

**THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF
(VICTORIA PARK ROAD EAST, CARDIFF) (RESIDENT'S PARKING PLACES)
ORDER 2012**

The County Council of the City and County of Cardiff (hereinafter referred to as "the Council) in exercise of its powers under Sections 45, 46, 49, and 53 of the Road Traffic Regulation Act 1984, Part 6 of the Traffic Management Act 2004 and The Civil Enforcement of Parking Contraventions (City and County of Cardiff) Designation Order 2010, and all other powers so enabling, and after consultation with the Chief Officer of South Wales Police, in accordance with Part III of Schedule 9 to the 1984 Act and all other enabling powers hereby makes the following Order:-

Interpretation

1. In this Order the following expressions have the meanings hereby respectively assigned to them:-

"the 1984 Act"	means the Road Traffic Regulation Act 1984
"the 2004 Act"	means the Traffic Management Act 2004
"the Council"	means the County Council of the City and County of Cardiff and/or its duly authorised agents
"Applicant"	means an applicant for a Permit
"Applicant's Residence"	means the address at which the Applicant resides or in the case of a HMO the Landlord.
"Civil Enforcement Officer"	has the same meaning as in section 76 of the 2004 Act and means a person authorised by or on behalf of the Council to supervise and enforce the restrictions and prohibitions imposed by the traffic regulation orders in the Schedule
"Fee"	means the sum or sums calculated by reference to Schedule 3 of the County Council of the City and County of Cardiff (On Street Parking Places) (Charges) Order 1999
"HMO"	means a House in Multiple Occupation which for the purposes of this Order means a building which is occupied by three or more unrelated persons, who do not form a single household as set out by sections 254, 257 and 258 of the Housing Act 2004

“Landlord”	means the person who in relation to the HMO is entitled to the reversion expectant on the term of the tenancy.
“Nominated Vehicle”	means the eligible vehicle whose details are set out on the Permit for which it is issued.
“Owner”	shall have the meaning in section 92 of the 2004 Act
“Parking Place”	means an area of highway designated as a parking place by this Order between the hours of 8.00 am. and 10.00 pm. for the use of vehicles conspicuously displaying on the front or near side of the vehicle a valid Permit
“Parking Contravention”	has the same meaning as in section 73 (2) (a) and Part 1 of Schedule 7 to the 2004 Act
“Penalty Charge”	has the same has the same meaning as in section 92 of the 2004 Act and the Penalty Charges in force shall be those as set in the County Council of the City and County of Cardiff (Penalty Charges Notice) (Civil Enforcement Area) 2010 or any subsequent notice setting or varying the Penalty Charges
“Penalty Charge Notice”	means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of section 78 and 92 of The Act of 2004
“Permit”	means a permit issued by the Council for a period of up to 12 months to an Applicant who has satisfied the Council as being either a bona fide resident of the area to which the Order relates or a Landlord of a HMO of the area to which the Order relates, having eligible vehicles within the meaning of Article 9 hereof and shall include Vehicle Specific Permits issued in accordance with Article 9 (iv) (a) of this Order, Carer Permits issued in accordance with Article 9 (iv) (b) (i) of this Order, Visitor Permits issued in accordance with Article

9 (iv) (b) (ii) of this Order and Motor Trader Permits issued in accordance with Article 9 (iv) (b) (iii) of this Order.

“Permit Holder”	means the Applicant to whom the Permit was issued
“Professional Health Carer”	shall be construed to cover members of those professions who are trained and paid to carry out their caring role and for the avoidance of doubt shall include doctors, nurses and social workers.
“Renewal Date”	shall be the 12 month anniversary of the date of issue of the Permits.
“Schedule”	without more means the Schedule to this Order

2. Each area comprised of a length of highway specified in the Schedule (or part thereof) which is bounded on one side by the edge of the carriageway and on the other side by a broken white line marked upon the carriageway for the purposes of this Order is designated as a Parking Place.
3. Except as provided by this Order or upon the direction or with the permission of a police constable in uniform or a Civil Enforcement Officer no person shall cause or permit any vehicle to wait between the hours of 8.00 a.m. and 10.00 p.m. in a Parking Place unless the vehicle is displaying in a conspicuous position on the front or nearside window a Permit which is at that time valid in respect of that vehicle in accordance with the provisions of Article 9 hereof.

