

ROAD TRAFFIC REGULATION ACT 1984

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

(OFF STREET PARKING PLACES) (LEDBURY AND BROMYARD) ORDER 2001

The County of Herefordshire District Council ("the Council") in exercise of its powers under section 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and under the Road Traffic Act 1991 as amended (whether generally or in relation to the area of the Council ("the 1991 Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following order:-

1. This Consolidation Order shall come into operation on the 5 November 2001 and may be cited as the County of Herefordshire District Council (Off Street Parking Places) (Ledbury and Bromyard) Order 2001.

2. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order, and any reference in this Order to "the Schedule" is a reference to the Schedule to this Order.

(2) In this Order:-

"concessionary parking disc" means a disc issued by the Council to Pensioners as mentioned in this Order

"charging hours" means any period specified in column 5 of the Schedule in respect of which a charge is specified herein.

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

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

“vehicle” as referred to in the relevant articles herein shall mean a motor car or motor cycle or any other vehicle as defined in section 136 of the 1984 Act.

“parking bay” means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place

“parking place” means any area of land specified by name in column 1 of the Schedule provided by the Council under section 32(1) of the 1984 Act for use as a parking place as shown by thick black edging on the enclosed plans;

“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 a local authority, 125 millimetres square, coloured blue if issued on or after 1st April 2000 and coloured orange if issued before that date and capable of showing the quarter hour period during which a period of waiting begins;

“charge” means the parking charge to be paid for the use of a parking place as referred to in Article 5 herein.

“parking attendant” means any officer of the Council who is authorised to supervise and control vehicles in the parking places pursuant to section 63A of the 1984 Act.

“penalty charge” means a charge as stated in Article 7 of this Order as amended from time to time in compliance with the provisions of section 74 of the 1991 Act.

“PCN” means a penalty charge notice issued or served by a parking attendant pursuant to the provisions of section 66 of the 1991 Act.

- (3) 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) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if for the purposes of sections 16(1) and 17(2) of that Act this Order were an Act of Parliament and the Orders revoked by this Order were an Act of Parliament thereby repealed.

USE OF LAND AND PARKING PLACE

- 3 (1) Each area of land specified by name in column 1 of the Schedule and shown on the said plans may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions on such days and during such hours and on payment of such charges as are specified in relation to that area in the Schedule.
- (2) Where in the Schedule 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 unless

- (a) it is of the class and in the position so specified; or
- (b) it is of the class and in a position directed by a parking attendant

- (3) Where within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person's vehicle.
- (4) In so far as a vehicle is left in a parking place during the charging hours the driver or owner thereof shall pay such charge or charges as are specified in the following provisions of this order.
- (5) Nothing in Article 3(1) hereof shall restrict the power of the Council for any reasonable cause to close any or part of any parking place.

4. The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in the Schedule in relation to that parking place.

AMOUNT OF CHARGE AT PARKING PLACES AND SEASON TICKETS

- 5. (1) This Article applies to all the parking places (where appropriate) specified by name in column 1 of the Schedule
- (2) The driver of a vehicle using a parking place referred to in Part I of the Schedule to this Order shall on leaving the vehicle in the parking place pay the appropriate charge in accordance with the Scale of Charges specified in column 7 of Part I of the Schedule.
- (3) Where in column 8 of the Schedule to this Order the system is described as a "Pay and Display" the charge referred to in the last preceding paragraph shall be payable by the insertion of an appropriate coin or coins into the apparatus or device provided, being an apparatus or device approved in accordance with section 35(3) of the 1984 Act.

- (4) Where it is so specified in Part 2 of the Schedule the owner of a vehicle may on application to the Council purchase (at the discretion of the Council) a season ticket in respect of that vehicle for a charge ascertained by reference to the said Scale of Charges specified in Part 2 of the Schedule and that season ticket shall be valid in such parking place as is specified thereon during the period for which it is issued (subject to sub section (6) below).
- (5) Any ticket issued on payment of the charge referred to in paragraph (2) of this Article or season ticket issued in accordance with paragraph (4) of this Article shall be attached in a conspicuous position to the vehicle in respect of which it was issued and the driver shall cause the said ticket to be exhibited in that position at all times when the vehicle is parked in a parking place and a vehicle shall not be left in a parking place if it displays an out of date ticket.
- (6) The Council may withdraw a season ticket specified in Part 2 of the Schedule at any time by notifying the season ticket holder in writing of such withdrawal and making the appropriate pro rata refund of monies to be paid by the Council within 14 days of such written notice and on the date specified in the said written notice as the withdrawal date the season ticket shall become invalid.
- (7) For the avoidance of doubt, the purchase of a season ticket under Part 2 of the Schedule does not guarantee a parking place at the designated parking place mentioned or any other parking place.
- (8) The Council may (at its entire discretion) issue a duplicate season ticket specified in Part 2 of the Schedule on application by a season ticket holder and on payment by the holder of the relevant administrative fee (if any) determined by the Council and on such issue the previous season ticket shall become invalid and the provisions of this Order shall apply to the said duplicate season ticket.
- (9) If at the time when a vehicle is left in a parking place during the prescribed hours there is no ticket machine available for that particular parking place, or all such ticket machines carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order, the driver of that vehicle shall be

