



**THE CITY OF SOUTHAMPTON**  
**(KINGSLAND ESTATE RESIDENTS' PARKING SCHEME)**  
**TRAFFIC REGULATION ORDER 2010**

Southampton City Council (hereinafter called "the Council") in exercise of its powers under Sections 1(1) and (2), 2(1) to (3), 4(2), 32, 33 and 35(1) and (3) of the Road Traffic Regulation Act, 1984, ("the Act") and Part IV of Schedule 9 to the Act and of all other enabling powers and after consultation with the Chief Office of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:

**1 CITATION**

This Order shall come into operation on 01 March 2010 and may be cited as The City of Southampton (Kingsland Estate Residents' Parking Scheme) Traffic Regulation Order 2010.

**2 INTERPRETATION**

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

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council in accordance with the provisions of Part 6 of the Traffic Management Act 2004 to enforce the restrictions imposed by this Order.

"Disabled Persons' Badge" means a badge issued by any Local Authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or a badge having effect under those regulations as if it were a disabled person's badge.

"Goods Vehicle" means a vehicle, which is constructed or adapted for use for the carriage of goods or burden of any description.

"Motor Cycle" refers to a solo motor cycle only and excludes any motor cycle which has a side-car or trailer, or which has more than two wheels.

"Owner" means the person by whom the vehicle is kept. In determining who was the owner of a vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994.

"Parking Bay" means any area of a parking place, which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place.

"Parking Place" means an area of land specified by name in Schedules 9.19 and provided by the Council pursuant to Section 32(1) of the Act for the purpose of vehicle parking and not closed (in part or in whole) by a Notice erected thereon by authority of the Council.

"Passenger Vehicle" means a vehicle constructed or adapted solely for the carriage of passengers and their effects.

"Penalty Charge" means the charge set by the Council under the provisions of Part 6 of the Traffic Management Act 2004, which is to be paid to the Council following the issue of

a Penalty Charge Notice and within 28 days of the issue of that Notice.

"Permit" means a permit issued under the provisions of Articles 5, 6, 7 and 8.

"Permit Holder" means a person to whom a permit has been issued under the provisions of Articles 5, 6, 7, 8 and 8A.

"Relevant Position" means:

- (i) where the vehicle is fitted with a front windscreen, in a position immediately behind the windscreen on the near side so that the front of the item displayed is clearly and entirely visible; or
- (ii) in the case of a vehicle not fitted with a front windscreen, in a conspicuous position on the front or near side of the vehicle so that the front of the item displayed is clearly and entirely visible.

"Resident" means a person whose usual place of abode is at premises the postal address of which is in any street or part of street which in the opinion of the Council is within the Kingsland Estate Residents' Parking Scheme.

"Resident's Permit" means a permit issued under the provisions of Article 20 of this Order.

"Traffic Sign" means a sign of any size, colour or type prescribed or authorised under or having effect as though prescribed or authorised under Section 64 of the Act.

**2(B)** Except where the context requires otherwise, any reference in this Order to an Article or Schedule shall be construed as a reference to that Article or Schedule in this Order.

**3** Sub-sections (4) and (5) of Section 47 of the Road Traffic Regulation Act 1984 shall apply to the parking places as if they were parking places provided on a highway.

#### **4 USE OF PARKING PLACES**

- (i) Each parking place in Schedule 9.19 may be used in accordance herewith for the parking of all vehicles except:
  - (a) vehicles exceeding 3.5 tonnes gross vehicle weight and vehicles adapted to carry more than 8 passengers exclusive of the driver;
  - (b) vehicles drawing trailers;
  - (c) vehicles, any part of which exceeds 5.0 metres in length; and
  - (d) vehicles of any description, unless they display in a prominent position, so that it is facing forwards and can be entirely and easily seen from in front of the vehicle, a valid permit in writing issued by the City Council, authorising the vehicle to be parked and clearly indicating the period of validity of the permit.
- (ii) No person shall cause or permit a vehicle to park in a space marked for Disabled Persons unless the vehicle displays a Disabled Person's Badge in the manner prescribed by Regulation 12 of the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000 and display in a prominent position, so that it is facing forwards and can be entirely and easily seen from in front of the vehicle, a valid permit in writing issued by the City Council, authorising the vehicle to be parked and clearly indicating the period of validity of the permit.
- (iii) Trailers or caravans are not permitted to be parked in the parking place.
- (iv) Pedal cycles or motor cycles are not permitted to be parked in the parking place.

