

**THE WOLVERHAMPTON CITY COUNCIL**  
**(DISTRICT OFF-STREET PARKING PLACES) (WEDNESFIELD) ORDER 2021**

Wolverhampton City Council (hereinafter referred to as the “Council”) in exercise of its powers under Sections 1, 2, 4, 5, 32, 35, 35A, 124 (1) (d) and part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and by virtue of Section 74 and paragraph 8(4) of Schedule 8 of the Traffic Management Act 2004 (“the 2004 Act”) and all other enabling powers, the city of Wolverhampton being a Civil Enforcement Area (“CEA”) and with the consent of every authority and person responsible for the maintenance of the roads and Parking Places affected by this Order and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order;

**GENERAL**

Citation and commencement

1. This Order shall come into operation on the \_\_\_\_\_ 2021 and may be cited as The Wolverhampton City Council (District Off-Street Parking Places) (Wednesfield) Order 2021.

Interpretation

2. Any reference in this Order to a numbered clause or to a numbered appendix is a reference to the clause or to the appendix bearing that number in this Order.

**DEFINITIONS**

3. In this Order the following words and phrases (where used) have the meanings ascribed to them as follows:-

“Appendix I” means the appendix attached to this Order headed the ‘Wednesfield District - Off Street – Car Park Appendix I’, to include the plans attached to and forming part of the appendix, which appendix and appendix plans form part of and are incorporated into this Order and which appendix and appendix plans amongst other things detail the location of the Parking Places, hours of operation and Charge in respect of the Parking Places to which this Order applies and relates;

“Coach” means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver);

“Commercial Permit Holder” means a business who holds a valid Commercial Parking Permit;

“Commercial Parking Permit” means a Seasonal Parking Permit issued by the Council for the purpose of parking a specified vehicle(s), for a set period of time, in a designated car park and must be used by the Commercial Permit Holder only;

“Council” means Wolverhampton City Council and includes any parking services contractors or authorised agents (in each case) duly appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

“Charge” means the charge imposed by the Council for Parking in a Parking Place on any one day and for a specified period of time as is identified in the scale of Charges specified by notice in the Parking Place and in Appendix I to this Order;

“Disabled Persons Badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, as amended (it being noted there are no concessions in Wolverhampton City Council car parks);

“Driver” in relation to a Vehicle Parked in a Parking Place, means the person driving the Vehicle at the time it was Parked in the Parking Place and the person driving the Vehicle when it departs from the Parking Place (should they be different);

“Electric Charging Point” means an area duly marked and signed adjacent to a Vehicle charging station for the purpose of charging “Electric Vehicles” or “Plug in Hybrid Vehicles”;

“Electric Vehicle” means a Vehicle including a Motorcycle in which the electrical motive power is derived from an electric motor(s) powered by an electrical storage battery which is not connected to any power when the Vehicle is in motion;

“Event Day” means the day of any event duly advertised within the Parking Place in advance of the event;

“Expiry Time” is the time indicated on the Pay and Display Ticket (or at the end of a valid RingGo (or such other provider of Virtual Parking Tickets which the Council may use at any time in the future for such purposes) Parking period) and is the time by which the Vehicle must leave the Parking Place;

“Hirer” means the hirer as defined in regulation 5(3) and 5(4) of The Civil Enforcement Parking Contraventions (England) General Regulations 2007, Statutory Instrument 2007 No 3483;

“Motorcycle” has the same meaning as in Section 136(4) of the 1984 Act;

“Number Plate” means the applicable valid registered vehicle identification plate details for the Vehicle;

“Order” means The Wolverhampton City Council (District - Off Street Parking Places) (Wednesfield) Order 2021;

“Overnight Parking” means to allow a Vehicle to remain parked for one continuous period that includes the hours between 23:59pm until 6:00am;

“Owner” in relation to a Vehicle means the person who uses and keeps the Vehicle. In determining who was the Owner at any time it shall be presumed that the Owner was the person named in the vehicle registration document as the Registered

Keeper of the Vehicle or the person who has the use of such Vehicle in the course of his / her employment and who is entitled to use such Vehicle as though he / she were the Registered Keeper thereof;

