

BATH AND NORTH EAST SOMERSET COUNCIL

(MINSTER WAY, BATH)

(RESIDENTS' AND CONTROLLED PARKING) ORDER 2008

The Bath and North East Somerset Council (hereinafter referred to as "the Council") in exercise of its powers under sections 1(1), 2(1) to (3), 4(2), 45, 46, 49, 51, 53 and 63A of the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as "the Act of 1984"), the Road Traffic Act 1991 (hereinafter referred to as "the Act of 1991") and of all other enabling powers, after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order:-

PART I
PREAMBLE

Citation

1. This Order shall come into operation on the 1st March 2008 and may be cited as The Bath and North East Somerset Council (Minster Way, Bath) (Residents' and Controlled Parking) Order 2008.

Interpretation

2. (1) In this Order:-

"**access way**" means an area on a road provided within the limits of a parking place to enable a vehicle to have access to or egress from land or premises adjacent to the parking place;

"**business permit**" means a business permit issued under the provisions of Section 6 of this order;

"**business permit holder**" means a person to whom a business permit has been issued under the provisions of Article 28 of this order;

"**car derived van**" means a goods vehicle which is contracted or adapted as a derivative of a passenger vehicle and which has a maximum laden weight not exceeding 2 tonnes;

"**Council**" means the Bath and North East Somerset Council;

"**Council's Authorised Officer**" means the Council's Parking Manager or equivalent duly authorised officer.

"**disabled person**" means a disabled person of a description prescribed by Regulation 2 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“development with limited or no parking provision” means either a new housing development or a development which includes demolition and rebuilding or sub-division of the properties with limited or no parking provision.

“disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“disabled person’s vehicle” has the same meaning as in The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000;

“driver” in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

“enactment” means any enactment whether public, general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“entitled business user” means a person who occupies premises the postal address of which is in any road or part of road specified in Schedule 6 to this order and which has no off street parking space provided or authorised by any planning consent related to the premises and who is liable for payment of business rates on that premises;

“goods” means any article not easily carried by hand;

“household” means:

- (a) any self-contained domestic establishment having an individual postal address (within the roads or parts of roads specified in Schedule 6 to this Order) and maintained as the usual place of abode for any number of residents, or
- (b) any hotel, hostel, hospital or other such establishment which provides long term accommodation having an individual postal address (within the roads specified in Schedule 6) and maintained as the usual place of abode for a number of residents and for the purposes of this Order:-

Provided that where any dispute arises as to the eligibility of any resident for a permit as a consequence of the definition of a household, the Council’s decision in relation to the issue of that permit shall be final;

“initial time” means the time initially paid for to park in a Pay and Display bay;

"local service" has the meaning assigned to it by section 2 of the Transport Act 1985;

"loading bay" means an area on a road provided within the limits of a parking place for the waiting of a vehicle for the purpose of delivering or collecting goods including checking the goods for such purpose or loading or unloading the vehicle at premises adjacent to the road in which that parking place is situated;

"motor cycle" and **"invalid carriage"** have the same meaning respectively as in section 136 of the Act of 1984;

"owner" in relation to a vehicle, means the person by whom such a vehicle is kept and used and any person who uses a Company-owned vehicle shall be deemed to be the owner for the purposes of Article 26;

"parking attendant" means any person duly authorised by or on behalf of the Council in accordance with provisions contained in Section 63A of the Road Traffic Regulation Act 1984 to supervise and enforce the restrictions imposed in this Order;

"parking charge" means the charge payable to park a vehicle in a Pay and Display bay;

"parking place" means any part of a road designated by this Order to be used as a parking place;

"parking zone" means an area identified in Schedule 6 to this Order as a parking zone comprising the streets listed under the name of each zone.

"passenger vehicle" means a motor vehicle (other than a motor cycle or an invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of their driver and not drawing a trailer;

"pay and display machine" means an apparatus of a type and design approved by the Secretary of State for Transport for the purposes of this order being apparatus designed to indicate the time by a clock and to issue numbered tickets indicating:-

- (a) the date of issue;
- (b) the payment of a parking charge;
- (c) the departure time; and (if applicable to the apparatus in question) other information relating to the leaving of a vehicle in a parking place.

"pay and display ticket" means a ticket issued by a Pay and Display machine;

"permit" means a permit issued under Article 26, Article 27, Article 28, Article 29 and Article 30 of this order.

