

AGENDA MANAGEMENT SHEET

Name of Committee **Stratford on Avon Area Committee**

Date of Committee **23 January 2008**

Report Title **The Stratford on Avon District Council (Off-Street Parking Places) Order 2008**

Summary This report seeks approval from Members to the making of the Stratford on Avon District Council (Off-Street Parking Places) Order 2008 which is necessary to comply with new legislation.

For further information please contact Nicholas Dauncey
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Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Background Papers None.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

- Other Committees
- Local Member(s)
(With brief comments, if appropriate)
- Other Elected Members
- Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive
- Legal A Belcher – agreed.
- Finance
- Other Chief Officers



- District Councils
- Health Authority
- Police
- Other Bodies/Individuals

FINAL DECISION **YES/NO** *(If 'No' complete Suggested Next Steps)*

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Stratford on Avon Area Committee – 23 January 2008

The Stratford on Avon District Council (Off-Street Parking Places) Order 2008

Report of the Interim Strategic Director for Environment and Economy

Recommendation

That Stratford on Avon Area Committee approves the making of the Stratford on Avon District Council (Off-Street Parking Places) Order 2008.

1. Introduction

- 1.1 This report recommends that Members of Stratford on Avon Area Committee endorse the making of the Stratford on Avon District Council (Off-Street Parking Places) Order 2008 which is necessary to comply with new legislation (see **Appendix A**).

2. Proposed Order

- 2.1 The existing Stratford on Avon District Council (Off-Street Parking Places) Order 2007 needs to be revoked and a new order made to comply with new powers and terminology being introduced on 31 March 2008 under the Traffic Management Act 2004.
- 2.2 The new terminology simply makes the current decriminalised "Permitted Parking Areas" and "Special Parking Areas" into "Civil Enforcement Areas", and Parking Attendants will become known as "Civil Enforcement Officers".
- 2.3 Under sections 39(3) and (4) of the Road Traffic Regulation Act (RTRA) 1984, Stratford on Avon District Council cannot make the above Order without consent from Warwickshire County Council and there is no officer delegation for this.

DAVID PYWELL
Interim Strategic Director for Environment and Economy
Shire Hall
Warwick

9 January 2008

Appendix A of Agenda No

Stratford on Avon Area Committee -

**The Stratford on Avon District Council
(Off – Street parking Places) Order 2008**

DATED

2008

STRATFORD-ON-AVON DISTRICT COUNCIL

THE STRATFORD-ON-AVON DISTRICT COUNCIL

(OFF-STREET PARKING PLACES)

ORDER 2008

THE STRATFORD-ON-AVON DISTRICT COUNCIL
(OFF-STREET PARKING PLACES) ORDER 2008

The Stratford-on-Avon District Council in exercise of their powers under Sections 32 and 35 and under Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (as amended) ("the 1984 Act"), the Traffic Management Act 2004 ("the 2004 Act") and all Regulations and Orders made in exercise of the powers conferred by the 2004 Act and of all other enabling powers, with the consent of the Warwickshire County Council given under 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

COMMENCEMENT INTERPRETATION AND REVOCATION

1. (1) This Order shall come into operation on 31st March 2008 and may be cited as "the Stratford-on-Avon District Council (Off-Street Parking Places) Order 2008".

(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 Stratford-on-Avon District Council (Off-Street Parking Places) Order 2007 is hereby revoked.

2. (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.

