

DATED 19 OCTOBER 2010

**ROAD TRAFFIC REGULATION ACT 1984
SECTIONS 32 35 36 45 46 49 51 AND 53**

**SURREY COUNTY COUNCIL
LAMMAS CLOSE (D6347) STAINES
IN THE BOROUGH OF
SPELTHORNE
(RESTRICTED ZONE)
(ON-STREET
PARKING PLACE)
ORDER 2010**

REF: LSEN/SPELT-CPZ/AK

THE SURREY COUNTY COUNCIL
LAMMAS CLOSE (D6347) STAINES IN THE BOROUGH OF
SPELTHORNE (RESTRICTED ZONE)
(ON-STREET PARKING PLACE) ORDER 2010

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ARRANGEMENT OF THE SCHEDULE

- FIRST PART - Part of road for the purpose of the issue of residents' parking permits (see definition of "resident" in Article 2)
- SECOND PART - Specified premises for the purpose of the issue of residents' parking permits (see Article 2)

THE SURREY COUNTY COUNCIL in exercise of their powers under Sections 32 35 36 45 46 49 51 AND 53 of to the Road Traffic Regulation Act 1984 (hereinafter called "The 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 Act hereby make the following Order:-

PART I

GENERAL

Citation and commencement

1 THIS Order may be cited as "The Surrey County Council Lammas Close (D6347) Staines in the Borough of Spelthorne (On-Street Parking Place) Order 2010" and shall come into operation on 1 November 2010

Interpretation

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

"agents" means any person or persons authorised by or on behalf of the Council to supervise and/or enforce any prohibition and restriction on the waiting by vehicles and/or any parking place

"Borough Council" means the Spelthorne Borough Council of the Council Offices Knowle Green Staines Middlesex TW18 1XB

"carer" means a person who looks after another person who is either elderly disabled or in ill health and is unable to manage and/or cope by themselves without assistance

"carriageway" has the same meaning as in Section 329 of the Highways Act 1980

"civil enforcement officer" has the same meaning as in Section 76 of the Traffic Management Act 2004

"community care personnel" means persons who are employed by or who are members of an official carers organisation operating through Surrey County Council or the National Health Service

"Council" means Surrey County Council or its appointed agents

"credit card" has the same meaning as in paragraph (6) of Section 35A of the Act

"debit card" has the same meaning as in paragraph (6) of Section 35A of the Act

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (S.I. 2000 No. 682)

"disabled person's vehicle" means a motor vehicle being driven by a disabled person or being used for the carriage of a disabled person or disabled persons

"doctor" means a registered medical practitioner who is a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practice under that Act

"driver" in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place

"electronic communications apparatus" has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984 and/or Sections 106 and 151 of the Communications Act 2003

"enactment" means any enactment whether public general or local and includes any order bye-law rule regulation scheme or other instrument having effect by virtue of an enactment

"goods" means goods of any kind whether animate or inanimate and "delivering" and

"collecting" in relation to any goods or postal packets includes checking the goods or postal packets for the purpose of their delivery or collection

"goods vehicle" means a motor vehicle the maximum gross weight of which does not exceed 5 tonnes and which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer

"maximum gross weight" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002 (S.I. 2002 No. 3113)

"medical personnel" means doctors nurses healthcare and community visitors and other categories of medical personnel operating through Surrey County Council or the National Health Service or private healthcare organisations who make house visits

"motor cycle" "motor vehicle" and "invalid carriage" have the same meanings as in Section 136 of the Act

"nurse" means in relation to a nurse or a midwife a nurse or midwife who is registered in the register maintained under Article 5 of the Nursing and Midwifery Order 2001 (S.I. 2002/1771)

"Operational Parking Permit" means an Operational Parking Permit issued by the Borough Council under the provisions of Article 32

"Owner" has the same meaning as defined in sub-section (1) of Section 92 of the Traffic Management Act 2004

"parking disc" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000 (S.I. 2000 No. 683)

"parking permit" means a resident's parking permit inter alia bearing only the letter "B" in accordance with the provisions of Article 25 and issued by the Council pursuant to the provisions of Article 22

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

"parking place" means the area of highway designated as a street parking place by this Order

"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 eight passengers (exclusive of the driver) and their effects and not drawing a trailer

"penalty charge" has the same meaning as defined in Section 92 of the Traffic Management Act 2004

"penalty charge notice" has the same meaning as in the General Regulations

"permitted hours" in relation to the residents parking place means the period between 8.00 a.m. and 6.30 p.m. on Mondays to Sundays inclusive

"plan" means the Drawing No. 01 annexed to this Order

"postal packets" has the same meaning as in Sub-section (1) of Section 125 of the Postal Services Act 2000

"resident" means a person whose usual place of abode is at premises the postal address of which are within the length of road specified and described in the First Part of The Schedule and which postal address is for the avoidance of doubt specified and described in the Second Part of The Schedule