"permitted hours" means the period between 8 am and 6 pm on Monday to Saturday inclusive, not being Christmas Day, Good Friday or a bank holiday being a public holiday;

"public service vehicle" means a vehicle as defined in section 1 (1) (a) of the Public Passenger Vehicles Act 1981;

"residents' permit" means a permit issued under the provisions of Article 26 of this Order;

"residents' permit holder" means a person to whom a permit has been issued under the provisions of Article 26 of this Order;

"residents' visitor's permit" means a permit issued under the provisions of Article 27 of this Order;

"residents' visitor's permit holder" means a person to whom a permit has been issued under the provisions of Article 27 of this Order;

"relevant position" has the same meaning as in Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"resident" means a person whose usual place of abode is at a household.

"special parking permit" means a permit issued under the provisions of Article 29 of this Order;

"special parking permit holder" means a person to whom a permit has been issued under the provisions of Article 29 of this Order.

"telecommunication apparatus" has the same meaning as in the Telecommunications Act 1984; and

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under section 64 of the Act of 1984.

- (2) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.
- (3) 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.

3. This order shall be enforced in accordance with the provisions set out in the Bath and North East Somerset Council (Decriminalisation of Parking Enforcement) Minor Order 2003 as varied by the Bath and North East Somerset Council (Decriminalisation of Parking Enforcement) Minor (Variation) Order 2003.

PART II
WAITING RESTRICTIONS

4. Save as provided in Article 6 and Article 7 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform, or of a parking attendant, cause or permit any vehicle to wait in any of the lengths of road or on any of the sides of road specified in Part 1 and Part 2 of Schedule 1 to this Order.
5. Save as provided in Article 6 and Article 7 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a parking attendant, cause or permit any vehicle to wait between the hours of 8 a.m. and 6 p.m. on any day other than Sunday in any of the lengths of road or on any of the sides of road specified in Part 1 and Part 2 of Schedule 2 to this Order.
6. (1) Nothing in Article 4 or Article 5 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road or on any of the sides of road referred to in those Articles for so long as may be necessary to enable:-
- (a) a person to board or alight from the vehicle;
 - (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely -
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of road or sides of road;
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of road or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as defined in the Telecommunications Act 1984;
 - (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority, the Environment Agency, a water undertaker or sewerage undertaker in pursuance of statutory powers or duties;

- (d) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in section 125(1) of the Postal Services Act 2000;
 - (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of road or sides of road;
 - (f) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths of road or sides of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral; or
 - (g) the vehicle to be used for fire brigade, ambulance or police purposes.
- (2) Nothing in Article 4 or Article 5 of this Order shall render it unlawful to cause or permit any vehicle to wait for so long as is necessary for the purpose of enabling goods to be loaded on or unloaded from the vehicle -
Provided that the exemption conferred by this paragraph shall not apply so as to exempt any vehicle from the prohibitions contained in the said Article in so far as those prohibitions apply to the lengths of road or to the sides of road specified in Part 2 of Schedule 1 or Part 2 of Schedule 2 to this Order and in so far as any time necessary for the purpose before mentioned falls between the hours of 8.00 a.m. and 9.15 a.m. or between the hours of 4.15 p.m. and 6.00 p.m. on any day other than Sunday, Christmas Day, Good Friday or a bank holiday unless the vehicle is in the service of or employed by the Post Office and is in actual use in the length of road or on the side of road specified in the said Part 2 of Schedule 1 or Part 2 of Schedule 2 for the purpose of collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000.
- (3) Nothing in Article 4 or Article 5 of this Order shall render it unlawful to cause or permit any vehicle -
- (a) being an authorised vehicle, to wait upon an authorised parking place;
 - (b) being a hackney carriage, to wait upon an authorised cab rank; or
 - (c) being a public service vehicle to wait in any bus waiting area whilst in operation as a local service waiting at a bus stop for a period not exceeding ten minutes.
- (4) Nothing in Article 4 or Article 5 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in any of the lengths of road or on any of the sides of road referred to in those Articles for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length or on the same side of road on the same day).

