

R RHONDDA CYNON TAFF COUNTY BOROUGH COUNCIL

(MARTIN CRESCENT AND COLLENNA ROAD, TONYREFAIL)

(VARIATION, WAITING RESTRICTIONS AND SCHOOL BUS PARKING PLACES) ORDER 2018

The Rhondda Cynon Taff County Borough Council in exercise of its powers under Sections 1, 2, 4, 5, 32, 35, 45, 46, 47, 49, 53 and 124 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter referred to as "the 1984 Act") and the Traffic Management Act 2004 (hereinafter referred to as "the 2004 Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order

Citation and Interpretation

1. This Order shall come into operation on 3rd September 2018 and may be cited as the "Rhondda Cynon Taff County Borough Council (Martin Crescent and Collenna Road, Tonyrefail) (Variation, Waiting Restrictions and School Bus Parking Places) Order 2018"
2. The provisions of this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the 1984 Act or by any other enactment
3. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"Authorised Vehicle" shall mean a police, fire, ambulance or other emergency vehicle, a vehicle belonging to a universal service provider, electricity, gas, water or other statutory undertaker or any vehicle belonging to Rhondda Cynon Taff County Borough Council or any vehicle authorised by the highway authority engaged in legitimate business of their respective employers

"Charge Certificate" means the statement that the Penalty Charge has been increased by 50% in accordance with Regulation 13 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council to supervise and enforce the provisions of this Order

"the Council" means Rhondda Cynon Taff County Borough Council and shall include its employees agents and partners

"Disabled Person's Badge" and **"Disabled Person's Vehicle"** shall have the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 and the Local Authorities Traffic Orders (Disabled Persons) (Wales) Regulations 2000

"Driver" in relation to a vehicle waiting in a Parking Place, Disabled Person's Parking Place, Doctor's Parking Place or on a road or length of road, means the person driving the vehicles at the time it was left in a Parking Place, Disabled Person's Parking Place, Doctor's Parking Place or on a road or length of road

"Owner" in relation to a vehicle which is required to be licensed under the provisions of the Vehicle Excise and Registration Act 1994 means the person in whose name the vehicle was registered under that Act on the date on which the vehicle was left in contravention of this Order

"Parking Card for People with Disabilities" means a card issued in accordance with EC Recommendation 2008/205/EC and for the purposes of this Order a vehicle displaying a Parking Card for People with Disabilities shall be treated the same as a Disabled Persons Vehicle or a vehicle displaying a Disabled Person's Badge

"Parking Disc" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000 which is capable of showing the quarter hour period during which a period of waiting has begun

"Parking Place" means an area of highway designated by this Order for the waiting of vehicles of a specific class and indicated on a carriageway by markings

“Penalty Charge” means a charge imposed in accordance with the provisions of the 2004 Act and the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (Wales) Order 2008

“Penalty Charge Notice” or **“PCN”** means a Penalty Charge notice issued or served by a Civil Enforcement Officer or posted by or on behalf of the Council pursuant to the provisions of section 78 of the 2004 Act and the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (Wales) Order 2008

“the Regulations” means the “Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000”

“the Representations and Appeals Regulations” means the Civil Enforcement of Parking Contraventions (Representations and Appeals) (Wales) Regulations 2013

“Vehicle” means any motorcar, motorcycle or other mechanically propelled automobile

4. Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order, and any reference in this Order to ‘the Schedule’ is a reference to the particular Schedule annexed to this Order
5. 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
6. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament

Variation

7. The Traffic Regulation Order specified in Schedule 1 to this Order is hereby varied

Prohibition of Waiting at any time

8. No person shall except upon the direction of a police officer in uniform or a Civil Enforcement Officer in uniform, cause or permit any vehicle to wait at any time on the lengths of roads specified in Schedule 2 to this Order

Prohibition of Stopping

9. No person shall except upon the direction of a police officer in uniform or a Civil Enforcement Officer in uniform cause or permit any vehicle to stop on ‘School Keep Clear’ markings on the lengths of roads specified in Schedule 3 to this Order

