

**The County of Cornwall (Kingsand and Cawsand) (Resident Parking Places)**  
**(Zones 1, 2 & 3) Order 2007**

THE CORNWALL COUNTY COUNCIL in exercise of their powers under Sections 1, 2, 45, 46, 49 and 53 of, the Road Traffic Regulation Act 1984, 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 said Act, hereby make the following Order:-

**PART 1**

**GENERAL**

**Commencement and Citation**

1. This Order shall come into force on the 13<sup>th</sup> day of February 2009 and may be cited as “The County of Cornwall (Kingsand / Cawsand) (Resident Parking Places) (Zones 1, 2 & 3). Order 2007

**Interpretation**

2. In this Order:
  - (a) any reference to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated or re-enacted by, or as having effect by virtue of, any subsequent enactment; and
  - (b) “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.
  - (c) except where otherwise stated, any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order, and any reference to a Schedule is a reference to a Schedule to this Order;
  - (d) any reference to a highway, street, road or carriageway is a reference to a highway, street, road or carriageway within Kingsand / Cawsand;
  - (e) “the Act of 1984” means the Road Traffic Regulation Act 1984;
  - (f) “chargeable hours” means the period between 8 a.m. and 6 p.m. on any day;
  - (g) “the Council” means the Cornwall County Council;
  - (h) “delivering” and “collecting”, in relation to any goods, include checking the goods for the purpose of their delivery or collection;
  - (i)
    - (i) “disabled persons badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
    - (ii) “disabled person’s vehicle” and “relevant position” have the same meanings respectively as in The Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000;

- (j) “driver”, in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time when it was left in the parking place;
- (k) (i) any reference to a dwelling shall, in the case of a property which contains more than one self contained unit, be construed as a reference to each such unit;
- (ii) “dwelling” has the same meaning as in Section 3 of the Local Government Finance Act 1992; and
- (iii) “self contained unit” means a part of a building which is treated as a self contained unit for the purposes of The Council Tax (Chargeable Dwellings) Order 1992;
- (l) “goods vehicle” means a motor vehicle which is constructed or adapted to carry goods or burden of any description, and is not drawing a trailer
- (m) “invalid carriage” and “motor cycle” have the same meaning respectively as in Section 136 of the Act of 1984;
- (n) “parking bay” means a space which is marked out in a parking place for the leaving of a vehicle;
- (o) “parking place” means any area of highway for the time being designated as a parking place by Article 3;
- (p) “passenger/light goods vehicle” means either a motor vehicle (other than a motor cycle or invalid carriage) which is constructed solely for the carriage of passengers and their effects and adapted to carry not more than eight passengers exclusive of the driver and not drawing a trailer, or a motor vehicle which is constructed or adapted to carry goods or burden of any description and whose carrying capacity does not exceed 762 kilograms;
- (q) (i) “permit” means a permit issued to any person under the provisions of either Article 17 or Article 25;
- (ii) “permit holder” means a person to whom a permit has been issued under the provisions of either Article 17 or Article 25;
- (iii) “replacement permit” means a replacement permit issued to any person under the provisions of Article 21;
- (r) “qualifying area number”, in relation to an applicant for a permit, means the number specified in column 1 of the Second Schedule against the side of road in column 2 of that Schedule which is fronted by that applicants postal address for the purposes of paragraph (s) of this Article;
- (s) “resident” means a person whose usual place of abode is at the premises the postal address of which is situated fronting any of the sides of road specified in column 2 of the Second Schedule;
- (t) “residents’ permit” means a permit issued to a resident under the provisions of Article 17;

- (u) "traffic sign" means a sign of any size, colour or type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the Act of 1984;
- (v) "zone" means a zone identified by a number in column 1 of the First Schedule appearing against one or more parking places in column 2 of that Schedule

## **PART II**

### **PARKING PLACES**

#### **Designation of parking places**

- 3. (1) Each of the areas of highway, being part of the carriageway of a road specified as to length in column 2 of the First Schedule, and specified as to width in paragraph (2) of this Article, is designated as a parking place
- (2) Each parking place shall have a width throughout of 1.8 metres except in the case of a parking bay, the position and size of which shall be determined by the Council.