PART III
DESIGNATION OF PARKING PLACES

SECTION 1 - GENERAL PROVISIONS

Designation of parking places

7. (1) Each of the parts of a carriageway of a road specified in column 2 of Schedule 3, column 2 of Schedule 4 and column 2 of Schedule 5 of this order, other than an accessway or loading bay or disabled persons parking place provided therein under Article 8 and, unless otherwise so specified, bounded on one side of that length by the edge of the carriageway of that road, is designated as a parking place subject to those parts of a carriageway of a road designated as Multi Occupancy Permit Parking Places, Solo Motor Cycle Parking Places and Bath Car Share Club Parking Places as specified in Schedule 10, Schedule 11 and Schedule 12 respectively.
- (2) The Council shall indicate the limits of the parking zone on the carriageway by appropriate signage only following permission from the Department of Transport dated 28 August 2007 reference GT46/2/128.

Parts of parking places forming access ways, loading bays or disabled persons' parking places.

8. (1) Where a figure is specified in column 3 of Schedule 3 or column 3 of Schedule 4 or column 3 of Schedule 5 in relation to any parking place described in column 2 of the said Schedules there shall at all times be provided one or more loading bays or access way or disabled persons' parking places within the said area of a total length in metres not less than that figure and of a width equal to the width of the said area.
- (2) The Council may provide within any area of carriageway described in column 2 of Schedule 3 or column 2 of Schedule 4 or column 2 of Schedule 5 in relation to which no figure is specified in column 3 of the said Schedules one or more loading bays or access ways or disabled persons' parking places of such lengths as the Council may determine.
- (3) The Council shall indicate on the carriageway the limits of any loading bay or access way or disabled persons' parking place in such a parking place by appropriate carriageway markings.

Vehicles for which Parking Places are Designated

Authorisation and use of Street Parking Places

9. (1) Each parking place referred to in column 2 of Schedule 3 to this order may be used, subject to the provisions of this order, for waiting during the permitted

hours by such vehicles as are passenger vehicles, car derived vans, goods vehicles, motor cycles or invalid carriages.

- (2) Save as provided in paragraph (4) of this Article, the driver of a vehicle shall not permit it to wait in a parking place specified in Schedule 3 to this order during the permitted hours continuously for more than the period stated in relation to that parking place in column 5 of the said Schedule.
- (3) Save as provided in paragraph (4) of this Article, when a vehicle has been taken away from a parking place specified in Schedule 3 to this order after waiting therein the driver thereof shall not within one hour from the time it was taken away permit the vehicle to wait again in that parking place during the permitted hours.
- (4) Nothing in Paragraph (2) or Paragraph (3) shall apply to a vehicle waiting in a parking place during the permitted hours -
 - (a) if it is a disabled person's vehicle which displays in the relevant position a disabled person's badge; or
 - (b) at a time when any public transport facilities are not available or of emergency and the parking place is a parking place which the Council or any person duly authorised by them may have decided can be used without limitation of time.

Authorisation and use of Residents' Parking Places and Pay & Display Parking Places

10. (1) Each parking place referred to in column 2 of Schedule 4 may be used, subject to the provisions of this order, for the leaving during the permitted hours of such vehicles as are passenger vehicles, car derived vans, goods vehicles, motor cycles or invalid carriages;
- (2) Subject to the proviso to this paragraph each parking place referred to in Schedule 4 may be used for the leaving during the permitted hours of such vehicles of the class specified in paragraph (1) above provided that -
 - (a) a valid residents' parking permit issued in respect of that vehicle is displayed in the manner specified in Article 31 of this order;
 - (b) a valid residents' visitors permit is displayed in the manner specified in Article 31 of this order;
 - (c) a valid business permit issued in respect of that vehicle is displayed in the manner specified in Article 31 of this order;
 - (d) a valid special parking permit issued in respect of that vehicle and that parking place is displayed in the manner specified in Article 31 of this order; or

- (e) a valid temporary parking permit issued in respect of that vehicle and that parking place is displayed in the manner specified in Article 31 of this order -

Provided that any such parking place referred to in this paragraph is a parking place situated in any of the roads as may be designated by the Council at such time as the permit is issued and as will be shown on the permit.

- (3) Each parking place referred to in column 2 of Schedule 5 may be used for the leaving during the permitted hours of such vehicles of the class specified in paragraph (1) to this Article provided that a valid Pay and Display ticket is displayed in the manner specified in Article 13(1) of this order and further that each vehicle is parked for no longer than the period specified on the ticket and not returned to the same parking place within a period of one hour.

General requirement to comply with this order

- 11. Except as otherwise prescribed by this order no vehicle may be left in a Street Parking Place, a Residents' Parking Place or a Pay and Display Parking Place during the permitted hours unless that vehicle is left in accordance with the provisions of this order.

