

**DENBIGHSHIRE COUNTY COUNCIL**  
**(HIGH STREET, PORTLAND PLACE AND HIGHGATE, DENBIGH)**  
**(PROHIBITION AND RESTRICTION OF WAITING AND STREET PARKING**  
**PLACES) ORDER 2008**

Denbighshire County Council (hereinafter referred to as “the Council”) in exercise of the powers conferred by Sections 1(1), 2(1) to (3), 4(2) 32, 35, 45, 46, 47, 49, 51, 52 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the Act of 1984”), as amended and Section 43 and Schedule 3 of the Road Traffic Act 1991 and of all other powers them enabling and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 and with the Road Traffic Act 1991, hereby makes the following Order:-

**PART I**  
**CITATION AND INTERPRETATION**

1. This Order shall come into operation on the 25th day of March 2008 and may be cited as the Denbighshire County Council (High Street, Portland Place and Highgate, Denbigh) (Prohibition and restriction of Waiting and Street Parking Places) Order 2008

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

“ambulance” has the same meaning as in the Vehicle Excise and Registration Act 1994;

“authorised agent” means the parking services contractor appointed by or duly authorised to act on behalf of the Council for the purposes of the supervision and enforcement of this Order;

“authorised officer” means the Head of Transport and Infrastructure for the Council or any other officer of the Council to be designated by the Council;

“authorised parking place” means any parking place on a road authorised or designated by this Order;

“bus” has the same meaning as in Regulation 22 of the 2002 Regulations;

“bus stop” means any area of carriageway, intended for the waiting by buses, which is comprised within and indicated by road markings complying with diagram 1025.1 or 1025.3 or 1025.4 and incorporating the words “Bus Stop” in Schedule 6 and a sign complying with diagram 974 in Schedule 5 to the 2002 Regulations;

“bus stand” means any area of carriageway, intended for the waiting by buses, which is comprised within and indicated by road markings complying with diagram 1025.1 or 1025.3 or 1025.4 and incorporating the words “Bus Stand” in Schedule 6 and a sign complying with diagram 975 in Schedule 5 to the 2002 Regulations;

“bus stop clearway” means any area of carriageway intended for the waiting by buses, which is comprised within and indicated by road markings complying with diagram 1025.1 or 1025.3 or 1025.4 in Schedule 6 and a sign complying with diagram 974 in Schedule 5 to the 2002 Regulations;

“carriageway” means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

“disabled person’s vehicle” has the same meanings as in the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (Wales) Regulations 2000;

“disabled person’s badge ” and “parking disc” mean the badge and disc issued by a local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 or being a badge having effect under these regulations as if it were a disabled person’s badge;

"driver", in relation to a vehicle waiting in a parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

"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 and 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;

"goods" means goods or burden of any description and includes postal packets of any description;

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and which does not exceed 5.30 metres in length or 2.25 metres in height ;

“hackney carriage” means a vehicle licensed under Section 38 of the Vehicle (Excise) Act, 1971;

“taxi rank” means an area of carriageway which is comprised within and indicated by road markings complying with diagram 1028.2 in Schedule 6 to the 2002 Regulations;

“household” means the occupants of a dwelling used or suitable for use as a separate dwelling;

“immobilisation device” has the same meaning as in Section 104(9) of the Act of 1984;

“institution” means an institution concerned with the care of disabled persons to which a disabled persons badge may be issued in accordance with Section 21(4) of the Chronically Sick and Disabled Persons Act, 1970;

“institutional badge” means a disabled persons badge issued to an institution;

“loading” means the loading or unloading of goods to or from a vehicle;

“motor cycle” and “invalid carriage” have the same meanings as in Section 136 of the Act of 1984;

“motor vehicle” has the same meaning as in Section 136 of the Act of 1984;

"owner", in relation to a vehicle means the person by whom the vehicle is kept. In determining who was the owner of the vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

"Parking Attendant" means a person authorised by or on behalf of the Council to enforce the prohibitions, restrictions and regulations imposed by this order;

"parking place" means any parking place indicated on a carriageway by markings in accordance with the 2002 Regulations, on a road designated by an order made of having effect as if made under the Act of 1984;

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of section 66 of the Road Traffic Act 1991 and with the approval of the Welsh Assembly Government which is to be

paid to the Council within 28 days beginning with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice;

"penalty charge notice (PCN)" means a notice issued or served by a parking attendant pursuant to the provisions of section 66 of the Road Traffic Act 1991;

"permitted hours" means the hours identified in the Schedules to this Order;