Exemptions

10. Nothing in Articles 8 and 9 shall render it unlawful to cause or permit any vehicle to wait on the roads, lengths of roads or on the sides of lengths of roads 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
11. Nothing in Article 8 shall render it unlawful to cause or permit a vehicle to wait in any of the lengths of road so referred to for as long as necessary to enable
 - i. persons to board or alight from the vehicle;
 - ii. goods to be loaded onto or unloaded from the vehicle (except on those lengths of roads specified on the Plans where loading is prohibited);
 - iii. 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:-
 - a) building, industrial or demolition operations;
 - b) the removal of any obstruction to traffic;
 - c) the maintenance, improvement, reconstruction, inspection or survey of any part or parts of the said lengths of road; or
 - d) the laying, erection, alteration or repair on, or on land adjacent to the said side of 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 apparatus as defined in the Telecommunications Act 1984

- iv. the vehicle if it cannot conveniently be used for such a purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - v. the vehicle to be used for the purpose of delivering or collecting postal packets by a universal service provider as defined in the Postal Services Act 2000;
 - vi. the vehicle to wait at or near to any premises situated on or adjacent to the said lengths of road for so long as such waiting by that vehicle is reasonably necessary as part of a funeral cortege or otherwise in connection with a funeral provided the vehicle is owned by a funeral director or by an owner of funeral vehicles;
 - vii. the vehicle to wait at or near to any premises situated on or adjacent to the said sides of lengths of road for so long as such waiting is reasonably necessary in connection with medical practitioners and veterinary surgeons visiting premises while "on call";
 - viii. In any case where the person in control of the vehicle:-
 - a) is required by law to stop;
 - b) is obliged to stop so as to prevent an accident; or
 - c) is prevented from proceeding by circumstances outside his/her control
12. Article 8 of this Order shall not render it unlawful to cause or permit any vehicle to wait in any of the said lengths of road for a maximum period of three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same road or part of a road on the same day) if the vehicle is being used for the conveyance of a disabled person and is displaying a disabled person's badge in accordance with the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 and a Parking Disc as defined in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000, (hereinafter called "the Regulations") both of which are displayed in accordance with the Regulations

Street Parking Places

School Bus Parking Place

13. The sides of lengths of roads identified on the Plans to this Order as a 'School Buses Only' are hereby designated to be used subject to the following provisions as a Parking Place by vehicles being used in the conveyance of passengers to and from YGG Tonyrefail and may be subject to the provisions of this Order on such days and during such hours as specified in the Schedule to this Order
14. No person, except upon the direction of a police officer in uniform or a Civil Enforcement Officer in uniform, cause or permit any vehicle other than a school bus being used in the conveyance of passengers to and from YGG Tonyrefail to wait in a designated as a Parking Place
15. Article 13 of this Order shall not render it unlawful to cause or permit any vehicle to wait in the said length of road for a maximum period of three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same road or part of a road on the same day) if the vehicle is being used for the conveyance of a disabled person and is displaying a Disabled Person's Badge and a Parking Disc both of which are displayed in accordance with the Regulations
16. Nothing in Article 13 shall render it unlawful to cause or permit any vehicle to wait on the lengths of roads 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

Suspension

17. Any person authorised by the Council may suspend the use of a Parking Place (or any part thereof) designated by this Order whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety
18. Where a police officer in uniform or a Civil Enforcement Officer in uniform is of the opinion that the provisions this Order have been contravened he may remove or cause to be removed the vehicle from the highway and where it is so removed shall provide for the safe custody of the vehicle
19. A police officer in uniform or a Civil Enforcement Officer in uniform may move or cause to be moved in the case of emergency to any place he thinks fit any vehicle left in contravention of the Order

20. Where a vehicle is removed in accordance with Articles 18 and 19 a charge at the level of Band 2 as set out in Regulation 2 of the Civil Enforcement Parking Contraventions (Guidelines on Levels of Charges) (Wales) Order 2008 shall be payable
21. Every vehicle left in a Parking Place shall stand so that every part of the vehicle is wholly within the limits of that Parking Place
22. A police officer in uniform or a Civil Enforcement Officer in uniform or a person duly authorised by the Council may suspend the use of a Parking Place or any part thereof whenever he considers such suspension reasonably necessary:-
- i. for the purpose of facilitating the movement of traffic or promoting safety;
 - ii. for the purpose of any building operation, 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 of any sewer or of any main pipe or apparatus for the supply of gas, water, or electricity or of any telecommunications apparatus or the placing, maintenance or removal of any traffic sign;
 - iii. for the convenience of occupiers of premises adjacent to the Parking Place on the occasion of the delivery or removal of furniture to or from an office or dwelling house adjacent to the Parking Place;
 - iv. on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed;
 - v. for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals
23. Any person or police officer in uniform or a Civil Enforcement Officer in uniform suspending the use of a Parking Place or any part thereof in accordance with the provisions of this Article shall (subject to and in conformity with any direction under Section 65(1) of the 1984 Act) thereupon place or cause to be placed in that Parking Place or, as the case may be, that part thereof the use of which is being suspended, a traffic sign of any size, colour and type prescribed or authorised under Section 64 of the 1984 Act indicating that the waiting of vehicles is prohibited
24. No person shall cause or permit any vehicle to wait 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 Article 23 of this Order