SECTION 2 - SPECIAL PROVISIONS RELATING TO PARKING PLACES

- 12. The parking charge shall be payable on the leaving of a vehicle in a parking place specified in Schedule 5 to this order.
- 13. Upon payment of the parking charge for the vehicle the driver shall exhibit on the vehicle, in accordance with the provisions of paragraph (1) of this Article, a Pay and Display ticket issued by a pay and display machine relating to any parking place in which the vehicle is left.

- (1) Where ticket is to be exhibited

At all times during which a vehicle, other than a vehicle otherwise exempted by this order, is left in a parking place referred to in Schedule 5 during the permitted hours, the Pay and Display ticket issued by the pay and display machine shall be exhibited on the vehicle:-

- (a) where the vehicle is fitted with a front glass windscreen extending across the vehicle to the near side, facing forwards in a position so as to be clearly visible behind the near side of the glass of such windscreen; or
- (b) where the vehicle is not fitted with a front glass windscreen as specified in item (i) of this sub paragraph, on or within the vehicle so that the ticket is clearly visible to a person standing at the near side of the vehicle.

14. (1) Payment of parking charge

Payment of the parking charge for a vehicle left in a parking place specified in Schedule 5 to this order during the permitted hours shall be indicated by the issue by any pay and display machine relating to a parking place in which the vehicle is left of a numbered ticket indicating the date of payment of the charge, the charge for which payment was made and the departure time, being the time at which the said ticket was issued plus the period for which payment was made by such parking charge, and by exhibition of that ticket on the vehicle in the manner specified in Article 13.

(2) Expiry of initial time

The expiry of the initial time for which the parking charge has been paid shall be indicated when there is exhibited on the vehicle a Pay and Display ticket issued by a pay and display machine relating to any parking place in which the vehicle is left showing the date of payment of the charge, and the departure time, and the time shown on the clock on the said machine is later than the aforementioned departure time.

Indications by Pay and Display Machines and Pay and Display Tickets as evidence

15. (1) If no ticket exhibited

If at any time while a vehicle is left in a parking place during the permitted hours no Pay and Display ticket is exhibited on that vehicle in accordance with the provisions of Article 13(1) it shall be presumed unless the contrary is proved that the parking charge has not been duly paid.

(2) Expiry of initial time

If at any time while a vehicle is left in a parking place during the permitted hours the clock on a pay and display machine relating to any parking place in which the vehicle is left and the Pay and Display ticket exhibited on the vehicle gives the indication mentioned in paragraph (2) of the last preceding Article, it shall be presumed unless the contrary is proved that the parking charge has been duly paid and that the initial time for which payment was made by the parking charge has already expired.

No additional coins or other means of payment to be inserted after payment of Parking Charge

16. No person shall insert in a pay and display machine relating to any parking place in which a vehicle is left, any additional payment by whatever means to the parking charge in respect of that vehicle.

Interval before vehicle again to be left

17. No vehicle which has been taken away from a parking place, after the parking charge has been incurred, shall again be left in that parking place during the permitted hours until the expiration of one hour from the time it was taken away.

SECTION 3 - SUPPLEMENTARY PROVISIONS

Manner of Standing In Parking Places

18. Save as provided in Article 21 of this order every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand -

(a) if special provisions

in the case of a parking place in relation to which special provisions as to the manner of standing of vehicles in that place are specified in column 4 of Schedule 3 or column 4 of Schedule 4 or column 4 of Schedule 5 to this order, as to be in accordance with those provisions;

(b) if no special provisions

in the case of any other parking place:-

(i) if the parking place is in a one-way street, that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway or that the right or off side of the vehicle is adjacent to the right-hand edge of the carriageway, and

(ii) (whether or not the parking place is in a one way street) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than three hundred millimetres;

(c) vehicles to be within markings of parking place

that every part of the vehicle is within the markings of the parking place and where that parking place is a parking place specified in column 2 of Schedule 5 to this order within the markings of the parking place which is the appropriate place in relation to the pay and display machine in which has been or should have been inserted any coin or coins, banknotes or any electronic cash transaction for the purpose of payment of the parking charge.