50

exempt from payment of the charge unless there is a parking attendant present in the vicinity of the parking place and in such case the charge shall be made to the parking attendant.

(10) For the avoidance of doubt it is hereby stated:-

- (a) The charge payable by the driver of a motor-cycle which has been parked on a space marked out for a motor car shall be the same as that for a motor car as specified in Part 1 of the Schedule.
- (b) Cycles and motor cycles may be parked free of charge only in those areas designated signed and marked for use by cycles and motorcycles.

6. CONCESSIONARY PARKING DISCS FOR PENSIONERS

- (1) Any pensioner who is a resident of the County of Herefordshire (and whose residence is nearer to Ledbury or Bromyard than any other town in the said County to be determined by the relevant postcode) may apply to the Council for a concessionary parking disc which will allow the holder free parking for up to 2 hours in a parking place referred to in Part 1 of the Schedule.
- (2) For the avoidance of doubt, the issue to a pensioner of a concessionary parking disc does not guarantee parking in the parking places designated by the said disc.
- (3) Should the vehicle of the pensioner change after the issue of the said disc then the pensioner must notify the Council in order for a further said disc to be issued for the new vehicle on payment by the said pensioner of any administrative fee set by the Council and on the issue of the said new disc the previous disc shall become invalid.
- (4) The Council may (at its entire discretion) issue a duplicate concessionary parking disc on application by the pensioner and on payment by the pensioner of an administrative fee (if any) determined by the Council and on such issue the previous said disc shall become invalid and the provisions of this Order shall apply to the said duplicate disc.

PENALTY CHARGE AT PARKING PLACES

7. (1) If a vehicle is left in a parking place in contravention of or non compliance with any Article of this Order a penalty charge shall be payable by the owner (subject to the provisions of section 66 and Schedule 6 of the 1991 Act) for each day of the said contravention or non compliance.
- (2) the penalty charge shall be in the sum of the following amounts:-
- (a) £60 on the issue of a PCN subject to being discounted to £30 if payment is received by the Council as provided in paragraph 6 of this Article within 14 days of the issue of the PCN.
 - (b) on the issue of a "charge certificate" in accordance with the provisions of paragraph 6 of Schedule 6 of the 1991 Act the penalty charge shall be increased to the sum of £90.
- (3) where a penalty charge has been incurred a parking attendant may attach to the vehicle in a conspicuous position a PCN which shall comply with the requirements of section 66 (3) of the 1991 Act.
- (4) Nothing in this Article or Article 5 herein shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons badge to wait without limitation in the parking places referred to in Part I of the Schedule.
- (5) Nothing in this Article or Article 5 shall render it unlawful to cause or permit a vehicle displaying a concessionary parking disc in the relevant position to wait for up to 2 hours in a parking place referred to in the Schedule.
- (6) Payment of the penalty charge to the Council shall either be by cheque, postal order or by cash in person which shall be delivered or sent by post so as to reach the relevant Department/Office of the Council as stated on the PCN not later than 4.30pm by the date specified on the PCN but should the said Council Department/Office be closed on the said date specified the period for receiving payment may be extended until 4.30 pm on the next full working day.

- (7) The particulars given in the PCN attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

RESTRICTION ON REMOVAL OF A PCN

8. When a PCN has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the owner or driver or a person authorised by the owner or driver in that behalf shall remove the PCN from the vehicle.