“Park” refers to a Vehicle stopping and remaining stationary for any period of time whether or not the Driver is in the Vehicle and a Vehicle shall be deemed to Park for any period in the same Parking Place or Parking Bay (as the case may be) if any part of the Parking Place or Parking Bay is below the Vehicle or the Vehicle’s load (if any) whether or not the Vehicle is moved during that period and “Parking” and “Parked” shall be construed accordingly;

“Parking Bay” means any area of the Parking Place which is provided for the Parking of a motor Vehicle of a class specified and indicated by markings on the surface of the Parking Place or signposted or otherwise indicated by signs or notices or other structures whatsoever placed or erected in the Parking Place;

“Parking Place” means any of the car parks specified in Appendix I of this Order and shown for identification purposes in the plans attached to Appendix I of this Order;

“Pay and Display Ticket” means a ticket issued by a Ticket Machine located in the Parking Place in which the Vehicle is Parked or issued by the Council or a person acting on behalf of and authorised by the Council for the payment of a Charge, valid for the Parking period as advertised at that Parking Place and in Appendix I of this Order;

“Payment by Phone” means such payments which can be made via RingGo, the Council’s provider of Virtual Parking Tickets (payment of which are made by the available methods specified by RingGo) and /or as specified by the signs and/ or notices at the Parking Place;

“Penalty Charge” means a charge imposed pursuant to legislation in respect of Parking contraventions that are subject to civil enforcement and which has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Penalty Charge Notice” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Permit Holder” means a person who holds a valid Parking permit;

“Permitted Vehicle” means a roadworthy mechanically propelled vehicle intended for use on roads (to include Electric Vehicles and Plug In Hybrid Vehicles) the unladen weight of which does not exceed 3000kg and which is less than 2.0m in height, or a roadworthy Motorcycle or a roadworthy Coach

“Plug In Hybrid Vehicle means a Vehicle including a Motorcycle in which the electrical motive power can be provided by either an internal combustion engine or by an electric motor(s) powered by an electrical storage battery which can be recharged from an external source of electricity;

“Registered Keeper” means the person who at the time of any contravention or non-compliance of this Order was the person in whose name the Vehicle was registered under the Vehicle (Excise) Act 1971;

“Relevant Position” means:

(i) In respect of a Disabled Persons Badge-

(a) in the case of a Vehicle fitted with a front windscreen, the Disabled Persons Badge is displayed on the dashboard or fascia of the Vehicle, or

(b) in the case of a Vehicle not fitted with a front windscreen, the Disabled Persons Badge is displayed in a conspicuous position on the Vehicle,

so that (in all the above cases) the front of the Disabled Persons Badge is clearly visible and legible from the outside of the Vehicle,

(ii) In respect of a Pay and Display Ticket or Season Ticket-

(a) in the case of a two-wheeled Motorcycle with a sidecar attached, in a conspicuous position on the Motorcycle in front of the driving seat;

and in the case of all other Vehicles:-

(b) (i) where the Vehicle is fitted with a front glass windscreen inside the windscreen or in a conspicuous position facing forwards; or  
(ii) where the Vehicle is not fitted with a front glass windscreen, in a conspicuous position on the Vehicle,

so that (in all the above cases) the amount paid and the date and time of expiry of the Pay and Display Ticket or Season Ticket on the front of the said Pay and Display Ticket or Season Ticket is clearly visible and legible;

“RingGo” means the Council’s provider of Virtual Parking Tickets (payment of which are made by the available methods specified by RingGo and /or as specified by the signs and/ or notices at the Parking Place);

“Season Ticket” means a season ticket issued by the Council for the purpose of parking a specified vehicle(s), for a set period of time, in a designated car park and must be used by the Season Ticket Holder only;

“Season Ticket Holder” means a person who holds a valid Season Ticket

“Seasonal Parking Permit” means a seasonal parking permit issued by the Council for the purpose of parking a specified vehicle(s), for a set period of time, in a designated car park and must be used by the Seasonal Parking Permit Holder only;

“Seasonal Parking Permit Holder” means a person who holds a valid Seasonal Parking Permit.

