

THE CITY OF PLYMOUTH (CITY CENTRE AREA) (TRAFFIC REGULATION) ORDER 2011

The Council of the City of Plymouth (hereinafter referred to as "the Council") in exercise of their powers under the relevant Sections of the Road Traffic Regulation Act 1984, and the relevant Sections of the Road Traffic Act 1991 and of all other enabling powers, and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act of 1984, hereby make the following Order:

PART I - GENERAL

Commencement and Citation

- 1 This order shall come into operation on
and may be cited as The City of Plymouth (City Centre) (Parking and Prohibition of Driving) Order 2011
- 2 In so far as any provision of this Order conflicts with a provision which is contained in an order made or having effect as if made under the Act and existing at the time when this Order comes into operation and which imposes a speed restriction on the lengths of road specified in the schedule the provision of this order shall prevail

Revocations

- 3 The following orders or parts of orders are revoked:

The County of Devon (City Centre Area Plymouth) (Traffic Regulation) Amendment Order 1986, in its entirety.

The following items from, The City of Plymouth (Traffic Regulation and Street Parking Places) (Consolidation) Order 2004;

Schedule No. 1.10 (No Waiting At Any Time)

Cornwall Street i) the north side from its junction with the western kerbline of the access road into the Marks and Spencers car park to its junction with Eastlake Street.

Old Town Street (i) both sides for the entire length.

Schedule No. 9.14 (No Loading/Unloading At Any Time with an exemption for vehicles (as shown in brackets).

Cornwall Street both sides from its junction with Eastlake Street to its junction with the access road to the Marks and Spencers car park, (exemption for vehicles loading/unloading to/from properties adjacent).

Old Town Street

(i) the east side from the junction with St Andrews Cross Roundabout for a distance of 33 metres

(ii) the east side from a point 64 metres north of the junction with St Andrews Cross Roundabout to the northern end including the turning head

(iii) the west side from the junction with St Andrews Cross Roundabout for a distance of 30 metres

(iv) the west side from a point 60 metres north of the junction with St Andrews Cross

4 Interpretation

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

"goods" includes postal packets of any description

"Highway" is a way over which the public has the right to pass and repass;

"The Act of 1984" means the Road Traffic Regulation Act 1984 (as amended);

"traffic manager" has the same meaning as the Traffic Management Act 2004;

"parking charge" means the amount set within the Civil Enforcement of Parking Contraventions (Guidance on

levels of Charges) (England) Order 2007 being the higher and lower level charges at band 2 level or any amount out within subsequent orders may amend or vary the level of charges under the Traffic Management Act 2004

"penalty charge" means an amount payable under the terms specified in the relevant Part to this Order

"hackney carriage" has the same meaning as in the Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976;

"licensed taxi" has the same meaning as in Section 13(3)(a) of the Transport Act 1985;

"owner", in relation to any vehicle failing to comply with the regulations specified in this Order shall be that person or organisation to whom the said vehicle is registered with the DVLC;

"permanent user" means that person who not being the legal owner of a vehicle is the normal driver and has responsibility for that vehicle;

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

"penalty charge" means an amount payable under the terms specified in the relevant Part to this Order;

"Private Hire Vehicle" means a motor vehicle constructed or adapted to seat fewer than eight passengers other than a hackney carriage or bus which is provided for hire with the services of a driver for the purposes of carrying passengers

"relevant position" means

- i) in the case of a vehicle fitted with a dashboard or a fascia panel, the permit is exhibited thereon so that the details printed on the permit are legible from outside the vehicle; or
- ii) in the case of a vehicle not so fitted, the permit is exhibited in a conspicuous position on the vehicle so that the details printed on the permit are legible from outside the vehicle

"road" means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

"restricted road" means any of the roads, lengths of road or sides of road specified in any of the Schedules to this Order;

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, section 64 of the Act of 1984;

(B) (1) In this Order, except where the context otherwise requires:

- a) any reference to a numbered Article or a numbered Schedule is a reference to the Article or Schedule bearing that number in this Order,
- b) any reference to a numbered or lettered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph bearing that number or letter in the Article or Schedule or (in the case of a sub-paragraph) paragraph in which the reference occurs, and
- c) any reference to a Table, or to a numbered Table, is a reference to the Table, or to the Table bearing that number, in the Article or Schedule in which that reference occurs.

