

WARWICKSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE WARWICKSHIRE COUNTY COUNCIL
(BOROUGH OF NORTH WARWICKSHIRE)

(WAITING RESTRICTIONS AND ON-STREET PARKING PLACES)
(CONSOLIDATION) (VARIATION NO. 5) (MINOR) ORDER 2022

The Warwickshire County Council (hereinafter referred to as “the Council”) in exercise of the powers conferred by sections 1(1), 2(1) to (3), 4(2), 32, 35, 45, 46, 47, 49 and 53 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984, (hereinafter referred to as “the 1984 Act”) and of all other enabling powers, hereby make the following Order:-

1. The Warwickshire County Council (Borough of North Warwickshire) (Waiting Restrictions and On-Street Parking Places) (Consolidation) Order 2017 (which said Order of 2017 as varied is hereinafter referred to as ‘the Principal Order’) is hereby further varied in the manner and to the extent hereinafter provided.
2. In Article 2 to the Principal Order, prior to the definition of “Authorised Cab Rank” insert the following definition:-

““Administration Fee” means the administration fee payable when applying to the Council for the suspension of a Parking Place in accordance with Article 17 of sixty pounds;
3. In Article 2 to the Principal Order, prior to the definition of “Carriageway” insert the following definition:-

““Business” means any company registered at Companies House or any partnership registered at HMRC or any sole trader;”
4. In Article 2 to the Principal Order, prior to the definition of “Delivering and Collecting” insert the following definitions:-

““Charge Certificate” means a statement that the Penalty Charge has been increased by fifty percent in accordance with Regulation 21 of the 2007 Regulations;

“Civil Enforcement Officer” means an individual employed by the Council (or employed by an agent appointed to act on the Council’s behalf) in accordance with section 76 of the 2004 Act to enforce road traffic contraventions or a parking attendant appointed by the Council (or appointed by an agent acting on the Council’s behalf) in accordance with section 63A of the 1984 Act to supervise and carry out enforcement in respect of this Order;”
5. In Article 2 to the Principal Order, prior to the definition of "Disabled Person's Badge" insert the following definition:-

““Dispensation Fee” means the fee payable when applying to the Council for a dispensation in accordance with Article 17A of fifteen pounds per day per Parking Space;”

6. In Article 2 to the Principal Order, delete the definition of “Driver” and replace with:-
““Driver” in relation to a vehicle waiting in a Parking Place or on a road or length of road, means the person driving the vehicle at the time it was left in that Parking Place or road or length of road;”
7. In Article 2 to the Principal Order, prior to the definition of “Footway” insert the following definition:-
““Enforcement Authority” means Warwickshire County Council;”
8. In Article 2 to the Principal Order, prior to the definition of “Loading” insert the following definition:-
““Immobilisation Device” has the same meaning as in section 104(9) of the 1984 Act;”
9. In Article 2 to the Principal Order, delete the definition of “Loading” and replace with:-
““Loading” means being engaged in the activity of continuously and expeditiously loading or unloading of Goods to or from a vehicle;”
10. In Article 2 to the Principal Order, prior to the definition of “Parking Disc” insert the following definition:-
““North Warwickshire Borough” in relation to this Order means the part of the area of Warwickshire County Council designated as a civil enforcement area for parking contraventions and special enforcement by The Civil Enforcement of Parking Contraventions Designation Order 2021 (SI 2021 No. 1125)”
11. In Article 2 to the Principal Order, prior to the definition of “Plans” insert the following definitions:-
““Parking Place” means a road or length of road designated as a parking place or Disabled Person’s Parking Place by this Order;
“Parking Space” means a space within a Parking Place which is provided for the leaving of a vehicle and marked on the surface of the parking place by painted white lines which comply with either the 2016 Regulations or the 2002 Regulations;
“Penalty Charge” means the charges set by the Enforcement Authority in accordance with the 2007 Order which are to be paid not later than the last day of the period of 28 days beginning date on which the Penalty Charge Notice was served;
“Penalty Charge Notice” means a notice served by a Civil Enforcement Officer or by (or on behalf of) the Enforcement Authority in accordance with Regulations 9 or 10 of the 2007 Regulations;”
12. In Article 2 to the Principal Order, prior to the definition of “Relevant Position” insert the following definition:-
““Reduced Penalty Charge” means the charges set by the Enforcement Authority in accordance with the 2007 Order which are to be paid not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge Notice was served;”

13. In Article 2 to the Principal Order, prior to the definition of "Traffic Sign" insert the following definitions:-

"the 2004 Act" means the Traffic Management Act 2004;

"the 2007 Order" means The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;

"the 2007 Regulations" means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;"
14. In Article 8 to the Principal Order, delete the words "traffic warden" and replace with the words "Civil Enforcement Officer".
15. In Article 8A to the Principal Order, delete the words "traffic warden" and replace with the words "Civil Enforcement Officer", and delete the word "plans" and replace with "Plans".
16. In Article 9(1)(h) to the Principal Order, delete the words "fire brigade" and replace with the words "Fire & Rescue".
17. After Article 9(3) to the Principal Order, insert the following Article:-