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

"disabled person's badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"disabled person's vehicle" means a vehicle which displays in the relevant position a disabled person's badge;

"charge certificate" means the statement that the penalty charge has been increased by 50 per cent in accordance with Regulation 21 of 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;

"Council" means Stratford-on-Avon District Council;

"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;

"enforcement authority" means Stratford-on-Avon District Council

"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 but does not include road tanker and tank containers as set out in Regulation 2 of the Dangerous Substances (Conveyance by Road Tankers and Tank Containers) Regulations 1981;

“motor car or light commercial vehicle” means a mechanically propelled vehicle, the unladen weight of which does not exceed thirty hundred weight and which is less than six feet six inches in height and shall include a motor cycle but only when that motor cycle has a sidecar attached which is either:-

(i) constructed solely for the carriage of not more than twelve passengers and their effects exclusive of the driver; or

(ii) constructed for the conveyance of goods or burden of any description

“motor cycle space means any area of parking place as defined in the Article which is provided for the leaving of a motor cycle and indicated by markings on the surface of the parking place or signed 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 road, 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;

“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 a parking place described in Schedule 1 to this Order; and for the avoidance of doubt includes the private approach roads/access areas leading to any from a parking place;

“pass” “disc” “permit” “season ticket” shall mean a ticket issues 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 set by the Council under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 28 days beginning with the date of issue endorsed upon the penalty charge notice;

“PCN” means a penalty charge notice issued or served by a civil enforcement officer or posted by the enforcement authority pursuant to the provisions of Section 78 of the 2004 Act and The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“reduced penalty charge” means a charge set by the Council under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid within 14 days following the date of issue endorsed on penalty charge notice;

“relevant date” meant the date upon which any vehicle is or was parked in any parking place or upon which any event occurs or occurred in breach of any of the provisions of this Order or to which this Order relates;

“registered keeper” means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994;

“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 obverse side facing forwards on the near side of and 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

“specified charge for parking” means the fee payable for parking in a parking place as displayed on or adjacent to the ticket machine relating to that parking place;

“ticket machine” means apparatus or a device of a type and design approved by the appropriate Minister in accordance with Section 35(3) of the 1984 Act.

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 the purposes of that Act this Order were an Act of Parliament and the Orders revoked by Article 1 were Acts of Parliament thereby repealed.

PART II

USE OF PARKING PLACES

4. (1) Each of the parking places specified in Column 1 of Schedule 1 to this Order is authorised to be used, subject to the following provisions of this Order, as a parking place for such vehicles or classes of vehicles, in such positions on such days and during such hours as are specified in relation to that parking place in the said Schedule 1 and no parking place shall be used by any person for any other purpose whatsoever.

(2) Any right of passage within any parking place specified in the said Schedule 1 is available only to persons driving or being conveyed in motor vehicles or riding or being conveyed on other vehicles and does not extend to pedestrians and no rights of way whatsoever over the said parking places other than for the purpose of parking vehicles shall be deemed to have been granted by the Council by virtue of this Order.

(3) No person other than a person authorised by the Council, the driver of or a passenger in a vehicle parked or intended to be parked in a parking place, or other person authorised by such driver or passenger shall enter such parking place for any purpose whatsoever.

(4) Notwithstanding the provisions of this Order the Council reserve the right to grant upon such terms and conditions as they think fit rights of access across any of the parking place to which this Order applies for the purpose of obtaining rear access to premises adjoining such parking places, in which case the provisions of this Order shall apply to vehicles exercising such rights in accordance with the terms and conditions thereof.