"residents parking place" means the area of highway authorised to be used as a parking place for the leaving during the permitted hours of such vehicles as display in the manner specified in Article 26 or in the manner specified in Article 30 or on the manner specified in paragraph (7) of Article 32 a valid permit issued in respect of that vehicle

"residents visitors parking permit" means a resident's visitor's parking permit bearing only the letter "B" in accordance with the provisions of Article 29 and issued by the Council pursuant to the provisions of Article 28

"road" includes any part of a road and has the same meaning as in Section 142 of The Act

"street parking place" has the same meaning as in Section 142 of The Act

"the General Regulations" means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S.I. 2007/3483)

"the 1986 Regulations" means the Removal and Disposal of Vehicles Regulations 1986 (S.I. 1986/183)

"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

"trailer" has the same meaning as in Section 136 of the Act and includes a trailer any part of which is superimposed on the drawing vehicle

"usual place of abode" means premises where a person ordinarily resides and shall not include premises where a person is occupying with other persons in circumstances where

those premises have separate residential accommodation for each person but with shared bathroom and/or kitchen facilities

"visitor" means a person who is visiting a resident and who is not ordinarily resident or resident at that resident's usual place of abode being premises the postal address of which are within the length of road specified and described in the First Part of The Schedule and which postal address is for the avoidance of doubt specified and described in the Second Part of The Schedule

"Waiver Certificate" means a certificate issued on behalf of the Council for the purposes of paragraph (i) of Article 15 permitting a specified vehicle to wait in special circumstances on a length of road where the waiting of that vehicle would otherwise be restricted or prohibited

- (2) For the purpose of this Order a vehicle shall be regarded as displaying -
 - (a) a disabled person's badge issued on or after 2 March 1992 in the relevant position when -
 - (i) in the case of a vehicle fitted with a dashboard or facia panel the badge is exhibited thereon so that Part I of the badge is legible from outside the vehicle or
 - (ii) in the case of a vehicle not fitted with a dashboard or facia panel the badge is exhibited in a conspicuous position on the vehicle so that Part I of the badge is legible from outside the vehicle
 - (b) a disabled person's badge issued on or after 1 April 2000 in the prescribed manner when -
 - (i) the badge is exhibited thereon on the dashboard or facia of the vehicle or
 - (ii) where the vehicle is not fitted with a dashboard or facia the badge is exhibited in a conspicuous position on the vehicle
- so that the front of the badge is clearly legible from the outside of the vehicle
- (3) Any reference in this Order to a numbered Article Part Schedule or Section

shall unless the context otherwise requires be construed as a reference to the Article Part Schedule or Section bearing that number in this Order

(4) 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

(5) Any reference in this Order to a length of a road shall unless otherwise specified be construed as a reference to the whole width of that length of road

(6) For the purposes of sub-paragraph (i) of paragraph (4) of Article 12 and of Article 15 a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle

PART II

DESIGNATION OF A RESIDENTS' PARKING PLACE

Designation of such a parking place

8 THE area of highway comprising that length of the carriageway of Lammas Road Staines which extends from a point 55 metres south-west then south and then south-east of the south-western kerb-line of Moor Lane (D3286) Staines and which is shown edged in a blue solid line on the plan is hereby designated as a residents parking place

Vehicles for which such a parking place is designated

9 THE residents parking place identified on the plan may be used subject to the provisions of this Order for the leaving during the permitted hours of such vehicles only as display in the manner specified in Article 26 or in the manner specified in Article 30 or in the manner specified in paragraph (7) of Article 32 a valid permit issued in respect of that vehicle

PROVIDED THAT nothing in this Article shall apply to a disabled person's vehicle which displays in the relevant position or in the prescribed manner a disabled person's badge issued by any local authority which may be left in the residents parking place identified on the plan free of any charge imposed by this Order and without any limit on the period of time that that disabled person's vehicle may be left in the aforesaid residents parking place

Manner of standing in such a parking place

10 THE driver of a vehicle waiting in the residents parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand so that -

- (a) the vehicle does not obstruct in any way whatsoever the passing and re-passing of all traffic (including pedestrians) on the highway which comprises the said residents parking place or any part thereof and
- (b) the vehicle is adjacent to the edge of the carriageway on the side of the highway on which the vehicle is waiting and
- (c) the vehicle is left wholly within the limits of the said residents parking place

Alteration of position of a vehicle in such a parking place

11 WHERE any vehicle is standing in the residents parking place in contravention of the provisions of Article 10 a police constable in uniform or a civil enforcement officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions

Power to suspend the use of such a parking place

12 (1) Subject to the following persons or organisations being able to exercise the function described below in this Article by virtue of legislation, a civil enforcement officer or a police constable in uniform, a person acting under the instructions (whether general or specific) of the Chief Officer of Police, or a person duly authorised by the Council or the Borough Council may suspend the use of the residents parking place or any part thereof whenever he considers such suspension reasonably necessary:-

