (subject to Article 15.4 below):

15.1 display the Pay and Display ticket issued on payment of the charge in the Relevant Position on the vehicle in respect of which it was issued; and

15.2 ensure that a Pay and Display ticket is purchased and displayed to cover the entire period that the vehicle is parked in the Parking Place; or

15.3 where free parking is in place for the entire period that the vehicle is parked in the Parking Place, display a free zero-rated ticket obtained from the Ticket Machine in the Relevant Position on the vehicle in respect of which it was issued.

15.4 In the event that the Council deems that printed tickets are no longer required for any reason and such decision is displayed around the Parking Place the provisions of this Article 15 (save for Article 15.5) will not apply provided that the Driver has made the appropriate payment and entered the correct registration number for their vehicle.

15.5 In all payment methods the Driver of the vehicle must ensure that they enter the correct registration number when required to do so.

## **16. Validity of Pay and Display tickets**

16.1 A Pay and Display ticket is not transferable from one vehicle to another.

16.2 A Pay and Display ticket is valid only in the Parking Place in which it was issued. This is defined by the reference code of the parking ticket machine located in that Parking Place printed on the Pay and Display ticket.

## **17. Expiry of parking period**

17.1 The expiry of the period for which the charge specified for that Parking Place in the Schedule, Part 2 has been paid shall be indicated when there is exhibited on the vehicle a Pay and Display ticket or digital / email receipt and the time shown on the clock of the issuing Ticket Machine or Civil Enforcement Officer device is later than the time at which the period for which a charge has been paid expired or in the event that no ticket is required (whether because the parking is paid for via Pay by Phone service, Check In Check Out, Article 15.4 or a valid Season Ticket is held) the time that said parking expires shall be based on the time of purchase such time being recorded digitally.

## **18. No ticket displayed or purchased**

18.1 if at any time while a vehicle is left in a Parking Place no Pay and Display ticket is displayed on that vehicle in the Relevant Position and in accordance with the provisions of Article 15, and no payment via Pay by Phone or a Season

Ticket or Check In Check Out has been made in respect of that vehicle, it shall be deemed that the charge has not been paid.

18.2 If at the time when a vehicle is left during the Charging Hours in a Parking Place on the nearest Ticket Machine in that Parking Place there is a notice placed by any person duly authorised by the Council, indicating that the Ticket Machine is out of order, or where no Ticket Machine is installed within that Parking Place, then a Pay and Display ticket or Check In Check Out shall be obtained from another machine within the same car park (where provided) or by utilising Pay by Phone.

18.3 Where no valid Pay and Display ticket can be obtained and Pay by Phone is not available in that Parking Place, vehicles may be left in a Parking Place but may not be left for longer than the maximum period waiting in that Parking Place as specified in the Schedule, Part 1. For the avoidance of doubt Drivers must use Pay by Phone if that is available for that Parking Place.

18.4 A valid ticket must be displayed/purchased even where no parking payment is required for such period of parking

## **19. Season Tickets/Passes**

19.1 Season Tickets are available at the appropriate fee, for a vehicle of a specific class and for the Parking Places as specified in the Schedule subject to conditions determined from time to time by the Council as follows:

19.1.1 The Owner of a vehicle may on application to the Council and on payment of the appropriate fee specified in the Schedule, Part 3 purchase a Season Ticket for periods specified in the Schedule, Part 3 for use by that vehicle at those Parking Places as specified in the Schedule, Part 3.

19.1.2 No pro-rata refunds shall be available and in the event that a Season Ticket is cancelled part way through the relevant period no refund shall be given under any circumstances

19.1.3 The Council may decide to issue Season Tickets subject to the conditions determined by the Council from time to time and may administer such fee as it determines applicable.

19.1.4 The Driver shall abide by the terms stipulated by the Council for the use of the Season Ticket.

19.1.5 A Season Ticket is only valid in the Parking Place in respect of which it was issued and up to the date of expiry shown on the Pay by Phone application or on the Pay by Phone application's website.

## **20. Staff/Member Electronic Permit / Season Ticket**

20.1 The Council may issue a Staff/Member Season Ticket, electronic permit or visitors pass, as it considers reasonably appropriate and may limit availability to any specified category of person and shall be subject to such terms and conditions, as it deems fit in respect of the Parking Places. For the avoidance of doubt only one such permit shall be available per staff or member.

20.2 A Staff/Member Season Ticket electronic permit or visitor pass shall only be valid when it is being used in full accordance with the terms, conditions and limitations applying to it at the time of issue.

