

NEWPORT CITY COUNCIL (PROHIBITION AND RESTRICTION OF WAITING AND LOADING AND ON STREET PARKING PLACES) (CIVIL ENFORCEMENT) ORDER 2019

CYNGOR DINAS CASNEWYDD GORCHYMYN (GWAHARDD A CHYFYNGAR AROS A LLWYTHO A LLEODD PARCIO AR Y STRYD) (GORFODI SIFIL) 2019

Newport City Council in exercise of its powers under sections 1(1), 2(1) to (3), 4, 32, 35 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (the Act of 1984) as amended, the Civil Enforcement of Parking Contraventions (County Borough and City of Newport) Designation Order 2019 and of all other enabling powers, and after consultation with the Chief Constable of Gwent Police and in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order.

SECTION 1 – PRELIMINARY

Citation and commencement

1. This Order shall come into operation on 1st July 2019 and may be cited as the Newport City Council (Prohibition and Restriction of Waiting and Loading and on Street Parking Places) (Civil Enforcement) Order 2019.

Interpretation

2. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
3. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made of having effect as if made under the Act of 1984 or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.
4. The On Street Plans forming Schedule 1 to this Order and titled "Newport City Council (Prohibition and Restriction of Waiting and Loading and On-Street Parking Places) (Civil Enforcement) Order 2019 On Street Plans" including the key (the "Plans") are

hereby incorporated into this Order and are recorded in Schedule 2 to this Order "The Plan Index".

5. "The Plan Index" forms schedule 2 to this Order.
6. This Order and the four schedules annexed hereto are sealed with the seal of Newport City Council.
7. In this Order except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"the Act of 1984" means the Road Traffic Regulation Act 1984

"the 2004 Act" means the Traffic Management Act 2004

"the 2013 Regulations" means the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013

"Council" means Newport City Council and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order

"alternative approved method of payment" means cashless payments, park and phone, payment by debit or credit card facilitated by on site or remote verification by for example card reader or mobile phone text or phone call or decrementing card

"bank holiday" has the same meaning as described in the 'Banking and Financial Dealings Act 1971 (C.80); the first Monday of May shall be treated as if it were a Bank Holiday for the purposes of this Order

"bus" means

- (i) a motor vehicle constructed or adapted to carry 8 or more passengers (exclusive of the driver);
- (ii) a local bus not so constructed or adapted

"bus stop clearway" means any area that is marked in accordance with and conveys the meaning of diagram 1025-1 of the Traffic Regulations and General Signs Directions 2016

“business user” means a person who occupies or is employed at premises the postal address of which is in any street or part of a street described in Schedule 3 and who uses such premises for non-residential purposes

“caravan” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed) or being transported on a motor vehicle or trailer

“carer or essential visitor” means anyone, as determined from time to time by the Council, who performs a caring function in the community and can include registered carers, doctors, district nurses, professional carers and other qualified medical practitioners who have a genuine reason to park in residents’ permit parking places while visiting a resident in a caring situation

“carer or essential visitor permit” means a permit issued by the Council to a person or organisation which is construed as a carer organisation or recognised at the absolute discretion of the Council as a valid permit

“civil enforcement officer” means a person employed in accordance with Section 76 of the 2004 Act to carry out the functions therein

“clearway” means the main carriageway of any of the lengths of roads marked in accordance with the Traffic Signs Regulations and General Directions 2016 (as amended) and specified in the plans where stopping is prohibited during the restricted hours provided that the expression clearway shall not include any lay-by or parking place

“community care personnel” means persons who are employed by or who are members of an official carers’ organisation operating through the Council or the National Health Service

"disabled person's badge" has the same meaning as in the Disabled Persons ('badges for Motor Vehicles) (Wales) Regulations 2000, as amended

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

“driver” in relation to a vehicle waiting or parked in a restricted area or parking place respectively, means the person driving the vehicle at the time it was left / parked in the prohibited or restricted parking area or parking place

“electric vehicle” means a plug in electric vehicle or a plug in hybrid vehicle

“electric vehicle charging bay” means a parking bay which has been marked and signed exclusively for the use of an electric vehicle whilst that vehicle is being charged by means of an electric vehicle charging point

“electric vehicle charging point” means a purpose built unit designed specifically for charging electric vehicles

“emergency service vehicle” means a vehicle being used by the Police, Fire Brigade or Ambulance Services

“enactment” means any enactment, whether public, general or local, and includes any order, byelaw rule, regulation, scheme or other instrument having effect by virtue of an enactment

