

WARWICKSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE WARWICKSHIRE COUNTY COUNCIL
(BOROUGH OF RUGBY)

(CIVIL ENFORCEMENT AREA)

(WAITING RESTRICTIONS, ON STREET PARKING PLACES AND RESIDENTS' PARKING)
(CONSOLIDATION) (VARIATION J) 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), 19, 32, 35, 45, 46, 47, 49, 53 and 124 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984, (hereinafter referred to as "the 1984 Act") the Traffic Management Act 2004 and of all other enabling powers hereby make the following Order:-

1. The Warwickshire County Council (Borough of Rugby) (Civil Enforcement Area) (Waiting Restrictions, On Street Parking Places and Residents' Parking) (Consolidation) Order 2017 (as varied) (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:-
 - a. delete the definition of "additional charge for parking" in its entirety;
 - b. replace the definition of "administration fee" in its entirety with the following definition:-

""administration fee" means the administration fee payable when applying to the Council for the suspension of a parking place, disabled person's parking place or doctor's parking place in accordance with Article 32(3) of sixty pounds plus (if the parking place is in a pay & display area) fifteen pounds per day per parking space;"
 - c. replace the definition of "bus" in its entirety with the following definition:-

""bus" shall mean a local bus as defined in Schedule 1 of the 2016 Regulations;"
 - d. 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;"
 - e. replace the definition of "charge certificate" in its entirety with the following definition:-

""charge certificate" shall have the same meaning as assigned to it in any Regulations made from time to time by the appropriate national authority pursuant to Part 6 of the 2004 Act;"

- f. prior to the definition of “doctor”, insert the following definition:-

““dispensation fee” means the fee payable when applying to the Council for a dispensation in accordance with Article 32A of fifteen pounds per day per parking space;”

- g. delete the definition of “loading” in its entirety and replace with:-

““loading” means being engaged in the activity of continuously and expeditiously loading or unloading of goods to or from a vehicle;”

- h. delete the definition of “parking space” in its entirety and replace with:-

““parking space” means a space within a parking place which is provided for the leaving of a vehicle and demarcated in accordance with either the 2016 Regulations or the 2002 Regulations;”

- i. replace the definition of “penalty charge” in its entirety with the following definition:-

““penalty charge” means the charges set by the enforcement authority from time to time in accordance with any guidelines given by the appropriate national authority pursuant to Part 3 of Schedule 9 to the 2004 Act which are to be paid not later than the last day of the period of 28 days beginning with the date on which the penalty charge notice was served;”

- j. replace the definition of “penalty charge notice” in its entirety with the following definition:-

““penalty charge notice” shall have the same meaning as assigned to it in any Regulations made from time to time by the appropriate national authority pursuant to Part 6 of the 2004 Act;”

- k. replace the definition of “reduced penalty charge” in its entirety with the following definition:-

““reduced penalty charge” means the charges set by the enforcement authority from time to time in accordance with any guidelines given by the appropriate national authority pursuant to Part 3 of Schedule 9 to the 2004 Act 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;”

- l. delete the definition of “permit” in its entirety and replace with:-

““permit” means a virtual permit issued virtually or otherwise under the provisions of Article 33;”

- m. delete the definition of “the 2007 Order” in its entirety;

- n. delete the definition of “the 2007 Regulations” in its entirety.

3. In Article 12 to the Principal Order, delete (4) entirely and replace with:-

“(4) Nothing in Article 8 of this Order shall render it unlawful to cause or permit a motor car or motor cycle for which either a valid permit has been issued and virtually exists or on which is displayed in the relevant position a valid permit for the zone in the length of road it is situated (issued under the provisions of Article 33) to wait in such lengths of road identified in Article 8 where it is specified on the plans that those permit holders are excepted from those provisions.”

4. After Article 12(5) to the Principal Order, insert:-

“(6) Nothing in Article 7 shall render it unlawful to cause or permit a motor vehicle for which a valid dispensation has been issued pursuant to Article 32A 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.”

5. In Article 13 to the Principal Order, delete (1) entirely and replace with:-

“(1) Subject to the following provisions of Articles 14 to 21, the parts of roads identified on the plans as parking places for permit holders are authorised to be used as parking places in such positions, on such days and during such hours as identified on the plans, for vehicles either displaying in the relevant position a permit for that parking place issued under the provisions of Article 33 or for vehicles registered as holding a valid permit for that parking place issued virtually under the provisions of Article 33 below.”

6. In Article 20 to the Principal Order, delete (2) entirely and replace with:-

“(2) Without prejudice to the provisions of Articles 13 and 15, a motor car or a motor cycle which either displays on the front of the vehicle in the relevant position (so that all of the particulars referred to in Article 39 are readily visible from the front of the vehicle) a valid permit for that parking place issued in respect of that vehicle under the provisions of Article 33, , or in respect of which a valid permit issued virtually under the provisions of Article 33 for that parking place exists, may be left in a parking place identified in Article 13(1) and any such vehicle shall be exempt from payment of any specified charge for parking and from any limitation on the period of waiting or return of the vehicle specified in this Order.”

