

**STAFFORD BOROUGH COUNCIL
ROAD TRAFFIC REGULATION ACT 1984**

**TRAFFIC MANAGEMENT ACT 2004
THE BOROUGH OF STAFFORD**

**(STONE CANALSIDE AND RIVERSIDE CAR PARKS,
STONE) ORDER 2023**

The Council of the Borough of Stafford in exercise of its powers under Sections 34, 35, 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984"), the Traffic Management Act 2004 ("the 2004 Act"), and under The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, and of all other enabling powers with the consent of the County Council of Staffordshire in accordance with Section 39(3) of the Act of 1984, and after consultation with the Chief Officer of Police in accordance with paragraph 20(1) of Schedule 9 to the Act of 1984, hereby make the following Order:-

**PART I
GENERAL**

- 1 This Order shall come into operation on the 01 February 2024 and may be cited as the Borough of Stafford (Stone Canalside and Stone Riverside Car Parks, Stone) Order 2023.
- 2 This Order is in addition to the following Order: The Borough of Stafford (Various Car Parks, Stone) Off-Street Parking Places Order 2020
- 3 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them: -

"Alternative Approved Method of Payment" means Park and Phone, payment by debit or credit card facilitated by on site or remote verification by, for example, card reader or mobile phone text or phone call.

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council to supervise a parking bay and enforce the restrictions imposed by this Order.

"Disabled person's badge" has the same meaning as in Regulation 2(1) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended.

"Disabled Person's Vehicle" is a vehicle displaying a valid disabled person's badge in accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

"Driver", in relation to a vehicle waiting in a parking bay, means the person driving the vehicle at the time it was left in the parking bay.

"Electric Vehicle (EV) Charging Bays" means a parking bay for the charging of vehicles powered wholly or in part by rechargeable battery electric systems, whilst such a vehicle is connected to the charging point with the intention of re-charging the battery.

"Minibus", "motor car" "motorcycle" "motor caravan", "trailer" and "goods vehicle" have the same meaning as they have in Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986.

"Owner" has the same meaning as in Section 92 of the 2004 Act and Regulation 2(1) and 5(3) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

"Park and Phone" means a method of payment of the parking charge involving registration of payment by phone or electronic means and, on first use, registration of the relevant registration number of the vehicle, location of the parking place, credit or debit card details or any such other details as the Council may from time to time require, which is accepted by the Council as a valid method of payment for the relevant time of use of the parking bay;

"Parking bay" means any area of land specified by name in column 1 of Schedule 1 to this Order and shown on the plan accompanying the Order provided by the Council under Section 32(1) of the Act of 1984 for use as a parking bay; and

"Parking permit" means a permit issued by the Council for the purposes of allowing a vehicle to park on the relevant car park during the relevant period.

"Parking place" means an area of land provided by the Council pursuant to section 32(1) of the 1984 Act for the purpose of parking vehicles.

"Penalty Charge" means the charge referred to in Article 7 hereof imposed by legislation in respect of Parking contraventions that are subject to civil enforcement and 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.

"Relevant position" means, in relation to Article 10 of this Order,

- (a) in the case of a vehicle fitted with a front windscreen, the ticket is exhibited thereon with the obverse side facing forwards immediately behind the windscreen.
- (b) in the case of a vehicle not fitted with a front windscreen, the ticket is exhibited in a conspicuous position on the vehicle.
- (c) parking permits provided by Stafford Borough Council must be displayed so that vehicle registration details are clearly visible.

“The 2004 Act” means the Traffic Management Act 2004.

“The Council” means Stafford Borough Council and includes any parking services, contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order.

“The Parking Authority” means the Council of the Borough of Stafford.

“Valid parking ticket” means a ticket purchased for that parking bay by the insertion of an appropriate coin, coins or card into an apparatus or device specially or generally approved by the Minister of Transport for such purpose.

PART II

USE OF PARKING BAYS

- 4 (1) Each area of land specified by name in column 1 of the Schedule to this Order may be used, subject to the following provisions of this Order, as a parking bay for such classes of vehicles, in such positions and on such days and during such hours and on payment of such charges as are specified in column 7 of the Schedule of this Order and which may from time to time be amended as advertised at each parking place.
- (2) Nothing in the last preceding paragraph shall restrict the power of the Council temporarily to close any of the parking bays referred to therein.
- 5 (1) Where in the Schedule to this Order a parking bay is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking bay:-
 - (a) unless it is of the specified class; or
 - (b) in a position other than that specified.
- 6 (1) The driver of a vehicle shall not permit it to wait in a parking bay for longer than the maximum period permitted for waiting, specified in the Schedule to this Order, in relation to that parking bay.

