

Executive
Committee

Appendix 1

22 July 2009

THE REDDITCH BOROUGH COUNCIL
(OFF-STREET PARKING PLACES)
ORDER 2009

BOROUGH COUNCIL OF REDDITCH
REDDITCH BOROUGH COUNCIL (OFF-STREET PARKING PLACES)
ORDER 2009

The Council of the Borough of Redditch in the County of Worcestershire (“the Council”) in exercise of its powers under Sections 32, 35(1) and (3) and Section 35A(3) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) the Traffic Management Act 2004 (“the 2004 Act”) and all Regulations and Order made in exercise of the powers conferred by 2004 Act and of all other enabling powers, with the consent of the Worcestershire County Council in accordance with Section 39(3) of the 1984 Act and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order.

PART I
GENERAL

1. **Commencement and Citation**

This Order shall come into operation on the **** day of ***** 2009 and may be cited as the Redditch Borough Council (Off-Street Parking Places) Order 2009.

2. **Variation**

This Order is made without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order.

3. **Interpretation**

3.1 Any reference in this Order to a numbered Article or to a numbered Schedule is a reference to the Article or to the Schedule bearing that number in this Order, unless otherwise stated.

3.2 In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:

“Bank Holiday” means Easter Monday, the last Monday in May, the last Monday in August, 26 December, if it is not a Sunday, and 27 December, when 25 or 26 December is a Sunday;

“Charge Certificate” means the statement that the Penalty Charge has been increased by fifty percent in accordance with Regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Charging Days” means those days other than Christmas Day and Easter Sunday which are specified in the Schedule for each Parking Place respectively;

“Charging Hours” means the period specified in column 5 of the Schedule, Part 2;

“Civil Enforcement Officer” means a person authorised by or on behalf of the Council to supervise the Parking Places and enforce the restrictions imposed by this Order pursuant to Section 63A of the 1984 Act;

“Council” means Redditch Borough Council of The Town Hall, Walter Stranz Square, Redditch Worcestershire B98 8AH

“Council Offices” means such offices of the Council which accept payments of Penalty Charge Notices;

“Disabled Persons’ Badge” means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons (England) Regulations 2000 (as amended) or a badge having effect under those regulations as if it were a disabled person’s badge;

“Driver” in relation to a vehicle waiting in a Parking Place means the person driving the vehicle immediately prior to parking it in the Parking Place;

“Goods Vehicle” means a vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, the overall height of which does not exceed 1.85 metres and the unladen weight of which does not exceed 2540 kilogrammes and is not drawing a trailer;

“Motor Cycle” refers to a solo Motor Cycle only and excludes any Motor Cycle which has a side-car or trailer, or which has more than two wheels;

“Owner” means the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

“Notice to Owner” means the notice served by the Council pursuant to Regulation 19 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Parking Bay” means an area of a Parking Place which is provided for the leaving of a vehicle of a class specified and indicated by markings on the surface of the Parking Place or signed or otherwise indicated by signs in the Parking Place;

“Parking Place” means an area of land specified by name in the Schedules and provided by the Council pursuant to Section 32(1) of the 1984 Act for the purpose of vehicle parking and not closed (in part or in whole) by a notice erected thereon by authority of the Council;

“Passenger Vehicle” means a vehicle constructed or adapted solely for the carriage of passengers and their effects;

“Pay and Display ticket” means a ticket issued by a ticket machine located in the Parking Place in which the vehicle has been left or issued by a person nominated by the Council on payment of a charge and valid for a parking period as detailed in column 3 of the Schedule, Part 2;

“Penalty Charge” means the charge set by the Council pursuant to the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council following the issue of a Penalty Charge Notice and within 28 days of the issue of that Notice;

“Penalty Charge Notice” means a notice issued by or served by a Civil Enforcement Officer pursuant to the provisions of Section 78 of the 2004 Act and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Public Holiday” means Christmas Day, Good Friday and any other day designated by the Government as a public holiday;

“Relevant Position” means:

- (a) In the case of a vehicle fitted with a front windscreen and/or front side windows, the badge, pass or ticket is affixed to the windscreen or Driver’s window with the obverse side facing forwards and so that the same is readable from the outside of the vehicle;
- (b) In the case of a vehicle not fitted with a front windscreen the badge, pass or ticket is exhibited in a conspicuous and readable position on the vehicle;

“Season Ticket” means a ticket purchased from or issued by the Council, subject to certain conditions, valid for the period specified on the ticket for use in the Parking Places indicated on the ticket;

“Staff/Member/Visitor Pass” means a ticket issued by the Council subject to certain conditions, valid for the period specified on the ticket for use in the Parking Places indicated on the ticket;

“Ticket Machine” means an apparatus of a type and design approved by the Secretary of State for Transport for the purpose of this order, being apparatus designed to indicate the time by a clock and to issue parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and, either the time of such payment, or the time at which the vehicle must leaving the Parking Place;

“Vehicle” means Goods Vehicle, Motor Cycle or Passenger Vehicle.

