

NORTH YORKSHIRE COUNTY COUNCIL

(VARIOUS ROADS, BOROUGH OF HARROGATE)
(PARKING AND WAITING) (NO 14) ORDER 2007

North Yorkshire County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1), 2(1) to (3), 4(2), 32(1) and 35(1) of the Road Traffic Regulation Act 1984 ("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 make the following Order:-

PART 1
GENERAL

1. (1) When used in this Order each of the following expressions has the meaning assigned to it below:-

"Authorisation Card" means a card issued by the Council under Article 22 as proof of entitlement to purchase Residents' Guest Permits and Guest House Permits and is not itself a Permit;

"Authorised Parking Place" means any parking place on a road authorised or designated by an Order made or having effect as if made under the Act or and which is comprised within and indicated by a road marking complying with either diagram 1028.3, 1028.4, 1032 or diagram 1022 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002 or otherwise authorised by the Department for Transport;

"Business Premises" means any one hereditament assessed for Uniform Business Rate or (except in the case of holiday flats or premises let on tenancies of less than three months which shall each be treated as separate Business Premises) where more than one such hereditament is occupied by substantially the same personnel within the same or neighbouring buildings or curtilages, the combination of such hereditaments is one Business Premises for the purposes of this Order;

"Carriageway" means that part of the Road over which the public have right of way of the passage of Motor Vehicles and excludes any way over which the public have right of way on foot only;

"Column" means a Column in a Schedule or Part of a Schedule referred to or last referred to;

"delivering" and or "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"Director of Development Services" means the officer employed in that post or any equivalent post by Harrogate Borough Council;

"disabled person" means a person who holds a disabled persons' badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682) (and in particular Regulation 4 thereof) or any re-enactment thereto;

"disabled person's badge" means a badge issued in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended) (in particular Regulation 11 and the Schedule thereto) or under regulations having effect in Scotland and Wales under Section 212 of the Chronically Sick and Disabled Persons Act 1970 as referred to currently by the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (No. 683) or any subsequent further re-enactments thereof;

"disabled person's parking bay" means any area of carriageway designated as a parking bay reserved for disabled person's badge holders and which is comprised within and indicated by a road marking complying with diagram 1028.3 or 1033 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002;

"disabled person's vehicle" means a vehicle driven by a disabled person as defined in Regulation 4(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682);

"driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place (and shall, as appropriate, bear the meaning assigned by Section 142 of the 1984 Act);

"goods" shall mean items of any description which cannot easily be carried by one person and do not include goods that are not pre-ordered, shopping, small fragile goods or cash or other valuable securities which are being collected or delivered from a bank/building society;

"goods vehicle" means a motor vehicle constructed or adapted for the carriage or haulage of Goods or burden of any description (other than the effects of passengers) or a trailer so constructed or adapted whether or not such Trailer may by superimposition be attached to the Motor Vehicle in such a manner as to cause a substantial part of its weight to be borne by the Motor Vehicle;

"household" means any self-contained unit of domestic living accommodation which contains sleeping, cooking, washing and toilet facilities;

"Head of Legal Services" means the Head of Legal Services of Acting Head of Legal Services of the Council at the time of sealing of this Order and any successor post should the post title be changed during the operation of this Order;

"heavy commercial vehicle" has the same meaning as in section 138 of the 1984 Act and which has an operating weight exceeding 7.5 tonnes;

"invalid carriage" means a mechanically propelled vehicle not being a specialist Motor Vehicle the weight of which unladen does not exceed 254 kgs and which is specifically designed and constructed, and not merely adapted, for the use of a person suffering from severe physical defect or disability and which is used solely for such a person;

"junction" means, unless otherwise indicated in this Order, the intersection of the general alignment of the kerblines/ channel line of two roads;

"length" referring to a road means a length of road described in a Schedule;

"loading" and, or "unloading" means when a motor vehicle stops to load or unload bulky or heavy goods and "loaded" and "unloaded" shall be construed accordingly;

"maximum gross weight" shall have the meaning ascribed to that expression by Regulation 4 of the Traffic Signs Regulation and General Directions 2002;

"motor car" shall mean and include any mechanically propelled vehicle not being a motor cycle or an invalid carriage, which is constructed itself to carry passengers of which the weight unladen does not normally exceed 3050 kilograms subject always to the inclusion of the extended meaning to this term given in Section 136 of the 1984 Act (and whether or not it is being used for business purposes);

"motor cycle" and "invalid carriage" have the same meanings respectively as in Section 136 of the Act;

"motor vehicle" means any class of mechanically propelled vehicle including motor cycles motor cars good vehicles and car derived vans, and shall bear the extended definition given thereto in Sections 136 and 137 of the 1984 Act (but shall not include any commercial vehicle as defined above or any heavy commercial vehicle as defined in Section 138 of the Act) (and whether or not it is being used for business purposes). Where reference is made to vehicle or motor vehicle in the Order these terms shall be deemed to have the same meaning and be interchangeable and to be interpreted accordingly;

"Officer" means an Officer of the Council duly authorised for any purpose;

"Operative Hours" means in relation to those lengths of Road specified in Schedule 2 and for the period specified in those lengths of Road specified in Schedule 2;

"owner" in relation to a vehicle means the person by whom such vehicle is kept and used;

"parking attendant" shall mean the person or persons duly authorised in writing in that behalf (from time to time) by the Council of the Borough of Harrogate;

"parking disc" means in relation to article 4(2) of this Order (Exemptions for Disabled Persons' Vehicles), a device which:-

- (a) is 125 millimetres square and coloured blue, issued on or after 1st April 2000 or orange, if issued before that date;
- (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;

