

DENBIGHSHIRE COUNTY COUNCIL
(KINGS AVENUE AND ADJOINING ROADS, RHYL)
(PROHIBITION OF WAITING LOADING AND UNLOADING)
AND (RESIDENTS PARKING) ORDER 2010

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 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, hereby makes the following Order:-

PART I
CITATION AND INTERPRETATION

1. This Order shall come into operation on the 11th day of October 2010 and may be cited as the Denbighshire County Council (Kings Avenue and Adjoining Roads Rhyl) (Prohibition of Waiting Loading and Unloading) and (Residents Parking) Order 2010

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;

“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;

“civil enforcement officer” shall have the same meaning as in Section 76 of the Traffic Management Act 2004

“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;

“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 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" shall have the same meaning as in Sections 72, 77 and 78 of the Traffic Management Act 2004

"permit" means a permit issued under the provisions of this order;

"permit holder" means a person to whom a permit has been issued under the provisions of this order;

"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 residents permit and 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 permit 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 the permit is legible from the outside of the vehicle;

"resident" means a person whose usual place of abode is at premises the postal address of which is in a road or part of a road identified as a residents parking zone on the plans attached to this order;

"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 the plans attached to this order 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 places referred to in this Order;

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

“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 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 37 were Acts of Parliament thereby repealed.

PART II
PROHIBITION AND RESTRICTION OF WAITING

7. Save as provided in Article 8 of this Order no person shall, except upon the direction or with the permission of a police constable or community support officer or civil enforcement officer in uniform, cause or permit any vehicle to wait on the roads or sides of the roads identified 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. (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.

PART III

AUTHORISATION AND USE OF STREET PARKING PLACES

9. (1) The parts of the roads identified in Schedule 2 to this Order are authorised to be used, subject to the following provisions of this Order, as parking places for such classes of vehicles, in such positions and on such days and during such hours as identified in the said Schedule 2.

(2) Nothing in paragraph (1) of this Article shall restrict the power of this Council or a police constable or community support officer or civil enforcement officer 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.

10. Save as provided in Article 19 and identified in Schedule 2 to this Order a parking place is described as available for vehicles of a specified class or in a specified position, 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.

11. 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.

12. 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.

13. Save as provided in Article 19 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.

14. 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.

15. 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 or payment of any parking charge:
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.

16. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 10 or 11 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 10(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.

17. 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.

18. 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 16 of this Order, he/she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

19. The provisions contained in Articles 10, and 13 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.

20. 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.

21. A waiver certificate may be cancelled at any time at the sole discretion of the council and shall thereupon immediately cease to be valid.

22. 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 PERMITS

23. (1) Any resident, who resides within the lengths of road referred to in Schedule 2 and is the owner of a vehicle of the following class, that is to say a motor vehicle, a goods vehicle, an invalid carriage or a motorcycle,

(a) may apply to the Council or an authorised agent for a permit for the parking of that vehicle in a parking place specified in paragraph (6) of this Article and any such application shall be made on a form issued by and obtainable from the Council or authorised agent and shall include the particulars and information required by such form to be supplied and such fee specified in Schedule 3 to this order. A resident / applicant who is the holder of a disabled person's badge shall be exempt from paying the fee prescribed in Schedule 3 to this Order.

(b) and has previously in accordance with the terms in (a) above purchased a permit, may if space permits, as determined by the Council, apply for a second permit for the parking of a motor vehicle in the parking places specified in paragraph (6) of this article and any such application shall be made on a form issued by and obtainable from the Council at a designated office and shall include the particulars and information required by such form together with the fee specified in Schedule 3 to this Order;

(c) may apply to the Council at its designated office for the issue of a Special Visitors Permit for the parking of a motor vehicle in the parking places specified in paragraph (6) of this article. The decision to issue a Special Visitors Permit is at the discretion of the Council or its designated officer. Subject to the satisfaction of the Council or its designated officer a Special Visitors Permit shall be issued for the parking of any motor vehicle in the

parking places contained in that street as specified in Schedule 2 to this Order upon payment of the prescribed fee specified in Schedule 3 to this Order;

(d) may apply to the Council for the issue of Residents Visitors' Permits for the parking of a motor vehicle in the parking places specified in paragraph (6) of this article and such application shall be made on a form obtainable from a designated office of the Council and shall include such particulars and information required by such form supplied together with the fee specified in Schedule 3 to this Order for the type of Residents Visitor's Permit required.

