

GLOUCESTERSHIRE COUNTY COUNCIL
(THE BOROUGH OF TEWKESBURY)
(PROHIBITION AND RESTRICTION OF WAITING AND LOADING AND PARKING
PLACES) ORDER 2008
AMENDMENT (CONSOLIDATION)

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Gloucestershire County Council in exercise of its powers under sections 1, 2, 4, 32, 35, 46, 47, 124 (1) (d) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (the Act of 1984) as amended 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 of 1984, hereby makes the following Order.

SECTION 1 – PRELIMINARY

Citation and commencement

1. This Order shall come into operation of the 26th day of May 2008 and may be cited as the Gloucestershire County Council (The Borough of Tewkesbury) (Prohibition and Restriction of Waiting and Loading and Parking Places) Order 2008.
AMENDMENT (CONSOLIDATION)
 2. The Gloucestershire County Council (The Borough of Tewkesbury) (Prohibition and Restriction of Waiting and Loading and Parking Places) (Consolidation) Order 2007 Plans (the "Plans") are incorporated into this Order.
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Interpretation

3. In this Order, except where the context otherwise required, the following expressions have the meaning hereby respectively assigned to them:

"Council" means Gloucestershire County Council and includes any parking services contractors or authorised agent or District Council appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

“approved method of payment” means payment by credit, debit, pre-paid or any other electronic card or payment by phone through a scheme organised through the Council;

“business” means any trade profession or employment which has been carried on for the immediately preceding period of six months;

“business parking permit” means a permit issued by the Council for the leaving of a vehicle in a designated resident permit holder only or pay and display parking place;

“business property” means any one of the premises with a postal address in a street or part of street specified in Schedule 3, which is shown in a local non-domestic rating list from time to time in force;

“carer” means anyone, as determined from time to time by the Council, who performs a caring function in the community and can include registered carers, doctors, district nurses, professional carers and other qualified medical practitioners who have a genuine reason to park in residents permit parking places while visiting a resident in a caring situation;

“civil enforcement officer” means a person employed in accordance with section 63A of the Act of 1984 to carry out the functions therein;

“clearway” means the main carriageway of any of the sides or lengths of roads specified in the plans where stopping is prohibited during the restricted hours provided that the expression clearway shall not include any parking place;

“disabled person's badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"disabled persons vehicle" means a vehicle displaying in the relevant position a disabled persons badge and which has been used immediately before or is about to be used by the person(s) in respect of whom the badge has been issued;

"driver" in relation to a vehicle waiting in a restricted area, means the person driving the vehicle at the time it was left in the restricted waiting area;

"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;

"essential visitor permit" means a permit issued at the absolute discretion of the Council to a person who or organisation which is construed as a carer;

"goods" means goods of any kind whether animate or inanimate and includes postal packets of any description and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"hackney carriage" has the same meaning as in Section 37 of the Town Police Clauses Act 1847;

"invalid carriage" has the same meaning as that in S136 of the Act of 1984;

"lay-by" in relation to a main carriageway means any area of a highway at the side of the main carriageway but not part of it and marked in accordance with the Traffic Signs and General Directions 2002 intended for the waiting of vehicles, provided that no person shall cause or permit any vehicle to wait in any lay-by for the purpose of selling goods or services from that vehicle;

"light goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description the overall height of which

does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres and is not drawing a trailer;

“loading area” means any of the sides or lengths of roads specified on the Plans where activities other than loading and unloading by all vehicles or permitted vehicles are prohibited;

“main carriageway” means that part of a public highway used primarily for through traffic provided that the expression main carriageway shall not include any lay-by;

“motor-cycle” has the same meaning as that in S136 of the Act of 1984;

“no loading hours” means in relation to any no loading road the hours during which loading and unloading is restricted on the Plans;

“no loading road” means any of the sides or lengths of roads specified on the Plans where loading is prohibited provided that the expression “no loading road” shall not include any parking place;