Power to Suspend use of Parking Places

19. (1) When parking place may be suspended

Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary -

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of enabling a public service vehicle to wait there;
 - (c) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place, or the maintenance, improvement or reconstruction of the road or the cleansing of gullies 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 telecommunication apparatus as defined in the Telecommunications Act 1984 or the placing, maintenance or removal of any traffic sign or pay and display machine;
- (2) A police constable in uniform or a parking attendant 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:-
- (a) for any of the purposes referred to in sub-paragraphs (a), (b) or (c) of paragraph (1) of this Article;
 - (b) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office, dwelling house or other premises 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 on other special occasions.
- (3) Duties of person suspending parking place
- Any person or police constable in uniform or a parking attendant suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or, as the case may be, paragraph (2) of this Article shall thereupon:-
- (a) in the case of parking places where the use of all of the parking places relating to one pay and display machine has been suspended, place or cause to be placed over the pay and display machine(s) relating to those parking places a hood or other cover indicating that the use of the places is suspended and that waiting by vehicles is prohibited; and

- (b) in the case of a parking place the use of any part or parts of which has or have been suspended, place or cause to be placed in or adjacent to that part or those parts a traffic sign or traffic signs indicating that waiting is prohibited.

(4) Power to remove pay and display machine

On any suspension of the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) of this Article, if the use of all the parking places relating to one pay and display machine has been suspended, any person generally or specially authorised by the Council may temporarily remove that pay and display machine and any post, bracket or other support on which such pay and display machine is fitted.

(5) Prohibition of use of suspended parking places

Save as provided in Article 21 of this order no person shall cause or permit a vehicle to be left in any part of a parking place during such period as either there is a hood or cover indicating that the use of the parking place is suspended in pursuance of paragraph 3(a) of this Article or there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of paragraph (3)(b) 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 Article 22(1)(b), (d) or (e) of this order to be left in that part of the parking place during such period as is referred to in the above paragraph, and this paragraph shall also not apply to any other vehicle left as stated in this proviso if that vehicle is left with the permission (i) of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (1) of this Article, or (ii) of a police constable in uniform, or (iii) of a parking attendant.

Restriction of Use of Vehicles at Parking Places

20. (1) Sales of goods and services

Save as provided in Article 21 of this order no person shall use any vehicle, while it is in a parking place during the permitted hours, in connection with the sale of the vehicle or of any other article to any person in or near the parking place or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity:

Provided that nothing in this Article shall prevent the sale of goods from a vehicle

- (a) if the vehicle is one which may be left in a parking place in accordance with Article 9 or Article 10 of this order and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
- (b) if the vehicle is one to which the provisions of Article 22(1)(h) or (j) of this order apply.

(2) Running of vehicle engines

Save as provided in Article 21 of this order the driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

Suspension of Parking Places and Payment of Hourly Charge beyond the period for which the Parking Charge is Normally Paid

21. (1) General provisions

Nothing in Article 11, Article 18 or paragraph (5) of Article 19 or Article 20 of this order shall apply to any vehicle left in a parking place or part thereof which has been suspended by any person generally or specially authorised by the Council for any of the purposes mentioned in sub paragraph (b) or sub paragraph (c) of paragraph (1) of Article 19 to this order -

Provided that the vehicle is left in accordance with a prior agreement entered into with the Council for that period and further provided that the provisions of that agreement with regard to the manner of standing and position of the vehicle have been adhered to.

(2) Charge to be payable

In the case of a vehicle left in a parking place in accordance with paragraph (1) of this Article an hourly charge shall be paid for any period during the permitted hours when the parking place or part thereof has been suspended for the leaving of that vehicle.

(3) Amount of charge

The hourly charge shall be specified by the Council at the time that the agreement referred to in this Article is entered into and will be imposed at the discretion of the Council but in any case will not exceed the notional hourly charge normally payable at that parking place plus an appropriate administration fee.

(4) Meaning of vehicle

In paragraph (1) and paragraph (2) of this Article reference to a vehicle shall include any builders skip or receptacle, any scaffolding which may overhang the parking place or part thereof and any building materials which have been left in accordance with the provisions of the aforementioned agreement.

