

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

(CHURCH STREET, BROMYARD)
(PROHIBITION OF WAITING) (RESTRICTION OF WAITING)
(RESIDENTS PARKING) ORDER 2000

The County of Herefordshire District Council ("the Council") in exercise of their powers under Sections 2, 4, 32(1), 35(1), 45, 46, 49 and 53 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act of 1984") 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 make the following Order:-

Citation

1. This Order shall come into operation on the 27th day of October 2000 and may be cited as The County of Herefordshire District Council (Church Street, Bromyard) (Prohibition of Waiting) (Restriction of Waiting) (Residents Parking) Order 2000.
2. The County of Hereford and Worcester (Various Roads, Bromyard Town Centre) (Prohibition and Restriction of Waiting and Prohibition of Loading and Unloading) Order 1995 is hereby revoked to the extent that it is inconsistent with the provisions of this Order.
3. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:-

"driver", in relation to a vehicles waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place as defined in the Act of 1984.

"parking place", means any part of a road authorised by this Order to be used as a parking place.

"parking permit", means a parking permit issued by the Council pursuant to the provisions of this Order;

"parking permit holder", means a person to whom a parking permit has been issued:

"resident" means a person whose usual place of abode is at Church Street, Bromyard.

"light goods vehicle" means a motor vehicle, the maximum gross weight of which does not exceed 7.5 tonnes, which is constructed or adapted for use for the carriage of goods or burden of any description, and is not drawing a trailer.

"motor cycle" and "invalid carriage" have the same meaning respectively as in Section 136 of the Act 1984.

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

"disabled person's vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"parking disc" means a disc, issued by the Council, 125 millimetres square, coloured blue if issued on or after 1st April 2000 and orange if issued before that date and capable of showing the quarter hour period during which a period of waiting begins.

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

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

- (2) For the purpose of this Order a vehicle shall be regarded as displaying
- (a) a disabled person's badge in the relevant position, when:-
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that the front of the badge is legible from outside the vehicle; and
 - (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is legible from outside the vehicle.
 - (b) a parking disc in the relevant position, when:-
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; and
 - (ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the front of the badge is legible from outside the vehicle.

Prohibition of Waiting of Vehicles

4. Save as provided in Article 14 of this Order no person shall, except upon the direction or with the permission of a police officer or traffic warden in uniform cause or permit any vehicle to wait at any time on those lengths of road specified in Schedule 1 to this Order and which for the purposes of identification only are shown on the enclosed plan.

Designation of Parking Places

5. Each of the parts of the road specified in Schedules 2 and 3 and shown for identification purposes only on the said plan to this Order is authorised to be used, subject to the following provisions of this Order as a parking place for vehicles on such days and during such hours as specified in relation to that part in the said Schedules 2 and 3.

Power to Suspend Prohibition of Parking and Restriction of Waiting and Residents Parking

6. Nothing in Article 4 and 5 of this Order:-
- (a) shall restrict the power of the local authority, for preventing obstruction of the streets, by order or otherwise on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place; or
 - (b) shall authorise the use of any part of the road so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to the use of thereof, or so as to be a nuisance.

Vehicles for which Parking Places are Designated

7. Where in Schedule 3 to this Order a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place:-
- (a) unless it is of the specified class;
 - (b) in a position other than that specified.

Use of Parking Place

8. A driver of a vehicle shall not use a parking place:-
- (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons entitled to do so, or so as to be a nuisance;
 - (b) when for preventing obstruction of the streets the local authority shall by order or otherwise made on the occasion of any public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed have closed that parking place and exhibited notice of such closing on or near the parking place.
9. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
10. No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire or his skill or services.
11. When a vehicle is left in a parking place in contravention of any of the provisions contained in paragraphs (a) or (b) of Article 7 of this Order a police constable in uniform, traffic warden or a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place.
12. Any person moving a vehicle by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid.
13. When a police constable or a traffic warden in uniform, or a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 12 above of this Order, they shall make such arrangements as may be reasonably necessary for the reasonable safe custody of that vehicle.

