

Telford and Wrekin Council
Off-Street Parking Places – Newport Order 2020

Borough of Telford and Wrekin, in exercise of the powers conferred under sections 32, 33, 35, 35A and 124 of the Road Traffic Regulation Act 1984 ("the Act") and in accordance with the provisions of Part 6 of the Traffic Management Act 2004 and of all other enabling powers, and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to that Act, hereby makes the following Order:-

PART I
GENERAL

1. Commencement and Citation

This Order shall come into operation on _____ and may be cited as the **Telford & Wrekin Council Off Street Parking Places – Newport Order 2020** ("this Order")

2. Interpretation

- (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to "the Appendix" is a reference to the Appendix to this Order.
- (2) In this Order :-

"The Act" refers to the Road Traffic Regulation Act 1984

"Caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and does not include a Motorhome

"Car Park Enforcement Officer" means any of the Council's authorised Car Park Enforcement Officers and includes any other officer or servant of the Council employed to control and manage any of the Parking Places provided by the Council

"Coach or Bus Parking Area" means a Parking Bay which has been designated for the parking of a Public Service Vehicle for which there is a sign or surface marking indicating it is only available for the parking of a Public Service Vehicle

"Council" means Borough of Telford and Wrekin

"Designated Purpose of the Parking Place" means for the sole purpose of parking a Vehicle or Trailer

"Disabled Person's Badge" has the same meaning as in the Disabled Persons' (Badges for Motor Vehicles) (England) Regulations 2000 and any amendments or re-enactment thereof;

"Disabled Parking Bay" means a Parking Bay which has been designated for the parking of a Disabled Person's Vehicle for which there is a sign or surface marking indicating it is available for the parking of a Disabled Person's Vehicle

"Disabled Person's Vehicle" means any:-

- (i) invalid carriage;
- (ii) Vehicle issued to a disabled person by the Department of Health and Social Security in lieu of an invalid carriage;

(iii) Vehicle which bears in the relevant position a disabled persons' badge and for the purpose of this Order, a Vehicle shall be regarded as displaying a Disabled Persons Badge in the relevant position if the badge is exhibited in the manner prescribed in 'The Blue Badge Scheme' advisory leaflet "The Blue Badge Scheme: rights and responsibilities in England" published by the Department for Transport or in the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000 or any equivalent replacement publication.;

"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 and in relation to a Caravan means the Driver of the Vehicle towing a Caravan at the time the Caravan was left in the Parking Place and where a separate person acts as steersman of a Vehicle, includes that person as well as any other people engaged in the driving of the Vehicle, and "Drive" shall be construed accordingly

"Electric Vehicle" means a road Vehicle that can be propelled by electrical power (whether or not it can also be propelled by another kind of power)

"Electric Vehicle Charging Bay" means a Parking Bay which has been designated for the parking and charging of an Electric Vehicle and in which there is a sign or surface marking indicating it is available for the parking and charging of an Electric Vehicle

"Emergency Vehicles" means ambulances, fire service Vehicles and police Vehicles being used in the course of their duties

"Loading Bay" means an area of a Parking Place which has been designated for the for the loading and unloading of Vehicles and in which there is a sign or surface marking indicating it is available for the loading and unloading of Vehicles;

"Long Stay Maximum Permitted Period" means a period of 24 hours

"Motor Cycle" has the same meaning as in the Act

"Motorhome" means any motor vehicle designed or adapted for human habitation

"No Return Period" means two hours commencing when the Vehicle first departs the Parking Place

"Owner", in relation to a Vehicle, means the person by whom such Vehicle is kept. It shall be presumed that the Owner was the person in whose name the Vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

"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 the Parking Place;

"Parking Place" means each of the areas hatched green on the plans in the Appendix to this Order provided by the Council under Section 32(1) of the Act of 1984 for use as a parking place;

"Penalty Charge" means the charge set by the Council under the provisions of section 72 of the Traffic Management Act 2004 and published in Appendix B to the Telford & Wrekin Parking Enforcement Operational Guidance or in any equivalent replacement document published in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 and The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions 2016 which is to be paid to the Council following the issue of a Penalty Charge Notice.