(2) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under or having effect as if made under the Road Traffic Regulation Act, 1984 or by or under any other enactment;

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment;

(4) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

- (C) For the purposes of this Order, Plymouth City Council accepts no responsibility for any inaccuracies contained in the Ordnance Survey data relied upon in the preparation of the plans attached to this Order. Where a restriction applies to the edge of a length of carriageway or highway (adjacent to the kerb) that restriction will continue to apply to the actual edge of carriageway or highway irrespective of changes to either the carriageway width or to the underlying Ordnance Survey data.

PART II

5 Prohibition of Waiting at Any Time

SAVE as provided in article 7 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait at any time on those roads or lengths of road identified as Prohibition Waiting At Any Time on the plans attached to this Order.

6 Prohibition of Loading or Unloading at Any Time

No person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to load or unload goods from any vehicle on those roads or lengths of road identified as Prohibition of Load or Unloading at Any Time on the plans attached to this Order.

7 Exceptions to waiting

Nothing in Article 5 of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted road, or in any part of a parking place if the use of that parking place has not been suspended, for so long as may be necessary:

- a) to enable a person to board or alight from the vehicle or to load thereon or to unload there from personal luggage;
- b) to enable a registered medical practitioner, or a Midwife, District Nurse or Health Visitor registered under the Nurses, Midwives and Health Visitors Act 1979, to make a house call on a patient;
- c) being a hackney carriage, whilst plying for hire upon a duly authorised cab rank appointed by Plymouth City Council in accordance with the Local Government (Miscellaneous Provisions) Act 1976 or any modification or re-enactment of the same for the time being in force;
- d) to enable the vehicle to be used in connection with the removal of furniture from one building to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- e) to enable 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, reconstruction or improvement to the road, or any of the said lengths of road; or
 - iii) the laying, erection, alteration or repair in or near any of the said lengths or sides of roads or any sewer or any main, pipe, or apparatus for the supply of gas, water electricity or telecommunications;
- f) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of the local authority or a water authority in pursuance of statutory powers or duties;
- g) to enable the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953;
- h) to enable the vehicle to wait at or near to any premises situated on or adjacent to any of the said lengths or sides of road for so long as waiting by that vehicle is reasonably necessary in connection with any wedding or funeral, or
- i) if the vehicle is waiting owing to the driver being required by law to stop; or being prevented from proceeding by circumstances beyond their control or in order to avoid an accident.

8 Exemption for Emergency Services and Enforcement Vehicles

Nothing in this Order shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance, Civil Enforcement or police purposes, if the observance of that provision would be likely to hinder the use of that vehicle for the purpose for which it is being used on that occasion.

9 Authorisation and use of parking places

The limits of each parking place and the limits of any parking place shall be indicated by carriageway markings

appropriate to the position in which a vehicle may park and shall comply with the Traffic Signs Regulation and General Directions 2002.

- 9.1** A driver of a vehicle shall not use a parking place so as to unreasonably prevent access to any premises adjoining a road or use of a road by other persons or so as to be a nuisance;
- 9.2** The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or depart from the parking place. A vehicle may only park wholly within a "parking place" defined by white lines marked on the carriageway.
- 10 Hackney Carriage Ranks At Any Time**
SAVE as provided in article 7 of this Order, those lengths of road identified as Taxi Rank At Any Time on the plans attached to this Order, is authorised as a parking place for Taxis only
- 11 Prohibition of Driving except for access**
No person shall cause or permit any vehicle to proceed, except for access, in any road specified for the length identified as Prohibition of Driving except for access on the plans attached to this Order.

12 Pedestrianised Zone Permits

12.1 Verification of Particulars

The Council may at any time require an applicant for a Permit to produce to an officer of the Council such evidence in respect of that application as they may reasonably require to verify any particulars or information given to them.

12.2 Termination of Rights

The Council shall be entitled to terminate all rights granted by the Permit if at any time there is any contravention of any of the provisions contained in this Order and in such circumstances the Permit holder shall not be entitled to any refund whatsoever of any of the amount paid in respect of such Permit.

12.3 Charges for Pedestrianised Zone Permit

"appropriate remittance" means a remittance for the sum as specified in table 12.4 for those periods that relate to the permit which is valid in the referred to in the map Schedules to this Order.