"parking place" means any parking place on a road authorised or designated by an Order made or having effect as if made under the Act or and which is comprised within and indicated by a road marking complying with either diagram 1032 or diagram 1022 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002;

"Parking Services Manager" means an Officer for the time being appointed to that post by the Harrogate Borough Council;

"penalty charge" means a charge set by the Council under the provisions of Section 74 of the 1991 Act in accordance with guidance given by the Secretary of State and specified in Article 31 of this Order, such charge being payable by virtue of Paragraph 3(1) and (2) of Schedule 3 of the 1991 Act in the manner set out in the Penalty Charge Notice;

"penalty charge notice" means a Notice issued by the parking attendant pursuant to the provisions of Section 66 and Schedule 6 and related provisions of the 1991 Act;

"Permit" means a Valid Permit and includes any Permit issued by the Council under the provisions of this Order which has become invalid or is used in circumstances in which it is invalid;

"Permit Holder" means a person to whom a Permit has been issued under the provisions of this Order until such time as that Permit is surrendered to the Council or the Permit expires;

"post office" and any reference to "post office vehicle" or "postal packets" shall be construed in the context of the Postal Services Act 2000 and the Consequential Amendments Order 2001 (No. 2001/648) and shall include therefore references to "universal service providers" such as Consignia Plc, as the context shall require;

"quarter hour period" means a period of quarter of an hour starting at any hour or fifteen, thirty or forty-five minutes past the hour which can be shown on the parking disc;

"Registered Keeper" means:-

- (a) the person whose name appears in the Motor Vehicle registration document or book of the Motor Vehicle in whose name the vehicle is registered, or
- (b) a person who has the permanent use of the Motor Vehicle vested in the name of his employer, or in the case of a leased Motor Vehicle in the name of the leasing company;

"relevant position" means (in conformity with Regulation 12 of SI 2000 No. 682) referred to above):-

- (a) in relation to a disabled person's badge,
 - (i) in the case of a vehicle fitted with a dashboard or facia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or
 - (ii) in the case of a vehicle not fitted with a dashboard or facia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle
- (b) in relation to a permit
 - (i) in the case of a vehicle fitted with a front windscreen the permit is exhibited thereon on the near side of and immediately behind the windscreen and with the front facing forward so as to be legible from the outside of the vehicle; or
 - (ii) in the case of a vehicle not fitted with a front windscreen, the permit is exhibited in a conspicuous position on the vehicle;

"resident" means a person whose usual place of abode is at premises fronting any length of Road specified in Schedule 1, holding a driving licence and who may make an application for a household permit for a motor vehicle having an unladen weight of not more than 1525Kgs;

"resident parking permit" means the person to whom a resident parking permit or visitor parking permit has been issued by the Council

"road" means the full width of the highway including the carriageway and footway;

"traffic sign" means a sign or marking of any size colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act;

"trailer" shall have the meaning assigned to it by Section 138(3) of the 1984 Act;

"the 1991 Act" means the Road Traffic Act 1991.

"The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002;

"valid permit" means a permit issued in respect of a motor vehicle under the provision of article 21 which has not become invalid and is not being used in circumstances where it is not valid;

"verge" means any part of a road which is not a carriageway, footway or lay-by;

"zone" means an area referred in Schedule 2 to this Order and outlined by a thick black line on a plan contained in Schedule 2 to this Order and any one zone may be referred to

by the reference number given to that Zone in Schedule 2 or title on the plan of that zone;

- (2) Except where otherwise stated, any reference in this Order to a numbered article or Schedule is a reference to the article or Schedule bearing that number in this Order.

2. For the purposes of this Order any reference to a length of road shall be construed as a reference to the length specified in column 4 of the Schedules to this Order of the side or sides of road specified in respect of that length in column 3 thereof in relation to the road named in respect of that side or those sides in column 2 of that Schedule.

PART 2

PROHIBITION AND RESTRICTION OF WAITING

3. Save as provided in article 4(1) or (2) of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform, or of a Parking Attendant, cause or permit any vehicle to wait at any time in any length of road specified in Schedule 1 to this Order.

Exemptions

4. (1) Nothing in articles 3 of this Order shall render it unlawful to cause or permit any vehicle to wait in any length of road specified in Schedule 1 to this Order during the hours prescribed in those articles for so long as may be necessary to enable:-
- (a) a person to board or alight from the vehicle or
 - (b) goods to be loaded on or unloaded from the vehicle or
 - (c) the vehicle if it cannot conveniently be used for such purposes in any other road to be used in connection with any of the following operations:-
 - (i) building, industrial or demolition operations
 - (ii) the removal of any obstruction to traffic
 - (iii) the maintenance, improvement or reconstruction of any length of road specified in Schedule 1 or
 - (iv) the laying, erection, alteration or repair, in or in land adjacent to, any length of road specified in Schedule 1 of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (v) the delivery or collection of postal packets as defined in Section 87 of the Post Office Act 1953 at or from premises fronting any length of road specified in Schedule 1.
 - (d) the vehicle if it cannot conveniently be used for such purpose in any other road to be used in the service of a local authority or a water authority for the purpose of the performance of the statutory functions of such authority;
 - (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to any length of road specified in Schedule 1;
 - (f) the vehicle to wait at or near to any premises situated on or adjacent to any length of road specified in Schedule 1 for so long as is reasonably necessary to enable the vehicle to be used for or in connection with the purposes of any wedding or funeral taking or to take place from or at any such premises;
 - (g) the vehicle to be used for fire brigade, ambulance or police purposes.