- (a) for the purpose of facilitating the movement of traffic or promoting its safety
- (b) for the purpose of any building operation demolition or excavation adjacent to the residents parking place the maintenance improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to that parking place the laying erection alteration or repair in or adjacent to that parking place of any sewer or of any main pipe or apparatus for the

supply of gas water or electricity or of any telecommunication system or the placing maintenance or removal of any traffic sign

- (c) for the convenience of occupiers of premises adjacent to the residents parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to that parking place from or to a depository another office or dwelling-house
- (d) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed or
- (e) for the convenience of occupiers of premises adjacent to the residents parking place at times of weddings or funerals or on other special occasions

(2) Subject as set out in sub-article (1) of this Article a police constable in uniform or a civil enforcement officer may suspend for not longer than twenty-four hours the use of the residents parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety

(3) On the suspension of the use of the residents parking place or any part thereof in accordance with the provisions of this Article the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that parking place or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting by vehicles is prohibited

(4) No person shall cause or permit any vehicle to wait in the residents parking place or any part thereof during such period as there is in or adjacent to that parking place or that part thereof a traffic sign or traffic signs placed in pursuance of paragraph (3) of this Article: PROVIDED THAT nothing in this paragraph shall apply -

- (i) in respect of any vehicle being used for fire brigade ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 15(1)(b) (d) or (e) or
- (ii) to anything done with the permission of the person suspending the use of

that parking place or that part thereof in pursuance of paragraph (1) of this Article or a police constable in uniform or a civil enforcement officer acting in the exercise of lawful authority

Restriction on the use of such a parking place or a vehicle in such a parking place

13 DURING the permitted hours no person shall use the residents parking place or any vehicle while it is in that parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the said parking place or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity:

PROVIDED THAT nothing in this Article shall prevent the sale of goods from a vehicle -

- (a) if the vehicle is one which may wait in the residents parking place in accordance with Article 9 and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected or
- (b) if the vehicle is one to which the provisions of Article 15(1)(h) apply

14 THE driver of a motor vehicle using the residents parking place shall stop the engine as soon as the vehicle is in position in the said parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from that parking place

Restriction on waiting by a vehicle in such a parking place

15 (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours anywhere in any part of the residents parking place if the use of that part has not been suspended and if:-

- (a) the vehicle is waiting for a period not exceeding two minutes or such longer period as a police constable in uniform or a civil enforcement officer acting in accordance with lawful authority may approve to enable a person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage

PROVIDED THAT if the said person is a person suffering from any disability or injury which seriously impairs his ability to walk or who is blind the vehicle

may wait for as long as may be necessary to enable that person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage

- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident
- (c) the vehicle is being used for fire brigade ambulance or police purposes or not being a passenger vehicle a motor cycle or an invalid carriage 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 wait in the place in which it is waiting
- (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic
- (e) the vehicle is waiting -
 - (i) while postal packets addressed to premises adjacent to the residents parking place in which the vehicle is waiting are being unloaded from the vehicle or having been unloaded therefrom are being delivered or
 - (ii) while postal packets are being collected for loading on the vehicle from premises or posting boxes adjacent to the residents parking place in which the vehicle is waiting or having been so collected are being loaded thereon
- (f) the vehicle not being a passenger vehicle a motor cycle or an invalid carriage is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 12(1)(b)
- (g) the vehicle is in actual use in connection with the removal of furniture to or from one office or dwelling-house adjacent to the residents parking place in

which the vehicle is waiting from or to a depository another office or dwelling-house

- (h) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the residents parking place in which the vehicle is waiting and the vehicle does not wait for such purpose for more than twenty minutes or for such longer period as a police constable in uniform or a civil enforcement officer may approve or
- (i) the vehicle is displaying in a prominent position behind the windscreen so that it is facing forwards and can be entirely and easily seen from the front of the vehicle a valid waiver certificate issued by a person duly authorised by the Council to wait in accordance with the terms and conditions prescribed by the said certificate

PROVIDED THAT a waiver certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid and that a notification of such cancellation shall be sent by post to the holder of the certificate at any address which the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council

(2) No charge specified in Section II and/or Section III of Part IV shall be payable in respect of any vehicle waiting in the residents parking place in accordance with the foregoing provisions of this Article and a valid residents parking permit or a valid residents visitors parking permit or a valid operational parking permit need not be displayed on such a vehicle so waiting in the residents parking place

(3) Except as provided by this Order the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in the residents parking place during the permitted hours

Placing of traffic signs etc

- 17 THE Council and/or its agents (if any) shall -
- (a) place and maintain in or in the vicinity of the residents parking place a traffic sign or traffic signs indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 9 and
 - (b) carry out such other work as is reasonably required for the purposes of the satisfactory operation of the residents parking place