7. In Article 21(1) to the Principal Order, after sub-article (x) insert:-

“or

(ix) if the vehicle has a valid dispensation issued pursuant to Article 32A for the parking place in which the vehicle is waiting during the period in which the dispensation is valid.”

8. In the Principal Order, delete Article 28 entirely and replace with:-

“28. Subject to the following provisions of Articles 29 to 31, the parts of roads identified on the plans as parking for doctor’s vehicles are authorised to be used as doctor’s parking places in such positions, on such days and during such hours as identified on the plans, for vehicles registered as holding an appropriate permit issued under the provisions of Article 33(7).”

9. In the Principal Order, delete Article 29 entirely and replace with:-

“29. (1) Save as provided in Article 31, the driver of a vehicle shall not permit it to wait in a doctor’s parking place unless there is registered to that vehicle a valid permit issued in accordance with Article 33(7).

(2) The driver of a motor vehicle using a doctor’s parking place shall stop the engine as soon as the vehicle is in position and shall not start the engine except when about to change position of the vehicle or depart.

- (3) Every vehicle left in a doctor's parking place in accordance with this Order shall stand so that every part of the vehicle is wholly within the limits of a parking space."

10. In the Principal Order, delete Part VI entirely and replace with:-

"PART VI

SUSPENSION OF PARKING PLACES AND DISPENSATIONS

32. (1) Any person authorised by the council may suspend the use of a parking place, disabled person's parking place or doctor's 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.
- (2) A police constable in uniform may suspend for not longer than twenty-four hours the use of a parking place, disabled person's parking place or doctor's 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 or business may apply to the Council for the suspension of a parking place, disabled person's parking place or doctor's parking place or any part thereof for the purpose of:-
 - (a) facilitating any building operation, demolition or excavation in or adjacent to the parking place, disabled person's parking place or doctor's parking place, or the laying, erection, alteration, removal or repair in or adjacent to the parking place, disabled person's parking place or doctor's 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) the convenience of occupiers of premises adjacent to the parking place, disabled person's parking place or doctor's 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) any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (d) the convenience of occupiers of premises adjacent to the parking place, disabled person's parking place or doctor's parking place at times of weddings or funerals, or any other special occasions.

Provided always the suspension of such a parking place or disabled person's parking place shall be 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) together with the administration fee.

- (4) Any person suspending the use of a parking place, disabled person's parking place or doctor's 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, disabled person's parking place or doctor's parking place or the part thereof a traffic sign indicating that waiting by vehicles is prohibited.
- (5) No person shall cause or permit a vehicle to be left in any parking place, disabled person's parking place or doctor's parking place during such period as there is in or adjacent to that parking place a traffic sign placed in pursuance of paragraph (4) of this Article.

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in Articles 21(1)(ii) or (iv) to be left in the parking place, disabled person's parking place or doctor's 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 disabled person's parking place, or of a police constable in uniform or of a civil enforcement officer.

32A Any business may apply to the Council for a virtual dispensation enabling a motor vehicle to wait in a parking place, disabled person's parking place or doctor's 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, disabled person's parking place or doctor's 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.

11. In the Principal Order, delete Part VII in its entirety and replace with:-

**“PART VII
PERMITS**

33. (1) Any resident within a permit controlled zone who is the owner of a motor car or motor cycle may apply to the Council for the issue of a permit for the leaving of that vehicle in a parking place 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 accompanied by a remittance for such charge as provided by Article 34(1).
- (2) On receipt of an application made under the foregoing provision (1) of this Article and the fee, the Council, upon being satisfied that the applicant is a resident and is the owner of a vehicle of the class specified in paragraph (1) of this Article, shall issue to that applicant (either virtually or otherwise) one permit for the leaving of that vehicle in any parking place within the zone to which such permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward. Provided that in respect of the residents of any one household there shall not be in force at any one time more than three permits issued under the provisions of either paragraph (1) or paragraph (3) of this Article (or more than one permit for any one household in respect of an application from a resident within Zone R3 or more than two permits for any one household in respect of an application from a resident within Zone R4).