“Ticket Machine” means an apparatus of a type and design approved for the purpose by the 1984 Act, as apparatus designed (by use of a clock) to indicate the time and to issue Pay and Display Tickets which show that a payment has been made of an amount or for a specified period and which specify the date the Pay and Display Ticket was issued and, either the time of such payment, or the Expiry Time at which the Vehicle must leave the Parking Place;

“Vehicle” means Permitted Vehicle;

“Virtual Parking Ticket” means an electronic record of payment of the Charge for Parking :

- (i) which is issued by the Council and/or RingGo (or such other provider of Virtual Parking Tickets which the Council may use at any time in the future for such purposes), on payment having been made electronically via the use of a mobile device in the manner described on information signs and/or notices located at or near the Parking Place or as maybe detailed and /or publicised by the Council, RingGo or such other provider of Virtual Parking Tickets at any time ; and
- (ii) which records and displays the Expiry Time of the Parking paid for; and
- (iii) upon which the tariff zone and the Parking Place or Parking Bay permitted to be used for Parking corresponds with that specified on signs and notices in the location of the relevant Parking Place in which the motor Vehicle is Parked.

“Vehicle Registration Mark” and /or “VRM” both mean the Number Plate;

4. Any reference in this Order to any enactment (for example statute, statutory provision or statutory instrument and including enabling powers etc) includes a reference to that enactment (together with all rules and regulations made under it) as from time to time amended, applied, consolidated or re-enacted by or as having effect by virtue of any subsequent enactment.

5. In this Order (except where the context otherwise requires):

- (i) use of the singular includes the plural (and vice versa) and use of any gender includes the other genders;
- (ii) a reference to persons (to include a reference to the Driver, Owner or Registered Keeper), includes natural persons, firms, partnerships, bodies corporate, corporations, associations, organisations, foundations, trusts, charities and other unincorporated bodies and associations and all other legal entities;
- (iii) Appendix I forms an integral part of and is incorporated into this Order and has effect as if set out in full in the body of this Order. A reference to this Order includes Appendix I;
- (iv) if any provision of this Order (or any part of any provision) is found by any court or other body of competent jurisdiction to be void or unenforceable that provision (or part of any provision) shall be severed from all other provisions of this Order and the remaining provisions will remain unaffected and in force.

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

## **DESIGNATION AND USE OF PARKING PLACE**

### Use of Parking Place

7. Each Parking Place specified in Appendix I of this Order may be used, subject to the following provisions of this Order for Parking by such classes of Vehicles only as is permitted in that Parking Place by notices and/or signs and in Appendix I only. No other use of the Parking Place is permitted (and for the avoidance of doubt Parking in any of the Parking Places is only permitted for the permitted classes of Vehicles as specified in the Parking Place and in Appendix I).

8. Where in Appendix I and/or signage or notices at the Parking Place a Parking Place is described as available for Vehicles of a specified class or for Vehicles required to be Parked in a specified position, the Driver, Owner or Registered Keeper of the Vehicle shall not permit the Vehicle to be Parked in that Parking Place unless it is of the specified class and is in the specified position permitted under Appendix I of this Order and/or signage or notices at the Parking Place .

### Classes of Vehicles

9. No person (Driver, Owner or Registered Keeper), shall cause or permit a Vehicle to be Parked in any Parking Place unless it is a mechanically propelled Vehicle the unladen weight of which does not exceed 3000kg and which is less than 2.0m in height or a Motorcycle save that the Parking of Coaches is permitted in off street Parking Places (as maybe detailed in Appendix I) only.

### Maximum Period of Stay

10. Where by notice or signage duly placed by the Council or by another person authorised by the Council in the Parking Place, a Parking Place is described as being available for use (as permitted under this Order) on specified days only, during specified hours only or for a maximum period of stay only, no person (Driver, Owner or Registered Keeper) shall cause or permit a Vehicle to Park in that Parking Place other than on any day, during such hours or for any period or duration other than is specified and permitted under this Order in Appendix I (and as referred to in such notice or signage at the Parking Place) for the stated class of Vehicle.

### Period of no return

11. Where by notice or signage etc in the Parking Place, a Parking Place is described as having a period within which a Vehicle may not return, no person (be that a Driver, Owner or Registered Keeper), shall cause or permit the Vehicle to Park again in any Parking Bay in that Parking Place (or any other area of that Parking

Place) at which the Vehicle had been Parked until the expiry of the specified period in Appendix I (or in any notice or signage at the Parking Place), for the stated class of Vehicle.