OTHER PROVISIONS

9. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994.
10. 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.
11. (1) 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.
- (2) No person shall use any part of a parking place or any vehicle left in a parking place –
- (a) for sleeping or camping or cooking; or
 - (b) for eating and cooking purposes; or
 - (c) for the purposes of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

(3) No person shall use a parking place or any part thereof for the distribution of leaflets or advertising materials or attach such leaflets

12. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

13. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 3, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.

(2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.

(3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.

(4) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

(5) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (2) or (3) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

14. Where in a parking place signs are erected or surface markings are laid for the purpose of:-

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- (a) indicating the entrance to or exit from the parking place, or
- (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,

no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.

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15. No persons shall, except with the permission of a person 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 purpose of departing from the parking place.

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16. No person shall in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.

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17. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.

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18. No person shall use a parking place as a means of passage proceeding from one road to another.

19. In a parking place no person shall –

- (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the prior written consent of the Council;
- (b) light or cause or permit to light any fire.

20. No person shall while a vehicle is in a parking place use the parking place for any purpose other than parking the vehicle, boarding or alighting from the vehicle or taking articles out of or into the vehicle, and in particular but without prejudice to the generality of the foregoing provisions of this Article shall not carry out works of maintenance construction in respect of the vehicle except such as may be necessary to enable the vehicle to be moved from the parking place.
21. A driver shall not use a parking place when the parking place or any part thereof has been closed by the Council and there is exhibited a notice of such closure on or near the parking place.
22. References to any statutory provision herein shall include reference to any statutory modification or re-enactment thereof.
23. For the avoidance of doubt should there be any ambiguity between the provisions of this Order and any statutory provision then the latter shall prevail
24. The previous County of Herefordshire District Council (Off Street Parking Places) (Ledbury and Bromyard) Order 2001 dated 27th February 2001 is hereby revoked.

Dated this 17 October 2001

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



M. E. Boulton

Authorised Officer

SCHEDULE							
Name of parking place	Position in which vehicle may wait	Classes of Vehicles	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait	Scale of Charges per day	System
1	2	3	4	5	6	7	8
PART 1							
Bridge Street, Ledbury	Wholly within parking bay	As detailed in 7	All days	All hours	No limit	Free	N/A
Bye Street, Ledbury	Wholly within parking bay	As detailed in 7	Mondays to Saturdays inclusive but not Bank Holidays	8am-6pm	No limit	Cars, vans under 1 tonne and motor cycles. First 4 hrs-20p per hr. Over 4 hrs - £1.00	Pay and Display
Lawnside Road, Ledbury	Wholly within parking bay	As detailed in 7	All days	All hours	No Limit	Free	N/A
St Katherines Ledbury	Wholly within parking bay	As detailed in 7	Mondays to Saturdays inclusive but not Bank Holidays	8am-6pm	No Limit	Cars, vans under 1 tonne and motorcycles. Up to 4 hrs - 20p per hr. Over 4 hrs-£1.00.	Pay an Display
Bay Horse, Little Hereford Street, Bromyard	Wholly within a parking bay	As detailed in 7	All days	All hours	No limit	Free	N/A
Hop Pole, Bromyard	Wholly within a parking bay	As detailed in 7	All days	All hours	4hrs maximum stay in any 6 hrs.	Free	N/A
Rowberry Street, Bromyard	Wholly within a parking bay	As detailed 7	Mondays to Saturdays inclusive excluding Bank Holidays	8am-6pm	No limit	Cars, vans under 1 tonne and motorcycles. Up to 4hrs - 20p per hr. Over 4hrs - £1.00	Pay and display