- (3) Any resident within a permit controlled zone in possession of a motor car or motor cycle provided by his/her employer may apply to the Council for the issue of a permit for the leaving of such a vehicle in a parking place 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 accompanied by evidence from the applicant's employer in accordance with the requirements as specified in the Council's on-street parking permits terms and conditions together with a remittance for such charge as provided by Article 34(1).
- (4) On receipt of an application made under the foregoing provision of this Article and the fee, the Council, upon being satisfied that the applicant is a resident and has the use of vehicles of the class specified in paragraph (1) of this Article, shall issue to that applicant one permit (either virtually or otherwise) for the leaving of such a vehicle in any parking place within the zone to which such permit relates by the applicant or by any person using such vehicle with the consent of the applicant other than a person to whom such vehicle has been let for hire or reward. Provided that in respect of the residents of any one household there shall not be in force at any one time more than three permits issued under the provisions of either paragraph (1) or paragraph (3) of this Article (or more than one permit for any one household in respect of an application from a resident within Zone R3 or more than two permits for any one household in respect of an application from a resident within Zone R4).
- (5) Any resident within a permit controlled zone may apply to the Council (using the method as may be specified by the Council from time to time) and accompanied by such remittance as prescribed in Article 34(1), for the issue of a permit for use by visitors to the applicant's residence.
- (6) On receipt of an application made under the foregoing provision (5) of this Article and the fee, the Council (upon being satisfied that the requirements of Article 33(5) above have been met) shall issue to the applicant one permit (either virtually or otherwise) for the leaving of any motor car or motor cycle in any parking place within the zone to which such permit relates by any visitor to the applicant's residence. Provided that in respect of the residents of any one household there shall not be in force at any time more than one permit issued under the provisions of paragraph (5) of this Article.
- (7) A doctor may apply to the Council (using the method as may be specified by the Council from time to time) for the issue of a permit for the leaving of the vehicle specified in the application in a parking place within a permit controlled zone or doctor's parking place and any such application shall be accompanied by any such evidence employer as may be required by the Council from time to time.
- (8) Upon receipt of an application duly made under the foregoing provision (7) of this Article, the Council, may issue to the applicant a permit or permits (either virtually or otherwise) for the leaving in the permit controlled zone or doctor's parking place specified in the application of such vehicles specified in the application as they are satisfied are used by a doctor for the purposes only of carrying out their duties as a medical practitioner.

- (9) A home carer may apply to the Council (using the method as may be specified by the Council from time to time) for the issue of a permit for the leaving within a permit controlled zone of the vehicle specified in the application for the purposes only of carrying out their duties as a home carer and any such application shall be accompanied by any such evidence as may be required by the Council from time to time.
 - (10) Upon receipt of an application duly made under the foregoing provision (9) of this Article the Council may issue to the applicant a home carer's permit (either virtually or otherwise) for the leaving within a permit controlled zone of the vehicle specified in the application as they are satisfied are used by a home carer solely for the purposes of carrying out their duties as a home carer and to whom no suitable alternative parking facility is available.
 - (11) The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit as they may reasonably require to verify the particulars or information given to them or to verify that the permit is valid.
34. (1) The charge in connection with the issue of a permit under Articles 33(1) and 33(3) shall be twenty-five pounds and a permit shall be valid for a period of twelve months from the date of issue.
- (2) The charge in connection with the issue of a permit under Article 33(5) shall be twenty-five pounds and each permit shall be valid for twelve months from the date of issue. Prior to the commencement of parking by a visitor the permit holder shall ensure that the relevant details of the visitor's vehicle are registered with the Council (using the method as may be specified by the Council from time to time).
35. (1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events set out in paragraph (3)(a) of this Article in respect of a permit issued to a resident, and paragraph (3)(b) of this Article in respect of a permit issued to a doctor, and paragraph 3(c) of this Article in respect of a permit issued to a home carer.
- (2) The Council may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's residence, or by electronic means to the permit holder at the email address shown by that person on the application form, withdraw a permit if it appears to the Council that any one of the events set out in paragraph (3) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of such notice.

- (3) (a) The events referred to in the foregoing provisions of this Article are, in respect of a permit issued to a resident:-
- (i) the permit holder ceasing to be a resident;
 - (ii) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
 - (iii) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 33(1);
 - (iv) the revocation of the designation of the parking place in respect of which the permit was issued;
 - (v) the issue of a duplicate permit by the Council under the provisions of Article 36;
 - (vi) the permit being used in such a manner which contravenes the provisions of this Order;
 - (vii) any other reason by which the Council understands misuse of the permit or permit application process has occurred.
- (3) (b) The events referred to in the foregoing provisions of this Article are, in respect of a permit issued to a doctor:-
- (i) the vehicle or any vehicle in respect of which the permit was issued ceasing to be used by a doctor solely for the purposes of carrying out their duties as a medical practitioner;
 - (ii) the revocation of the designation of the parking place or doctor's parking place in respect of which the permit was issued;
 - (iii) the issue of a revised permit or a duplicate permit by the Council under the provision of Article 36;
 - (iv) the permit being used in such a manner which contravenes the provisions of this Order.
- (3) (c) The events referred to in the foregoing provisions of this Article are, in respect of a permit issued to a home carer:-
- (i) the vehicle or any vehicle in respect of which the permit was issued ceasing to be used by a home carer solely for the purposes of their duties as a home carer;
 - (ii) the issue of a revised permit or a duplicate permit by the Council under the provision of Article 36;
 - (iii) the permit being used in such a manner which contravenes the provisions of this Order.
- (4) A permit shall cease to be valid on the day following the expiry date specified thereon or on the occurrence of any one of the events set out in paragraph (3)(a), (3)(b) or 3(c) of this Article, whichever is the earlier.