- (2) When a vehicle has left a parking bay after waiting the driver shall not, within two hours after its leaving, permit it to wait again in that parking bay.
- 7 Subject to the other provisions of this Order herein contained the charge for a vehicle left in a parking bay otherwise than in accordance with these Regulations shall be that published by the Council in accordance with Section 77 and Schedule 9 of the 2004 Act.
- 8 In the case of a vehicle in respect of which a Penalty Charge may have been incurred it shall be the duty of a Civil Enforcement Officer to either hand the Penalty Charge Notice to the driver of the vehicle, post the Penalty Charge Notice to the owner of the vehicle or attach the Penalty Charge Notice to the vehicle in a conspicuous position.
- 9 Where a notice has been attached to a vehicle in accordance with the provisions of Article 8 of this Order, no person not being a Civil Enforcement Officer, or some other person duly authorised by the Council shall remove the notice from the vehicle, until the vehicle is removed from the parking bay.
- 10 Save for payment by an Alternative Approved Method Payment, once a vehicle has been parked within a parking bay, the person in charge of the vehicle shall ensure that a valid parking ticket or a parking permit has been obtained, in respect of any period for which a vehicle is left in a parking bay and such ticket or permit shall be exhibited on the vehicle in the relevant position.
- 11 Where payment is received through an Alternative Approved Method of Payment and no valid parking ticket is produced, the driver of a vehicle shall be exempt from the requirement to display such a ticket.
- 12 If at the time when a vehicle is parked in a parking bay during the charging hours there is no ticket machine at the parking place, or all the ticket machines at that parking place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order, the driver of that vehicle shall be exempt from purchasing a valid parking ticket.
- 13 The owner of a vehicle, may on application to the Council, purchase a parking permit in respect of that vehicle for a charge, ascertained by reference to the Scale of Charges specified in column 7 of the Schedule to this Order, and that parking permit shall be valid in such parking bays as are specified during the period for which it is issued.
- 14 When a parking permit or parking ticket has been exhibited on a vehicle in the relevant position, in accordance with the provisions of Article 10 of this Order, no person shall remove the parking permit or parking ticket from the vehicle until the vehicle is removed from the parking bay.

- 15 The Council may at any time require an applicant for a parking permit to produce to an officer of the Council, such evidence in respect of an application for a parking permit made to them or in respect of any parking permit issued by them, as they may reasonably require to verify that the parking permit is valid.
- 16 Nothing in Articles 4, 5 or 6 of this Order, shall prevent any person from causing or permitting a vehicle to wait in the parking bays referred to in those Articles, for so long as may be necessary and without payment of any charge, to enable the vehicle, if it cannot conveniently be used for such purpose in any other place, to be used in connection with any building operations or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the parking bays, so referred to or the laying, erection, alteration or repair, in or near to the said parking bays, of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications services, subject to the prior written consent of Stafford Borough Council.
- 17 No person shall cause or permit a vehicle to be parked in a parking bay formally marked as an Electronic Vehicle (EV) Charging Bay, unless such a vehicle is powered wholly or in part by rechargeable battery electrical systems and is connected to the EV charging point with the intention of recharging the vehicle's battery.
- 18 The driver of a vehicle shall not permit that vehicle to wait in a parking bay unless the vehicle is licensed in accordance with the provisions of the Vehicle Excise and Registration Act 1994, 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 the Road Traffic Act 1988.
- 19 (1) The following vehicles left in a parking bay shall be exempt from the payment of any charge specified in Article 7, or in column 6 or 7, as the case may be, of the Schedule to this Order:-
- (i) a pedal cycle;
 - (ii) a motorcycle not having a sidecar attached;
- provided that in the case of sub-paragraphs (i) and (ii) such vehicles shall only be exempt from the payment of a charge when the vehicle is in a parking bay specifically allocated for that class of vehicle.
- (2) The following vehicles left in a parking bay shall be exempt from any limitation on time and from the payment of any charge specified in Article 7 or in column 6 or 7, as the case may be, of the Schedule to this Order:-

a disabled person's vehicle, which displays a valid disabled person's badge and clock.

