



DISTRICT COUNCIL OF BROMSGROVE

THE ROAD TRAFFIC REGULATION ACT 1984

**THE DISTRICT COUNCIL OF BROMSGROVE
(OFF-STREET PARKING PLACES) ORDER 2007**

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The Council of the District of Bromsgrove (hereinafter referred to as "the Council") in exercise of their powers under Sections 35(1) and (3) of the Road Traffic Regulation Act 1984 and of Part IV of Schedule 9 to the Act of 1984 and of all other powers enabling them in that behalf and with the consent of the County Council of Worcestershire as required by Section 39(3) of the Act of 1984 and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984, and the Freight Transport Association and the Road Haulage Association in accordance with Regulation 6 of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996, hereby make the following Order:-

Part 1 : General

1. The Order shall come into operation on Wednesday 1st October 2007 and may be cited as the District Council of Bromsgrove (Off-Street Parking Places) Order 2007.
2. The District Council of Bromsgrove (Bromsgrove) (Off-Street Parking Places) Consolidation Order 2006 made under Section 35 (1) and (3) of the Road Traffic Regulation Act of 1984 is hereby revoked.
3. In this Order, except where the context otherwise requires, the following expressions have the following meanings:

| Expression | Meaning |
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| "driver" | Means, in relation to the vehicle being left in a parking place, the person driving the vehicle at the time it was left in the parking place. |
| "the Act of 1984" | Means the Road Traffic Regulation Act 1984. |
| "owner" | Has the same meaning as in the Act of 1984. |
| "parking place" | Means any area of land specified by name in Column 1 of Schedule 1 of this order. |
| "parking bay" | Means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of this parking place. |
| "prescribed position" | Means in the case of a vehicle fitted with a front windscreen, the ticket is exhibited on the dashboard of the vehicle with the front clearly visible. In the case of a vehicle not fitted with a windscreen, the ticket is exhibited in a conspicuous position on the vehicle with the front clearly visible. |
| "disabled person's badge" | Means a badge issued by a local authority in accordance with the provisions of regulations made under section 21 of the Chronically Sick and Disabled Persons Act 1970 or a card issued by a member state of the European Union in compliance with 89/376/EC – Council recommendation of 4 th June 1998 on a parking card for people with disabilities. |
| "Order" | Means this Order, and any schedule included with this Order. |

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| “parking” | Means leaving a vehicle stationary whether the driver leaves the vehicle or not, but excluding such times as the vehicle is stationary in order to avoid a collision or by reason of circumstances beyond the driver’s control. |
| “permit” | Means any or all of the types of permit which may be issued by the Council under any schedules to this order and shall be understood depending on the context. |
| “ticket machine” | Means a device or method, provided by the Council or its partners, on or near to the parking place, which issues parking tickets for payment, or records that payment has been made. |
| “in writing” | Includes transmission by facsimile or electronic mail, and any other means resulting in a permanent record. |

Part 2 : Use of Parking Places

4. Each parking place may be used subject to the following provisions of this Order on such days and during such hours as are specified in relation to that Parking Place in column 3 of Schedule 1.
5. Each parking place may be used subject to the following provisions of this Order where vehicles are of the following class;
 - a) Motor cars, motor cycles, and invalid carriages all as defined in Section 136 of the Act of 1984,
 - b) Motor vehicles not exceeding 1.5 tonnes unladen weight constructed or adapted solely for the purpose of carrying goods.
 - c) Any other class of vehicle as specified in column 2 of Schedule 1.
6. No person shall, except with the permission of the Council or authorised person operating on behalf of the Council, drive a vehicle onto a parking place except for the purpose of parking the vehicle in accordance with the provisions of this Order, or for the purpose of departing from that parking place.
7. Wherever parking bays are provided, vehicles shall be positioned wholly within the markings denoting the parking bay.
8. No vehicle shall be allowed to remain in a car park for longer than the maximum time permitted for that parking place in column 5 of Schedule 1.
9. No vehicle shall return to any parking place until after the expiry of the time specified in column 6 of Schedule 1.
10. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is parked within a parking bay, and shall not start the engine except when about to change the position of the vehicle or depart from the parking place.
11. Except with the consent in writing of the Council, 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 their skill or services.
12. No person shall drive a vehicle in a parking place specified in paragraph 5 of this Order or additionally specified in column 2 of Schedule 1;
 - a) unless 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

