

**ROAD TRAFFIC REGULATION ACT 1984
IPSWICH BOROUGH COUNCIL (CIVIL ENFORCEMENT AREA)
(WAITING RESTRICTIONS AND ON-STREET PARKING PLACES) (ZONE 4)
(AMENDMENT) ORDER 2008D**

WHEREAS IPSWICH BOROUGH COUNCIL wishes to amend certain aspects of the Ipswich Borough Council (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Loading Restrictions, Loading Areas and On-Street Parking Places) (Consolidation) Order 2005, as amended, by:-

1. Increasing the provision of residents parking places in Zone 4.
2. Improving the flexibility of the Residents Parking Scheme for Zone 4.
3. Substituting the Map Schedules referred to in Article 1.2 below.

IPSWICH BOROUGH COUNCIL pursuant to arrangements made in accordance with Regulations made under Section 19 of the Local Government Act 2000 with the Suffolk County Council in exercise of the powers of the County Council under Sections 1, 2 and 4 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 Schedule 9 Part III of the Act and Part 6 of the Traffic Management Act 2004 ("the 2004 Act") MAKES THE FOLLOWING ORDER:-

LIST OF PARTS

- PART 1 GENERAL**
PART 2 RESIDENTS PARKING PLACES
PART 3 PROVISIONS AS TO PERMITS
PART 4 GENERAL CONDITIONS AS TO THE USE OF PARKING PLACES
PART 5 WAIVER CERTIFICATES AND BUILDERS/TRADE PERMITS
PART 6 CONTRAVENTION OF ORDER

- SCHEDULE 1 PERMIT FEES**
SCHEDULE 2 LIST OF ROADS

PART 1 GENERAL

Commencement and citation

- 1.1 This Order may be cited as the Ipswich Borough Council (Civil Enforcement Area) (Waiting Restrictions and On-Street Parking Places) (Zone 4) (Amendment) Order 2008D and shall come into force on 1 May 2009.

Map Schedules

- 1.2 Map Schedules P5, P6, Q5, Q6, R5, R6 and S6 as incorporated into the Ipswich Borough Council (Permitted Parking Areas and Special Parking Area) (Waiting Restrictions, Loading Restrictions, Loading Areas and On-Street Parking Places) (Consolidation) Order 2005, as amended, shall be substituted with the attached amended versions.

Suspensions

- 1.3 The provisions of Parts 4, 5, 7, 8 and 9 of the Ipswich Borough Council (Permitted Parking Areas and Special Parking Area) (Waiting Restrictions, Loading Restrictions, Loading Areas and On-street Parking Places) (Consolidation) Order 2005, as amended, which relate to roads identified as Residents Parking Zone 4 in the Civil Enforcement Area are hereby suspended.

Modifications

- 1.4 [Not applicable]

Interpretation

- 1.5 In this Order, except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

“builder/trade” means a person or company who carries on or contracts as a business;

“carer” means a person who is employed by and is carrying out the duties of a Statutory Care Organisation;

“church premises” means any premises used for public religious worship, or any premises used in connection with premises so used but does not include any residential premises;

“civil enforcement area” has the same meaning as in Schedule 8 of the 2004 Act;

“civil enforcement officer” has the same meaning as in Section 76 of the 2004 Act;

“Council” means Ipswich Borough Council;

“disabled person’s badge” has the same meaning as in Regulation 2(1) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“disabled person’s vehicle” has the same meaning as in Section 142 of the 1984 Act;

“disabled persons vehicle parking place” means an area on a highway designated by this order as a parking place where vehicles may wait if displaying in the relevant position a disabled person’s badge;

“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 permit parking place;

to “enable goods to be loaded onto or unloaded from the vehicle” means the actual operations of loading goods onto a vehicle or unloading from a vehicle and does not include any waiting period of time outside the performance of those operations;

“goods” include postal packets of any description, and “delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection;

“goods vehicle” means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, and is not drawing a trailer;

“House in Multiple Occupation” means a residential premises where the person or persons registered for Council Tax purposes is not resident at the premises;

“invalid carriage” has the same meaning as in Section 136 of the 1984 Act;

“motor cycle” has the same meaning as in Section 136 of the 1984 Act;

“motor cycle parking place” means an area on a highway designated by this order as a parking place where vehicles may wait only if they are motor cycles;