- 20 No person shall cause or permit any vehicle except a disabled person's vehicle, displaying a valid disabled person's badge, to park in a parking bay marked for disabled persons.
- 21 The driver, of a motor vehicle using a parking bay, shall stop the engine as soon as the vehicle is in position in the parking bay and shall not start the engine, except when about to change the position of the vehicle in, or to depart, from the parking bay.
- 22 No person shall, while a vehicle is in a parking bay, permit or cause to permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be moved from the parking bay.
- 23 No person shall use a vehicle, while it is in a parking bay, in connection with the sale of any article to persons in or near the parking bay or in connection with the selling or offering for hire of that person's skill or services.
- 24 Subject to the proviso of when a vehicle is left in a parking bay in contravention of any of the provisions of Articles 4, 5 or 6 of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for its removal from that parking bay:-

Provided that when a vehicle is waiting in a parking bay in contravention of the provision of Article 5(1)(b) of this Order, 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.
- 25 The driver of a motor vehicle using a parking bay shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking bay.
- 26 Save as provided in Article 16 of this Order, no person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a parking bay other than for the purpose of leaving that vehicle in the parking bay in accordance with the provisions of this Order or for the purpose of departure from the parking bay.
- 27 No person shall in a parking bay wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking bay or residents of premises in the neighbourhood.
- 28 No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear, or so as

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

- 29 No person shall use any part of a parking bay or any vehicle left in a parking bay:-
- (a) for sleeping or camping purposes;
 - (b) for eating or cooking purposes; or
 - (c) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking bay.
- 30 No person shall use a parking bay as a means of passage proceeding from one road to another road.
- 31 No person shall in a parking place affix to a vehicle in any parking place any notice, leaflet or other material of whatsoever nature, unless they are an authorised officer of the Council, or the Council has previously given that person consent in writing to do so.
- 32 The driver of any vehicle using a parking place shall conform to the directions given by any signs erected by the Council for the purpose of regulating the movement of vehicles within the parking place and to any instructions given by any car park attendant of the Council.
- 33 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 a vehicle to wait in that parking bay unless displaying a valid Disabled Person's Badge.
- 34 Where in a parking bay, signs are erected or surface markings are laid for the purpose of:-
- (a) indicating the entrance to or exit from the parking bay; or
 - (b) indicating that a vehicle using the parking bay shall proceed in a specified direction within the parking bay.

No person shall drive or cause or permit to be driven any vehicle:

- (i) so that it enters the parking bay otherwise than by an entrance or leaves the parking bay otherwise than by an exit so indicated; or
- (ii) in a direction other than that specified as the case may be.

- 35 In a parking bay no person shall:-
- (a) erect or cause or permit to be erected any tent, booth, stand building or other structure without the written consent of the Council;
 - (b) light or cause or permit to be lit any fire.
- 36 Any person removing a vehicle by virtue of Article 24 of this Order may do so by towing or driving the vehicle or in such other manner as they may think necessary and may take such measures in relation to the vehicle as they may think necessary to enable them to remove it or alter its position as the case may be.
- 37 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking bay by virtue of Article 23 of this Order they shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- 38 The Council does not undertake to supervise the parking places specified in column 1 of the Schedule and entry to and exit from and use of these parking places is entirely at the users risk and although the Council, its servants or agents do not attempt to exempt themselves from their common law duty of reasonable skill and care or their obligations under the Occupiers Liability Acts 1957 and 1984. The Council, its servants and agents do not accept liability for any damage to or loss of vehicles or their contents which arise from acts or omissions outside their reasonable control.
- 39 No person shall remove or in any way interfere with any barrier or machinery, whether moveable or immovable, or any sign or equipment in a parking place unless so authorised by a person authorised in that behalf by the Council.
- 40 Stafford and Stone Canoe Club retain the right to use the Stone Riverside car park and access road for all purposes associated with the Permitted Use as specified in the Lease agreement dated 24 September 2012 specifically:
- (a) managing the side gate secure access from the car park to the river.
 - (b) opening, closing and securing of the height restriction barrier for the purpose of access to the car park for Permitted Use should this be necessary.
- 41 The Stone District Scouts, known as the 1st Stone (Christchurch), at the Old Pump House Westbridge Park Stone, retain the right to use Stone Canalside car park and access road for all purposes associated with the Premises Use specifically:

- (a) opening, closing and securing of the height restriction barrier, for the purpose of access to the car park for Permitted Use should this be necessary.
- 42 The Personal Representatives of Arthur George Barnett and owner, Andrew Barnett of Stone Park Farm, Pingle Lane, Stone, ST15 8QT retain a right of access along the Stone Riverside car park for the purposes of accessing land as agreed.