20.3 Any Staff/Member Season Ticket electronic permit or visitor pass issued may be revoked if it is being used in a manner contrary to the provisions of this Order or to its terms and conditions of issue.

## **21. Residents' Season Tickets**

21.1 The Council may issue a resident with a Season Ticket authorising use for specifically marked bays which will be indicated by signage and/or markings.

21.2 Such Season Tickets are only valid when used in full accordance with the terms, conditions and limitations applying to it at the time of issue and can be revoked if it is being used in a manner contrary to the provisions of this Order or to its terms and conditions of issue.

21.3 No person may park in a Parking Bay identified as being for resident parking without a valid residents' Season Ticket and otherwise in accordance with this Article 21

## **22. Economical and Electric Vehicles/PHEV**

### 22.1 In respect of Rapid Chargers:

The Council has determined to apply a reduction in charges for Electrical Vehicles or PHEV whilst parking in an Electrical Vehicle Parking Bay and utilising the Rapid Chargers as follows which varies the charges outlined at Part 1 of the Schedule in respect of these vehicles parking in accordance with this Article:-

22.1.1 one hour of parking in the Electrical Vehicle Parking Bay whilst actively charging an Electric Vehicles/PHEV using the Rapid Chargers only shall be free save that such period of free parking may be used once per day. For the avoidance of doubt, users may not move to an alternative Electric Vehicle Parking Bay within the period of no return but, subject to the relevant Parking Place's maximum stay, move to a standard Parking Bay subject to the payment of the appropriate tariff.

22.1.2 a maximum stay of 60 minutes shall apply to Electrical Vehicle Parking Bays with Rapid Chargers and no person shall return to any Electric Vehicle Charging Bay within 6 hours of departure.

22.1.3 Drivers may use the Rapid Chargers without the time restriction at 22.1.2 above between the hours of 9pm and 7am in each day save that a ticket must be purchased in respect of any free period of parking.

22.1.4 For the avoidance of doubt Disabled Persons' Vehicle may utilise the Rapid Chargers within their designated free parking provided the vehicle is actively charging and subject to the above maximum stays.

## 22.2 In respect of Fast Chargers:

Electrical Vehicles or PHEV may only park in an Electrical Vehicle Parking Bay whilst actively charging utilising the Fast Chargers in accordance with the charges outlined in the Schedule and subject to the following:-

22.2.1 Subject to 22.2.2, Electric Vehicles/PHEV shall be restricted to maximum 4-hour use of the Fast Chargers whilst actively charging with no return to an Electrical Vehicle Parking Bay within 6 hours. For the avoidance of doubt, users may not move to an alternative Electric Vehicle Parking Bay within the period of no return but, subject to the relevant Parking Place's maximum stay, move to a standard Parking Bay subject to the payment of the appropriate tariff. One transaction may cover for the use of the EV parking stay and standard bay stay with no requirement to purchase a separate ticket.

22.2.3 Drivers may use the Fast Chargers without the time restriction at 22.2.1 above between the hours of 9pm and 7am in each day save that a ticket must be purchased in respect of any free period.

22.2.4 For the avoidance of doubt a Disabled Persons' Vehicle may utilise the Fast Chargers within their designated free parking provided the vehicle is actively charging and subject to the above maximum stays.

22.3 Electric Vehicles/PHEV that have the capability of electric charging only may use the Electric Vehicle Parking Bay and only such vehicles as are actively charging may park in the Electric Vehicle Parking Bays.

22.4 No Electric vehicle/PHEV shall remain in an Electric Vehicle Parking Bay longer than the designated maximum time outlined in this Article 22, the Schedule and as displayed at the relevant Parking Place.

22.5 Any vehicle that is not actively charging and/or is not an Electric Vehicle/PHEV parked in Electric Vehicle Parking Bay will be subject to a Penalty Charge Notice.

22.6 If any of the above terms within Article 22 are breached, the owner may be subject to a Penalty Charge Notice issued by the Council.

## **PART IV**

### **EXEMPTIONS FROM DAILY CHARGES**

#### **23. Exemption from Daily Charges:**

No charge shall be payable in respect of:

23.1 A vehicle which displays in the Relevant Position a valid Disabled Persons' Badge provided that the vehicle immediately before or after the act of parking has been used or is about to be used by the person(s) in respect of whom the badge is issued and the vehicle is parked in accordance with the conditions of use of the Parking Place and subject to a maximum free stay of 3 hours. For the avoidance of doubt such parking can be extended by payment of the appropriate fee.

23.2 A Motor Cycle which is left in a Parking Bay specified for such vehicles (if any);

23.3 A vehicle that holds a Season Ticket purchased through Pay by Phone or the Council's website which is valid for that Parking Place.