12.4 Table 12.4 appropriate remittance

Permit Type	Duration of Validity	
	Annual	Weekly
Pedestrian Zone - At Any Time Permits	£100.00	£30.00
Pedestrian Zone - Off peak Permits	£100.00	£30.00
Pedestrian Zone – Event Vehicle Permits	£100.00	£30.00
Pedestrian Zone – Emergency Permits	Nil	Nil

12.5 Lost Damaged Destroyed or Replacement Permits

If a permit is lost, damaged, destroyed, or requires renewing due to a change of vehicle, the Permit holder may apply to the Council for the issue of a duplicate and the Council upon being satisfied as to the loss damage or destruction shall upon payment of a fee determined under Article 12.3 to this Order issue a duplicate Permit so marked and upon such issue the Permit which it duplicates shall become invalid.

If a Permit requires replacement due to a change of vehicle the permit holder may apply to the Council for the issue of a replacement and the Council upon being satisfied as to the legitimacy of the change of vehicle shall upon receipt of a fee determined under Article 12.3 to this Order if the original Permit is not returned to the Council, and free of charge if the original is returned issue a duplicate Permit. No refunds will be made regarding the original Permit.

12.6 Transfer and Surrender of Permits

A Permit shall not be assigned or transferred to any person or business, but may be surrendered at any time to the Council and shall be surrendered in the event of any of the following-

- the permit holder ceases to be eligible for a
- the permit holder ceases to be the owner of the vehicle to which a permit has been issued

- c. a duplicate permit being issued under the provisions of Article 12.5 to this Order
- d. no refunds will be made by the Council in respect of any surrendered permit.

12.7 Display of Permits

A permit will only be valid when displayed in the relevant position by the driver or other person in charge of the vehicles.

13 Eligibility for Pedestrianised Zone – At Any Time Permit

Any person who is the owner/permanent user of a vehicle and who has need of that vehicle within the Predesigned Zone in connection with works to prevent danger or damage to either the public or the highway, or for the maintenance of public facilities, to the satisfaction of the Traffic Manager, may apply to the Council for the issue of a Pedestrianised Zone Permit and any such application shall be made on a form issued by and obtain from the Council and shall include the particular and information required by such form to be supplied and shall be accompanied by the appropriate remittance.

- 13.1** On receipt of any application duly made under the foregoing provisions of this part of the Order and of the appropriate remittance the Traffic Manager, upon being satisfied that the applicant is the owner/permanent user of a vehicle and has reasonable grounds for requiring the vehicle to be used within the Pedestrianised Zone to prevent danger or damage to the public or highway, may issue to the applicant one Pedestrianised Zone Permit for the leaving and movement of the vehicle by the owner of such vehicle or by any person using such vehicle with the consent of the owner, other than a person to whom such vehicle has been let for hire or reward, within the Pedestrianised Zone to which the permit applies.

14 Eligibility for Pedestrianised Zone – Off Peak Permit

Any person who is the owner/permanent user of a vehicle and who has need of that vehicle within the Pedestrianised Zone in connection with works to be carried out on or adjacent to the public highway that cannot reasonably be completed without the vehicle, to the satisfaction of the Traffic Manager, may apply to the Council for the issue of a Pedestrianised Zone Permit and any such application shall be made on a form issued by and obtain from the Council and shall include the particular and information required by such form to be supplied and shall be accompanied by the appropriate remittance.

- 14.1** On receipt of any application duly made under the foregoing provisions of this part of the Order and of the appropriate remittance the Traffic Manager, upon being satisfied that the applicant is the owner/permanent user of a vehicle and has reasonable grounds for requiring the vehicle to be used within the Pedestrianised Zone to prevent danger or damage to the public or highway, may issue to the applicant one Pedestrianised Zone Permit for the leaving and movement of the vehicle by the owner of such vehicle or by any person using such vehicle with the consent of the owner, other than a person to whom such vehicle has been let for hire or reward, within the Pedestrianised Zone to which the permit applies.

- 14.2** Off Peak permits will only be valid between the hours of:
 Friday to Wednesday Midnight to 9.30am and 6pm to Midnight
 Thursdays Midnight to 9.30am and 8pm to Midnight

15 Eligibility for Pedestrianised Zone – Event Vehicle Permit

Any person who is the owner/permanent user of a vehicle and who has need of that vehicle within the Predesigned Zone in connection with the towing of a display/caravan unit or a self propelled display vehicle being used for display, exhibition or entertainment purposes, to the satisfaction of the Traffic Manager, may apply to the Council for the issue of a Pedestrianised Zone Permit and any such application shall be made on a form issued by and obtain from the Council and shall include the particular and information required by such form to be supplied and shall be accompanied by the appropriate remittance.

