

**The County of Cornwall (Newquay) (Residents' Parking Places)  
Order 2019**

THE CORNWALL COUNCIL in exercise of its 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 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 7<sup>th</sup> day of *December* 2020 and may be cited as "The County of Cornwall (Newquay) (Residents' Parking Places) Order 2019".

**Interpretation**

2. In this Order:
  - (a) the Interpretation Act 1978 as amended shall apply for the interpretation of this Order as it applies to the interpretation on an Act of Parliament as if this Order was an Act of Parliament;
  - (b) unless expressly stated to the contrary any references to a specific statute or regulation includes any statutory extension or modification, amendment or re-enactment of that statute or regulation and any general reference to a statute includes any regulations or orders made under that statute.
  - (c) "the Act of 1984" means the Road Traffic Regulation Act 1984;
  - (d) "Blue Badge" means a disabled persons badge, including time clock, issued by any local authority in accordance with the provisions of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or a badge having effect under those Regulations as if it were a disabled persons badge;
  - (e) "Booklet" means a booklet containing 10 daily Visitors' Permits issued by the Council;

- (f) "Business Operator" means any person or persons, limited company, or other organisation that has satisfied the Council that they operate a business or organisation from the premises in question which is located within the Catchment Area shown in the Second Schedule to this Order;
- (g) "Catchment Area", in relation to an application for a Permit, means a property located within the boundary shown in the Second Schedule to this Order for the purposes of paragraphs (f) and (t) of this Article;
- (h) "Charitable Organisation" means an organisation that is registered with the Charity Commission for England and Wales that has satisfied the Council that they operate an organisation from the premises in question which is located within the Catchment Area shown in the Second Schedule to this Order
- (i) "The Council" means the Cornwall Council;
- (j) "Delivering" and "Collecting", in relation to any goods, include checking the goods for the purpose of their delivery or collection;
- (k) "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;
- (l)
  - (i) "Dwelling" has the same meaning as in Section 3 of the Local Government Finance Act 1992, meaning a property or part of a property used for residential occupation; and
  - (ii) 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;
  - (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;
- (m) "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;
- (n) "Motor Cycle" has the same meaning respectively as in Section 136 of the Act of 1984;

- (o) "Operative Hours" means the period specified in the Third Schedule to this Order;
- (p) "Parking Place" means any area of highway designated as a Parking Place by Article 3;
- (q)
  - (i) "Permit" means any document or authorisation issued or approved by The Council under the provisions of this Order;
  - (ii) "Permit Holder" means a person or organisation to whom a permit has been issued under the provisions of this Order;
  - (iii) "Replacement Permit" means a replacement permit issued to any person or organisation under the provisions of this Order;
- (r) "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 gross vehicle weight does not exceed 3500 kilograms;
- (s) "Professional Care Organisation" means an organisation regulated by the Care Quality Commission providing care service at a dwelling in the Catchment Area for a Zone;
- (t) "Resident" means a person whose usual residence is within the Catchment Area shown in the Second Schedule to this order but does not include the landlord of a property if they do not reside at that property;
- (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) "Visitor's Permit" means a 'single use' daily parking Permit issued by the Council under the provisions in Article 10;
- (w) "Zone" means a Zone identified by a number or name in column 1 of the Third Schedule of this Order appearing against one or more Parking Places in column 3 of that Schedule.



## **PART II - PARKING PLACES**

### **Designation of Parking Places**

3. Each of the areas of highway, being part of the carriageway of a road specified as to name and length of road in columns 2 and 3 of the Third Schedule to this Order, is designated as a Parking Place excluding those areas marked by signs or road markings indicating that the waiting of vehicles is prohibited or designated for purposes other than those contained in this Order.

### **Signing and marking on the carriageway of Parking Places**

4. (1) The limits of each Parking Place shall be indicated by the Council on or adjacent to the carriageway by appropriate Traffic Signs 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.
- (2) Each Parking Place or length of road so designated shall be signed in accordance with the current statutory instrument or authorisation given by the Department for Transport.