PART IV

SUPPLEMENTARY PROVISIONS

SECTION I - MOVEMENT OF AND/OR

REMOVAL OF VEHICLES FROM

THE RESIDENTS' PARKING PLACE

Movement of a vehicle in such a parking place in an emergency

- 18 A civil enforcement officer or a police constable in uniform may move or cause to be moved in case of emergency to any place he thinks fit any vehicle left unattended in the residents parking place

Removal of a vehicle from such a parking place

- 19 (1) When a vehicle is left in the residents parking place in contravention of any of the provisions contained in this Order a person authorised in that behalf by the Council or a police constable in uniform or a civil enforcement officer may remove the vehicle or arrange for it to be moved from that parking place
- BUT PROVIDED THAT civil enforcement officers shall not exercise the powers in this Article other than in accordance with the 1986 Regulations
- (2) Where it appears to the Borough Council or a police constable in uniform that a vehicle left in the residents parking place has been abandoned a civil enforcement officer or a police constable in uniform may in such manner as they consider necessary for the purpose remove the vehicle or arrange for it

to be moved from that parking place:

PROVIDED THAT where the Borough Council or a police constable in uniform propose to move such a vehicle which in the opinion of the Borough Council or a police constable in uniform is in such a condition that it ought to be destroyed then they shall not less than twenty-four hours before removing it cause to be affixed to the vehicle a notice stating that they propose to remove it for destruction at the end of that period

20 WHEN a civil enforcement officer or a police constable in uniform removes or makes arrangements for the removal of a vehicle from the residents parking place by authority of Article 19 he shall except in the case of a vehicle which in the opinion of the Borough Council or the police constable is in such condition that it ought to be destroyed make such arrangements as may be deemed reasonably necessary for the safe custody of the vehicle

Charges for the removal and storage of a vehicle from such a parking place

21 WHERE a vehicle is removed by the Council or a police constable in uniform from the residents parking place in pursuance of Article 19 there shall be payable to the Council the Borough Council or the Surrey Police pursuant to Section 102 of The Act and the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) Regulations 1989 charges for the removal storing and disposal of the said vehicle in accordance with the provisions of the said Regulations

SECTION II - RESIDENTS' PARKING PERMITS

Application for and issue of a parking permit

22 (1) Any resident who is -

- (a) the owner of not more than one vehicle being a passenger vehicle or a goods vehicle and who in the opinion of the Borough Council does not have and is unable to provide off-street parking and/or garage facilities for that vehicle may apply to the Borough Council for the issue to him of a parking permit in respect of that vehicle

- (b) the owner of two or more vehicles being passenger vehicles or goods vehicles or a combination thereof and who in the opinion of the Borough Council has off-street parking and/or garage facilities for one of those vehicles but does not have any off-street parking and/or garage facilities for the remaining vehicles may apply to the Borough Council for the issue to him of a parking permit in respect of one of those vehicles only
 - (c) the owner of two or more vehicles being passenger vehicles or goods vehicles or a combination thereof and who in the opinion of the Borough Council does not have and is unable to provide off-street parking and/or garage facilities for any of those vehicles may apply to the Borough Council for the issue to him of parking permits in respect of not more than two of those vehicles
 - (d) any such application as is mentioned in sub-paragraphs (a) (b) or (c) above shall be made on a form or forms issued by and obtainable from the Borough Council and shall include the particulars and information required by such form or forms to be supplied and shall be accompanied by a remittance for the appropriate fee hereinafter specified
 - (e) An owner of more than two vehicles shall not in any circumstances be entitled to a parking permit except as stated in sub-paragraphs (b) and (c) above
- (2) At premises where there is more than one resident applications from the residents will be treated on the basis that paragraph (1) of Article 22 shall apply to the first resident who applies and assuming that he is granted a permit or permits as appropriate no further applications from other residents will be considered
- (3) The Borough Council may at any time require an applicant for a parking

permit or any parking permit holder to produce to an officer of the Borough Council such evidence in respect of an application for a parking permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any parking permit issued by them to that person as they may reasonably call for to verify that the parking permit is valid

- (4) Upon receipt of an application duly made -
- (a) under the provisions of sub-paragraph (b) or (c) of paragraph (1) of this Article in respect of the first nominated vehicle the Borough Council upon being satisfied that the applicant is a resident and is the owner of a vehicle of the classes specified in paragraph (1) of this Article may in its absolute discretion issue to the applicant therefor one parking permit the parking permit being for the leaving without time limit during the permitted hours in the residents parking place of the vehicle to which such parking permit relates 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
 - (b) under the provisions of sub-paragraph (c) of paragraph (1) of this Article in respect of the second nominated vehicle the Borough Council upon being satisfied that the applicant is a resident and is the owner of a vehicle of the classes specified in paragraph (1) of this Article may in its absolute discretion issue to the applicant therefor one parking permit the parking permit being for the leaving without time limit during the permitted hours in the residents parking place of the vehicle to which such parking permit relates 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