"Penalty Charge Notice" has the same meaning as in Regulation 8 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007

“Permit” means a permit issued by Telford & Wrekin Council subject to terms and conditions (“Terms and Conditions”) which allow the Vehicle or Trailer to park in the Parking Place

“Properly Displayed” and **“Properly Displaying”** means displayed in such a way that the details on the face of the Permit or the Ticket can be clearly seen from the outside of the Vehicle or in respect of a Trailer means displayed in the Vehicle towing the Trailer in such a way that the details on the face of the Permit or the Ticket can be clearly seen from the outside of the Vehicle

“Public Service Vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981

“Short Stay Maximum Permitted Period” means the 3 hour maximum waiting period for which a Vehicle can remain in a Parking Place as specified on the Ticket or in terms and conditions of the Permit

“Short Stay Operating Hours” means the hours between 0900 hours and 1800 hours

“Ticket” means a ticket issued by the Ticket Machine showing the vehicle registration mark, the date and time the ticket was issued from the Ticket Machine and the time by which a Vehicle must leave a Parking Place

“Ticket Machine” means the apparatus or device acting as a ticket issuing machine to issue Tickets to indicate the day and time a Vehicle arrives at a Parking Place and as a means to collect the charges payable in respect of a Vehicle in the Parking Place.

“Trailer” has the same meaning as in the Road Traffic Act 1988

“Vehicle” means any Motor Vehicle (as defined in the Act), Motor Cycle, Disabled Persons Vehicle, Public Service Vehicle, Caravan and Motorhome the weight of which does not exceed 3 tonnes unladen and the height of which does not exceed 2.5 metres,

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(4) The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART 2

AUTHORISATION AND USE OF PARKING PLACES

3. Use of Parking Places

- (1) The areas hatched green on the plans in the Appendix to this Order are designated as Parking Places and each Parking Place is hereby authorised to be used, subject to the following provisions of this Order, as a Parking Place for the Designated Purpose of the Parking Place
- (2) Where in the Appendix to this Order a Parking Place is described, the Driver of a Vehicle on all days and at all times shall not permit it to wait in that Parking Place:-
 - a) unless it is a Vehicle
 - b) in a Disabled Parking Bay unless displaying in the relevant position a Disabled Person’s Badge
 - c) in a Loading Bay unless loading or unloading
 - d) in a Coach or Bus Parking Area unless it is a Public Service Vehicle
 - e) in an area of the Parking Place not designated for that class of Vehicle as indicated by way of a sign or surface marking

- f) in an Electric Vehicles' Charging Bay without charging
 - g) unless wholly within a Parking Bay
 - h) during the No Return Period
 - i) for any purpose other than the Designated Purpose of the Parking Place
- (3) Where in Part 5 of the Appendix to this Order a Parking Place is described, the Driver of a Vehicle shall not permit it to wait in that Parking Place during the Short Stay Operating Hours:-
- a) without Properly Displaying a valid Ticket
 - b) for longer than the Short Stay Maximum Permitted Period
- (4) Where in Parts 1, 2, 3 and 4 of the Appendix to this Order a Parking Place is described, the Driver of a Vehicle shall not permit it to wait in that Parking Place:-
- (a) for longer than the Long Stay Maximum Permitted Period unless a Permit is Properly Displayed which allows the Vehicle to park in the Parking Places described in Parts 1, 2, 3 and 4 of the Appendix for longer than the Long Stay Maximum Permitted Period
- (5) Where in the Appendix to this Order a Parking Place is described, the Driver of a Vehicle towing a Trailer shall not permit the Trailer to wait in that Parking Place:-
- a) in a Disabled Parking Bay
 - b) in a Loading Bay unless loading or unloading
 - c) in a Coach or Bus Parking Area
 - d) in an area of the Parking Place specifically designated for a class of Vehicle as indicated by way of a sign or surface marking
 - e) in an Electric Vehicles' Charging Bay
 - f) unless wholly within a Parking Bay
 - g) during the No Return Period
 - h) for any purpose other than the Designated Purpose of the Parking Place
- (6) Where in Part 5 of the Appendix to this Order a Parking Place is described, the Driver of a Vehicle towing a Trailer shall not permit the Trailer to wait in that Parking Place during the Short Stay Operating Hours:-
- a) without Properly Displaying a valid Ticket
 - b) for longer than the Short Stay Maximum Permitted Period
- (7) The provisions of Articles 3(3) and 3(6) shall not apply to
- a) the Driver of a Disabled Persons Vehicle displaying in the relevant position a Blue Badge and parking in a Disabled Parking Bay or
 - b) the Driver of a Public Service Vehicle parked in a Coach or Bus Parking Area or
 - c) the Driver Properly Displaying a valid Permit
- (8) Where in Parts 1, 2, 3 and 4 of the Appendix to this Order a Parking Place is described, the Driver of a Vehicle towing a Trailer shall not permit the Trailer to wait in that Parking Place:-
- (a) for longer than the Long Stay Maximum Permitted Period unless a Permit is Properly Displayed which allows the Trailer to park in the Parking Places described in Parts 1, 2, 3 and 4 of the Appendix for longer than the Long Stay Maximum Permitted Period