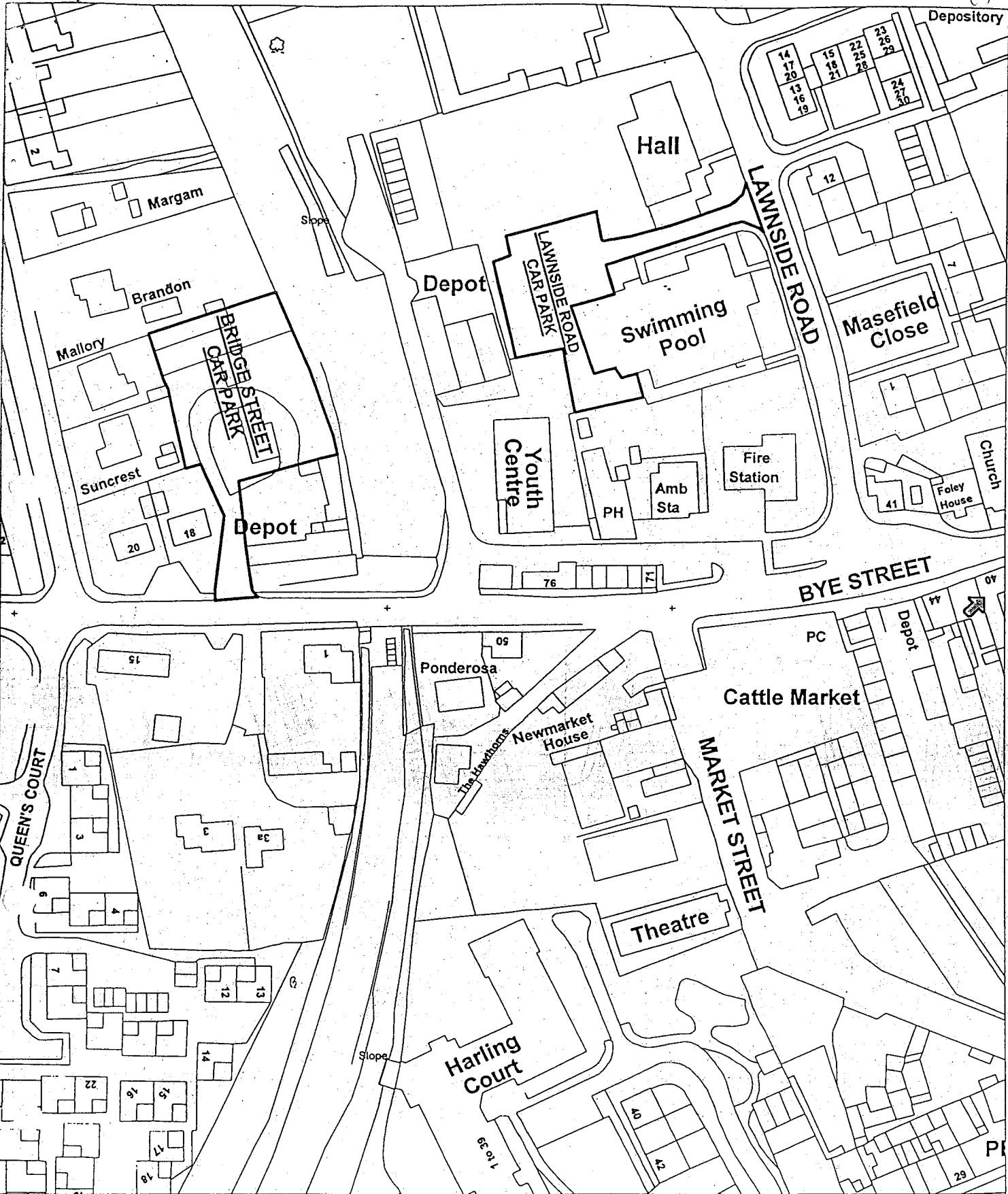
Name of parking place	Position in which vehicle may wait	Classes of Vehicles	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait	Scale of Charges per day	System
1	2	3	4	5	6	7	8
Tanyard, Bromyard	Wholly within a parking bay	As detailed in 7	All days	All hours	No limit	Free	N/A
Tenbury Road, Bromyard	Wholly within a parking bay	As detailed in 7	Mondays to Saturdays inclusive excluding Bank Holidays	8am-6pm	No Limit	Cars, vans under 1 tonne and Motorcycles Up to 4hrs - 20p per hr. Over 4hrs-£1.00 Coaches-£4 all day.	Pay and display

PART 2

(Season Tickets in Parking Places mentioned in Part 1)

Bye Street, Ledbury	Wholly within a parking bay	Cars	Mondays to Saturdays inclusive excluding Bank Holidays	8am-6pm	N/A	Per annum-£80 Per quarter - £25	Season Ticket
St Katherines Ledbury	Wholly within a parking bay	Cars	Mondays to Saturdays inclusive excluding Bank Holidays	8am-6pm	N/A	Per annum-£80 Per quarter-£25	Season Ticket
Rowberry Street, Bromyard	Wholly within a parking bay	Cars	Mondays to Saturdays inclusive excluding Bank Holidays	8am-6pm	N/A	Per annum-£80 Per quarter-£25	Season Ticket
Tenbury Road, Bromyard	Wholly within a parking bay	Cars	Mondays to Saturdays inclusive excluding Bank Holidays	All hours	N/A	Per annum-£80 Per quarter-£25	Season Ticket

- (1) The Charges set out above are inclusive of any VAT.
- (2) Unless the contrary appears the term "car" includes
 - (i) Motor cars within the provisions of Section 136(2)(a) of the 1984 Act
 - (ii) Invalid Carriage
 - (iii) Disabled persons vehicles
- (3) A motorcycle is as defined in Section 136(4) of the 1984 Act
- (4) A lorry/van is a motor vehicle constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed the figure specified herein.