Provided that this Article shall not apply: -

- i. in respect of any vehicle being used for fire service, ambulance or police purposes; or
- ii. to anything done with the permission of a police officer in uniform, Civil Enforcement Officer in uniform or the person suspending the use of the Parking Place or part thereof in pursuance of this Order

Contravention of Order

25. If a vehicle is left in a Parking Place or waiting in a road or length of road in contravention of the provisions of this Order, a Penalty Charge shall be payable and/or the vehicle may be removed from its location
26. Where in this Order reference is made to a Penalty Charge this shall mean an amount ascertained in accordance with the following: -
- i. If there is any contravention of any of the provisions of this Order then and in any such case a Penalty Charge at the level of Band 2 as set out in Regulation 1 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (Wales) Order 2008 shall be payable
 - ii. The Penalty Charge shall be paid in accordance with Article 25 not later than the last day of the period of 28 days beginning with the date on which the notice was served
 - iii. In the event of payment being received in accordance with Article 25 not later than the last day of the period of 14 days beginning with the day on which the notice is served the amount of the charge shall be reduced by 50%

- iv. The Penalty Charge shall be increased by 50% on the issue of a Charge Certificate in accordance with Regulation 13 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008 ("the 2008 Regulations")
 - v. The Payment of the Penalty Charge (whether or not reduced under the provisions of Article 26 (iii)) will not exonerate any person from payment of any expenses incurred under Article 25 and recoverable in respect of the removal and disposal of the Vehicle and any statutory provisions for the time being in force or from any claim to damages which the Council may have in respect of damage incurred in relation to the parking of the Vehicle howsoever arising
 - vi. The current Penalty Charge rates shall be displayed on the Council's website
27. In the case of a Vehicle in respect of which a Penalty Charge may have been incurred it shall be the duty of a Civil Enforcement Officer in uniform to attach to the vehicle in a conspicuous position a Penalty Charge Notice or PCN which shall include the following particulars:
- i. The date on which the Penalty Charge Notice is served;
 - ii. The name of the enforcement authority;
 - iii. The registration mark of the vehicle involved in the alleged contravention;
 - iv. The date and time at which the alleged contravention occurred;
 - v. The grounds on which the Civil Enforcement Officer in uniform issuing the notice believes that a Penalty Charge is payable;
 - vi. The amount of the Penalty Charge
 - vii. That the Penalty Charge must be paid before the end of the period of 28 days beginning with the date on which the notice is served
 - viii. That if the Penalty Charge is paid before the end of the 14 days beginning with the date on which the notice is served, the Penalty Charge will be reduced by the amount of any applicable discount;
 - ix. The manner in which the Penalty Charge must be paid;
 - x. That if the Penalty Charge is not paid before the end of the period of 28 days referred to in subparagraph (vii), a notice to owner may be served by the enforcement authority on the Owner of the vehicle;
 - xi. That, if representations against the Penalty Charge are received at such address as may be specified for the purpose before a notice to owner is served,
 - a. Those representations will be considered;
 - b. But that, if a notice to owner is served notwithstanding those representations, representations against the Penalty Charge must be made in the form and manner and at the time specified in the notice to owner
 - xii. That a person on whom a notice to owner is served will be entitled to an adjudicator if those representations are rejected
28. Where a Penalty Charge Notice is served by post it shall include the following particulars:
- i. The date of the notice;
 - ii. The matters specified in Article 27 (ii), (iii), (iv), (vi) and (xi);
 - iii. The grounds on which the enforcement authority believes that a Penalty Charge is payable;
 - iv. That the Penalty Charge must be paid not later than a specified date which must be the last day of the period of 28 days beginning with the date on which the Penalty Charge Notice will be taken to have been served;
 - v. That if the Penalty Charge is paid before the end of the applicable period, the Penalty Charge will be reduced by the amount of any applicable discount
 - vi. That if after the date specified in accordance with subparagraph (iv)
 - a. No representation have been made in accordance with regulation 4 of the Representations and Appeals Regulations; and
 - b. The Penalty Charge has not been paid;The enforcement authority may increase the Penalty Charge by the amount of any applicable surcharge and take steps to enforce payment of the charge as so increase; and
 - vii. That the Penalty Charge Notice is being served by post for whichever of the following reasons applies