"relevant position" in respect of: -

- (a) a disabled person's badge, means
  - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that part 1 of the badge is legible from the outside of the vehicle; or
  - (ii) the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that part 1 of the badge is legible from the outside of the vehicle;
- (b) a disabled person's parking disc, means that the side showing the quarter hour during which the period of waiting began is legible from outside the vehicle;
- (c) a waiver certificate, means
  - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the permit is exhibited thereon so that the certificate is legible from the outside of the vehicle; or
  - (ii) the case of a vehicle not fitted with a dashboard or fascia panel, the certificate is exhibited in a conspicuous position on the vehicle so that the certificate is legible from the outside of the vehicle;

"specified position" a vehicle left in a parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand:-

- (a) in the case of the parking place in relation to which special provisions as to the manner of standing of a vehicle in that place are specified in this Order so as to be in accordance with those provisions;
- (b) in the case of any other parking place -
  - (i) if the parking place is not in a one-way street, that the left or near-side of the vehicle is adjacent to the left-hand edge of the carriageway;

- (ii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres;
- (c) so that every part of a vehicle is within the limits of a parking place;
- (d) that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

“specified hours” means the hours identified for parking or unloading places referred to in this Order;

“telecommunication apparatus” has the same meaning as in the Telecommunications Act 1984;

“The 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002;

“The Act of 1984” means the Road Traffic Regulation Act 1984;

“sign” means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act of 1984.

“waiver certificate” means a certificate duly issued on behalf of the Council permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted;

3. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order. Any reference in this Order to a road or side of road identified in the Schedules to this Order is a reference to all those so identified
4. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.
5. Save where the contrary is indicated, any reference in this Order to:
  - (a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;

- (b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted.
6. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by Article 30 were Acts of Parliament thereby repealed.

PART II  
PROHIBITION AND RESTRICTION OF WAITING

7. Save as provided in Articles 8 to 12 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait on the roads or sides of the roads identified and for the periods identified (or, in the case of a road or side of road where limited waiting is permitted, otherwise than during the period identified) in the Schedules attached to this Order
8. Nothing in Article 7 of this Order shall render it unlawful to cause or permit any vehicle to wait so long as it may be necessary for the purpose of enabling goods to be loaded on or unloaded from the vehicles on the lengths of roads identified in the Schedules to this Order and for the periods identified therein

Provided that unless notice is given twenty-four hours in advance to the Council and a waiver certificate is obtained, no vehicle shall wait in any road or side of road where loading is restricted during the periods of restriction as identified in the Schedules attached to this Order:

9. (1) Nothing in Article 7 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable:
- (a) a person to board or alight from the vehicle;
  - (b) 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 operations, namely:-
    - (i) building, industrial or demolition operations;
    - (ii) the removal of any obstruction to traffic;

- (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
  - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any line of telecommunications apparatus as defined in the Telecommunications Act 1984;
- (c) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority, water undertaker, sewerage undertaker or the National Rivers Authority in pursuance of statutory powers or duties;
  - (d) the vehicle of a universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
  - (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths or sides of road;
  - (f) to enable the vehicle to be used for fire brigade, ambulance or police purposes;
  - (g) in any case where the person in control of the vehicle,
    - (i) is required by law to stop;
    - (ii) is obliged to stop so as to prevent an accident, or
    - (iii) is prevented from proceeding by circumstances outside his control;
  - (h) if the vehicle is displaying in the relevant position a valid waiver certificate and is waiting in accordance with the terms and conditions prescribed by the said certificate.
- (2) Nothing in Article 7 of this Order shall render it unlawful to cause or permit any vehicle
    - (a) to wait upon an authorised parking place, or
    - (b) being a hackney carriage, to wait upon a taxi rank .
10. Nothing in Article 7 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a

Disabled Person's 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 the lengths of road referred to in Schedule 2 to this Order, for a period not exceeding 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 the same length of road or on the same side of road on the same day)

provided that in respect of the roads identified in the schedules attached to this order when loading is permitted at all times or limited to certain times such period lies entirely within the period during which loading is permitted.

11. Nothing in Article 7 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a Disabled Person's Badge to wait at the sides of the roads identified on the lengths of road referred to in Schedule 3 to this Order for an unlimited period of time during the hours when limited waiting is permitted Provided that if use of the parking place is restricted to a specified class of vehicle the vehicle displaying a Disabled Person's Badge is also of the class specified.
12. Nothing in Article 7 to this Order shall render it unlawful for the driver of a public service vehicle to cause that vehicle to wait at a recognised bus stop or bus stand.