“event times” means periods on any specific day when special events are taking place which require regular but temporary prohibition or restriction of waiting / parking; at event times, appropriate signs under the Traffic Signs and General Directions 2016 (as amended) will be in place to indicate the required restrictions

“goods” means goods of any kind whether animate or inanimate and includes postal packets

“goods vehicle” means a vehicle constructed or adapted for the use for the conveyance of goods or burden of any description

“household” means a house or flat which has its own postal address. In the case of sub-divided properties the establishment of an individual address is subject to any appropriate planning consent having been obtained for the sub-division of the property and the paying of separate council tax

“keeper” means:

- a) the owner of a qualifying vehicle or
- b) a qualifying resident identified and authorised by a registered business as being the sole or main user of a qualifying vehicle owned or leased by that business or
- c) a qualifying resident identified and authorised by the owner of a qualifying vehicle as being the sole or main user of that vehicle, provided that both the owner of the qualifying vehicle and the qualifying resident are resident at the same address

“key” means the key attached to the Plans to be read in conjunction with the Plans

“lay-by” in relation to a main carriageway means any area of a highway at the side of the main carriageway but not part of it and marked in accordance with the Traffic Signs and General Directions 2016 intended for the parking of vehicles, provided that no person shall cause or permit any vehicle to park in any lay-by for the purpose of selling goods or services from that vehicle

“light goods vehicles” means a vehicle which is constructed or adapted for use for the carriage of goods or burden of any description the overall height of which does not exceed 1.85 metres and the unladen weight of which does not exceed 1524 kilograms and is not drawing a trailer

“loading area” means any of the sides or lengths of roads specified on the Plans where activities other than loading are prohibited

“local service” has the same meaning as in the Transport Act 1985

“main carriageway” means that part of a public highway used primarily for through traffic provided that the expression main carriageway shall not include any lay-by

“motor cycle” has the same meaning as that in S136 of the Act of 1984

“no loading hours” means in relation to any no loading road the hours during which loading and unloading is restricted on the Plans to this order

“no loading road” means any of the lengths of road specified on the Plans where loading is prohibited provided that the expression “no loading road” shall not include any parking place

“no stopping hours” means in relation to any no stopping the hours during which stopping is restricted on the Plans

“no stopping road” means any of the lengths of road (including clearways) specified on the Plans where stopping is prohibited provided that “no stopping road” shall not include any parking place

“owner” in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof

“park”, “parking” and “parked” refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle and a vehicle shall be deemed to be parked for any period in the same parking place or parking bay (as the case may be) if any part of it is below the vehicle or the vehicle’s load (if any) whether or not the vehicle is moved during that period

“parking bay” means the area of a road within a parking place which is provided for the leaving of a vehicle and is indicated in such a manner as the local roads authority may determine by signs, carriageway markings, lines or other indications

“parking place” means an area of a road designated by this Order for the parking of vehicles of specific classes within which parking bays may be indicated

“passenger vehicle” means a motor vehicle (other than a motor-cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer

“Penalty Charge” means the charge set by the Council under Section 77 of part 6 and schedule 9 of the 2004 Act, which is to be paid, in accordance with the 2013 regulations, to the Council following the issue of a Penalty Charge Notice and within the period notified on the Penalty Charge Notice, from the date of issue of that notice

“penalty charge notice” means a notice issued or served by a person authorised by the Council pursuant to the provisions of part 6 of the 2004 Act and the 2013 Regulations

“permit” means any permit being a resident, business or trade permit, community care personnel, civic or staff permit or visitor permit issued or recognised by the Council under the provisions of this Order

“permit holder” means a person to whom a permit has been issued under the provisions of this Order

“permitted hours” means the periods specified for each parking place during which parking by vehicles of a specific class is permitted as specified on the Plans

“plug-in electric vehicle” means a vehicle which utilises rechargeable batteries, or another energy storage device that can be restored to full charge by connecting a plug to an external power source

“plug-in hybrid electric vehicle” means an electric drive vehicle using one or more electric motors for propulsion which may also contain a combustion engine either for exclusive use of supplying energy to recharge the power source and/or supplying motive power

“public holiday” means Christmas Day and New Year’s Day (or the Monday following when Christmas Day and New Year’s Day fall on a Sunday)

“prohibited hours” means in relation to any prohibited road the hours during which waiting or loading is prohibited as specified on the Plans

“prohibited road” means any of the sides or lengths of roads specified on the Plans where waiting is prohibited provided that the expression “prohibited road” shall not include any parking place