“owner” in relation to a vehicle, has the same meaning as in Section 92(1) of the 2004 Act, or the person who has the use of such vehicle in the course of his or her employment and is entitled to use the vehicle as if he or she was the registered keeper thereof;

“parking bay” means a space in a parking place which is provided for the leaving of a vehicle;

“parking disc” has the same meaning as in the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

“parking place” means an area on a highway designated as a parking place for which vehicles may be left by this Order;

“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 eight passengers exclusive of the driver, and not drawing a trailer;

“penalty charge” has the same meaning as in Section 92(1) of the 2004 Act;

“penalty charge notice” has the same meaning as in Regulation 8(1) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“permit” means a document issued by the Council under the provisions of this Order;

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

"permitted hours" means the period for each parking place specified on the Map Schedules during which waiting by vehicles of a specific class is permitted;

"qualifying business premises" means a premises which is subject to full Non-Domestic Business Rates;

"qualifying premises" has the meaning given to it by Article 3.1;

"qualifying vehicle" means a goods vehicle, invalid carriage, motor cycle or passenger vehicle;

"registered medical practitioner" means a General Practitioner as licensed by the General Medical Council, a qualified nurse or midwife employed by a relevant statutory organisation;

"relevant position" means:-

(i) in the case of a disabled person's badge:-

(a) the badge is exhibited on the dashboard or fascia of the vehicle, or

(b) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle;

so that the front of the badge is clearly legible from the outside of the vehicle,

(ii) in the case of a parking disc or time clock:-

(a) the disc is exhibited on the dashboard or fascia of the vehicle, or

(b) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle,

so that, when marked to show the quarter hour period during which a period of

waiting has begun, that period is clearly legible from the outside of the vehicle,

and

- (iii) in the case of any permit or waiver certificate issued in accordance with the provisions of this Order the permit or certificate shall be attached to the vehicle in respect of which it was issued –
- (a) in the case of a two-wheeled motor cycle having a side-car attached thereto in a conspicuous position on the near side of the vehicle in front of the driving seat;
 - (b) in the case of a two-wheeled motor cycle not having a side car attached thereto in a conspicuous position near the Vehicle Excise Duty disc
 - (c) in the case of any other vehicle –
 - where the vehicle is fitted with a front glass windscreen extending across the vehicle to the near side, facing forwards on the near side of the dashboard behind the glass; or
 - where the vehicle is not fitted with a front glass windscreen, on the near side of the vehicle,
- so that all the details shown on the front of the said ticket are clearly visible to a person standing at the near side of the vehicle;

“representative” means a person who is a representative for any qualifying premises the postal address of which is in a road or part of a road specified in the schedules but does not include any residential premises;

“resident” means a person of not less than 16 years of age whose usual residence is at a qualifying premises;

“residents parking place” means an area on a highway designated by this order as a parking place where vehicles may wait if displaying in the relevant position a valid permit;

“restricted hours” in relation to any restricted road means the hours during which waiting or any activity is restricted as specified for that restricted road on the Map Schedules;

“restricted road” means any of the sides or lengths of roads specified on the Map Schedules where waiting or specific activities are restricted or prohibited during the restricted hours provided that the expression “restricted road” shall not include any parking place;

“road” has the same meaning as in the 1984 Act;

“school” is as defined by section 51 of the Education Act 1997

“specified hours” means the hours specified on the Map Schedules;

“Statutory Care Organisation” means Suffolk County Council or a Primary Care Trust;

“telecommunications apparatus” has the same meaning as in Paragraph 1(1) of the Telecommunications Code contained in Schedule 2 to the Telecommunications Act 1984;

“time clock” means a device which can indicate within 15 minutes of which a vehicle is left in a parking place;

“traffic sign” has the meaning given by Section 64 of the 1984 Act;

“Visitor permit” means a permit issued by the Council under the provisions of Article 3.6

“voluntary organisation premises” means any premises occupied by and used in connection with the purposes of any charitable body or organisation;

“waiver certificate” means a certificate duly issued on behalf of the Council permitting a vehicle to wait in specified circumstances on a length or lengths of roads where waiting or loading of that vehicle would otherwise be restricted; and

“Zone 4” means an area specified in the Map Schedules and identified as Zone 4 in Schedule 2 to this Order.