5. (1) A person shall not drive in a parking place a motor vehicle unless:-
- (a) 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) 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.
- (2) The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of 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 Part VI of the Road Traffic Act 1972.
6. A person shall not drive in a parking place a motor vehicle as a speed exceeding that officially notified byway of signs of in the absence of such signs at a speed exceeding ten miles per hour.
7. The driver of any vehicle in a parking place shall comply with any instruction given, by a duly authorised person, by direction signs or in any other manner as to the route to be followed within the parking place.
8. (1) Where in Schedule 1 to this Order a parking place is described as available to vehicles of a specified class, the driver of a vehicle shall not permit it to wait in that parking place unless it is of the specified class.
- (2) A driver of a vehicle using a parking place shall not park the vehicle in any position other than within a parking bay indicated as being reserved for vehicles and in particular, such a driver shall not park the vehicle on any space indicated by appropriate markings as being reserved for official use or to be kept clear and shall not park the vehicle in such a position as to impede the free access to and egress from the parking place.
- (3) In the absence of any such designated parking bays, a driver of a vehicle using such parking place shall park the vehicle as directed by the civil enforcement officer or any other duly authorised person.
- (4) The driver of any vehicle which is constructed or adapted for drawing a trailer or caravan shall not within any parking place cause or permit such trailer or caravan to be unhitched from the vehicle.
- (5) Where part of a parking place is specifically reserved for the use of motorcycles with or without sidecars the driver of any other class of vehicle shall not permit to wait in the area so reserved.
- (6) The driver of a vehicle which together with its load the width of which exceeds 2.9 metres or the length of which exceeds 15.5 metres shall not use a parking place except with the prior written consent of the Council.
- (7) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person's vehicle displaying a valid person's parking authorisation badge.
- (8) Where a sign or notice is displayed prescribing the maximum height limit for vehicles permitted to use a parking place no vehicle exceeding that height may use the parking place.
9. (1) No person shall leave or permit to be left in a parking place:-

- (a) a trailer of any kind including a touring or any other type of caravan without is traction unit;
- (b) any vehicle having a secondary generating motor for the purposes of a refrigeration unit or any other purpose unless he ensures that at all times whilst the vehicle is so left the secondary generating motor is not in operation

(2) No person shall permit any vehicle left in a parking place to be used in such a manner as to generate 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.

10. A 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.

11. Except with the writing authority of the Council, 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 Schedule 1 to this Order in relation to that parking place.

12. No person shall cause or take part in any gathering or demonstration within a parking place, or cause any unreasonable or unnecessary noise.

13. No person shall use any parking place for the playing of any game nor shall any pedal cycle be taken or ridden therein, except where specific provision is made for the storage of pedal cycles.

14. No person shall, within any parking place, commit any act which, if committed on a public highway, would constitute a contravention under the provisions of the Environmental Protection Act 1990.

15. The driver of a vehicle while it is waiting in a parking place shall not carry out or permit to be carried out any work of cleaning, maintenance or repair to the vehicle except such as may be necessary to enable the vehicle to be moved from the parking place.

16. No horn or other similar instrument may be sounded on a vehicle using a parking place except when the position of the vehicle in the parking place is about to be changed or the vehicle is about to depart from the parking place.

17. Except with the written authority of the Council, no person shall use a vehicle, or anything towed by a vehicle while it is in a parking place, for domestic purposes or as a place of habitation; provided that this restriction shall not apply to the drivers of commercial vehicles which are specifically constructed to provide sleeping accommodation.

18. Unless authorised in writing by the Council so to do no person shall, within a parking place, sell or attempt to sell any article to persons in or near the parking place, or sell or offer for hire his skill or services and shall not use a vehicle or anything towed by a vehicle while it is in a parking place or any part of a parking place for such purpose, or for the purpose of any exhibition and no vehicle shall be advertised for sale while it is standing in a parking place.

19. Any person who wilfully or carelessly damages in any way or interferes with the fabric or structure or equipment of any parking place, shall be guilty of a contravention under this Order and in addition to the penalty provided by Section 35A of the 1984 Act, shall be liable for the cost of repair of the damage.

20. Except with the prior written consent of the Council, no person shall affix to the exterior of any vehicle or any part thereof in the parking place or to the fabric, structure or equipment of any parking place or any part thereof any advertisement of promotional literature.

21. No person shall cause or permit the contents of any closet, urinal, lavatory, basin or sink or of any tank into which such a closet, urinal lavatory basin or sink drains to be discharged or to leak on to any parking place or into the drainage system of any parking place.

22. No person shall light or cause or permit to be lit any fire in or on a parking place or use any part of a parking place or any vehicle left in a parking place for cooking purposes.