- (5) Where a permit is issued to any person upon receipt of a payment and the payment is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such permit was issued by sending the same by the recorded delivery service or by electronic means to the permit holder at the address or email address shown by that person on the application for the permit or at any other address believed to be that person's place of residence, require that person to surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
 - (6) The Council may at any time require a permit holder to produce to an officer of the Council such evidence in respect of any permit issued by it that it may reasonably require.
36.
 - (1)
 - (a) A permit holder may at any time apply to the Council for a permit issued to him to be amended so as to relate to any other vehicle (provided that the appropriate evidence of ownership or use as may be required by the Council from time to time is provided and provided
 - (b) Upon receipt of an application pursuant to paragraph (1)(a) of this Article and of the relevant permit (unless issued virtually) and such evidence as may be required by the Council from time to time, the Council may amend the permit accordingly, or to such extent as it thinks fit, or at its discretion issue a revised permit, and if a revised permit is so issued, the original permit shall become invalid.
 - (2) The provisions of this Order shall apply to any revised or duplicate permit to the same extent as they applied to the original permit.
37.
 - (1) A permit holder may apply to the Council (using the method as may be specified by the Council from time to time) for a permit which has six whole unexpired months remaining to be cancelled and (unless the permit was issued virtually) shall surrender that permit to the Council.
 - (2) A permit holder who successfully applies for a permit to be cancelled pursuant to Article 37(1) above shall be entitled to a refund of that part of the charge paid (less an admin fee for processing the cancellation) for the permit (if any) in whole unexpired months as is attributable from the date of acceptance by the Council of the application for cancellation and (unless issued virtually) the surrendered permit.
38. Upon successful application for any of the permit types described in the above Articles and receipt of the correct fees as specified in the above Articles, the applicant's details and those of the vehicle to which the permit applies will be recorded in the Council's permit database and the permit will be deemed valid and live.

39. A permit (unless issued virtually) shall be in writing and shall include the following particulars:-
- (1) in the case of a permit issued under the provisions of Article 33(2) the words "Parking Permit" and the registration mark of the vehicle in respect of which the permit has been issued;
 - (2) in the case of a permit issued under the provisions of Articles 33(4), 33(6), 33(8) or 33(10) the words "Parking Permit";
 - (3) the time and date on which, subject to the provisions of Article 35(4), the permit expires;
 - (4) an authentication that the permit has been issued by the Council;
 - (5) the code identifying the parking places to which such permit relates in accordance with the zones specified in Schedule 1 to this Order.
- 39A. When a permit has been displayed on a vehicle in accordance with the provisions of this Order no person other than a civil enforcement officer shall remove such permit from the vehicle unless authorised to do so by the driver of that vehicle."

12. In Article 40 of the Principal Order, delete (2) entirely and replace with:-

"(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 any regulations made from time to time by the appropriate national authority pursuant to Part 6 of the 2004 Act may then be served by a civil enforcement officer or by (or on behalf of) the enforcement authority in accordance with any such regulations."

13. In Article 40 of the Principal Order, delete (3) entirely and replace with:-

"(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 any regulations made from time to time by the appropriate national authority pursuant to Part 6 of the 2004 Act and that vehicle shall only be released from the 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 any guidelines given by the appropriate national authority pursuant to Part 3 of Schedule 9 to the 2004 Act."

14. In Article 40 of the Principal Order, delete (4)(b) entirely and replace with:-

"(4) (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 any guidelines given by the appropriate national authority pursuant to Part 3 of Schedule 9 to the 2004 Act;"

15. This Order shall come into operation on the 30th day of May Two Thousand and twenty-two and may be cited as "The Warwickshire County Council (Borough of Rugby) (Civil Enforcement Area) (Waiting Restrictions, On Street Parking Places and Residents' Parking) (Consolidation) (Variation J) Order 2022".

SIGNED by the Proper Officer
for and on behalf of The Warwickshire County Council

on the 16th day of May Two thousand and twenty-two

Authorised by..... Initials.......... 802/22

DATED 16th MAY 2022

WARWICKSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE WARWICKSHIRE COUNTY COUNCIL
(BOROUGH OF RUGBY)
(CIVIL ENFORCEMENT AREA)
(WAITING RESTRICTIONS, ON STREET PARKING
PLACES AND RESIDENTS' PARKING)
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