### **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 Operative Hours any vehicle which is a Passenger/Light Goods Vehicle or a Motor Cycle on which there is displayed in the manner specified in Article 14 (2) a Permit issued for that vehicle and valid for use in the Zone whose number appears against that Parking Place in the Schedules to this Order.
- (2) Save as provided in Article 8, the driver of a vehicle shall not permit it to wait in a Parking Place during the Operative Hours unless it is of a class specified in paragraph (1) of this Article and is displaying a valid Permit.

### **Power to suspend the use of the Parking Place**

6. (1) Any person duly authorised by the Council or police constable 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 or premises adjacent to the Parking Place at times of weddings, funerals, or on other special occasions.
- (2) 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) 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.

#### Restrictions on use of Vehicles at Parking Places

7. No person shall use a vehicle, while it is in a Parking Place during the Operative 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 8 (1) (h) or (j) apply.

### Exceptions to restrictions on waiting of vehicles in Parking Places

8. (1) Without prejudice to the foregoing provisions of this Order with respect to vehicles left in a Parking Place in accordance with those provisions any vehicle may wait during the Operative 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 for so long as may be necessary to enable goods to be loaded or unloaded from the vehicle to premises adjacent to the Parking Place;
  - (c) 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;
  - (d) the vehicle is being used for police, fire brigade or ambulance purposes or in pursuance of statutory powers or duties;
  - (e) 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;
  - (f) the vehicle is in the service of or employed by the Post Office (Royal Mail) and is being used for the purpose of delivering or collecting postal packets as defined in Section 65 (1) of the Postal Services Act 2011;
  - (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) for the purpose of any vehicle directly or actively involved in maintenance or improvement of the highway 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, the placing, maintenance or removal of any Traffic Sign;
  - (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;
  - (k) 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; or
  - (l) the vehicle has been given approval provided by a duly authorised officer/relevant director of the Council.
- (2) Nothing in this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a Blue Badge, and a 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 referred to in the said Article for a period not exceeding 3 hours (not being separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road).
- (3) 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) and (2) of this Article.

#### Disabled persons' vehicles – exemptions from charges

9. (1) No charge shall be payable in accordance with the provisions of this Order in respect of a disabled persons vehicle registered to a resident who resides in a zone which lawfully displays in the relevant position a Blue Badge along with a valid permit

### PART III - PERMITS

#### Application for Permits

10. (1) Any Resident, Business Operator or Charitable Organisation may apply to the Council for the issue of a Permit, valid for one vehicle only, 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 12 and in the First Schedule.
- (2) Any Business Operator may apply to the Council for the issue of a Permit, valid for a maximum of three vehicles, 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 12 and in the First Schedule.
- (3) Any Resident may apply to the Council for the issue of Visitor's Permits 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 12 and the First Schedule.
- (4) Any disabled Resident, who holds a valid Blue Badge, may apply to the Council for the issue of a Permit, valid in any vehicle when accompanied by the relevant Blue Badge, 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.
- (5) Any Resident that requires continual regular care, not provided by a Professional Care Organisation may apply to the Council for the issue of a transferable informal carers Permit. 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.
- (6) Any Professional Care Organisation may apply to the Council for the issue of a Visitor's 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 12 and in the First Schedule.



### Issue of Permits

11. (1) On receipt of an Application duly made under Article 10, and a remittance for the appropriate Charge specified in Article 12, the Council, upon being satisfied that the applicant is a Resident, disabled Resident, Business Operator, Charitable Organisation or Professional Care Organisation, and subject to paragraphs (2), (3), (4), (5) and (6) of this Article, shall issue to the applicant one Permit or Booklet for the leaving during the Operative Hours either the Vehicle to which the Permit relates or any vehicle along with the Blue Badge to which the Permit relates in such Parking Places as appear in column 2 and 3 of the Third Schedule against the Zone whose number is shown on that Permit and appears in Column 1 of the Third Schedule.
- (2) On receipt of an Application duly made under Article 10, and a remittance for the appropriate Charge specified in Article 12, the Council, upon being satisfied that the applicant is a Resident that requires continual regular care, not provided by a Professional Care Organisation, and subject to paragraphs (3), (4), (5) and (6) of this Article, shall issue to the applicant one Permit for the leaving during the Operative Hours any vehicle in such Parking Places as appear in column 2 and 3 of the Third Schedule against the Zone whose number is shown on that Permit and appears in Column 1 of the Third Schedule.
- (3) The Council shall not issue a Permit which would be valid for use in more than one numbered Zone.
- (4) The Council shall not issue a Permit to any applicant which would be valid for use in any Zone other than the Zone for which they have applied for a permit.
- (5) A maximum of 1 Residents' Permits and 100 daily Visitor's Permits can be issued to a dwelling the postal address of which is located within the Catchment Area for Zone NQ1, shown in the Second Schedule, and the applicant meets the provisions of Article 10.
- (6) A maximum of 1 Permit can be issued to a Business Operator or Charitable Organisation that operates a business or organisation from the premises in question which is located within the Catchment Area shown in the Second Schedule and meets the provisions of Article 10.