23. No naked lights, smoking or draining or replenishing of fuel tanks shall be permitted in any parking place designated in Schedule 1 to this Order as a 'multi-storey' car park.

24. No driver or rider of a vehicle entering a parking place shall use that parking place as a direct means of access for that vehicle from one highway to another unless the vehicle is first place in a position in the parking place in accordance with the provisions of Article 7 hereof.

25. 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 of so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.

26. 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 of 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.

27. 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 specific 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.

28. 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.

29. No person shall except with the permission of any person duly authorised by the Council drive any vehicle into a parking place where there is exhibited at the entrance to the parking place a notice indicating that the parking place is full.

30. (1) If in any case, owing to the presence of a motor 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 motor vehicle or to any other property whatsoever, the driver of the motor 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 name and address and also the name and address of the owner and the identification marks of the vehicle.

(2) If in the case of such accident as foresaid, the driver of the motor vehicle for any reason does not give his name and address to any such persons aforesaid, he shall report the accident at the Stratford-upon-Avon Police Station or to a police officer as soon as reasonably practicable and in any case within twenty-four hours of the occurrence thereof.

PART III

CHARGES

31. The charges (if any) for the parking of vehicles in parking places to which this Order applies shall be as set out in Schedule 2 to this Order.

32. Any person who wilfully avoids or seeks to avoid, or assists in avoiding, the payment of the appropriate charge at any parking place shall be guilty of a contravention under this Order.

33. A vehicle left in a parking place by the driver thereof, who is a person who on account of his severe physical disability has been notified in writing by the Council that no charge specified in the foregoing provisions of this Order shall be payable for such vehicle if so left by him, shall be exempt from any such charge, subject to a valid disabled person's badge being displayed.

34. (1) Where the driver of any vehicle parking that vehicle in a parking place to which this Order applies, is not the holder, in respect of that vehicle, of a current season ticket which is valid in respect of the parking place concerned, he shall pay the appropriate charges as laid down in Schedule 2 to this Order on the leaving of the vehicle in the parking place, and for the whole duration that the vehicle is parked in the parking place, by the insertion in the Ticket Machine of a coin or coins of the appropriate denomination making up the amount of the charge for the period for which payment is being made and where more coins than one are required, they shall be inserted in the Ticket Machine immediately one after the other.

(2) 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 and that the ticket shall remain visible for the whole duration that the vehicle is parked in the parking place.

(3) The driver of the vehicle shall ensure that a ticket is purchased and displayed as described in the preceding paragraphs to cover the entire period that the vehicle is parked within the parking place.

(4) A season ticket may on application be purchased from the Council for such charges as may from time to time be determined by the Council, and that season ticket shall be valid in such parking place or places and on such days and at such times as is specified thereon during the period in respect of which it has been issued SUBJECT TO the Council reserving the absolute right to refuse the issue of season or period tickets and FURTHER reserving the absolute right to withdraw and revoke any such season or period ticket which has been issued SUBJECT to reimbursement of any proportionate part of the fee relating to an unexpired period and the driver of any vehicle who is the rightful holder of a current season or period ticket parking that vehicle in a parking place for which the season or period ticket is valid shall exhibit that ticket on the vehicle in the manner prescribed by paragraph (3) of this Article. A season ticket shall remain visible for the whole duration that the vehicle is parked in the parking place.

PART IV

SUSPENSION OF PARKING PLACE

35. (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 alternation 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 dwelling house to another or the removal of furniture from such premises to a depository or to 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 all 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) 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 any part thereof in accordance with the forgoing 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 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 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 period 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

36. (1) If a vehicle is left in a parking place in contravention of or 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 or reduced penalty charge shall be in the sum of the following amounts:-

- (a) The penalty charge - Band 2 as set out in Section 1 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 subject to payment being received by the Council as provided in paragraph 4 of this Article within 28 days beginning with the date of issue of the PCN.
- (b) The reduced penalty charge – a 50per cent reduction of the penalty charge subject to payment being received by the Council as provided in paragraph 6 of this Article within 14 days of the beginning with the date of issue of the PCN.
- (c) 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 50per cent.