- 1.5A Headings in this Order and Schedules and Map Schedules are for ease of reference only and are not part of the Order.
- 1.6 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- 1.7 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 and any reference to a Map Schedule is a reference to a Map Schedule incorporated in the Ipswich Borough Council (Permitted Parking Areas and Special Parking Area) (Waiting Restrictions, Loading Restrictions, Loading Areas and On-street Parking Places) (Consolidation) Order 2005, as amended.
- 1.8 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART 2 RESIDENTS PARKING PLACES

Designation of residents parking places

- 2.1 The parts of roads identified on the Map Schedules as resident parking places are authorised to be used subject to the following provisions of this order as residents parking places for such classes of vehicles specified in Article 2.2 and on such days and during such hours as are specified on the Map Schedules.

Vehicles for which parking places are designated

- 2.2 Each residents parking place may be used subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are passenger vehicles, goods vehicles, motor cycles or invalid carriages.

Use of residents parking places

- 2.3 No person shall cause or permit any vehicle to wait in a residents parking place during the permitted hours unless there is displayed on that vehicle in the relevant position a Residents, Residents Motorcycle, Visitors, Carers, Builders/Trade, Business or School permit or time clock valid for that time and Zone 4.

Waiver certificate and Builders/Trade Permit

- 2.4 Nothing in Article 2.3 shall render it a contravention to cause or permit to be left in a residents parking place any vehicle displaying in the relevant position a valid waiver certificate or Builders/Trade permit provided that the vehicle is being used in accordance with the conditions applying to the said certificate or permit.

One hour free parking, no return within 2 hours

- 2.5 Nothing in Article 2.3 shall render it a contravention to cause or permit a qualifying vehicle to remain in a resident's parking place if there is displayed in the relevant position a time clock showing the time at which the vehicle had been left in that place and no more than 1 hour has passed.
- 2.6 If a vehicle has remained in a resident's parking place in accordance with Article 2.5 no person shall cause or permit the same vehicle to remain in a resident's parking place in the same road in Zone 4 unless the expiration of 2 hours has occurred.

Signing of residents parking places

- 2.7 The Council shall indicate the limits of the residents parking places and the limits of any parking bay within those parking places on the carriageway by appropriate traffic signs and road markings.

PART 3 PROVISIONS AS TO PERMITS

Qualifying premises

- 3.1 Any premises is a qualifying premises with respect to Zone 4 if it is a residential premises, church premises or voluntary organisation premises and has its own postal address in that Zone:

- (i) and it existed as such on 31 August 2005; or
- (ii) if after application to the Council following any change of use, conversion into flats or construction of new buildings the Council accepts the application PROVIDED THAT no residential premises shall be a qualifying premises if it is a House in Multiple Occupation.

Application for Residents permit

- 3.2 Any resident of Zone 4 may apply to the Council for a Residents permit for the leaving of a qualifying vehicle in a residents parking place and any such application shall be made on a form issued by and obtainable from the Council and shall include such particulars and information required by the Council, provided that no more than 2 Residents permits will be issued for each qualifying premises.
- 3.3 Any representative from a qualifying premises within Zone 4 may apply to the Council for a Residents permit for the leaving of a qualifying vehicle in a residents parking place and any such application shall be made on a form issued by and obtainable from the Council and shall include such particulars and information

required by the Council, provided that no more than 2 Residents permits will be issued for each qualifying premises.

Application for Residents Motorcycle permit

- 3.4 Any resident of Zone 4 may apply to the Council for a Residents Motorcycle permit for the leaving of a motorcycle in a residents parking place and any such application shall be made on a form issued by and obtainable from the Council and shall include such particulars and information required by the Council, provided that no more than 2 Residents Motorcycle permits will be issued for each qualifying premises.

Restriction on Application for Residents and Residents Motorcycle permits

- 3.5 Any qualifying premises which holds a Residents permit may not apply for a Residents Motorcycle permit, and any qualifying premises which holds a Residents Motorcycle permit may not apply for a Residents permit.

Application for Visitor permits

- 3.6 A Residents permit holder or Residents Motorcycle permit holder may apply to the Council for the issue of not more than five books of five Visitor permits in six months for the leaving in a residents parking place of a qualifying vehicle belonging to a person visiting that resident.
- Any application for Visitor permits shall be made on a form issued by and obtainable from the Council and shall include such particulars and information required by the Council.

