

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL
(GREEN STREET, HEREFORD)
(PROHIBITION OF WAITING) (RESTRICTED WAITING)
(RESIDENTS PARKING) (VARIATION) (EXPERIMENTAL) ORDER 2006

The County of Herefordshire District Council ("the Council") in exercise of its powers under Section 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act"), the Road Traffic Act 1991 (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 make the following Order:-

Citation

1. This Order shall come into operation on the 23rd of January 2006 and may be cited as the County of Herefordshire District Council (Green Street, Hereford) (Prohibition of Waiting) (Restricted Waiting) (Residents Parking) (Variation) (Experimental) Order 2006.
2. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order the Various Roads/Streets in the Area of Bartonsham, Hereford) (Zone 3) (Prohibition of Waiting) (Restricted Waiting) (Residents Parking) Order 2003 is hereby varied in that any reference to Green Street in Schedules 2, 5 and 6 will be suspended (in whole or in part where indicated) from the date this Order comes into operation until the revocation of this Order.
3. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:-
 - "Owner or 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;
 - "Dwelling", means a house or self-contained flat registered for Council Tax purposes.
 - "Disabled Permit Holder" means a person who has been issued with a valid Disabled Person's Badge;
 - "Disabled Person's Badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) Regulations 2000;
 - "Disabled Person's Vehicle" means a vehicle displaying a Disabled Persons Badge and Parking Disc.
 - "Goods Vehicle" means a motor vehicle constructed or adopted for use for the carriage of goods or a trailer so constructed or adapted and which said motor vehicle is physically adapted so as to prohibit the carrying of passengers (other than front seat passengers) and for the avoidance of doubt does not include estate vehicles or hatchback vehicles unless so adapted as stated.
 - "Light Goods Vehicle" means a motor vehicle, the maximum gross weight of which does not exceed 3.5 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 1984 Act.
 - "Multiple Occupancy Dwelling" shall mean premises where more than one family unit is in occupation.

“Owner”, in relation to a vehicle, means the person by whom such vehicle is kept and used.

“Parking Attendant” means a person appointed in accordance with the provisions of Section 63A of the 1984 Act.

“Parking Disc” has the same meaning as in the Disabled Persons (Exemptions for Disabled Persons) (England) Regs. 2000.

“Parking Permit”, means a permit which is designated as a Residents Parking Permit or Visitors Parking Permit issued by the Council pursuant to the provisions of this Order;

“Parking Place”, means any part of a road so marked (if any) and authorised by this Order to be used for parking of any vehicle referred to in this Order.

“Parking Permit Holder”, means a person to whom a Parking Permit has been issued;

“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 Owner or Driver, and not drawing a trailer.

“Public Service Vehicle” means a motor vehicle, including a tramcar or trolley vehicle, used for carrying passengers for hire or reward which either (1) is carrying passengers at separate fares: or (2) is not carrying passengers for separate fares but is adapted to carry eight or more passengers.

“Resident Parking Permit”, means a permit which can only be issued to a Resident in accordance with the provisions of this Order.

“Resident” means a person whose main place of residence is at any of the streets (or part thereof) referred to in Schedule 4 hereto

“Visitors Parking Permit” means a permit which can only be issued to a Resident in accordance with the provisions of this Order.

- (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.

4. Save as provided in Article 15 (a) and (c) of this Order no person shall, except upon the direction or with the permission of a police officer or Parking Attendant 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 attached plan.
5. Save as provided in Article 15 (a) (b) and (d) of this Order no person shall, except upon the direction or with the permission of a police officer or Parking Attendant in uniform cause or permit any vehicle to wait longer than 1 hour (no return within 2 hours) Monday to Saturday between 8 am and 8 pm (except Resident Permit Holders) on those lengths of road specified in Schedule 2 to this Order and which for the purposes of identification only are shown on the attached plan.
6. Save as provided in Article 15 (a) (b) and (d) of this Order no person shall except upon the direction or with the permission of a police officer or Parking Attendance in uniform cause or permit any vehicle to wait longer than 2 hours (no return within 2 hour) from 8 am to 8 pm on Mondays to Saturday (except resident permit holders zone 3) on those lengths of road specified in Schedule 3 to this Order which for identification purposes only are shown on the attached plan.

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

7. Nothing in Articles 4 to 6 of this Order:-
 - (a) shall restrict the power of the Council or the police 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.

