

BLAENAU GWENT COUNTY BOROUGH COUNCIL
(Prohibition and Restriction of Waiting and Loading and On-Street
Parking Places)
(Civil Parking Enforcement and Consolidation) Order 2019

Blaenau Gwent County Borough Council (the 'Council') in exercise of their powers under the Road Traffic Regulation Act 1984 (the '1984 Act') and the Traffic Management Act 2004 (the '2004' Act) and all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

Citation and interpretation

- 1) This Order shall come into operation on the 30th day of June 2019 and may be cited as Blaenau Gwent County Borough Council (Prohibition and Restriction of Waiting and Loading and On-Street Parking Places) (Civil Parking and Consolidation) Order 2019.
- 2) The provisions 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 On-Street Plans forming Schedule 1 to this Order and titled "Blaenau Gwent County Borough Council (Prohibition and Restriction of Waiting and Loading and On-Street Parking Places) (Civil Parking and Consolidation) Order 2019, On-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) In this Order, except where the context otherwise requires, the following expressions have the following meanings hereby respectively assigned to them.

"The 2008 Regulations" means the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008;

"Authorised Vehicle" shall mean a Police, Fire, Ambulance or other emergency vehicle, a vehicle belonging to a universal service provider, electricity, gas, water or any other statutory undertaker or any vehicle or any vehicle authorised by the Head of Infrastructure engaged in legitimate business of their respective employers;

"Bus" has the same meaning as "Public Passenger Vehicles Act 1981";

"Charge Certificate" means the statement that the penalty charge has been increased by 50 per cent in accordance with the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulation 2008 or by any other enactment;

"Civil Enforcement Officer" means a person authorised by the Council to supervise and enforce the provisions of this Order;

"The Council" means Blaenau Gwent County Borough Council and shall include its employees, agents and partners;

"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 Parking Place" means those Disabled Person Parking Places specified in Article 13(i);

"Ambulance Parking Place" means a length of road designated as a parking place for Ambulance by Article 14(i);

"Driver" means the person driving the vehicle at the time it was left on the length or road;

"Hackney Carriage" has the same meaning as in the Town Police Clauses Act 1847 as amended;

"Owner" in relation to vehicle which is required to be licensed under the provisions of the Vehicle Excise and Registration Act 1994 means the person whose name the vehicle was registered under that Act on the date on which the vehicle was left in contravention of this Order;

"Parking Disc" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000 which is capable of showing the quarter hour period during which a period of waiting has begun;

"Passenger Vehicle" means a motor vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver and not drawing a trailer;

"Penalty Charge" means a penalty charge relating to a parking contravention in pursuant to the 2004 Act;

"Penalty Charge Notice" or "PCN" means a Penalty Charge Notice issued or served by a Civil Enforcement Officer or posted by or on behalf of the Council pursuant to the 2004 Act and in accordance with the Civil Enforcement of Parking Contraventions (Guidelines on levels of charges) (Wales) Order 2008;

"Plans" means the drawings attached to this Order;

"Registered Keeper" means the named keeper on the V5 document issued by the DVLA, Motability or Lease Agreement, or company vehicle user documentation;

"Resident" means a person whose usual place of abode is at premises at which residents are exempt from limited waiting restrictions;

"The Regulations" means the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000;

"Taxi Rank" means a road or length of road designated as a Taxi Rank by Article 12;

"Vehicle" means any motorcar, motorcycle or other mechanically propelled automobile;

- 6) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to 'the Schedule' is a reference to the particular Schedule annexed to this Order.
- 7) 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.
- 8) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

9) **Prohibition of Stopping**

Save as provided in Articles 20 and 21 of this Order no person shall, except upon the direction or with the permission of a Police Officer, Police Community Support Officer or Civil Enforcement Officer, in uniform, cause or permit any vehicle to stop on the sides of the roads identified as school keep clear markings for the periods identified on the Plans attached to this Order.

10) **No waiting and no loading**

Save as provided in Articles 20, 21 and 22 of this Order no person shall, except upon the direction or with the permission of a Police Officer, Police Community Support Officer or Civil Enforcement Officer, in uniform, cause or permit any vehicle to wait on the roads or sides of the roads identified as no waiting and no loading for the periods identified on the Plans attached to this Order.

