

## BOROUGH OF EASTLEIGH

### THE BOROUGH OF EASTLEIGH (BROOKWOOD AVENUE AREA) (RESIDENTS PARKING PLACES AND PROHIBITION AND RESTRICTION OF WAITING) (SEVENTH ZONE) (CONTROLLED ZONE) ORDER 2006

The Council of the Borough of Eastleigh (hereinafter referred to as "the Council") pursuant to arrangements made under Section 101 of the Local Government Act 1972 with the Hampshire County Council in exercise of the powers of the said County Council under Sections 1, 2, 4, 32, 35, 45, 46 and 51 of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to the Act, 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 Act hereby makes the following Order:-

#### PART 1- GENERAL

##### Commencement and Citation

1. This Order shall come into operation on 24 March 2006 and may be cited as the "Borough of Eastleigh (Brookwood Avenue Area) (Residents Parking Places and Prohibition and Restriction of Waiting) (Seventh Zone) (Controlled Zone) Order 2006".

##### Interpretation

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

"appropriate annual renewal date" means the date, each year, on which the permit is issued and expires;

"appropriate permit charge" means the remittance of the sum indicated in the relevant Articles to this Order appropriate to the type of permit for which an application is being made and shall be for a period indicated in the Articles to this Order;

"business" shall mean a lawful business, trade or profession and shall include a registered charity, a statutory undertaking, a public undertaking and a state funded educational establishment;

"business permit" shall mean a permit issued under the provisions of Article 21(B) of this Order;

"business permit holder" shall mean a person to whom a permit is issued under the provisions of Article 21(B) of this Order;

"carers permit" shall mean a permit issued under the provisions of Article 21(C)(1);

“development” means the construction of new or replacement buildings or alterations to existing buildings that result in an increased demand for parking not catered for within the development;

“disabled parking disc” means a device which:-

- (a) is coloured blue;
- (b) has been issued by a local authority and has not ceased to be valid; and
- (c) is capable of showing the quarter hour period during which a period of waiting has begun.

"disabled person's badge" means a badge which was-

- (a) issued, or has effect as if issued, to a disabled person or an institution under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or under regulations having effect in Scotland or Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970; and
- (b) has not ceased to be in force;

as defined in The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled persons badge, as defined under Section 142 of the Act;

“driver”, in relation to a vehicle waiting in a parking place or street or part of a street specified in this Order, means the person in charge of the vehicle at the same time it was left in the parking place or street or part of a street aforesaid;

“entitled resident” means a person whose usual place of abode is at premises the postal address of which is in any street or part of a street specified in Part A or Part C of the First Schedule to this Order and who is entitled to apply for a permit under Article 21 of this Order;

“entitled residents parking permit” shall mean a permit issued under the provisions of Article 21(A) of this Order;

“goods” includes all chattels personal, other than things in action and money, including postal packets of any description and “delivery and collection”, in relation to any goods, includes checking the goods for the purpose of their delivery or collection;

“goods vehicle” means a vehicle not exceeding 3.5 tonnes max gross weight and which is constructed or adapted for use for the carriage of goods or burden of any description, and is not a drawing trailer;

“invalid carriage” means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical default or disability and is used solely by such person as defined in Section 136 of the Act;

“motorcycle” means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the weight unladen does not exceed 410 kilograms as defined in Section 136 of the Act;

“non-entitled resident” means a person whose usual place of abode is at premises the postal address of which is in any street or part of a street specified in Part B of the First Schedule to this Order and who is not entitled to apply for a permit under Article 21 of this Order;

“owner”, in relation to a vehicle, means the person named in the vehicle registration document or the person by whom such vehicle is kept and used;

“parking attendant” shall have the same meaning as in section 63A of the Act;

“parking place” means an area on the highway designated as a parking place by Article 3 of this Order;

“parking space” means a space in a parking place which is provided for the leaving of a vehicle;

“passenger vehicle” means a vehicle (other than a motorcycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

“permit” means any permit issued under the provisions of Article 21 of this Order;

“permit holder” means a person to whom a permit has been issued under the provisions of Article 21 of this Order;

“permitted hours” means the period between the hours of 8.00 am and 8.00 pm on Monday to Saturday inclusive or any such day not being Christmas Day, Good Friday or a Bank Holiday being a public holiday;