(3) Service of a PCN or charge certificate by post is deemed effective on the second working day after the day of posting

(4) Where a penalty charge has been incurred a civil enforcement officer may attach to the vehicle in a conspicuous position or hand to the driver a PCN which shall comply with the requirements of Regulation 9 and the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

(5) Where a penalty charge has been incurred, a PCN may be issued by post by the enforcement authority if the owner of the vehicle drives the vehicle away before the civil enforcement officer has issued a PCN or the civil enforcement officer has been prevented from issuing a PCN, such a PCN shall comply with the requirements of Regulation 10 and the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007

(6) Payment of the penalty charge to the Council shall either be by electronic transfer cheque postal order or 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 4.30pm, 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 4.30pm, on the next full working day.

(7) 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

37. 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 shall remove the PCN from the vehicle.

PART VI

REMOVAL OF VEHICLES

38. (1) Subject to the proviso hereto when a vehicle is left in a parking place in contravention of any of the provisions of Articles 4, 5, 8, 11 or 32 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 8(2) 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 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.

(4) No person altering or causing to be altered the position of a vehicle or removing or arranging for the removal of a vehicle by virtue of paragraphs (1), (2) or (3) respectively of the Article of the Council shall be liable for any loss or damage to the vehicle or to anything contained therein arising from or in consequence of the exercise of the powers contained in the Article and any expenses incurred by the Council by virtue of action taken under paragraphs (1), (2) and (3) of the Article shall be recoverable by the Council from the driver of the vehicle summarily as a civil debt.

39. 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.

PART VII

GENERAL PROVISIONS

40. (1) Where the driver of a vehicle is alleged to be guilty of an contravention to which this Order applies, the owner of the vehicle shall give such information as to identity of the driver as he may be required to give by or on behalf of the Council; and

(2) Any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver.

(3) For the purpose of the institution of proceedings for any contravention under this Order it shall be conclusively presumed (notwithstanding that the person may not be an individual) that the registered keeper of the vehicle at the relevant date shall pursuant to the provisions of Section 35A(3)(a) of the 1984 Act be deemed to be responsible for any contravention of or non-compliance with this Order unless the registered keeper can prove in any proceedings:-

- (a) that the registered keeper was neither the owner nor keeper of the vehicle at the relevant date; or
- (b) that the vehicle was being used at the relevant date without the consent of the Registered Keeper.

Provided that the Council shall be entitled to proceed against any other person whom the Council proves to be either the owner or the keeper or the driver of the vehicle at the relevant date instead of the registered keeper.

(4) Where in any proceedings for an contravention under this Order failing to pay any charge it is provided that the amount has become due or any part of that amount has not been duly paid the Court shall order the payment of the sum not paid and any sum ordered to be paid shall be recoverable as a penalty.

41. The Council shall not be responsible for any loss or damage to any vehicle, or to anything contained therein or thereon from any cause whatsoever, whilst any such vehicle is entering, within or leaving a parking place.

PART VIII

DISPOSAL OF VEHICLES ABANDONED IN A PARKING PLACE

42. The Council may as respects a vehicle which has been removed from a parking place in pursuance of Article 38 of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain the name and address of the owner of the vehicle PROVIDED THAT the Council shall be deemed to have made reasonable enquiry to ascertain the name and address of the owner of any vehicle to which this Article applies if they have taken in relation to that vehicle such steps as may be prescribed by any regulations for the time being in force by virtue of the Road Traffic Regulation Act 1984, for authorising the Council to sell or otherwise dispose of the vehicle if it had been left on a road and if it appeared to the Council that it had been abandoned.

IN WITNESS WHEREOF the Common Seal of the Stratford-on-Avon District Council
was hereunto affixed the day of 2008