- (2) Nothing in article 3 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge whilst such vehicle is being used by or for the convenience of a disabled person and a parking disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait in any of the lengths of road referred to in those articles during the hours prescribed in those articles 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 on the same day).
5. Nothing in article 3 of this order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait in any of the lengths of road referred to in that article.
6. Save as provided in article 4(1) or (2) of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform, or of a Parking Attendant, cause or permit any vehicle to wait at any time in any length of road specified in Schedule 1 to this Order.

PART 3
AUTHORISATION AND USE OF PARKING PLACES FOR PERMIT HOLDERS ONLY

7. Each of the lengths of road specified in Schedule 2 to this Order is authorised to be used at all times, subject to the following provisions of this Order, as a parking place for such vehicles as are passenger vehicles, dual purpose vehicles, vehicles/ light trailers, motor cycles or invalid carriages which display in the Relevant position a Valid Permit specific to the parking place specified in Schedule 2 within the positions marked for them and shall be an authorised parking place.
8. For the avoidance of doubt, the Driver of a Motor Vehicle shall not permit it to wait in any authorised parking place specified in Schedule 2 unless the Motor Vehicle is;-
- (a) a Motor Vehicle left by the Driver thereof being a Motor Vehicle which displays in the Relevant Position a Valid Permit specific to the Zone reference number in which the Motor Vehicle is parked, except where the permit applies to all Zones.
 - (b) Position wholly within the limits of the authorised parking place as indicated by the markings on the carriageway and no part of it, whilst so parked, projects over, on to or straddles any marking placed within that authorised parking place.
 - (c) unless it is of the class of vehicle specified in Article 7 of this Order and in such a position as specified
9. It is hereby declared that (for the avoidance of doubt) that the Council shall (in its sole discretion) have the power to carry out the following actions, namely;-
- (i) to cause the limits of each and any parking place designated by this Order 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 1984 Act;
 - (ii) to place and maintain on or in the vicinity of each such parking place, traffic signs of any size colour and type prescribed or authorised under Section 64 of the 1984 Act indicating that such parking place may be used during the operative hours for the leaving of vehicles only as specified in this Order; and
 - (iii) to carry out such work as is reasonably required for the purposes of the satisfactory operation of these designated parking places.
10. (a) The driver of a two wheeled motor cycle not having a side car attached shall be exempt from the provisions of Articles 7 to 9 of this Order.
- (b) The following vehicles left in a parking place on any of the lengths of road specified in Schedule 2 to this Order during the operative hours shall be exempt from compliance with

any limitation of time during when a vehicle may be left in such a parking place specified in the foregoing provisions of this Order:-

- (i) an invalid carriage;
- (ii) a vehicle issued to a disabled person by the Department of Health and Social Security in lieu of an invalid carriage;
- (iii) a vehicle left by the driver thereof, who is a person who on account of his severe physical disability has been given a notice in writing by the Council that he is exempt from any such compliance, if the notice is displayed on the vehicle in a conspicuous position;
- (iv) a disabled person's vehicle which displays in the relevant position a disabled person's badge having effect as if it were a disabled person's badge;
- (v) a vehicle left by the driver thereof being a vehicle which bears in a conspicuous position a permit issued by the Director of Development Services at Harrogate Borough Council, or a certificate signed by the Chief Executive and the County Secretary of North Yorkshire County Council (after consultation with Harrogate Borough Council) stating that the vehicle is exempted under this provision – such certificates to be granted only in exceptional circumstances.
- (vi) A Motor Vehicle left by the Driver thereof being a Motor Vehicle which displays in the Relevant Position a Valid Permit specific to the Zone reference number in which the Motor Vehicle is parked, except where the permit applies to all Zones.

Powers to Suspend Use of Parking Places

11. Any parking attendant or other person duly authorised by the County Council or Borough Council may suspend the use of any parking place or any part thereof whenever he or she considers such suspension reasonably necessary as follows:-
 - (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the erection, maintenance or removal of any traffic sign adjacent to that parking place;
 - (iii) for the purpose of any building operation, demolition or excavation in or adjacent to any parking place or the maintenance improvement or reconstruction of any such parking place or the laying erection alteration removal or repair in or adjacent to the designated parking place of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any telegraphic line or traffic sign;
 - (iv) for the cleansing of gullies in or adjacent to that parking place;
 - (v) for the convenience of occupier of premises adjacent to any parking place on any occasion of the removal of furniture from one dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (vi) on any occasion of any public procession rejoicing or illumination, or where the streets are thronged or liable to be obstructed.
12. Without prejudice to the generality of any other statutory provision, a Police Constable in uniform may suspend for not longer than 24 hours the use of any parking place or any part thereof designated by this Part of this Order whenever he or she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

Traffic Signs and Cones

13. Any person, parking attendant, Police Officer or other authorised person who causes suspension of the use of any parking place or any part thereof in accordance with Articles 11 and 12 of this Order, shall thereupon place or cause to be placed in or adjacent to that designated parking place or the part thereof, the use of which is suspended, a traffic sign or cone indicating that waiting by motor vehicles is prohibited.
14. No person shall cause or permit a motor vehicle to be left in any part of a parking place so long as during such period there is in or adjacent to that designated parking place a traffic sign or cone placed in pursuance the preceding Articles of this Order.

Further Conditions on the Use of Parking Places

15. The driver of a motor vehicle using a parking place on any of the lengths of road specified in Schedule 2 to this Order shall stop the engine as soon as the vehicle is in position in the parking place and the engine shall not be started except when the position of the vehicle in the parking place is about to be changed or the vehicle is about to depart from the parking place.

Prohibition on use of parked vehicles for offer of sale of articles, goods or services

16. No vehicle shall be used while it is in a Parking Place in the connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of the skill or services of any person (with the exception of street traders licensed by the relevant authority).