Use of a Parking Place

8. An owner or 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 Council 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 owner or 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. Unless the prior written consent of the Council is obtained no person shall use a vehicle, while it is in a Parking Place in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of his skill or services.
11. A vehicle parked within a Parking Place must be parked wholly within the road markings (if any) for the Parking Place.
12. When a vehicle is left in a Parking Place in contravention of any of the provisions contained in paragraphs (a) or (b) of Article 8 of this Order a police constable in uniform or Parking Attendant in uniform 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.

13. 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.
14. When a police constable or a Parking Attendant 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.

Exemptions

15. (a) Where referred to in this Order nothing shall render it unlawful to cause or permit any vehicle to wait on the sides of those lengths of road referred to in the relevant Schedules and Articles 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 used for fire brigade, police or ambulance purposes or a vehicle (other than a Passenger Vehicle) in the service of a local authority is being used in pursuance of statutory powers or duties;
 - (iii) the vehicle is in the service of or employed by the Post Office Company and is waiting while postal packets are being unloaded from the vehicle, or having been unloaded therefrom, are being delivered or while postal packets are being collected or is in use in connection with the servicing of telephone kiosks in the said lengths of roads;
 - (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 or the maintenance, improvement or reconstruction of any said lengths of road or the laying erection, alteration, removal or repair 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 in any said lengths of road;
 - (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 any said lengths of road;
 - (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 any said lengths of road 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
- (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 without limitation on the length of road described in Schedules 2 and 3 to this Order if the

vehicle displays a valid Parking Permit issued by the Council and is left in a Parking Place.

- (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 vehicle has been 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 hereto 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 Articles 5 and 6 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 vehicle has been 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 hereto without limitation.

Charge and Display in connection with the use of Parking Permits

- 16. (1) There will be a charge of £25 per annum for the issue of each Parking Permit subject to Article 17(5) below.
- (2) Subject to the provisions of this Order the said 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 in the manner prescribed in paragraph (4) of this Article not later than on the first leaving of a vehicle in a Parking Place.
- (3) A Parking Permit which is a Residents Parking Permit may only be affixed to the vehicle to which it relates.
- (4) The manner in which a Parking Permit shall be affixed to the vehicle shall be as follows:-

A Parking Permit shall be affixed to the front windscreen of the vehicle so that all particulars of the Parking Permit referred to in Article 20 of this Order are clearly visible when viewed from the front of the vehicle.

Application for and Issue of Parking Permits

- 17. (1) Every Dwelling within a street (or part thereof) as listed in Schedule 4 hereto may be issued with a maximum of two Parking Permits (namely one Residents Parking Permit and one Visitors Parking Permit) in order to be able to park at any time on the part length of road as stated in Schedule 9 hereto and an applicant occupier of a Dwelling shall make an application 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 the said Parking Permits are only available in respect of vehicles of the following class, that is to say a Passenger Vehicle, a Light Goods Vehicle or a Motor Cycle.
- (2) A Parking Permit which is designated as a Residents Parking Permit may only be issued to the Owner of a vehicle who occupies a Dwelling as stated in the above paragraph (1) of this Article.
- (3) A Parking Permit that is designated as a Visitors Parking Permit may only be issued to a Resident if the Council is satisfied that there is sufficient capacity within the Parking Place.
- (4) Where a dwelling is a Multiple Occupancy Dwelling the same number of permits will be issued to that dwelling as stated in sub clause (1) of this Article.

- (5) The Council are at liberty to vary the policy charges and terms for the issue of a Parking Permit as stated in this Article on giving the Parking Permit Holder prior written notice of any said variation (where appropriate) and to also issue a Parking Permit for a parking place to an applicant who does not reside in the streets as stated in Schedule 4 hereto.
- (6) The Council may at any time require an applicant for a relevant Parking Permit or any relevant 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.
- (7) On receipt of an application duly made under the foregoing provisions 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

18. (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 or if the Parking Permit Holder fails to do so within this time the Parking Permit shall cease to have effect.
- (3) The events referred to in the foregoing provisions of this Article are:-
 - (a) the Parking Permit Holder ceasing to be a Resident of a dwelling listed in the streets in Schedule 4 hereto.
 - (b) in respect of a Parking Permit which is designated as a Resident Parking Permit 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 a Parking Permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 17(1) of this Order;
 - (e) the issue of a duplicate Parking Permit by the Council under the provisions of Article 19 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 and year 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

19. (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 previous 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 subject to paragraph (4) of this Article 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 £10.00 will be payable by the Parking Permit Holder to the Council for the issuing of a duplicate Parking Permit.