Restriction of Waiting of Special Category of Vehicles in Parking Places

22. (1) Without prejudice to the foregoing provisions of this order with respect to vehicles which are left in a parking place in accordance with those provisions, any other vehicle may wait during the permitted hours anywhere on the carriageway in a parking place, other than a parking place or part of a parking place the use of which has been suspended, if -
- (a) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
 - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
 - (c) the vehicle is a vehicle used for fire brigade purposes or an ambulance, a vehicle (other than a passenger vehicle) in the service of a local authority being used in pursuance of statutory powers or duties, or the vehicle is a vehicle owned by a police authority and is being used for police purposes;
 - (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (e) the vehicle not being a passenger vehicle is in the service of or employed by the Royal Mail and is waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle, or, having been unloaded therefrom, are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting;
 - (f) the vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 19(1)(c) of this order;
 - (g) the vehicle not being a passenger vehicle is in actual use in connection with the removal of furniture from one office, dwelling house or other premises to another, or the removal of furniture from such premises to a depository or to such premises from a depository;

- (h) the vehicle is waiting in a parking place otherwise than in a loading bay and goods are being sold or offered for sale from the vehicle by a person who is licensed by the Council to sell goods from a stationary pitch situated in the parking place;
 - (i) the vehicle is waiting only for so long as is necessary to enable it to be used in connection with posting or removing advertising material in the form of posters on or from, or cleaning windows or chimneys in, premises adjacent to the parking place in which the vehicle is waiting; or
 - (j) in any other case the vehicle is waiting only for so long as is necessary for the purpose of delivering or collecting goods or merchandise, including so far as a Bank is concerned, cash which cannot reasonably be carried by hand, or other valuables or valuable securities which cannot reasonably be carried by hand, or loading or unloading goods from the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle not being a goods vehicle does not wait for such purpose for more than thirty minutes or such longer period a police constable in uniform or a parking attendant may authorise, or being a goods vehicle does not wait for more than thirty minutes or such longer period as aforesaid if it is in any part of a parking place not being a loading bay.
- (2) No charge specified in the foregoing provisions of this order shall be payable in respect of any vehicle waiting in a pay and display parking place in accordance with the foregoing provisions of this Article.
 - (3) Except as provided by this order, the driver of a vehicle shall not cause or permit the vehicle to wait in a parking place during the permitted hours.
 - (4) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act of 1984.

Manner of Waiting by Special Categories of Vehicle in Parking Places

- 23. A person causing or permitting a vehicle to wait in a parking place by virtue of the provisions of sub-paragraph Article (e), (f), (h), (i) or (j) in paragraph (1) of the last proceeding Article shall take all such steps as are necessary to ensure -
 - (a) in the case of a parking place in relation to which special provisions as to the manner of standing of vehicles in that place are specified in column 4 of Schedule 3 or column 4 of Schedule 4 or column 4 of Schedule 5 to this order that vehicle shall so stand -
 - (i) unless the length of the vehicle precludes compliance with this sub-paragraph, in accordance with those provisions and so that every part of the vehicle is within the limits of the parking place, or

- (ii) if the length of the vehicle does preclude compliance with the last preceding sub-paragraph that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than three hundred millimetres; and
- (b) in the case of any other parking place, that the longitudinal axis of the vehicle is to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than three hundred millimetres.

Exemptions from Charges

24. (1) Out of order Pay and Display machines

If at the time when a vehicle is left during the permitted hours in a parking place specified in Schedule 5 to this order there is on all the pay and display machines relating to that place or in or adjacent to that place a notice placed by any person duly authorised by the Council, or a parking attendant, indicating that all the pay and display machines relating to that place are out of order, that vehicle shall be exempt from the parking charge provided that it is removed within two hours after the said machine is rectified; and if it be not removed from the parking place within either of the aforementioned periods applicable to that parking place then the parking charge payable in respect of that period shall be treated as having been incurred and paid at the time when the vehicle was left in the parking place and all the provisions of this Part of this order shall apply accordingly.

(2) Disabled persons

The following vehicles left in parking places during the permitted hours shall be exempt from the payment of any charge or compliance with any limitation of time during which a vehicle may be left in a parking place specified in the foregoing provisions of this order:-

- (a) an invalid carriage;
 - (b) a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority; or
 - (c) a motor cycle - provided that such vehicle shall not be left in a parking place for a period exceeding the maximum period of waiting in that parking place as indicated by an authorised traffic sign and other than in accordance with Article 17 of this order.
- (3) The aforementioned vehicles shall not be left in a parking place or part thereof if the use of that parking place or part thereof has been suspended in pursuance of Article 19.

- (4) Without prejudice to the generality of this Article, a vehicle to which this Article applies shall stand in the parking place in accordance with the provisions of Article 18 (a) and (b) of this order and wholly within the limits of that place.