- 15.1** On receipt of any application duly made under the foregoing provisions of this part of the Order and of the appropriate remittance the Traffic Manager, upon being satisfied that the applicant is the owner/permanent user of a vehicle and has reasonable grounds for requiring the vehicle to be used within the Pedestrianised Zone in connection with the towing of a display/caravan unit or a self propelled display vehicle being used for display, exhibition or entertainment purposes, may issue to the applicant one Pedestrianised Zone Permit for the leaving and movement of the vehicle by the owner of such vehicle or by any person using such vehicle with the consent of the owner, other than a person to whom such vehicle has been let for hire or reward, within the Pedestrianised Zone to which the permit applies.

16 Eligibility for Pedestrianised Zone – Emergency Access Permit

Any person who is the owner/permanent user of a vehicle and who has immediate need of that vehicle within the Pedestrianised Zone in connection with works to prevent danger or damage to either the public or the highway, to the satisfaction of the Traffic Manager, may apply to the Council for the issue of a Pedestrianised Zone Permit and any such application shall be made at the earliest possible time to the telephone number given on a form issued by and obtain from the Council and shall include the particular and information required by such form to be supplies and shall be accompanied by the appropriate remittance.

- 16.1** On receipt of any application duly made under the foregoing provisions of this part of the Order the Traffic Manager, upon being satisfied that the applicant is the owner/permanent user of a vehicle and has reasonable grounds for requiring the vehicle to be used immediately within the Pedestrianised Zone to prevent danger or damage to the public or highway, may issue to the applicant one Pedestrianised Zone Permit for the leaving and movement of the vehicle by the owner of such vehicle or by any person using such vehicle with the consent of the owner, other than a person to whom such vehicle has been let for hire or reward, within the Pedestrianised Zone to which the permit applies.

17 Prohibition of Waiting Except for Permit Holders At Any Time

SAVE as provided in article 7 or 17.1 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait at any time on those roads or lengths of road identified as Prohibition of Waiting Except for Permit Holders At Any Time on the plans attached to this Order.

- 17.1** Nothing in Article 17 of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted road if that vehicle is displaying, in the relevant position, a valid Event Vehicle Permit.

18 Prohibition of Driving Except for Permit Holders

Save a provided in Article 18.1 and 18.2 no person shall cause or permit any vehicle to proceed in any road identified as Prohibition of Driving Except for Permit Holders on the plans attached to this Order.

- 18.1** Nothing in Article 18 of this Order shall render it unlawful to cause or permit a vehicle to proceed in any road specified if that vehicle is displaying, in the relevant position, a valid Emergency Access Permit or Valid At Any Time Permit.
- 18.2** Nothing in Article 18 of this Order shall render it unlawful to cause or permit a vehicle to proceed in any road specified between the hours of Friday to Wednesday Midnight to 8am and 6pm to Midnight Thursdays Midnight to 8am and 8pm to Midnight if that vehicle is displaying, in the relevant position, a valid Event Vehicle Permit.

19 Prohibition of Loading or Unloading at Any Time Except for Permit Holders

SAVE as provided in Article 19.1 no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to load or unload goods from any vehicle on those roads or lengths of road identified as Prohibition of Loading or Unloading at Any Time Except for Permit Holders on the plans attached to this Order.

- 19.1** Nothing in Article 19 of this Order shall render it unlawful to cause or permit a vehicle to load or unload in any restricted road if that vehicle is displaying, in the relevant position, a valid Emergency Access Permit or Valid At Any Time Permit.

20 Prohibition of Driving

No person shall cause or permit any vehicle to proceed in any road identified as Prohibition of Driving on the plans attached to this Order.

PART III

Penalty Charges

- 21** If a vehicle is left in any road or length of road contrary to this Order then a penalty charge shall be payable for each day or part of a day during which the vehicle is left and such sum shall be paid not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice was served.