#### Parking Bays for specific classes of Vehicle

12. No person (be that a Driver, Owner or Registered Keeper), shall cause or permit any Vehicle to Park in any part of a Parking Place which is marked by signs, notices, lines, studs or other indications so as to indicate its provision as a Parking Bay for:-

- (a) a Motorcycle, unless the Vehicle is a Motorcycle (without a sidecar attached)
- (b) a disabled persons Vehicle, unless there is displayed on the Vehicle in the relevant position a Disabled Persons Badge.
- (c) an Electric Vehicle, unless the Vehicle is an Electric Vehicle or Plug In Hybrid Vehicle that is actively re-charging at an Electric Charging Point for no longer than the maximum period set out in Appendix I of this Order or signage or notice at the Parking Place, or Parking Bay or Electric Charging Point.

#### Stop engine

13. The Driver of a motor Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in a safe position within the demarcation of a Parking Bay or Electric Charging Point within the Parking Place and shall not start the engine except when about to change the position of the Vehicle in the Parking Place or depart from the Parking Place.

#### No selling

14. No person shall (without the prior written consent of the Council), use any Vehicle whilst it is in any Parking Place, for the sale of any goods, articles or any other material or item whatsoever to persons in or near the Parking Place, nor use any Vehicle in connection with the selling or offering for hire of his skill or services or for the purposes of advertising or promoting any cause, event or other matter whatsoever or for the distribution of leaflets or other materials whatsoever. The Council will (at its sole discretion) consider any requests for prior written consent made to it under this clause and any requirements the Council may have for any grant of the same. If prior written consent is given the recipient of any such consent will be required to strictly adhere to and comply with the requirements of any consent granted and in addition will be required to obtain, adhere to and comply with all other consents, permissions, requirements, byelaws, licences etc that maybe required by the recipient from other bodies, organisations, persons and all other applicable sections and bodies of the Council for any such use at the Parking Place and will be required to comply with all legislation, regulations, byelaws, codes of conduct and best practice relating to the same.

15. Further, no person shall (without the prior written consent of the Council) use a Vehicle whilst it is in any Parking Place for the purpose of repairing servicing or washing any Vehicle or any part of it, other than such repair or servicing works that are reasonably necessary to enable that Vehicle to safely depart from the Parking Place in adherence with legislation, the highway code and good standards of driving.

## Power to close or suspend Parking Places

16.

(i) The Council or any person authorised by the Council may (at its sole discretion) suspend the use of a Parking Place(s) or any part of it/them (for such period it deems appropriate), if it is considered such suspension of use or variation of the Parking Place(s) is reasonably necessary.

(ii) The Council or any person authorised by it suspending the use of a Parking Place(s) or any part of it/them in accordance with the above and below mentioned provisions shall place or cause to be placed in or adjacent to that Parking Place(s) or Parking Bay(s) or Electric Charging Point(s) of the Parking Place(s) a notice or signage or traffic sign or other reasonable marking, taping or measure indicating in the case of suspension that the use of the Parking Place or any part of that Parking Place(s) or Parking Bay(s) or Electric Charging Points is suspended and that Parking by Vehicles at those Parking Place(s) or Parking Bay(s) or Electric Charging Point(s) is prohibited.

(iii) The Council (or any person authorised by the Council) may at its sole discretion suspend the use of all or any part of a Parking Place and thereafter may designate all or any part of such Parking Place to be reserved for use by particular Vehicles only or by particular organisations or users only and may apply such conditions and Charges as it deems appropriate.

(iv) No person (Driver, Owner or Registered Keeper) shall cause or permit a Vehicle to be Parked:

(a) in a Parking Place or Parking Bay(s) or any part of the same, during such periods that the use of that Parking Place or Parking Bay(s) or part of it is suspended and during such period as there is in that Parking Place or Parking Bay or adjacent to it a notice or traffic sign or other marking, sign or taping placed in pursuance of clause 16 (i), (ii) and (iii) above;

(b) in any Parking Place or any part of a Parking Place designated by the Council (or any person authorised by the Council) in accordance with clause 16(iii) above which is reserved for use by particular Vehicles only or by particular organisations or users only (upon such conditions and Charges as it deems appropriate) UNLESS such person has such designated particular Vehicle, or is such a particular designated organisation or user permitted to use the same under clause 16 (iii) above OR has the prior express written consent of the Council (or any person authorised by the Council).