“no stopping hours” means in relation to any no stopping road the hours during which stopping is restricted on the Plans;

“no stopping road” means any of the sides or lengths of roads (including clearways) specified on the Plans where stopping is prohibited provided that the expression “no stopping road” shall not include any parking place;

“one-way street” means a highway in which the driving of vehicles otherwise than in one direction is prohibited;

“other approved method of payment” means any system of debit card, credit card, decrementing card or payment by phone which may be introduced by the Council;

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

"parking disc" has the same meaning as in the Local Authorities Orders (Exemptions for Disabled Persons)(England) Regulations 2000 which is capable of showing the quarter hour period during which a period of waiting has begun;

"parking place" means an area of a highway designated by this Order for the waiting of vehicles of specific classes;

"passenger vehicle" means a motor vehicle (other than a motor-cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

"pay and display ticket machine" means an apparatus of a type approved by the Secretary of State for issuing a ticket indicating the payment of a charge, the date on which the ticket is valid and the time by which the vehicle is required to leave the parking place;

"pay and display ticket" means a ticket issued by a pay and display ticket machine relevant to the parking place in which a vehicle has been left;

"penalty charge" means a charge imposed by legislation in respect of parking contraventions that are subject to civil enforcement;

“penalty charge notice” means a notice issued by or served pursuant to the provisions of the Traffic Management Act 2004 or any subsequent legislation so enabling;

“permit” means a residents parking permit, a visitors parking voucher, a business parking permit or an essential visitor parking permit and includes revised permits, replacement permits and duplicate permits issued by the Council 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 periods specified for each parking place during which waiting by vehicles of a specific class is permitted as specified on the Plans;

“prescribed vehicle” means a passenger vehicle, a light goods vehicle, a motor cycle or an invalid carriage;

“prohibited hours” means in relation to any prohibited road the hours during which waiting or loading is prohibited as specified on the Plans;

“prohibited road” means any of the sides or lengths of roads specified on the Plans where waiting is prohibited provided that the expression “prohibited road” shall not include any parking place;

“qualified medical practitioner” means a fully registered person within the meaning of the Medical Act 1983;

“registered carer” means any person employed by Gloucestershire County Council to provide care to other people in the exercise of its functions under any enactment;

"relevant position" in respect of: -

- (a) a disabled person's badge and parking disc has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
- (b) a permit or voucher means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the permit is clearly legible from outside the vehicle; and
- (c) a pay and display ticket means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the ticket is clearly legible from outside the vehicle;

"resident" means a person whose usual place of abode is at premises the postal address of which is in any road or part of road specified in Schedule 2;

"residents parking permit" means a permit issued by the Council for the leaving of a vehicle belonging to a resident in a parking place designated for vehicles displaying a valid resident permit;

"restricted hours" means in relation to any restricted road the hours during which waiting is restricted as specified on the Plans;

"restricted road" means any of the sides or lengths of roads specified on the Plans where waiting is restricted or specific activities are restricted during the restricted hours provided that the expression "restricted road" shall not include any parking place;

"taxi rank" means an area of carriageway which is indicated by road markings complying with diagram 1028.2 in the Traffic Signs and General Directions 2002;

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

"waiver certificate" means a certificate issued by or on behalf of the Council for the purposes of this Order 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 or prohibited.

"visitor parking voucher" means a voucher issued by the Council for the leaving of a vehicle belonging to a visitor to a resident in a parking place designated for vehicles displaying a valid resident permit or visitor voucher;

"zone" means a zone comprising the respective roads specified in the Schedules.

4. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to a Plan is a reference to a Plan incorporated into this Order.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies to the interpretation of an Act of Parliament 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.

SECTION 2 – PROHIBITION AND RESTRICTION OF WAITING AND LOADING

Prohibition of Waiting

6. Save as provided in Articles 13 to 20 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait at any time on any prohibited road as specified on the Plans.