"qualified medical practitioner" means a fully registered person within the meaning of the Medical Act 1983

"registered carer" means any person employed by the Council or the National Health Service to provide care to other people in the exercise of its functions under any enactment

"relevant position" in respect of:

- (a) a disabled person's badge and parking disc has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000, as amended
- (b) a permit means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the permit is clearly legible from outside the vehicle

"resident" means a person qualifying as a resident a person who is solely or mainly resident at premises the postal address of which is in a road described in schedule 3

"restricted hours" means in relation to any restricted road the hours during which waiting is restricted or specific activities are restricted as specified on the Plans

"restricted road" means any of the sides or lengths of roads specified on the Plans where waiting is restricted or specific activities are restricted during the restricted hours provided that the expression "restricted road" shall not include any parking place

"taxi" has the same meaning as "hackney carriage" in section 38 of the Town Police Clauses Act 1847

"taxi rank" means an area of carriageway which is indicated by road markings complying with the Traffic Signs Regulations and General Directions 2016 for use by taxis

"telecommunication system" has the same meaning as in the Telecommunications Act 1984

"trailer" means any apparatus drawn by a motor vehicle and for the purposes of this order shall include a boat

"virtual parking permit" means an electronic record of parking ticket, permit or dispensation issued and confirmed by the Council to exempt a vehicle from a restriction in the provisions of this order under the terms applicable at the time of this order under the terms applicable at the time of issue; a virtual parking permit may be obtained by any of the methods provided from time to time by the Council and to be valid must be registered on an account in an electronics database approved by the Council with an indication that the permit has been issued and validated in accordance with Council procedures

"vehicle" unless the context otherwise requires, means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads, whether or not by mechanical power

"wait" and "waiting" refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle; wait and waiting apply as for "park" and "parked"

"waiver certificate" means a certificate issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited

"visitor parking permit " means a permit issued by the Council for the leaving of a vehicle belonging to a visitor, to a resident, in a parking place designated for vehicles displaying a valid resident permit or visitor voucher

"zone" means an area comprising the respective roads specified in the respective of the Plans.

8. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and

any reference to the Plans is a reference to the Plans incorporated into the Schedules to this Order.

9. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
10. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by this Order were Acts of Parliament thereby repealed.
11. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.
12. If a court, the Welsh Government or The Traffic Penalty Tribunal, declares any part of this Order to be invalid or un-enforceable, such declaration shall not invalidate the remainder of the Order.

SECTION 2 – PROHIBITION AND RESTRICTION OF WAITING AND LOADING

Prohibition of waiting

13. Save as provided in Articles 19 to 27 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait / park at any time on any prohibited road as specified on the Plans.

Restriction of waiting

14. Save as provided in Articles 19 to 27 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle or a vehicle of a specific class to wait on any restricted road during the restricted hours as specified on the Plans.

Loading areas

15. Save as provided in Articles 19, 20 and 25 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait during the restricted hours in any loading area specified on the Plans unless it is of the specified class and except for the loading or unloading of goods in connection with nearby trade or business premises.
16. Where there is specified in the Plans a maximum period during the restricted hours for which loading or unloading is permitted, no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait on any loading area:
 - (a) for longer than is necessary for goods to be loaded onto or unloaded from the vehicle
 - (b) for a period longer than specified on the Plans, or
 - (c) if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

Restriction on loading and unloading

17. Save as provided in Articles 19, 20 and 25 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle or a vehicle of a specific class to for the purpose of enabling goods to be loaded to or unloaded from the vehicle on any no loading road during the no loading hours as specified on the Plans.

Restriction on stopping

18. Save as provided in Articles 19, 20, 25 and 30 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to stop on any no stopping road or clearway during the no stopping hours as specified on the Plans

Emergencies

19. Nothing in Articles 13 to 18 shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable the vehicle to be used in an emergency for fire and rescue, ambulance or police purposes:

General exemptions

20. Nothing in Articles 13 to 18 shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable:
- (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - (i) building, shop fitting, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
 - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system,
 - (b) the vehicle, not being a passenger vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;
 - (c) the vehicle of the Royal Mail or other universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail; or
 - (d) in any case where the person in control of the vehicle,
 - (i) is required by law to stop;
 - (ii) is obliged to stop so as to prevent an accident, or
 - (iii) is prevented from proceeding by circumstances outside his/her control.