Powers to remove vehicles in Parking Places

17. (a) It is hereby declared for the avoidance of doubt and in pursuance of statutory powers in that behalf, if any vehicle is left in a position other than in accordance with the foregoing provisions of this Order, then a Police Constable, parking attendant or other person authorised by the Council in that behalf:-
 - (i) may alter or cause to be altered, the position of the vehicle so that its position is in accordance with the said provisions; or
 - (i) may alter or cause to be altered, the position of the vehicle or remove or arrange for the removal of the vehicle to a secure place in the manner and on the basis set out in this Article.
 - (b) Any person or persons altering, or causing the alteration of, the position of any vehicle by virtue of paragraph (a) (i) or (a) (ii) of this Article, may do so by towing or driving the vehicle or in such other manner as he or she or they may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
 - (c) Any person or persons removing or arranging for the removal of any vehicle by virtue of paragraph (a) (i) or (a) (ii) of this Article shall make such arrangements as he/she or others considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.
18. No person shall, except with the permission of a Police Constable, parking attendant or other person duly authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purposes of departing from the parking place.

Exemptions

19. Nothing in the foregoing provisions of this Part of the Order shall apply to a vehicle waiting during the operative hours in a parking place if:-
- (a) the Motor Vehicle if it cannot conveniently be used for such purposes in any other road to be used in connection with any of the following operations:-
 - (i) building, industrial or demolition operations;
 - (ii) Goods to be loaded on or unloaded from the motor vehicle;
 - (iii) the removal of any obstruction to traffic;
 - (iv) the maintenance, improvement or reconstruction of the length of road specified in Schedule 2;
 - (v) the laying, erection, alteration or repair, in or in land adjacent to, the length of road specified in Schedule 2 of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (vi) the delivery or collection of Postal Packets as defined in Section 87 of the Post Office Act 1953 at or from premises fronting any length of Road specified in Schedules 2.
 - (b) the Motor Vehicle is waiting only so long as is necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (c) the Motor Vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle or to load thereon or unload his personal luggage;
 - (d) the Motor Vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
 - (e) the Motor Vehicle is a Motor Vehicle being used for Fire Brigade or Ambulance purposes or a Motor Vehicle (other than a passenger vehicle) in the service of a local authority or a Motor Vehicle in the service of a Police Force or statutory undertaking in any case being used in pursuance of statutory powers or duties which require the Motor Vehicle to be close at hand for the purpose of such statutory powers or duties;
 - (f) the Motor Vehicle to wait at or near to any premises situated on or adjacent to any length of Road specified in Schedule 2 for so long as is reasonably necessary to enable the Motor Vehicle to be used for or in connection with the purposes of any wedding or funeral taking or to take place from or at any such premises;
 - (g) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the length of road specified in Schedule 2;
20. For the avoidance of any doubt it is hereby declared that any Goods Vehicle or Heavy Commercial Vehicle is prohibited to wait in any of the Parking Places specified in Schedule 2 of this Order.

PART 4
ISSUE AND DISPLAY OF PERMITS

Entitlement

21. (a) The Council shall issue Permits of the following types to persons and users qualifying under Column 2 of Part II of Schedule 2 up to the maximum qualifying under Column 2 of Part II of Schedule 2 up to the maximum number and limitations set out in Column 3 of that Schedule and such Permits shall be valid subject to the provisions of this Order when displayed on vehicles of a class permitted by Article 7 in the Parking Places specified in Schedule 2:-

(b) Household Permit

Additional Household Permit

Residents' Guest Permit

Multiple Occupancy Household Permit

Guest House Permit

Business Permit

Discretionary Permit

Medical Permit

Attendance Permit

(b) A Permit does not reserve any part of a parking place for the use of a Permit Holder.

Applications for Permits and Authorisation Cards

22. (a) Permits

(i) Any person entitled to a Permit under Article 21 and Part II of Schedule 2 may apply to the Council for the issue of a Permit 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 the Council.

(ii) The Council may at any time require a Permit Holder or applicant for a Permit to produce to an Officer such evidence in respect of an application made to them for Permit as they may reasonably require to verify any particulars or information given to them and pending receipt of such information and approval or rejection of the application may issue a temporary permit ("temporary permit") of such nature and duration as the Director of Technical Services shall consider fit and such temporary permit shall be a Valid Permit until it is withdrawn or expires.

(ii) On receipt of an application duly made under the foregoing provisions of this Article, the Council, upon being satisfied that the applicant is a person entitled to a Permit or Permits under Article 21 and Part II of Schedule 2 shall, subject to the provisions of this Order, issue to the applicant a Permit or Permits of the type and for the Zone or Zones for which the application is approved.

(iii) The Council has no obligation to issue a Permit until the fee specified in relation to the type of Permit to be issued as stated in Part III of Schedule 2 has been paid by the person stated therein to be entitled to such Permit but the Council may issue any Permit (other than a Residents' Guests' Permit or a Guest House Permit) for a period of a year ("the Annual Period").

- (iv) Where any application for a Permit is made during the currency of the Annual Period the Council may issue a Quarterly Permit at one quarter of the rate specified in Part III of Schedule 2 to expire three, six or nine months before the expiry of the Annual Period ("the Quarterly Period") provided that any Quarterly Permit issued two weeks or less before the expiration of a Quarterly Period shall expire at the end of the following Quarterly Period.
- (v) Upon surrender of a Permit issued for an Annual Period the Council shall remit 75%, 50% or 25% of the fee paid if it is surrendered during the first, second or third Quarterly Periods respectively.