“postal packet” means a letter, parcel, packet or other article transmissible by post as defined in Section 125 of the Postal Services Act 2000

“professional carers permit” shall mean a permit issued to those carers whose visits to the elderly, physically or mentally disabled, the ill, infirm or young are on a one off basis;

“property” means any premises of which the postal address is in any street or part of street specified in Part A or Part C of the First Schedule to this Order;

“relevant position” means:

- (a) in the case of a vehicle fitted with a front windscreen, the permit is exhibited thereon with the obverse side facing forwards on the nearside of and immediately behind the windscreen;
- (b) in the case of a vehicle not fitted with a front windscreen, the permit is exhibited in a conspicuous position on the front or the nearside of the vehicle.

“residential carers permit” shall mean a permit issued to those carers whose role requires ongoing attendance and care for the elderly, physically or mentally disabled, the ill, infirm or young;

“seventh zone” shall mean those roads and lengths of roads specified in Parts A and B in the First Schedule to this Order;

“telecommunication apparatus” has the same meaning as in Section 4 of the Telecommunications Act 1984;

“temporary permit” shall mean a permit issued under the provisions of Article 21(D)(1);

“vehicle” means a motor vehicle and “motor vehicle” has the same meaning as in section 136 of the Act;

“visitors permit” shall mean a permit issued under the provisions of Article 21(A) to this Order for the use of a person visiting an entitled resident;

(2) For the purpose of this Order a vehicle displays a disabled person's badge in the relevant position if it is displayed in accordance with The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(4) The conditions, provisions, prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any other such matter imposed by any Order or regulation made, or having effect as if made, under the Act of 1984, or by or under any other enactment.

(5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

## PART II- AUTHORISATION AND USE OF PARKING PLACES

3. (1) Each of the parts of a road specified in the Second Schedule to this Order is to be used subject to the following provisions of this Order as a parking place for the parking during the permitted hours by such classes of vehicles specified in this Order as displayed in the manner specified in Article 26 of this Order a valid permit issued by the Council in respect of that vehicle.  
  
(2) Nothing in paragraph (1) of this Article shall restrict the power of the Council to close any parking place.
4. Where in the Second Schedule to this Order a parking place is described as available for vehicles of a specified class, the driver of a vehicle shall not permit it to wait in that parking place unless it is:
  - (a) of the specified class; and
  - (b) parked wholly within the limits of the parking place as marked on the carriageway.
5. A driver of a vehicle shall not use a parking place:
  - (a) so as to unreasonably prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;
  - (b) when the Council has closed that parking place.
6. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or depart from the parking place.
7. When a vehicle is left in a parking place in contravention of any of the provisions contained in Article 4 or Article 5 of this Order, a person authorised by the Council to do so 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 4(b) of this Order, a person authorised by the Council to do so may alter or cause to be altered the position of the vehicle so that its position shall comply with that provision.
8. Any person removing a vehicle or altering its position by virtue of Article 7 of this Order may do so in such a manner as appears necessary.
9. 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 7 of this Order, that person shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

### Exemptions for disabled persons

10. (1) Notwithstanding the provisions of Article 3 of this Order a vehicle which bears on the windscreen thereof or, if the vehicle has no windscreen, in a conspicuous position thereon, a badge issued by any local authority in accordance with the provisions of The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000 or a badge having effect under those regulations as if it were a disabled persons badge may be left during the permitted hours in a parking place.

(2) Without prejudice to the generality of this Article, a vehicle to which this Article applies shall stand in the parking place in accordance with the provisions of Article 12 of this Order and wholly within the limits of that place.

### Placing of Traffic Signs

11. The Council shall:

- (a) cause the limits of each parking place to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Act;
- (b) place and maintain on or in the vicinity of each parking place traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Act indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 3 to this Order; and
- (c) carry out such other works as are reasonably required for the purposes of the satisfactory operation of a parking place.

### Manner of Standing in Parking Places

12. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand, in the case of any parking place:-

- (a) That except where the limits of the parking place are marked out otherwise the left or nearside of the vehicle is adjacent to the left-hand edge of the carriageway and that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 12 inches;
- (b) that every part of the vehicle is within the limits of the parking place.

