

BOROUGH OF TORBAY
(ADELPHI ROAD, PAIGNTON) (CONTROLLED PARKING ZONE)
TRAFFIC REGULATION ORDER 2012

Torbay Council (hereinafter referred to as "the Council"), in exercise of their powers under Sections 1, 2, 4, 32, 35, 35A, 43, 44, 45, 46, 47, 49, 51, 53, 55, 61, 63, 66, 74, 117, to the Road Traffic Regulation Act 1984 ("the Act"), as amended by the Local Government Act 1985, the Road Traffic Regulation (Parking) Act 1986, Sections 19 and 21 of the Road Traffic Act 1988, the Parking Act 1989, the Road Traffic Act 1991 and parts 6 and 7 of the Traffic Management Act 2004, and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III and Part IV Schedule 9 to the Act, hereby make the following Order:

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PART 1 - GENERAL

1. This Order shall come into operation on the *20th April* 2012 and may be cited as "BOROUGH OF TORBAY (ADELPHI ROAD, PAIGNTON) (CONTROLLED PARKING ZONE) TRAFFIC REGULATION ORDER 2012"
2. This Order is made for the purpose of a general scheme of control of waiting and parking in a stated area, being the streets stated in Schedule 3 to this Order.
3. In this Order, except where the context otherwise requires, the following expressions have the meanings assigned to them:-
 - **"Act"** means the Road Traffic Regulation Act 1984.
 - **"Ambulance"** means a Motor Vehicle which is constructed or adapted, and primarily used for carriage of person to a place where they will receive, or from a place they have received, medical treatment and which by reason of design, marking or equipment is readily identifiable.
 - **"Bus"** and **"Local Bus"** have the same meanings as in regulation 22(2) and 4 respectively of the Traffic Signs Regulations and General Directions 2002;
 - **"Business Permit"** means a Permit issued by the Council to a Business under the provisions of Part 10 of this Order;
 - **"Business Permit Holder"** means a Business to which a Business Permit has been issued under the provisions of Part 10 of this Order;
 - **"Chief Officer of Police"** means the Chief Officer of Police for Devon and Cornwall;
 - **"Civil Enforcement Officer"** means a person authorised by or on behalf of Torbay Council to supervise and enforce the restrictions imposed by this Order;
 - **"Strategic Director of Community Services"** means an officer appointed by the Council for the time being and shall include his authorised agent and representative and any successor of his;
 - **"Disabled Person's Badge"** has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or is a badge issued in another part of the European Union and designed to the same European standard;
 - **"Disabled Person's Parking Disk"** has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - **"Driver"** in relation to a vehicle waiting in a Parking Place or any other place referred to in this Order, means the person driving the vehicle at the time it was left in the Parking Place or other place;
 - **"Essential User's Permit"** means a Permit issued in accordance with the provisions of Part 8 of this Order;
 - **"Essential User's Permit Holder"** means a person to whom a permit has been issued in accordance with the provisions of Part 8 of this Order;
 - **"Fully Registered Person"** means, as defined by Section 55 of the Medical Act 1983, a fully registered medical practitioner, or a visiting EU practitioner;

