

**BLAENAU GWENT COUNTY BOROUGH COUNCIL**  
**(Off-Street Parking Places)**  
**(Civil Parking Enforcement and Consolidation) Order 2019**

The Council of the County Borough of Blaenau Gwent (hereinafter referred to as "the Council") in exercise of their powers under the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:

**Commencement and Citation**

1. This Order shall come into operation on the 30<sup>th</sup> day of June 2019 and may be cited as the County Borough Council of Blaenau Gwent (Off-Street Parking Places) (Civil Parking and Consolidation) Order 2019.
2. The provision of this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the 1984 Act or by any enactment.
3. The Off-Street Plans forming Schedule 1 to this Order and titled "Blaenau Gwent County Borough Council (Off- Street Parking Places) (Civil Parking and Consolidation) Order 2019 Off-Street Plans" including the key (the "Plans") are hereby incorporated into this Order and are recorded in Schedule 2 to this Order "The Plan Index".
4. "The Plan Index" forms Schedule 2 to this Order.
5. Any reference in this order to a numbered Article bearing that number in this Order and any reference in this Order to 'the Schedule' is a reference to the Schedule to this Order.

**Interpretation**

6. In this Order, except where the context otherwise requires, the following expressions have the following meanings hereby respectively assigned to them.

'authorised officer' means a person authorised by or on behalf of the Council to supervise any parking place and enforce the provisions of this order;

'Council' means Blaenau Gwent County Borough Council or any of its successor authorities and any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provision of this order;

'disabled persons badge' means a badge of a description prescribed by the Disabled Persons (Badges for Motor Vehicles)(Wales) Regulations 2000 or as amended;

'disabled persons vehicle' means a vehicle displaying in the relevant position a disabled person's badge in accordance with the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000;

'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 enactment;



'motor-cycle' has the same meaning as that in S136 of the Act of 1984;

'owner' in relation to a vehicle, means the person by whom such vehicle is kept and used and in determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

'park' and 'parked' refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle and a vehicle shall be deemed to be parked for any period in the same parking place or parking bay (as the case may be) if any part of it is below the vehicle or the vehicles load (if any) whether or not the vehicle is moved during that period;

'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 provided by the Council pursuant to the Act of 1984 for the purpose of parking of vehicles of specific classes and not closed (in part or in whole) by a notice erected thereon by the authority of the Council;

'relevant position' means:

In respect of a disabled persons vehicle displaying a valid disabled person's badge –

- (i) In the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 (the front of the badge), is legible from outside the vehicle; or
- (ii) In the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle;

'vehicle' means a motor vehicle or trailer and 'motor vehicle' and trailer have the same meaning as that assigned to motor vehicle in Section 136 of the Act of 1984;

'wait' and 'waiting' refer to stopping of a vehicle and it remaining at rest whether or not the driver is still in the vehicle; 'wait' and 'waiting' apply as for 'park' and 'parked'.

7. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.
8. 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.
9. Unless the context otherwise requires, words denoting the singular shall include the plural and vice versa and words denoting persons shall include either gender, bodies corporate, unincorporated associations and partnerships.

10. The interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by this Order were Acts of Parliament thereby repealed.
11. The restrictions prohibitions and requirements imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations or Order made or having effect as if made under the Act of 1984 or by or under any other enactment.
12. If a court, the Department for Transport, the Welsh Government, The Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or un-enforceable, such declaration shall not invalidate the remainder of the Order.

## **PART 2**

### **DESIGNATION AND USE OF PARKING PLACES**

#### **Designation**

13. Each area of land or building named and specified on the Plans in Schedule 2 may be used, subject to the provisions of this Order, as a place to park vehicles of such classes, in such positions, on such days, during such hours, for such periods as are displayed at each parking place as stated in Schedule 1 and as displayed on site. The land designated as parking places on the plans in Schedule 2 is covered by the provisions of this Order.