Restriction of waiting

7. Save as provided in Articles 13 to 20 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle or a vehicle of a specific class to wait on any restricted road during the restricted hours as specified on the Plans.

Limited waiting

8. Save as provided in Articles 13 to 19 and 21 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait on any restricted road in respect of which there is specified on the Plans a period during the restricted hours in which waiting is allowed,
 - (a) for a period longer than specified on the Plans, or
 - (b) if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

Loading areas

9. Save as provided in Articles 13 to 15 and 18 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait during the restricted hours in any loading area specified on the

Plans unless it is of the specified class and except for the loading or unloading of goods in connection with adjoining trade or business premises.

10. Where there is specified in the Plans a maximum period during the restricted hours for which loading or unloading is permitted, no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait on any loading area,
 - (c) for a period longer than specified on the Plans, or
 - (d) if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

Restriction on loading and unloading

11. Save as provided in Articles 13 to 14 and 18 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle or a vehicle of a specific class to wait for the purpose of enabling goods to be loaded to or unloaded from the vehicle on any no loading road during the no loading hours as specified on the Plans.

Restriction on stopping

12. Save as provided in Articles 13 to 14 and 18 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to stop on any no stopping road or clearway during the no stopping hours as specified on the Plans.

Emergencies

13. Nothing in Articles 6 to 12 and 49 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 or loading areas specified therein for so long as may be necessary to enable

the vehicle to be used in an emergency for fire and rescue, ambulance or police purposes:

General exemptions

14. Nothing in Articles 6 to 12 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 or loading areas specified therein for so long as may be necessary to enable:
 - (a) 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, shop fitting, 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 telecommunications system,
 - (b) the vehicle, not being a passenger carrying vehicle,, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;
 - (c) the vehicle of the Royal Mail or other 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;
 - (d) 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/her control;

Loading and unloading

15. Nothing in Articles 6 to 9 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 or loading areas specified therein for so long as may be necessary to enable goods to be loaded to or unloaded from a vehicle (or goods or merchandise to be delivered or collected).

Board and alight vehicle

16. Nothing in Articles 6 to 8 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 person to board or alight from the vehicle.

Funerals and weddings

17. Nothing in Articles 6 to 8 of this Order shall render it unlawful to cause or permit any vehicle, if it cannot safely and conveniently be used for such purpose elsewhere, to wait in any of the roads, lengths of road or on the sides of road specified therein if it is being used for any funeral or wedding.

Parking places

18. Nothing in Articles 6 to 12 of this Order shall render it unlawful to cause or permit any vehicle to wait upon an authorised parking place.

Waiver certificate

19. Nothing in Articles 6 to 12 shall prevent any person from causing or permitting a vehicle to wait in any prohibited or restricted road if it is displaying in the relevant

position a valid waiver certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said permit or certificate.

Waiting by disabled persons' vehicle

20. Nothing in Articles 6 to 7 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 a prohibited road or a restricted road for a period not exceeding the period specified on the Plans (not being a period separated by an interval of less than that specified on the Plans 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 the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

21. Nothing in Article 8 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 on the sides of roads where waiting is permitted:

Provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

Taxi ranks

22. Nothing in Articles 6 to 8 shall prevent any person from causing or permitting a licensed hackney carriage to wait in any duly authorised taxi rank during the period of operation specified on the Plans.
23. No person shall cause or permit a hackney carriage to wait on a taxi rank during the period of operation other than for the purpose of plying for hire.

24. No person shall cause or permit any vehicle to wait on a taxi rank outside the period of operation of the taxi rank as specified on the plans.

Waiver certificate

25. The Council may issue a waiver certificate on receipt of written application with at least 5 working days notice and may impose terms and conditions as appropriate.
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. Notification of such cancellation shall be in writing to the holder of the certificate at any address that the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

SECTION 3 – PARKING PLACES

Pay and display parking places

Designation of pay and display parking places

27. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as pay and display parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified in the Schedules and on the Plans.
28. No person shall cause or permit any vehicle to wait in a pay and display parking place during the permitted hours unless it is of the specified class and there is displayed on that vehicle in the relevant position a pay and display ticket or permit valid for that time and for that parking place.