Prohibition and Restriction of Waiting and Residents Parking of Vehicles in Parking Places - Exemptions

14. (a) Nothing in Articles 4 and 5 of this Order shall render it unlawful to cause or permit any vehicle to wait on the sides of those lengths of road referred to in the Schedules hereto so long as may be necessary where:-
- (i) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from a vehicle;

- (ii) the vehicle is a vehicle used for fire brigade purposes or any ambulance, or a vehicle (other than a passenger vehicle) in the service of a local authority or a vehicle in the service of a police force in either case being used in pursuance of statutory powers or duties;
 - (iii) the vehicle is in the service of or employed by the Post Office and is waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle, or having been unloaded therefrom, are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting, or is in use in connection with the servicing of telephone kiosks adjacent to the parking place;
 - (iv) the vehicle, not being a passenger vehicle, is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telegraphic line or traffic sign;
 - (v) the vehicle not being a passenger vehicle is in actual use in connection with the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (vi) the vehicle is waiting otherwise than in a parking space if goods are being sold or offered for sale from the vehicle by a person who is licensed by a local authority to sell goods from a stationary pitch situated in the parking place;
 - (vii) the vehicle is waiting only for so long as is necessary to enable it to be used in connection with posting or removing advertising material in the form of posters on or from, or cleaning windows or chimneys in, premises adjacent to the parking place in which the vehicle is waiting; or
 - (viii) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or merchandise, including, so far as a Bank is concerned, cash or other valuables or valuable securities, or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle not being a goods vehicle does not wait for such purpose for more than thirty minutes or for such longer period as a police constable in uniform or a traffic warden may authorise, or, being a goods vehicle does not so wait for more than thirty minutes or such longer period as aforesaid if it is in any part of a parking space;
- (b) Without prejudice to the foregoing provisions of this Order with respect to vehicles left in a parking place in accordance with those provisions, a vehicle may wait on any of the lengths of road described in Schedule 3 to this Order without limitation if the vehicle displays a valid parking permit issued by the Council in respect of that vehicle and is left in a parking place in the streets specified in Schedule 3 to this Order provided that the parking permit holder is a resident.

(c) Nothing in Article 4 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge, and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in the said sides of those lengths of road referred to in Schedule 1 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 on the same sides of length of road on the same day).

(d) Nothing in Article 5 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge, and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in the said sides of those lengths of road referred to in Schedules 2 and 3 without limitation.

Charge and Display in connection with the use of Parking Permits

15. (1) There will be a charge of £10 per annum for the issue of a parking permit.
- (2) Subject to the provisions of this Order, the charge in connection with the use of a parking permit issued for the leaving of a vehicle in a parking place shall be payable and shall be indicated by the issue of a parking permit and by the affixing of the parking permit relating to that vehicle in the manner prescribed in paragraph (3) of this Article not later than on the first leaving of the vehicle in a parking place.
- (3) The manner in which a parking permit shall be affixed to the vehicle shall be as follows:-

The parking permit shall be affixed to the front windscreen of the vehicle so that all particulars of the parking permit referred to in Article 14(b) of this Order are clearly visible when viewed from the front of the vehicle.

Application for and issue of Parking Permits

16. (1) Any resident may apply to the Council for the issue to them of one parking permit and any such application should 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 and a parking permit is only available in respect of vehicles of the following class, that is to say a passenger motor vehicle, a light goods vehicle or a motor cycle.
- (2) The Council may at any time require an applicant for a parking permit or any parking permit holder to produce to an officer of the Council such evidence in respect of an application for a parking permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of an application for a parking permit made to them as they may reasonably call for to verify that the parking permit is valid.
- (3) On receipt of an application duly made under the foregoing provision of this Article, the Council, upon being satisfied that the applicant is a resident and is the owner of a vehicle of the class specified in paragraph (1) of this Article, it shall issue to the applicant a parking permit.

Surrender, Withdrawal and Validity of Parking Permits

17. (1) A parking permit holder may surrender a parking permit to the Council at any time and shall surrender a parking permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article.

- (2) The Council may, by notice in writing served on the parking permit holder by sending the same by recorded delivery service to the parking permit holder at the address shown by that person on the application for the parking permit or at any other address believed to be that person's place of abode, withdraw a parking permit if it appears to the Council that any one of the events set out in paragraphs (3)(a), (3)(b), (3)(d) or (3)(e) of this Article has occurred and the parking permit holder shall surrender the parking permit to the Council within 48 hours of the receipt of the aforementioned notice.
- (3) The events referred to in the foregoing provisions of this Article are:-
 - (a) the parking permit holder ceasing to be a resident;
 - (b) the parking permit holder ceasing to be the owner of the vehicle in respect of which the parking permit was used;
 - (c) the withdrawal of the parking permit by the Council under the provisions of paragraph (2) of this Article;
 - (d) the vehicle in respect of which the parking permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 16(1) of this Order;
 - (e) the issue of a duplicate parking permit by the Council under the provisions of Article 18 of this Order.
- (4) Without prejudice to the foregoing provisions of this Article, a parking permit shall cease to be valid at the expiration of the month specified thereon or on the occurrence of any one of the events set out in paragraph 3 of this Article, whichever is the earlier.