23.4 A vehicle left displaying in a Relevant Position a Pass or permit issued by the Council valid for that time and for that Parking Place or such vehicle registration number being digitally approved by virtue of the same;

23.5 Where the Council has promoted free use of a Parking Place as so displayed and within the hours specified

23.6 Where a Council employee is carrying out duties using a Council vehicle (save that such parking is only permitted for the period that it is required in order to carry out said works).

23.7 An emergency services vehicle which is attending an emergency call-out

23.8 A vehicle parked for the purposes of servicing maintaining or repairing the Ticket Machines (save that such parking is only permitted for the period that it is required in order to carry out said works).

23.9 An Electric Vehicle or PHEV parked whilst actively charging via the Rapid Chargers in an Electric Vehicle Parking Bay for no more than 1-hour provided they display or obtain a ticket in accordance with Article 15 and 18.

#### **24. Absence of ticket machine**

Subject to Article 15 if at the time when a vehicle is left in a Parking Place shown during the Charging Hours there is no Ticket Machine at the Parking Place, or all the Ticket Machines at that Parking Place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order and

Pay by Phone is not available, the Driver of that vehicle shall be exempt from paying the charge for parking. For the avoidance of doubt if Pay by Phone is available charges shall be due in full.

## **PART V**

### **Suspension of Parking Place**

#### **25. Suspension of Parking Place**

25.1 The Council may upon application by any person for any reason suspend the use of a Parking Place or any part thereof provided the Council considers such reason necessary and such suspension may be subject to conditions including provisions in respect of the payment of lost revenue in addition to an administrative fee of £150 plus VAT.

25.2 Any suspension of the use of a Parking Place by the Council under the provisions of this Part V shall be effected by the service by the Council upon the applicant of a notice of suspension and the applicant shall not presume any Parking Place to have been suspended by the Council unless the applicant has received such notice.

25.3 Following receipt of a notice of suspension of Parking Place the applicant shall comply with any conditions imposed by the Council in respect thereof and unless such obligation is reserved by the Council the applicant shall place or cause to be placed in or adjacent to that parking place or that suspended part thereof a notice or traffic sign indicating that the use of that Parking Place or that part thereof is suspended and shall maintain in place such notice or traffic sign throughout the period of suspension specified within the notice of suspension and shall remove the same immediately upon expiry of the said period.

25.4 The Council may at its own discretion suspend the use of a Parking Place or any part of a Parking Place and thereafter may designate that part of such Parking Place to be reserved for any purpose it may decide.

25.5 Unless authorised under the provisions of this Order no person shall cause or permit a motor vehicle to be left 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 pursuant to this Part V.

25.6 Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the Parking Place from closing the Parking Place or any part thereof for any period

25.7 Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the Parking Place from closing the Parking Place or any part thereof

for any period and / or from setting aside the Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations.

25.8 Nothing in this Order shall prevent the Council from granting permission for short term use of the Parking Place free of charge or otherwise grant short term licences in accordance with the Council's Scheme of Delegations to Officers forming part of the Council's Constitution.

25.9 No person shall cause or permit a vehicle to be left 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 by or on behalf of the Council in pursuance of the preceding Article.

## **PART VI**

### **RELOCATION AND REMOVAL OF VEHICLES**

#### **26. Relocation of a Vehicle**

Where any vehicle is standing in a Parking Place in contravention of the provisions of this Order, or is left in such a manner so as to cause danger or obstruction a Civil Enforcement Officer or a person authorised by the Council may alter or cause to be altered the position of the vehicle.

#### **27. Removal of a Vehicle**

Where a Civil Enforcement Officer or a person authorised by the Council is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a vehicle left in a Parking Place he/she may, using such measures as are appropriate, remove or cause to be removed the vehicle from the Parking Place.

#### **28. Emergencies**

A Civil Enforcement Officer, a person authorised by the Council or a Police Constable in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any vehicle left in a Parking Place.

#### **29. Safe keeping**

Any person removing a vehicle from a Parking Place under the preceding Articles shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle and recharge any reasonable costs

in accordance with the Council's fees and charges which are from time to time approved by the relevant Committee.

## **PART VII**

### **OTHER PROVISIONS**

#### **30. Stop engine and apply brakes**

The Driver of a vehicle using a Parking Place shall stop the engine as soon as the vehicle is in the Parking Bay and shall not start the engine except when about to change the position of the vehicle in or to depart from the Parking Place.