### Alteration of Position of Vehicles in Parking Places

13. Where any vehicle is standing in a parking place in contravention of the provisions of the last preceding Article or of the provisions of Article 10(2) of this Order a Police Constable in uniform or a parking attendant may alter or cause to be altered the position of the vehicle in order that its position shall comply with these provisions.

### Removal of Vehicles from Parking Places

14. Where a Police Constable in uniform or a parking attendant is of the opinion that any of the provisions contained in Article 18(1) of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he or she may remove or cause to be removed the vehicle from the parking place, and where it is so removed shall provide for safe custody of the vehicle.

### Movement of Vehicles in Parking Places in Emergencies

15. A Police Constable in uniform may remove or cause to be moved in cases of emergency, to any place he or she thinks fit, any vehicle left in a parking place.

### Power to Suspend the Use of Parking Places

16. (1) Any person duly authorised by the Council may suspend the use of a parking place or of any part thereof whenever he or she considers such suspension reasonably necessary:-

- (a) for the purpose of facilitating 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 or the maintenance, improvement or reconstruction of the parking place or adjacent highway or part of the highway or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus or traffic sign;
- (c) for the purpose of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository provided that such removal is for the convenience of occupiers of premises adjacent to the parking place;
- (d) for the purpose that any street may be thronged or obstructed by reason of some special attraction;
- (e) for the purpose of parking at times of weddings or funerals, or on other special occasions provided that such parking is for the convenience of occupiers of premises adjacent to the parking place;

(2) A Police Constable in uniform or a parking attendant may suspend for not longer than 24 hours the use of a parking place or any part thereof whenever he or she considers that such suspension is reasonably necessary for the purpose of facilitating the movement of traffic or promoting safety.

(3) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or (2) of this Article



shall thereupon place or cause to be placed in or adjacent to that parking place or a 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 be left in any parking place or part of a parking place during such period as there is in or adjacent to that parking place or part of a parking place a traffic sign placed in pursuance of paragraph (3) of this Article provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for Police, Fire Brigade or Ambulance purposes or any vehicle being used for any purpose specified in Article 18(1)(b), (d) or (e) of this Order to be left in the parking place or part of a parking place during any such period, or to cause or to permit any other vehicle to be so left if that vehicle is left with the permission:-

- (a) of the person suspending the use of the parking place or a part thereof in pursuance of paragraph (1) of this Article,
- (b) of a Police Constable in uniform or a parking attendant.

#### Restriction of Use of Vehicles at Parking Places

17. No person shall use any vehicle, whilst it is in a parking place during the permitted 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 a skill or handicraft or service in any other capacity.

Provided that nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is a passenger vehicle, goods vehicle of any weight or motorcycle or invalid carriage and the goods are immediately delivered at or taken into the premises adjacent to the vehicle from which the sale is effected.

#### Restriction of Waiting of Vehicles in Parking Places

18. (1) Without prejudice to the foregoing provisions of this Order with respect to vehicles left in parking places in accordance with those provisions, any vehicle may wait during the permitted hours anywhere on the carriageway in a parking place, other than a parking place, or part of a parking place the use of which has been suspended, if:-

- (a) the vehicle is waiting only so long as is 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 or her control or to such waiting being necessary in order to avoid an accident;
- (c) the vehicle is a vehicle used for Fire Brigade or Ambulance purposes or a vehicle (other than a passenger vehicle) in the service of the local authority or water authority or a vehicle in the service of the Police



Force in either case being used in pursuance of statutory powers of 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 waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle, or, having been unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting;
- (f) the vehicle is in use in connection with the servicing of telephone kiosks;
- (g) the vehicle, not being a passenger vehicle, is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 16(1) of this Order;
- (h) the vehicle, not being a passenger vehicle, is in actual use in connection with the removal of furniture from one office or household to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- (i) the vehicle is waiting only for so long as is necessary to enable it to be used in connection with the posting or removing of advertising materials in the form of posters, or cleaning windows or chimneys in premises adjacent to the parking place in which the vehicle is waiting; or
- (j) in any other case the vehicle is waiting for as long as is necessary for the purpose of delivery or collection of goods or merchandise, including, as far as a bank is concerned, cash or other valuables or valuable securities, or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting.

