

**THE COUNCIL OF THE CITY  
AND COUNTY OF SWANSEA**

**CYNGOR DINAS A SIR ABERTAWE**

**(PENLLERGAER CIVIC CENTRE CAR PARKS, SWANSEA)**

**ORDER 2011**

Ref: DVT-1293/MAW

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**THE COUNCIL OF THE CITY AND COUNTY OF SWANSEA** (hereinafter called "the Council") in exercise of its powers under Sections 1 and 2 of the Road Traffic Regulation Act 1984 (as amended) (which said Act of 1984 is hereby referred to as "the Act of 1984") and the Traffic Management Act 2004 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Section 124 of the Act of 1984 hereby make the following Order:

1. **THIS** Order shall come into operation on the 11<sup>th</sup> day of August 2011 and may be cited as "the Council of the City and County of Swansea (Penllergaer Civic Centre Car Parks, Swansea) Order 2011"
2. **IN** this Order:
  - 2.1. **EXCEPT** where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order
  - 2.2. **THE** Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the Interpretation of an Act of Parliament
  - 2.3. **THE** prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any other prohibition or restriction whether made under the Act of 1984 or otherwise
  - 2.4. "Authorised Vehicle" means (unless defined in the Schedules attached)

an emergency vehicle or service vehicle authorised by the Council to wait in a designated area as referred to in the Schedules attached

“bus” shall have the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981

“civil enforcement officer” has the same meaning as in Section 63A of the Act of 1984 and by virtue of Section 76 of the 2004 Act a civil enforcement officer appointed under Section 63A of the Act of 1984 is a civil enforcement officer in relation to parking contraventions

“clearway” means a road on which vehicles are not allowed to stop apart from in an emergency situation.

“Controlled Parking Zone” or “CPZ” means an area which all kerb side space is controlled either by waiting and loading restrictions or by designated parking bay such as a disabled parking bay a meter bay or a resident bay.

“disabled person’s vehicle” has the same meaning as in the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (Wales) Regulations 2000

“disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulation 2000

“driver” in relation to a vehicle waiting in a restricted area, means the person driving the vehicle at the time it was left in the restricted waiting area or parking place;

“motor-cycle” has the same meaning as that in Section 136 of the Act of 1984;

“No Return” in relation to a Parking Place where waiting is limited by time and day of the week means no return within the stated time and day of the week to a Parking Place in the same road or a Controlled Parking Zone as the Parking Place vacated

“one-way street” means a highway in which driving of vehicles otherwise than in one direction is prohibited;

“owner” in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the owner at the time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his/her employment and who is entitled to use such vehicle as though he/she were the registered keeper thereof;

“parking disc” means a disc and time clock (where appropriate) issued by a Local Authority complying with the requirements of the British Standard Specifications for Parking Discs to comply with the European Blue Badge Scheme being a disc coloured blue and capable of showing the quarter hour period during which a period of waiting begins

“Parking Place” means an area of a highway designated by this Order for the waiting of vehicles of specific classes and indicated on a carriageway by markings in accordance with the Traffic Signs Regulations and General Directions 2002 or any previous versions of such regulations an area of the highway designated for limited waiting ;

“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 twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

“pay and display ticket” means a ticket issued by a pay and display ticket machine relevant to the parking place in which a vehicle has been left;

“public service vehicle” means a vehicle carrying passengers for a fee and for the purposes of this Order public service vehicle refers to a large public service vehicle capable of carrying more than eight passengers

“relevant position” in respect of:-

- (a) a disabled person's badge and parking disc has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000; and
- (b) a permit means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the permit is clearly legible from outside the vehicle;
- (c) a pay and display ticket means exhibited on the windscreen dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the ticket is clearly legible from outside the vehicle;
- (d) a waiver means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the waiver is clearly legible from outside the vehicle;

“Permit” means a Permit issued by the Council in respect of certain classes of vehicle

“service vehicles” means a motor vehicle under 3500 kg in weight which is constructed or adapted for use for the carriage of goods or burden of any description the overall height of which does not exceed 2.35 metres and the overall length of which does not exceed 5.25 metres and is not drawing a trailer;