LOCATION: CAR PARKS - LEDBURY
PAGE - 2.

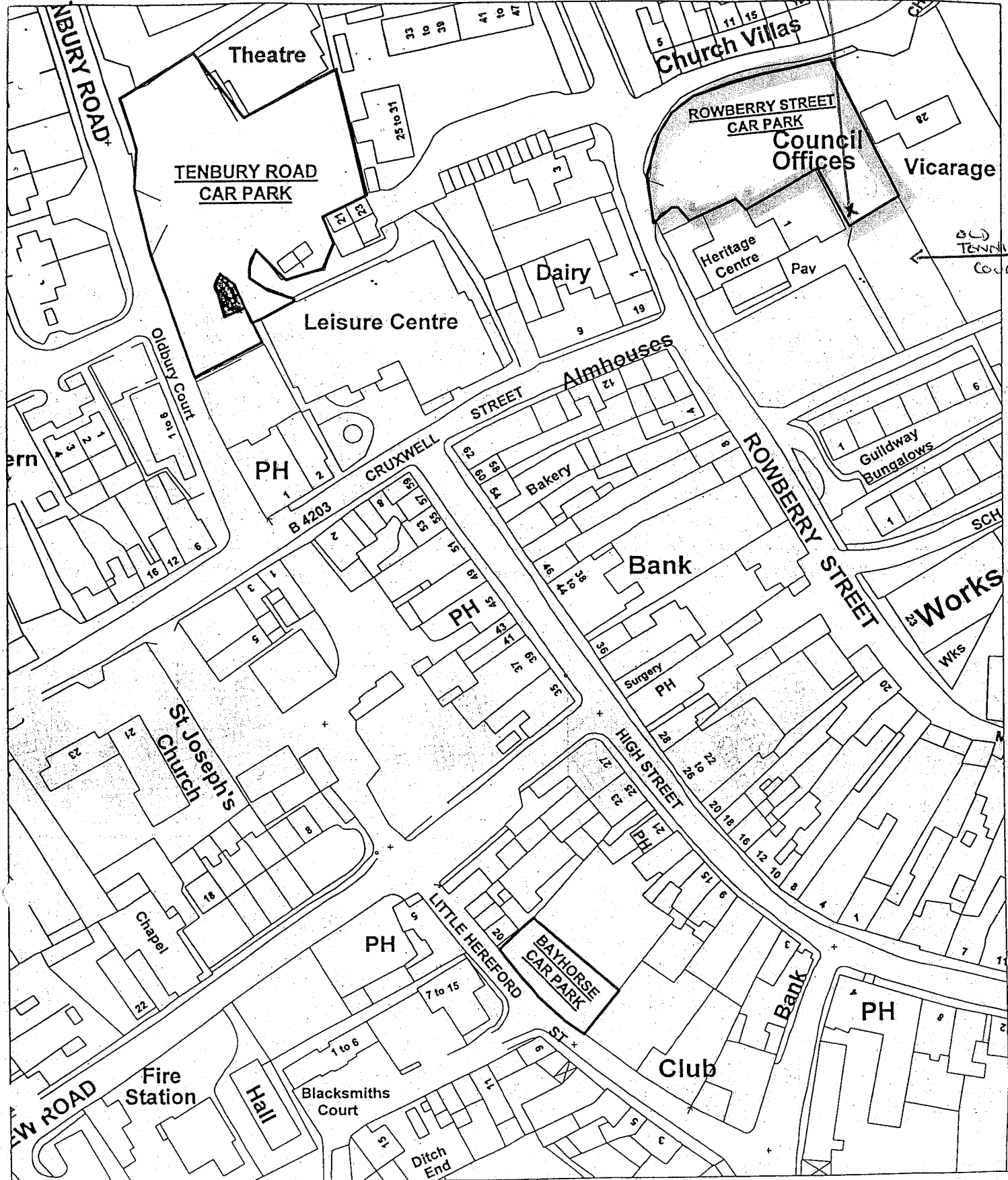
Herefordshire Council
Transportation Unit
Kemble House
Broad Street
Hereford
HR4 9AR
Tel.: (01432) 260000
Fax.: (01432) 260978