- (c) under the provisions of sub-paragraph (a) of paragraph (1) of this Article in respect of the nominated vehicle the Borough Council upon being satisfied that the applicant is a resident and is the owner of a vehicle of the classes specified in paragraph (1) of this Article may in its absolute discretion issue to the applicant therefor one parking permit the parking permit being for the leaving without time limit during the permitted hours in the residents parking place of the vehicle to which such parking permit relates 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
- (5) Notwithstanding the foregoing provisions of paragraph (1) of this Article the Borough Council shall not in any circumstances issue a parking permit to any resident which would be valid for any period during which any other parking permit issued to that resident by the Council and/or the Borough Council for the leaving of a vehicle in a street parking place pursuant to the provisions of any other enactment is valid
- (6) If the Borough Council is either unable or decides not to issue a parking permit to an applicant therefor any remittance paid shall be refunded to the said applicant
- (7) The fee referred to in paragraph (1) of this Article payable to the Borough Council shall be the sum of thirty pounds in respect of a parking permit which subject to the provisions of this Order shall be valid for a period of twelve months running from any day of the month on which the parking permit first becomes valid
- (8) It is hereby stated by the Council and/or the Borough Council that -
 - (a) the issuing of a parking permit to a parking permit holder does not

guarantee that any parking space within the residents parking place will be available for use by the parking permit holder aforesaid during the permitted hours and

- (b) the parking permit remains at all times whilst it is issued to a parking permit holder the property of the Borough Council

Surrender withdrawal and validity of parking permits

- 23 (1) A parking permit holder may surrender a parking permit to the Borough Council at any time and shall surrender it to the Borough Council on the occurrence of any one of the events set out in paragraph (3) of this Article or in accordance with the provisions of paragraph (5) of this Article
- (2) The Borough Council may by notice in writing served on a parking permit holder by sending the same by the recorded delivery service to that person at the address shown by that person on the application for the parking permit or at any other address believed to be that person's place of abode withdraw a parking permit if it appears to the Borough Council that any one of the events set out in paragraph (3)(a) (b) (d) (e) or (f) of this Article has occurred and that person shall surrender the parking permit to the Borough Council within 48 hours of the receipt of the afore-mentioned notice
- (3) The events referred to in the foregoing provisions of this Article are -
- (a) the parking permit holder ceasing to be a resident
 - (b) the parking permit holder ceasing to be the owner of the vehicle in respect of which the parking permit was issued
 - (c) the withdrawal of the parking permit by the Borough Council under the provisions of paragraph (2) of this Article
 - (d) the vehicle in respect of which the parking permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified in paragraph (1) of Article 22
 - (e) the parking permit having been obtained by fraud and/or deception

or as a result of incorrect material information supplied by the applicant therefor

- (f) the parking permit bearing a letter other than that indicated by the Borough Council pursuant to the provision of paragraph (1) of Article 2 relating to a parking permit
 - (g) the issue of a duplicate parking permit by the Borough Council pursuant to the provisions of Article 24
 - (h) the parking permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article
- (4) Without prejudice to the foregoing provisions of this Article a parking permit shall cease to be valid at the expiration of the period stated thereon or on the occurrence of any one of the events set out in paragraph (3) of this Article whichever is the earlier
- (5) Where a parking permit is issued pursuant to paragraph (6) of Article 22 to any person upon receipt of a cheque and the cheque is subsequently dishonoured the parking permit shall cease to be of any effect and the Borough Council shall by notice in writing served on the person to whom such parking permit was issued by sending the same by the recorded delivery service to him at the address shown by that person on the application for the parking permit or at any other address believed to be that person's place of abode require that person to surrender the parking permit to the Council within 48 hours of the receipt of the afore-mentioned notice

Application for and issue of duplicate parking permits

- 24 (1) If a parking permit is mutilated or torn or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the parking permit has become altered by fading or otherwise the parking permit holder shall either surrender it to the Borough Council or apply to the Borough Council for the issue to him of a duplicate parking permit and the Borough

Council upon receipt of the parking permit shall issue a duplicate parking permit so marked and upon such issue the first mentioned parking permit shall become invalid

- (2) If a parking permit is lost or destroyed the parking permit holder may apply to the Borough Council for the issue to him of a duplicate parking permit and the Borough Council upon being satisfied as to such loss or destruction shall issue a duplicate parking permit so marked and upon such issue the first mentioned parking permit shall become invalid
- (3) The provisions of this Order shall apply to a duplicate parking permit and an application therefor as if it were a parking permit or as the case may be an application therefor

Form of parking permits

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

- (a) the registration mark of the vehicle in respect of which the parking permit has been issued and
- (b) the period during which subject to the provisions of paragraph (4) of Article 23 the parking permit shall remain valid and
- (c) an indication that the parking permit has been issued by the Council and/or the Borough Council and
- (d) the letter "B"