4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II
DESIGNATION AND USE OF PARKING PLACES

6. **Designation**

Each Parking Place may be used, subject to the provisions of this Order, as a place to leave vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are specified in relation thereto in the Schedule.

7. **Class and position of vehicle**

Where in the Schedule a Parking Place is described as available for vehicles of a specified class or vehicles to be left in a specified location, no person shall permit a vehicle to wait in that Parking Place or in any Parking Bay within the Parking Place.

7.1 unless it is of the specified class;

7.2 unless it is wholly within a marked Parking Bay; or

7.3 in a position other than that specified.

8. **Maximum period of stay**

Where in the Schedule a Parking Place is described as available on specified days, during specified hours or for a maximum period of stay, no person shall permit a vehicle to wait in that Parking Place on any day, during such hours or for any period other or longer than those specified.

9. **Period of no return**

Where in the Schedule, Part 1 a Parking Place is described as having a period within which a vehicle may not return, no person shall permit a vehicle to wait in that Parking Place on any day, during such hours within which the vehicle is excluded from waiting in the Parking Place.

10. **Season Ticket**

Nothing in Articles 6 and 7 shall preclude a vehicle displaying a valid Season Ticket in the Relevant Position from being parked without payment of the daily charge in the relevant Parking Places specified in the Schedule, Part 1 for up to a maximum period as specified in the Schedule, Part 1.

11. **Disabled Person's Parking Bays**

No person shall cause or permit a vehicle to park in a Parking Bay marked for Disabled Persons unless the vehicle displays a Disabled Person's Badge in the Relevant Position and immediately before or immediately after the act of parking the vehicle has been or is about to be used by the person(s) in respect of whom the Disabled Person's Badge has been issued.

12. **Motor Cycle Parking Bays**

No person shall cause or permit a vehicle to park in a Parking Bay marked for Motor Cycles unless the vehicle is a Motor Cycle.

13. **Power to close or suspend Parking Places**

Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the Parking Place:

13.1. 1 from closing the Parking Place or any part thereof for any period; and/or

13.1.2 from setting aside the Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations.

13.2 Nothing in this Order shall prevent the Council from granting permission for short term use of the Parking Place free of charge or otherwise grant short term licences in accordance with the Council's Scheme of Delegations to Officers forming part of the Council's Constitution.

14. Any person suspending the use of a Parking Place or any part thereof in accordance with the provisions of Article 13 shall thereupon place or cause to be placed in or adjacent to that Parking Place or that part thereof a notice or traffic sign indicating that the use of that Parking Place or that part thereof is suspended and that waiting by vehicles is prohibited.
15. No person shall cause or permit a vehicle to be left in a Parking Place or any part thereof during such periods that the use of that Parking Place or that part thereof is suspended or during such period as there is in or adjacent thereto a notice or traffic sign placed by or on behalf of the Council in pursuance of the preceding Article.

PART III
CHARGES FOR PARKING

16. **Payment**
The Driver of a vehicle using a Parking Place shall upon leaving the vehicle in the Parking Place pay the appropriate charge (if any) in accordance with the scale of charges specified in the Schedule, Part 2.
17. **Pay on exit Parking Places**
The drive of a vehicle using a pay on exit Parking Place shall, upon arriving at the Parking Place, take a ticket from the Ticket Machine to establish time of entry and shall on exit, pay the attendant on duty, or a person nominated by the Council at the entry point, a parking fee at the level of charge and for the period required in accordance with the scale of charges specified in the Schedule, Part 2.
18. **Pay and Display Parking Places**
The Driver of a vehicle using a Pay and Display Parking Place shall upon leaving the vehicle in the Parking Place, and on payment of a charge, purchase a Pay and Display ticket at the level of charge and for

the period required in accordance with the scale of charges specified in the Schedule, Part 2.

