

**SURREY COUNTY COUNCIL
(VARIOUS ROADS IN SPELTHORNE)
(CONSOLIDATION AND REVOCATION OF FREE STREET PARKING PLACES)
ORDER 2024**

ARRANGEMENT OF ARTICLES

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SURREY COUNTY COUNCIL in exercise of their powers under Sections 32, 35 and 36 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (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

THIS Order may be cited as “Surrey County Council (Various Roads in Spelthorne) (Consolidation and Revocation of Free Street Parking Places) Order 2024” and shall come into force on 20 May 2024.

Interpretation

2. (1) In this Order unless 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 parking place or loading bay.

“Borough Council” means the Spelthorne Borough Council.

“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.

“Council” means Surrey County Council or its appointed agents.

“disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI. 2000 No 682).

“disabled person’s vehicle” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000 (SI. 2000 No. 683).

“electronic communications apparatus” has the same meaning as in Section 151 of the Communications Act 2003.

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

“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.

“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.

“hand held device” is a device used by a civil enforcement officer which is updated from time to time with information on valid and invalid (expired) virtual parking transactions.

“maximum gross weight” has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2021 (SI. 2021 No. 362).

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

“one-way road” means a highway in which the driving of vehicles otherwise than in one direction is prohibited.

“parking disc” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000 (SI. 2000 No 683).

“parking place” means an area on a highway designated as a free on street parking place by this Order.

“Parking Space” means a space in a parking place which is provided for the leaving of vehicles.

“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.

“permitted hours” means the hours identified on the plans

“plans” means the drawings listed in the First Schedule to this Order created and retained by the Council for the purpose of this Order the drawing number of each of those drawings being given in the first column of that Schedule.

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

“road” includes 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 and authorised to be used as a street parking place by this Order.

“the 1986 Regulations” means The Removal and Disposal of Vehicles Regulations 1986 (SI. 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.

“virtual parking transaction” is amongst other things a virtual waiver certificate

“virtual waiver certificate” means a waiver certificate that is electronically issued and

verified by the Council

“waiver certificate” means a paper or virtual certificate issued on behalf of the Council for the purposes of Articles 5(b) and 12(1)(j) permitting a specified vehicle to wait in special circumstances on a length or lengths of roads 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 in the prescribed manner when -
 - (i) the badge is exhibited thereon on the dashboard or fascia of the vehicle or
 - (ii) where the vehicle is not fitted with a dashboard or fascia 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.
 - (b) a parking disc in the relevant position if -
 - (i) the disc is exhibited on the dashboard or fascia of the vehicle or
 - (ii) where the vehicle does not have a dashboard or fascia the disc is exhibited in a conspicuous position on the vehicle so that when marked to show the quarter-hour period during which a period of waiting began that period is clearly legible from the outside of the vehicle.
- (3) 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.
- (4) Any reference in this Order to a numbered Part or Article or Schedule shall unless the context otherwise requires be construed as a reference to the Part or Article or Schedule bearing that number in this Order.
- (5) For the purposes of sub-paragraph (i) of paragraph (4) of Article 9 and of Article a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle.

PART II AUTHORISATION AND USE OF FREE STREET PARKING PLACES

Authorisation of parking places

3. EACH part of a highway comprising the length of carriageway of a road specified on the plans as a free on-street parking place and unless otherwise so specified bounded on one side of that length by the edge of the carriageway and having a width throughout of no less than 1.8 metres is authorised to be used subject to the following provisions of this Order as a free parking place for use on such days and during such hours as identified on the aforesaid plans.

Vehicles for which parking places are authorised to be used

4. EACH parking place may be used subject to the provisions of this Order for the leaving during the permitted hours of such vehicles only as are passenger vehicles goods vehicles motor cycles or invalid carriages.

Period for which a vehicle may be left in a parking place

5. WITHOUT prejudice to the provisions of Article 12, no person shall cause any vehicle to be left during the permitted hours in a time limited parking place for longer than the maximum period permitted for waiting specified in relation to that parking place and as identified on the plans.

PROVIDED THAT nothing in this Article shall apply to:

- (a) a disabled persons vehicle which displays in the relevant position or in the prescribed manner a disabled person's badge issued by any local authority.
- (b) such vehicles as display 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 OR as have been recorded by the hand held device as having a valid virtual waiver certificate in which case no waiver certificate needs to be displayed on the vehicle.

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.

Interval before a vehicle may again be left in a parking place

6. WITHOUT prejudice to the provisions of Article 12 no vehicle which has been taken away from a parking place specified in the plans during the permitted hours shall until the expiration of the period of time indicated on the said plans from the time it was taken away again be left in that parking place during the permitted hours.

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.