## **5 POSITION OF VEHICLES**

Every vehicle left in a parking place shall stand wholly within the limits of a parking bay where these are marked on the parking place.

## **6 USE OF VEHICLES IN PARKING PLACES**

- (i) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place, or in connection with the selling or offering for hire of his skill or services, unless duly authorised by the Council in writing so to do.
- (ii) No person shall use a vehicle, while it is in a parking place as a dwelling or for any domestic or sanitary purpose.

## **7 REPAIR OF VEHICLES IN PARKING PLACES**

No person shall, while a vehicle is in a parking place, permit the carrying out of any work of maintenance or repair thereto except such as may be necessary to enable the vehicle to be moved from the parking place.

## **8 REMOVAL OF A VEHICLE FROM PARKING PLACES**

Where a person duly authorised by the Council is of the opinion that any of the provisions contained in this Order have been contravened, or not complied with in respect of a vehicle left in a parking place, he may, under the provisions of the Removal and Disposal of Vehicles Regulations 1986, remove the vehicle or cause it to be removed from the parking place, and, where it is so removed, shall provide for the safe custody of the vehicle.

## **9 MOVEMENT OF VEHICLES IN A PARKING PLACE IN EMERGENCIES**

- (i) A Police Constable in uniform or any other person duly authorised by the Council may, in case of emergency, move or cause to be moved, vehicles left in a parking place to any place he thinks fit.
- (ii) Where a vehicle is left in a parking place in a position other than that specified in Article 5 and Schedule 9.19, a Police Constable in uniform or any other person duly authorised by the Council may move the vehicle or cause it to be moved to a position which complies with that specified in Article 5 and Schedule 9.19.

## **10 MANNER OF MOVING VEHICLES**

Any person moving or removing a vehicle in accordance with Articles 8 or 9 may do so by towing or driving the vehicle, or in such other manner as he may think necessary, and may take such measures in relation to the vehicle as he may think necessary to enable him to move or remove it as aforesaid.

## **11 SAFE CUSTODY OF VEHICLES**

When a person authorised by the Council removes a vehicle or causes it to be removed from a parking place in accordance with Article 9 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

## **12 DIRECTION IN WHICH VEHICLES MUST BE DRIVEN**

No person shall drive or cause or permit to be driven any vehicle on any length of road or aisle in any parking place contrary to the directions given by the appropriate carriageway markings or signs.

### **13 ENTRY AND EXIT**

The driver of a vehicle shall not cause it to enter a parking place at a point marked "No Entry" or to leave a parking place at a point marked "No Exit".

### **14 SUSPENSION OF PARKING PLACES**

- (i) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof for any such period or periods as the Council shall consider appropriate for any of the following purposes:-
  - (a) undertaking maintenance or improvement works within that car park or upon property adjacent to it;
  - (b) ensuring public safety;
  - (c) facilitating redevelopment and special events; or
  - (d) any other purpose which the Council shall from time to time determine at its entire discretion.
- (ii) Any person suspending the use of a parking place or any part thereof in accordance with paragraph (i) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place such traffic sign, barrier or other device as that person shall consider appropriate for the purpose of giving effect to that suspension.
- (iii) Save as provided in paragraph (iv) of this Article, no person shall cause or permit a vehicle to be left in any part of a parking place during such period as there is in or adjacent to that part of the parking place any traffic sign, barrier or other device placed in pursuance of paragraph (ii) of this Article.
- (iv) Any suspension of the use a parking place or any part thereof in accordance with the provisions of this Article may exempt any such class or classes of vehicles as the Council shall from time to time determine at its entire discretion.
- (v) The Council shall impose such charges as it shall consider appropriate for the purpose of recovering loss of income in respect of any parking places of which the use has been suspended under the provisions of this Article, but may waive such charges at its entire discretion in respect of registered charities or non-profit-making organisations.
- (vi) Nothing in this Order shall restrict the powers of the Council to enter into agreements for the letting of such parking places or parts thereof as the Council shall consider appropriate.