Installation of Pay and Display Machines, traffic signs, Etc

25. The Council may -

- (a) place and maintain traffic signs indicating the limits of each parking place;
- (b) place and maintain in or in the vicinity of each parking place traffic signs of a design approved by the Secretary of State for Transport indicating that such parking places may be used during the permitted hours for the leaving only of the vehicles referred to in Article 8 of this order;
- (c) install in such positions in or in the vicinity of a parking place as they may think fit such pay and display machines as are required by this Part of this order for the purposes of that parking place, and
- (d) carry out such other work as is authorised by this Part of this order or is reasonably required for the purposes of the satisfactory operation of a parking place.

Application for and Issue of Permits for the Use of Parking Places

SECTION 4 - RESIDENTS' PERMITS

26. (1) Save as provided in paragraph (2) of this Article, any resident of a household within the roads or parts of roads specified in Schedule 6 to this Order who is the owner of a vehicle of any of the classes referred to in Article 10(1) may apply to the Council or any duly appointed agent for the issue of a residents parking permit or permits as may be determined by the Council to park in any parking place in any road or part of road within the parking zone in which they reside or as may be designated by the Council at such time as the permit is issued and as will be shown on the permit or permits and any such application shall be made on a form issued by and obtainable from the Council or any duly appointed agent and shall include the particulars and information required by such form.
- (2) The provisions of paragraph (1) of this Article may not apply to a resident who resides in a development with limited or no parking provision.

SECTION 5 - RESIDENTS' VISITOR'S PERMITS

27. (1) Save as provided in paragraph (2) of this Article, any resident of a household within the roads or parts of roads specified in Schedule 6 to this order may apply to the Council for the issue of residents' visitors permits relating to the parking zone within which they reside for a vehicle of the class referred to in

Article 10 (1) and any such application shall be made on a form issued by and obtainable from the Council and shall include particulars and information required by such form to be supplied.

- (2) The provisions of paragraph (1) of this Article may not apply to a resident who resides in a development with limited or no parking provision.

SECTION 6 - BUSINESS PERMITS

28. Any entitled business user within the roads or parts of roads specified in Schedule 6 to this order may apply to the Council for the issue of a business permit relating to the parking zone within which they operate for a vehicle of the class referred to in Article 10 (1) and any such application shall be made on a form issued by and obtainable from the Council and shall include particulars and information required by such form to be supplied.

SECTION 7 - SPECIAL PARKING PERMITS

29. (1) Any person may at any time apply to the Council for the issue of a special parking permit in respect of a vehicle of a class specified in Article 10(1) identifying the user of the vehicle for issue to Social Services Carers or Carers Agencies employed by Social Services or medical personnel or family carers making essential visits to a resident or the Bath Share Club or any such other users that the Council's Authorised Officer deems fit. The decision to issue a special parking permit is at the discretion of the Council's Authorised Officer.
- (2) A special parking permit shall be issued subject to such terms and conditions as the Council's Authorised Officer shall think fit.

SECTION 8 - TEMPORARY PARKING PERMITS

30. (1) Save as provided in paragraph (2) of this Article, any person may at any time apply to the Council for the issue of a temporary parking permit in respect of a vehicle of the class specified in Article 10(1) identifying the user of the vehicle as a either tradesman with legitimate business within a parking zone, or a resident of a parking zone or a business within a parking zone or an applicant for a Special Permit, each of which are awaiting additional documentation in pursuit of an application for a Permit in accordance with provisions of this order and the conditions of the application. The decision to issue a temporary parking permit is at the discretion of the Council's Authorised Officer.
- (2) The provisions of paragraph (1) of this Article may not apply to a resident who resides in a development with limited or no parking provision.

All Permits to be Displayed in Vehicles left in Parking Places

31. At all times during which a permit holder leaves a vehicle in a parking place referred to in Schedule 4 to this Order during the permitted hours, the driver shall cause the relevant permit to be displayed on the vehicle:-

- (a) where the vehicle is fitted with a front glass windscreen extending across the vehicle to the near side, facing forwards in a position so as to be clearly visible behind the near side of the glass of such windscreen; or
- (b) where the vehicle is not fitted with a front glass windscreen as specified in item (a) of this sub paragraph, on or within the vehicle so that the ticket is clearly visible to a person standing at the near side of the vehicle.