Display of parking permits

26 AT all times during which a vehicle of a class specified in paragraph (1) of Article 22 is left in the residents parking place during the permitted hours a valid parking permit shall be displayed on the vehicle in respect of which it was issued on the front or near side of the vehicle so that all the particulars on the parking permit are readily visible from the front or near side of the vehicle

PROVIDED THAT no such parking permit need be so displayed if the vehicle is waiting in such a parking place pursuant to the provisions of Article 15 or Article 30

or paragraph (7) of Article 32

Refund of fee paid in respect of a parking permit

- 27 (1) A parking permit holder who surrenders a parking permit to the Borough Council before the parking permit becomes valid shall be entitled to a refund of the fee paid in respect thereof
- (2) A parking permit holder who surrenders a parking permit to the Borough Council after the parking permit has become valid shall be entitled to a refund of part of the charge paid in respect thereof calculated in accordance with the provisions of the next following paragraph
- (3) The part of the charge which is refundable under the provisions of the last foregoing paragraph shall be calculated as one-twelfth of the sum paid in respect thereof in respect of each complete month of the period specified thereon as the period during which it shall be valid which remains unexpired at the time when the permit is surrendered to the Borough Council

SECTION III - RESIDENTS' VISITOR'S PARKING PERMITS

Application for and issue of a residents' visitor's parking permit

- 28 (1) Any resident may apply to the Borough Council for the issue of a residents' visitor's parking permit for the leaving without time limit during the permitted hours in the residents parking place of a vehicle of a class referred to in paragraph (1) of Article 22 owned by and/or being used by a visitor and any application for such a residents' visitor's parking permit shall be made on a form issued by and obtainable from the Borough Council and shall include the particulars and information required by such form to be supplied and shall be accompanied by a remittance for the appropriate fee in respect of a residents' visitor's parking permit hereinafter specified
- (2) The Borough Council may at any time require an applicant for a residents' visitor's parking permit or any residents' visitor's parking permit holder to produce to an officer of the Borough Council such evidence in respect of an

application for a residents' visitor's parking permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any resident's visitor's parking permit issued by them to that person as they may reasonably call for to verify that the residents' visitor's parking permit is valid

- (3) Upon receipt of an application duly made under the foregoing provisions of this Article and the appropriate fee specified in paragraph (6) of this Article the Borough Council upon being satisfied that the applicant is a resident may in its absolute discretion issue to the applicant therefor one residents' visitor's parking permit the parking permit aforesaid being for the leaving without time limit during the permitted hours in the residents parking place of a vehicle owned by and/or being used by a person visiting the applicant therefor

PROVIDED THAT subject to the provisions of paragraph (4) of this Article the Borough Council may in its absolute discretion limit the number of residents' visitor's parking permits that are issued at any one time in respect of a particular place of abode and may require the production and/or surrender of a used residents' visitor's parking permit or used residents' visitor's parking permits before issuing a further such permit

- (4) The number of residents' visitor's parking permits issued in respect of each separate place of abode shall not exceed thirty in each calendar year
- (5) If the Borough Council is either unable or decides not to issue a residents' visitor's parking permit to an applicant therefor any remittance paid shall be refunded to the said applicant
- (6) The fee referred to in paragraph (3) of this Article payable to the Borough Council in respect of a residents' visitor's parking permit shall be one pound for each such parking permit and that the residents' visitor's parking permit shall be valid for a period of one day only

- (7) No refund shall be payable by the Borough Council in respect of any unused residents' visitor's parking permits or any such parking permits which are or have been lost or destroyed by the resident to whom those residents' visitor's parking permits have been issued or which residents' visitor's parking permits have been mutilated or torn or accidentally defaced in any way whatsoever whilst those residents' visitor's parking permits have been issued to a resident and are actually held by that resident for the time being
- (8) For the avoidance of doubt it is hereby stated by the Council and/or the Borough Council that -
- (a) the issuing of a residents' visitor's parking permit to a resident does not guarantee that any parking space within the residents parking place will be available for use by the visitor to that resident during the permitted hours and
 - (b) the residents' visitor's parking permit remains at all times whilst it is issued to the resident the property of the Borough Council

Form of residents' visitor's parking permits

29 A residents' visitor's parking permit shall be in writing and shall include the following particulars -

- (a) a space for the insertion of the registration mark of the vehicle in respect of which the residents' visitor's parking permit is to be displayed on and used
- (b) an indication that the residents' visitor's parking permit has been issued by the Council and/or the Borough Council
- (c) a figure stating the number of the residents' visitor's parking permit
- (d) the letter "B"
- (e) a set of figures and/or words indicating the days of the month and the calendar year and/or years when the residents' visitor's parking permit may be used
- (f) a list indicating the names of each month of the year