Application for a Carers permit

- 3.7 A Statutory Care Organisation may apply to the Council for a permit or permits for the leaving of a qualifying vehicle in a residents parking place and any such application shall be made on a form issued by and obtainable from the Council and shall include such particulars and information required by the Council.

3.8 The Council will issue as many carers permits to a Statutory Care Organisation as is necessary to carry out its carer function.

3.9 The Council being satisfied that an application under 3.7 is valid and the person making the application is qualified to hold one or more Carers permits and that they have paid any necessary fee may issue to them a Carers permit for the leaving of a vehicle during the permitted hours in a residents parking place in Zone 4.

Application for a Business Permit

3.10 Any owner or occupier of qualifying business premises may apply to the Council for a permit for the leaving of a qualifying vehicle in a residents parking place and any such application shall be made on a form issued by and obtainable from the Council and shall include such particulars and information required by the Council.

3.11 The Council being satisfied that an application under 3.10 is valid and the person making the application is qualified to hold a Business permit and that they have paid any necessary fee may issue to them a Business permit for the leaving of a vehicle during the permitted hours in a residents parking place in Zone 4.

Application for School permits

3.12 A School may apply to the Council for School permits allowing qualifying vehicles to be left in a residents parking place (a) from 15 minutes before to 15 minutes after the start time of the school day and (b) from 15 minutes before to 15 minutes after the end time of the school day Monday to Friday, term time only. Any such application shall be made on a form issued by and obtainable from the Council and shall include such particulars and information required by the Council

Issue of permits

3.13 The Council being satisfied that

- (i) an application under 3.2, 3.3, 3.4, 3.6, 3.7, 3.10 or 3.12 is valid,

Master ref 070-010.dot

Revised 30 October 2003

\\Nas02\Legal My Documents\david.peacock\My Documents\PROPOSED ORDER.doc - Zone 4 - revised 2008D.doc

- (ii) that the person making the application is qualified to hold a permit, and
 - (iii) that they have paid any fee as specified in Schedule 1,
- may issue to them the relevant permit for the leaving of a vehicle during the permitted hours in a residents parking place in Zone 4.

3.14 The Council shall not issue a Residents or Residents Motorcycle permit to an applicant unless satisfied that there is no more than one other Residents or Residents Motorcycle permit in force relating to the same qualifying premises.

Validity of permit

3.15 A Residents permit, Residents Motorcycle permit, visitor permit, Builders/Trade permit, Business permit, School permit or Carers permit shall cease to be valid at the expiration of the date shown on the permit or on the date of the surrender or revocation of the permit in accordance with the provisions of this Order, whichever date is the earlier.

3.16 Where an applicant for a permit pays the permit charge by cheque and the cheque is subsequently dishonoured, the permit shall be deemed to have been of no effect as from the date of its issue.

Form of permit

3.17 A Residents permit, Residents Motorcycle permit, Business permit or Carers permit shall be in writing, in a form prescribed by the Council and shall include as a minimum the following particulars –

- (a) an indication that the permit has been issued by the Council;
- (b) a serial number by which the permit may be identified;
- (c) the latest date on which the permit will remain valid;
- (e) a code or identification indicating the permit applies to Zone 4

- 3.18 A Visitor permit shall be in the form of a card and there shall be provision on the face for the indication thereon in ink by the resident of the address the permit relates to and correctly indicating the day, date, month, year and time period for which the permit will be used in accordance with the instructions thereon.

Duplicate permits

- 3.19 The Council may issue on payment of the appropriate fee, a duplicate Residents permit, Residents Motorcycle permit, Business permit or Carers permit where the Council is satisfied that the original permit has been lost, stolen, destroyed, damaged or defaced.
- 3.20 The provisions of this Order shall apply to a duplicate permit as they apply to the original permit, except that the date of issue of a duplicate permit shall be deemed to be the date on which the original permit was issued.
- 3.21 A duplicate permit shall expire on the date on which the permit that it replaces would have expired.