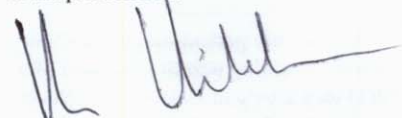
Restriction on the Removal of Permits from Vehicles in Parking Places

32. When a permit has been displayed on a vehicle in accordance with the provisions of Article 31 no person, not being the driver of the vehicle, shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

Provided that nothing in this Article shall apply to a police constable in uniform or a person removing the vehicle in pursuance of an arrangement made by the police constable by or under regulations in pursuance of powers contained in sections 99, 100, 101 and 102 of the Act of 1984.

Given under the Common Seal of the Bath and North East Somerset Council the 27th day of February 2008.

The COMMON SEAL of the
BATH AND NORTH EAST SOMERSET COUNCIL
was hereunto affixed
in the presence of:-


Authorised signatory



authority for sealing:-
cabinet member for Transportation and Highways Charles Gerrish
Date of Decision: 13/12/07
Date confirmed no call in: 24/12/07.

(All measurements stated in these Schedules as being to or from a specified kerb-line or a road are taken from or to a point which is the point of intersection of a projection of that kerb-line and, unless otherwise stated, a projection of the kerb-line of the road in which the parking place is situated).

SCHEDULE 1

Part 1

No Waiting At Any Time

Minster Way

North side

- From a point 97 metres north of its junction with the northern kerbline of St Christopher's Close for a distance of 10 metres in an easterly direction.

South side

- From a point 87 metres north east of its junction with the southern kerbline of St Christopher's Close for a distance of 12 metres in a north westerly then westerly direction.

Inner island

- From the south west point of the inner island for a distance of 4 metres in both directions.

Part 2

No Waiting At Any Time, No Loading/Unloading, 8.00 am to 9.15 am and 4.15 pm to 6.00 pm, Monday to Saturday (inclusive)

NO ENTRIES

SCHEDULE 2

Part 1

No Waiting during the permitted hours

In relation to a parking place referred to in this Schedule the expression 'permitted hours' means the period between 8 am and 6 pm on Monday to Saturday (inclusive) not being Christmas Day, Good Friday or a bank holiday.

NO ENTRIES

Part 2

No Waiting during the permitted hours, No Loading/Unloading, 8.00 am to 9.15 am and 4.15 pm to 6.00 pm, Monday to Saturday (inclusive)

NO ENTRIES

SCHEDULE 3

Parking Places on Roads (Limited Waiting)

NO ENTRIES

SCHEDULE 4

Part 1

Residents' Parking Places

In relation to a parking place referred to in this Schedule the expression 'permitted hours' means the period between 8 am and 6 pm on Monday to Saturday (inclusive) not being Christmas Day, Good Friday or a bank holiday.

| Number of parking place | Designated parking place | Minimum total length in metres within parking place to be provided as loading bays or access ways or disabled persons parking places | Special manner of standing of vehicle |
|-------------------------|---|--|---------------------------------------|
| 1 | 2 | 3 | 4 |
| | All that part of the north side of Minster Way which extends from a point 15 metres north east of its junction with the northern kerblineline of St Christopher's Close in a north easterly direction for a distance of 82 metres. | | |
| | All that part of the north side of Minster Way which extends from a point 107 metres from its junction with St Christopher's Close in a north easterly direction then south easterly then south westerly then north westerly to a point 87 metres north east of its junction with the southern kerblineline of St Christopher's Close. | | |
| | All that part of the south side of Minster Way which extends from a point 75 metres north east of its junction with St Christopher's Close in a south westerly direction for a distance of 65 metres. | | |

| | | | |
|--|---|--|--|
| | All that part of the central area of Minster Way on its north west, north east, south east and south west facing sides with the exception of a distance of 8 metres at the apex of the south west facing corner. | | |
|--|---|--|--|

Part 2

Residents Parking Places and Parking Places on roads 11.30 a.m. to 14.30 p.m.
Monday to Saturday (inclusive)

NO ENTRIES

Part 3

Residents Parking Places and Parking Places on roads
Monday to Saturday (inclusive)

NO ENTRIES

SCHEDULE 5

Part 1

Pay and Display Parking

NO ENTRIES

Part 2

Pay and Display Parking and Residents' Parking

NO ENTRIES

SCHEDULE 6

Roads or lengths of road in Bath for the purpose of the definition of 'resident' of a 'household'

Minster Way

Whole length

SCHEDULE 7