Loading and unloading

21. Nothing in Articles 13 to 16 shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable goods to be loaded to or unloaded from a vehicle (or goods or merchandise to be delivered or collected).

Board and alight from a vehicle

22. Nothing in Articles 13 to 14 shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable a person to board or alight from the vehicle.

Funerals and weddings and Civil Partnerships

23. Nothing in Articles 13 to 14 shall render it unlawful to cause or permit any vehicle to wait, if it cannot safely and conveniently do so elsewhere, in any of the roads, lengths of road or on the sides of road specified therein if it is an official vehicle being used for funerals or weddings or civil partnership ceremonies.

Parking places

24. Nothing in Articles 13 to 18 shall render it unlawful to cause or permit any vehicle to park upon a designated parking place.

Waiting by vehicle displaying a waiver certificate

25. Nothing in Articles 13 to 18 shall prevent any person from causing or permitting a vehicle to wait in any prohibited or restricted road if it is displaying in the relevant position a valid waiver certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

Waiting or parking by disabled persons' vehicle

26. Nothing in Articles 13 to 14 shall render it unlawful to cause or permit a disabled person's vehicle, which is not causing an obstruction and which displays in the relevant position a disabled person's badge, to wait or park in a prohibited road or a restricted road specified on the Plans for a period not exceeding three hours (not being a period separated by an interval of less than one hour from the previous period of waiting by the same vehicle in the same road or part of a road on the same day) provided that the vehicle immediately before or after the act of waiting or parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

Taxi ranks

27. Nothing in Articles 13 and 14 and 15 shall prevent any person from causing or permitting a licensed taxi to stop or wait in any duly authorised taxi rank during the period of operation specified on the Plans.

28. No person shall cause or permit any vehicle other than a taxi to stop or wait on a taxi rank during the period of operation.
29. No person shall cause or permit a taxi to stop or wait on a taxi rank during the period of operation other than for the purpose of plying for hire.

Bus stop clearways

30. Nothing in article 18 shall prevent a bus from stopping in a bus stop clearway

General conditions of waiting

31. No person shall cause or permit any vehicle to wait unless all wheels are on the carriageway and, if conditions dictate that the vehicle should wait parallel to the kerb, so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50cms.
32. No person shall cause or permit any vehicle to wait so that any part of the vehicle obstructs any dropped kerb or any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting.

SECTION 3 – PERMITTED PARKING PLACES

Limited waiting parking places

Designation of limited waiting parking places

33. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as limited waiting parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
34. No person shall cause or permit any vehicle to park in a limited waiting parking place during the permitted hours unless it is of the specified class.

Classes of vehicles for which limited waiting parking places are designated

35. Subject to the provisions of this Order, limited waiting parking places may be used during the permitted hours for the parking of passenger vehicles, light goods vehicles, motor cycles and vehicles displaying a disabled person's badge.

Restriction on parking

36. Save as in an emergency, no person shall cause or permit any vehicle to remain in a limited waiting parking place for longer than the maximum period specified for that parking place in the Plans.

No return

37. Where a period within which a vehicle must not be parked again in the limited waiting parking place is specified in the Plans, no person shall permit or cause the vehicle to park again in that parking place until the expiry of that specified period.

Verge and footway parking

38. Where parking partially on the verge or footway is specified on the Plans, nothing shall render it unlawful for any person to cause or permit a vehicle of the class specified to park in a limited waiting parking place partially on the verge or footway.

Designation of police or doctor vehicle only parking places

39. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as police or doctor vehicle parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
40. No person shall cause or permit any vehicle to park in a police or doctor vehicle only parking place during the permitted hours unless it is displaying in the relevant position a police or doctor vehicle permit valid for that vehicle, that time and that parking place.
41. A police vehicle permit means a permit issued by the Police in such form and subject to such conditions as may be agreed from time to time by the Council.

Disabled person's parking places

Designation of disabled persons' parking places

42. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as parking places for vehicles displaying a valid disabled person's badge and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.

Display of disabled person's badge

43. No person shall cause or permit any vehicle to park in a disabled person's parking place during the permitted hours unless there is displayed on that vehicle in the relevant position a valid disabled person's badge provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

Maximum period of parking in a disabled person's parking place

44. Save as in an emergency, no person shall cause or permit any vehicle to remain in a disabled person's parking place for longer than the maximum period specified for that parking place in the Plans.
45. Where as indicated on the Plans there is a maximum period specified for that disabled person's parking place, the driver of a vehicle shall upon leaving the vehicle in the parking place, display in the relevant position a disabled person's badge and a clock on which has been marked the time at which the period of parking began and shall remove that vehicle from the said parking place within the maximum time specified.
46. Where a period within which a vehicle must not be parked again in the disabled person's parking place is specified in the Plans, no person shall permit or cause the vehicle to park again in that parking place until the expiry of that specified period.