- (9) Where in the Appendix to this Order a Parking Place is described, the Driver of a Vehicle towing a Caravan into that Parking Place shall not permit the Caravan to wait in that Parking Place between the hours of 23:00 hours and 06:00 hours
- (10) Where in the Appendix to this Order a Parking Place is described, the Driver of a Motorhome into that Parking Place shall not permit the Motorhome to wait in that Parking Place between the hours of 23:00 hours and 06:00 hours

4. Closing and Setting Aside Parking Places

- (1) Nothing in this Order shall prevent the Council, by notice displayed at a Parking Place:-
 - (a) from closing the Parking Place or any part thereof for any period.
 - (b) from setting aside for specified uses or for use only by specifically authorised Vehicles of any part or parts of the Parking Place on all days or on certain days or during certain parts of certain days.
- (2) The Driver of a Vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit a Vehicle or Trailer:-
 - (a) to wait in the Parking Place or any part thereof at any time when the Parking Place or that part (as the case may be) has been closed under Article 4(1)(a) of this Order.
 - (b) to wait in any part of the Parking Place at a time when that part has been set aside for specified use or for use by a specifically authorised Vehicle in accordance with Article 4(1)(b) of this Order, unless the Vehicle is so authorised.

5. Use of Vehicle in a Parking Place

- (1) The Driver of a Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in position in the Parking Place, and shall not start the engine except when about to change the position of the Vehicle in or to depart from the Parking Place.
- (2) No person shall sell or attempt to sell or use any Vehicle or Trailer while it is in a Parking Place in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of his skill or services or provision of facilities without the prior written consent of the Council.
- (3) The Driver of a Vehicle using a Parking Place shall not obstruct access to the Parking Place or to any premises adjoining the Parking Place or obstruct the access roads within the Parking Place.
- (4) The Driver of a Vehicle towing a Trailer or a Caravan shall not permit the Trailer or Caravan to wait in the Parking Place unless the vehicle registration mark of the towing Vehicle is displayed thereon.

PART 3

CONTRAVENTION AND PENALTY CHARGES

6.

- (1) If a Vehicle or Trailer is left in the Parking Place without complying with the provisions of this Order, a contravention shall have occurred and a Penalty Charge shall be payable.
- (2) In the case of a Vehicle or Trailer in respect of which the Penalty Charge may have been incurred, it shall be the duty of the Civil Enforcement Officer to attach to the Vehicle or

Trailer in a conspicuous position a Penalty Charge Notice which shall include the information required by the Traffic Management Act 2004.

- (3) A Penalty Charge Notice fixed to a Vehicle or Trailer in accordance with the preceding Article shall not be removed or interfered with except by or under the authority of:
 - (i) the Owner, or person in charge of, the Vehicle or Trailer;
 - (ii) the Council
- (4) The Council may serve a Penalty Charge Notice by post in accordance with Regulation 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

PAYMENT OF PENALTY CHARGES

7. The Penalty Charge shall be paid to the Council either by cheque, bankers draft, money order, or postal order which shall be delivered or sent by post to reach the office address for this purpose indicated on the notice not later than the twenty-eighth day following the issue of the Penalty Charge Notice, or alternatively card payment at the said office address, by telephone or by internet payment not later than the aforesaid twenty-eight day period.

PART 4

MISCELLANEOUS PROVISIONS

8. Power to Move or Remove Vehicles

- (1) If a Vehicle or Trailer is left in a Parking Place in a position other than in accordance with the provisions of Articles 3, 4 and 5(3), a person authorised by the Council in that behalf may alter or cause to be altered the position of the Vehicle or Trailer so that its position is in accordance with the said provisions.
- (2) If a Vehicle or Trailer is left in a Parking Place in contravention of any of the foregoing provisions of this Order, a person authorised by the Council in that behalf may remove the Vehicle or Trailer from that Parking Place or arrange for such removal.
- (3) For the purpose of meeting the requirements of any emergency, a person authorised in that behalf by the Council or a uniformed police officer may alter or cause to be altered the position of a Vehicle or Trailer in a Parking Place or remove or arrange for the removal of the Vehicle or Trailer from the Parking Place.
- (4) Any person altering or causing the alteration of the position of a Vehicle or Trailer by virtue of Paragraph (1) of this Article, or removing or causing the removal of a Vehicle or Trailer by virtue of Paragraphs (2) or (3) of this Article, may do so by towing or driving the Vehicle or Trailer in such other manner as he may think reasonably necessary to enable the position of the Vehicle or Trailer to be altered or the Vehicle or Trailer to be removed.
- (5) Any person removing or arranging for the removal of a Vehicle or Trailer by virtue of Paragraphs (2) or (3) of this Article shall make such arrangements as they consider to be reasonably necessary for the safety of the Vehicle or Trailer in the place to which it is removed and the Council shall not be liable for any loss or damage caused to the Vehicle or Trailer or their contents as a result of its being moved within a Parking Place or removed from a Parking Place under the provisions of this Order, excepting that resulting from the negligence of the Council or its contractors.