(b) Authorisation Cards

- (ii) For the purpose of the issue of Residents' Guests' Permits under Article 21 and Part II of Schedule 2 the Council shall issue one Household Authorisation Card for a Zone to an applicant provided the applicant is entitled to a Household Permit or a Multiple Occupancy Household Permit and does not hold a Discount Authorisation Card.
- (ii) For the purpose of the issue of Residents' Guests' Permits under Article 21 and Part II of the Schedule 2 the Council shall issue one Discount Authorisation Card for a Zone to an applicant provided the applicant is entitled to a Household Authorisation Card but has not acquired one and is:-
 - (a) over retirement age; or
 - (b) a registered disabled person; or
 - (c) in receipt of Income Support or Unemployment Benefit.
- (iii) For the purpose of the issue of Guest House Permits under Article 21 and Part II of Schedule 2 the Council shall issue a Guest House Authorisation Card to the Proprietor of a Guest House or small Hotel which is registered as such with a body approved by the Council for that purpose and which is wholly located within a Zone except where the premises are registered with more than sixty bedrooms.
- (iv) Articles 22(a), 23, 24 and 25 shall apply to Authorisation Cards as though they were Permits and references in those Articles to Article 21 and Part II of Schedule 2 shall be construed as a reference to this Article 22(b) and Article 22(a)(v) and (vi) shall not apply to a Household Authorisation Card.

Withdrawal and Validity of Permits

23. (a) Withdrawal

- (i) A Permit Holder may surrender a Permit to the Council at any time and shall surrender a Permit to the Council on the occurrence of any one of the events set out in paragraph (a)(ii) or (b)(i)(a) or (b).
- (ii) The Council may, by notice in writing served on a Permit Holder by sending the same by the 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 person's place of abode, withdraw a Permit if The Director of Technical Services believes that:-
 - (a) the Permit Holder is no longer qualified under Article 21 and Part II of Schedule 2; or
 - (b) the Permit Holder has used or permitted the use of a Permit in contravention of the provisions of this Order; or
 - (c) the Permit has otherwise ceased to be valid

an in such cases the Permit Holder shall surrender the Permit so that it is received by the Council within 72 hours of the receipt of the aforementioned notice.

(b) Validity

(i) A Permit shall cease to be valid:-

- (a) if the Permit Holder is no longer qualified under Article 21 and Part II of Schedule 2; or
- (b) where a Permit is issued in respect of a particular vehicle and the Permit Holder ceases to be the Owner of that vehicle; or
- (c) other than in the case of a Residents' Guests' Permit or Guest House Permit if the expiry date of that Permit has passed; or
- (d) in the case of a temporary permit, if the Council rejects the application which forms the basis for the grant of the temporary permit

and the Permit Holder shall surrender the Permit so that it is received by the Council within 72 hours of the occurrences mentioned in (b)(i)(a) or (b) of this paragraph.

(ii) A Permit is not valid for a Parking Place other than one situated within the Zone the reference number of which as designated within Part I of Schedule 2 is marked on the Permit.

- (i) A Permit is not valid for a Parking Place if it does not bear the vehicle registration number for which it is displayed.
- (ii) A Residents' Guests' Permit and Guest House Permit come into effect on the earliest date exposed on that Permit and expire at noon on the day after the earliest date exposed on the Permit.
- (iii) Without prejudice to any other provision of this Order a Permit shall not be valid in the circumstances set out in Column 5 of Part II of Schedule 2.
- (iv) Where a date has been entered or exposed on any Permit any alteration or obliteration of that date will render the Permit invalid.

Duplicate Permits

24. (a) If a Permit other than a Residents' Guests' Permit or Guest House Permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the Permit has become altered by fading or otherwise or if a Permit is issued in respect of a particular vehicle and the Permit Holder wishes to transfer it to another vehicle, the Permit Holder shall surrender it to the Council and the Council, upon receipt of the Permit, shall issue a duplicate Permit so identified.
- (b) If a Permit other than a Residents' Guests' Permit or a Guest House Permit is lost or destroyed the Permit Holder may apply to the Council for the issue of a duplicate and the Council upon being satisfied as to the loss or destruction shall upon payment of the fee specified in Part III of Schedule 2 issue a duplicate Permit so identified.
- (c) The provisions of this Order shall apply to a duplicate Permit as if it were a Permit.
- (d) Upon the issue of a duplicate Permit the permit which it duplicates shall become invalid.

Form of Permit

25. A Permit shall be in writing and shall include such particulars and be of such design as the Council may from time to time consider desirable but shall state one of the Zone numbers set out in Column 2 of Part I of Schedule 2.
26. A Permit is non transferable and does not have any effect outside the Zone number specified on that Permit.

Display of Permit

27. At all times during which a Motor Vehicle is left in a Parking Place during the Operative Hours the Permit shall be exhibited on the Motor Vehicle in the Relevant Position so that all such particulars referred to in Article 25 are clearly visible from the front of the Motor Vehicle.

Removal of Permit

28. A person, shall not remove a Permit from a vehicle unless authorised to do so by the Driver of the vehicle.

Appeals

29. Any person aggrieved by:--

- (a) the refusal of the Council to issue a Permit or Authorisation Card under Article 22; or
- (b) the withdrawal of a permit or Authorisation Card under Article 23.

shall have a right to appeal to the Director of Technical Services in consultation with the Cabinet Member with responsibility for Public Works issues.

