

**THE TAUNTON DEANE BOROUGH (VICTORIA GATE AREA, TAUNTON) (PARKING PERMITS) 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"), 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) (Parking Permits) Order 2004."

**PART II**

**INTERPRETATION**

2. In this Order:-

"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;

"Owner", in relation to a vehicle, means the person by whom such vehicle is kept and used;

"Resident" means the person whose usual residence is within the area specified in Schedule 1 to this Order;

"Parking place" means any part of the road authorised to be used as a parking place by Article 3 of The Taunton Deane Borough (Victoria Gate Area, Taunton) (Designated Parking Places) Order 2004;

"Residents' Permit" means the permit issued under the provisions of Article 3 of this Order;

"Residents' Visitor's Permit" means the permit issued under the provisions of Article 16 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;

"Doctor" means a fully registered person as in Section 55 of the Medical Act 1983;

"Permit holder" means the person to whom a permit has been issued under the provisions of Article 3, 10 or 16 of this Order;

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

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

### **PART III**

#### **SECTION 1**

#### **RESIDENTS' PERMITS**

3. (i) Any resident who is the owner of a passenger vehicle, a light goods vehicle or a motor cycle and resides within the area specified in Schedule 1 to this Order who is the driver of a passenger vehicle, a light goods vehicle or a motor cycle may apply to the Council for the issue of a permit for the parking of that vehicle in a parking place. Any such application shall be made on a form issued by, and obtainable from, the Council and shall include the particulars and information required by such form and shall be accompanied by a remittance for such charge specified in Article 3 (vii) of this Order.
- (ii) The Council may require the applicant for a permit to produce to an officer of the Council such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.
- (iii) The Council, upon being satisfied that an applicant is a resident and is the owner of the vehicle of a class specified in paragraph (i) of this Article, may issue to that applicant a permit for the parking during the permitted hours in a parking place of the vehicle to which such permit relates by the owner or by any person using such vehicle with the consent of the owner (other than a person to whom such a vehicle has been let for hire or reward). If the applicant is registered disabled, such a permit will be issued without any charge being made.
- (iv) The Council, upon being satisfied that an applicant is a resident and is the owner of more than one vehicle of a class specified in paragraph (i) of this Article may issue to that applicant a maximum of two permits for the parking during the permitted hours in parking places of the vehicles to which such permits relate by the owner or by any person using such vehicles with the consent of the owner (other than a person to whom such a vehicle or vehicles has been let for hire or reward).

- (v) Where a house or property is in multiple occupation, the number of permits that may be issued by the Council will not exceed a maximum of two, irrespective of the number of households or occupants.
  - (vi) In the case of a new resident moving into the area specified in Schedule 1 the Council, upon being satisfied that an applicant is a new resident, may issue a Temporary Residents' Permit which shall be valid for a period not exceeding four months. Such a permit will allow the new resident and owner of a vehicle sufficient time to transfer the new address details onto both the logbook of the vehicle and the owners driving licence, to enable a subsequent application for a Residents' Permit to be made.
  - (vii)
    - (a) The annual charge in connection with the issue of a Residents' Permit for the leaving of a passenger vehicle or light goods vehicle in any parking place during the permitted hours shall be £30 per annum, per permit. The annual charge for a motorcycle, moped or scooter shall be £15 per annum;
    - (b) The charge in connection with a Temporary Residents' Permit shall be £10 for a passenger vehicle or light goods vehicle and £5 for a motorcycle, moped or scooter;
    - (c) These charges may be varied from time to time by the Council.
  - (viii) The charges in respect of the issue of a Residents' Permit or a Temporary Permit for the leaving of a vehicle in a parking place shall be payable in accordance with the provisions of Article 3(i).
- 4.
- (i) A permit holder may surrender a permit to the Council at any time and shall surrender the permit to the Council on the occurrence of any of the events set out in paragraph (iii) of this Article. No refund will be payable on a surrendered permit unless the surrender period is six months or more.
  - (ii) The Council may by notice in writing served on the permit holder at the address shown by that period on the application form for the permit or at any other address believed to be that person's residence, withdraw a permit if it appears to the Council that any of the events set out in paragraph (iii) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the said notice.
  - (iii) The events referred to in the foregoing provisions of this Article are:-
    - (a) the permit holder ceasing to be a resident;
    - (b) the permit holder ceasing to be an owner of the vehicle in respect of which the permit was issued;
    - (c) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified in Article 3 of this Order;
    - (d) the issue of a duplicate permit by the Council under the provisions of Article 5 of this Order; or
    - (e) the expiry of the period for which the permit was issued.