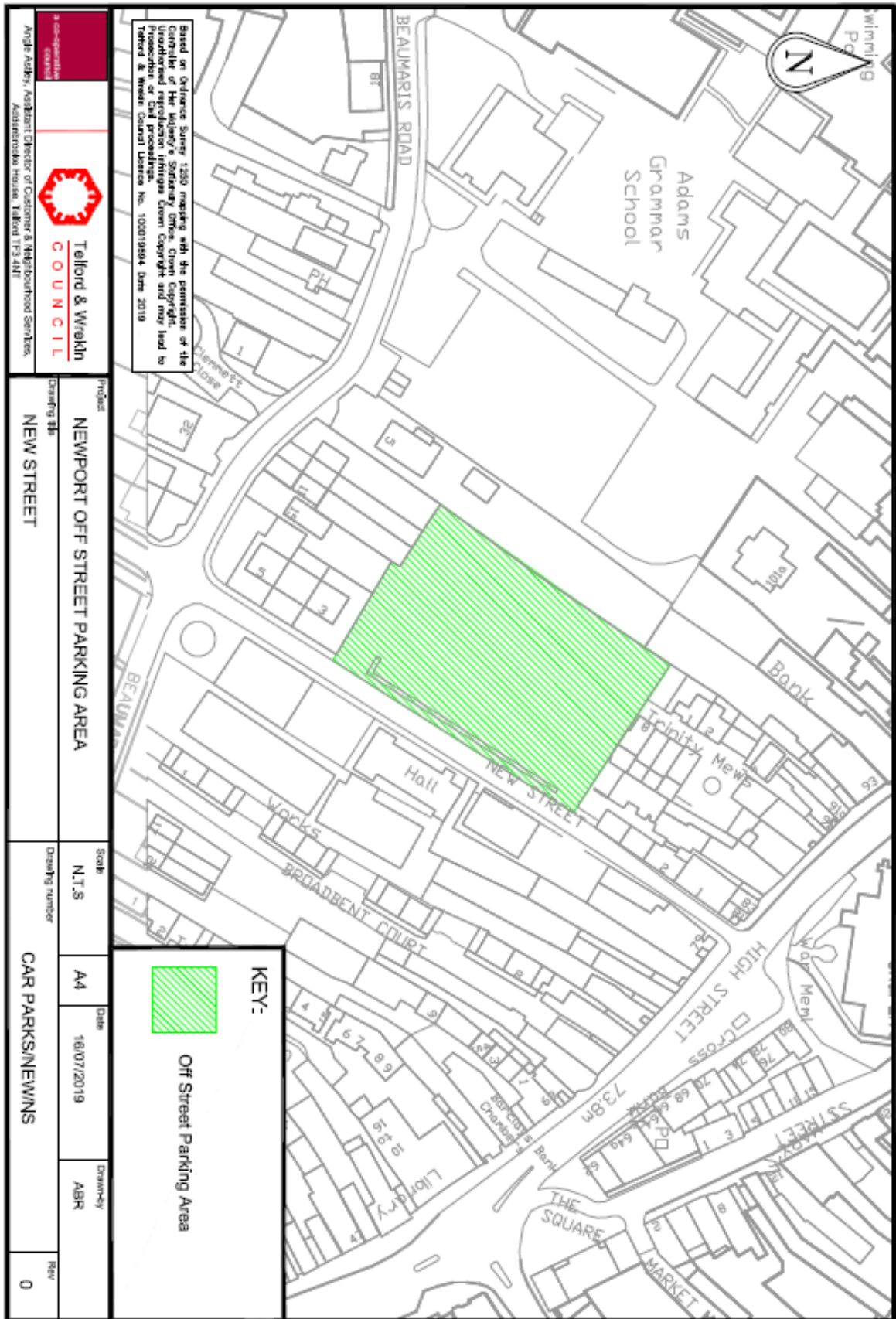
REVOCATION

9. The Telford and Wrekin Council (Off-Street Parking Places) Order 2019 – Newport is hereby revoked.

THE COMMON SEAL of
BOROUGH OF TELFORD & WREKIN
was hereunto affixed on the day of 2020
in the presence of:

Appendix

Part 1




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Telford & Wrekin COUNCIL
 Angle Ashby, Assistant Director of Customer & Neighbourhood Services, Astonside House, Telford TF3 4HT

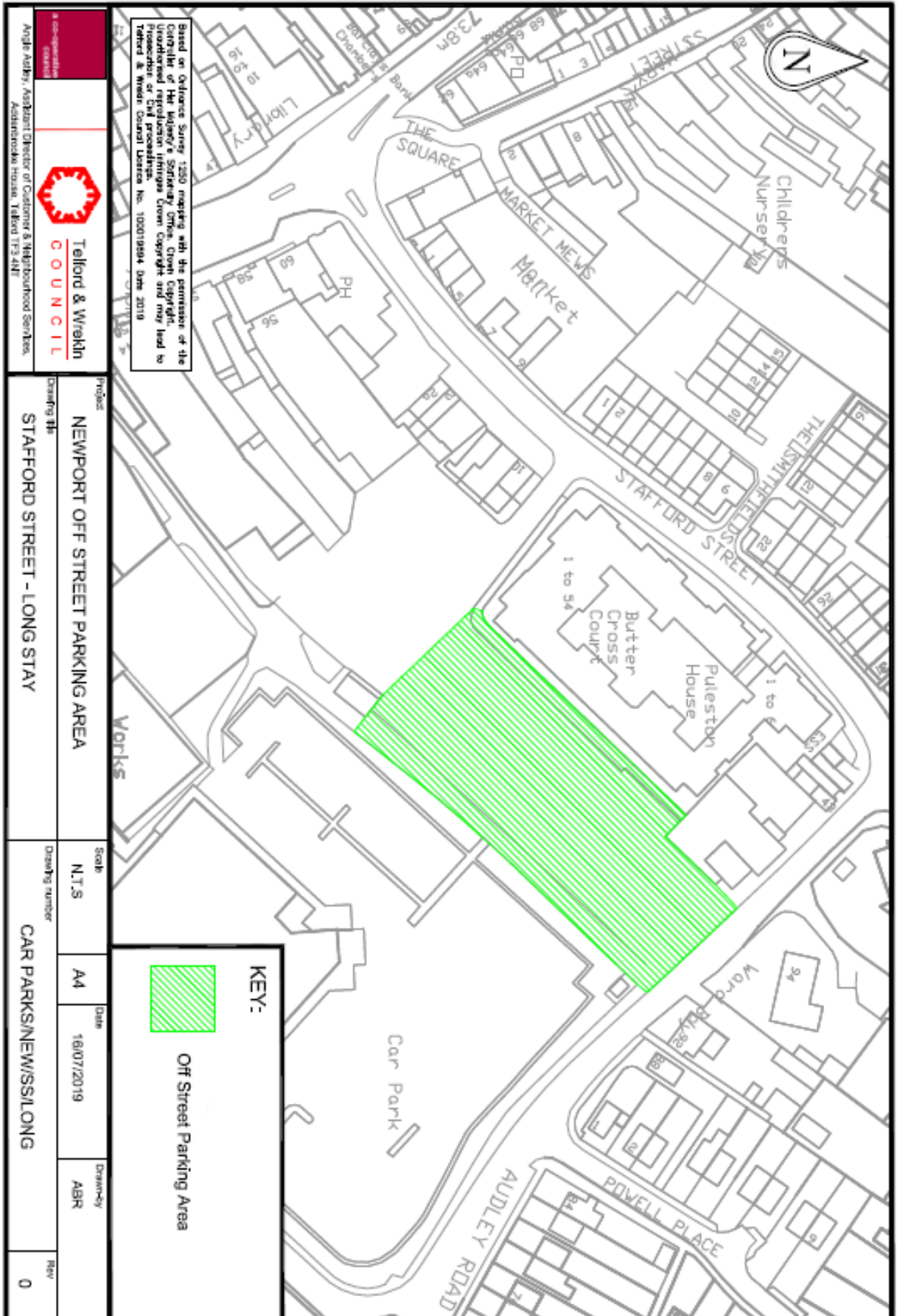
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Scale	N.T.S		
Drawing number	AA	Date	16/07/2019
Drawn by	ASR	Checked by	
Rev	0		