(2) Except as provided in the foregoing provisions of this Article, the driver of a vehicle shall not cause or permit a vehicle to wait in a parking place during the permitted hours.

(3) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 35 of the Act.

#### Manner of Waiting in Parking Places

19. A person causing or permitting a vehicle to wait in a parking place by virtue of the provisions of sub-paragraph (e), (f), (g), (h) or (i) in paragraph (1) of the last preceding Article shall, except where the parking place is other than at right angles to the edge of the carriageway, take all such steps as are necessary to ensure that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 12 inches and in each and every case so that every part of the vehicle is within the limits of the parking place.

20. In any respect not specifically mentioned in the preceding or succeeding Articles the procedure, validity and terms of use for a business permit shall be the same as the procedure, validity and terms of use for an entitled residents parking permit and the Order shall be construed accordingly.

### PART III- PERMITS

#### Application for and Issue of Permits

21. (A) (1) Save as provided in Article 22 any entitled resident who

- (a) is the owner of a vehicle of the following class, that is to say a passenger vehicle, a goods vehicle or a motorcycle, or
- (b) with the permission of the owner uses a vehicle of the said class on a regular basis

may apply to the Council for the issue of up to two permits in respect of his or her household for the leaving in any parked space of such vehicle or vehicles and any such application shall be made on the form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied and shall include the appropriate permit charge, where necessary, as specified by Article 21 (A) (5) of this Order.

(2) Notwithstanding the provisions of Article 21(A)(1) a third permit may be issued in respect of a household if an inspection by the Council reveals in the opinion of the Council that there is no practical rear or side access for off street parking at the property or any other off street parking available to the resident. An administrative charge shall be levied for carrying out an inspection of £25.

(3) 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 the permit is valid. If such evidence in respect of an application for a permit cannot be supplied the Council shall have discretion on whether or not a permit is issued.

(4) On receipt of an application duly made under the foregoing provisions of this Article including the receipt of the appropriate permit charge, where necessary, the Council upon being satisfied that the applicant is either-

- (a) the owner of a vehicle of the class specified in paragraph (1) of this Article or
- (b) a person authorised by the owner of a vehicle of the said class

may issue to the applicant the relevant number of permits for the leaving during the permitted hours in any parking places of vehicles to which such permit relates by the owner of such vehicle 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 or reward.

(5) The charge in connection with the issue of an entitled residents parking permit shall be as set out in the table below and shall be valid for the period as set out below:

Appropriate Permit Charge	Duration
1 <sup>st</sup> Permit- No Charge	12 months running from the annual renewal date
2 <sup>nd</sup> Permit- £30.00	
3 <sup>rd</sup> Permit- £60.00	

(6) Any entitled resident may apply to the Council for the issue of a visitors permit for the leaving of a vehicle in a parking place which is a passenger vehicle, goods vehicle or motorcycle belonging to a person visiting that resident and subject to all the other provisions of this Article, the Council may issue a visitors permit to such resident.

(7) A visitors permit shall be valid on a particular day as if it were a permit issued by the Council pursuant to paragraph (1) of this Article and only if in a square on the face of the permit there is written in ink the date in question together with the registration mark of the vehicle in respect of which it is displayed and that square contains no other writing or marks.

(8) There shall be provision on the face of a visitors permit for five squares to be used on individual days.

(9) The standard number of visitors permits which the Council may issue to a particular household is 75 per annum but a further 25 visitors permits per annum may be issued for each additional person in the household aged 18 years or over, however, the Councils Officer shall have discretion to increase this limit of 75 to cover cases where a carers permit could be granted but where it is more economic or in the interests of the public and the proper administration of the residential parking scheme for additional visitors permits to be issued instead and the Council may require the production and delivery up of a used visitors permit before issuing a further such permit.

(10) There shall be no charge by the Council for the issue of visitors permits.

(11) In any respect not specifically mentioned in paragraphs (5), (6), and (7) above, the procedure, validity and terms of use for a visitors permit shall be the same as the procedure, validity and terms of use of an entitled residents permit and this Order shall be construed accordingly.

(12) The Council may by notice in writing refuse the issue of a visitors permit if it appears to the Council that the applicant or other adult within the household has previously misused or abused the visitors permit system.