- b) unless he or she is the holder of a provisional driving licence and is accompanied in the vehicle by a person holding a licence of the type mentioned in (a) above
 - c) unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle Excise And Registration Act 1994 and unless there is in relation to the use of the vehicle by the driver, such policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988 or any re-enactment thereof
 - d) at a speed exceeding 10 miles per hour
13. 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 his or her certificate of insurance.
14. Except as may be authorised in writing by the Council, no person shall use any part of the parking place or any vehicle left in the 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.
15. No person shall use a parking place as means of passage proceeding from one road to another.
16. 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.
17. 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; or
 - b) light or cause or permit to be lit any fire.
18. Where in a parking place signs are erected or surface markings are laid for the purpose of indicating that a particular parking bay is for the use of a disabled person's vehicle, no person shall cause a vehicle to be parked in such a parking bay unless the vehicle displays a disabled person's badge in accordance with the terms and conditions of issue.
19. Where in a parking place signs are erected or surface markings are laid for the purpose of indicating that a particular parking bay is only to be used for a minimum period of time, and the return of vehicles is indicated as being prohibited for a specific amount of time, no person shall cause a vehicle to be parked in such a parking bay for any longer than the time specified or permit the vehicle to return in less time than is specified.

20. Where in a parking place signs are erected or surface markings are laid for the purpose of indicating that a particular parking bay is only to be used by a taxi or private hire vehicle, no person shall cause a vehicle to be parked in such a parking bay unless that vehicle is a taxi or private hire vehicle.
21. Where in a parking place signs are erected or surface markings are laid for the purpose of indicating that a particular parking bay is only to be used by drivers who are visiting a particular premises, or using a particular service, no person shall cause a vehicle to be parked in such a parking bay unless that person is visiting that particular premises, or using that particular service.

Part 3 : Initial Charge For Use Of Parking Places

22. The following vehicles left in a parking place shall be exempt from the payment of any charge specified in column 4 in Part I of Schedule 1 to this Order;
- a) vehicles displaying a permit (or having made the appropriate electronic payment for parking) issued and used in accordance with the terms and conditions thereof as specified in any Schedule, or any previous Schedule, of this Order;
 - b) vehicles owned and operated by the police, fire and ambulance services when attending an emergency in the vicinity of the parking place.
23. When a vehicle is left in the parking place during the charging hours as specified in column 3 of Schedule 1, the driver of such vehicle shall immediately become liable to pay the charge specified in column 4 of Schedule 1. Vehicles displaying a disabled person's badge in accordance with the terms and conditions of use shall be permitted to park for an additional hour beyond the time displayed on any ticket purchased.
24. The charge shall be paid by:
- a) the electronic transfer of the appropriate fee (including any advertised handling or additional processing fees) to the Council or its partner by the means advertised in that parking place;
- or:
- b) the insertion of an appropriate fee;
 - 1. in the case of the pay and display car parking places on entry to the car park
 - 2. in the case of pay on leaving parking places on leaving the car parkinto the apparatus or device provided being an apparatus or device approved in accordance with Section 35(3) of the Act and the provisions of Section 47(5) of the Act shall apply in respect of such apparatus.
25. Any ticket issued at a pay and display parking place shall in the case of a vehicle fitted with a front windscreen be exhibited on the dashboard of that vehicle with the details of the parking charge facing forwards in such a way as to be clearly visible for checking purposes, and in the case of a vehicle not fitted with a windscreen shall be exhibited in a conspicuous position on the vehicle in respect of which it was issued. A vehicle shall not be left in a parking place if it displays an out of date or expired ticket.
26. No vehicle shall display a parking ticket that has previously been displayed on another vehicle.

Part 4 : Excess Charge For Use Of Parking Places

27. Where a vehicle is;

- a) left in a pay and display parking place without the display of a valid ticket, or there is no electronic record of any payment having been made for the parking of that vehicle at that time, or:
- b) left in a pay and display parking place for a period longer than that for which payment has been made in accordance with the foregoing provisions or for longer than the maximum period allowed for that parking place as specified in column 5 of Schedule 1, or:
- c) parked in a space reserved for another class of vehicle, or:
- d) is used in contravention of any of the articles listed in part 2 of this Order,

an additional charge (hereinafter known as the "excess charge") as specified in Schedule 2 shall be payable.

28. In the case of a vehicle in respect of which an excess charge may have been incurred it shall be the duty of the officer to inform the driver that he has incurred an excess charge by preparing 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 plate carried by the vehicle;
 - b) the offence for which the excess charge has been issued which may be one or more of 27a, 27b, 27c, or 27d;
 - c) a statement that the excess charge is required to be paid;
 - d) the manner in which and the time within which the excess charge should be paid; and,
 - e) a statement that it is an offence under Section 35A(1) of the Act for the driver of a vehicle who has left the vehicle in a parking place to fail to pay the excess charge.
29. The notice shall be;
- a) attached to the vehicle in a conspicuous position, or;
 - b) given to the person presenting himself as the driver of the vehicle.
30. If payment of the excess charge is made so as to be received on or before the fourteenth day following the day it was incurred the charge shall be abated to half the standard excess charge and payment of such abated sum shall fully discharge liability for paying the excess charge. In the event that the Council receives a formal representation from the driver of the vehicle committing the excess charge offence within fourteen days after the date of issue, the Council has the right to extend the period during which the abated sum can be received.
31. Where a notice has been affixed to a vehicle in accordance with the provisions of paragraph 29 of this Order, no person other than the driver shall remove the notice from the vehicle unless authorised to do so by the driver.
32. Where:-
- a) An excess charge has been incurred under the provisions of paragraph 27 of this Order, and
 - b) notice of incurring the excess charge has been given or affixed as provided in paragraphs 28 and 29 of this Order, and
 - c) the excess charge has not been duly paid in accordance with paragraph 28d of this Order