### 3. REGULATION OF A PERMIT PARKING PLACE

- A
- (i) The holder of a Permit shall not park in any Parking Place
    - (a) other than in the street named on the Permit except in the case of a Controlled Parking Zone where the permit allows the holder to park in any of the designated bays within the C.P.Z. and
    - (b) without a the valid Permit being displayed in the relevant position on the vehicle
  - (ii) Where a Police Constable in uniform or a civil enforcement officer or a person authorised by the Council is of the opinion that the provisions contained in Article 3. of this Order have been contravened he may remove or cause to be removed the vehicle from the Parking Place and where it is so removed shall provide for the safe custody of the vehicle
  - (iii) A Police Constable in uniform or a civil enforcement officer or a person authorised by the Council may move or cause to be moved in the case of emergency to any place he thinks fit any vehicle left in the Parking Place
  - (iv) Every vehicle left in the Parking Place shall stop so that every part of the vehicle is within the limits of the Parking Place
- B A Police constable in uniform or a civil enforcement officer or a person duly authorised by the Council may suspend the use of the Parking Place or any part thereof whenever he considers such suspension is reasonably necessary:
- (i) for the purposes of facilitating the movement of traffic or promoting its safety

- (ii) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of the delivery or removal of furniture to or from an office or dwelling house adjacent to the Parking Place
- (iii) on any occasion on which it is likely by reason of some special attraction that any streets will be thronged or obstructed
- (iv) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals
- (v) any person herein authorised to suspend the use of the Parking Place or any part thereof in accordance with the provisions of this Article shall thereupon place or cause to be placed in that Parking Place or as the case may be in that part thereof the use of which is suspended a traffic sign of any size colour and type prescribed or authorised under Section 64 of the Act of 1984 indicating that the waiting by vehicles is prohibited

C No persons shall cause or permit any vehicle to wait in any part of the Parking Place during such period as there is in or adjacent to that part of the Parking a traffic sign placed in pursuance of Article 3.B (v) of this Order

**PROVIDED THAT** nothing in this Article shall apply:

- (i) in respect of any vehicle being used for fire brigade ambulance or police purposes when the presence of the said vehicle is essential to the carrying out of their duties

- (ii) to anything done with the permission of a Police Constable in uniform or a civil enforcement Officer or a person authorised by the Council or the person suspending the use of the Parking Place or part thereof in pursuance of this Order

**D Nothing in the Articles**

of this Order shall apply to:

- (a) legally qualified medical practitioners as defined in Section 52 of the Medical Act 1956 provided that the vehicle is displaying an appropriately worded notice to the effect that it is being used "on call" or community nurses or carers with a permit issued by the Council of the City and County of Swansea displayed in the relevant position on the vehicle
- (b) a maximum of two vehicles being used in connection with a wedding
- (c) vehicles being used for building and maintenance purposes in properties adjacent to a Parking Place provided that a waiver issued by the Council is displayed in the relevant position on the vehicle.
- (d) Support Officers from bona fide care organisations to park in Residents Only Parking Area whilst visiting a Community Care dwelling in pursuit of their duties providing the special permit issued by the Council of the City and County of Swansea is displayed in the relevant position on the vehicle
- (e) Holders of holiday family or other temporary permits issued by the Council and displayed in the relevant position on the vehicle

**E Permits**



The Council may at any time require an applicant for a Permit or a holder of 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

- (ii) On receipt of an application for a Permit the Council upon being satisfied that
  - (a) the applicant is a person who resides in a road or the Controlled Parking Zone referred to in the Schedules to this Order or is a person who falls within the categories of persons eligible for the granting of Permit as may be determined from time to time by the Council
  - (b) the application is made in respect of an eligible vehicle as defined in paragraph (iii) of this Articleshall issue to the applicant a Permit in respect of that vehicle subject to no more than two Permits being issued in respect of any particular residence
- (iii) For the purposes of this Article "eligible vehicle" means:
  - (a) a passenger vehicle which is a motor vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver and not drawing a trailer
  - (b) a goods vehicle the weight of which does not exceed 3500kg unladen
  - (c) solo motor cycle or moped