19. **Means of payment**

The charge referred to in the preceding Article shall be payable by the insertion of an appropriate coin, coins or banknotes, or other approved method of payment together making up the amount of the charge into the Ticket Machine situated in that Parking Place or by payment to a person nominated by the Council.

20. **Display of ticket**

The Driver of the vehicle shall:

20.1 display the Pay and Display ticket issued on payment of the charge in the Relevant Position on the vehicle in respect of which it was issued; and

20.2 ensure that a Pay and Display ticket is purchased and displayed to cover the entire period that the vehicle is parked in the Parking Place.

21. **Validity of Pay and Display tickets**

A Pay and Display ticket is not transferable from one vehicle to another.

22. A Pay and Display ticket is valid only in the Parking Place in which it was issued. This is defined by the reference code of the parking ticket machine located in that Parking Place printed on the Pay and Display ticket.

23. **Expiry of parking period**

The expiry of the period for which the charge specified for that Parking Place in the Schedule, Part 2 has been paid shall be indicated when there is exhibited on the vehicle a Pay and Display ticket and the time shown on the clock of the issuing Ticket Machine is later than the time at which the period for which a charge has been paid expired.

24. **No ticket displayed**

If at any time while a vehicle is left in a Parking Place no Pay and Display ticket is displayed on that vehicle in the Relevant Position and in accordance with the provisions of Article 20, it shall be deemed that the charge has not been paid.

25. If at the time when a vehicle is left during the Charging Hours in a Parking Place on the nearest Ticket Machine in that Parking Place there is a notice placed by any person duly authorised by the Council, indicating that the Ticket Machine is out of order, then a Pay and Display ticket shall be obtained from another machine (where provided).

26. Where no valid Pay and Display ticket can be obtained and displayed vehicles may be left in a Parking Place but may not be left for longer than the maximum period waiting in that Parking Place as specified in the Schedule, Part 1.

27. **Season Tickets/Passes**

Season Tickets are available at the appropriate fee, for a vehicle of a specific class and for the Parking Places as specified in the Schedule subject to conditions determined from time to time by the Council as follows:

27.1 **Full Season Ticket**

The Owner of a vehicle may on application to the Council on payment of the appropriate fee specified in the Schedule, Part 3 purchase a Full Season Ticket for a period not exceeding twelve months for use by that vehicle at those Parking Places as specified in the Schedule, Part 3.

27.2 **Restricted Season Ticket**

The Owner of a vehicle may on application to the Council on payment of the appropriate fee specified in the Schedule, Part 3

purchase a Restricted Season Ticket for a period not exceeding twelve months for use by that vehicle at those Parking Places as specified in the Schedule, Part 3.

27.3 **Resident Season Ticket**

The owner of a vehicle who meets the Council's criteria from time to time as being a resident living within the vicinity of the Parking Place concerned may on application to the Council on payment of the appropriate fee specified in the Schedule, Part 3 purchase a Resident Season Ticket for that Parking Place.

27.4 **Senior Citizen Season Ticket**

27.4.1 The Owner of a vehicle may on application to the Council and on payment of the appropriate fee specified in the Schedule, Part 3 purchase a Senior Citizen Season Ticket for use by that vehicle at those Parking Places designated in the Schedule, Part 3.

27.4.2 A Senior Citizen Season Ticket may only be purchased by persons who have attained the age of either:

27.4.2.1 60 years of age if the person is not in substantive employment (paid employment of 16 hours or more per week); or

27.4.2.2 63 years of age if the person is in substantive employment, but not in full time employment; and

In both cases who are not in possession of a Senior Citizen Bus Pass or such other concessionary travel scheme as may be operated from time to time by the Council;

27.4.3 No person shall be entitled to have more than one Senior Citizen Season Ticket at any time.

27.5 A Senior Citizen Season Ticket shall only be valid when:

27.5.1 Parking in a Parking Place or part of a Parking Place listed in the Schedule, Part 3 or otherwise allocated by the Council for use in connection with a Senior Citizen Season Ticket;

27.5.2 It is exhibited on the vehicle to which it relates in the Relevant Position;

27.5.3 It has not been used for parking on any other occasion on the same day in any of the Parking Places specified in this Order;

27.5.4 Used for a single continuous period not exceeding four hours with no return within two hours of departure.

27.5.5 Such vehicle is being used by or for the carriage of the purchaser of the Senior Citizen Season Ticket; and

27.5.6 Payment for the Season Ticket has been made in full.

28. The Driver shall abide by the terms stipulated by the Council for the use of the Season Ticket.

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

30. A Season Ticket remains the property of the Council and must be surrendered on request. In such instances where a refund fee is appropriate this will be provided in accordance with the Council's policies.