#### **31. Manner of parking**

31.1 Whilst parking a vehicle in the Parking Places the Driver must ensure that the vehicle is parked in the space for the class of vehicle and wholly within the lines marked out for such Parking Bay.

31.2 In respect of the parking of vehicles drawing a trailer, the Driver must ensure that all Parking Bays occupied are paid for and that both the vehicle and the trailer are parked within the marked bays. For the purposes of this Order, whether or not the vehicle and trailer are disconnected, the vehicle and the trailer shall be deemed to be separate vehicles and the Driver of the leading vehicle shall be deemed to be the Driver of both of the vehicles.

#### **32. Repair of vehicles in Parking Places**

No person shall, while a vehicle is in a Parking Place, 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.

#### **33. Entry and Exit**

Where signs are erected or surface markings are laid for the purpose of indicating the entrances to or exits from the Parking Place; or indicating that a vehicle proceed in a specified direction, no person should drive or cause to be driven any vehicle:

33.1 so that it enters the Parking Place otherwise than by an entrance, or leaves the Parking Place otherwise than by an exit;

33.2 in a direction other than that specified, as the case may be;

33.3 in a manner or at a speed so as to cause danger to other users of the Parking Place.

### **34. Use of vehicles and Parking Places**

34.1 Without prejudice to the generality of the foregoing provisions of this Order, the provisions of this Article shall apply to the Parking Places even where the Parking Place is occupied by a vehicle of a type that is permitted to wait in that Parking Place.

34.2 No person shall without the prior written permission of a duly authorised Officer of the Council use any part of a Parking Place or any vehicle or vehicles (whether belonging to that person or not) left in a Parking Place:

34.2.1 for sleeping or camping purposes:

34.2.2 for the purpose of carrying out himself or permitting to be carried out any servicing, repairing or washing of any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place.

34.2.3 for preparing or cooking food or washing crockery, cutlery, clothing or any other articles or things whatsoever;

34.2.4 in connection with the sale, or advertising for sale of a vehicle or of any other article or in connection with the selling or offering for hire of his skills or services;

34.2.5 for the purpose of advertising or promoting any cause, event or other matter whatsoever or for the distribution of leaflets or other material; or

34.2.6 for the erection of any tent, booth, stand, building or other structure.

34.2.7 For the washing and cleaning of vehicles

### **35. Damage to or Defilement of a Parking Place**

35.1 Without prejudice to the generality of the foregoing provisions of this Order, the provisions of this Article shall apply to the Parking Places even where the Parking Place is occupied by a vehicle of a type that is permitted to wait in that Parking Place.

35.2 In a Parking Place no person shall:

35.2.1 light or cause or permit to be lit any fire;

35.2.2 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;

35.2.3 damage or destroy or cause to be damaged or destroyed any part of the fabric or structure of the Parking Place; or

35.2.4 throw down, drop or otherwise deposit in any Parking Place any item or article of rubbish or waste material so as to contribute to or tend to lead to the defilement of that Parking Place by litter.

### **36. Prohibited Use of Parking Place/Anti-Social Behaviour**

36.1 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 Parking Place furniture and amenities.

36.2 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.

36.3 No person shall in a Parking Place use any threatening, abusive or insulting language, gesture or conduct so as to put any person in fear of their safety or wellbeing or so as to occasion or is likely to occasion a breach of the peace.

36.4 No person in a Parking Place shall sound any horn or other similar instrument or use or permit the same to be used on a vehicle at any time except to make another Driver or person aware of their presence where an accident is imminent.

36.5 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 a Parking Bay in accordance with the provisions of this Order or for the purpose of departing from the Parking Place.

36.6 No person shall in a Parking Place commit any parking contravention attracting a higher level Penalty Charge as set out in the Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 or any parking contravention attracting a lower level Penalty Charge as from time to time specified by the Department for Transport on their website.

## **PART VIII**

### **LIABILITIES/PENALTIES**

#### **37. Liability**

The Council accepts no liability for the loss or damage to vehicles or other property left in any of the Council's Parking Places to which this Order applies.

#### **38. Wilful damage**

Any person who with intent to defraud interferes with the Ticket Machine or operates or attempts to operate it by the insertion of objects other than

undamaged and unaltered coins of legal tender and of the appropriate denomination, or other approved method of payment, shall be liable to prosecution.

## **PART IX**

### **CONTRAVENTION AND PENALTY CHARGE**

#### **39. Contravention**

If a vehicle is left in a Parking Place referred to in the Schedule without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice showing the information required by the 2004 Act may then be issued by a Civil Enforcement Officer in accordance with the requirements of the 2004 Act.