Permit only parking places

Designation of permit holders only parking places

47. The parking places identified in the Plans as permit holders only parking places are hereby designated as being restricted to use during the permitted hours by vehicles displaying a

valid resident's permit, visitor parking permit, business permit, carer or essential visitor permit or any other such permit type issued or recognised by the Council.

48. Where a virtual parking permit has been obtained as an alternative to a permit or visitor permit and remains valid any requirement in the relevant parking order for the permit to be displayed on the vehicle to which it relates shall not apply.

Classes of vehicles for which permits are applicable

49. Subject to the provisions of this Order, permits and visitors' permits may be issued in respect of classes of vehicles being passenger vehicles, light goods vehicles, motor-cycles and disabled persons' vehicles.

Permits to be displayed on vehicles

50. Save as for article 71 no person shall cause or permit any vehicle to park in a permit holders only parking place during the periods specified in the Plans unless there is on display in the relevant position on that vehicle a resident's parking permit, visitor parking permit, business permit, carer or essential visitor permit or any other such permit type issued by the Council and valid for that parking place.
51. Where a permit has been displayed on a vehicle in accordance with the preceding Article, no person other than the driver of the vehicle shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

General conditions in respect of parking places

Manner of standing in a parking place

52. Unless indicated otherwise by markings on the carriageway, each vehicle parked in a limited waiting, pay and display, disabled person's and permit parking place in accordance with the foregoing provisions of this Order shall stand:
- (i) if the parking place is in a one-way street, so that the vehicle is facing according to the direction of the traffic flow and adjacent to the edge of the carriageway;
 - (ii) so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50cms;

- (iii) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is parked; and
- (iv) so that every part of the vehicle is within the limits of the parking place as marked on the carriageway.

Alteration of position of a vehicle in a parking place

53. Where any vehicle is standing in a parking place in contravention of the provisions of the preceding Article, a civil enforcement officer or person duly authorised by the Council or police officer in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Movement of a vehicle in a parking place in an emergency

54. A civil enforcement officer in uniform or a police officer in uniform may move or cause to be moved or remove or cause to be removed, in case of emergency, to any place he / she thinks fit, any vehicle parked in a parking place and shall provide for the safe custody of the vehicle.

Suspension of use of a parking place

55. Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider 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 adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place or any sewer or of any main, pipe, or apparatus for the supply of gas, water or electricity or of any telecommunications system or the placing, maintenance or removal of any traffic sign;
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depositary, another office or dwelling-house;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed;

- (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions; or
- (f) on any occasion in the interests of traffic or pedestrian movement and safety when a special event is taking place in the vicinity.

56. Any person duly authorised by the Council or a police officer in uniform may suspend for not longer than 7 days at a time the use of a parking place or any part thereof whenever he / she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

57. Any person duly authorised by the Council or police officer suspending the use of a parking place or any part thereof in accordance with the provisions of this Order shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that parking by vehicles is prohibited.

No parking in a suspended parking place

58. No person shall cause or permit a vehicle to park in a parking place or any part thereof during which such period as the Council or a police officer has suspended that parking place or part thereof and exhibits notice of such suspension on or near that parking place.

59. Nothing in the preceding Article shall render it a contravention to cause or permit a vehicle to be parked in a parking place which has been suspended, which displays in the relevant position a valid waiver certificate issued by the Council, and the vehicle is parking in accordance with the terms and conditions of the said certificate.

Restrictions on the use of vehicles in a parking place

60. During the permitted hours no person shall use any parking place or any vehicle whilst it is in a parking place

- (i) to carry out any trade,
- (ii) in connection with the sale or offering or exposing for sale any goods to any person in or near the parking place, or
- (iii) in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity:

provided that

- (iv) nothing in this Article shall prevent the sale of goods from a vehicle if there is on display in the vehicle a valid Street Trader's Licence issued by the Council and the vehicle is being operated in accordance with any conditions of the said licence.