31. **Staff/Member Visitor Pass**

31.1 The Council may issue a Staff/Member/Visitor Pass, as it considers reasonably appropriate and may limit availability to

any specified category of person and shall be subject to such terms and conditions, as it deems fit in respect of the Parking Places.

31.2 A Staff/Member/Visitor Pass shall only be valid when it is being used in full accordance with the terms, conditions and limitations applying to it at the time of issue.

31.3 Any Staff/Member/Visitor Pass issued may be revoked if it is being used in a manner contrary to the provisions of this Order or to its terms and conditions of issue.

32. **Display of Season Ticket Passes**

The Driver of the vehicle shall display the Season Ticket or Pass in the Relevant Position on the vehicle in respect of which it was issued at all times during which the vehicle is left in the Parking Place during the hours of operation.

33. **Replacement Season Tickets**

Damaged or lost Season Tickets or resident permits will be replaced on application to the Council and on payment of an administration fee of £10.00. The damaged or lost Season Ticket will then become immediately invalid.

34. **Surrender of Season Ticket**

A holder of an annual Season Ticket on surrendering the Season Ticket shall be entitled to a refund based upon the number of complete months remaining unexpired from the beginning of the calendar month following the date on which the Council receives the surrendered Season Ticket. The refund will be one twelfth of the annual rate for each unexpired calendar month less a £10.00 administration fee.

35. **Restriction on removal**

When a Pay and Display ticket or Season Ticket/Pass or permit has been exhibited on a vehicle in the Relevant Position no person shall

remove the Pay and Display ticket or Season Ticket/Pass or permit from the vehicle until the vehicle is removed from the Parking Place.

PART IV
EXEMPTIONS FROM DAILY CHARGES

36. No charge shall be payable in respect of:
- 36.1 A vehicle which displays in the Relevant Position a valid Disabled Person's Badge 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 badge is issued and the vehicle is parked in accordance with the conditions of use of the Parking Place.
 - 36.2 A Motor Cycle which is left in a Parking Bay specified for such vehicles (if any);
 - 36.3 A vehicle left displaying in a Relevant Position a Season Ticket valid for the Parking Place;
 - 36.4 A vehicle left displaying in a Relevant Position a Pass or permit issued by the Council valid for that time and for that Parking Place.

37. **Absence of ticket machine**

Subject to Article 26 if at the time when a vehicle is left in a Parking Place shown 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 ticket from a Ticket Machine.

PART V
RELOCATION AND REMOVAL OF VEHICLES

38. **Relocation of a Vehicle**

Where any vehicle is standing in a Parking Place in contravention of the provisions of this Order, or is left in such a manner so as to cause danger or obstruction a Civil Enforcement Officer or a person authorised by the Council may alter or cause to be altered the position of the vehicle.

39. **Removal of a vehicle**

Where a Civil Enforcement Officer or a person authorised by the Council is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a vehicle left in a Parking Place he/she may, using such measures as are appropriate, remove or cause to be removed the vehicle from the Parking Place.

40. **Emergencies**

A Civil Enforcement Officer, a person authorised by the Council or a Police Constable in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any vehicle left in a Parking Place.

41. **Safe keeping**

Any person removing a vehicle from a Parking Place under the preceding Articles shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

**PART VI
OTHER PROVISIONS**

42. **Stop engine and apply brakes**

The Driver of a vehicle using a Parking Place shall stop the engine as soon as the vehicle is 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 Place.

43. **Manner of parking of trailers**

The Driver of a vehicle drawing a trailer shall not permit the vehicle or the trailer to wait in a Parking Place unless they have been disconnected, and for the purposes of this Order the vehicle and the trailer shall be deemed to be separate vehicles and the Driver of the leading vehicle shall be deemed to be the Driver of both of the vehicles.

44. **Repair of vehicles in Parking Places**

No person shall, while a vehicle is in a Parking Place, 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 Place.

45. **Vehicle Tax and Insurance**

No person shall permit any vehicle to wait in a Parking Place:

45.1 unless the vehicle displays a current licence issued in accordance with the provisions of the Vehicle Excise and Registration Act 1994; and

45.2 unless there is in relation to the use of the vehicle by the Driver such a policy of insurance as complies with requirements of the Road Traffic Act 1988.