21.(B)(1) Any person (including partnership or body corporate), who is regularly operating a business at one or more premises the postal address of which is or are in any streets or part of a street specified in Part A or Part C of the First Schedule to this Order and who:

- (a) is the owner of a vehicle of the following class, that is to say a passenger vehicle, a goods vehicle or a motorcycle, or
- (b) with the permission of the owner uses a vehicle of the said class on a regular basis

and who can show that he or she needs the use of a vehicle for the efficient conduct of the business and not solely to enable an individual or individuals to travel conveniently to or from the place of work, may apply to the Council for the issue of up to two business permits for the leaving of that vehicle in a parking place and any such applications shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such a form to be supplied.

(2) A business permit shall be valid on a particular day or on particular days at the discretion of the Council.

(3) The Council shall, upon receipt of an application for more than two business permits, have discretion, in exceptional cases, to issue further business permits.

(4) The Council may at any time require an applicant for a business permit or a business permit holder to produce to an Officer of the Council such information and evidence in respect of an application for a business permit made to them as they require to enable the application to be considered or to verify any particulars or information given to them or in respect of any business permit issued to them as they may require to verify that the permit is valid. If such information and evidence in respect of an application for a business permit cannot be supplied the Council shall have discretion on whether or not a permit is issued.

(5) Without prejudice to the rights contained in paragraph (3) of this Article to request information and evidence, the Council shall either-

- (a) Issue to the applicant up to two business permits for the leaving during the permitted hours in any parking place of the vehicle to which such permits relate by the owner of such a vehicle or by any person using such a vehicle with the consent of the owner other than a person to whom such a vehicle has been let for hire or reward, or

(b) Notify the applicant in writing of their refusal to issue business permits. Provided that such decision to issue or refuse to issue business permits shall be the absolute and unfettered discretion of the Council and the Council shall not be bound to give any reason for the decision.

(6) A charge shall be levied for issuing business permits to business properties each year as set out below:

Appropriate Permit Charge

1<sup>st</sup> Permit- £30.00  
2<sup>nd</sup> Permit- £60.00  
3<sup>rd</sup> Permit- £90.00  
4<sup>th</sup> Permit- £120.00

21.(C)(1) Any person who:-

- (a) is recognised by the Council as an official providing a caring service for the elderly, physically or mentally disabled, the ill, infirm or young, or
- (b) in the opinion of the Council, undertakes such a caring role

and who can show that he or she needs to park in any street or streets specified in Part A or Part C of the First Schedule to this Order and who is the driver of a passenger vehicle, a goods vehicle (not exceeding 3.5 tonnes maximum gross weight) or a motorcycle may apply to the Council for the issue of a residential carers permit or a professional carer's permit for the leaving of that vehicle in a parking place and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such a form to be supplied.

(2)The Council may at any time require an applicant for a residential carers permit or a professional carer's permit or a residential carers permit or professional carer's permit holder to produce to an Officer of the Council such information and evidence in respect of an application for a residential carers permit or a professional carer's permit made to them as they require to enable the application to be considered or to verify any particulars or information given to them or in respect of any residential carers permit or professional carer's permit issued by them as they may require to verify that the permit is valid. If such information and evidence is not supplied as required then the Council shall have discretion on whether or not a permit is issued or cancelled.

(3) Without prejudice to the rights contained in paragraph (2) of this Article to request information and evidence, the Council shall either-

- (a) Issue to the applicant a residential carer's permit for the leaving during the permitted hours in any one or more parking places of the vehicle to which such permit relates by the driver of such a vehicle, or issue to

the applicant a professional carers permit for the leaving during a maximum three hour waiting period (unless a special exemption is sought and granted) in any one or more parking places of the vehicle to which such permit relates by the driver of such a vehicle, or

- (b) Notify the applicant in writing of their refusal to issue a residential carers permit or professional carer's permit. Provided that such decision to issue or refuse to issue a residential carers permit or professional\_carer's permit shall be in the absolute and unfettered discretion of the Council and the Council shall not be bound to give any reason for the decision.

- (4) (a) There shall be no charge by the Council for the issue of a residential carers permit;

- (b) A charge shall be levied for issuing professional carers permits each year at £30.00 each.