#### **Signing and marking on the carriageway of parking places**

- 4. The limits of each parking place shall be indicated by the Council on and adjacent to the carriageway by appropriate traffic signs and road markings, and the Council may from time to time carry out such other work as may be reasonably required for the purpose of the satisfactory operation of any parking place.

#### **Vehicles for which parking places are designated**

- 5. (1) Each parking place may be used, subject to the provisions of this Order, for the leaving during the chargeable hours
  - (a) Any vehicle which is a passenger/light goods vehicle or a motor cycle and on which there is displayed in the manner specified in Article 6 (2) a permit issued for that vehicle and valid for use in the zone whose number appears against that parking place in the First Schedule; or
  - (b) An invalid carriage
- (2) Save as provided in Article 15, the driver of a vehicle shall not permit it to wait in a parking place during the chargeable hours unless it is of a class specified in paragraph (1) of this Article.

#### **Permits to be displayed on vehicles left in parking places**

- 6. (1) At all times during which a vehicle is left in a parking place during the chargeable hours the driver thereof shall cause to be displayed on the vehicle in the manner specified in paragraph (2) of this Article a permit issued in respect of that vehicle and valid for use in the zone whose number appears against that parking place in the First Schedule.

- (2) The permit referred to in paragraph (1) of this Article shall be displayed -
- (a) In the case of a vehicle fitted with a front windscreen, immediately behind the windscreen so that all the particulars referred to in Article 22 are clearly visible to a person outside the vehicle; or
  - (b) In the case of a vehicle not fitted with a front windscreen, in a conspicuous position on the front or nearside of the vehicle.

#### Restriction on the removal of a permit

7. Where a permit has been displayed on a vehicle in accordance with the provisions of this Order, no person, other than the driver of that vehicle, shall remove the permit from the vehicle unless authorised to do so by the driver.

#### Manner of standing in parking places

8. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand -
- (a) that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and such that the every part of the vehicle is within the limits of the parking place; or
  - (b) in the case of a parking bay, such that every part of the vehicle is wholly within the limits of the parking bay.

#### Alteration of position of vehicles in parking places

9. Where any vehicle is standing in a parking place in contravention of the provisions of Articles 8, 15 (3) and 16 (2), a police constable in uniform or a traffic warden may alter or cause to be altered the position of the vehicle so that its position shall comply with these provisions.

#### Removal of vehicles from parking places

10. Where a police constable in uniform or a traffic warden is of the opinion that the provisions of Articles 12 (4) or 13 (1) have been contravened in respect of a vehicle left in a parking place and, where it is so removed, shall provide for the safe custody of the vehicle.

#### Movement of vehicles in parking places in emergencies

11. Any person duly authorised by the Council, a police constable in uniform or a traffic warden may move or cause to be moved, in any case of emergency, to any place he thinks fit any vehicle left in a parking place

#### Power to suspend the use of the parking place

12. (1) Any person duly authorised by the Council may suspend the use of the 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 any building operation, demolition or excavation in or adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of the 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, cable or apparatus for the provision of gas, water, electricity or telecommunications, or the placing, maintenance or removal of any traffic sign;
  - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling adjacent to the parking place from or to a depository another office or dwelling;
  - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
  - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings, funerals, or on other special occasions.
- (2) A police constable in uniform may suspend for not longer than seven days the use of the parking place or any part thereof in order to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances.
- (3) Any duly authorised person or police constable suspending the use of the 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 place or cause to be placed in or adjacent to the parking place or as the case may be that part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.
- (4) No person shall cause or permit a vehicle to wait in any part of the parking place during any period during which there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of paragraph (3) of this Article; provided that nothing in this paragraph shall apply -
- (a) in respect of any vehicle being used for the purposes specified in Article 16 (1) (a), (b), (c), (d) or (e);
  - (b) to any vehicle owned by a funeral director or owner of funeral vehicles when in use as part of a funeral cortege or otherwise in connection with a funeral; or
  - (c) to any vehicle left in the parking place with the permission of (i) the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article, (ii) a police constable in uniform or (iii) a traffic warden.