KEY:-



Off Street Parking Area

Part 2



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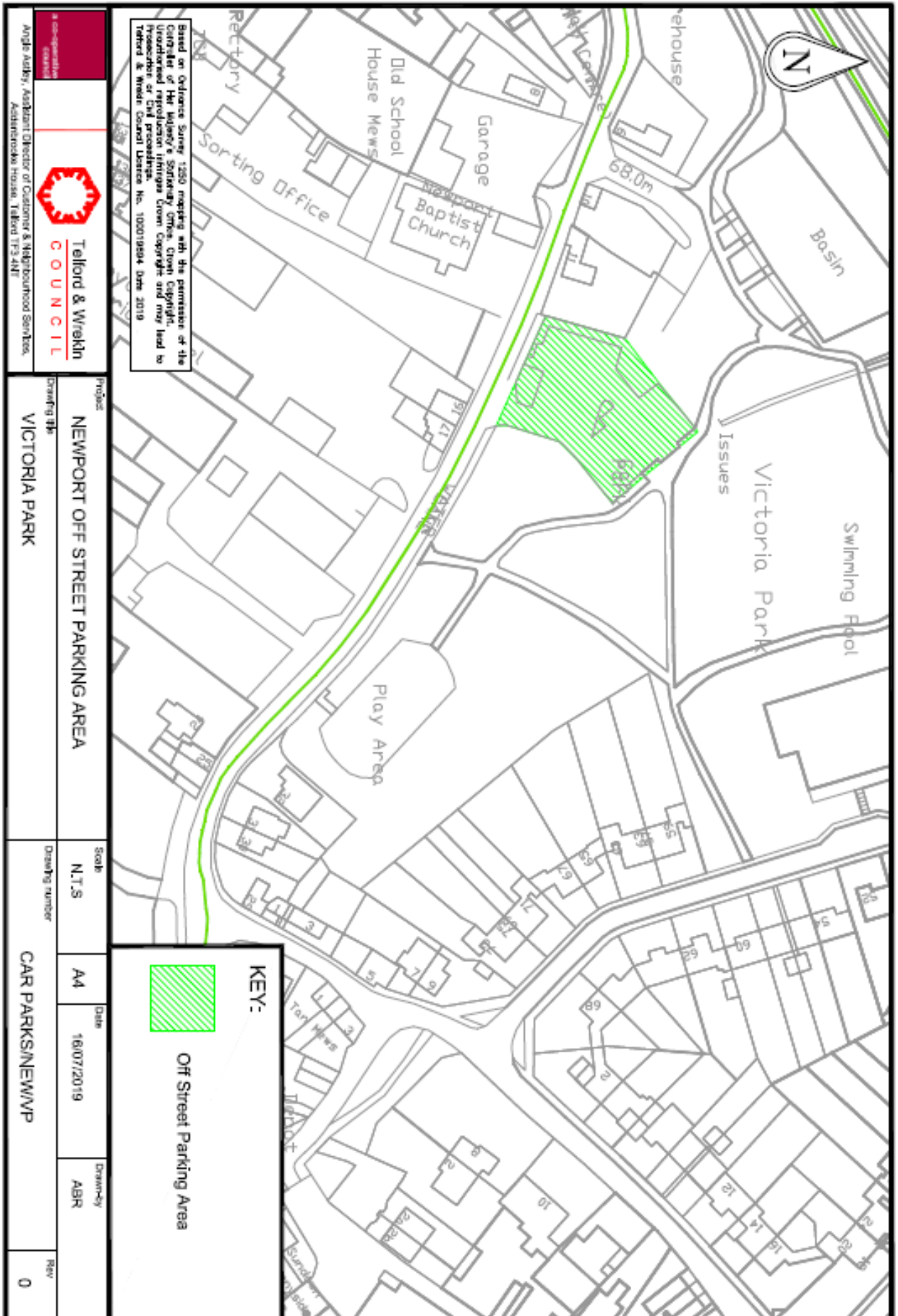
KEY:-



Off Street Parking Area

 <p>Telford & Wrekin COUNCIL</p> <p>Angle Ashby, Assistant Director of Customer & Neighbourhood Services, Astonswood House, Telford TF3 4HT</p>	Project		Scale		Drawing number	Rev
	NEWPORT OFF STREET PARKING AREA		N.T.S			
Drawing title		Date		Drawing number		
STAFFORD STREET - LONG STAY		18/07/2019		CAR PARKS/NEW/SS/LONG		0
		Drawn by				
		ASR				

Part 3



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Telford & Wrekin
COUNCIL
 a co-operative
 council

