

THE TAUNTON DEANE BOROUGH (VICTORIA GATE AREA, TAUNTON) (DESIGNATED PARKING PLACES) ORDER 2004

The Taunton Deane Borough Council (hereinafter referred to as “the Council”) pursuant to arrangements made under Section 101 of the Local Government Act 1972 with the County Council of Somerset in exercise of the powers of the said County Council under Sections 45, 46, 49, 53 and Part IV of Schedule 9 of 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 makes the following Order:-

PART I

COMMENCEMENT AND CITATION

1. This Order shall come into operation on 5 July 2004 and may be cited as “The Taunton Deane Borough (Victoria Gate Area, Taunton) (Designated Parking Places) Order 2004.”

PART II

INTERPRETATION

2. In this Order:-

“Carriageway” means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles but excludes any lay-by;

“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;

“Light Goods Vehicle” means a motor vehicle not exceeding 3.5 tonnes laden weight, 2.3 metres in height and no more than 5.3 metres in length, constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

“Motor cycle” and “invalid carriage” have the same meaning as in Section 136 of the Act;

“Parking place” means any part of the road authorised to be used as a parking place by Articles 3 and 4 of this Order;

“Passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than seventeen passengers exclusive of the driver and not drawing a trailer;

“Goods” includes postal packets of any description and “delivering” and “collecting” in relation to any bulky goods;

“Telecommunication apparatus” has the same meaning as defined in paragraph 1 (1) of the Telecommunication Code contained in Schedule 2 to the Telecommunications Act, 1984;

"Permitted hours" means the times detailed in Schedule 1 to this Order between which permit parking takes place;

"2002 Regulations" means the Traffic Signs Regulations and General Direction 2002;

"Parking attendant" means a person authorised on behalf of the Council to supervise any parking place;

"Parking control charge" means a charge set by the Council under the Act which is due to be paid to the Council following the issue of a parking control notice and within 28 days of the issue of that notice;

"Parking control notice" means a notice which complies with the requirements of the Act and which is fixed to a vehicle or given to a person appearing to be in charge of a vehicle by a parking attendant;

"Parking bay" means a space within a parking place which is provided for the leaving of a vehicle.

PART III

SECTION 1

AUTHORISATION AND USE OF PARKING PLACES

3. (i) Each of the parts of a road specified in Column 1 of Schedule I to this Order is authorised to be used, subject to the following provisions of this Order, as a parking place for the parking during the permitted hours and in such positions as are specified in relation to that road in the said Schedules of such classes of vehicles, provided such a vehicle displays a valid permit (i.e. Residents' Permit, Temporary Residents' Permit, Carers' Permit or Residents' Visitor's Permit) issued by the Council in respect of that vehicle in accordance with The Taunton Deane Borough (Victoria Gate Area, Taunton) (Parking Permits) Order 2004.
- (ii) Nothing in paragraph (i) of this Article shall restrict the power of the Council to close any parking space.
4. (i) Any person who displays a valid Residents' Permit or Temporary Residents' Permit issued under and in accordance with The Taunton Deane Borough (Victoria Gate Area, Taunton) (Parking Permits) Order 2004 may cause or permit a vehicle to wait in any parking place in the Area to which the permit relates;
- (ii) Any person who displays a valid Carers' Permit issued under and in accordance with The Taunton Deane Borough (Victoria Gate Area, Taunton) (Parking Permits) Order 2004 may cause or permit a vehicle to wait in any parking place for which the permit confers permission to wait;
- (iii) Any person who displays a valid Residents' Visitor's Permit issued under and in accordance with The Taunton Deane Borough (Victoria Gate Area, Taunton) (Parking Permits) Order 2004 may cause or permit a vehicle to wait in any parking place in the Area to which the permit relates.

5. Where in Schedule 1 to this Order a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place unless it its:-
 - (i) of the specified class;
 - (ii) in the specified position.
6. (i) A driver of a vehicle shall not use a parking place:-
 - (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;
 - (b) when the Council has closed that parking place.
 - (ii) A driver of a vehicle shall not use any part or parts of the parking place other than the part or parts thereof specified in the permit issued by the Council in respect of that vehicle.
7. The driver of a motor vehicle using the 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.
8. No person shall use a vehicle whilst it is in a parking place in connection with the sale of any articles to persons in or near the parking place or in connection with the selling or offering for hire of their skills or services.
9. When a vehicle is left in a parking place in contravention of any of the provisions contained in Article 5 or 6 (i) of this Order, the person authorised by the Council to do so may remove the vehicle or arrange for it to be removed from that parking place' provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 5 (ii) of this Order, the person authorised by the Council to do so may alter or cause to be altered the position of the vehicle so that its position shall comply with that provision.
10. Any person removing a vehicle or altering its position by virtue of Article 9 of this Order may do so in such manner as they think necessary.
11. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 9 of this Order, they shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
12. (i) Notwithstanding the provisions of Article 3 (i) of this Order any vehicle may wait during the permitted hours anywhere on the carriageway in a parking place (other than a parking place or part of a parking place the use of which has been suspended pursuant to Article 3 (ii) of this Order) for a period not exceeding two hours, with no return for two hours, where such limited waiting (in a parking place without a valid permit) is specifically permitted.
 - (ii) Notwithstanding the provisions of Article 3 (i) of this Order any vehicle may wait during the permitted hours anywhere on the carriageway in a parking place (other than a parking place or part of a parking place the use of which has been suspended pursuant to Article 3 (i) of this Order) for so long as may be necessary if:-

- (a) the vehicle is waiting to enable a person to board or alight from the vehicle;
- (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 a vehicle used for police, fire brigade or ambulance purposes (or a vehicle other than a passenger vehicle) in the service of a local authority or of a water authority which is being used in the pursuance of statutory powers and duties;
- (d) the vehicle is waiting to enable it to be used in connection with the removal of any obstruction to traffic;
- (e) the vehicle is in the service of or employed by the Royal Mail and is waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting;
- (f) the vehicle, if it cannot conveniently be used for such purpose in any other road, is being used in connection with any such building operation or maintenance, for the purpose of any demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal 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 any telecommunication apparatus or traffic signs;
- (g) 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 (not being a goods vehicle) does not wait for such purpose for more than 30 minutes or for such longer period as a police constable in uniform, a traffic warden in uniform or a parking attendant may authorise, or being a goods vehicle does not so wait for more than 30 minutes or such longer period as aforementioned if it is in any part of a parking place.