Surrender of permits

- 3.22 A permit holder may at any time surrender his/her permit to the Council and shall on surrendering the permit be entitled to a refund equivalent to one twelfth of the permit charge for each complete calendar month in which the permit would have remained valid had it not been surrendered less an administration charge as determined by the Council.
- 3.23 A permit holder shall promptly surrender his/her permit or Visitor permit(s) to the Council in any of the following circumstances:
- (a) if the Residents permit holder or Residents Motorcycle permit holder ceases to reside at the residential premises in respect of which the permit was issued; or

(b) in the case of a Residents permit issued in respect of qualifying premises if such premises no longer fall within Zone 4 or if the permit holder ceases to be a duly authorised officer, employee or trustee of a body occupying such premises; or

(c) in the case of a permit issued in respect of qualifying business premises if such premises no longer fall within Zone 4 or if the permit holder ceases to be a duly authorised officer or employee of a business occupying such premises or if the business ceases to be a qualifying Business; or

(d) if the carer ceases to be employed by a Statutory Care Organisation.

3.24 A permit which is surrendered in pursuance of Article 3.22 shall cease to be valid with effect from the date of its surrender.

Revocation of permit

3.25 Notwithstanding the provision of Article 3.22 the Council may by notice in writing to the permit holder revoke the permit in any of the following circumstances:

- (a) in any of the circumstances in which the permit holder would be required to surrender the permit under Article 3.22;
- (b) if the permit has been issued in contravention of any of the provisions of this Order or as a result of false or incorrect information having been given to the Council in connection with the application for the permit
- (c) on the issue of a duplicate permit under Article 3.19;
- (d) if the permit holder has used the permit otherwise than in accordance with the provisions of this Order;

3.26 A permit holder whose permit is revoked under Article 3.25 shall not be entitled to a refund of any part of the permit charge.

Use of permit

- 3.27 A Residents permit holder, or any other person authorised by the permit holder, may, subject to the provisions of this Order, cause or permit a qualifying vehicle to wait during permitted hours in a residents parking place in Zone 4.
- 3.28 A Residents Motorcycle permit holder, or any other person authorised by the permit holder, may, subject to the provisions of this Order, cause or permit a motorcycle to wait during permitted hours in a residents parking place in Zone 4.
- 3.29 A Business permit holder, or any other person authorised by the permit holder may, subject to the provisions of this Order, cause or permit a vehicle to wait during permitted hours in a residents parking place in Zone 4 only for as long as is necessary to carry on their business.
- 3.30 A Carers permit holder or any other person authorised by the permit holder, may, subject to the provisions of this Order, cause or permit a vehicle to wait during permitted hours in a residents parking place in Zone 4 only for as long as is necessary to carry out carers functions.
- 3.31 A Builders/Trade permit holder or any other person authorised by the permit holder may, subject to the provisions of this Order, cause or permit a vehicle to wait during permitted hours in a residents parking place in Zone 4 only for so long as is necessary to carry on their business.
- 3.32 A School permit holder or any other person authorised by the permit holder may, subject to the provisions of this Order, cause or permit a vehicle to wait during permitted hours in a residents parking place in Zone 4 at the following times Monday to Fridays during term time only:
- (a) from 15 minutes before to 15 minutes after the start time of the school day; and
 - (b) from 15 minutes before to 15 minutes after the end time of the school day.

- 3.33 Any person who causes or permits a qualifying vehicle to wait in a residents parking place in pursuance of the provisions of Articles 3.27, 3.28, 3.29, 3.30, 3.31 or 3.32 shall ensure that the permit is displayed on the qualifying vehicle in the relevant position for the full time that the vehicle waits in the residents parking place.
- 3.34 A visitors permit holder, or any other person authorised by the permit holder, may, subject to the provisions of this Order, cause or permit a qualifying vehicle to wait during permitted hours in a residents parking place in Zone 4.
- 3.35 A visitors permit shall be valid on a particular day if and only if on the face of the permit there is indicated the day, date, month and year when the vehicle is left in the residents parking place and the visitors permit is displayed on the qualifying vehicle in the relevant position.

Position of vehicles

- 3.36 A person who causes or permits a qualifying vehicle to wait in a residents parking place in accordance with the provisions of this Order shall ensure, so far as is practicable, that the vehicle waits in such a position that it is wholly within the parking place, close to and parallel with the kerb.