11) **No waiting**

Save as provided in Articles 20, 21, 22, 23, 24(i) and 25 of this Order no person shall, except upon the direction or with the permission of a Police Officer, Police Community Support Officer or Civil Enforcement Officer, in uniform, cause or permit any vehicle to wait on the roads or sides of the roads identified as no waiting for the periods identified on the Plans attached to this Order.

12) **Limited waiting**

Save as provided in Articles 20, 21, 24(ii) and 25 of this Order no person shall, except upon the direction or with the permission of a Police Officer, Police Community Support Officer or Civil Enforcement Officer, in uniform, cause or permit any vehicle to wait for longer than the maximum period for waiting, or return within the period stated, on the roads or sides of roads identified as limited waiting for the periods identified on the Plans attached to this Order.

13) **Loading only**

Save as provided in Articles 20, 21 and 22 of this Order no person shall, except upon the direction or with the permission of a Police Officer, Police Community Support Officer or Civil Enforcement Officer, in uniform cause or permit any vehicle, except to enable goods to be loaded onto or unloaded from the vehicle, to wait on the roads or sides of the roads identified for loading only for the periods identified on the Plans attached to this Order.

14) Taxi ranks

Save as provided in Articles 20 and 21 of this Order no person shall except upon the direction or with the permission of a Police Officer, Police Community Support Officer or Civil Enforcement Officer, in uniform, cause or permit any vehicle, except any Hackney Carriage to wait on the sides of the roads identified as No Stopping Except Taxis for the periods identified on the Plans attached to this Order.

15) Disabled Person's Parking Place

- (i) The sides of lengths of roads specified in the Plans to this Order as Disabled Persons Parking Place are authorised to be used subject to the following provisions of this Order as designated parking for Disabled Persons Badge holders for the periods identified on the Plans attached to this Order.
- (ii) Save as provided for in Articles 20 and 21 of this Order no person shall, except upon the direction or with the permission of a Police Officer, Police Community Support Officer or Civil Enforcement Officer, in uniform shall cause or permit any vehicle to wait at any time in a Disabled Person's Parking Place designated by this Order unless the vehicle is being used for the conveyance of a disabled person and the vehicle is displaying in a conspicuous position in the front or nearside window a Disabled Person's Badge and a Parking Disc both of which are displayed in accordance with the Regulations.

16) Ambulance Parking Bay

- (i) The sides of lengths of roads identified on Plans to this Order as 'Ambulance Bay' are hereby designated to be used subject to the following provision as a Doctors Parking Bay and may be subject to the provisions of this Order on such days and during such hours as specified on the Plans attached to this Order.
- (ii) Save as provided for in Articles 20, 21 and 24(ii) of this Order no person shall, except upon the direction of a Police Officer, Police Community Support Officer or Civil Enforcement Officer, in uniform, cause or permit any vehicle to wait in a designated Ambulance Parking Place.

17) Police Parking Place

- (i) The sides of lengths of roads identified on the Plans to this Order as 'Police Vehicles Only' are hereby designated to be used subject to the following provisions as Police Parking Bays and may be subject to the provisions of this Order on such days and during such hours as specified in the Plans.
- (ii) Save as provided for in Articles 20 and 21 of this Order no person shall, except upon the direction of or with the permission of a Police Officer, Police Community Support Officer or Civil Enforcement Officer, in uniform, cause or permit any vehicle other than a police vehicle to stop in designated Police Parking Bay.

18) Funeral Directors Vehicles Parking Place

Save as provided in Articles 20 and 21 of this Order no person shall, except upon the direction or with the permission of a Police Officer, Police Community Support Officer or Civil Enforcement Officer, in uniform, cause or permit any vehicle to stop on the sides of the roads identified as No Stopping Except Funeral Directors Vehicles for the periods identified on the Plans attached to this Order.

19) Limited Waiting with Exemption for Residents

- (i) Residents will be issued with a permit exempting them from parking restrictions where such restrictions apply.
- (ii) The Order will state the street and /or road name that the said Order will apply.
- (iii) Limited Waiting Orders exempting residents will be considered only as part of any town centre parking review.