Classes of vehicles for which parking places are designated

29. Subject to the provisions of this Order, pay and display parking places may be used during the permitted hours for the leaving of passenger vehicles, light goods vehicles, motor cycles, disabled persons' vehicles and invalid carriages.

Maximum period of waiting

30. Save as provided in Articles 42 and 43, no person shall cause or permit any vehicle to remain in a pay and display parking place for longer than the maximum period specified for that parking place in Schedule 1.
31. Save as provided in Articles 42 and 43, no person shall cause or permit any vehicle which has been taken away from a pay and display parking place during the permitted hours, to be left again in a parking place in the same road during the permitted hours within the period specified in Schedule 1.

Ticket machines to be installed at pay and display parking places

32. The Council will –
- (a) install in such positions at or in the vicinity of a parking place as it may think fit such pay and display ticket machines as are required by this Order for the purposes of that parking place; and
 - (b) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place.

Payment

33. The driver of a vehicle using a parking place shall, upon leaving the vehicle in the pay and display parking place, and on payment of a charge, purchase a pay and display ticket at the level of charge and for the period required in accordance with the scale of charges specified in Schedule 1.

Means of payment

34. The charge referred to in the preceding Article shall be payable by the insertion of an appropriate coin, coins or banknotes, together making up the amount of the charge into the pay and display ticket machine relative to the pay and display parking place in which the vehicle has been left or by any other approved method of payment.

Display of ticket

35. The driver of the vehicle shall:
- (i) display the pay and display ticket issued on payment of the charge in the relevant position on the vehicle in respect of which it was issued, and
 - (ii) ensure that a pay and display ticket is displayed during the entire period that the vehicle is parked in the parking place.

Validity of Pay and Display Tickets

36. A pay and display ticket is not transferable from one vehicle to another.
37. A pay and display ticket is valid only in the parking zone in respect of which it was issued. This is defined by the identification on the parking ticket machine located in respect of that parking zone and the information printed on the pay and display ticket.

Expiry of parking period

38. The expiry of the period for which the charge has been paid shall be when the time shown on the clock of the issuing ticket machine is later than the time exhibited on the pay and display ticket displayed on the vehicle.

No ticket displayed

39. If at any time while a vehicle is left in a parking place no pay and display ticket is displayed on that vehicle in the relevant position, it shall be judged that the charge has not been paid.

Ticket machine out of order

40. If at the time when a vehicle is left during the permitted hours in a parking place and the nearest ticket machine is out of order, then a pay and display ticket shall be obtained from another parking ticket machine relative to that parking zone (where provided).

Restriction on removal of tickets

41. Where a ticket has been attached to a vehicle in accordance with the provisions of Article 35 no person, not being the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver.

Exemptions from payment and/or display of pay and display ticket

42. If at the time when a vehicle is left during the permitted hours in a pay and display parking place all the ticket machines relative to that parking place are out of order, that vehicle shall be exempt from payment of the charge provided that it is removed within the maximum period of waiting specified for that parking place on the Plans and on street.
43. Any vehicle displaying in the relevant position a valid disabled person's badge, waiver certificate or permit shall be exempt from payment of the parking charge and any time limit provided that the vehicle is being used in accordance with the conditions applying to the said badge, certificate or permit.

44. If at the time when a vehicle is left during the permitted hours in a pay and display parking place and payment has been made by an other approved method of payment which resulted in no ticket being issued by a pay and display ticket machine, that vehicle shall be exempt from the requirement to display a pay and display ticket.

Motor cycle parking places

Designation of motor cycle parking places

45. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as motor cycle parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
46. No person shall cause or permit any vehicle to wait in a motor cycle parking place during the permitted hours unless it is a motor cycle.