PART 5
PENALTY CHARGE AND PAYMENT

30. From the date The Road Traffic (Permitted Parking Area and Special Parking Area) (County of North Yorkshire) (Borough of Harrogate) Order 2002 takes effect on 15 July 2002, hereinafter called the Designation Order, the following provisions shall apply by operation of law, namely:-

- (1) Where a vehicle:-
 - (a) waits, parks or is left on a road in contravention of the foregoing provisions of this Order or otherwise contravenes or fails to comply with the provisions of this Order, insofar as it relates to a vehicle waiting, parking or being left on a road; or
 - (b) waits, parks or is left on a road in contravention of any other Traffic Regulation Order the provisions of which are not consolidated into this Order or fails to comply with the provisions of any such Order insofar as it relates to a vehicle waiting, parking or being left on a road; or
 - (c) parks in contravention of the provisions of Section 19 or 21 of the Road Traffic Act 1988 (prohibition of parking of HGVs on verges, central reservations and footways), and (driving or parking on cycle tracks);

then a Penalty Charge of £60 shall be payable within 28 days beginning with the date of the Notice under Section 66(3) of the 1991 Act.

- (2) In the case of a vehicle in respect of which a Penalty Charge is payable under Paragraph (1) of this Article, a Penalty Charge Notice may be issued by a parking attendant in accordance with the requirements of Section 66 of the 1991 Act and may accordingly be affixed to the vehicle or given to the person appearing to be in charge of the vehicle;
- (3) A Penalty Charge Notice shall contain the details required by Section 66(3) of the 1991 Act;
- (4) Where a Penalty Charge Notice has been issued and affixed or given in the manner set out above, it shall not be removed or interfered with except by or under the authority of the owner or person in charge of the vehicle or a parking attendant or some other duly authorised person. The Penalty Charge shall be payable by the owner of the vehicle in respect of which that notice was issued in accordance with Section 66 and Schedule 6 of the 1991 Act in the sum specified in paragraph (1) above.
- (5) A Penalty Charge shall be deemed to be paid when it is received by the Council in accordance with Section 82(5) of the 1991 Act.
- (6) In accordance with Section 66(3) (d) of the 1991 Act (as amended), where a Penalty Charge Notice has been issued and the Penalty Charge has been paid within 14 days of the date of issue of the Penalty Charge Notice, the lesser sum of £30.00 shall be payable by the owner of the vehicle in respect of which that Notice was served.
- (7) If in accordance with Section 66(3) as above and Schedule 6 of the 1991 Act, the Penalty Charge Notice is not paid within 28 days of the issue date of the Penalty Charge Notice the Council may service a Notice to Owner on the owner of the vehicle when the alleged contravention occurred stating the matters required by Schedule 6, paragraph 1(2) amongst other things that the owner may make representations to the Council against the said Notice invoking one or more grounds specified in paragraph 2(4) of the said Schedule.
- (8) The Council will consider any such representations and may cancel the Notice if it accepts one or more statutory grounds are made out but if such are rejected by the Council the Council will serve a "Notice of Rejection" in accordance with Schedule 6, paragraph 4 of the 1991 Act and enclose a "Notice of Appeal" in accordance with the Adjudicator's Directions to Local Authorities.

- (9) Within 28 days of service of a Notice of Rejection the Penalty Charge must be paid or the person upon whom the Notice of Rejection was served must appeal to the Adjudicator who will then carry out an adjudication on the Appeal.
- (10) Where a Notice to Owner is served on any person and the Penalty Charge to which it relates is not paid before the end of the relevant period, the authority serving the notice may serve on that person a statement (a "Charge Certificate") to the effect that the penalty charge in question is increased by 50 per cent.
- (11) The relevant period, in relation to a Notice to Owner, is the period of 28 days beginning:-
- (a) where no representations are made under paragraph 2(4) of Schedule 6 to the 1991 Act, with the date on which the notice to owner is served;
 - (b) where:-
 - (i) such representations are made;
 - (ii) a notice of rejection is served by the Council; and
 - (iii) no appeal against the notice of rejection is made, with the date on which notice of the adjudicator's decision is served on the appellant.
- (12) Where an appeal against a notice of rejection is made but is withdrawn before the adjudicator gives notice of his decision, the relevant period in relation to a notice to owner is the period of 14 days beginning with the date on which the appeal is withdrawn.
- (13) When the Charge Certificate has been served on any person and the increased penalty charge provided for in the Certificate is not paid within 14 days of service the Council may register a debt at Northampton County Court (for enforcement purposes), which has been designated as the Traffic Enforcement Centre.
- (14) If the charge Certificate is not paid within 14 days of registration at the County Court the Council can apply to the Traffic Enforcement Centre for authorization to issue a bailiffs warrant in accordance with the Lord Chancellors Regulations made under Section 78 (2) of the Road Traffic Act 1991.

PART 6

REVOCATION OF EXISTING ORDER

31. The Traffic Regulation Order specified in Column 1 of the Schedule 3 to this Order is hereby revoked to the extent specified in Column 2 of that Schedule, and to the extent that the provisions of this Order are inconsistent with, or incompatible with, the provisions of any other Order, Byelaws or enactment relating to traffic regulation in the Borough of Harrogate area not specifically referred to in the said Schedule, the provisions of this Order shall prevail for all purposes.

PART 7

OPERATION OF THE ORDER

32. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any Order or regulations made or having effect as if made under the Act or by or under any other enactment.
33. This Order is intended to operate within the provisions of the Road Traffic Regulation Act 1984 and the Road Traffic Act 1991 as amended and applied to the administrative area of the County of North Yorkshire (Borough of Harrogate) by the Designation Order referred to in article 30 above together with any other related enactment or consequential provision as referred to therein or any further Order that the Secretary of State for Local Government Transport and the Regions shall later make.
34. This Order shall come into operation on 2 July 2007 and may be cited as "North Yorkshire County Council (Various Roads, Borough of Harrogate) (Parking and Waiting) (No 14) Order 2007".