### PART III

#### AUTHORISATION AND USE OF STREET PARKING PLACES

13.
  - (1) The parts of the roads identified in Schedule 4 to this Order are authorised to be used, subject to the following provisions of this Order, as parking places for such purposes and classes of vehicles, in such positions and on such days and during such hours as identified in the said Schedule 4.
  - (2) Nothing in paragraph (1) of this Article shall restrict the power of this Council or a police constable in uniform, for preventing obstruction of the streets, by Order on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.
  - (3) Nothing in paragraph (1) of this article shall restrict the power of the Council or a person designated by the Council to suspend the use of permitted parking places on a length of road or any part thereof whenever he/she considers such suspension reasonably necessary.



14. Save as provided in Article 24 and identified in Schedule 4 to this Order a parking place is described as available for vehicles of a specified class or in a specified position, or for a specific purpose the driver of a vehicle shall not permit it to wait in that parking place -
  - (a) unless it is of the specified class; or
  - (b) in a position other than that specified.
  - (c) for longer than may be necessary to enable goods to be loaded or unloaded from the vehicle
15.
  - (1) Save as provided in Article 24 of this Order, the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in relation to that parking place and as identified in the said Schedule 4.
  - (2) Save as provided in Article 24 of this Order, when a vehicle has left a parking place after waiting thereon the driver thereof shall not permit it to wait again upon that parking place within the time period after its leaving specified for that parking place in the schedules to this order.
16. A driver of a vehicle shall not use a parking place -
  - (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any other persons, or so as to be a nuisance;
  - (b) when for preventing obstruction of the streets the Council shall by Order made on the occasion of any public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed have closed that parking place and exhibited notice of such closing on or near the parking place.
17. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
18. Save as provided in Article 24 of this Order no person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.

19. No person shall use a vehicle while it is in a parking place in connection with the maintenance or repair of the vehicle other than in the event of a breakdown to enable the vehicle to be removed from the parking place.
20. A vehicle being used in the transport of a disabled person which displays in the relevant positions a disabled person's badge and a parking disc left in a parking place shall be exempt from any limitation on time :  
Provided that if use of the parking place is restricted to a specified class of vehicle the vehicle displaying a disabled person's badge is also of the class specified.
21. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 14, 15 or 16 of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place.  
Provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 14(b) of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
22. Any person removing a vehicle or altering its position by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.
23. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 21 of this Order, he/she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
24. The provisions contained in Article 14, 15 and 18 of this Order and the restrictions imposed by Article 7 of this Order shall not apply to any hackney carriage while waiting upon a taxi rank or public service vehicle waiting upon a recognised bus stop or bus stand.
25. Notwithstanding the foregoing provisions of this Order, the Council may at its discretion issue a waiver certificate allowing a specific vehicle to wait in a road or a parking place during the hours of operation of any restriction or prohibition to the contrary.
26. A waiver certificate may be cancelled at any time at the sole discretion of the council and shall thereupon immediately cease to be valid.

27. Notification of such cancellation shall be sent by post to the holder of the certificate at any address, which the Council believes to be that person's address, and the certificate shall forthwith be surrendered to the Council.

PART IV  
CONTRAVENTION OF ORDER

28. (1) If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention of any provision of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location.
- (2) In the case of a vehicle in respect of which a penalty charge is payable, a Penalty Charge Notice showing the information required by section 66(3) of the Road Traffic Act 1991 may then be issued by a Parking Attendant in uniform in accordance with section 66(1) of the said Act.
- (3) In the case of a vehicle in respect of which the penalty charge may have been incurred, it shall be the duty of the Parking Attendant to attach to the vehicle in a conspicuous position a Notice which shall include the following particulars:
- (i) the grounds on which the Parking Attendant believes that the penalty charge is payable with respect to the vehicle;
  - (ii) the amount of the penalty charge which is payable;
  - (iii) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
  - (iv) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the Notice, the amount of the penalty charge will be reduced by the specified proportion;
  - (v) that if the penalty charge is not paid before the end of the 28 day period a Notice to Owner may be served by the Local Authority on the person appearing to be the owner of the vehicle; and
  - (vi) the address to which payment of the penalty charge must be made or sent.
- (4) Payment of the penalty charge to the Council shall be either via its Internet site at [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk) or by telephone quoting a valid credit or debit card account number, or by cheque, bankers draft ,money order or postal order made payable to Denbighshire County Council which shall be delivered or sent by post to reach the Chief Cashier of the Council at the Town Hall, Wellington Road, Rhyl or in cash in person at the Council's Cash Office at the same address to arrive not later than 4.30 p.m. of the fourteenth day

following the day on which the penalty charge notice was issued provided that if the said fourteenth day falls upon a day on which the said department is closed the period within which the said charge shall be paid to the Council shall be extended until 4.30 p.m. on the next full day on which the said department is open.