Disabled person's parking places

Designation of disabled person's parking places

47. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as disabled person's parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.

Display of disabled person's badge

48. No person shall cause or permit any vehicle to wait in a disabled person's parking place during the permitted hours unless there is displayed on that vehicle in the relevant position a valid disabled person's badge and the vehicle immediately before or after the act of parking has been or is about to be driven or used by the

person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

Maximum period of waiting in a disabled person's parking place

49. Save as provided in Article 13, no person shall cause or permit any vehicle to remain in a disabled person's parking place for longer than the maximum period specified for that parking place in the Plans.
50. Where as indicated on the Plans there is a limit on the time of stay on a disabled person's parking place, the driver of a vehicle shall upon leaving the vehicle in the disabled person's parking place, display in the relevant position a disabled person's badge and a parking disc, on which has been marked the time at which the period of waiting began and shall remove that vehicle from the said parking place within the maximum time specified.
51. Where a period within which a vehicle must not be left again in the disabled person's parking place is specified in the Plans, no person shall permit or cause the vehicle to wait again in that parking place until the expiry of that specified period.

Permit only parking places

Designation of residents permit holders only parking places

52. Subject to the provisions of this Order, parking places identified in the Plans as resident permit holders only parking places are hereby designated as being restricted to use during the permitted hours by vehicles displaying a valid residents' permit, visitor parking voucher, business permit or essential visitor permit.
53. Save as provided in Articles 66 and 67 no person shall cause or permit any vehicle to wait in a resident permit holders only parking place during the periods specified in the Plans unless there is on display in the relevant position on that vehicle a

residents parking permit, visitor parking voucher, business permit or essential visitor permit valid for that parking place.

Classes of vehicles for which permits are applicable

54. Subject to the provisions of this Order, permits and visitors vouchers may be issued in respect of classes of vehicles being passenger vehicles, light goods vehicles, motor-cycles, disabled persons vehicles and invalid carriages.

Permits to be displayed on vehicles

55. At all times during which a vehicle is left in a permit holders only parking place during the permitted hours, the driver thereof shall cause to be displayed in the relevant position a valid permit or visitors voucher issued in respect of that vehicle relating to the parking place within which that vehicle is left.
56. Where a permit has been displayed on a vehicle in accordance with the preceding Article, no person other than the driver of the vehicle shall remove the permit or visitors voucher from the vehicle unless authorised to do so by the driver of the vehicle.

Other parking places

57. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as parking places for specific classes of vehicles and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
58. Where other parking places are provided for the leaving of specific classes of vehicle with or without charge or time limit, no person shall cause or permit any vehicle to wait in that parking place during the periods specified in the Plans unless it is of the class specified.

General conditions in respect of parking places

Manner of standing in a parking place

59. Every vehicle left in a pay and display, disabled person's and permit parking place in accordance with the foregoing provisions of this Order shall stand:
- (i) if the parking place is in a one-way street, so that the vehicle is facing according to the direction of the traffic flow and adjacent to the edge of the carriageway;
 - (ii) if the parking place is not in a one-way street, so that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway;
 - (iii) so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300mm;
 - (iv) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting; and
 - (v) so that every part of the vehicle is within the limits of the parking place as marked on the carriageway.

Alteration of position of a vehicle in a parking place

60. Where any vehicle is standing in a parking place in contravention of the provisions of the preceding Article, a civil enforcement officer or police officer in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Movement of a vehicle in a parking place in an emergency

61. A police officer in uniform may move or cause to be moved or remove or cause to be removed, in case of emergency, to any place he / she thinks fit, any vehicle left in a parking place and shall provide for the safe custody of the vehicle.

