

**THE COUNCIL OF THE CITY
AND COUNTY OF SWANSEA
CYNGOR DINAS A SIR ABERTAWE**



**HATHERLEIGH DRIVE & HIGHMEAD AVENUE,
WEST CROSS, SWANSEA**

(PROHIBITION OF WAITING AT ANY TIME)

ORDER 2017

Reference: DVT/00217556/LJR

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AND COUNTY OF SWANSEA**

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THE COUNCIL OF THE CITY AND COUNTY OF SWANSEA (hereinafter called "the Council") in exercise of its powers under the Road Traffic Regulation Act 1984, as amended (hereinafter 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 Part III of Schedule 9 and Section 124 of the Act of 1984 hereby make the following Order.

SECTION 1 – PRELIMINARY

Citation and commencement

1. This Order shall come into operation on the 6th day of February 2017 and may be cited as the Council of the City and County of Swansea (Hatherleigh Drive & Highmead Avenue, West Cross, Swansea) (Prohibition of Waiting at any Time) Traffic Regulation Order 2017

Definitions

2. In this order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"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;

"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;

"waiver" means a waiver issued by the Council in respect of vehicles being used for building maintenance repair shop fitting or other industrial or demolition operations and the Council may charge for such waiver such charge to be determined from time to time by resolution of the Council or relevant Committee thereof

Interpretation

3. 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
4. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the Interpretation of an Act of Parliament
5. 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

SECTION 2 – PROHIBITION OF WAITING

Prohibition of Waiting at Any Time

6. Save as provided in Articles 7 and 8 no person shall, except upon the direction or with the permission of a civil enforcement officer, police officer in uniform, or a person authorised by the Council, cause or permit any vehicle to wait at any time on the length or lengths of the road or roads referred to in Schedule 2

Exemptions

7. Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle to wait on the side or sides or length or lengths of the road or roads specified therein for as long as may be necessary to enable:-
 - (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations namely:-
 - (i) building, maintenance, repair, shop fitting or other industrial or demolition operations with a waiver issued by the Council and

- displayed in the relevant position on the windscreen of the vehicle;
- (ii) the removal of any obstruction to traffic;
 - (iii) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of the road of any sewer or any main pipe or apparatus for the supply of water, gas electricity or of any telecommunications apparatus as defined by the Telecommunications Act 1984
 - (iv) a vehicle being used for police, ambulance, fire brigade or other emergency purposes
- (b) the vehicle if it cannot conveniently be used for such purpose in any other road, to be used in connection with the service of a local authority or of a water authority in pursuance of its statutory powers and duties.
- (c) the vehicle of the Royal Mail or other universal services provider as defined in Section 4 of the Postal Services Act 2000 to be used for the purpose of delivering or collecting mail.
- (d) public service vehicles when waiting at an authorised bus stop to set down or pick up passengers
- (e) vehicles picking up and dropping off passengers
8. Nothing in Article 6 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a Disabled Persons Badge and a Parking Disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait on lengths or sides of roads referred to in the Article for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from the previous period of waiting by the same vehicle on the same length or side of road on which that vehicle had previously been waiting).

SECTION 3 – REVOCATION

9. The existing Orders are revoked insofar as they are inconsistent with the proposals contained in the schedules hereto and insofar as they relate to the length or lengths of the road or roads referred to in the Schedule hereto.

SCHEDULE

SCHEDULE 1

REVOCATIONS

The existing Orders are revoked insofar as they are inconsistent with the proposals hereinafter contained which relate to the length or lengths of the road or roads referred to in the schedules hereto.

SCHEDULE 2

PROHIBITION OF WAITING AT ANY TIME

HATHERLEIGH DRIVE

East and west sides

From its junction with the southern kerbline of Highmead Avenue to a point 10 metres south thereof.

North side

From its junction with the eastern kerbline of Hatherleigh Drive to a point 11 metres east thereof.

South side

From its junction with the eastern kerbline of Hatherleigh Drive to a point 11 metres east thereof.

East side

From a point 101 metres south of the southern kerbline of Highmead Avenue to a point 108 metres south of the southern kerbline of Highmead Avenue and then to a point 4 metres in a westerly direction.

For clarification this includes the eastern and southern sections of the cul-de-sac end of Hatherleigh Drive.

HIGHMEAD AVENUE

South side

From its junction with the western kerbline of Hatherleigh Drive to a point 12 metres west thereof.

From its junction with the eastern kerbline of Hatherleigh Drive to a point 10 metres east thereof.

Dated this 30th day of January 2017

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

was hereunto affixed
in the presence of

Lynn Moore



Head of Legal & Democratic Services /
Authorised Signatory