PART 4 GENERAL CONDITIONS AS TO THE USE OF PARKING PLACES

Power to suspend use of parking places

- 4.1 Any person duly authorised by the Council may suspend the use of any parking place or any part thereof whenever he/she considers such suspension reasonably necessary –
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking places 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 of any telecommunications apparatus, traffic sign or ticket machine;

- c) for the convenience or occupiers of premises adjacent to the parking place on any occasion of 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;
- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions at the discretion of the Council.

- 4.2 A police constable in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he or she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

Suspension of parking places

- 4.3 Any person suspending the use of a parking place or any part thereof in accordance with the provisions of Articles 4.1 or 4.2 shall thereupon place or cause to be placed in or adjacent to that parking place or part of that parking place a traffic sign indicating that waiting by vehicles is prohibited.
- 4.4 On suspension of the use of a pay and display parking place or any part thereof in accordance with the provisions of Articles 4.1 or 4.2 any person duly authorised by the Council may temporarily cover or remove any ticket machine relating to the said parking place or, as the case may be, that part thereof and any post or other support on which such ticket machine is fitted.

4.5 No person shall cause or permit a vehicle to be left in any part of a parking place during such period as there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of the suspension of the parking place:

Provided that nothing in this paragraph shall render it unlawful to cause or permit to be so left any vehicles being used in an emergency by the fire and rescue, ambulance or police services.

4.6 Nothing in Article 4.5 shall render it a contravention to cause or permit to be left in a parking place which is suspended a vehicle which displays in the relevant position a valid waiver certificate issued by the Council and the vehicle is waiting in accordance with the terms of the certificate.

Alteration of position or removal of vehicle in parking places

4.7 Where any vehicle is standing in a parking place in contravention of the provisions of Articles 3.36 and 4.5 a person authorised by the Council on that behalf or a police constable in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions, or may remove or cause to be removed, the vehicle from the parking place.

Movement of vehicles in parking places in emergencies

4.8 A person authorised by the Council for that purpose or police constable in uniform may move or cause to be moved, in case of emergency, to any place he/she thinks fit, any vehicle left in a parking place.

Restriction of use of vehicles at parking places

4.9 No person shall use any vehicle, while it is in a parking place during the permitted hours, in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of his/her skill or his/her services in any other capacity:

Provided that nothing shall prevent the sale of goods from a vehicle –

- (a) if the vehicle is one which may be left in a parking place in accordance with the provisions of this Order and the goods are immediately delivered at or taken into premises adjacent to the parking place in which the vehicle is left and from which the sale is effected; or
- (b) if the vehicle is one of which the provisions of Article 4.10 apply.

Exemptions

4.10 The provisions of this Order shall not apply to any vehicle waiting in a residents parking place for so long as may be necessary:-

- (a) to enable a person to board or alight from the vehicle
- (b) for 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 namely:-
 - (i) the removal of any obstruction to traffic;
 - (ii) the maintenance, improvement or reconstruction of the roads or lengths of roads;
 - (iii) the laying, erection, alteration or repair in or on land adjacent to the roads or lengths of roads of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any telecommunications;
- (c) for the vehicle if it cannot conveniently be used for such purpose in any other road to be used in pursuance of statutory powers or duties of a local authority;
- (d) for the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000;
- (e) to enable goods to be loaded onto or unloaded from the vehicle;
- (f) for the vehicle in the service of the fire and rescue, police or ambulance services to be used on operational duty;

- (g) for official vehicles to be used for or in connection with weddings and funerals.
- (h) being a vehicle which is prevented from proceeding by circumstances outside the control of the driver of that vehicle;
- (i) being a vehicle of an organisation approved for that purpose from time to time by the Council;
- (j) being a vehicle which waits on the direction of or with the consent of a police constable in uniform or a civil enforcement officer in uniform.

PART 5 WAIVER CERTIFICATES AND BUILDERS/TRADE PERMITS

Waiver certificates and Builders/Trade permits

- 5.1 The Council may issue a waiver certificate on such terms and conditions as it considers appropriate.
- 5.2. A charge may be made for a waiver certificate as determined from time to time by the Council.
- 5.3. The Council may issue a Builders/Trade permit for a Trade vehicle to remain in a residents parking place for a maximum of 7 days.
- 5.4. A charge as specified in the Schedule will be made on application for a Builders/Trade permit.
- 5.5. A waiver certificate or Builders/Trade permit may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid.
Notification of such cancellation shall be in writing to the holder of the waiver certificate or Builders/Trade permit at any address that the Council believes to be that

person's address and the waiver certificate or Builders/Trade permit shall forthwith be given up to the Council.