Suspension of use of a parking place

62. (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary:
 - (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place or any sewer or of any main, pipe , or apparatus for the supply of gas, water or electricity or of any telecommunications system or the placing, maintenance or removal of any traffic sign;
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depositary, another office or dwelling-house;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed: or
 - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.
- (2) A police officer in uniform may suspend for not longer than twenty-four hours the used of a parking place or any part thereof whenever he / she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person or police officer suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of

this Article shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.

No waiting in suspended parking place

63. No person shall cause or permit a vehicle to be waiting in a parking place or any part thereof during which such period as the Council or a police officer has suspended that parking place or part thereof and exhibits notice of such suspension on or near that parking place.
64. Nothing in the preceding Article shall render it a contravention to cause or permit a vehicle to be left in a parking place which has been suspended, which displays in the relevant position a valid waiver certificate issued by the Council, and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

Restrictions of the use of vehicles in a parking place

65. During the permitted hours no person shall use any parking place or any vehicle whilst it is in a parking place in connection with the sale or offering or exposing for sale any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity:
Providing that nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is a passenger vehicle, a goods carrying vehicle, a motorcycle or an invalid carriage and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected and the vehicle does not wait for a period exceeding 10 minutes or such longer period as a civil enforcement officer may approve.

Exemptions to restriction on waiting by a vehicle in a parking place

66. Notwithstanding for foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:

- (a) the vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from a vehicle or load thereon or unload therefrom their personal luggage;
- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
- (c) the vehicle is being used by a doctor or nurse visiting premises adjacent to the parking place;
- (d) the vehicle is being used for fire and rescue, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
- (e) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (f) the vehicle is waiting –
 - (i) while postal packets addressed to the 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
 - (ii) while postal packets are being collected for the loading on the vehicle from premises or posting boxes adjacent to the parking place in which the vehicle is waiting or, having been so collected, are being loaded thereon;

- (f) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for a period exceeding 10 minutes or for such longer period as a civil enforcement officer or police officer in uniform may approve.

67. Nothing 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 in a designated parking place:

Provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

Pedestrian crossings

68. Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act of 1984.

Placing of traffic signs etc.

69. The Council shall:

- (a) place and maintain traffic signs indicating the limits of each parking place
- (b) place and maintain traffic signs of a design approved by the Secretary of State for the Department for Transport indicating that such parking places may be used during the permitted hours for the leaving only of the vehicles of the specified classes, and
- (c) carry out such other work as it reasonably required for the purposes of the satisfactory operation of a parking place.

SECTION 4 - CONDITIONS AS TO PERMITS

Classes of vehicles for which permits are applicable (prescribed vehicles)

70. Subject to the provisions of this Order, permits may be issued to classes of vehicles being passenger vehicles, goods vehicles, motor-cycles, disabled persons vehicles and invalid carriages.

Application for residents, business and essential visitor permits and visitor vouchers

71. Any resident who is the owner of a prescribed vehicle may apply to the Council for the issue of a residents permit in respect of that vehicle and / or the issue of visitor vouchers for use by visitors to the resident 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 form to be supplied.
72. Any business operating from premises with a postal address in the roads or parts of road as specified in Schedule 3 which is the operator of a prescribed vehicle may apply to the Council for the issue of a business permit in respect of that vehicle 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 form to be supplied.
73. Any carer or representative of a carer or registered medical practitioner may apply to the Council for the issue to them of an essential visitor parking permit for the leaving of a prescribed vehicle in a parking place in which such permits are valid; provided that the Council may require such specific and supportive information as it considers appropriate.
74. The Council may at any time require an applicant for a residents, business or essential visitor permit or the holder of a residents, business or essential visitor permit to produce to an officer of the Council or authorised agent 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 for to verify that the permit is valid.