20) Suspension

- (i) Any person authorised by the Head of Community Services Council may suspend any provision (or any part thereof) of this Order whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (ii) A Police Officer, Police Community Support Office, or a Civil Enforcement Officer in uniform, may suspend any provision (or any part thereof) whenever he considers such suspension reasonably necessary:-
 - a) For the purpose of facilitating the movement of traffic or prompting safety;
 - b) On any occasion on which it is likely by reason of some special attraction or event that any street will be thronged or obstructed.

21) Contravention of Order

- (i) If any vehicle is left or waiting in a road or length of road in contravention of the provisions of this Order, a Penalty Charge shall be payable and/or the vehicle may be removed from its location.
- (ii) Where in this Order reference is made to a Penalty Charge this shall mean an amount ascertained in accordance with the following:-
 - a) If there is any contravention of any of the provisions of this Order in any such case a Penalty Charge at the level of Band 2 as set out in Regulation 1 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (Wales) Order 2013 shall be payable;
 - b) The Penalty Charge shall be paid in accordance with Article 19(ii) not later than the last day of the period of 28 days beginning with the date on which the notice was served;
 - c) In event of payment being received in accordance with Article 19(ii) not later than the last day of the period of 14 days beginning with the day on which the notice is served the amount of the charge shall be reduced by 50 per cent;
 - d) The Penalty Charge shall increase by 50 per cent on the issue of a Charge Certificate in accordance with regulation 1 the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (Wales) Order 2013 Regulations;

e) The Payment of the Penalty Charge (whether or not reduced under the provisions of Article 19(ii)c)) will not exonerate any person from payment of any expenses incurred and recoverable in respect of the removal and disposal of the vehicle and any statutory provisions for the time being in force or from any claim to damages which the Council may have in respect of damage incurred in relation to the parking of the Vehicle howsoever arising;

f) The current Penalty Charge rates shall be displayed on the Council's website.

(iii) In the case of the Vehicle in respect of which a Penalty Charge may have been incurred it shall be the duty of the Civil Enforcement Officer in uniform to attach to the vehicle in a conspicuous position a Penalty Charge Notice which shall include the following particulars:-

a) The date on which the Penalty Charge Notice is served;

b) The name of the enforcement authority;

c) The registration mark of the vehicle involved in the alleged contravention;

d) The date and time at which the alleged contravention occurred;

e) The grounds on which the Civil Enforcement Officer in uniform issuing the notice believes that a Penalty Charge is payable;

f) The amount of the Penalty Charge;

g) That the Penalty Charge must be paid before the end of the period of 28 days beginning with the date on which the notice is served;

h) That if the Penalty Charge is paid before the end of the 14 days beginning with the date on which the notice is served, the Penalty Charge will be reduced by the amount of any applicable discount;

i) The manner in which the Penalty Charge must be paid;

j) That if the Penalty Charge is not paid before the end of the period of 28 days referred to in subparagraph(g), a Notice to Owner may be served by the enforcement authority on the Owner of the vehicle;

k) That, if representations against the Penalty Charge at such address as may be specified for the purpose before a Notice to Owner is served:

- those representations will be considered;
- But that, if a Notice to Owner is served notwithstanding those representations, representations against the Penalty Charge must be made in the form and manner and at the time specified in the notice to owner.

l) That a person on whom a Notice to Owner is served will be entitled to an adjudicator if those representations are rejected.

(iv) Where a Penalty Charge Notice is served by post it shall include the following particulars:

- a) The date of the notice;
 - b) The matters specified in Article 19(iii) b), c), d), f) , i) and l);
 - c) The grounds on which the enforcement authority believes that a Penalty Charge is payable;
 - d) That the Penalty Charge must be paid not later than a specified date which must be the last day of the period of the period of 28 days beginning with the date on which the Penalty Charge Notice will be taken to have been served;
 - e) That if the Penalty Charge is paid before the end of the applicable period, the Penalty Charge will be reduced by the amount of any applicable discount;
 - f) That if after the date specified in accordance with subparagraph (d):
 - No representations have been made in accordance with regulation 4 of the Representations and Appeals Regulations; and
 - The Penalty Charge has not been paid; The enforcement authority may increase the Penalty Charge by the amount of any applicable surcharge and take steps to enforce payment of the charge as so increased; and
 - g) That the Penalty Charge Notice is being served by post for whatever of the following reasons applies:
 - That the Penalty Charge Notice is being served by post on the basis of a record produced by an approved device;
 - That it is being so served, because a Civil Enforcement Officer attempted to serve a Penalty Charge Notice by affixing to a vehicle or giving it to the person in charge of the vehicle but was prevented from doing so by some person; or
 - h) That is being so served because a Civil Enforcement Officer had begun to prepare a Penalty Charge Notice in accordance with regulation 5 of the 2008 Regulations, but the vehicle was driven away from the place in which it was stationary before the Civil Enforcement Officer had finished preparing the Penalty Charge Notice or had served it in accordance with the regulation 5 of the 2008 Regulations.
- (v) The Penalty Charge may be paid to the South Wales Parking Group (S.W.P.G) by cheque, online payment, money or postal order. Payment may also be made by debit or credit card via the telephone. All payment instructions can be found on the back of the Penalty Charge Notice.

- (vi) When a Penalty Charge Notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order, no person other than a person authorised by the Council in that behalf or the Driver or a person authorised by the Driver in that behalf shall remove the notice from that vehicle.

22) Exemptions

Nothing in Articles 7, 8, 9, 10, 11, 12, 13(ii), 14(ii), 15(ii), and 16, shall render it unlawful to cause or permit any vehicle to stop or wait in the lengths or sides of roads referred to therein for so long as may be necessary to enable 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:

- (i) any operation involving building, demolition or excavation,
- (ii) the removal of any obstruction to traffic,
- (iii) the maintenance, improvement or reconstruction of a road,
- (iv) constructing, improving, maintaining or cleaning any street furniture including bus stop infrastructure, or
- (v) The laying, erection, alteration, repair or cleaning of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus kept installed for the purposes of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position.

23) Nothing in articles 7, 8, 9, 10, 11, 12, 13(ii), 14(ii), 15(ii) and 16, applies to:

- (i) a vehicle being used for fire brigade, ambulance or police purposes, and any authorised vehicle;
- (ii) a vehicle which is prevented from proceeding by circumstances beyond the driver's control or which has to be stopped in order to avoid injury or damage to persons or property; or
- (iii) a marked vehicle used for the purposes of the Post Office company (as defined by section 62(8) of the Postal Services Act 2000(b)) which is stationary only for so long as may be reasonably necessary for mail to be delivered or collected.

24) Nothing in Articles 8, 9 and 11 shall render it unlawful to cause or permit any vehicle to wait in the lengths or sides of roads referred to therein for so long as may be necessary to enable a person to board or alight from a vehicle.

25) Nothing in Articles 9, shall render it unlawful to cause or permit any vehicle to wait in the lengths or sides of roads referred to therein for so long as may be necessary to enable goods to be loaded onto or unloaded from a vehicle.

26) Disabled exemptions;

- a. Nothing in Article 9 shall render it unlawful to cause or permit any vehicle that displays a disabled person's badge to wait for a maximum period of three hours (not being a period separated by an interval of less than one hour from a previous period of waiting) if the vehicle is being used for the conveyance of a disabled person.
- b. Nothing in Articles 10 and 15, shall apply to any vehicle that displays a Disabled Person's Badge if the vehicle is being used for the conveyance of a disabled person.

27) Nothing in Articles 9 and 10, shall render it unlawful to cause or permit any vehicle to stop or wait in the lengths or sides of roads referred to therein for so long as may be reasonably necessary to enable 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:

- a. a medical practitioner or veterinary surgeon visiting premises while "on call"
- b. Any Wedding Car or Hearse or Family Cortege vehicle.

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

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

Olive Rogers

Authorised Officer



Blaenau Gwent County Borough Council
(Prohibition and Restriction of Waiting and Loading and On-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 parking, waiting and loading prohibitions and restrictions within the County Borough of Blaenau Gwent. Parking Enforcement Officers will issue Penalty Charge Notices in respect of contraventions. This is necessary due to Heddlu Gwent Police withdrawing from enforcing parking restrictions.

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 on-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.