Angle Ashby, Assistant Director of Customer & Neighbourhood Services,
 Astorbeck House, Telford TF3 4NT

Project: **NEWPORT OFF STREET PARKING AREA**
 Drawing title: **VICTORIA PARK**

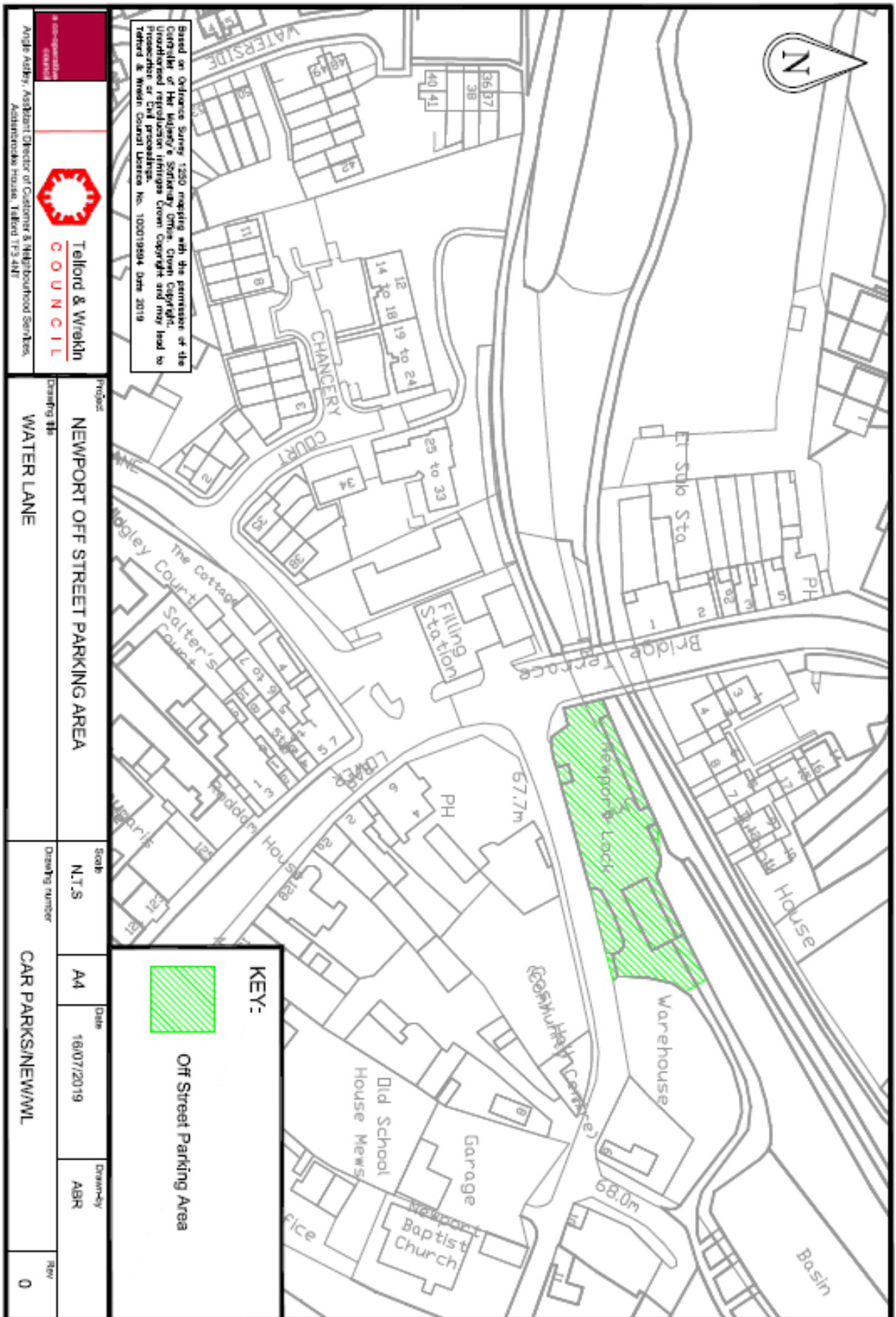
Scale	Date	Drawn by	Rev
N.T.S	16/07/2019	ABR	0

Drawing number: **CAR PARKS/NEWMP**

KEY:


 Off Street Parking Area

Part 4



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Telford & Wrekin COUNCIL

Angle Ashby, Assistant Director of Customer & Neighbourhood Services, Ashurstville House, Telford TF3 4NT