Issue of residents, business and essential visitor permits and visitor vouchers

75. Upon receipt of an application duly made under Article 71 the Council upon being satisfied that the applicant is a resident who is the owner of a vehicle of the class specified and on payment of any fee as specified in Schedule 2 may issue to the applicant a resident's permit for the leaving during the permitted hours in a parking place of the vehicle to which such residents permit relates; providing that if a limit on the number of permits per resident or per household applies in accordance with Schedule 2 the limit is not exceeded.
76. Upon receipt of an application duly made under Article 71 the Council upon being satisfied that the applicant satisfies the requirements and on receipt of any fee may issue to the applicant visitor vouchers up to the maximum permitted as specified in Schedule 2 for the leaving during the permitted hours in a parking place of the vehicle to which a 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).
77. Upon receipt of an application duly made under Article 72 the Council upon being satisfied that the applicant satisfies the requirements and on receipt of any fee as specified in Schedule 3 may issue to the applicant business permits up to the maximum permitted as specified in Schedule 3 for the leaving during the permitted hours in a parking place of the vehicle to which a permit relates.
78. Upon receipt of an application duly made under Article 73 the Council upon being satisfied that the applicant satisfies the requirements and on receipt of any fee as specified in Schedule 4 may issue to the applicant essential visitor permits up to the maximum permitted as specified in Schedule 4 for the leaving during the permitted hours in a parking place of the vehicle to which a permit relates; provided

that the Council may impose such conditions on the use of the permit as it considers appropriate.

Use of permits and vouchers

79. A permit shall only be valid for use in a parking place on a road within an area identified on the permit and specified on the Plans.

Surrender of permits

80. A permit holder may surrender such permit to the Council or authorised agent at any time and shall surrender such permit to the Council or authorised agent on the occurrence of any one of the events set out in Article 82.

Withdrawal of permit

81. The Council or authorised agent may, by notice in writing served on 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 residence or place of business, withdraw a permit if it appears to the Council or authorised agent that any one of the events set out in Article 82 has occurred and the permit holder shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the aforementioned notice.
82. The events referred to in Article 80 are:-
- (i) the permit holder ceasing to be a resident;
 - (ii) the permit holder ceasing to be the owner of the vehicle in respect of which the resident's permit was issued;
 - (iii) 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 70;
 - (iv) the issue of a duplicate permit or visitor permit / voucher by the Council under the provisions of Article 87; or

- (v) the permit being defaced, mutilated or altered.

Validity of permit

- 83. A permit shall cease to be valid at the expiration of the period specified thereon (which period shall be that in respect of which a resident's permit or visitor permit / voucher had been made) or on the occurrence of any of the events set out in the preceding Article, whichever is the earlier.
- 84. Where a permit or voucher is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit or voucher shall cease to be of any effect and the council shall by notice in writing served on the person to whom such permit or voucher was issued by sending the same by recorded delivery to the permit holder at the address shown by that person on the application for the permit, or at any other address believed to be that person's place of abode, require that person to surrender the permit or voucher to the Council within 48 hours of receipt of the aforementioned notice.

Duplicate permits

- 85. If a permit or visitor voucher is accidentally mutilated or defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and apply to the Council for the issue of a replacement permit or voucher.
- 86. If a permit or visitor voucher is lost or destroyed, the permit or voucher holder may apply to the Council for the issue of a duplicate permit or voucher.
- 87. On application under Articles 85 or 86, the Council, being satisfied as to the circumstances as indicated, and on payment of any fee as the Council may from time to time determine, shall issue a replacement or duplicate permit or voucher so marked and upon such issue the original permit or voucher shall become invalid.

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

Form of permit

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

- (i) the registration mark of the vehicle in respect of which the permit has been issued.
Provided that in exceptional circumstances at the absolute discretion of the Council the vehicle registration mark may be omitted;
- (ii) the period during which, subject to the provisions of Article 81, the permit shall remain valid;
- (iii) an indication that the permit has been issued by the Council; and
- (iv) a code or identification indicating the parking area for which the permit is valid.

Refund of charge paid

90. A permit holder who surrenders a permit to the Council before the permit becomes valid or after the permit becomes valid may be entitled to a refund of a sum determined by reference to a policy agreed from time to time by the Council.