Display of residents' visitor's parking permits

30 AT all times during which a vehicle of a class referred to in paragraph (1) of Article 22 is left in the residents parking place during the permitted hours a valid residents' visitors parking permit shall be displayed on the vehicle in respect of which it is to be used on the front or near-side of the vehicle so that all the particulars on the residents' visitor's parking permit are readily visible from the front or near-side of the vehicle

PROVIDED THAT no such residents' visitor's parking permit need be so displayed if the vehicle is waiting in a residents parking place pursuant to the provisions of Article 15 or Article 26 or paragraph (7) of Article 32

Validation of residents' visitor's parking permits

31 A residents' visitor's parking permit shall be validated by the resident to whom it has been issued or by the visitor by whom it is to be used by indicating by whatever means provided on that residents' visitor's parking permit the date of the day of the month and the year on which that residents' visitor's parking permit is to be used and by marking on the residents' visitor's parking permit the registration mark of the vehicle in respect of which that residents' visitor's parking permit is to be used

SECTION IV

PROVISIONS APPLYING TO THE ISSUE AND USE OF OPERATIONAL PARKING PERMITS

Application for and issue of an Operational Parking Permit

32 (1) ANY person -

- (a) falling within the definition in this Order of medical personnel in paragraph (1) of Article 2 of this Order may apply to the Borough Council for the issue of an Operational Parking Permit for the leaving during the permitted hours of either a passenger vehicle or a goods vehicle and belonging to or being used by a person visiting a resident whose usual place of abode is at premises the postal address of which is specified in the Second Part of The First Schedule in the course of

medical or community care duties at those premises and any such application shall be made in accordance with formal guidance issued by and obtainable from the Borough Council and shall include the particulars and information required by such guidance to be supplied and the Borough Council may in its absolute discretion issue an Operational Parking Permit to such categories of medical personnel or

- (b) who is resident at any of the premises the postal address of which is specified in the Second Part of The First Schedule and is housebound and in need of regular short term visits from carers or community care personnel may apply to the Borough Council for the issue of an Operational Parking Permit for the leaving during the permitted hours of either a passenger vehicle or a goods vehicle and belonging to or being used by a person visiting that resident at that resident's usual place of abode to carry out carer's duties and any such application shall be made on a form issued by and obtainable from the Borough Council and shall include the particulars and information required by such form to be supplied and the Borough Council may in its absolute discretion issue an Operational Parking Permit to such carers or community care personnel
- (2) THE Borough Council may at any time require an applicant therefor or an Operational Parking Permit holder to produce to an Officer of that Council such evidence in respect of an application for an Operational Parking Permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any Operational Parking Permit issued by them to that person as they may reasonably call for to verify that the Operational Parking Permit is valid
- (3) UPON receipt of an application duly made under the foregoing provisions of

this Article and upon being satisfied that the applicant is either -

- (a) employed as one of the specific categories of medical personnel and is either the owner of either a passenger vehicle or a goods vehicle or a person authorised by the owner of such a vehicle or
- (b) housebound and in need of such short term visits by carers and that the carer is either the owner of either a passenger vehicle or a goods vehicle or a person authorised by the owner of such a vehicle

the Borough Council may in its absolute discretion issue to the applicant therefor one Operational Parking Permit for the leaving without time limit and free of charge during the permitted hours in the residents parking place of a vehicle belonging to or being used by medical personnel visiting a resident in the course of their duties or of a vehicle belonging to or being used by a person visiting that resident as a carer in the course of their duties as the case may be

- (4) IN any respect not specifically mentioned in paragraphs (1), (2), (3), (5) and (6) of this Article the procedure validity and terms of use of an Operational Parking Permit shall be the same as the procedure validity and terms of use of a Residents' Parking Permit and this Paragraph shall be construed accordingly
- (5) NO charge shall be payable in respect of an Operational Parking Permit which subject to the provisions of this Order shall be valid for a period of twelve months running from any day of the month on which the Operational Parking permit first becomes valid
- (6) AN Operational Parking Permit shall be in writing and shall include the following particulars:-
 - (a) a serial number identifiable in the office of issue
 - (b) the registration mark or marks of the vehicle or the two vehicles in respect of which the Operational Parking Permit has or have been issued PROVIDED THAT if the permit holder has the use of a pool

vehicle from his/her employer then the said permit need not display the registration mark of a vehicle

- (c) the period during which subject to the provisions of Paragraph (5) of this Article the Operational Parking Permit shall remain valid
- (d) an indication that the permit has been issued by the Council and/or the Borough Council

- (7) AT all times during which either a passenger vehicle or a goods vehicle which is being used for the purposes specified in Article 32 is left in a residents parking place during the permitted hours a valid Operational Parking Permit shall be displayed on the vehicle in respect of which it was issued on the front or nearside of the vehicle so that all the particulars on the parking permit are readily visible from the front or nearside of the vehicle