Form of Parking Permits

20. A Parking Permit shall be in writing and shall include the following particulars:-
 - (a) in respect of a Parking Permit which is designated as a Residents Parking Permit the registration mark of the vehicle in respect of which the Parking Permit was issued;
 - (b) the month and year up to which, subject to the provisions of Articles 16 (3) and (4) of this Order, the relevant Parking Permit shall remain valid;
 - (c) an indication that the Parking Permit was issued by the Council.

Restriction on Removal of Parking Permits

21. Where a Parking Permit has been displayed on a vehicle in accordance with the provisions of Article 16 (4) of this Order, no person, not being the owner or driver of the vehicle, shall remove the Parking Permit from the vehicle unless authorised to do so by the owner or driver of that vehicle.

Placing of Traffic Signs

22. 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 2002: and
 - (b) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a Parking Place.

Modifications

23. The Head of Legal and Administration or Legal Practice Manager or other officer or person so authorised by him/her may suspend or modify the provisions of this Order in accordance with the statutory provisions of Section 10 of the 1984 Act.

Miscellaneous

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

Dated this 16th January 2006

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

..... Authorised Officer

SCHEDULE 1 - PROHIBITION OF WAITING AT ANY TIME

Green Street - East Side

- i) From its junction with Mill Street to a point 10 metres south of the tangent point of the southern kerblines of Grove Road.
- ii) From a point 10 metres north of the tangent point of the northern kerblines of Grenfell Road to a point 10 metres south of its junction with the tangent point of the southern kerblines of Harold Street.
- iii) From its junction with the tangent point of the northern kerblines of Park Street for a distance of 10 metres in a northerly direction.
- iv) From its junction with the southern kerblines of Park Street for a distance of 36.1 metres in a southerly direction (to the limit of adopted highway).

Green Street - West Side

- i) From its junction with Mill Street for a distance of 10 metres in a southerly direction.
- ii) From a point 28 metres north of its junction with the tangent point of the northern kerblines of Grove Road to a point 10 metres south of its junction with the tangent point of the southern kerblines of Grenfell Road.
- iii) From a point 27.6 metres north of its junction with the tangent point of the northern kerblines of St. James Road to a point opposite the rear of the southern footway of Park Street.

SCHEDULE 2 - LIMIT WAITING TO A MAXIMUM OF 1 HOUR MONDAY TO SATURDAY 8AM TO 8PM, NO RETURN WITHIN 2 HOURS (EXCEPT RESIDENT PERMIT HOLDERS ZONE 3).

Green Street - East side

- i) From a point 10 metres south of its junction with the tangent point of the southern kerblines of Grove Road to a point 10 metres north of its junction with the tangent point of the northern kerblines of Grenfell Road.

Green Street - West side

- i) From a point 10 metres south of its junction with Mill Street to a point 28 metres north of its junction with the tangent point of the northern kerblines of Grove Road.
- ii) From a point 10 metres south of its junction with the tangent point of the southern kerblines of Grenfell Road to a point 27.6 metres north of its junction with the tangent point of the northern kerblines of St. James Road.

SCHEDULE 3 - LIMIT WAITING TO A MAXIMUM OF 2 HOURS MONDAY TO SATURDAY 8AM TO 8PM, NO RETURN WITHIN 2 HOURS (EXCEPT RESIDENT PERMIT HOLDERS ZONE 3).

Green Street - East side

- i) From a point 10 metres south of its junction with the tangent point of the southern kerbline of Harold Street to a point 10 metres north of its junction with the tangent point of the northern kerbline of Park Street.

Green Street - West side

- i) From a point opposite the rear of the southern footway of Park Street for a distance of 36.1 metres in a southerly direction (to the limit of adopted highway).

SCHEDULE 4 - STREETS ELIGIBLE FOR THE ISSUE OF PERMITS

Bartonsham Road
Clive Street
Crozen Lane
De Lacy Court
Eign Road
Green Street
Grenfell Road
Grove Road
Hampton Street
Harold Street
Ledbury Road (Numbers 1a to 33 [odds], and 2 to 50 [evens])
Mill Street
Nelson Street
Park Street (Numbers 1,3, 118, 119 to 125 [odds only] 120, 131)
Portfield Street
St. Giles Hospital
St. James Road
St. James Terrace
St. Owen Gate
St. Owen Place
St. Owen Street (Numbers 74 to 130 [evens], and 85 to 157 [odds])
Springfield Place
Vicarage Road