## **CHARGES FOR PARKING**

### Means of payment

17. The Charges are:

- (i) as detailed in Appendix I to this Order and detailed by notice or signage in the Parking Place (to include as advertised by RingGo or any other provider of Virtual Parking Tickets which the Council uses from time to time), in respect of the provision of Virtual Parking Tickets at the Parking Place); and
- (ii) payable by any means prescribed by the Council (or any person duly authorised by the Council), as advertised by notice or signage or other means at that Parking Place, or as prescribed by RingGo or any other provider of Virtual Parking Tickets that the Council may use at any time.

### Display of ticket

18. Once a Vehicle has been Parked within a Parking Place the Driver of the Vehicle shall, unless payment has been made by any other means prescribed by the Council and advertised at that Parking Place, ensure that a valid Pay and Display Ticket has been obtained and is displayed at all times when the Vehicle is Parked in the Parking Place, such ticket to cover the entire period that the Vehicle is Parked in the Parking Place, and will display the Pay and Display Ticket issued at that Parking Place in the relevant position on the Vehicle in respect of which it was issued.

### Validity of Virtual Parking Tickets

19. A Virtual Parking Ticket is not transferable from one Vehicle to another as the VRM is registered (and recorded) at the time of purchase.

20. A Virtual Parking Ticket is valid only in the Parking Place in respect of which it was purchased.

### Validity of Pay and Display Tickets

21. A Pay and Display Ticket is not transferable from one Vehicle to another and on any such transfer the Pay and Display Ticket ceases to be valid.

22. A Pay and Display Ticket is valid only in the Parking Place in respect of which it was issued.

### Expiry of Parking period

23. The expiry of the period for which the appropriate Charge has been paid shall be indicated when the time shown on the clock of the issuing Ticket Machine is later than the Expiry Time shown on the Pay and Display Ticket displayed.

24. The expiry of the period for which a Virtual Parking Ticket has been purchased will be displayed on the mobile device at the time of purchase and is recorded on the database that the Parking enforcement team refer to when determining validity of Virtual Parking Tickets.

25. Once the maximum stay in a Parking Place has been reached (including any period for which payment has been duly made) the Vehicle must move away and not return within 2 hours to any other off-street (Council controlled) Parking Place in the locality. Any return within this time will be treated as a continuation of time Parked which may result in the issue of a Penalty Charge Notice.

#### No Pay and Display Ticket displayed

26. If at any time while a Vehicle is Parked in a Parking Place no Pay and Display Ticket is displayed on that Vehicle in the relevant position it shall be deemed that the Charge has not been paid (unless the required Charge has been duly paid to purchase a Virtual Parking Ticket by any means as detailed on the notice or signage within the Parking Place where the Vehicle is Parked or as advertised by RingGo or any other provider of Virtual Parking Tickets that the Council may use at any time).

#### Ticket Machine out of order

27. If at the time when a Vehicle is Parked during the Charging hours in a Parking Place the nearest Ticket Machine in that Parking Place is out of order, then a ticket shall be obtained from another Ticket Machine within the same Parking Place (where provided).or via any other payment method duly detailed on the notice or signage within the Parking Place where the Vehicle is Parked

#### Absence of Ticket Machine

28. If at any time when a Vehicle is Parked in a Parking Place during the Charging hours there is no working Ticket Machine available and/or no alternative payment method available, the Driver of that Vehicle shall be exempt from purchasing a Pay and Display Ticket and Virtual Parking Ticket (the Driver, Owner or Registered Keeper in all other respects ensuring the remainder of the provisions of this Order are complied with).

#### Season Tickets

29. Season Tickets will be available from the Council at the appropriate Charge, for a Vehicle of a specific class and for a specific Parking Place(s) subject to conditions, all as are determined from time to time by the Council at its sole discretion.

30. A person purchasing a Season Ticket shall state the Vehicle Registration Mark of the Vehicle in respect of which he is purchasing the Season Ticket, and when issued, the Season Ticket shall not be used for any Vehicle other than the one bearing the Vehicle Registration Mark quoted on the Season Ticket.

31. A Season Ticket is only valid in the Parking Place(s) in respect of which it was issued and up to the date (and time) of expiry shown on the Season Ticket.