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POSITION OF VEHICLE BE END OF BUILDING

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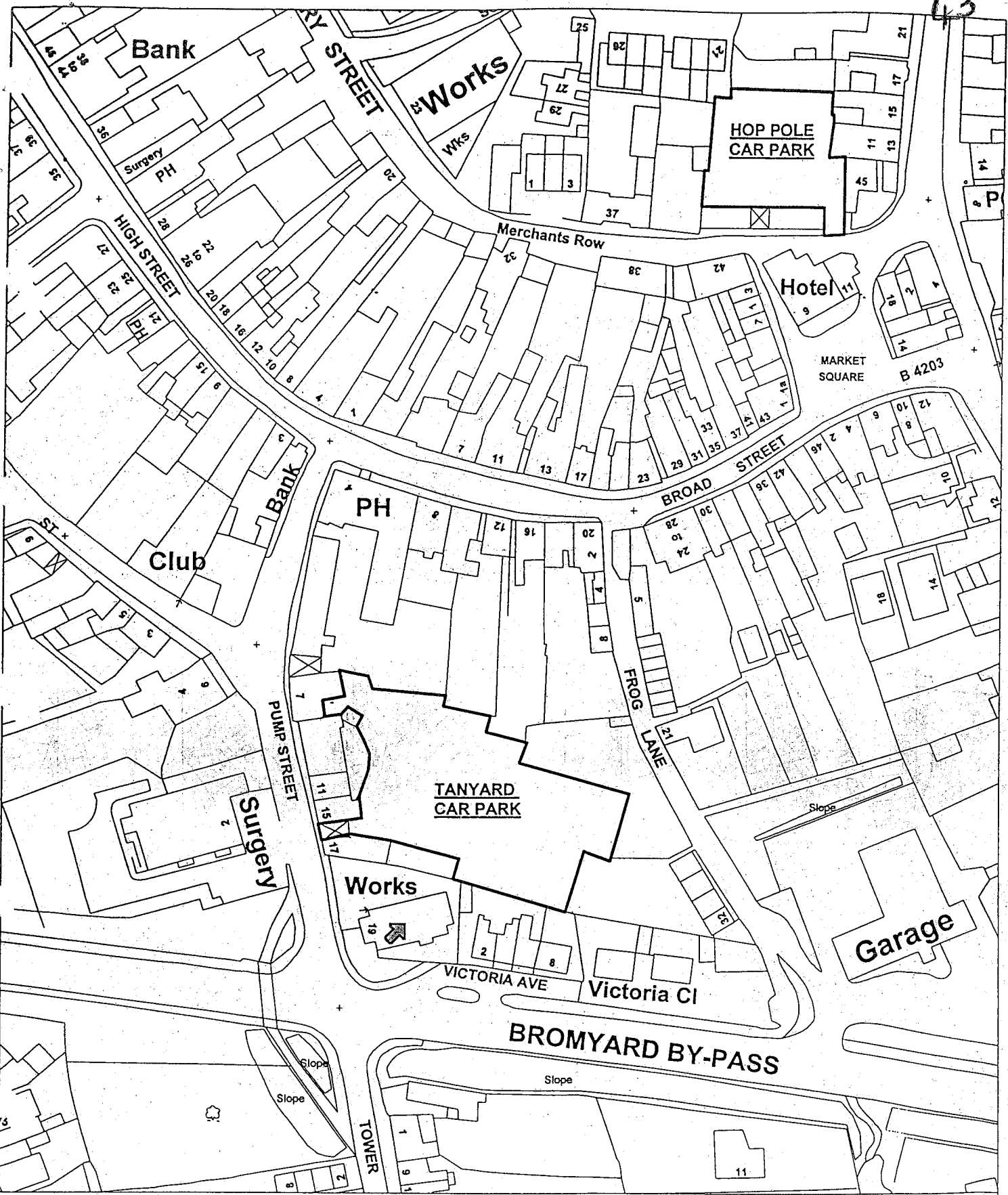
LOCATION: CAR PARKS - BROMYARD
PAGE - 1

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SCALE 1 : 1250

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