PART III PROVISIONS AS TO PARKING PERMITS

- 43 The owner of a vehicle may purchase a parking permit from the parking place or via the Alternative Approved Payment Method, in respect of that vehicle, for a charge ascertained by reference to the Scale of Charges specified in column 7 of the Schedule to this Order, and that permit shall be valid in such parking places as are specified during the period for which it is issued.
- 44 The owner of a vehicle, of the class specified in column 3 of the Schedule to this Order, may purchase a parking permit through the onsite ticket machine or via the Alternative Approved Payment Method as displayed within the car park.
- 45 The Council, may at any time, require an applicant for a parking permit to produce to an officer of the Council such evidence in respect of an application for a parking permit made to them, or in respect of any parking permit issued by them, as they may reasonably require to verify that the parking permit is valid.
- 46 Upon receipt of a purchase, made under Article 44 above the Council, upon being satisfied that the owner of a vehicle, of the class specified and on receipt of the fee specified in column 7 of the Schedule to this Order, agrees the purchaser of a parking permit may leave the vehicle during the permitted hours in a parking place the vehicle(s) to which such parking permit relates.
- 47 A parking permit shall only be valid for use in a parking place within the car park identified in the terms and conditions of use and signage within the car park. The owner must ensure that the parking permit is exhibited on the vehicle, in the relevant position, during the hours of operation as specified in column 5 of the Schedule to this Order. Where the parking permit is purchased via the Alternative Approved Payment Method the need to display the parking permit is not required.
- 48 When a parking permit is exhibited on a vehicle in the relevant position, no person shall remove the parking permit from the vehicle until the vehicle is removed from the parking bay or parking place.

49 The Council reserves the right to revise its scale of fees and charges from time to time in respect of the cost of providing parking tickets and parking permits, in accordance with Section 35C of the Act of 1984.

**PART IV
CONTRAVENTION OF THIS ORDER**

50 The owner of a vehicle will be contravening the provisions of this Order and may be subject to a Penalty Charge if one or more of the following occurs:

- a. Failure to have a valid parking ticket or parking permit.
- b. Vehicle parked in a marked disabled parking bay without displaying a Disabled Person's Badge.
- c. Vehicle parked in a marked electric vehicle charging bay without charging the vehicle.
- d. Vehicle parked not wholly within a marked parking bay.
- e. Vehicle left in a parking place which exceeds the hours permitted as specified in column 6 of the Schedule to this Order.
- f. Vehicle returning to a car park within two hours of leaving (non-permit holders only).
- g. Vehicle left parked along the access road to Canalside car park, as indicated by red markings on the plan accompanying this Order.

THE COMMON SEAL OF THE)
COUNCIL OF THE BOROUGH OF)
STAFFORD was hereunto affixed)
this ^{20th} day of November)
2023 in the presence of:-)


Authorised Signatory



SCHEDULE

Name of Parking Place	Position in which vehicle may wait	Classes of Vehicle	Days of Operation of Parking	Hours of Operation of Parking	Max Period for which vehicles may wait	Scale of Charges for Parking
Stone Riverside Car Park (Short Stay) ST15 8QW (39 spaces)	Wholly within a parking bay	Motor cars, estate cars, station wagons, sport utility vehicles (SUV), motorcycles, (with or without sidecars), light vans the unladen weight of which does not exceed 2 tonne, invalid carriages, mini bus.	Monday to Friday	8.00 am to 6.00 pm	Between 8.00 am and 6.00pm on any day except Saturday and Sunday maximum stay is 4 hours Between 6.00 pm on any day and 8.00 am on the following day and between 8.00 am and 6.00 pm on Sunday - no limit Christmas Day - no limit No return within 2 hours	Between 8.00 am and 6.00 pm on any day except Saturday and Sunday Up to 2 hours - Free Up to 4 hours £1.50 Parking for the registered disabled is free Saturday and Sunday and Christmas Day - no charge Motorcycles free when parked in a designated bay. Weekly Permits - not valid

Name of Parking Place	Position in which vehicle may wait	Classes of Vehicle	Days of Operation of Parking	Hours of Operation of Parking	Max Period for which vehicles may wait	Scale of Charges for Parking
Stone Canalside Car Park (Variable Stay) <u>ST15 8QW</u> (60 spaces)	Wholly within a parking bay	Motor cars, estate cars, station wagons, sport utility vehicles (SUV), motorcycles, (with or without sidecars), light vans the unladen weight of which does not exceed 2 tonne, invalid carriages,	Monday to Friday	8.00 am to 6.00 pm	Between 8.00 am and 6.00pm on any day except Saturday and Sunday maximum stay is 4 hours (unless a weekly permit is purchased) Between 6.00 pm on any day and 8.00 am on the following day and between 8.00 am and 6.00 pm on Sunday - no limit Christmas Day - no limit No return within 2 hours	Between 8.00 am and 6.00 pm on any day except Saturday and Sunday Up to 2 hours - Free Up to 4 hours £1.50 Weekly Permit - £15.00 Parking for the registered disabled is free Saturday and Sunday and Christmas Day - no charge Motorcycles free when parked in a designated bay.