ROADS IN THE TOWN OF PATELEY BRIDGE

SCHEDULE 1
WAITING PROHIBITED AT ALL TIMES WITH EXEMPTIONS

<u>Column 1</u> <u>Item</u>	<u>Column 2</u> <u>Road</u>	<u>Column 3</u> <u>Side</u>	<u>Column 4</u> <u>Length</u>
1	Southlands, Pateley Bridge	North/North East	In its entire length.
2	Southlands, Pateley Bridge	South/South West	From its junction with High Street (B6265), to a point 74.8 metres south east of its junction with High Street (B6265).
3	Southlands, Pateley Bridge	South	From a point 118 metres south east of its junction with High Street (B6265), to a point 130 metres south east of its junction with High Street (B6265).
4	Southlands, Pateley Bridge	East	In its entire length of the eastern side of the turning head, from the boundary of Nos. 8/9 Southlands to the boundary of Nos. 6/7 Southlands.

SCHEDULE 2
RESIDENTS PERMITS HOLDERS ONLY – ZONE PB1

<u>Column 1</u> <u>Item</u>	<u>Column 2</u> <u>Road</u>	<u>Column 3</u> <u>Side</u>	<u>Column 4</u> <u>Length</u>
5	Southlands, Pateley Bridge	South	From a point 74.8 metres south east of its junction with High Street (B6265), to a point 118 metres south east of its junction with High Street (B6265).

SCHEDULE 2 – PART II

Types of Permits, Parking Places and Entitlements

COLUMN 1 (Type)	COLUMN 2 (Persons Entitled)	COLUMN 3 (Max Entitlements)	COLUMN 4 (Parking Places)	COLUMN 5 (Circumstances where Permit is not Valid)
HOUSEHOLD PERMIT	A person whose usual place of residence is situated wholly within a Zone (that person not being the holder of a Multiple Occupancy Household Permit) provided that no other member of the household is the holder of a Household Permit, Household Authorisation Card or Discount Authorisation Card	A maximum of one per qualified applicant.	Any parking place situated within the Zone the reference number of which is set out on the Permit.	<p>(a) The Permit is displayed on a class of Vehicle not permitted to park in the Parking Place.</p> <p>(b) The Permit holder has ceased to qualify under the provisions of Column 2</p> <p>(c) The Permit is displayed otherwise than on a vehicle kept and used by a member of the Permit holder's household or visitor to the household.</p>
ADDITIONAL HOUSEHOLD PERMIT	A member of the household of a Household Permit holder in any zone (that person not being the holder of a Multiple Occupancy Household Permit) provided that each Permit is required for use in respect of a vehicle of which that person is the keeper and which falls within the class of vehicles described in Article 7	A number to be determined in relation to the parking a capacity and number of permits likely to be issued for the zone in which the household is situated, subject to a maximum of two per qualified household or three where there is no parking space available at the address of the relevant household.	Any parking place in the Zone the reference number of which is set out on the Permit.	<p>(a) The Permit is displayed other than on the vehicle in respect of which the Permit was granted.</p> <p>(b) The Permit Holder has ceased to be a member of the household at the address in respect of which the Permit was granted.</p> <p>(c) The Permit Holder has ceased to qualify under Column (2).</p>

COLUMN 1 (Type)	COLUMN 2 (Persons Entitled)	COLUMN 3 (Max Entitlements)	COLUMN 4 (Parking Places)	COLUMN 5 (Circumstances where Permit is not Valid)
RESIDENTS' GUESTS' PERMITS	A person who holds a Household Authorisation Card or a Discount Authorisation Card	A maximum of <u>250</u> per year per qualified person but the Council may issue such Permits in such instalments as may be seen to them in accordance with good practice.	Any parking place in the Zone the reference number of which is set out on the Authorisation Card.	<p>(a) The Permit is displayed otherwise than on a vehicle the Driver of which is a visitor to the Authorisation Card holders household</p> <p>(b) The Permit holder has ceased to qualify under the provisions of Column 2</p> <p>(c) The Permit is displayed on a class of vehicle not permitted to park in the parking place.</p> <p>(d) The Permit has not been dated by the Permit holder.</p> <p>(e) The Permit does not bear the vehicle registration number for which it is displayed.</p> <p>(f) The Permit has not come into effect or has expired.</p>

COLUMN 1 (Type)	COLUMN 2 (Persons Entitled)	COLUMN 3 (Max Entitlements)	COLUMN 4 (Parking Places)	COLUMN 5 (Circumstances where Permit is not Valid)
MULTIPLE OCCUPANCY HOUSEHOLD PERMIT	A person not currently the holder of a Household Permit, Additional Household Permit or Guest House Authorisation Card whose usual residence is situated wholly within a Zone and which is registered with the Council as a House in multiple Occupancy provided that each Permit is required for use in respect of a vehicle of which that person is the keeper and which falls within the class of vehicles described in Article 7	A maximum of One per qualified applicant.	Any parking place situated within the Zone the reference number of which is set out on the Authorisation Card.	(a) The permit is displayed other than on a vehicle in respect of which it was granted. (b) The Permit holder has ceased to reside at the address in respect of which the Permit was issued. (c)

COLUMN 1 (Type)	COLUMN 2 (Persons Entitled)	COLUMN 3 (Max Entitlements)	COLUMN 4 (Parking Places)	COLUMN 5 (Circumstances where Permit is not Valid)
GUEST HOUSE PERMIT	The holder of a Guest House Authorisation Card	A number to be determined in relation to the parking capacity and number of permits likely to be issued for the zone in which the premises is situated, subject to a maximum of <u>250</u> per year for each of the number of registered bedrooms plus one less the number of parking spaces within the curtilage of the premises and less the number of Household or Additional Household or Business Permits held by the applicant or members of the applicants household up to an overall maximum of twenty per qualified applicant but the Council may issue such Permits in such instalments as may seem to them in accordance with good practice.	Any parking place situated within the Zone the reference number of which is set out on the Authorisation Card.	<p>(a) The Permit is displayed on a vehicle which is not used or kept by a visitor to the hotel or Guest House.</p> <p>(b) The Permit holder has ceased to qualify under the provisions of Column 2.</p> <p>(c) The Permit is displayed on a class of vehicle not permitted to park in the parking place.</p> <p>(d) The Permit has not been dated by the Permit holder.</p> <p>(e) The Permit does not bear the vehicle registration number for which it is displayed.</p> <p>(f) The Permit has not come into effect or has expired.</p>