#### **40. Notice of Penalty Charge**

40.1 In the case of a vehicle in respect of which the Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position or hand to the driver a Penalty Charge Notice which shall include such particulars as are required by the 2004 Act and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

40.2 In the case in respect of which the Penalty Charge may have been incurred, a Penalty Charge Notice may be issued by post by the Council if the Driver of the vehicle drives away before the Civil Enforcement Officer has issued a Penalty Charge Notice or the Civil Enforcement Officer has been prevented from issuing a Penalty Charge Notice. Such a Penalty Charge Notice shall include such particulars as are required by the 2004 Act and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

#### **41. Restrictions on removal of notices**

41.1 A Penalty Charge Notice fixed to a vehicle in accordance with the preceding Article shall not be removed or interfered with except by or under the authority of:

41.1.1 The Owner, or person in charge of, of the vehicle;

41.1.2 The Council for the place in which the vehicle in question was found.

#### **42. Payment of Penalty Charge**

42.1 The Owner of a vehicle in respect of which the Penalty Charge has been incurred shall pay the Penalty Charge to the Council by cheque or postal order which shall be delivered or sent by post so as to reach the Council Offices not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice was served or by credit card or debit card by telephone or electronically through the Council's website.

42.2 If the Penalty Charge is paid not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge Notice was served, the amount of the Penalty Charge will be reduced by fifty percent in accordance with the Civil Enforcement of Parking Contravention (Guidelines on Levels of Charges (England) Order 2007.

42.3 If the Owner fails to pay the Penalty Charge by the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice was served, a Notice to Owner may be served; and if the charge is then not paid within a further 28 days it may be increased by 50% upon the issue of a Charge Certificate.

42.4 Payment shall be received not later than the end of the 28th day following the day on which such Penalty Charge was served or the 14th day following the day on which the Penalty Charge was served if the reduced charge is paid. PROVIDED THAT if the said 28th or 14th day falls upon a day on which the Council's Offices or other nominated place are closed, the period within which payment of the said Penalty Charge shall be made to the Council shall be extended until the end of the next full day on which the Council's Offices or other nominated place are open.

### **43. Indications as Evidence**

The particulars given in the Penalty Charge Notice 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.

## **PART X**

### **DISPOSAL OF VEHICLES**

#### **44. Disposal of vehicles abandoned in Parking Places**

44.1 The Council may sell or otherwise dispose of a vehicle which has been, or could at any time be, removed from a Parking Place, if the vehicle appears to have been abandoned, provided that this power of disposal shall not be exercisable unless the Council has taken such of the following steps as are applicable to the vehicle in question, and there has elapsed a period of six weeks beginning with the taking of the first of those steps.

44.2 Where the vehicle carries a registration mark the Council shall ascertain from the appropriate body the name and address of the person who is the owner of the vehicle unless the Council is satisfied that the true Owner of the vehicle has identified himself to it.

44.3 The Council shall, where it is aware of the name and address of a person who it appears may be the Owner of the vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle ("the Notice") on or after a specified date (which shall not be less than two weeks from the date of the Notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said Notice or from such place as may be subsequently notified in writing by the Council to that person.

44.4 If any person to whom a Notice is sent in accordance with Article 44 informs the Council of the name and address of some other person who he/she alleges may be the Owner of the vehicle, a Notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the Notice to the said other person be led to believe may be the Owner of the vehicle.

44.5 Where a vehicle does not carry a registration mark the first step to be taken by the Council shall be to apply in writing to the Chief Officer of Police in whose area the Parking Place is situated enquiring whom that Officer considers is the Owner of the vehicle and the address of that person.

44.6 The Council shall then make such further enquiries as to ownership as it thinks fit.

44.7 Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof and of any charge or payment to which it is entitled.

44.8 In the event that any such costs incurred by the Council in connection with the disposal of the vehicle are not satisfied by virtue of the last preceding Article, the Council may recoup those costs from the person who was the owner of the vehicle immediately before it was removed from the Parking Place, provided that that the person was sent by the Council a Notice under Article 44.

44.9 Any sums received by the Council on a sale of a vehicle shall, after deducting any sum applied thereabouts by virtue of Article 44.7, be payable within a period of one year from receipt hereof to any person to whom, but for such sale, the vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid into the General Fund of the Council.

44.10 Where under the foregoing provisions of this Order a Notice is required to be or may be sent to a person the Notice shall be sent by recorded delivery post.

THE COMMON SEAL of

WORCESTER CITY COUNCIL

was affixed on the

.....2023

in the presence of

Authorised Signatory