PART 6 CONTRAVENTION OF ORDER

- 6.1 If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention of or without complying with the requirements of this Order a contravention shall have occurred and a penalty charge shall be payable and/or the vehicle may be removed from that location.

Penalty charge notice

- 6.2 In the case of a vehicle in respect of which a penalty charge may be have been incurred, it shall be the duty of a civil enforcement officer to issue a penalty charge notice which shall include the information required by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("the 2007 Regulations") and the 2004 Act.

Manner of payment of penalty charge

- 6.3 The penalty charge shall be paid in accordance with the contents of the penalty charge notice as defined by the Schedule to the 2007 Regulations.

Indications as evidence

- 6.4 The particulars given in the penalty charge notice issued to a vehicle in accordance with Article 6.2 shall be treated as evidence in any proceedings relating to failure to pay such a penalty charge.

Removal of a vehicle

- 6.5 Where a civil enforcement officer has removed or caused to be removed a vehicle in accordance with Articles 4.7, 4.8 or 6.1;

Master ref 070-010.dot Revised 30 October 2003

\\Nas02\Legal My Documents\david.peacock\My Documents\PROPOSED ORDER.doc - Zone 4 - revised 2008D.doc

- (a) he/she shall provide for the safe custody of the vehicle;
- (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
- (c) the provisions of the 1984 Act as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.

6.6 Nothing in Articles 4.7 or 6.5 shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.

Restriction on removal of notices

6.7 Where a penalty charge notice has been attached to a vehicle in accordance with Regulation 9 of the 2007 Regulations, any person other than the owner or person in charge of the vehicle or person duly authorised by the Council who removes the penalty charge notice shall be guilty of an offence under Regulation 11 of the 2007 Regulations.

Immobilisation

6.8 If a vehicle is left after a penalty charge has been incurred, a civil enforcement officer in uniform or a person acting under his/her direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of Section 79 of the 2004 Act and the 2007 Regulations.

SCHEDULE 1 PERMIT FEES

Type of permit	Fee	Duration
First Residents permit	£35.00	12 months
Second Residents permit	£60.00	12 months
First Residents Motorcycle permit	£35.00	12 months
Second Residents Motorcycle permit	£35.00	12 months
Business permit	£200.00	12 months
Carers permit	£12.00	12 months
Builders/Trade permit	£12.00	7 days
School permit	Free	12 months
Visitor permit	£5.00	Book of 5 (£1 per day)
Time Clock	Free with Residents permits or Residents Motorcycle permits	12 Months

SCHEDULE 2 LIST OF ROADS

Roads or parts of roads listed below where qualifying premises/organisations are eligible for permits within the Zone 4 boundary as specified on the Map Schedules:

ZONE 4

Alderman Road	25 - 43
Benezet Street	1 - 10
Bramford Road	(south side odd nos. 1-79)
Bulwer Road	(northern end nos. 29 - 91 and 22 - 80)
Burlington Road	1-25 & 2-46
Clarkson Street	2-66 & 5-43
Crescent Road	1-13
Dalton Road	1-25 & 2-12
Dilwyn Street	2-46 & 5-49
Dilwyn Street West	2-42 & 1-3
Emlen Street	1,3,45,47,49, & 18-28 & 44
Gaye Street	1-9 & 2,4 & 6(Flats 1-5)
Granville Street	7-17 & 4-24
Handford Road	(north side even nos. 28 - 52)
London Road	(eastern end nos. 1 - 47 and 2 - 84)
Norwich Road	(south west side odd nos. 1 - 75)
Portman Road	No.3
Rendlesham Road	(northern end nos. 37 - 73 and nos. 26 - 76)
Sir Alf Ramsey Way	Nos 3,5 & 7
Stevenson Road	1-11a & 1-33
Wilberforce Street	1-45

THE COMMON SEAL of)
IPSWICH BOROUGH COUNCIL)
was affixed on 28th April 2009)
in the presence of:-)


Authorised Officer


Authorised Officer



16301