(2) The Council may, at its discretion, issue a Special Visitors Permit to persons engaged in a medical or caring profession, upon payment of the prescribed fee.

(3) Any owner of a tourist accommodation establishment located within the lengths of road identified Schedule 2 to this Order may apply to the Council for the issue of Tourist Accommodation Permits for the sole use of guests staying at that establishment. Such application shall be made on a form obtainable from a designated office of the Council and shall include such particulars and information required by such form supplied together with the fee specified in Schedule 3 to this Order for the type of permit required.

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

(5) The Council or authorised agent upon being satisfied that the applicant is a resident who is the owner of a vehicle of the class specified in paragraph (1) of this Article, shall issue to the applicant one Residents, Special Visitor, Residents Visitor or Tourist Accommodation Parking Permit as appropriate for the leaving during the permitted hours in a parking place of the vehicle to which such permit relates, by the owner or by any person using such vehicle with the consent of the owner (other than a person to whom such vehicle has been let for hire and reward).

(6) A permit shall only be valid for use in a parking place so prescribed on the lengths of road identified in Schedule 2 to this order.

24. At all times during which a motor vehicle is waiting (other than a motor vehicle which is otherwise exempted by this Order) in a parking place for such a class of vehicle as specified in Schedule 2 to this Order, a valid permit shall be displayed in the relevant position.

25. A permit shall be valid only for the vehicle in respect of which it is issued 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 indicated on the permit

26. A permit shall cease to be valid on the occurrence of any one of the events set out below:

- (a) the permit holder ceasing to be a resident, in the case of a Residents' First or Second Permit;
- (b) the permit holder ceasing to be the owner of the motor vehicle in respect to which the permit was issued;
- (c) the cancellation of such permit by the Council under the provisions of Articles 28 and 29 to this Order;
- (d) the issue of a duplicate permit by the Council under the provisions of Article 31
- (e) the expiry of the period for which the permit was issued;
- (f) the holder of a Special Visitors Permit issued under the provisions of Article 23(1)(c) and 23(2) to this Order being no longer employed in the profession for which the said permit was issued or no longer requiring to park a motor vehicle in pursuance of that profession in the manner for which the permit was issued;
- (g) the motor vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a motor vehicle of the class specified in this Order;
- (h) Where any permit is issued to any person upon receipt of a cheque or credit card and the payment is subsequently dishonoured, the permit shall cease to be of effect from the date of issue and the Council shall serve notice in writing on the person to whom the permit was issued by way of the recorded delivery service or by delivering the notice to the person's last known address requiring that person to surrender the permit to the Council within 48 hours of the receipt of that notice.

27. A permit shall be in writing and shall include the following particulars:-

- (a) the registration mark of the vehicle in respect of which the permit has been issued;
- (b) the period during which the permit shall remain valid;
- (c) an authentication that the permit has been issued by the Council;
- (d) the zone within which the permit is valid

28. The Council may, entirely at its own discretion, cancel a permit and notify 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 and the permit holder shall surrender the permit to the Council within 2 working days of the receipt of the aforementioned Notice.

29. A First Residents' Permit, Second Residents' Permit or Special Visitors' Permit which -

- (a) is lost, defaced, worn or stolen shall be replaced by the Council upon receipt of the prescribed fee specified in Schedule 3 to this Order;
- (b) ceases to be valid in accordance with Article 26(b) to this Order shall be replaced by the Council, such replacement being issued in respect of a different motor vehicle owned by the permit holder, upon receipt of the prescribed fee specified in Schedule 3 to this Order.