#### **Class and position of vehicle**

14. Whereby notice at a parking place, the parking place, or any parking bay within the parking place, is described as available for vehicles of a specific class or vehicles to be parked in a specific location, no person shall cause or permit a vehicle to be parked in that parking place or in any parking bay within the parking place.

#### **Classes of vehicle**

15. No person shall cause or permit a vehicle to be parked in a parking bay unless it's of a class specified in the Schedule or as displayed on site.

#### **Position of vehicle**

16. If parking bays are marked out in a parking place the driver of a vehicle shall ensure that it is not parked beyond the parking bay markings and shall not permit it to wait in that parking place unless it is so positioned.
17. If parking bays are not marked out in a parking place the driver of a vehicle shall ensure that it is positioned so that it does not obstruct other vehicles using the parking place, the free flow of traffic circulating within the parking place and the entrances to exits from the parking place.



## Disabled person's parking bays

18. No person shall cause or permit a vehicle to be parked in a parking bay marked for disabled persons unless the vehicle is a disabled persons vehicle and displays a valid disabled person's badge in the relevant position and immediately before or immediately after the act of parking the vehicle has been or is to be used by the person(s) in respect of whom the disabled person's badge has been issued.

## Motor cycle parking bays

19. No person shall cause or permit a vehicle to park in a parking bay marked for a motor cycle unless the vehicle is a motor cycle.

## Hours of operation and maximum periods of stay

20. Where in the Schedules and as displayed on site, a parking place or any parking bay within the parking place is described as being in operation on specified days, during specified hours or for a maximum period of stay, no person shall cause or permit a vehicle to be parked in that parking place or in any parking bay within the parking place on any day, during such hours or for any period other or longer than those specified.

## Period of no return

21. Where in the Schedules, and as displayed on site a parking place is described as having a period within which a vehicle may not return, no person shall cause or permit a vehicle to be parked again in that parking place on any day, during such hours within which the vehicle is excluded from waiting in the parking place.

## Powers to close or suspend parking places

22. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed or erected in a parking place:
  - (i) From closing a parking place or any part thereof for any period: and/or
  - (ii) From setting aside a 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.
23. Any person closing or suspending the use of a parking place or any part thereof 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 that parking place or that part thereof is closed or the use is suspended and that parking of vehicles is prohibited.
24. No person shall cause or permit a vehicle to be parked in a parking place or any part thereof during such periods that the parking place or that part thereof is closed or the use is suspended or during such period as there is in or adjacent thereto a notice or traffic sign indicating the closure or suspension placed by or on behalf of the Council.

## Sale of Goods

25. No person shall in a parking place without the express written permission of the Council, use a vehicle, in connection with the sale of any article, including the vehicle itself, to any person in or near the parking place or in connection with the selling or offering for hire of skill or services in any other capacity.

#### Parked with the engine running

26. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in a parking bay and shall not start the engine or sound any horn or similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

#### Parked causing an obstruction

27. No person shall in a parking place park the vehicle in such a manner or place where it causes an obstruction to any other users of the parking place.

### **PART 3 RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES**

#### Emergencies

28. An authorised officer or a police officer 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 parked in any parking place.

#### Contraventions in suspended parking places

29. An authorised officer may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any vehicle parked in a parking place which has been closed or suspended in whole or in part by the Council and the cost of movement or removal and safe keeping shall be the liability of the owner of the vehicle.

#### Safe Keeping

30. Any person removing or arranging the removal of a vehicle from a parking place under the provisions of this Order shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle save that the Council or its duly authorised agents shall not be liable for any loss or damage caused to the vehicle or its contents as a result of the vehicle being removed from the parking place under the provisions of this Order unless they have acted negligently.

#### Disposal of vehicles abandoned in parking places

31. The Council may sell or otherwise dispose of, in accordance with current legislation, a vehicle which has been, or could at any time be, removed from a parking place if the vehicle appears to be abandoned.