Exemptions to restriction on parking by a vehicle in a parking place

61. Notwithstanding for foregoing provisions of this Order any vehicle may be parked during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:
- (a) the vehicle is parked for so long as may be necessary for the purpose of enabling any person to board or alight from a vehicle or load thereon or unload therefrom their personal luggage;
 - (b) the vehicle is parked owing to the driver being prevented from proceeding by circumstances beyond their control or to such parking being necessary in order to avoid an accident;
 - (c) the vehicle is being used by a doctor or nurse visiting premises adjacent to the parking place as part of their official duties of care to a patient, away from their normal place of work and the vehicle is identifiable to the Council in its absolute discretion as such;
 - (d) the vehicle is being used for fire and rescue, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to park in the place in which it is parked;
 - (e) the vehicle is parked for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (f) the vehicle of the Royal Mail or other universal postal service provider (as defined in Section 4(3) and (4) of the Postal Services Act 2000) is parked for the purpose of delivering and/or collecting mail.

Exemptions for vehicles displaying a valid disabled person's badge

62. Notwithstanding the foregoing provisions of this Order any vehicle displaying in the relevant position a valid disabled person's badge may be parked without time limit during the permitted hours in any part of a parking place if the use of that part has not been suspended provided that the vehicle is parked in accordance with the terms and conditions of the said badge.

Exemptions for vehicles displaying a valid waiver certificate

63. Notwithstanding for foregoing provisions of this Order any vehicle displaying in the relevant position a valid waiver certificate issued by the Council may be parked
- (i) without time limit during the permitted hours in any part of a parking place if the use of that part has not been suspended, or
 - (ii) in any part of a parking place the use of which has been suspended;
- provided that the vehicle is parked in accordance with the terms and conditions of the said certificate.

Placing of traffic signs etc.

64. The Council shall:
- (a) place and maintain traffic signs indicating the limits of each parking place,
 - (b) place and maintain traffic signs of a design approved by the Welsh Government Minister for Energy and Transport indicating that such parking places may be used during the permitted hours for the leaving only of the vehicles of the specified classes, and
 - (c) carry out such other work as it reasonably required for the purposes of the satisfactory operation of a parking place.

SECTION 4 - CONDITIONS AS TO PERMITS AND CERTIFICATES

Classes of vehicles for which permits are applicable

65. Subject to the provisions of this Order, permits may be issued to classes of vehicles being passenger vehicles, light goods vehicles, motor-cycles and disabled persons vehicles.

Use of permits

66. A permit shall only be valid for use in a parking place on a road or within the zone identified on the permit and specified on the Plans.

Entitlement to and application for permits

Residents' permits

67. Any resident who is the owner of a vehicle of the class specified may apply to the Council for the issue of a resident's permit in respect of that vehicle and / or the issue of visitor

permits for use by visitors to the resident and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.

Residents' visitor permit

68. Any resident may apply to the Council for the issue of a residents' visitor permit for use by visitors to the resident and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.

Business permits

69. Any business user operating from premises with a postal address in the roads or parts of road as specified in Schedule 3 who is the operator of a vehicle of the class specified may apply to the Council for the issue of a business permit in respect of that vehicle and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.

Carer permits

70. Any carer or representative of a carer or registered medical practitioner or member of an organisation approved from time to time by the Council may apply to the Council for the approval by it or issue of a carer permit or an essential visitor parking permit for the leaving of a vehicle of the class specified in a parking place in which such permits are valid; provided that the Council may require such specific and supportive information as it considers appropriate.

Evidence in respect of application

71. The Council may at any time require an applicant for a resident's, business, carer or essential visitor permit or the holder of a residents, business or carer or essential visitor permit or approval of such permit to produce to an officer of the Council or authorised agent such evidence in respect of an application for a permit or approval of a permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued or approved by them as they may reasonably require for to verify that the permit is valid.

Issue of permits

Residents' permits

72. Upon receipt of an application duly made under the provisions of this Order, the Council upon being satisfied that the applicant is a resident who is the owner of a vehicle of the class specified and on payment of any fee as specified in Schedule 4 may issue to the applicant a resident's permit for the leaving during the permitted hours in a parking place of the vehicle to which such resident's permit relates; provided that if a limit on the number of permits per resident or per household applies in accordance with the scheme details, the limit is not exceeded.

Residents' visitor permits

73. Upon receipt of an application duly made under the provisions of this Order, the Council upon being satisfied that the applicant satisfies the requirements and on receipt of any fee that the Council may from time to time determine, may issue to the applicant residents' visitor permits for the parking during the permitted hours in a parking place to which such residents' visitor permit relates of a vehicle to which a permit relates by the owner of such vehicle provided that if a limit on the number of residents' visitor permits per resident or per household applies in accordance with the scheme details, the limit is not exceeded.