SECTION 2

PENALTIES FOR PARKING A VEHICLE IN PARKING PLACE WITHOUT A VALID PERMIT

13. (i) If a vehicle is left in a parking place during the permitted hours, other than in accordance with Article 12, and a valid permit issued by the Council in respect of the vehicle is not exhibited on the vehicle in accordance with the relevant provisions of The Taunton Deane Borough (Victoria Gate Area, Taunton) (Parking Permits) Order 2004 then it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position, or give to a person appearing to be in charge of the vehicle, a parking control notice which shall include the particulars set out in paragraph (ii) of this Article, whereupon the driver of the vehicle shall pay to the Council the sum of forty pounds, which amount is referred to as the "parking control charge".

Such parking control charge of forty pounds to be paid within a period of twenty eight days from the date on which the parking control notice is attached to the vehicle or given to a person appearing to be in charge of the vehicle. The parking control charge will be reduced to twenty pounds if paid in the manner set out in Article 14.

- (ii) In the case of a vehicle in respect of which a parking control charge may have been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position, a parking control notice which shall include the following:-
- (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) the time at which it was first noticed the vehicle was parking in a parking place without a valid permit;
 - (c) a statement that a parking control charge of forty pounds is required to be paid, in accordance with paragraph (i) of this Article;
 - (d) the manner in which and the time within which the parking control charge should be paid;
 - (e) a statement that it is an offence under Section 47 of the Act for the driver of a vehicle who has left the vehicle in a parking space to fail duty to pay the parking control charge.

14. The amount of the parking control charge payable in accordance with Article 13 (i) of this Order shall be paid to the Council either by giro order, cheque, bankers draft, money order or postal order, which shall be delivered or sent by post so as to reach the Revenues Unit, Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton no later than the twenty eighth day, or if paying the reduced parking control charge no later than the fourteenth day, following the day on which the excess was incurred or in cash at the Banking Hall at The Deane House not later than aforesaid.

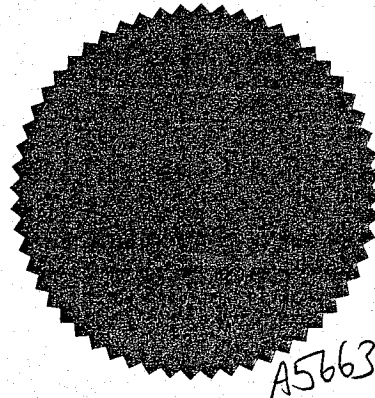
Provided that if the twenty eighth day falls upon a day which the said Unit is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.00pm on the next full day on which The Deane House is open.

Dated this twenty third day of June 2004

The COMMON SEAL of TAUNTON)
DEANE BOROUGH COUNCIL was)
hereunto affixed in the presence of:-)

J Jackson
Senior Solicitor

J. Jackson



A5663

SCHEDULE 1

PERMIT PARKING 8.00AM TO 8.00PM MONDAY TO SATURDAY

VICTORIA GATE AREA

| 1 | 2 | 3 |
|---|--|--|
| Part of Road authorised as Street Parking Places | Positions in which vehicles may wait | Classes of vehicles |
| <p><u>"Alfred Street/Somerset Place</u></p> <p>On the west and south side from a point 26m north of the southern extremity of Alfred Street northward and westward to a point 5m east of the eastern side of the junction with Victoria Gate (access road to Nos. 24 – 32).</p> | <p>Wholly within the limits of the parking place as marked on the carriageway by broken white lines conforming to diagram 1033 in Schedule 6 to the 2002 Regulations and parallel to the kerb.</p> | <p>Passenger vehicles, motorcycles and light goods vehicles.</p> |
| <p><u>Somerset Place</u></p> <p>On the northern side from a point 40m west of the junction with Alfred Street westward for a distance of 92m.</p> | <p>As above.</p> | <p>As above.</p> |
| <p><u>Victoria Gate</u></p> <p>On the western side from a point 35m north of the southern side of the car park entrance northward for a distance of 87m.</p> | <p>Wholly within the limits of the parking place as marked on the carriageway by broken white lines conforming to diagram 1033 in Schedule 6 to the 2002 Regulations and parallel to the kerb.</p> | <p>As above.</p> |
| <p><u>Victoria Gate (Access Road to Nos. 2 –22)</u></p> <p>(a) On the north-east side:-</p> | <p>Wholly within the limits of the parking place as marked on the carriageway by broken white lines conforming to diagram 1033 in Schedule 6 to the 2002 Regulations and 90° to the kerb.</p> | <p>As above.</p> |

- (i) from a point 2m north-west of the south-eastern boundary wall of No 6 north-westwards for a distance of 8m;
- (ii) from a point 18m north-west of the south-eastern boundary wall of No 6 north-westwards for a distance of 13m.

Victoria Gate (Access Road to Nos. 24 -32)

On the west side from a point 7m south-west of the junction of Somerset Place, south-westward for a distance of 13m.

As above.

As above."