32. The Season Ticket shall be displayed upon the Vehicle in the relevant position such that the expiry date and Vehicle Registration Mark are clearly visible and legible at all times when the Vehicle is Parked in the Parking Place.

33. Season Tickets shall at all times remain the property of the Council and shall be returned to the Council within seven days after the expiry of the period for which they are valid.

#### Exemptions from payment of the daily Charge

34. No daily Charge shall be payable: (i) in respect of a Vehicle which displays in the relevant position a valid Disabled Person's Badge for the first 3 hours of stay 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 Disabled Persons Badge is issued, and for any period of stay over 3 hours Parking Charges apply; or

(ii) in respect of a Motorcycle Parked in a Motorcycle bay; or

(iii) in respect of a Vehicle displaying in a relevant position a Season Ticket valid for that Vehicle, that Parking time and that Parking period and that Parking Place;

(iv) where the relevant Charge has been paid for an Electric Vehicle or a Plug In Hybrid Vehicle to be charged or re-charged at an Electric Charging Point in the Parking Place and the Electric Vehicle or Plug In Hybrid Vehicle is Parked in a Parking Bay in a Parking Place whilst the said Electric Vehicle or Plug In Hybrid Vehicle is being charged (at the Electric Charging Point), for the maximum charging period permitted under this Order and as advertised at the Parking Place and /or Electric Charging Point.

## **MOVEMENT AND RELOCATION OF VEHICLES**

### Movement or removal of Vehicles

35. (i) If a Vehicle is Parked in a Parking Place in a position other than in accordance with the provisions of this Order, the Council or a person authorised by the Council in that regard may alter or cause to be altered the position and /or location of the Vehicle so that its position and/or location is in accordance with the below mentioned provisions.

(ii) If a Vehicle is Parked in a Parking Place in contravention of any of the provisions of this Order, the Council or a person authorised by the Council in that regard may move the Vehicle within the Parking Place to another location within the Parking Place, or, remove the Vehicle from a Parking Place or arrange for such removal.

(iii) In an emergency, the Council or a person authorised by the Council or a serving police officer may alter or cause to be altered the position of a Vehicle in a Parking Place or remove or arrange for the removal of the Vehicle from a Parking Place

(whether the Vehicle was originally Parked in accordance with this Order or not where doing so is required in an emergency).

(iv) Any person altering, or causing the alteration of, the position of a Vehicle, or removing or causing the removal of, a Vehicle by virtue of the above mentioned paragraphs (i), (ii) or (iii) of this clause, may do so by towing or driving the Vehicle or permitting or causing the towing or driving of the Vehicle to be moved, or in such other manner as he reasonably thinks necessary to enable the position of the Vehicle to be altered or the Vehicle to be removed.

(v) Any person moving or arranging or permitting or causing the removal of a Vehicle by virtue of the above paragraphs shall make such arrangements as he considers to be reasonably necessary for the security of the Vehicle (to include the safe and secure placement of the Vehicle) in the place to which it is moved.

(vi) Any reasonable costs incurred by the Council or another person authorised by the Council or a serving police officer pursuant to the above provisions, in securing the moving of, removal of and secure custody of any Vehicle within a Parking Place or to another location other than the Parking Place where the Vehicle was found to be Parked in contravention of the provisions of this Order shall be recoverable from the Driver, or Owner or Registered Keeper of the Vehicle in accordance with applicable legislation and the provisions of this Order.

## **CONTRAVENTION AND PENALTY CHARGE**

### Contravention

36. If a Vehicle is Parked in a Parking Place in non-compliance with the requirements of this Order, a contravention shall have occurred, and a Penalty Charge shall be payable.

37. A Penalty Charge Notice may then be served and/or the Vehicle may be moved within the Parking Place and /or removed from the Parking Place by the Council or anyone authorised by the Council or by a serving police officer or anyone authorised by them.

### Restriction on removal of notices

38. A Penalty Charge Notice fixed or placed onto a Vehicle shall not be removed or interfered with except by or under the authority of:

- (i) the Owner, the Driver or Registered Keeper of, the Vehicle; and
- (ii) the Council or anyone authorised by the Council or a serving police officer or anyone authorised by them;

and in all cases the Penalty Charge Notice will not be destroyed or tampered with by the Owner, or Driver or Registered Keeper of the Vehicle until the Penalty Charge Notice has been paid and all liability under the same has been discharged.