- **“Goods”** includes cash or other valuable securities; and “delivering” and “collecting” in relation to any Goods includes checking the Goods for the purpose of their delivery or collection;
- **“Goods Vehicle”** means a vehicle constructed or adapted for use for the carriage of goods or burden of any description, and not drawing a trailer.
- **“Hotel”** for the purposes of the provisions of Part 9 of this Order means Hotel situated in premises wholly or principally used or adapted for Hotel use, such premises being listed in either a local or central non-domestic rating list;
- **“Hotel Guest Permit”** means a Permit or block of Permits issued to a Hotel for use by Hotel Guests in a Permit Parking Place in accordance with the provisions of Part 9 of this Order;
- **“Initial Charge”** has the meaning assigned to it by Section 46(1) of the Act of 1984;
- **“Invalid Carriage”** has the same meaning as in Section 136 of the Act of 1984;
- **“Motor Cycle”** has the same meaning as in Section 136 of the Road Traffic Act of 1984;
- **“Motor Vehicle”** means a mechanically propelled vehicle not being a Motor Cycle or an Invalid Carriage and which:
 - (a) is adapted to carry not more than 7 passengers inclusive of the Driver;
 - (b) has an unladen weight not exceeding 2540 Kilograms;
 - (c) does not exceed 2.25 metres in overall height
- **“Parking Place”** means a length of road authorised by this Order to be used as a parking place;
- **“Parking Space”** means a space in a Parking Place which is provided for the leaving of a vehicle of the classes specified in this Order;
- **“Passenger Vehicle”** has the same meaning as “Motor Vehicle”;
- **“Pedal Cycle”** means a pedal bicycle, pedal tricycle or, a pedal cycle having four or more wheels, not being in any case capable of being mechanically propelled;
- **“Penalty Charge”** and **“Reduced Penalty Charge”** means a charge set by the Council under the provisions of Parts 6 and 7 of the Traffic Management Act 2004 with the approval by the Secretary of State for Environment, Transport and Regions which is to be paid in the manner described in the Penalty Charge Notice within twenty-eight days of the date of the notice or fourteen days of the date of the notice in the case of a reduced penalty charge.
- **“Penalty Charge Notice”** means a notice containing the information contained in Section 78 of the Traffic Management Act 2004 issued by a Civil Enforcement Officer in accordance with the provisions of that Section;
- **“Permit”** means a permit issued in accordance with the Articles and Schedules of this Order.
- **“Permit Holder”** means a person to whom a Permit has been issued under the provisions of this Order;
- **“Permit Parking Place”** means a length of road authorised to be used as a Parking Place by Article 15 of this Order;

- **“Permit Parking Space”** means a space in a Permit Parking Place, which is provided for the leaving of a vehicle of the classes specified in the relevant parts of this Order;
 - **“Police Vehicle”** means a vehicle used by a police officer in exercise of his duties as a member of Devon and Cornwall Constabulary;
 - **“Postal Packets”** has the same meaning as in the Postal Services Act 2000;
 - **“Prescribed Hours”** means those days and hours described in the Schedules to this Order;
 - **“Protective Cover”** means a transparent holder issued by the Council for the protection and display of a permit under the relevant parts of this Order;
 - **“Public Service Vehicle”** has the same meaning as in section 1 of the Public Passenger Vehicles Act 1981, as amended by the Transport Act 1985;
 - **“Public Telecommunications Operator”** has the same meaning as in Section 9 of the Telecommunications Act 1984;
 - **“Registered Keeper”** means:-
 - (a) the person who keeps a vehicle and whose name appears on the Vehicle Registration Certificate of that vehicle, or
 - (b) the person who keeps a vehicle that is registered in the name of his employer or that is subject to a hire or lease agreement;
 - **“Relevant Position”** means a position where a valid Permit or pay and display ticket is readily visible from the front or nearside of the vehicle or in the case of a Disabled Person’s Badge or Disabled Person’s Parking Disc the meanings are as described in the legislation referred to under those expressions in this Part of this Order;
 - **“Resident”** means a person whose usual place of abode is a premises the postal address of which is within the list of streets in Schedule 3 to this Order. Usual place of abode means the applicant must reside at that address for no less than 5 nights per week;
 - **“Resident’s Parking Permit”** means a Permit issued by the Council to a Resident in accordance with the provisions of Part 6 of this Order;
 - **“Restricted Road”** means the carriageway and any footway, pavement, verge or grass verge comprising a road specified in Schedule 1 to this Order;
- PROVIDED THAT the expression “Restricted Road” shall not for the purposes of Articles 5 and 6 of this Order include any part of a highway designated or authorised to be used as a Parking Place by any Order for the time being in force in respect of a Restricted Road
- **“Statutory Undertaker”** has the same meaning as in Section 329 of the Highways Act 1980;
 - **“Traffic Sign”** means a sign or road marking of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the Act.
 - **“Visitor’s Permit(s)”** means a Permit (or block of Permits) issued to a Resident for use by a Resident’s visitor in a Permit Parking Place in accordance with the provisions of Part 7 of this order.