Business permits

74. Upon receipt of an application duly made under the provisions of this Order, the Council upon being satisfied that the applicant satisfies the requirements and on receipt of any fee may issue to the applicant permits up to the maximum permitted for the leaving during the permitted hours in a parking place of the vehicle to which a permit relates provided that the Council may impose such conditions on the use of the permit as it considers appropriate and that if a limit on the number of permits applies the limit is not exceeded.

Carer or essential visitor permits

75. Upon receipt of an application duly made under the provisions of this Order, the Council upon being satisfied that the applicant satisfies the requirements may issue to the applicant approval of a carer or essential visitor permit for the leaving during the permitted hours in a parking place of the vehicle to which a permit relates provided that the Council may impose such conditions on the use of the permit as it considers appropriate

Surrender of permits

76. A permit holder may surrender such permit to the Council or authorised agent at any time and shall surrender such permit to the Council or authorised agent on the occurrence of any one of the surrender events.

Withdrawal of permit

77. The Council or authorised agent may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or approval of a permit or at any other address believed to be that person's residence or place of business, withdraw a permit if it appears to the Council or authorised agent that any one of the surrender events has occurred and the permit holder shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the aforementioned notice.

Surrender events

78. Each of the following is a surrender event:
- (i) the permit holder ceasing to be a resident;
 - (ii) the permit holder ceasing to be the owner of the vehicle in respect of which the resident's permit was issued;
 - (iii) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified;
 - (iv) the issue of a duplicate permit or visitor permit / voucher by the Council under the provisions of this Order; or
 - (v) the permit being defaced, mutilated or altered.

Validity of permit

79. A permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any of the surrender events, whichever is the earlier.
80. Where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect and the council shall by notice in writing served on the person to whom such permit or voucher was issued by sending the same to the permit holder at the address shown by that person on the application for the permit, or at any other address believed to be that person's place of abode, require that person to surrender the permit to the Council within 48 hours of receipt of the aforementioned notice.

81. A permit shall cease to be valid if:
- (i) the details have been altered or defaced;
 - (ii) any additional details required as a condition of the permit are not exhibited;
- or
- (iii) the details cannot be easily read from outside the vehicle.

Duplicate permits

82. If a permit or visitor permit is accidentally mutilated or defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and apply to the Council for the issue of a replacement permit or voucher.
83. If a permit or visitor permit is lost or destroyed, the permit holder may apply to the Council for the issue of a duplicate permit.
84. On application under the provisions of this Order, the Council, being satisfied as to the circumstances as indicated, and on payment of any fee as the Council may from time to time determine, shall issue a replacement or duplicate permit or voucher so marked and upon such issue the original permit or voucher shall become invalid.
85. All the provisions of this Order shall apply to a replacement or duplicate permit to the same extent as they applied to the original permit.

Form of permit

86. A permit shall be in writing or shall be a virtual parking permit and shall include the particulars required by the Council which may include the following:
- (i) the registration mark of the vehicle in respect of which the permit has been issued provided that in exceptional circumstances at the absolute discretion of the Council the vehicle registration mark may be omitted;
 - (ii) the period during which, subject to the provisions pertaining to surrender or withdrawal, the permit shall remain valid;
 - (iii) an indication that the permit has been issued or approved by the Council; and
 - (iv) a code or identification indicating the parking area for which the permit is valid.

Refund of charge paid

87. A permit holder who surrenders a permit to the Council before the permit becomes valid or after the permit becomes valid may be entitled to a refund of a sum determined by reference to a policy agreed from time to time by the Council.

Waiver certificate

88. The Council may issue a waiver certificate on receipt of application and may impose charges, terms and conditions as appropriate.
89. A waiver certificate 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 certificate at any address that the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

SECTION 5 – GENERAL

Pedestrian crossings

90. Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act of 1984.

SECTION 6 - CONTRAVENTION AND PENALTY CHARGE

Contravention

91. If a vehicle is waiting or parked in a prohibited or restricted road or parking place respectively 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 moved from that parking place.

Penalty charge notice

92. In the case of a vehicle in respect of which a penalty charge may be or have been incurred, it shall be the duty of a parking enforcement officer to issue a penalty charge notice which shall include the information required by the Act of 2004

Manner of payment of penalty charge notice

93. The penalty charge shall be paid to the Council or agents acting on behalf of the Council either by cheque, banker's draft, money order or postal order or other such electronic payment means as approved by the Council which shall be made payable to the Council and delivered or sent by post so as to reach the Council at the address as detailed on the penalty charge notice not later than 4.30pm on the twenty eighth day following the day on which the penalty charge was incurred.