"(4) Nothing in Article 8 shall render it unlawful to cause or permit a motor vehicle for which a valid dispensation has been issued pursuant to Article 17A for the length of road in which the motor vehicle is waiting to wait in such length of road to which the dispensation applies during the period in which the dispensation is valid."
18. In the Principal Order, after Article 15 insert:-

"PART X
SUSPENSION OF PARKING PLACES AND DISPENSATIONS

16. Any person authorised by the Council may suspend 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.
17. (1) Any person or Business may apply to the Council for the suspension of a Parking Place or any part thereof:-
 - (a) for the purpose of facilitating any building operation, demolition or excavation in or adjacent to the Parking Place, or the laying, erection, alteration, 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 telecommunications apparatus, telephone kiosk or traffic sign;
 - (b) 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;

- (c) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (d) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals or any other special occasions

PROVIDED ALWAYS that the suspension of such a Parking Place shall be at the Council's discretion and any such application shall be made on a form obtainable from the Council and shall be submitted to the Council together with the Administration Fee.

- (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 provisions of paragraphs (1) (2) or (3) of this Article shall thereupon place or cause to be placed in or adjacent to that Parking Place or the part thereof which is suspended a Traffic Sign indicating that waiting by vehicles is prohibited.
 - (4) No person shall cause or permit a vehicle to be left in any Parking Place during such period as there is in or adjacent to that Parking Place a Traffic Sign placed in pursuance of paragraph (3) of this Article PROVIDED THAT nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire and rescue, ambulance or police purposes or any vehicle being used for any purpose specified in Articles 17(1)(ii) or (iv) to be left in the Parking Place during any such period, or for any other vehicle so left if that vehicle is left with the permission of the person suspending the use of the Parking Place or of a police constable in uniform or a Civil Enforcement Officer.
- 17A. Any Business may apply to the Council for a virtual dispensation enabling a Motor Vehicle to wait in a Parking Place or any part thereof, for the purpose of carrying out of essential works which require a Motor Vehicle to be left in that Parking Place PROVIDED ALWAYS that any dispensation shall be granted at the Council's discretion and any such application shall be made to the Council (using the method as may be specified by the Council from time to time) and shall be submitted to the Council together with the Dispensation Fee.

PART XI **CONTRAVENTION OF ORDER**

18. (1) If a vehicle is left in a Parking Place or is waiting in any road or length of road or on a Footway in contravention of any provision of this Order, a Penalty Charge shall be payable and/or the vehicle may be removed from that location. Provided that when a vehicle is waiting and is not wholly within the limits of the Parking Space, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that it is wholly within the limits of the Parking Space.

- (2) In the case of a vehicle in respect of which a Penalty Charge is payable, a Penalty Charge Notice showing the information required by the Schedule to the 2007 Regulations may then be served by a Civil Enforcement Officer in accordance with Regulation 9 of the 2007 Regulations or by (or on behalf of) the Enforcement Authority in accordance with Regulation 10 of the 2007 Regulations.
- (3) Save as provided in paragraph (5) of this Article, if a vehicle is left after a Penalty Charge Notice has been served by a Civil Enforcement Officer, a Civil Enforcement Officer or a person acting under his direction may fix an Immobilisation Device to the vehicle and a notice in accordance with Regulation 12 of the 2007 Regulations and that vehicle shall only be released from the Immobilisation Device on payment of the Penalty Charge, or as the case may be a Reduced Penalty Charge, and the charge for release of the vehicle specified in Regulation 4 of the 2007 Order.
- (4) Save as provided in paragraph (5) of this Article, where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-
 - (a) he shall provide for the safe custody of the vehicle;
 - (b) the Enforcement Authority shall be entitled to recover from the person responsible such charges in respect of the removal, storage, and disposal of the vehicle as prescribed in Regulation 3 of the 2007 Order;
 - (c) the provisions of the Act (as amended) shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.
- (5) Nothing in paragraphs (3) and (4) of this Article shall apply in respect of a vehicle displaying in the Relevant Position a valid Disabled Person's Badge issued by any Local Authority."

19. This Order shall come into operation on the First of February Two thousand and twenty-two and may be cited as "The Warwickshire County Council (Borough of North Warwickshire) (Waiting Restrictions and On-Street Parking Places) (Consolidation) (Variation No. 5) (Minor) Order 2022".




Monica Fogarty
Chief Executive Officer

SIGNED by the Proper Officer

for and on behalf of The Warwickshire County Council

on the Sixth day of January Two thousand and twenty-two

Authorised by
Jack Cantwell

Initials  28/22

DATED 6TH JANUARY 2022

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THE WARWICKSHIRE COUNTY COUNCIL
(BOROUGH OF NORTH WARWICKSHIRE)
(WAITING RESTRICTIONS AND ON-STREET
PARKING PLACES) (CONSOLIDATION)
(VARIATION NO. 5) (MINOR) ORDER 2022