4. (1) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment

- (2) The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act, or by or under any other enactment.

PART 2 - WAITING OF VEHICLES

5. Subject to the provisions of Article 6 and 7 of this Order no person shall except upon the direction or with the permission of a Police Officer in uniform or a Civil Enforcement Officer use cause or permit any vehicle to wait in any Restricted Road during the Prescribed Hours.
6. (1) Nothing in Article 5 of this order shall prevent any person from causing or permitting a vehicle to wait in a Restricted Road during the Prescribed Hours;
- (a) for as long as may be necessary to enable a person to board or alight from the vehicle provided that the vehicle cannot reasonably be used for the same purpose in any other road.
 - (b) for as long as may be necessary to enable the vehicle (if it cannot reasonably be used for the same purpose in any other road) to be used in connection with the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any Restricted Road or the laying, erection, alteration or repair in or adjacent to any Restricted Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telegraphic line or Traffic Sign.
 - (c) for the purpose of loading or unloading the vehicle while the vehicle is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository.
 - (d) if the vehicle is being used for the Fire Brigade's, Ambulance service or Police purposes, or it is a vehicle in the service of a local authority being used in pursuance of its statutory powers or duties and that vehicle cannot reasonably be used for the same purpose in any other road.
 - (e) if the vehicle is waiting owing to the Driver being prevented from proceeding by circumstances beyond his control or if such waiting is necessary in order to avoid an accident.
 - (f) if the vehicle is in the service of or employed by the Post Office and is waiting in any Restricted Road while Postal Packets addressed to premises adjacent to that road are being unloaded from the vehicle, or, having unloaded there from, are being delivered, or while Postal Packets are being collected from premises or posting boxes adjacent to that road, or is in use in conjunction with the cleaning of telephone kiosks adjacent to that road provided that the vehicle cannot reasonably be used for such purpose in any other road and for as long as may be necessary in conjunction with these purposes.
 - (g) for as long as may be necessary to enable the vehicle if it cannot reasonably be used for such purposes in any other road to be used in connection with posting or removing advertising material in the form of posters on or from, or cleaning windows or chimneys in, premises adjacent to that road.
 - (h) if Goods are sold from the vehicle by a person licensed by the Council to sell Goods from a stationary pitch situated in such Restricted Road.
 - (i) if the vehicle is displaying a Disabled Person's Badge in the Relevant Position and a Disabled Person's Parking Disc (on which the badge holder or other person in charge of the vehicle has marked the time at which the period of waiting began) and is waiting for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in such Restricted Road).

Loading and Unloading of Goods

7. Nothing in Article 5 of this Order shall prevent any person from causing or permitting a vehicle to wait in any Restricted Road during the Prescribed Hours for as long as may be necessary for the purpose of delivering or collecting Goods or merchandise or loading or unloading the vehicle at premises adjoining that road provided that the driver of a vehicle waiting for any such purpose shall move the vehicle on the instructions of a Police Constable in uniform or a Civil Enforcement Officer whenever such moving may be reasonably necessary for the purpose of preventing obstruction.

PART 3 - GENERAL AUTHORISATION AND USE OF PARKING PLACES

8. The limits of each Parking Place shall be indicated on the carriageway by the appropriate Traffic Signs and any vehicle standing in a Parking Place shall stand wholly within the limits so marked.
9. The Driver of a 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.
10. (1) Where a Police Officer in uniform or Civil Enforcement Officer is of the opinion that any of the provisions contained in this part of this order have been contravened or not complied with in respect of a vehicle left in a Parking Place he may remove or cause to be removed the vehicle from the Parking Place and, where it is so removed, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle,

PROVIDED that when a vehicle is waiting in a Parking Place in a position contravening the provisions of this part of this Order a Police Officer in uniform or Civil Enforcement Officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with the provisions.