#### Restrictions on vehicles left in parking places

- 13 (1) Save as provided in Articles 15 (1) or 16 (1) , no person shall cause or permit any vehicle to be left in a parking place during the chargeable hours unless there is displayed on the vehicle in accordance with Article 6 (2) a permit issued in respect of that vehicle and valid for use in the zone whose number appears against that parking place in the First Schedule.
- (2) Save as provided in Article 15 (1), no person shall cause or permit more than one of the vehicles whose registration marks are included together on a residents' permit to be left in any one parking place or in different parking places at any one time during the chargeable hours.

#### Restrictions on use of vehicles at parking places

14. No person shall use a vehicle, while it is in a parking place during the chargeable hours in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of his skill or services; provided that nothing in this Article shall prevent the sale of goods from a vehicle -
- (a) If the vehicle is a passenger/light goods vehicle, a goods vehicle or a motor cycle and the goods are immediately taken onto premises adjacent to the vehicle from which the sale is effected; or
- (b) If the vehicle is one which the provision of Article 15 (1) (h) or (j) apply.

#### Exceptions to restrictions on waiting of vehicles in parking places

15. (1) Without prejudice to the foregoing provisions of this Order with respect to vehicles left in a parking place in accordance with those provisions, and subject to paragraph (3) of this Article, any vehicle may wait during the chargeable hours in any part of the parking place if the use has not been suspended, if -
- (a) the vehicle is waiting only for so long as may be 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 to avoid an accident;
- (c) the vehicle is being used for police, fire brigade or ambulance purposes or in pursuance of statutory powers or duties;
- (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 is in the service of or employed by the Post Office and is being used for the purpose of delivering or collecting postal packets as defined in Section 125 (1) of the Postal Services Act 2000;

- (f) the vehicle is waiting only for so long as may be necessary to enable it to be used for any purpose specified in Article 12 (1) (b)
  - (g) the vehicle is in actual use in connection with the removal of furniture to or from one office or dwelling adjacent to the parking place from or to a depositary or another office or dwelling;
  - (h) the vehicle is waiting in connection with the sale of goods from the vehicle by a person who is licensed by a local authority or to whom a local authority has granted consent to sell goods from a stationary pitch situated within the parking place;
  - (i) the vehicle is waiting only so long as may be necessary to enable it to be used in connection with the posting or removing of advertising material in the form of posters on or from, or the cleaning of windows or chimneys at, premises adjacent to the parking place;
  - (j) the vehicle is waiting only for so long as may be necessary for the purpose of delivering or collecting goods or merchandise, including so far as a bank is concerned, cash or other valuables or valuable securities, at premises adjacent to the parking place: provided that the vehicle does not wait for such longer period as a police constable in uniform or a traffic warden may authorise;
  - (k) the vehicle is in use in connection with the servicing of telephone kiosks adjacent to the parking place; or
  - (l) the vehicle, being a vehicle owned by a funeral director or owner of funeral vehicles, is being used as part of a funeral cortege or otherwise in connection with a funeral.
- (2) No charge shall be made payable and no permit shall be required to be displayed in accordance with the provisions of this Order in respect of any vehicle waiting in a parking place for any of the purposes specified in paragraph (1) of this Article.
- (3) Every vehicle left in a parking place for any of the purposes specified in paragraph 1 (e), (f), (g), (h), (i), (j), (k), or (l) of this Article shall so stand as to be in accordance with the provisions of Article 8.
- (4) Nothing in Article 26 (1) of this Order shall apply to any invalid carriage, or a disabled person vehicle which lawfully displays in the relevant position a disabled persons' badge