Manner of standing / waiting in a parking place

7. THE driver of a vehicle standing in a parking place during the permitted hours in accordance with the provisions of this Order or waiting therein in accordance with subparagraph (1)(e) (f) (g) (h) (i) or (j) of Article 12 of this Order shall cause it so to stand or wait so that:-

- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are identified on the plans so as to be in accordance with those provisions.
- (b) in the case of any other parking place –

- (i) if the said parking place is not in a one-way road that the left or near side or right or off side of the vehicle is parallel to the edge of the carriageway nearest to the vehicle or
 - (ii) if the said parking place is in a one-way road that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway or that the tight or off side of the vehicle is adjacent to the right-hand edge of the carriageway and
 - (iii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres.
- (c) every part of the vehicle is within the limits of a parking space and/or a parking place.

PROVIDED THAT in relation to paragraphs (b) and (c) of this Article any person causing or permitting a vehicle to wait in a parking place by virtue of the provisions of sub-paragraph (1)(e) (f) (g) (h) (i) or (j) of Article 12 where if the length of the vehicle precludes compliance with these paragraphs that person shall cause the vehicle to wait so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres

- (d) that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

Alteration of position of a vehicle in a parking place

8. WHERE any vehicle is standing or waiting in a parking place in contravention of the provisions of Article 7 a police constable in uniform or a civil enforcement officer or a person duly authorised by the Council 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 a parking place

9. (1) A duly authorised civil enforcement officer or police constable in uniform or a person under the instructions (whether general or specific) of the Chief Officer of Police 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:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety.
 - (b) for the purpose of any building demolition or excavation operations 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 electronic communications apparatus or the placing maintenance or removal of any traffic sign.
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office

or dwelling-house adjacent to the parking place from or to a depository or 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 parking place at times of weddings or funerals or on other special occasions.
- (2) Subject to paragraph (1) of this Article a police constable in uniform or a civil enforcement officer or any person duly authorised by the Council may suspend for not longer than twenty-four hours the use of a 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 a 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 a parking place or 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 12(1)(b) (d) or (e) or
- (ii) to anything done with the permission of the person suspending the use of the parking place or 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 a parking place or a vehicle in a parking place

10. DURING the permitted hours no person shall use any parking place or any vehicle while it is in a parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in handicraft or their 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 a parking place in accordance with Article 4 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 12(1)(h) or (i) apply.

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

Restriction on waiting by a vehicle in a parking place

12. (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours anywhere in any part of a 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 their personal luggage:

PROVIDED THAT if the said person is a person suffering from any disability or injury which seriously impairs their 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 their personal luggage.

- (b) the driver is being prevented from proceeding by circumstances beyond their 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 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 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 from premises or posting boxes adjacent to the parking place in which the vehicle is waiting or having been so collected are being loaded thereon.
- (f) the vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 9 (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 parking place in which the vehicle is waiting from or to a depository or 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 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.

- (i) goods are being sold or offered or exposed for sale from the vehicle by a person who is licensed by the Council or the Borough Council to sell goods from a stationary vehicle on a pitch situated in the parking place or
- (j) 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 OR as have been recorded by the hand held device as having a valid virtual waiver certificate in which case no waiver certificate needs to be displayed on the vehicle.

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) 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 a parking place during the permitted hours.

Movement of a vehicle in a parking place in an emergency

13. ANY person duly authorised by the Council a police constable in uniform or a civil enforcement officer may move or cause to be moved in case of emergency to any place he thinks fit any vehicle left unattended in a parking place Removal of a vehicle from a parking place.

Removal of a vehicle from a parking place

- 14. (1) When a vehicle is left in a 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 Council or a police constable in uniform that a vehicle left in a 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 Council or a police constable in uniform propose to move such a vehicle which in the opinion of the Council or the Chief Constable 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.

15. WHEN a person authorised by the Council or a police constable in uniform or a civil enforcement officer removes or makes arrangements for the removal of a vehicle from a parking place by authority of Article 14 he shall except in the case of a vehicle which in the opinion of the Council or the Chief 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 a parking place

16. WHERE a vehicle is removed by the Council or a police constable in uniform from a parking place in pursuance of Article 14 there shall be payable to the Council or the Chief Constable pursuant to Section 102 of the Act and the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) Regulations 2008 charges for the removal storing and disposal of the said vehicle in accordance with the provisions of the said Regulations.

Placing of traffic signs etc

17. THE Council shall –

- (a) place and maintain a traffic sign or traffic signs indicating the limits of a parking space and/or each parking place and
- (b) place and maintain in or in the vicinity of each parking place referred to in Article 3 of this Order 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 4 and
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

PART III SUPPLEMENTARY PROVISIONS

Saving with respect of pedestrian crossings

18. NOTHING in the foregoing provisions of this Order shall be taken as authorising anything which would be a contravention of any Regulations made or having effect as if made under Section 25 of the Act.

Saving with respect of bus stop clearways

19. INSOFAR as any provision contained in PART II conflicts with a provision which is contained in paragraph 1 of Part 6 and item 9 of Part 4 to Schedule 7 to the Traffic Signs Regulations and General Directions 2021 (SI. 2021 No. 362) then the provision contained in the said paragraphs of the said Regulations shall prevail.