### **15 CONTRAVENTIONS**

If a vehicle is left in a parking place referred to in Schedule 9.19 without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable.

### **16 NOTICE OF PENALTY CHARGE**

In the case of a vehicle in respect of which the penalty charge may have been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a Notice which shall include the following particulars:

- (i) the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle;
- (ii) the amount of the penalty charge which is payable;
- (iii) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the Notice;

- (iv) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the Notice, the amount of the penalty charge will be reduced by the specified proportion;
- (v) that if the penalty charge is not paid before the end of the 28 day period a Notice to owner may be served by the Local Authority on the person appearing to them to be the owner of the vehicle; and
- (vi) the address to which payment of the penalty charge must be sent.

In sub-section (iv) above "specified proportion" means such proportion, applicable to all cases, as may be determined by the Local Authorities acting through the Joint Committee. In the case of a vehicle in respect of which a penalty charge may have been incurred and before the parking attendant can carry out his duty as stated in this article the driver of the vehicle returns to the vehicle the notice may be given to the driver of the vehicle.

## **17 RESTRICTION ON REMOVAL OF NOTICES**

A penalty charge Notice fixed to a vehicle in accordance with Article 16 shall not be removed or interfered with except by or under the authority of:

- (i) the owner, or person in charge of the vehicle; or
- (ii) some other person duly authorised by the Council.

## **18 PAYMENT OF PENALTY CHARGE**

- (i) The owner of a vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Council EITHER by cheque or postal order which shall be delivered or sent by post so as to reach the Exchequer Services Division of the Council within 28 days of the issue of the penalty charge OR in cash in person at the said Division not later than as aforesaid OR by credit card or debit card.
- (ii) If the penalty charge is paid before the end of the period of 14 days beginning with the date of the Notice, the amount of the penalty charge will be reduced by the specified proportion.
- (iii) If the owner fails to pay the penalty charge by the end of the 28 day period, a Notice to Owner may be served; and if the charge is then not paid within a further 28 days it may be increased by 50%.

## **19 DISPOSAL OF VEHICLES ABANDONED IN PARKING PLACES**

- (i) The Council may sell or otherwise dispose of a vehicle which has been, or could at any time be, removed from a parking place pursuant to Article 11, if the vehicle appears to have been abandoned, provided that this power of disposal shall not be exercisable unless the Council has taken such of the following steps as are applicable to the vehicle in question, and there has elapsed a period of six weeks beginning with the taking of the first of those steps.
- (ii) Where the vehicle carries a registration mark the Council shall ascertain from the appropriate body the name and address of the person who is the Registered Keeper of the vehicle pursuant to the Vehicles (Excise) Act 1971, unless the Council is satisfied that the true owner of the vehicle has identified himself to it.
- (iii) The Council shall, where it is by virtue of paragraphs (ii), (iv) and (v) of this Article, aware of the name and address of a person who it appears may be the owner of the vehicle, send a Notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the Notice) on or after a specified date (which shall not be less than two weeks from the date of the Notice and in any event not earlier than six weeks

from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said Notice or from such place as may be subsequently notified in writing by the Council to that person.

- (iv) If any person to whom a Notice is sent in accordance with paragraph (iii) of this Article informs the Council of the name and address of some other person who he alleges may be the owner of the vehicle, a Notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the Notice to the said other person be led to believe may be the owner of the vehicle.
- (v) Where a vehicle does not carry a registration mark the first step to be taken by the Council shall be to apply in writing to the Chief Officer of Police in whose area the parking place is situated enquiring whom that officer considers is the owner of the vehicle and the address of that person.
- (vi) The Council shall then make such further enquiries as to ownership as it thinks fit.
- (vii) Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof and of any charge or payment to which it is entitled.
- (viii) In the event that any such costs incurred by the Council in connection with the disposal of the vehicle are not satisfied by virtue of the last preceding Article, the Council may recoup those costs from the person who was the owner of the vehicle immediately before it was removed from the parking place, provided that that person was sent by the Council a Notice under paragraph (iii) of this Article.
- (ix) Any sums received by the Council on a sale of a vehicle shall, after deducting any sum applied thereabouts by virtue of paragraph (vii) of this Article, be payable within a period of one year from receipt hereof to any person to whom, but for such sale, the vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid into the General Rate Fund of the Council.
- (x) Where under the foregoing provisions of this Order a Notice is required to be or may be sent to a person the Notice shall be sent by recorded delivery post.