Application for and issue of Duplicate Parking Permits

18. (1) if a parking permit is mutilated or torn or the figures or particulars thereon have become illegible, the parking permit holder shall either surrender it to the Council or apply to the Council for the issue to him of a duplicate parking permit and the Council, upon the receipt of the parking permit, shall issue a duplicate parking permit so marked and upon such issue the parking permit shall become invalid.
- (2) if a parking permit is lost or destroyed, the parking permit holder may apply to the Council for the issue to him of a duplicate parking permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate parking permit so marked and upon such issue the parking permit shall become invalid.
- (3) the provisions of this Order shall apply to a duplicate parking permit or application in respect thereof as if it were a parking permit or as the case may be an application in respect thereof.
- (4) a charge of £5.00 will be payable by the parking permit holder to the Council for the issuing of a duplicate parking permit.

Form of Parking Permits

19. A parking permit shall be in writing and shall include the following particulars:-
 - (a) the registration mark of the vehicle in respect of which the parking permit was issued;
and

(b) a calendar of the month during which, subject to the provisions of Article of this Order, the parking permit shall remain valid; and

(c) an indication that the parking permit was issued by the Council.

Restriction on removal of Parking Permits

20. Where a parking permit has been displayed on a vehicle in accordance with the provisions of Article 15(3) of this Order, no person, not being the driver of the vehicle, shall remove the parking permit from the vehicle unless authorised to do so by the driver of the vehicle.

Placing of Traffic Signs

21. The Council shall:-

(a) cause the limits of each parking place to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size, colour and type prescribed in The Traffic Signs and General Directions 1994: and

(b) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

Miscellaneous

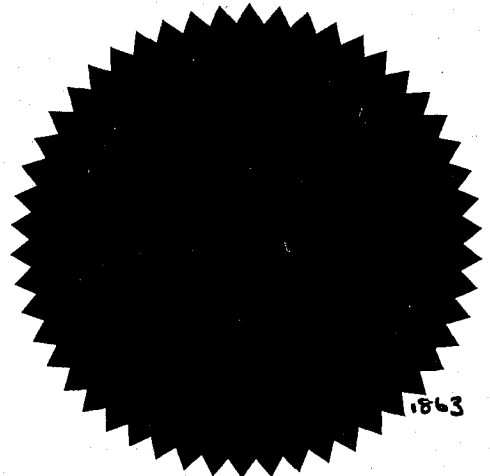
22. References to any statutory provision herein shall include reference to any statutory modification or re-enactment thereof.

Dated this 26th October 2000

**THE COMMON SEAL of
THE COUNTY OF HEREFORDSHIRE
DISTRICT COUNCIL** was hereunto
affixed **BY ORDER**

M.E. Bay
.....

Authorised Officer



SCHEDULE 1

Lengths of roads in Bromyard.

PROHIBITION OF WAITING AT ANY TIME

Church Street – West side

- from a point 115 metres north of its junction with Rowberry Street for a distance of 20 metres in a northerly direction.
- from a point 175 metres north-east of its junction with Rowberry Street in a north-easterly direction to its junction with Station Trading Estate.

Church Street - East side

- from a point 134.4 metres north of its junction with Sherford Street in a north-easterly direction to its junction with Station Trading Estate.