- a. That the Penalty Charge Notice is being served by post on the basis of a record produced by an approved device;
- b. That it is being so fixed, because a Civil Enforcement Officer attempted to serve a Penalty Charge Notice by affixing to a vehicle or giving it to the person in charge of the vehicle but was prevented from doing so by some person; or
- c. That it is being so served because a Civil Enforcement Officer had begun to prepare a Penalty Charge Notice in accordance with regulation 5 of the 2008 Regulations, but the vehicle was driven away from the place in which it was stationary before the Civil Enforcement Officer had finished preparing the Penalty Charge Notice or had served it in accordance with regulation 5 of the 2008 Regulations

29. The Penalty Charge may be paid to the South Wales Parking Group (SWPG) by cheque, online payment, money or postal order. Payment may also be made by debit card or credit card via the telephone. All payment instructions for the SWPG can be found on the back of the Penalty Charge Notice

30. When a Penalty Charge Notice has been attached to a Vehicle in accordance with any of the foregoing provisions of this Order no person other than a person so authorised by the Council in that behalf or the Driver or a person so authorised by the Driver in that behalf shall remove the notice from that Vehicle

SCHEDULE 1 – Variation

a. The "Rhondda Cynon Taff County Borough Council (Various Locations Throughout Rhondda Cynon Taff) (No Stopping on 'School Keep Clear Markings') Order 2013" shall be varied by the removal of item 15 from the Taff Schedule

SCHEDULE 2 – Prohibition of Waiting At Any Time

- a. Both sides of Martin Crescent from its junction with Collenna Road eastwards for a distance of 15 metres
- b. On the western side of Collenna Road from the common boundary of No. 49 and No. 51 in a southerly direction for approximately 39 metres
- c. On the eastern side of Collenna Road from its junction with Martin Crescent in a northerly direction for approximately 11 metres
- d. On the eastern side of Collenna Road from its junction with Martin Crescent in a southerly direction for approximately 14 metres

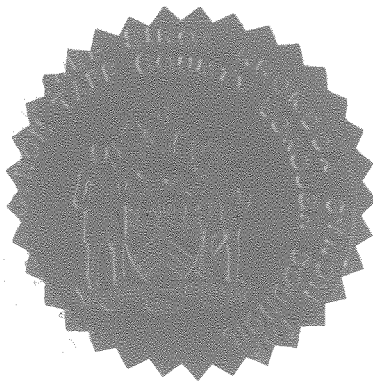
SCHEDULE 3 – Prohibition of Stopping on 'School Keep Clear' Markings Monday to Friday 8:00am to 5:00pm

- a. On the southern side of Martin Crescent, Tonyrefail from a point 55 metres east of its junction with Collenna Road, in an easterly direction for a distance of 46 metres.
- b. On the southern side of Martin Crescent, Tonyrefail from a point 105 metres east of its junction with Collenna Road in an easterly direction for a distance of 36 metres.

SCHEDULE 4 – School Bus Parking Place Monday to Friday 8:30am-9:30am and 2:30pm-4:00pm

- a. On the southern side of Martin Crescent, Tonyrefail from a point 166 metres east of its junction with Collenna Road, eastwards for a distance of approximately 80 metres

THE COMMON SEAL of
RHONDDA CYNON TAFF
COUNTY BOROUGH COUNCIL
was hereunto affixed
on the 29th day of August 2018
in the presence of:-)
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AWDURDOD/ AUTHORITY	
Cynllun Dirprwyo/ Scheme of Delegation	
DYDDIAD/ DATE	/
ARDDYSTIWRD GAW/ CERTIFIED	SAH

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Authorised Signatory