- (iv) A permit shall cease to be valid on the occurrence of any one of the events set out in paragraph (iii) of this Article.
5. (i) If a permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the permit had become altered by fading or otherwise, the permit holder shall surrender it to the Council and may then apply to the Council for the issue to them of a duplicate permit.
- (ii) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to them of a duplicate permit.
- (iii) The provisions of this part of the Order shall apply to a duplicate permit and an application for such a permit.
- (iv) Any permit issued by virtue of the provisions of paragraph (i) or (ii) of this Article shall be marked as a duplicate and upon the issue of a duplicate permit the permit which it duplicates shall become invalid.
- (v) The Council may at its discretion levy an administration charge for the issue of a duplicate permit whether or not a charge was made for the original permit it replaced.
6. 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 has been issued;
- (b) the period during which, subject to the provisions of Article 4 (iv) of this Order the permit shall remain valid;
- (c) an authentication that the permit has been issued by the Council;
- (d) the part or parts of the parking place (by reference to an area or to a road or parts of a road in which that part or those parts of the parking place is or are situated) in which a permit holder is authorised to park a vehicle.
7. At all times during which a vehicle is left in a parking place during the permitted hours there shall be displayed on the front of the vehicle a valid permit issued in respect of that vehicle so that all particulars referred to in Article 6 of this Order are readily visible from outside the vehicle.
8. When a permit has been displayed on a vehicle in accordance with the provisions of Article 7 of this Order, no person shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.
9. Notwithstanding the foregoing provisions of this part 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) 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

### CARERS' PERMITS

- 10. (i) Any doctor, nurse, health visitor, registered home help or other peripatetic carer may apply for the issue of a Carers' Permit for their own personal use when visiting patients or clients at properties within an area covered by this Order.
- (ii) The Council upon being satisfied that an applicant is either a doctor, nurse, health visitor, registered home help or other peripatetic carer and is eligible for a permit may issue to that applicant one Carers' Permit for the parking during the permitted hours in the parking places of any passenger vehicle, light goods vehicle, invalid carriage or motor cycle belonging to or on hire to a person undertaking a home visit.
- (iii) The Council may require an applicant for a permit to produce to an officer of the Council such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.
- 11. (i) A Carers' Permit shall be in writing and shall include the following particulars:-

- (a) the registration mark of the vehicle in respect of which the permit has been issued;
  - (b) the period during which, subject to the provisions of Article 12 (iii) of this Order the permit shall remain valid; and
  - (c) an authentication that the permit has been issued by the Council.
- (ii) A permit shall remain the property of the Council at all times.
- (iii) There shall be no charge for a Carers' Permit.
12. (i) A permit holder may surrender a permit to the Council at any time and shall surrender the permit to the Council on the occurrence of any of the events set out in paragraph (iii) of this Article.
- (ii) The Council may by notice in writing served on the permit holder at the address shown by that period on the application form for the permit or address believed to be that person's residence, withdraw a permit if it appears to the Council that any of the events set out in paragraph (iii) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the said notice.
- (iii) The events referred to in the foregoing provisions of this Article are:-
- (a) the permit holder ceasing to be a resident;
  - (b) the permit holder ceasing to be eligible for a permit as specified in Article 10 of this Order
  - (c) the issue of a duplicate permit by the Council under the provisions of Article 13 of this Order; or
  - (e) the expiry of the period for which the permit was issued.
- (iv) A permit shall cease to be valid on the occurrence of any one of the events set out in paragraph (iii) of this Article.
13. (i) If a permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the permit had become altered by fading or otherwise, the permit holder shall surrender it to the Council and may then apply to the Council for the issue to him of a duplicate permit.
- (ii) If a permit is lost, stolen destroyed or otherwise misplaced the permit holder may apply to the Council for the issue to them of a duplicate permit and surrender the original if it is subsequently found or retrieved.
- (iii) The provisions of this Order shall apply to a duplicate permit and application for such a permit.
- (iv) Any permit issued by virtue of the provisions of paragraph (iii) of this Article shall be marked as a duplicate and upon the issue of a duplicate permit the permit which it duplicates shall become invalid.

- (v) The Council may at its discretion levy an administration charge for the issue of a duplicate permit whether or not a charge was made for the original permit it replaces.
14. At all times during which a vehicle is left in a parking place during the permitted hours there shall be displayed on the front of the vehicle a valid permit issued in respect of that vehicle so that all particulars referred to in Article 11 of this Order are readily visible from outside the vehicle.
15. When a permit has been displayed on a vehicle in accordance with the provisions of Article 7 of this Order, no person shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle or by the person to whom the permit has been issued.