## **20 APPLICATION FOR AND ISSUE OF PERMITS**

- (i) Any resident, occupying a property with planning approval (for build or sub-division) prior to 31<sup>st</sup> March 2001 or a property with planning approval since 31<sup>st</sup> March with agreed entitlement by the Council, who:
  - (a) in the opinion of the Council has no adequate off-street parking facilities; and
  - (b) is the owner of a vehicle of the following class, that is to say a passenger vehicle or a goods vehicle, or
  - (c) with the permission of the owner uses a vehicle of the said class on a regular basis during the course of his employment,

may apply to the Council for the issue of a permit for the leaving 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.

- (ii) The Council may at any time require an applicant for a resident's permit or a holder of such a permit to produce to an officer of the Council such evidence in respect of an application for 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 by them as they may reasonably require to verify that the permit is valid.

- (iii) On receipt of an application duly made under the foregoing provisions of this Article the Council, upon being satisfied that the applicant is eligible to apply for a permit under the terms of paragraphs (i) and (ii) above, shall subject to the payment of any stipulated charge issue to the applicant one permit for the leaving in accordance with the provisions of Article 4 of the vehicle to which such permit relates by the owners 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:

PROVIDED THAT, subject to the provisions of paragraph (ii) above and Article 28, the Council shall not issue a permit to any resident which would be valid for any period during which any other permit issued to that resident is or would be valid.

- (iv) A maximum of one residents' permit is available per postal address. In the case of sub-divided properties the allocation of residents' permits is subject to any appropriate planning consent having been obtained for the sub-division of the property.
- (v) Notwithstanding the provisions of the preceding paragraph when, in the Council's opinion there are exceptional circumstances, the Council may in its absolute discretion issue a maximum of two residents' permits per postal address.

## **21 VISITORS' PERMITS**

There shall be no entitlement to visitors' permits within the Kingsland Estate Residents' Parking Scheme.

## **22 BUSINESS PERMITS**

There shall be no entitlement to business permits or temporary business permits within the Kingsland Estate Residents' Parking Scheme.

## **23 ESSENTIAL VISITORS' PERMITS**

There shall be no entitlement to Essential Visitors' permits within the Kingsland Estate Residents' Parking Scheme.

## **24 SERVICE PROVIDERS' PERMITS**

There shall be no entitlement to Service Providers' permits within the Kingsland Estate Residents' Parking Scheme

## **25 CHARGES FOR PERMITS**

- (i) The charge for the issue by the Council of a Resident's permit having a validity of 1 year shall be £150. The charge to residents of properties owned by the Council may be discounted to £100, at the absolute discretion of the Council.
- (ii) When a permit issued under the provisions of paragraph (i) above is surrendered in accordance with Article 26 the Council shall pay to the permit holder in respect of each complete unexpired calendar month for which the permit would have been valid a refund of £12.00 (£8.00) in respect of discounted permits)
- (iii) The charge for a duplicate permit issued under the provisions of Article 28 shall be £10.00.
- (iv) The charge imposed by paragraph (iii) of this Article may be waived at the absolute discretion of the Council.
- (v) The charge for a temporary permit having a validity of one month will be £12.50 (£8.50 in respect of discounted permits).

## **26 SURRENDER, WITHDRAWAL AND VALIDITY OF PERMITS**

- (i) A permit holder may surrender the permit to the Council at any time and shall surrender the permit to the Council on the occurrence of any one of the events set out in paragraph (iii) of this Article;
- (ii) The Council may, by notice in writing, served on the permit holder by sending 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 or place of business, withdraw a permit if it appears to the Council that any one of the events set out in paragraphs (iii) (a), (b) or (d) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned Notice.
- (iii) The events referred to in the foregoing provisions of this Article are:
  - (a) the permit holder ceasing to be a resident
  - (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
  - (c) the withdrawal of such permit by the Council under the provisions of paragraph (ii) of this Article;
  - (d) 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 in Article 4 of this Order;
  - (e) the issue of a duplicate permit by the Council under the provisions of Article 28 of this Order; and
  - (f) the permit ceasing to be valid pursuant to the provisions of paragraph (iv) of this Article.
- (iv) Without prejudice to the foregoing provisions of this Article a permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of anyone of the events set out in paragraphs (iii) (a), (b), (c), (d) and (e) of this Article, whichever is the earlier.