Saving with respect to waiting restrictions

20. INSOFAR as any provision contained in PART II conflicts with a provision which is contained in The Surrey County Council (Various Roads in Spelthorne) (Revocation and Consolidation of Waiting, Loading and Unloading Prohibition and Restriction) Order 2024 and its amendments thereto or 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 and/or unloading by vehicles and/or
- (b) the delivering or collecting of goods by vehicles, or
- (c) grants an exemption from any such restriction or prohibition

then the provisions contained in PART II shall prevail.

21. SUBJECT to the provisions contained in Articles 18 19 or 20 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 IV REVOCATION

22. WITHOUT prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into force of this Order the Orders specified in the Second Schedule to this Order are hereby revoked in their entirety.

**FIRST SCHEDULE
LIST OF PLANS**

Drawing No.	Date Drawn	Revision	Date Revised	Revision	Date Revised	Revision	Date Revised
3282/SPEL 0100	03/24						
3282/SPEL 0101	03/24						
3282/SPEL 0102	03/24						
3282/SPEL 0103	03/24						
3282/SPEL 0104	03/24						
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3282/SPEL 0106	03/24						
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3282/SPEL 01134	03/24						
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**SECOND SCHEDULE
LIST OF REVOCATIONS**

1. The Surrey County Council (Various Roads in Spelthorne) (Consolidation of Free Street Parking Places and Revocation) Order 2005 (Amendment No. 16) Order 2023
2. The Surrey County Council (Various Roads in Spelthorne) (Consolidation of Free Street Parking Places and Revocation) Order 2005 (Amendment No. 15) Order 2022
3. The Surrey County Council (Various Roads in Spelthorne) (Consolidation of Free Street Parking Places and Revocation) Order 2005 (Amendment No. 14) Order 2020
4. The Surrey County Council ((Various Roads in Spelthorne (Consolidation of Free Street Parking Places and Revocation) Order 2005) Amendment No.13) Order 2019
5. The Surrey County Council ((Various Roads in Spelthorne (Consolidation of Free Street Parking Places and Revocation) Order 2005) Amendment No.12) Order 2018
6. The Surrey County Council ((Various Roads in Spelthorne (Consolidation of Free Street Parking Places and Revocation) Order 2005) Amendment No.11) Order 2017
7. The Surrey County Council ((Various Roads in Spelthorne) (Consolidation of Free Street Parking Places and Revocation) Order 2005) (Amendment No.10) Order 2016
8. The Surrey County Council ((Various Roads in Spelthorne) (Consolidation of Free Street Parking Places and Revocation) Order 2005 (Amendment No.9) Order 2015
9. The Surrey County Council ((Various Roads in Spelthorne) (Consolidation of Free Street Parking Places and Revocation) Order 2005) (Amendment No.8) Order 2014
10. The Surrey County Council ((Various Roads in Spelthorne) (Consolidation of Free Street Parking Places and Revocation) Order 2005 (Amendment No.7) Order 2013
11. The Surrey County Council ((Various Roads in Spelthorne) (Consolidation of Free Street Parking Places and Revocation) Order 2005 (Amendment No.6) Order 2013
12. The Surrey County Council ((Various Roads in Spelthorne) (Consolidation of Free Street Parking Places and Revocation) Order 2005 (Amendment No.5) Order 2012
13. The Surrey County Council ((Various Roads in Spelthorne) (Consolidation of Free Street Parking Places and Revocation) Order 2005 (Amendment No.4) Order 2010
14. The Surrey County Council ((Various Roads in Spelthorne) (Consolidation of Free Street Parking Places and Revocation) Order 2005 (Amendment No.2) (Replacement) Order 2007
15. The Surrey County Council ((Various Roads in Spelthorne) (Consolidation of Free Street Parking Places and Revocation) Order 2005 (Amendment No.1) Order 2006
16. The Surrey County Council ((Various Roads in Spelthorne) (Consolidation of Free Street Parking Places and Revocation) Order 2005

Executed as a Deed by Surrey County Council on 14 May 2024

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



greta O'Shea
Greta O'Shea (May 14, 2024 17:01 GMT+1)
Acting Principal Solicitor

Authorised Signatory

SURREY COUNTY COUNCIL

DATE: 14 MAY 2024

SURREY COUNTY COUNCIL

No. IN SEALING 1051
REGISTER

ORDERED TO
BE SEALED
Parking Traffic & Enforcement
Manager 16 April 2024

ROAD TRAFFIC REGULATION ACT 1984
SECTIONS 32 35 AND 36
AND PART IV OF SCHEDULE 9

THE SURREY COUNTY COUNCIL
(VARIOUS ROADS IN SPELTHORNE)
(CONSOLIDATION AND REVOCATION
OF FREE STREET PARKING PLACES)
ORDER 2024







Spelthorne Free Parking Order 2024

Final Audit Report

2024-05-14

Created:	2024-05-14
By:	Maliha Ahmed (maliha.ahmad@surreycc.gov.uk)
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