SECTION 5 - CONTRAVENTION OF ORDER

Contravention

91. If a vehicle is left in a prohibited or restricted road or parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable. A penalty charge notice showing the information required by the relevant statutory legislation may then be issued and / or the vehicle may be removed from the location.

Indications as evidence

92. The particulars given in the penalty charge notice issued in accordance with the provisions of Article 91 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

Restriction on removal of notices

93. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 91 no person, not being the driver of the vehicle, a police officer in uniform, a civil enforcement officer or some other person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle.

Immobilisation

94. If a vehicle is left after a penalty charge has been incurred, a civil enforcement officer in uniform or a person acting under his/her direction may attach to the vehicle an immobilisation device and a notice in accordance with the provisions of the Traffic Management Act 2004 or any subsequent legislation so enabling and that vehicle shall only be released from the device on payment of the penalty charge, along with such release fee as may be required by the Council.

Removal of vehicle

95. Where a civil enforcement officer has removed or caused to be removed a vehicle in accordance with Articles 61 or 91,
- (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 Act of 1984 as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.
96. Nothing in Articles 61, 91 or 94 shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.
97. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

SECTION 6 - REVOCATIONS

98. The Gloucestershire County Council (The Borough of Tewkesbury) (Prohibition and Restriction of Waiting and Loading and Parking Places) (Consolidation) Order 2007 is hereby revoked.

Dated: 26th May 2008

2882

THE COMMON SEAL of the COUNCIL)
of Gloucestershire County Council was hereunto)
affixed in the presence of:-)



G.M. Parkinson
for Director of Law and Administration

**BOROUGH OF TEWKESBURY
SCHEDULE 1
PAY AND DISPLAY PARKING CHARGES**

THERE ARE NO PAY AND DISPLAY PARKING PLACES IN THE BOROUGH OF TEWKESBURY

**BOROUGH OF TEWKESBURY
SCHEDULE 2
RESIDENTS PERMITS**

**List of streets where residents are eligible for permits
(all addresses unless otherwise indicated)**

TEWKESBURY – ZONE A TWIXTBEARS

Addresses where residents are eligible for residents permits and visitor vouchers

1 to 39 Twixtbears GL20 5TB

1 to 7 Mythe Cottages, Mythe Road GL20 6EB

2 to 24 (even numbers only) Bredon Road GL20 5BZ

Pound Cottage, Bredon Road GL20 5BZ

The Old Police Station (residential part only), Bredon Road GL20 5BZ

TEWKESBURY – ZONE B KING JOHNS COURT

Addresses where residents are eligible for residents permits and visitor vouchers

1 to 29 King John's Court GL20 6EG

1 to 7 Mythe Cottages, Mythe Road GL20 6EB

Maximum number of resident's permits available

Two permits per household

Maximum number of visitor vouchers available

Unlimited number per resident

Visitor vouchers allow parking for 24 hours

Charges for permits and vouchers

(Charges may be varied from time to time by the Council)

Resident's permit	£25.00 for 6 months £50.00 for 12 months
Resident's motor cycle permit	£5.00 for 12 months
Visitor vouchers	£5.00 per booklet of 10 vouchers
Replacement / duplicate permit or voucher	According to policy as determined from time to time by the Council
Amendment charge for change of vehicle or zone	According to policy as determined from time to time by the Council
Refunds	According to policy as determined from time to time by the Council

BOROUGH OF TEWKESBURY

SCHEDULE 3

BUSINESS PERMITS

THERE ARE NO BUSINESS PERMITS AVAILABLE IN THE BOROUGH OF TEWKESBURY

BOROUGH OF TEWKESBURY

SCHEDULE 4

ESSENTIAL VISITOR PERMITS

AVAILABILITY AND CHARGES FOR ESSENTIAL VISITOR PERMITS ACCORDING TO POLICIES AS DETERMINED FROM TIME TO TIME BY THE COUNCIL