PROVIDED THAT no such parking permit need be so displayed if the vehicle is waiting in such a parking place pursuant to the provisions of Article 15 Article 26 and Article 30

SECTION IV - GENERAL

Saving with respect to the residents parking place

33 INsofar as any provision contained in PART III conflicts with a provision which is contained in any other enactment existing at the time when this Order comes into operation and which imposes or has the effect of imposing any restriction or prohibition on -

- (a) the waiting loading or unloading by vehicles and/or
- (b) the delivering or collecting of goods by vehicles

or grants an exemption from any such restriction or prohibition then the provisions contained in PART III shall prevail

Saving with respect to other enactments

34 SUBJECT to the provisions contained in Article 33 the prohibitions restrictions and requirements imposed by this Order are in addition to and not in derogation of any prohibition restriction or requirement imposed by any other enactment and any exception or

exemption from the provisions of this Order is without prejudice to the provisions of any other enactment

PART V

ENFORCEMENT

Contraventions

35 IF a vehicle is left without complying with any of the requirements of this Order then a contravention will have occurred and a penalty charge shall be payable. A Penalty Charge Notice showing the information required by Section 78 of the Traffic Management Act 2004 or any Regulations made thereunder may then be issued by a Civil Enforcement Officer in accordance with the requirements of Section 78 of the Traffic Management Act 2004 or any Regulations made thereunder

Notice of penalty charge

36 IN the case of a vehicle in respect of which the penalty charge may have been incurred a civil enforcement officer may serve a penalty charge notice in accordance with the requirements of Regulation 9 or Regulation 10 of the General Regulations and which penalty charge notice shall comply respectively with the requirements of paragraph 1 or paragraph 2 of the Schedule to the General Regulations

Restriction on removal of Penalty Charge Notices

37 WHERE a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of this Order no person not being the driver of the vehicle or a police constable in uniform or a civil enforcement officer shall remove that Notice from the vehicle unless authorised to do so by the driver

Manner of payment of penalty charge

38 (1) The owner of a vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Borough Council EITHER by cheque or postal order which shall be delivered or sent by post so as to reach the Car Parks Manager Spelthorne Borough Council at the Council Offices Knowle Green Staines Middlesex TW18 1XB within twenty-eight

days of the issue of the penalty charge OR in cash in person at the said Borough Council Offices not later than as aforesaid OR by credit card or debit card

- (2) If the penalty charge is paid before the end of the period of fourteen days beginning with the date of the Notice the amount of the penalty charge will be reduced by the specified proportion

PROVIDED THAT in this paragraph "specified proportion" means such proportion applicable to all cases as may be determined by the Council

- (3) If the owner fails to pay the penalty charge by the end of the twenty-eight day period a Notice to Owner may be served and if the charge is then not paid within a further period of twenty-eight days it may be increased by fifty per cent

If the fourteen or twenty-eight day periods referred to above fall on a day when the said Borough Council Offices are closed the period within which payment shall be made shall be extended until 4.30 p.m. on the next full day on which the said Borough Council Offices are open

THE SCHEDULE

FIRST PART

PART OF ROAD FOR THE PURPOSE OF

THE ISSUE OF RESIDENTS' PARKING PERMITS (SEE ARTICLE 2)

Lammas Close (D3286) Staines that length which extends from a point 55 metres south-west then south and then south-east of the south-western kerb-line of Moor Road (D3286) Staines south-eastwards to the south-eastern extremity of the road

SECOND PART

SPECIFIED PREMISES FOR THE PURPOSE OF THE

ISSUE OF RESIDENTS' PARKING PERMITS (SEE ARTICLE 2)

1. Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
27, 28, 29, 30, 31 32, 33, 34, 35, 36 and 37 Lammas Close (D3268) Staines

Executed as a Deed by Surrey County Council on 19 October 2010

EXECUTED AS A DEED by affixing
THE COMMON SEAL of SURREY
COUNTY COUNCIL in the presence
of and attested by:-

)
)
)
)



[Handwritten signature]

Head of Legal Services/Authorised Signatory

SURREY COUNTY COUNCIL

No. IN SEALING
REGISTER01257-01258

Spelthorne
ORDERED TO Local Comm. Area
BE SEALED - 6/11/09, St. James
No. 3, Fl. No. 44/09.

and 16/3/09 from No. 87/08

DATED 19 OCTOBER 2010

ROAD TRAFFIC REGULATION ACT 1984
SECTIONS 32 35 36 45 46 49 51 AND 53

SURREY COUNTY COUNCIL
LAMMAS CLOSE (D6347) STAINES
IN THE BOROUGH OF
SPELTHORNE
(RESTRICTED ZONE)
(ON-STREET
PARKING PLACE)
ORDER 2010

REF: LSEN/SPELT-CPZ/AK