Product: **NEWPORT OFF STREET PARKING AREA**

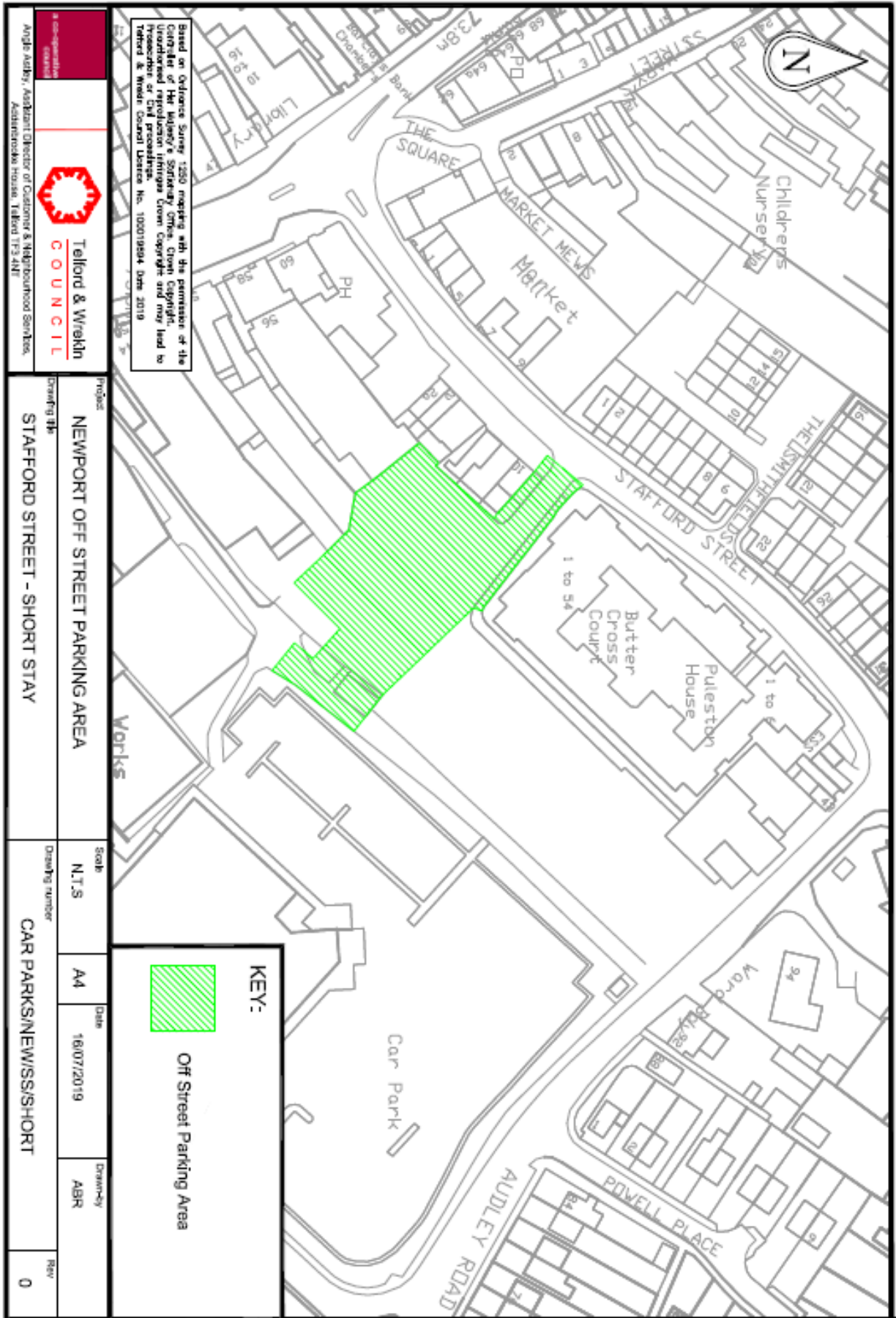
Drawing title: **WATER LANE**

Scale	N.T.S	Date	18/07/2019	Drawn by	ABR	Rev	0
Drawing number	CAR PARKS/NEW/WL						

KEY:

 **Off Street Parking Area**

Part 5



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 Angle Ashby, Assistant Director of Customer & Maintenance Services, Astonwick House, Telford TF9 4JF

Project	NEWPORT OFF STREET PARKING AREA
Drawing title	STAFFORD STREET - SHORT STAY

Scale	N.T.S	Date	18/07/2019	Drawn by	ASR	Rev	0
Drawing number	CAR PARKS/NEW/SS/SHORT						

KEY:



Off Street Parking Area