SCHEDULE 2

WAITING LIMITED TO 2 HOURS, NO RETURN WITHIN 2 HOURS 8 AM TO 6 PM MONDAY TO SATURDAY INCLUSIVE

Church Street – West side

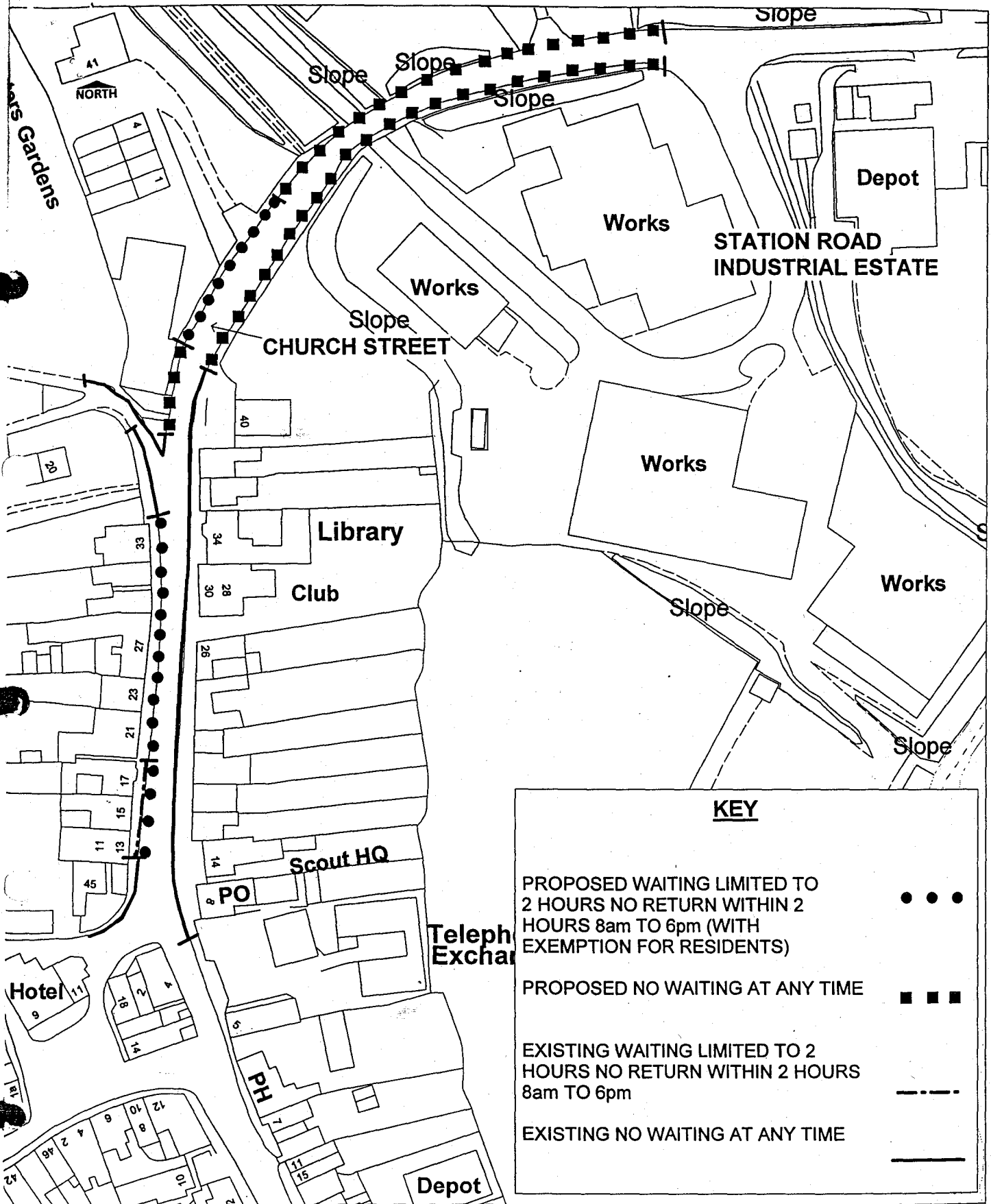
- from a point 12 metres north of its junction with Rowberry Street for a distance of 83 metres in a northerly direction.
- from a point 135 metres north of its junction with Rowberry Street for a distance of 40 metres in a north-easterly direction.

SCHEDULE 3

FOR ANY CLASS OF VEHICLE SPECIFIED IN ARTICLE 16(1) RESIDENTS PARKING EXEMPTION – MONDAY TO SATURDAY INCLUSIVE (WAITING NOT LIMITED)

Church Street – West side

- from a point 12 metres north of its junction with Rowberry Street for a distance of 83 metres in a northerly direction.
- from a point 135 metres north of its junction with Rowberry Street for a distance of 40 metres in a north-easterly direction.



Church Street, Bromyard -
Proposed waiting restrictions

Scale 1: 1250 Drawing HD/T/B4203/1191/2/A4

Steve James
MSc, C.Eng, F.I.H.T, M.I.C.E
Director of Environment
Hereford