- (d) A vehicle not exceeding 2.35 metres by 5.25 metres in length
- (iv) (a) No person shall be entitled to hold a Permit for more than one vehicle at any time except the Family Visitor permit which can display up to two vehicles.
- (b) the Permit shall be valid only for the vehicle in respect of which it is issued and no Permit holder shall cause or permit any Permit issued to him by the Council to be displayed on any vehicle bearing a different registration number to that contained on that Permit
- (v) A Permit holder may surrender a Permit to the Council at any time and shall surrender it to the Council on the occurrence of any one of the following events:
  - (a) the Permit holder ceasing to be a resident in the street or Controlled Parking Zone for which the Permit is issued
  - (b) save as provided in paragraph (viii)(a) of this Article the Permit holder ceasing to be the owner of the vehicle in respect of which the Permit is issued
  - (c) the vehicle in respect of which the Permit was issued being adapted or used in such manner that it ceases to be an eligible vehicle as defined in paragraph (iii) of this Article
  - (d) the issue by the Council of a duplicate Permit
  - (e) the expiry of the Permit pursuant to paragraph (vi) of this Article

- (f) the withdrawal of the Permit by the Council
- (vi) A Permit shall cease to be valid at the expiration of the date stated thereon or on the occurrence of any of the events set out in paragraph (v) of this Article whichever is the earlier
- (vii) The Council may by notice in writing served on a Permit holder by sending the same 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 abode withdraw a permit if it appears to the Council that any of the events set out in paragraph (v) of this Article has occurred and the permit holder shall surrender the Permit to the Council within forty eight hours of the receipt of the aforementioned notice
- (viii) A Permit shall be in writing and shall include the following particulars:
  - (a) the registration mark of the vehicle in respect of which the Permit was issued except when such Permit is issued to a resident whose vehicle is owned by a bona fide motor trader and which vehicle does not exceed 3500 kg unladen weight in such cases the registration mark will be replaced with the words "MOTOR TRADER" or relevant company name.
  - (b) the expiry date of the permit pursuant to paragraph (vi) of this Article
  - (c) an indication that the Permit was issued by the Council
  - (d) the name of the street or Controlled Parking Zone in which the applicant resides

## **F Charges**

The Council may at its discretion charge for the issue of residents parking places Permits such charge to be determined from time to time by resolution of the Council or relevant Committee thereof and in any case any duplicate Permit shall only be issued on the payment by the applicant of a fee of ten pounds sterling (£10) or such other sum as may be determined from time to time by the Council or the relevant committee thereof

#### **4. REGULATIONS IN RESPECT OF A PARKING PLACE OTHER THAN A PERMIT HOLDERS PARKING PLACE**

##### **Manner of standing in a parking place**

- A. Every vehicle left in a pay and display and disabled person's or other parking place in accordance with the foregoing provisions of this Order shall stand:-
- (i) if the parking place is in a one-way street, so that the vehicle is facing according to the direction of the traffic flow and adjacent to the edge of the carriageway;
  - (ii) if the parking place is not in a one-way street, so that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway;
  - (iii) so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300mm;
  - (iv) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting; and
  - (v) so that every part of the vehicle is within the limits of the parking place as marked on the carriageway.

**B. Alteration of position of a vehicle in a parking place**

Where any vehicle is standing in a parking place in contravention of the provisions of Article 4.A. above, the Council or police officer in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

**C. Movement of a vehicle in a parking place in an emergency**

A police officer in uniform or a civil enforcement officer may move or cause to be moved or remove or cause to be removed, in case of emergency, to any place he/she thinks fit, any vehicle left in a parking place and shall provide for the safe custody of the vehicle

**D. Suspensions of use of parking place**

(1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider 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 parking place provided that a waiver issued by the Council is displayed in the relevant position on the vehicle, 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 or any sewer or any main, pipe, or apparatus for the supply of gas, water or electricity or of any telecommunications system 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 depositary, another office or dwelling-house;
  - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed;
  - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions; or
  - (f) on any occasion in the interests of traffic or pedestrian movement and safety when a special event is taking place in the vicinity;
- (2) A police officer in uniform or a civil enforcement officer or other person 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/she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety
- (3) Any person or police officer suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.