- 22** Subject to 23 below if not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge Notice was served as provided in Article 21 the driver or some other person on their behalf pays the Reduced Penalty Charge to the Council then such lesser sum shall be accepted by the Council in satisfaction of the penalty charge.
- 23** If a person liable to pay a Penalty Charge pays the Reduced Penalty Charge in accordance with Article 22 but subsequently submits an appeal against the Penalty Charge to the person body court and tribunal with the power to determine such appeals the Council reserves the right to request as part of that appeal process the payment of the full Penalty Charge less the amount of the Reduced Penalty Charge already paid
- 24**
- 1) In the case of a vehicle in respect of which a Penalty Charge may have been incurred a Civil Enforcement Officer shall:
 - a) give notice of such penalty by attaching to that vehicle in a conspicuous position a notice ("Penalty Charge Notice") which shall include the following particulars:
 - i) the vehicle registration number the make and colour of the vehicle unless for any reason it is not reasonably possible to ascertain the make or to describe the colour.
 - ii) the detailed location of the vehicle (e.g. meter bay number; residents bay number; name of car park; or other description parking place; street name, side street; outside or opposite a particular address);
 - iii) Contravention code and description of contravention;
 - iv) the date and time of the contravention and the date and time of the Penalty Charge Notice is issued together with the number of the Penalty Charge Notice
 - v) the amount of the Penalty Charge
 - vi) a statement that the Penalty Charge is required to be paid not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice was served and that the Penalty Charge if paid not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge Notice was served amount by which the Penalty Charge will be reduced which shall be the reduced Penalty Charge.
 - vii) the manner in which the Penalty Charge should be paid (including the address, for posted payment);
 - viii) a statement that failure to pay the Penalty Charge will result in a Notice to Owner being served on the persons who the Council believes to be the registered keeper or the owner of the vehicle and
 - ix) the name of the enforcement authority
 - b) giving a Penalty Charge Notice to the person appearing to the Civil Enforcement Officer to be in charge of the vehicle; or
 - c) such other means as Regulations made under section 78 of the Traffic Management Act 2004 may provide.
 - 2) The Penalty Charge shall be paid to the Council not later than the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice was served using one of the methods of payment specified on the Penalty Charge Notice.
 - 3) The Owner or Driver of a vehicle shall not seek to evade liability to pay the Penalty Charge by refusing to permit a Civil Enforcement Officer to attach a Penalty Charge Notice to his vehicle or by refusing to accept a Penalty Charge Notice issued by a Civil Enforcement Officer, nor by removing (or seeking to remove) the vehicle before the Civil Enforcement Officer has attached the Penalty Charge Notice to the vehicle in accordance with Article 119(i) of this Order.
 - 4) Where the last day for payment of the Penalty Charge under any of the preceding provisions of this Article falls upon a day on which the Council's office, being the office specified on the Penalty Charge Notice for receiving payment of the Penalty Charge is closed the period for payment shall be extended until 4 pm on the next day on which such office is open to the public.
 - 5) Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of this Article no person other than the owner or the driver of the vehicle, or a Civil Enforcement Officer, or any person duly authorised by the Council, shall remove the Notice from the vehicle.
- 25**
- 1) Where a Civil Enforcement Officer believes that any provisions of this Order have been contravened or not complied with in respect of a vehicle he may alter the position of that vehicle or move or cause it to be moved to another position.
 - 2) When a vehicle is removed under the provisions of this Article the Civil Enforcement Officer or any other person authorised by the Council shall make such arrangements as he considers reasonably necessary for the safe custody of this vehicle.
 - 3) Any person removing or altering the position of the vehicle by virtue of this Article may do so by towing or

driving the vehicle or in such other manner as he may think reasonably necessary to enable him to remove or alter its position as the case may be.


- 4) The Owner or Driver of any vehicle removed, moved or stored in consequence of any of the foregoing provisions of this Article shall pay to the Council its costs and disbursements incurred in carrying out such operations such payment to be made 'not later than the last day of the period of 14 days beginning with the date of being informed in writing by the Council of the amount of such costs and disbursements
- 5) In the case of emergency any person duly authorised by the Civil Enforcement Officer or a police constable in uniform may move or cause to be moved any vehicle.

- 26 Where a Penalty Charge Notice has been served in accordance with Article 119 of this Order a Civil Enforcement Officer or a person acting under his direction may fix an immobilisation device to the vehicle concerned whilst it remains in the place where it was found in accordance with Part 3 The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

Given under the Common Seal of the Council of the City of Plymouth the 22nd day of APRIL 2011.

THE COMMON SEAL of THE)
COUNCIL OF THE CITY OF)
PLYMOUTH was hereunto)
Affixed in the presence of:-)




Plymouth City Council authorised signatory