Disabled persons vehicles – exemptions from charges

16. (1) No charge shall be payable and no permit shall be required in accordance with the provisions of this Order in respect of;
- (a) an invalid carriage; or
  - (b) a disabled persons vehicle which lawfully displays in the relevant position a disabled person's badge

- (2) Every vehicle which is of a class specified in paragraph (1) of this Article left in a parking place shall so stand as to be in accordance with the provisions of Article 8

### **PART III**

### **PERMITS**

#### **Application for permits**

17. Any resident may apply to the Council for the issue of a residents' permit, and any such application shall be made on a form issued and obtainable from the Council and shall include the particulars and information required by such form to be supplied and shall be accompanied by a remittance in payment of the appropriate charge specified in Article 23, such remittance to be made either in cash or by cheque, banker's draft, money order or postal order payable to Cornwall County Council.

#### **Issue of permits to residents**

18. (1) On receipt of an application duly made under Article 17, and a remittance for the appropriate charge specified in Article 23, the Council, upon being satisfied that the applicant is a resident and subject to paragraph's (2), (3), (4) and (5) of this Article, shall issue to the applicant one permit for the leaving during the chargeable hours, subject to Article 13 (2), of any vehicle to which the permit relates in such parking places as appear in column 2 of the First Schedule against the zone whose number is shown on that permit.
- (2) Except as provided in Article 21, the Council shall not issue a permit to any applicant which would be valid during the period of validity of any other permit issued to that applicant.
- (3) The number of vehicles the registration marks of which are included on any one permit shall not exceed two.
- (4) The Council shall not issue a permit which would be valid for use in more than one numbered zone.
- (5) The Council shall not issue a permit to any applicant which would be valid for use in any zone other than a zone having the same number as that applicants qualifying area number.

#### **Person entitled to use residents' permits**

19. Any permit issued in accordance with Article 18 may be used, subject to the provisions of this Order, by the permit holder or by any person using such vehicle with the consent of the permit holder other than a person to whom such vehicle has been let for hire or reward.



#### Surrender, withdrawal and validity of residents' permits

20. (1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any one of the events Set out in paragraph (4) (a), (b), (c) or (e) of this Article
- (2) The Council may, by notice in writing served on the permit holder by sending the same by recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, withdraw a permit if it appears to the Council that any one of the events set out in paragraph (4) (a), (c), (d) (e) or (g) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
- (3) Without prejudice to the foregoing provisions of this Article, a permit shall cease to be valid at the expiration of the period specified thereon (which period shall be that in respect of which payment has been made) or on the occurrence of any one of the events set out in paragraph (4) of this Article, whichever is the earlier.
- (4) The events referred to in the foregoing provisions of this Article are -
- (a) the permit holder ceasing to be a resident;
  - (b) the withdrawal of the permit by the Council under the provisions of Paragraph (2) of this Article;
  - (c) any vehicle in respect of which the permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified In Article 5 (1);
  - (d) where the permit has been issued upon the receipt of a cheque, that cheque being subsequently dishonoured;
  - (e) the permit becoming defaced or otherwise affected as described in Article 21 (1);
  - (f) the issue of a replacement permit by the Council in the circumstances described in Article 21 (2); and
  - (g) Article 3 ceasing to be in force.

#### Application for and issue of replacement residents' permits

21. (1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council, upon receipt of the permit, shall issue a replacement permit so marked, and upon such issue the surrendered permit shall become invalid.

- (2) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a replacement permit and the Council, upon being satisfied as to such loss or destruction shall issue a replacement permit so marked, and upon such issue the permit being replaced shall become invalid.
- (3) The provisions of this Order shall apply to a replacement permit and an application for a replacement permit as if it were a permit or, as the case may be, an application therefore.