Regulation of Parking Place

4. (i) The holder of a Permit shall not park in any Parking Place other than in the street named on the Permit.
- (ii) Where a police constable in uniform or a Civil Enforcement Officer is of the opinion that the provisions contained in Article 3 of this Order have been contravened he may remove or cause to be removed the vehicle from the Parking Place and where it is so removed shall provide for the safe custody of the vehicle.
- (iii) A police constable in uniform or a Civil Enforcement Officer may move or cause to be moved in the case of emergency to any place he thinks fit any vehicle left in a Parking Place.
- (iv) Every vehicle left in a Parking Place shall stand so that every part of the vehicle is within the limits of that Parking Place.

5. A police constable in uniform or a Civil Enforcement Officer or a 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:-
- (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the purposes of any building operation the maintenance improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the Parking Place the laying erection alteration 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 telecommunications apparatus or the placing maintenance or removal of any traffic sign;
 - (iii) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of the delivery or removal of furniture to or from an office or dwelling house adjacent to the Parking Place;
 - (iv) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed;
 - (v) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals.
6. Any person or police constable in uniform or a Civil Enforcement Officer suspending the use of a Parking Place or any part thereof in accordance with the provisions of this Article shall (subject to and in conformity with any direction under Section 65(1) of the 1984 Act) thereupon place or cause to be placed in that Parking Place or, as the case may be, that part thereof the use of which is being suspended, a traffic sign of any size colour and type prescribed or authorised under Section 64 of the Act of 1984 indicating that the waiting by vehicles is prohibited.
7. No person shall cause or permit any vehicle to wait in any part of a Parking Place during such period as there is in or adjacent to that part of the Parking Place a traffic sign placed in pursuance of Article 6 of this Order.

Provided that this Article shall not apply:-

- (i) in respect of any vehicle being used for fire service ambulance or police purposes or any vehicle which is waiting for any other reason specified in Article 8(ii); or
 - (ii) to anything done with the permission of a police constable in uniform, Civil Enforcement Officer or the person suspending the use of the Parking Place or part thereof in pursuance of this Order.
8. (i) Article 3 shall not apply to:-

- (a) fully registered medical practitioners as defined in Section 55 of the Medical Act 1983, community nurses or registered veterinary surgeons while visiting premises adjacent to the Parking Place provided that the vehicle is displaying an appropriately worded notice to the effect that it is being used "on call" and is displaying the relevant Local Health Board signage;
 - (b) the official vehicles (provided that there are no more than three) being at that time in use in connection with a wedding taking place that day comprising only the vehicles to transport the bride and/or the bridegroom and/or the bridesmaids to the place of the marriage ceremony on the wedding day;
 - (c) vehicles being used for or in connection with building and/or maintenance works being performed in or upon any property adjacent to the Parking Place;
 - (d) a solo motor cycle or moped;
- (ii) Article 3 shall not apply to vehicles waiting only for as long as may be necessary:-
- (a) to enable persons to board or alight from the vehicle;
 - (b) to enable goods to be loaded onto and unloaded from a vehicle;
 - (c) to enable the vehicle to be used for as long as may be necessary in connection with any of the following purposes if it cannot conveniently be used for such purpose in any other length of road:-
 - (i) in connection with any building operation or demolition;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance improvement or reconstruction of any part or parts of any road containing a Parking Place; or
 - (iv) the laying erection alteration or repair in or near to any of the aforesaid roads of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any telecommunication apparatus pursuant to Schedule 9 of the Telecommunications Act 1984 (as amended) or the placing maintenance or removal of any traffic sign.
 - (d) as part of a funeral cortege or otherwise in connection with a funeral provided the vehicle is owned by a funeral director or by an owner of funeral vehicles;

- (e) to enable a Post Office vehicle to be used in a Parking Place solely for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953.
- (iii) Article 3 of this Order shall not render it unlawful to cause or permit any vehicle to wait in a Parking Place 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 by the same vehicle in a Parking Place comprised within the same road on the same day) if the vehicle is being used for the conveyance of a disabled person and is displaying in a conspicuous position a Disabled Badge in accordance with the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 and a Parking Disc as defined in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000 (the "2000 Regulations") both of which are displayed in accordance with the 2000 Regulations.