- (5) The use by the classes of vehicles mentioned in Article 21(C)(1)(b) of a parking place shall be governed by and subject to all the provisions of this Order including the requirement to display a permit.

- 21. (D)(1) Any person who is the driver of a vehicle of the following class, that is to say a passenger vehicle, a goods vehicle (not exceeding 3.5 tonnes maximum gross weight), or a motorcycle may apply to the Council for the issue of a temporary permit for the leaving in any parking space of such vehicle or vehicles and any such application shall be made on the form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.

- (2) The Council may at any time require an applicant for a temporary permit or a temporary permit holder to produce to an Officer of the Council such information and evidence in respect of an application for a temporary permit made to them as they require to enable the application to be considered or to verify any particulars or information given to them or in respect of any temporary permit issued by them as they may require to verify that the permit is valid. If such evidence is not supplied as requested then the Council shall have discretion on whether or not a permit is issued or cancelled.

- (3) On receipt of an application duly made under the foregoing provisions of this Article the Council upon being satisfied that the applicant is the driver of an vehicle of the class specified in paragraph (1) of this Article may, but only on receipt of a fee of £18.00, issue to the applicant a temporary permit for the leaving for a maximum of six days in any calendar year and during the permitted hours in any parking place of vehicles to which such permit relates.

- (4) The use by the vehicles mentioned in Article 21(D)(1) of the parking places shall in all other respects be governed by and subject to the provisions of this Order including the requirement to display a permit.



- 21.(E)(1) The parking places mentioned in the Second Schedule of this Order are also hereby designated as parking places under the provisions of Section 45 of the Road Traffic Regulation Act 1984 for use during the permitted hours by the vehicles described in Article 21(D)(1) hereof and such designation is declared to be for the purpose mentioned in Article 21(D)(3) namely the imposition of a charge for a temporary permit.
22. An entitled resident will not be eligible to apply for an entitled residents permit, a business permit or a visitors permit under Article 21 of this Order where there has been a development to the property after the coming into effect of this Order.

#### Surrender, Withdrawal and Validity of Permits

- 23.(1) A permit holder may surrender the permit to the Council at any time and subject to Article 24 shall surrender the permit to the Council within 48 hours of the occurrence of one of the events set out in paragraph (3) 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 persons place of abode or business), withdraw a permit if it appears to the Council that any one of the events set out in paragraph (3)(a), (b), (c) or (e) of this Article has occurred.

(3) The events referred to in the foregoing provisions of this Article are:-

- (a) the permit holder ceasing to be an entitled resident;
- (b) the permit holder ceasing to operate a business in any of the roads specified in Part A or Part C of the First Schedule hereto;
- (c) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
- (d) the receipt of the notice of withdrawal of such a permit by the Council under the provisions of paragraph (2) of this Article;
- (e) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 21 of this Order;
- (f) the issue of a duplicate permit by the Council under the provisions of Article 24 of this Order;
- (g) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.

(4) Without prejudice to the foregoing provisions of this Article a permit shall cease to be valid at the expiration of the period specified thereon or in the occurrence of any one of the events set out in this Article, whichever is the earlier.

#### Application for and Issue of Duplicate Permits



24. (1) If an entitled residents or business permit or carers permit is mutilated or accidentally defaced or the figures or particulars thereon become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall either surrender it to the Council or apply to the Council for the issue of a duplicate permit and the Council upon the receipt of the permit shall issue a duplicate permit so marked and upon such issue the first permit shall become invalid.
- (2) If an entitled residents or business permit or carers permit is lost or destroyed the permit holder may apply to the Council for the issue of a duplicate permit and the Council upon being satisfied as to such loss or destruction shall issue a duplicate permit so marked and upon such issue the first shall become invalid.
- (3) Duplicate permits will not be issued for visitors permits.
- (4) The provisions of this Order shall apply to a duplicate permit and an application therefore as if it were a permit or as the case maybe an application therefore.
- (5) There shall be no charge for the issue of the first duplicate entitled residents or business or carers permit but the issue of any subsequent duplicate permits may be charged a fee of £5 each.

#### Form of Permit

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

- (1) the registration mark of the vehicle in respect of which the permit has been issued;
- (2) the period during which, subject to the provisions of Article 23(4) of this Order, the permit shall remain valid;
- (3) an indication that the permit has been issued by the Council.