COLUMN 1 (Type)	COLUMN 2 (Persons Entitled)	COLUMN 3 (Max Entitlements)	COLUMN 4 (Parking Places)	COLUMN 5 (Circumstances where Permit is not Valid)
BUSINESS PERMIT	A person, not being a person who is eligible for a Household, Additional Household or Multiple Occupancy Household Permit, for a Zone, who is the occupier of Business Premises which are located wholly within that Zone which premises do not have a parking space available within the curtilage ("the Permit Premises").	One per qualified applicant.	Any parking place situated within the Zone the reference number of which is set out on the Permit.	<p>(a) The Permit is displayed on a class of vehicle not permitted to park in the parking place.</p> <p>(b) The Permit holder has ceased to qualify under the provisions of Column 2.</p> <p>(c) The Permit is not displayed on a vehicle being used by a permit Holder for the purposes of the Permit Holders business at the Permit Premises</p> <p>(d) an employee of the Permit Holder working at the Permit Premises</p> <p>(e) a visitor to the Permit Premises</p>
DISCRETIONARY/ EXEMPTION PERMIT	A person in a case where the Council considers there is an exceptional case	At the discretion of an Officer	In any parking place authorised in writing by an Officer	The Permit holder failing to comply with any written condition of issue
MEDICAL/ HEALTHCARE PERMIT	A qualified medical practitioner from the medical practice situated within a zone	A maximum of one per qualified applicant	The parking place within the zone the reference number of which is set out on the permit.	<p>(a) The Permit holder has ceased to qualify under the provisions of Column 2.</p> <p>(b) The vehicle is not of a class permitted to park in the parking place.</p>
ATTENDANCE PERMIT	<p>A person who is either</p> <ul style="list-style-type: none"> - Certified in writing by a qualified medical practitioner as being in need of substantial and regular care or; - is in receipt of an Attendance Allowance 	A maximum of one per qualified applicant.	Any parking place situated within the Zone the reference number of which is set out on the Permit.	<p>(a) The Permit is displayed on a class of vehicle not permitted to park in the parking place.</p> <p>(b) The Permit holder has ceased to qualify under the provisions of Column 2</p> <p>(c) The Permit is displayed on a vehicle other than one being used for the supply of care to the Permit Holder.</p>

SCHEDULE 2 – PART III

Types of Permits, Parking Places and Entitlements

Type of Permit or Authorisation Card	Reservations	Charges
HOUSEHOLD PERMIT		£15.00* per annum £25.00* per 2 year permit
RESIDENTS' GUESTS' PERMIT		£0.10 per day*
MULTIPLE OCCUPANCY HOUSEHOLD PERMIT		£15* per annum £25.00* per 2 year permit
GUEST HOUSE PERMIT	authorised by a Guest House Authorisation Card	£0.10 per day (£0.05 for first $\frac{1}{3}$ of the allocation for the premises)
BUSINESS PERMIT		£100 per 2 year permit
DISCRETIONARY/ EXEMPTION PERMIT		£15 per annum £25.00 per 2 year permit
MEDICAL/ HEALTHCARE PERMIT		£15 per annum £25.00 per 2 year permit
ATTENDANCE PERMIT		Nil
HOUSEHOLD AUTHORISATION CARD		Nil
DISCOUNT AUTHORISATION CARD	For residents who are over retirement age, registered disabled persons or in receipt of income support or unemployment benefit	Nil
GUEST HOUSE AUTHORISATION CARD	For hotels and guest houses with up to 60 bedrooms	Nil
MONTHLY PASS [SPECIFIED STREETS IN SCHEDULE 38]		£50.00 #
DULICATE PERMITS/ MONTHLY PASS		£11.00
PERMIT/ MONTHLY PASS REFUND ADMINISTRATION CHARGE		£10.00
PENALTY CHARGE		£60 (and for those paying within fourteen days at discounted rate £30). £90 after service of Charge Certificate.

* Reduced by 50% for residents who are 60 years of age or over, registered disabled persons or in receipt of income support, Incapacity Benefit (in excess of 28 weeks), unemployment benefit or holding a discount authorisation card.

A discount of 5% is offered for season tickets covering 12 months or longer and 10% for season tickets covering 12 months.

SCHEDULE 2 – PART IV

Residents Zones – Zones and maximum number of permits per household

Schedule	Zone Number/ Zone Reference	Maximum Household Permits	Maximum Business Permits	Maximum Additional Household Permits Available	Maximum Guest Permit Entitlement
Schedule 2	PB1 – Southlands, Pateley Bridge	1	0	0	250

SCHEDULE 3
TRAFFIC REGULATION ORDER TO BE REVOKED

<u>Column 1</u> <u>Title of Order</u>	<u>Column 2</u> <u>Extent of Revocation</u>
"North Yorkshire County Council (Various Roads, Borough Of Harrogate) (Parking And Waiting) Order 2002"	Item 55 in Schedule 1.

THE COMMON SEAL of NORTH
YORKSHIRE COUNTY COUNCIL
was hereunto affixed this 25th day of
June 2007 in the presence of:-

Alice M. Bader

**AUTHORISED
SIGNATORY**