and where in the following provisions of this Order reference is made to the "excess charge offence" this shall mean an offence under Section 35A (1) of the Act of 1984 in not complying with the provisions of this Order by failing to pay the excess charge.

33. After a period of at least 28 days after the date on which the excess charge notice was issued, a notice shall be sent to the registered owner of the vehicle and shall give particulars of the excess charge and shall provide that, unless the excess charge is paid before the expiry of the period specified therein, the person on whom the notice is served:-
- a) is required, before the expiry of that period, to furnish to the Council by or on behalf of whom the notice was served a statement of ownership (as defined in Part 1 of Schedule 8 of the Act of 1984).
 - b) is invited, before the expiry of that period, to furnish to the Council a statement of facts (as defined in Part II of Schedule 8 of the Act of 1984)
34. If, in any case where:-
- a) a notice under paragraph 33 of this Order has been served on any person, and
 - b) the excess charge specified in the notice is not paid within the period specified therein
- the person so served fails without reasonable excuse to comply with the notice by furnishing a statement of ownership he shall be liable on summary conviction to a fine (or in the case of a second or subsequent conviction to a fine not exceeding) those figures as set out in Schedule 2 to this Order.
35. If, in compliance with or in response to a notice under paragraph 33 of this Order, any person furnishes a statement which is false in a material particular, and does so recklessly or knowing it to be false, he shall be liable on summary conviction to a fine (or in the case of a second or subsequent conviction to a fine not exceeding) those figures as set out in Schedule 2 to this Order.
36. Subject to the provisions of this Order:-
- a) for the purpose of institution of proceedings in respect of the excess charge offence against any person as being the owner of the vehicle at the relevant time, and
 - b) in any proceedings in respect of the excess charge offence brought against any person as being the owner of the vehicle at the relevant time
- it shall be conclusively presumed that he was the driver of the vehicle at that time and accordingly that acts or omissions of the driver of the vehicle at that time were his acts or omissions.
37. Paragraph 32 of this Order shall not apply to any person unless the notice referred to in paragraph 33 of this Order has been served on the registered owner within six months of the date of issue of the excess charge notice.
38. If a person who has been served a notice in accordance with paragraph 33 of this Order was not the owner of the vehicle at the relevant time, and furnishes the Council with a statement of ownership to that effect in compliance with the notice, then paragraph 32 shall not apply to that person.

Part 5 : Removal Of Vehicles

39. If a vehicle is left in a parking place in contravention of the provisions of the Order, and the vehicle;
- a) is causing an obstruction
 - b) is owned or operated by a person who has repeatedly committed excess charge offences which at the time of the current contravention remain unpaid
 - c) is used in contravention of any of the provisions listed in this Order

then a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place.

40. On seeking to recover from the Council any vehicle which has been removed in accordance with paragraph 39 of this Order the owner of the vehicle shall pay the Council any unpaid excess charges outstanding for that vehicle at that time, and any further charges which have been incurred by the Council, or any persons so authorised by the Council, in the removal and storage of the vehicle.
41. Any person removing or altering the position of a vehicle by virtue of paragraph 39 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.
42. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of paragraph 39 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Part 6 : Suspension Of Parking Places

43. 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.
44. 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.
45. Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph 43 or paragraph 44 of this Order shall thereupon place or cause to be placed within the parking place or that part thereof, the use of which is suspended in accordance with this Order, a notice indicating that the use thereof is suspended and that waiting by vehicles is prohibited.
46. The Council at their 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 engaged in the operations of any designated organisation and any part of a parking place so designated shall be marked so as to identify that it is reserved for vehicles engaged in such operations.
47. No person shall cause or permit a vehicle to be left or to wait:-
 - (a) in a parking place or any part thereof during such period that the use of the parking place is suspended or during such period as there is in or adjacent to a parking place or any part thereof a notice placed in pursuance of paragraph 45 of this Order; or
 - (b) in any part of a parking place marked as being designated by the Council in pursuance of paragraph 46 of this Order.
48. The Council may by resolution close either permanently or for any specified period of time either the whole or any part of any parking place specified in Schedule 1 to this Order, whereupon for the period of the closure, if not permanent, the order shall cease to have effect in respect of the parking place to which the resolution applies for the specified period, and if permanent, permanently.