#### Display of Permits

26. At times during which a vehicle is left in a parking place during the permitted hours there shall be displayed:

- (1) in the case of a vehicle which is fitted with a transparent windscreen on the inside surface of the windscreen on the nearside so that it is facing forwards and can be entirely and easily seen from the front of the vehicle, a valid permit issued in respect of that vehicle;
- (2) in the case of a vehicle which is not fitted with a transparent windscreen on the front of the vehicle so that it is facing forwards and can be entirely and easily seen from the front of the vehicle, a valid permit issued in respect of that vehicle.

### Restriction and Removal of Permits

27. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 26 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 of that vehicle.

### Refunds and Discounts in Respect of a Charge Paid in Connection with the Issue of a Permit

27A. (a) An application for a refund may be made in respect of any entitled residents parking permit or business permit which has been surrendered where the appropriate permit charge had originally been paid.

(b) The refund shall be calculated by dividing the total annual cost of the permit by 12 and multiplying this by the number of complete unused months. A refund will not be given where the value of the calculated permit remaining is £5.00 or less.

(c) Refunds will be made by cheque within 21 days of receipt of the returned permit and the application for a refund.

27B. (a) A discount of 50% of the full appropriate permit charge shall be made in respect of any application for an entitled residents parking permit, business permit or professional carers permit made and issued 6 months after the appropriate annual renewal date.

(b) A discount of 10 months of the full appropriate permit charge shall be made in respect of any application for an entitled residents parking permit, business permit or professional carers permit made and issued 10 months after the appropriate annual renewal date.

### PART IV- PROHIBITION AND RESTRICTION OF WAITING

28. Save as provided in Articles 30 and 31 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform or a parking attendant cause or permit any vehicle to wait at any time in the roads, on the sides of roads, or in any of the lengths of roads specified in the Third Schedule to this Order.

29. Save as provided in Articles 30, 32, 33 and 34 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform or a parking attendant cause or permit any vehicle to wait during the permitted hours on the sides of roads or in the lengths of roads specified in the Fourth Schedule to this Order-

(a) for a longer period than two hours; or

(b) if a period of less than two hours has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle on those sides of roads or in those lengths of roads; and

30. Nothing in Articles 28 and 29 of this Order shall render it unlawful to cause or permit any vehicle to wait on the sides of roads or in the lengths of roads referred to therein for so long as is necessary to enable-

- (a) a person to board or alight from a vehicle;
- (b) goods to be loaded on or unloaded from the vehicle;
- (c) 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 operation;
  - ii. the removal of any obstruction by traffic;
  - iii. the maintenance, improvement or reconstruction of the said sides of road or length of road;
  - iv. the laying, erection, alteration or repair in, or in land adjacent to the said sides of roads or lengths of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus;
- (d) the vehicle, if it cannot be conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
- (e) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125 of the Postal Services Act 2000; or
- (f) the vehicle to be used for Fire Brigades, Ambulance or Police purposes.

31. Nothing in Article 28 of this Order shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons badge and a disabled 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) issued by any local authority to wait on the sides of roads referred to in that Article 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.

32. Nothing in Article 29 of this Order shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons badge to wait on the side of roads referred to in that Article.

33. Nothing in Article 29 of this Order shall render it unlawful to cause or permit a carers vehicle which displays in the relevant position a carers badge to wait on the side of roads referred to in that Article for a period not exceeding three hours not being a period separated by an interval of less than two hours from a previous period of waiting by the same vehicle in the same length of road.

34. Nothing in Article 29 of this Order shall render it unlawful to permit or cause a vehicle which displays in a relevant position a residents parking

permit or a business parking permit issued by any local authority to wait on the sides of roads referred to in the Fourth Schedule of this Order.

35. Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act of 1984 and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles other than stage carriages or express carriages in a bus stop area or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

#### PART V- REVOCATION OF EXISTING TRAFFIC REGULATION PROVISIONS

36. The Orders specified in Column 1 of the Fifth Schedule to this Order are hereby revoked to the extent specified in Column 2 of the said Schedule.