The permit for which a replacement permit is issued under the provisions of this clause shall be cancelled and the replacement permit shall have the same

expiry date as the permit, which has been cancelled. Unless the permit has been lost or stolen, it should be surrendered to the Council before a replacement permit is issued.

30. A Residents Visitors Permit, or Tourist Accommodation Permit, which is unused, lost, defaced, worn or stolen shall not be replaced or eligible to a refund of any monies paid in respect of the purchase of that permit.

31. All the provisions of this Order shall apply to a duplicate permit to the same extent as they applied to the original permit.

32. When a permit has been displayed in accordance with the provisions of Article 24, no person other than a Police constable or community support officer or civil enforcement officer in uniform shall remove such permit or notice from the vehicle unless authorised to do so by the driver of that vehicle.

PART V PENALTY CHARGE

33. If a person contravenes any provision(s) of this Order they will be liable to pay a penalty charge

34. The penalty charge shall be paid in the manner specified on the penalty charge notice

PART VI REVOCATIONS

35. 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 Rhyl in the County of Denbigh **Schedule 1 – No Waiting Loading and Unloading At Any Time**

Street	Location
Kings Avenue North east side	From the projected south easterly kerbline of Wellington Road for a distance of 18 metres in a south easterly direction
South westerly side	From the projected south easterly kerbline of Wellington Road for a distance of 59 metres in a south easterly direction From a point 5 metres north west of the projected north westerly kerbline of Oxford Grove for a distance of 23 metres in a south easterly direction
Oxford Grove Both sides	From the projected south westerly kerbline of Kings Avenue for a distance of 5 metres in a south westerly direction

North west side	From a point 25 metres south west of the projected south westerly kerblines of Kings Avenue for a distance of 12 metres in a south westerly direction
Plas y Brenin South east side	From the projected south westerly kerblines of Kings Avenue for a distance of 45 metres in a south westerly direction (measured around the turning head)
North west side	From the projected south westerly kerblines of Kings Avenue for a distance of 9 metres in a south westerly direction From a point 16 metres south west of the projected south westerly kerblines of Kings Avenue for a distance of 4 metres in a south westerly direction
Wellington Road South east side	From a point 13 metres south west of its junction with Kings Avenue for a distance of 26 metres in a north easterly direction

Schedule 2 - Residents Parking Only
Lengths of Road Designated for Residents Parking

Street	Location
Kings Avenue North east side	From a point 18 metres south east of the projected south easterly kerblines of Wellington Road for a distance of 95 metres in a south easterly direction
South west side	From a point 5 metres north west of the projected north westerly kerblines of Oxford Grove for a distance of 26 metres in a north westerly direction From a point 12 metres south east of the projected south easterly kerblines of Oxford Grove for a distance of 5 metres in a south easterly direction
Oxford Grove North west side	From a point 5 metres south west of the projected south westerly kerblines of Kings Avenue for a distance of 20 metres in a south westerly direction From a point 37 metres south west of the projected south westerly kerblines of Kings Avenue for a distance of 5 metres in a south easterly direction
South east side	From a point 5 metres south west of the projected south westerly kerblines of Kings Avenue for a distance of 35 metres in a south westerly direction

Class of Vehicle permitted to park

- (i) Motor Car, Goods Vehicle
- (ii) Motorcycle

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

Schedule 3 - Permit Charges

TYPE	CHARGE
First Residents Parking Permit	£25.00 per year
Second Residents Parking Permit (subject to availability)	£25.00 per year
Permit for Residents who are also disabled badge holders	FREE
Residents Visitor permit	£5.00 for 14 days in any year (Apr - Mar)
Tourist Accommodation Permit	£5.00 for 14 days in any year (Apr - Mar)
Special Visitors Permit	FREE
Replacement of lost, worn or damaged permit	£5.00 per permit
Replacement of Permit on change of vehicle	FREE

THE COMMON SEAL of DENBIGHSHIRE)
COUNTY COUNCIL was hereunto)
affixed in the presence of:-)

Chairman

Authorised Signatory

Dated this **Fifth** day of **October** 2010

H.14/108