## **27 MISHANDLING OF PARKING DOCUMENTS AND RELATED OFFENCES**

The Council's Parking Services Manager or any parking attendant or other employee of the Council acting on his behalf is hereby authorised to act in accordance with Section 116 of the Act for the purpose of retaining or requiring the delivery up of any document or article carried on a vehicle, or by the driver or person in charge of a vehicle, in relation to which document or article there is reasonable cause to believe that an offence has been committed under subsection (1) of Section 115 of the Act.

## **28 APPLICATION FOR AND ISSUE OF DUPLICATE PERMITS**

- (i) If a permit is mutilated or accidentally defaced or the figures or particulars thereon become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall either surrender it to the Council or apply to the Council for an issue to him of a duplicate permit and the Council upon the receipt of the permit shall issue a duplicate permit so marked and upon such issue the first permit shall become invalid.
- (ii) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a duplicate permit and the Council, upon being satisfied as to such loss or destruction, shall subject to the payment of the stipulated charge issue a duplicate permit so marked and upon such issue the first permit shall become invalid.



- (iii) The provisions of this Order shall apply to a duplicate permit and an application therefor as if it were a permit or, as the case may be, an application therefor.

## 29 FORM OF PERMITS

A permit shall be in writing and shall include the following particulars:

- (i) the registration mark of the vehicle in respect of which the permit has been issued;
- (ii) the period during which, subject to the provisions of Article 10 (iv) of this Order, the permit shall remain valid; and
- (iii) an indication that the permit has been issued by the Council.

## 30 DISPLAY OF PERMITS

Any vehicle left in a parking place in accordance with the provisions of Article 4 shall at all times display in the relevant position a valid permit issued in respect of that vehicle.

## 31 PLACING OF TRAFFIC SIGNS

The Council shall without prejudice to the other provisions of this Order:

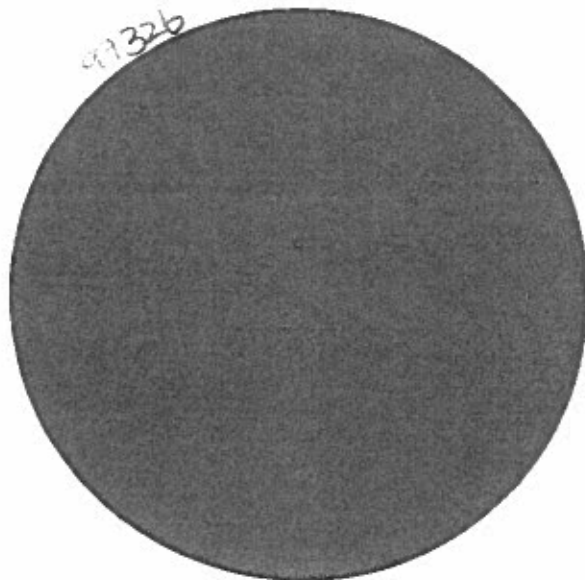
- (i) cause the limits of each parking place to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Act;
- (ii) place and maintain on or in the vicinity of each parking place traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Act; and
- (iii) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

THE COMMON SEAL of  
SOUTHAMPTON CITY COUNCIL  
was hereunto affixed this 24<sup>th</sup> day  
of February 2010

in the presence of:



Authorised Signatory



**Schedule 9.19: Kingsland Estate Residents Parking Scheme – Permit Parking**

<b>Situation of Parking Place</b>	<b>Special Manner of Standing of Vehicles in Parking Place</b>	<b>Charging Days</b>
Land bounded on the north by Craven Walk, on the south by Winton Street and on the east and west by Cossack Green		None

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SCHEME)  
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