#### Form of residents' permits

22. A permit shall be in writing and shall include the following particulars;
- (a) the registration mark of each vehicle in respect of which the permit has been issued;
  - (b) the period during which, subject to the provisions of Article 20 (3), the permit shall remain valid;
  - (c) an indication that the permit has been issued by the Council;
  - (d) the zone in which the permit may be used;
  - (e) the days on which and the hours during which any vehicle in respect of which the permit has been issued may be left in a parking place;
  - (f) An indication that the charge appropriate to the period during which the permit shall remain valid has been paid to the Council in connection with that permit;

#### Charge in connection with the issue of residents' permits

23. The charges (which may be changed at the discretion of the Council), in connection with the issue of a permit shall be payable in accordance with the provisions of Article 17. The charge will be increased annually in relation to the Retail Price Index (reviewed on January 1<sup>st</sup>) starting at £55.00 on 13/02/09.

#### Refund of charge paid in respect of residents' permits

24. (1) A permit holder who surrenders a permit to the Council before the permit becomes valid shall be entitled to a refund of the charge paid in respect of the issue thereof.
- (2) A permit holder who surrenders a permit to the Council after the permit has become valid shall be entitled to a refund or part of the charge paid in respect of the issue thereof calculated in accordance with the provisions of the next following paragraph
- (3) The part of the charge which is refundable under the provisions of the last foregoing paragraph shall be calculated in respect of each complete month of the period of validity specified on the permit which remains unexpired at the time when the permit is surrendered to the Council.

Verification of particulars supplied

25. The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require to verify that the permit is valid.

**PART IV**

**RESTRICTIONS ON WAITING OF VEHICLES IN PARKING PLACES**

26. Save as in article 15(1) and 15(4) of this Order no persons except for permit holders shall, except on the direction of or with the permission of a police constable in uniform or a traffic warden, cause or permit any vehicle to wait:-
- i) in a parking place at Jackmans Meadow, New Road or St Andrews Place as specified in the FIRST SCHEDULE to this order between 8am and 6pm
  - ii) for a longer period than 1 hour
  - iii) if a period of less than 4 hours has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle in that length of road.

GIVEN under the Common Seal of the Council this 2<sup>nd</sup> day of February 2009.

**FIRST SCHEDULE**  
**Residents Parking Bay 8am-6pm**

1	2	3
Zone	Parking Place	Description
1	Jackman's Meadow (C0123)	South west side (Zone 1) From a point 28 metres north west of its junction with New Road for a distance of 41 metres in a north westerly direction
2	New Road (C0123)	North side (Zone 2) From a point 250 metres north east of its junction with Forder Lane for a distance of 97 metres in an easterly direction
3	St Andrew's Place (C0123)	South side (Zone 3) From a point 59 metres north west of its junction with Pier Lane for a distance of 72 metres in a north westerly direction

**SECOND SCHEDULE**

1	2
<u>Qualifying area number</u>	<u>Name, side of road and number or name of property fronted by postal address of persons eligible for permit</u>
1	(Zone 1) Jackmans Meadow No's 1 to 6
2	(Zone 2) i) All those properties that front St Andrews Street (Both Sides) ii) All those properties that front Armada (Road (north side only) iii). All those properties that front Garrett Street (Both sides) (either zone 2 <b>OR</b> zone 3 must be specified)
3	Zone 3) i) All those properties that front St Andrews Place (North side only) from its junction with Armada Road to its junction with The Square ii) Numbers 1 to 9 Kiln Close. iii) All those properties that front Armada Road (south side only) iv) All those properties that front Garrett Street (Both sides) (either zone 2 <b>OR</b> zone 3 must be specified) v) All these properties that front the south eastern side of The Square

THE COMON SEAL of the Cornwall  
County Council was hereunto  
affixed in the presence of

**ROAD TRAFFIC REGULATION ACT 1984**

**THE COUNTY OF CORNWALL**  
**(KINGSAND / CAWSAND)**  
**(RESIDENT PARKING PLACES) (ZONES 1, 2 & 3)**  
**ORDER 2007**

Min Exec Comm 26/07/00 Agenda 8.1 Exd SJH