Charge in connection with the issue of Permits and Visitors' Permits

12. The charges specified in the First Schedule to this Order in connection with the issue of a Permit or a Visitors' Permits Booklet shall be payable in accordance with the provisions of Article 10.

Verification of particulars supplied

13. 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.

Permits to be displayed on Vehicles left in Parking Places

14. (1) At all times during which a Vehicle is left in a Parking Place during the operative hours the driver thereof shall either 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 on the permit and against that Parking Place in the Third Schedule or ensure the vehicle has a valid permit held electronically by the Council.
- (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 of the Permit 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 so that all the particulars of the Permit are clearly visible to a person outside the Vehicle.

Restriction on the removal of a permit

15. 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.

GIVEN under the Common Seal of the Cornwall Council this 26<sup>th</sup> day of November 2020.

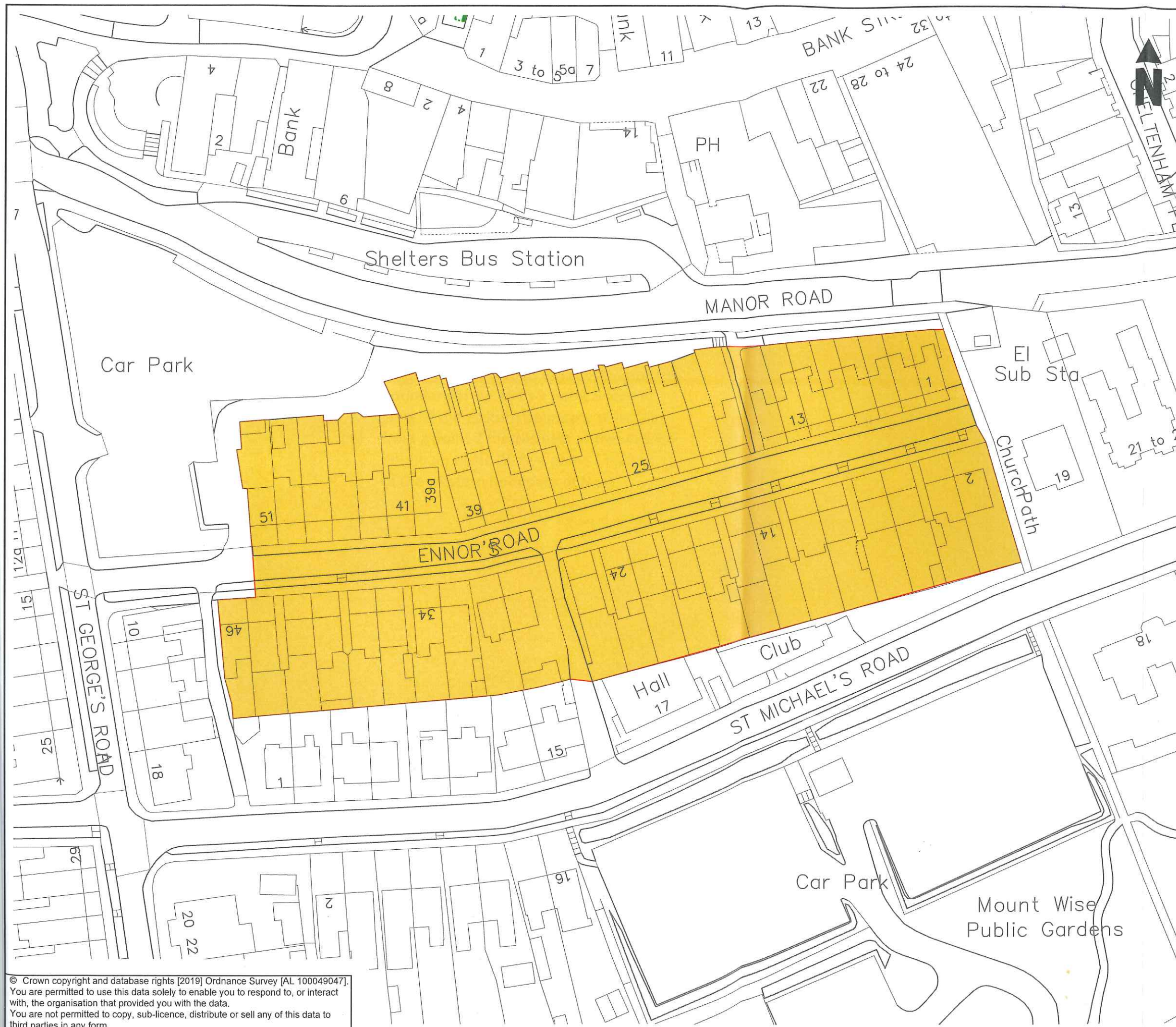
## FIRST SCHEDULE

Permit Type	Charge (£)
Residents' First Permit (annual)	£50.00
Residents' Second Permit (annual)	£75.00
Business Permit (one vehicle) (annual)	£100.00
Business Permit (three vehicles) (annual)	£150.00
Charitable Organisation Permit (annual)	£10.00
Visitor Permit (single electronic daily session)	£1.00
Visitor Permit (booklet of 10 daily visitor permits)	£10.00
First replacement permit	50% of the cost of a new permit
Subsequent replacement permits	Full cost of a new permit



**SECOND SCHEDULE**  
**Zone Catchment Area Plans**





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NOTES:

1. All dimensions are in metres unless otherwise stated.
2. Do not scale from this drawing.



Area within which residents may apply for a parking permit to use in zone NQ1

060503



P01	25/07/19	First Issue
REV	DATE	NATURE OF REVISION
REVISIONS		



PROJECT TITLE:  
The County of Cornwall (Newquay)  
(Residents' Parking Places) Order 2019  
DRAWING TITLE:  
Second Schedule  
NQ1 Residents' Parking Zone  
Catchment Area for Residents' Parking Zone

SCALE:  
Not to scale

PROJECT MANAGER: MM	DRAWN BY: AJB
CHECKED: MM	25/07/19
APPROVED: SA	25/07/19

DRAWING NO:	PROJECT	ORIGINATOR	VOLUME	LOCATION
	EDG1469	- CSL	- HDG	- SW808615 -
	TYPE	ROLE	NUMBER	
	DE	- D	- NQ1	

PROJECT REF:	DRAWING STATUS:	SUITABILITY:	REVISION:
EDG1603	Consultation		P01

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**THIRD SCHEDULE**  
**Residents' Parking at any time**

**Newquay**

1	2	3
Zone	Road name	Description
NQ1	Ennor's Road (U6088)	(a) south side (i) from a point 10 metres east of its junction with St Georges Road for a distance of 9 metres in an easterly direction (ii) from a point 2 metres east of the western boundary of No 46 to a point 5 metres west of the eastern boundary of No 28 (iii) from a point 7 metres east of the western boundary of No 26 to a point 2 metres east of the western boundary of No 4



060503

Signed as a Deed by  
The Cornwall Council  
whose Common Seal  
was hereunto affixed  
in the presence of:



Authorised Officer

Vanessa Davis - Lawyer  
Cornwall Legal Services  
CORNWALL COUNCIL

*Certified to be a true copy*

*Andrew Archer*

ROAD TRAFFIC REGULATION ACT 1984

THE COUNTY OF CORNWALL  
(NEWQUAY) (RESIDENTS' PARKING PLACES)  
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