**E. No waiting in a suspended parking place**

No person shall cause or permit a vehicle to wait in a parking place or any part thereof during which such period as the Council or a police officer in uniform or a civil enforcement officer has suspended that parking place or part thereof and exhibits notice of such suspension on or near that parking place.

5. **NOTHING** in Article 6 of this Order shall make it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc (on which the driver or other person in charge of the vehicle has marked the time of which the period of waiting began) to wait on the length or lengths of road referred to in the said Article
6. Save as provided in Article 5 and except on the direction of a Police Officer in uniform or a civil enforcement officer or a person authorised by the Council no person shall cause any vehicle to wait "at any time" on the length or lengths of the road or roads referred to in Schedules hereto
7. The existing Orders are revoked insofar as they are inconsistent with the proposals contained in the Schedule hereto and insofar as they relate to the length or lengths of the road or roads referred to in the Schedule hereto.

## **SCHEDULES**

### **SCHEDULE 1**

#### **PROHIBITION OF WAITING "AT ANY TIME"**

##### **PENLLERGAER CIVIC CENTRE**

**(For its entire length) Both Sides**

**(Except for Permit Holders, Disabled Permit and Blue Badge Holders, 3 hours Only, Pool Cars Only and Loading Only)**

From its junction with A48 southbound for its entire length within the car park boundary.

**ALL RESTRICTIONS IN THE SCHEDULES BELOW OPERATE MONDAY TO FRIDAY 8AM TO 6PM**

### **SCHEDULE 2**

#### **PERMIT HOLDERS ONLY**

##### **PENLLERGAER CIVIC CENTRE**

**(For its entire length) Both Sides**

**(Except for Prohibition of Waiting "at any time", Disabled Permit and Blue Badge Holders (3 hours Only) Pool Cars Only and Loading Only)**

From its junction with A48 southbound for its entire length within the car park boundary.

### **SCHEDULE 3**

#### **DISABLED BADGE HOLDERS ONLY**

#### **PENLLERGAER CIVIC CENTRE ACCESS TO NORTH EAST ENTRANCE**

##### **South East Side**

From a point 35 metres east of the north eastern building line of Penllergaer Civic Centre to a point 7 metres north thereof.

### **SCHEDULE 4**

#### **STAFF DISABLED PERMIT HOLDERS ONLY**

#### **PENLLERGAER CIVIC CENTRE ACCESS TO NORTH EAST ENTRANCE**

##### **South East Side**

From the north eastern building line of Penllergaer Civic Centre to a point 20 metres north thereof.

#### **EASTERN CAR PARK ENTRANCE ROAD**

##### **West Side**

From a point 35 metres east then 15 metres west then 6 metres south of its junction with the main car park access road to a point 15 metres south of that point.

### **SCHEDULE 5**

#### **3 HOURS ONLY LIMITED WAITING**

#### **PENLLERGAER CIVIC CENTRE**

##### **East Side**

From a point 84 metres south of its junction with A48 to a point 42 metres south west thereof.

#### **PENLLERGAER CIVIC CENTRE EASTERN CAR PARK (Western Section)**

##### **East side**

From a point opposite the northern kerb line of the entrance road to the west section of the car park to a point 25 metres south of that point.

### **SCHEDULE 6**

#### **AUTHORISED VEHICLES ONLY PERMIT HOLDER**

#### **PENLLERGAER CIVIC CENTRE EAST PARKING AREA**

##### **South east side**

To include the 5 parking bays at the south eastern this location within the car park boundary where the appropriate signs and road markings in accordance with the Traffic Signs Regulations and General Directions 2002 are displayed.

### **SCHEDULE 7**

#### **LOADING ONLY**

#### **PENLLERGAER CIVIC CENTRE**

##### **South East arm (of the roundabout fronting the main office entrance)**



**South East Side**

From a point 28 metres south west of its junction with the entrance road to the East parking Area to a point 22 metres south west thereof.

Dated this 4<sup>th</sup> day of August 2011

**THE COMMON SEAL OF THE  
COUNCIL OF THE CITY AND  
COUNTY OF SWANSEA**

was hereunto affixed  
in the presence of

Acting Head of Legal, Democratic Services and Procurement / Authorised Signatory