### SECTION 3

#### RESIDENTS' VISITOR'S PERMITS

16. (i) Any resident within the area specified in Schedule 1 to this Order may apply to the Council for the issue of a Residents' Visitor's Permit or permits and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form and shall be accompanied by a remittance (if applicable) for such charge specified in Article 17 (ii) of this Order.
- (ii) The Council may require the applicant for a permit to produce to an officer of the Council such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.
- (iii) The Council, upon being satisfied that an applicant is a resident and is eligible for a permit may issue to that applicant a maximum of two Residents' Visitor's Permits for the parking during the permitted hours in a parking place of any passenger vehicle, light goods vehicle, invalid carriage or motor cycle belonging to or on hire to a person visiting the applicant.
- (iv) Where a house or property is in multiple occupation, the number of Residents' Visitor's Permits that may be issued by the Council will not exceed a maximum of two, irrespective of the number of households or occupants.
17. (i) A Residents' Visitor's Permit shall be in writing and shall include the following particulars:-
- (a) a special mark identifying the permit as one issued for use by a Visitor;
- (b) a serial number;
- (c) the area in which the permit is valid;
- (d) the period during which subject to the provisions of Article 18 (iii) of this Order the permit shall remain valid;
- (e) an authentication that the permit has been issued by the Council;
- (f) the date of expiry of the permit; and

- (g) ~~the~~ the address of the resident to which it is issued.
  - (ii) (a) On application to the Council, one Residents' Visitor's Permit shall be supplied free of charge to residents who have already purchased a Residents' Permit;
  - (b) A second Residents' Visitor's Permit may be supplied to an eligible resident, on application to the Council. There shall be a charge of £10 per annum for a second permit;
  - (c) A second Residents' Visitor's Permit may be supplied to an eligible resident even though a Residents' Permit is not being applied for. There shall be a charge of £10 per annum for such a permit;
  - (d) The charges mentioned in paragraphs (b) and (c) above may be varied from time to time by the Council.
18. (i) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events set out in paragraph (iii) of this Article.
- (ii) The Council may by notice in writing served on the permit holder at the address shown by that period on the application form for the permit or at any other address believed to be that person's residence, withdraw a permit if it appears to the Council that any of the events set out in paragraph (iii) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the said notice.
- (iii) The events referred to in the foregoing provisions of this Article are:-
- (a) the permit holder ceasing to be a resident;
  - (b) the permit holder ceasing to be eligible for a permit as specified in Article 16 of this Order;
  - (c) the issue of a duplicate permit by the Council under the provisions of Article 19 of this Order; or
  - (d) the expiry of the period for which the permit was issued;
  - (e) the permit shall display the address of the resident and only to be displayed whilst the visitor is at that residence.
- (iv) A permit shall cease to be valid on the occurrence of any one of the events set out in paragraph (iii) of this Article.
19. (i) If a permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the permit had become altered by fading or otherwise, the permit holder shall surrender it to the Council and may then apply to the Council for the issue to him of a duplicate permit.
- (ii) If a permit is lost, stolen destroyed or otherwise misplaced the permit holder may apply to the Council for the issue to them of a duplicate permit and surrender the original if it is subsequently found or retrieved.



- (iii) The provisions of this Order shall apply to a duplicate permit and application for such a permit.
- (iv) Any permit issued by virtue of the provisions of paragraph (iii) of this Article shall be marked as a duplicate and upon the issue of a duplicate permit the permit which it duplicates shall become invalid.
- (v) The Council may at its discretion levy an administration charge for the issue of a duplicate permit whether or not a charge was made for the original permit it replaces.

20. A Visitor's Parking Permit is valid for use between the permitted hours. A vehicle displaying a Residents' Visitor's Permit valid in respect of that vehicle so that all of the particulars referred to in Article 17 of this Order are readily visible from the outside of the vehicle shall be permitted to be left in a parking place.

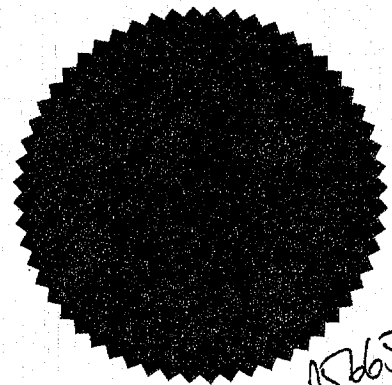
21. When a permit has been displayed on a vehicle in accordance with the provisions of Article 20 of this Order, no person shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle or by there person to whom the permit has been issued.

Dated this twenty third day of June 2004

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

J Jackson  
 Senior Solicitor

*J. Jackson*



*AS665*

**SCHEDULE 1**

**(Identification of Area)**

Victoria Gate Area

Alfred Street, part of East Reach, Mitre Court, Somerset Place and Victoria Gate