Permits

9. (i) A duly authorised officer of the Council may at any time require an Applicant or a Permit Holder to produce to him such evidence in respect of an application to the Council for a Permit as he may reasonably require to verify any particulars or information required pursuant to Clause (ii) (a) and (b) of this Article or in respect of any Permit issued by the Council as he may reasonably require to verify that the Permit is valid in accordance with this Article.
- (ii) On receipt of an application for a Permit or Permits the Council upon being satisfied that:-
- (a) the Applicant is a person who resides in a property adjoining a street comprising a Parking Place or a Landlord in respect of a HMO; and
 - (b) the application is made in respect of eligible vehicles as defined in paragraph (iii) of this Article;
- shall issue to the Applicant up to a maximum of two Permits in respect of those Nominated Vehicles specified in the Application.
- (iii) For the purposes of this Article "eligible vehicles" means:-
- (a) a passenger vehicle which is 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;
 - (b) a goods vehicle being a motor vehicle constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted the overall height of which does not exceed 2.44

metres and the overall length of which does not exceed 5.49 metres;

- (c) a motor vehicle as described in (a) and (b) above which has a current Vehicle Excise License and is insured for use on the highway.
- (iv) A Permit shall be in writing and shall include the following particulars:-
 - (a) the relevant unique reference number and the vehicle registration number except when:-
 - (i) the Permit Holder is not the owner or driver of a car but requires daily or regular visits by a Professional Health Carer in order that they can continue to live in their home environment whereby the Chief Officer for City Management or his successor in title may at his sole discretion issue a Permit marked "CARER";
 - (ii) a Permit Holder is issued with a Permit marked "VISITOR" at the sole discretion of the Chief Officer for City Management or his successor in title for the purpose of allowing a visitor of the Permit Holder to wait in the relevant Parking Place.
 - (iii) a Permit Holder is issued with a Permit marked "MOTOR TRADER" at the sole discretion of the Chief Officer for City Management or his successor in title to a resident whose vehicle is owned by a bona fide motor trader and the vehicle does not exceed 1.5 tonnes unladen weight.
 - (c) the expiry date of the Permit pursuant to paragraph (vii) of this Article;
 - (d) an indication that the Permit was issued by the Council;
 - (e) the name of the street to which the Permit applies.
- (v) No person shall be entitled to hold more than two Permits at any one time in respect of the Nominated Vehicles except that each residence may at the sole discretion of the Chief Officer for City Management or his successor in title be issued with one Permit for the use by visitors or if applicable one Permit for the use by carers or a bona fide motor trader.
- (vi) The Permit shall only be valid in respect of the Nominated Vehicle and no Permit Holder shall cause or permit any Permit issued to him by the Council to be displayed on any vehicle bearing a different registration number to that contained on the Permit application at the time of issue unless the Council has been notified about a change of Nominated

Vehicle or change of registration number of the Nominated Vehicle. A Permit shall cease to be valid in any of the following circumstances:-

- (a) at the expiration of the date stated thereon; or
- (b) on the occurrence of any one or more of the events set out in paragraph (vii) of this Article; or
- (c) at the expiration of one day from the date of effective service of a notice upon the Permit Holder pursuant to paragraph (viii) of this Article;

whichever occurs first.

(vii) A Permit Holder may surrender a Permit to the Council at any time and shall surrender it to the Council on the occurrence of any or more of the following events:-

- (a) the Permit Holder ceasing to be a resident in the street for which the Permit was issued;
- (b) the Permit Holder ceasing to be the owner of the Nominated Vehicle;
- (c) the Nominated Vehicle in respect of which the Permit was issued is adapted or used in such a manner that it ceases to be an eligible vehicle as defined in paragraph (iii) of this Article;
- (d) the issue by the Council of a duplicate Permit. For the avoidance of doubt the Council will at its sole discretion issue a duplicate Visitor Permit, duplicate Carer Permit or duplicate Motor Trader Permit only in exceptional circumstances such as:-
 - i) the Visitor Permit, Carer Permit or Motor Trader Permit is stolen and a Police Incident Report is supplied to the Council] whereby the Council at its sole discretion may issue a duplicate Visitor Permit, Carer Permit or Motor Trader Permit so marked and upon such issue the Permit which it duplicates shall cease to be valid ; or
 - ii) the Visitor Permit, Carer Permit or Motor Trader Permit is mutilated or accidentally defaced; or the figures or particulars thereon have become illegible; or the colour of the Visitor Permit, Carer Permit or Motor Trader Permit has become altered by fading; or the Visitor Permit, Carer Permit or Motor Trader Permit is otherwise damaged in such a way to prevent its easy use and the Permit Holder Surrenders it to the Council. The Council shall upon receipt of the Visitor Permit, Carer