46. **Entry and Exit**

Where signs are erected or surface markings are laid for the purpose of indicating the entrances to or exits from the Parking Place; or indicating that a vehicle proceed in a specified direction, no person should drive or cause to be driven any vehicle:

46.1 so that it enters the Parking Place otherwise than by an entrance, or leaves the Parking Place otherwise than by an exit;

46.2 in a direction other than that specified, as the case may be;

46.3 in a manner or at a speed so as to cause danger to other users of the Parking Place.

47. **Use of vehicles and Parking Places**

Use of Parking Place with prior written permission

47.1 Without prejudice to the generality of the foregoing provisions of this Order, the provisions of this Article shall apply to the Parking Places even where the Parking Place is occupied by a vehicle of a type that is permitted to wait in that Parking Place.

47.2 No person shall without the prior written permission of a duly authorised Officer of the Council use any part of a Parking Place or any vehicle or vehicles (whether belonging to that person or not) left in a Parking Place:

47.2.1 for sleeping or camping purposes:

47.2.2 for the purpose of carrying out himself or permitting to be carried out any servicing, repairing or washing of any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place.

47.2.3 for preparing or cooking food or washing crockery, cutlery, clothing or any other articles or things whatsoever;

47.2.4 in connection with the sale, or advertising for sale of a vehicle or of any other article or in connection with the selling or offering for hire of his skills or services;

47.2.5 for the purpose of advertising or promoting any cause, event or other matter whatsoever or for the distribution of leaflets or other material; or

47.2.6 for the erection of any tent, booth, stand, building or other structure.

48. **Damage to or Defilement of a Parking Place**

48.1 Without prejudice to the generality of the foregoing provisions of this Order, the provisions of this Article shall apply to the Parking

Places even where the Parking Place is occupied by a vehicle of a type that is permitted to wait in that Parking Place.

48.2 In a Parking Place no person shall:

48.2.1 light or cause or permit to be lit any fire;

48.2.2 soil or defile, remove, displace or damage any wall or fence in or enclosing the Parking Place or any building, barrier, post, notice, sign, railing, ticket machine, or any other erection therein;

48.2.3 damage or destroy or cause to be damaged or destroyed any part of the fabric or structure of the Parking Place; or

48.2.4 throw down, drop or otherwise deposit in any Parking Place any item or article of rubbish or waste material so as to contribute to or tend to lead to the defilement of that Parking Place by litter.

49. **Prohibited Use of Parking Place/Anti-Social Behaviour**

49.1 No person shall do anything to interfere with the use and enjoyment of any Parking Place by other users of the Parking Place and in particular no person shall obstruct or misuse any of the ramps, stairs, doors or lifts in a multi-storey Parking Place.

49.2 No person shall in a Parking Place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the Parking Place or residents of premises in the neighbourhood.

49.3 No person shall in a Parking Place use any threatening, abusive or insulting language, gesture or conduct so as to put any person in fear of their safety or wellbeing or so as to occasion or is likely to occasion a breach of the peace.

49.4 No person in a Parking Place shall sound any horn or other similar instrument or use or permit the same to be used on a vehicle at any time except to make another Driver or person aware of their presence where an accident is imminent.

- 49.5 No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a Parking Place other than for the purpose of leaving that vehicle in a Parking Bay in accordance with the provisions of this Order or for the purpose of departing from the Parking Place.
- 49.6 No person shall in a Parking Place commit any parking contravention attracting a higher level Penalty Charge as set out in the Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 or any parking contravention attracting a lower level Penalty Charge as from time to time specified by the Department for Transport on their website.

PART VII LIABILITIES/PENALTIES

50. **Liability**

The Council accepts no liability for the loss or damage to vehicles or other property left in any of the Council's Parking Places to which this Order applies.

51. **Wilful damage**

Any person who with intent to defraud interferes with the Ticket Machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination, or other approved method of payment, shall be liable to prosecution.

PART VIII CONTRAVENTION AND PENALTY CHARGE

52. **Contravention**

If a vehicle is left in a Parking Place referred to in the Schedule without complying with the requirements of this Order, a contravention shall

have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice showing the information required by the 2004 Act may then be issued by a Civil Enforcement Officer in accordance with the requirements of the 2004 Act.