- (5) If the penalty charge is not paid within 28 days of the Notice to Owner, the charge may be increased by 50% on the issue of a Charge Certificate in accordance with the provisions of paragraph 6 of schedule 6 of the 1991 Act.
- (6) Continuing failure to pay may result in a judgement in the County Court against the owner to enable the Council to recover payments due.
- (7) A penalty charge notice affixed to a vehicle in accordance with the provisions of this Order shall not be removed or interfered with except by or under the authority of the owner or person in charge of the vehicle or the Council.
- (8) If a vehicle is left after a penalty charge has been incurred, a parking attendant in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) and (2) of the Road Traffic Act 1991 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be a reduced penalty charge, along with such release fee as may be required by the Council.
- (9) Where a Parking Attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-
  - (a) he/she shall provide for the safe custody of the vehicle;
  - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
  - (c) the provisions of the Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

PART V  
VALIDITY

29. If a court, the Department for Transport, the National Parking Adjudication Service declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

PART VI  
REVOCATIONS

30. The Denbighshire County Council (Prohibition and Restriction of Waiting and Street Parking Places) Consolidation Order 2004 is hereby revoked in so far as it relates to the prohibitions and restrictions of waiting and street parking places on the said lengths of road in the Schedules hereto

**Lengths of Road at Denbigh in the County of Denbigh**

**SCHEDULE 1**

**No Waiting At Any Time/No Loading At Any Time.**

<b>Street Name</b>	<b>Side of Street</b>	<b>Length</b>
High Street	South side	From a point 1 metre west of the projected westerly building line of Rosemary Lane for a distance of 32 metres in an easterly direction
		From a point 51 metres east of the projected westerly building line of Rosemary Lane for a distance of 6 metres in an easterly direction
		From a point 74 metres east of the projected westerly building line of Rosemary Lane to its junction with Hall Square.
	North Side	From a point 36 metres west of the projected westerly building line of Rosemary Lane for a distance of 76 metres in an easterly direction
		From a point 63 metres east of the projected westerly building line of

		Rosemary Lane to its junction with Crown Square
Highgate	South East side	From a point 62 metres north east of the projected westerly kerblines of Mount Pleasant for a distance of 12 metres in a north easterly direction
	North west side	from a point 62 metres north east of the projected westerly kerblines of Mount Pleasant to its junction with High Street.
Portland Place	South side	From its junction with Highgate to a point 13 metres west of the projected north westerly kerblines of Highgate.

**SCHEDULE 2**  
**No Waiting At Any time**

<b>Street Name</b>	<b>Side of Street</b>	<b>Length</b>
Highgate	South East side	from a point 51 metres north east of the projected easterly kerblines of Mount Pleasant for a distance of 11 metres in a northeasterly direction

**SCHEDULE 3**  
**Limited Waiting**  
**30 minutes No Return Within 60 minutes.**

<b>Street Name</b>	<b>Side of Street</b>	<b>Length</b>
High Street	South Side	From a point 57 metres east of the projected westerly building line of Rosemary Lane for a distance of 17 metres in an easterly direction
	North side;	From a point 40 metres east of the projected

		westerly building line of Rosemary Lane for a distance of 23 metres in an easterly direction.
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**SCHEDULE 4**  
**LOADING ONLY**

**Class of Vehicle permitted to park**

All vehicles

**Position in which vehicles may park** - wholly within the parking place as marked on the surface of the carriageway by broken white lines.

**Times of Operation**

At all times

<b>Street Name</b>	<b>Side of Street</b>	<b>Length</b>
<b>High Street</b>	South Side	From a point 1 metre west of the projected westerly building line of Rosemary Lane for a distance of 17 metres in a westerly direction
		From a point 31 metres east of the projected westerly building line of Rosemary Lane for a distance of 20 metres in an easterly direction

THE COMMON SEAL of DENBIGHSHIRE )

COUNTY COUNCIL was hereunto )

affixed in the presence of:- )

Chairman

Authorised Signatory

Dated this 18<sup>th</sup> day of March 2008

H.14/91