Indications as evidence

94. The particulars given in any notice served on a vehicle in contravention of any provision of this Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

Restriction on removal of notices

95. Where a notice has been attached to a vehicle in accordance with the provisions of this Order no person, not being the driver of the vehicle, a police officer in uniform, a civil enforcement officer or some other person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle.

Removal of vehicle

96. Where a civil enforcement officer or some other person duly authorised by the Council has removed or caused to be removed a vehicle in accordance with the provisions of this Order,
- (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 Act of 1984 as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council.
97. Nothing in respect of removal of a vehicle shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.
98. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

SECTION 7 - REVOCATIONS

99. All the traffic regulation orders or parts of traffic regulation orders imposing the following restrictions:

- (a) Prohibition and restrictions of parking and loading and unloading;
- (b) Prohibition of stopping,
- (c) Loading areas,
- (d) Restrictions on parking places,
- (d) Restrictions on disabled parking places, and

as they relate to roads in Newport City Council area as defined in the Plans made prior to this Order are hereby revoked.

Given under the seal of Newport City Council this ^{20th} day of ^{June} 2019

THE SEAL of Newport City Council
was hereunto affixed
in the presence of:


Head of Law and Regulation



SCHEDULES

Schedule 1 - Newport City Council (Prohibition and Restriction of Waiting and Loading and On Street Parking Places) (Civil Enforcement) Order 2019 On Street Plans

Schedule 2 - Newport City Council (Prohibition and Restriction of Waiting and Loading and On Street Parking Places) (Civil Enforcement) Order 2019 Plan Index

Schedule 3 - Newport City Council (Prohibition and Restriction of Waiting and Loading and On Street Parking Places) (Civil Enforcement) Order 2019 List of roads with permit schemes by permit type

SCHEDULE 3

Location of Permit Scheme (Name of Street)	Parking Permit Scheme Type
Ivor Street (rear service court) Kear Court School Lane	Business permit holders
Access to Langstone Cottages (from Langstone Park roundabout) Albert Avenue Albert Terrace Alma Street Arthur Street Bailey Street Barnard Street Bedford Road Beresford Road Blewitt Street Brynhyfryd Avenue Canal Parade Capel Crescent Cardiff Road (Service Road) Caroline Street Cedar Road College Crescent Collier Street Clifton Road Clytha Crescent Clytha Park Road Clytha Square Coldra Road Colne Street Corporation Road Crawford Street Crown Street Devon Place Dewsland Park Road Duckpool Road Dumfries Place East Street Emlyn Street Exeter Road Fairoak Terrace Faulkner Road Fields Road	Resident permit holders

Fields Park Road	
Ford Street	
Friars Road	
Gaer Street	
George Street	
Glebe Street	
Gloster Place	
Godfrey Road	
Grafton Road	
Graham Street	
High Street (Caerleon)	
Hill Street	
Jones Street	
Kear Court	
Kensington Grove	
Keynsham Avenue	
King Street	
Kingsway	
Liverpool Street	
Livingstone Place	
Llandaff Street	
London Street	
Maindee Parade	
Mellon Street	
Mendalgief Road	
North Street	
Old Malpas Road	
Powell's Place	
Queen Street	
Rodney Road	
Rutland Place	
St. Cadoc's Close	
St. Edward Street	
St. Mark's Crescent	
St. Mary Street	
St. Vincents Road	
St. Woolos Place	
St. Woolos Road	
Scard Street	
Serpentine Road	
Sidney Street	
Speke Street	
Stow Hill	
Stow Park Avenue	
Stow Park Drive	
Trostrey Street	
Tunnel Terrace	
Turner Street	
Victoria Avenue	
Victoria Crescent	
Vine Place	
Waterloo Road	

West Street Western Valley Road Windsor Terrace York Place	
Clytha Park Road	Authorised vehicles permit

Schedule 4 - Newport City Council (Prohibition and Restriction of Waiting and Loading and On Street Parking Places) (Civil Enforcement) Order 2019 permit charges

Business permit: £250 for three months
 £500 for six months
 £750 for nine months
 £1,000 for twelve months

Resident's permit: £30 for 12 months

Residents' visitor permit: £1.20 per day, the cost of a book of ten permits is £12 and books are limited to three per household pa