53. **Notice of Penalty Charge**

53.1 In the case of a vehicle in respect of which the Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position or hand to the driver a Penalty Charge Notice which shall include such particulars as are required by the 2004 Act and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

53.2 In the case in respect of which the Penalty Charge may have been incurred, a Penalty Charge Notice may be issued by post by the Council if the Driver of the vehicle drives away before the Civil Enforcement Officer has issued a Penalty Charge Notice or the Civil Enforcement Officer has been prevented from issuing a Penalty Charge Notice. Such a Penalty Charge Notice shall include such particulars as are required by the 2004 Act and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

54. **Restrictions on removal of notices**

A Penalty Charge Notice fixed to a vehicle in accordance with the preceding Article shall not be removed or interfered with except by or under the authority of:

54.1 The Owner, or person in charge of, of the vehicle;

54.2 The Council for the place in which the vehicle in question was found.

55. **Payment of Penalty Charge**

The Owner of a vehicle in respect of which the Penalty Charge has been incurred shall pay the Penalty Charge to the Council by cheque or postal order which shall be delivered or sent by post so as to reach the Council not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice was served or in cash in person at the Council Offices not later than as aforesaid or by credit card or debit card or electronically through the Council's web site.

56. If the Penalty Charge is 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, the amount of the Penalty Charge will be reduced by fifty percent in accordance with the Civil Enforcement of Parking Contravention (Guidelines on Levels of Charges (England) Order 2007.

57. If the Owner fails to pay the Penalty Charge by the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice was served, a Notice to Owner may be served; and if the charge is then not paid within a further 28 days it may be increased by 50% upon the issue of a Charge Certificate.

58. Payment shall be received not later than 1600 on the 28th day following the day on which such Penalty Charge was incurred or the 14th day following the day on which the Penalty Charge was incurred if the reduced charge is paid. **PROVIDED THAT** if the said 28th or 14th day falls upon a day on which the Council's Offices or other nominated place are closed, the period within which payment of the said Penalty Charge shall be made to the Council shall be extended until 1600 on the next full day on which the Council's Offices or other nominated place are open.

59. **Indications as Evidence**

The particulars given in the Penalty Charge Notice attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.

PART IX
DISPOSAL OF VEHICLES

60. **Disposal of vehicles abandoned in Parking Places**

The Council may sell or otherwise dispose of a vehicle which has been, or could at any time be, removed from a Parking Place pursuant to Articles 38 or 39, if the vehicle appears to have been abandoned, provided that this power of disposal shall not be exercisable unless the Council has taken such of the following steps as are applicable to the vehicle in question, and there has elapsed a period of six weeks beginning with the taking of the first of those steps.

61. Where the vehicle carries a registration mark the Council shall ascertain from the appropriate body the name and address of the person who is the owner of the vehicle unless the Council is satisfied that the true Owner of the vehicle has identified himself to it.

62. The Council shall, where it is by virtue of Articles 60, 61 and 62, aware of the name and address of a person who it appears may be the Owner of the vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle ("the Notice") on or after a specified date (which shall not be less than two weeks from the date of the Notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said Notice or from such place as may be subsequently notified in writing by the Council to that person.

63. If any person to whom a Notice is sent in accordance with Article 62 informs the Council of the name and address of some other person who he/she alleges may be the Owner of the vehicle, a Notice stating the particulars mentioned in the last preceding Article shall be sent to

that other person and to any further person who the Council may in consequence of the sending of the Notice to the said other person be led to believe may be the Owner of the vehicle.

- 64., Where a vehicle does not carry a registration mark the first step to be taken by the Council shall be to apply in writing to the Chief Officer of Police in whose area the Parking Place is situated enquiring whom that Officer considers is the Owner of the vehicle and the address of that person.
65. The Council shall then make such further enquiries as to ownership as it thinks fit.
66. Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof and of any charge or payment to which it is entitled.
67. In the event that any such costs incurred by the Council in connection with the disposal of the vehicle are not satisfied by virtue of the last preceding Article, the Council may recoup those costs from the person who was the owner of the vehicle immediately before it was removed from the Parking Place, provided that that the person was sent by the Council a Notice under Article 62.
68. Any sums received by the Council on a sale of a vehicle shall, after deducting any sum applied thereabouts by virtue of Article 63, be payable within a period of one year from receipt hereof to any person to whom, but for such sale, the vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid into the General Fund of the Council.

69. Where under the foregoing provisions of this Order a Notice is required to be or may be sent to a person the Notice shall be sent by recorded delivery post.

THE COMMON SEAL of)
REDDITCH BOROUGH COUNCIL)
was affixed on)
in the presence of)

Chairman.....

Authorised Signatory.....