## **PART 4**

### **CONTRAVENTION AND PENALTY CHARGE**

#### **Contravention**

32. Save for the provision in Part 5, if a vehicle is parked in a parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable.

#### **Indications as to Evidence**

33. The particulars given in any notice of penalty charge served on a vehicle in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay the penalty charge.

#### **Restrictions on removal notices**

34. Any notice fixed to a vehicle in accordance with this Order shall not be removed or interfered with except by or under the authority of:
- (i) The owner, or person in charge of, the vehicle;
  - (ii) The Council.

## **PART 5**

### **LIABILITY AND OTHER PROVISIONS**

#### **Liability**

35. The Council accepts no liability for the loss or damage to vehicles or other property left in any parking place to which this Order applies save for that arising from the negligence of the Council.

#### **Driving within a parking place**

36. Where in a parking place signs are erected or surface markings are laid for the purpose of:-
- (i) Indicating the entrance to or exit from the parking place, or
  - (ii) Indicating that a vehicle using the parking place shall proceed in a specified direction within the place,
- Any person who drives or permits to be driven any vehicle:-
- (iii) So that it enters the parking place otherwise than by an entrance or leaves the parking place otherwise than by an exit, so indicated, or
  - (iv) In a direction other than so specified shall be liable to prosecution.

37. Any person who, without the permission of a person authorised by the Council in that behalf drives or permits to be driven any vehicle in a parking place for any purpose other than the purpose of leaving the vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place shall be liable to prosecution.

#### Domestic purposes

38. Any person who uses any part of the parking place or any vehicle parked in a parking place

- (i) for sleeping or camping or cooking, or
- (ii) for the purpose of servicing of washing any vehicle or part thereof other than is reasonably necessary to enable the vehicle to depart from the parking place, shall be liable to prosecution.

#### Behaviour

39. Any person who wilfully sounds any horn or any other similar instrument on a vehicle except when about to change the position of the vehicle in or to depart from the parking place shall be liable to prosecution.

40. Any person who in a parking place shouts or otherwise makes a loud noise to the disturbance or annoyance of users of the parking place or residents or premises in the neighbourhood shall be liable to prosecution.

41. Any person who in a parking place uses 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 shall be liable to prosecution.

#### Other activities

42. Any person in a parking place:-

- (i) erects or causes or permits to be erected any tent, booth, stand, building or other structure without the written consent of the Council, or
- (ii) lights or causes to be lit any fire,
- (iii) causes wilful damage to the fabric of the car park, or
- (iv) cycles or skateboards in the car park shall be liable to prosecution.

Given under the common seal of Blaenau Gwent County Borough Council this  
27<sup>th</sup> day of June 2019.

The Common Seal of  
**Blaenau Gwent County Borough Council**  
Was hereunto affixed in the presence of:

*Olivia Rogers*

Authorised Officer





Blaenau Gwent County Borough Council  
(Off – Street Parking Places)  
(Civil Parking Enforcement and Consolidation) Order 2019

**Statement of Reasons**

The Council has made an application to Welsh Government under the Road Traffic Act 1984 for the County Borough of Blaenau Gwent to be designated as “a permitted parking area and a special parking area”. The designation and the proposed order will enable the Council and its authorised officers to enforce off street parking, waiting and loading prohibitions and restrictions within the car parks owned by the County Borough of Blaenau Gwent. Parking Enforcement Officers will issue Penalty Charge Notices in respect of contraventions. The above order will achieve continuity and equal standards of enforcement across the County Borough of Blaenau Gwent, reducing congestion, improving air quality, road safety and traffic management.

This order will:

- Introduce Civil Parking Enforcement under the 1984 Act to the County Borough of Blaenau Gwent for off-street parking, waiting and loading prohibitions and restrictions.
- Enable all existing prohibitions and restrictions on waiting and loading and unloading currently in place in the local government area of the County Borough of Blaenau Gwent to be made in to a new map-based Traffic Regulation Order.
- Formalise the status of numerous free to use car parks across the Council area.