#### Notice particulars as evidence

39. The particulars and details given and recorded in a Penalty Charge Notice issued in accordance with the provisions of this Order shall be treated as evidence which is admissible in any proceedings (to include demands, actions, court proceedings etc) relating to failure to pay such Penalty Charge and failure to discharge liability relating to the same by the Driver, or Owner or Registered Keeper of the Vehicle.

### **OTHER PROVISIONS**

#### Liability to prosecution

40. Any person committing an offence under the aforementioned or below mentioned provisions of this Order shall be liable to prosecution.

#### Licence and road tax

41. No person shall drive a Vehicle into or in a Parking Place unless:-

- (i) he is the holder of a valid unexpired licence authorising him to drive the motor Vehicle (Vehicle as defined in this Order including roadworthy Motorcycles and roadworthy Coaches) of its class or description on a road; or
- (ii) he is the holder of a valid provisional licence for such Vehicle and is accompanied in that Vehicle by a person holding a valid unexpired licence of the type mentioned in (i) above for such Vehicle which is being driven by the provisional driver; AND
- (iii) in all cases the Vehicle is roadworthy (ie is fit and safe to be driven on a road).

42. Further the Driver shall not drive a Vehicle into, or within a Parking Place, or Park or permit a Vehicle to be Parked in a Parking Place, unless the Vehicle is licensed in accordance with the provisions of Section 1 of the Vehicles Excise and Registration Act 1994 AND unless the Driver of the Vehicle has in relation to the use of the Vehicle by the Driver a valid unexpired policy of insurance as complies with the requirements of the Road Traffic Act 1988, as amended (and any other insurance policy which may be required under legislation for the use of the Vehicle by the Driver).

#### Use of Parking Place

43. No person shall (without the prior written consent of the Council), use any part of a Parking Place or any Vehicle Parked in any part of a Parking Place:

- (i) for recreation or sleeping or camping or cooking; or

- (ii) for the purposes of advertising or promoting any cause, event or other matter whatsoever or for the distribution of leaflets or other goods, items or materials whatsoever; or
- (iii) for the erection of any tent, booth, stand, building or other structure; or
- (iv) for the playing of ball games; or
- (v) for roller-skating, skate boarding, go-karting, the use of non-roadgoing mini-motorbikes or micro-cars; or
- (vi) for the purpose of learner driver training (of motor Vehicles as defined in this Order or any other types of vehicles whatsoever); or
- (vii) for the purposes of operating radio-controlled machines; or
- (viii) for any other purpose other than the permitted designated use of the Parking Place under the provisions of this Order.

44. No person shall:-

- (i) light or cause or permit to be lit any fire in a Parking Place;
- (ii) fill any Vehicle or container with petrol, diesel, oil or other form of fuel or flammable liquid in a Parking Place;
- (iii) soil, defile, deface, remove, displace or damage any part of the Parking Place to include any Ticket Machine(s), any wall or fence in or enclosing the Parking Place or any building, barrier, post, notice, signage, railing or other erection within the Parking Place;
- (iv) throw, drop, leave, litter or otherwise deposit in any Parking Place any item, article, rubbish or waste material in a Parking Place (save for a Vehicle only duly Parked under the terms of this Order); and
- (v) cause or allow any Vehicle(s), or any ticket(s) or any Penalty Charge Notice(s) at the Parking Place to be defaced or damaged or interfered with.

#### Not sound horn

45. No person in a Vehicle using a Parking Place shall sound any horn or other similar instrument (or allow or permit the sounding of the same), except when about to change position of a Vehicle in or depart from the Parking Place or otherwise than in compliance with the highway code and good driving standards.

#### Drive in specified direction

46. Where in a Parking Place signs or notices are erected, or surface markings are laid or marked out or other measures are in force for the purpose of:

- (i) indicating the entrance to or exit from the Parking Place; or
- (ii) indicating that a Vehicle using the Parking Place is required to proceed in a specified direction within the Parking Place;

then no person shall drive or permit to be driven any Vehicle so that it enters the Parking Place other than through an entrance, or leaves the Parking Place otherwise than through an exit, as indicated at the Parking Place, nor shall any person drive or permit to be driven any Vehicle in a direction other than the specified required direction indicated at the Parking Place.