FIRST SCHEDULE  
Seventh Zone

Part A

Premises within Zone Entitled to Permits

1. Access Road between Causton Gardens and Brookwood Avenue to the rear of properties 60 to 92 Leigh Road
2. Brookwood Avenue (west side)
3. Causton Gardens (from its junction with Leigh Road northwards for a distance of 48 metres)
4. Loveridge Way (from its junction with Brookwood Avenue eastwards for a distance of 16 metres)

Part B

Premises within Zone not Entitled to Permits

5. Brookwood Avenue (east side)

Part C

Additional Premises Entitled to Permits

6. Leigh Road (properties on the northern side between Brookwood Avenue and Causton Gardens)

SECOND SCHEDULE

Areas on Highway Designated as Parking Places with Permits

	Road	Side	Description
1.	Brookwood Avenue	West	From a point 15 metres north of its junction with Leigh Road northwards to a point 15 metres south of its junction with Kipling Road.
2.	Brookwood Avenue	West	From a point 15 metres north of its junction with Kipling Road northwards to the southern boundary of No.32 Brookwood Avenue.

THIRD SCHEDULE  
No Waiting at any time

	Road	Side	Description
1.	Access Road to the rear of 60 to 92 Leigh Road	North	From its junction with Brookwood Avenue eastwards for a distance of 23 metres
2.	Access Road to the rear of 60 to 92 Leigh Road	North	From a point 29 metres east of Brookwood Avenue eastwards to a point 52 metres from the same junction
3.	Access Road to the rear of 60 to 92 Leigh Road	North	From a point 70 metres east of Brookwood Avenue eastwards to its junction with Causton Gardens
4.	Access Road to the rear of 60 to 92 Leigh Road	South	From its junction with Brookwood Avenue eastwards to its junction with Causton Gardens
5.	Brookwood Avenue	West	From its junction with Leigh Road northwards for a distance of 15 metres.
6.	Brookwood Avenue	West	From a point 15 metres south of its junction with Kipling Road to a point 15 metres north of the same junction.
7.	Brookwood Avenue	East	From the cemetery gate southwards to a point 25 metres south of the same gate.
8.	Brookwood Avenue	East	From its junction with Leigh Road northwards to a point 63 metres from the cemetery gate.
9.	Causton Gardens	Both	From its junction with Leigh Road northwards for a distance of 48 metres
10.	Loveridge Way	Both	From its junction with Brookwood Avenue eastwards for a distance of 16 metres.

#### FOURTH SCHEDULE

Waiting Limited to Two Hours Maximum Stay (Return Prohibited Within Two Hours) Monday to Saturday 8.00am – 8.00 pm  
Exemption for Permit Holders- Carers Permit Three Hours

	Road	Side	Description
1.	Access road to the rear of Nos. 60 to 92 Leigh Road	North	From a point 23 metres east of its junction with Brookwood Avenue in a lay-by parallel to the carriageway eastwards for a distance of 6 metres
2.	Access road to the rear of Nos. 60 to 92 Leigh Road	North	From a point 52 metres east of its junction with Brookwood Avenue in a lay-by parallel to the carriageway eastwards for a distance of 18 metres
3.	Brookwood Avenue	West	From the cemetery gate southwards to the southern boundary of No.32 Brookwood Close.
4.	Brookwood Avenue	East	From a point 25 metres from the cemetery gate southwards to a point 63 metres south of the same gate.

#### FIFTH SCHEDULE

Column 1

The Borough of Eastleigh (Kipling Road and Locksley Road and Surrounding Roads) (Prohibition and Restriction of Waiting) (Disabled Persons Parking Places) Order 2004

Column 2

First Schedule, Items numbered 1, 2 and 3.

Dated this                      day of                      2006

THE COMMON SEAL of EASTLEIGH    )  
BOROUGH COUNCIL was hereunto    )  
affixed in the presence of:-         )

Head of Legal & Democratic Services



DATED

2006

BOROUGH OF EASTLEIGH

THE BOROUGH OF EASTLEIGH  
(BROOKWOOD AVENUE AREA)  
(RESIDENTS PARKING PLACES  
AND PROHIBITION AND  
RESTRICTION OF WAITING)  
(SEVENTH ZONE) (CONTROLLED  
ZONE) ORDER 2006

A R Ward  
Head of Legal & Democratic Services  
Eastleigh Borough Council  
Civic Offices  
Leigh Road  
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