Permit or Motor Trader Permit at its sole discretion issue a duplicate Visitor Permit, Carer Permit or Motor Trader Permit so marked, and upon such issue the Permit which it duplicates shall cease to be valid;

- iii) the Visitor Permit, Carer Permit or Motor Trader Permit is lost or destroyed and the Permit Holder applies to the Council for the issue to him of a duplicate Visitor Permit, Carer Permit or Motor Trader Permit and the Council shall upon being satisfied as to the veracity of the claim of such loss and destruction, issue a duplicate Visitor Permit, Carer Permit or Motor Trader Permit so marked at its sole discretion and upon such issue the Permit which it duplicates shall cease to be valid.
- (e) the issue by the Council of a duplicate Permit in respect of a Nominated Vehicle upon receipt of a relevant declaration form signed by the Permit Holder or Applicant and relevant Fee.
- (f) the Permit Holder is determined by the Council to have abused the relevant Resident's Parking Places Scheme;
- (g) the Permit Holder is determined by the Council to have failed to comply with their obligations as set out under the relevant Resident's Parking Places Scheme.
- (viii) The Council may by notice in writing served on a Permit Holder by delivering the same to the Permit Holder personally or be delivering it at or sending it by first class post at the address shown by that person on the application for the Permit or at any other address believed to be that person's abode withdraw a Permit if it appears to the Council that any of the events set out in paragraph (vii) of this Article has occurred or in the event of the revocation of this Order and the Permit Holder shall surrender the Permit to the Council within two days from the date of effective service of the aforementioned notice upon the Permit Holder.
- (ix) For the purposes of this Order the date of effective service shall be:-
 - (a) the date on which the notice or other relevant document was served personally; or
 - (b) the second day after the date on which the notice or other relevant document was sent by first class post;

whichever is appropriate.

10. Notwithstanding anything else in this Order:

- (a) A Permit shall not be issued to the Applicant unless the Council has received from the Applicant the Fee not later than 28 days after the date on which the Council has sent notification of the amount of such Fee to the Applicant.
- (b) A Permit shall expire on the Renewal Date.
- (c) No application for a Permit for a period commencing on the Renewal Date shall be valid if that application is submitted more than one calendar month before the Renewal Date.

Contraventions

- 11. Save as provided by the provisions of this Order should any Vehicle be left in a length of road designated by the Schedule to this Order without complying with the provisions of this Order there shall be deemed to be a non-compliance and where such a non-compliance is a Parking Contravention for the purposes of section 73 (2) (a) and Part 1 of Schedule 7 to the 2004 Act a Civil Enforcement Officer may issue a Penalty Charge Notice.

Citation and Commencement

- 12. Any reference to the County Council of the City and County of Cardiff (On Street Parking Places) (Charges) Order 1999 shall include any reference to that Order as it may be amended from time to time.
- 13. The restrictions imposed by this Order shall prevail insofar as they conflict with the provisions of The County Council of the City and County of Cardiff (Cardiff West) (Parking Control) Order 2010.
- 14. This Order shall come into operation on the 16th July 2012 and may be cited as "The County Council of the City and County of Cardiff (Victoria Park Road East, Cardiff) (Resident's Parking Places) Order 2012".

SCHEDULE

Victoria Park Road East, Cardiff, on its east side from a point 34 metres north of its junction with Cowbridge Road East for a distance 85 metres north and from a point 124 metres north of its junction with Cowbridge Road East for a distance of 6 metres north.

THE COMMON SEAL OF THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF was hereunto affixed this 29th day of June 2012 in the presence of:-

Authorised Signatory