### Parking purposes only

47. Save as provided in this Order no persons shall, except with the prior written consent of the Council or a person authorised by the Council in that regard, drive or permit to be driven any Vehicle in a Parking Place for any purpose other than for the purpose of Parking the Vehicle in the Parking Place in accordance with the provisions of this Order, to include for the electrical charging of Electric Vehicles and Plug in Hybrid Vehicles in the Parking Place and for entry and exit of the Parking Place prior to and after such Parking use and electric charging use.

### Parking Place full

48. No person shall except with the prior written consent of the Council or any person authorised by the Council drive any Vehicle into a Parking Place when there is exhibited at the entrance to that Parking Place a notice or sign or Council attendants or agents on their behalf advise and/or indicate that the Parking Place is full.

### Nuisance

49. No person shall do anything to interfere with the use and enjoyment of any Parking Place by other users of the Parking Place so that amongst other things no person shall obstruct or misuse any of the accessways, ramps, stairs, doors, lifts or other areas of a multi storey Parking Place or any areas of a Parking Place located at ground level only.

50. No person shall in a Parking Place shout or otherwise make loud noises, sounds or cause or permit music to be played at a loud level to the disturbance or annoyance of users of the Parking Place or residents or occupiers of premises in the adjoining premises or neighbourhood of the Parking Place.

51. No person shall in any Parking Place use or permit or incite any threatening, abusive, aggressive or insulting language, behaviour, gesture or conduct with the intent or result of putting any person in fear for their or others safety, welfare or health or so as to cause or potentially cause a breach of the peace or public disorder or whereby a breach of the peace is likely to be occasioned. Further no person shall at the Parking Place cause or permit or incite any other activity at the Parking Place which is not in accordance with legislation, byelaws or the highway code

### No right of way

52. No person shall use a Parking Place as a means of passage, shortcut or of proceeding from one road to another road where they have no intention of using the Parking Place for the permitted use specified in this Order.

53. Save as provided in this Order the right of passage within a Parking Place provided by the Council is available to a person driving or being conveyed in motor Vehicles and does not extend to pedestrians other than the Drivers of Vehicles and their passengers leaving or returning to their Vehicles and no rights of way, access

or any other right whatsoever over the said Parking Place other than for the purpose of Parking, electric charging and driving of Vehicles at the end of the period of Parking and /or electric charging of the Vehicle at the Parking Place under the strict terms of this Order, shall be deemed to have been granted by the Council or any persons authorised by the Council.

54. Nothing in this Order shall render it unlawful for pedestrians or persons driving or being conveyed in any Vehicle to exercise a right of passage over a right of way (if any) that has formally been agreed and granted and is in use (and has not been extinguished or otherwise been terminated), by the Council over any Parking Place.

#### Action after accident

55. If in any case owing to the presence of a Vehicle in a Parking Place (to include the use and poor driving of the Vehicle or the Vehicle being unroadworthy), 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 the Vehicle being driven by the Driver or damage is caused to any other property whatsoever, including to the Parking Place (to include all structures, Tickets Machines, signs, notices, fencing, boundary treatments etc situated at the Parking Place), the Driver of the Vehicle shall stop if required to do so by the Council or any other person authorised by the Council in that regard or any other person who has reasonable grounds for his stopping and the Driver shall give his or her name and address details and also the name and address details of the Owner and Registered Keeper (if the Owner and /or Registered Keeper is different to the Driver) and the VRM details of the Vehicle and his or her certificate of insurance/policy of insurance details and all details of his being entitled to drive the Vehicle (AND for the avoidance of doubt the Driver of the Vehicle will be required to comply with the requirements of the highway code and legislation in respect of any accident or damage caused by the Driver and the details the Driver would be required to give pursuant to and as required by the highway code and legislation and by their insurers and as maybe required by the Council or any person authorised by the Council or any serving police officer).

#### Cycling

56. No person shall ride or cause or permit to be ridden any pedal-cycle or tricycle in any Parking Place.

## **REVOCATIONS**

#### Revocation

57. Existing off-street parking orders (traffic regulation orders) are hereby revoked to the extent necessary to facilitate the provisions of this Order.



THE COMMON SEAL of  
Wolverhampton City Council  
was hereunto affixed in the  
presence of:

Authorised Officer

Dated