- (2) A Police Officer in uniform or person authorised by the council may, in the case of an emergency, move or cause to be moved to any place he thinks fit, any vehicle left in a Parking Place.
- (3) Any person authorised to remove a vehicle or alter its position by virtue of parts (1) or (2) of this Article may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.

PART 4 - SUSPENSIONS

11. (1) The Council or any person duly authorised by the Council may temporarily suspend the use of any Parking Place or any part thereof whenever that person considers such suspension reasonably necessary:-
 - (a) to facilitate the movement or safety of traffic
 - (b) for the purpose of enabling a public service vehicle to wait there
 - (c) for the purposes of any building operation, demolition or excavation works or the cleansing of gullies on the highway, property or land in or adjacent to the Parking Place
 - (d) for the laying, erection, alteration, removal or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as defined in the Telecommunications Act 1984 or the placing, maintenance or removal of any traffic sign in or adjacent to the parking place
 - (e) for the removal from or moving to adjacent premises furniture, plant, machinery, etc.
 - (f) for weddings or funerals at adjacent premises.

- (g) any special occasion, street festival, march etc., when the street will be thronged or obstructed in any way.
- (2) A Police Officer in uniform may suspend a Parking Place for a period not longer than 7 days for the purpose of promoting traffic movement or in the interests of public safety.
- (3) Any person suspending the use of a Parking Place or any part thereof in accordance with the provisions of paragraph (1) of this Article shall thereupon place or cause to be placed in or as close as possible to any part of that Parking Place and the use of which is suspended a Traffic Sign indicating that waiting by vehicles is prohibited.
- (4) No person shall cause or permit a vehicle to be left in any Parking Place or part thereof during any period when there is in or adjacent to that Parking Place or part thereof a Traffic Sign placed in pursuance of part (3) of this Article.

PROVIDED that nothing in this article shall render it unlawful to cause or permit any vehicle being used for the Fire Brigade, Ambulance service or Police purposes to be left in any Parking Place with the consent of a Police Officer in uniform or a person authorised by the Council suspending the use of the Parking Place or part thereof or when carrying out emergency duties.

- (5) No person shall at any time (whether or not within the prescribed hours) cause or permit any vehicle the maximum gross weight of which exceeds 2540 Kg, to wait in a suspended Parking Place or part thereof.

PROVIDED that nothing in this Article shall prevent any person from causing or permitting any vehicle to wait in a suspended Parking Place or part thereof if the vehicle is being used for any purpose specified in part 1 of this Article or if the vehicle is left with the permission of a Police Officer in uniform, or a person authorised by the Council.

- 12. No person shall use any vehicle while it is in a Parking Place, in connection with the sale of any article to any person in or near the Parking Place or in connection with the selling or offering for hire of his skill or services, provided that nothing in this Article shall prevent the sale of Goods from a vehicle if the vehicle is of a class specified in Article 15, or a Goods Vehicle, and if the Goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.
- 13. Nothing in the foregoing provisions of this part of the Order shall apply to a vehicle waiting in a Parking Place, other than a Parking Place the use of which has been suspended, if:-
 - (a) the vehicle is being used for any purpose or eventuality specified in parts (a), (b), (d), (f), (g), (h) and (i) of Article 6 of this Order (which said parts shall be construed as if "Parking Place" was substituted for "Restricted Road" wherever the latter expression occurs);
 - (b) the vehicle is waiting only for so long as is necessary to enable it to be used in connection with the posting or removing of advertising material in the form of posters, or cleaning windows or chimneys in premises adjacent to the Parking Place on which the vehicle is waiting.
- 14. Where a vehicle, having been left in a Parking Place, remains there at the beginning of the Prescribed Hours either on the same day or on any subsequent day, then the vehicle shall be treated for the purposes of this part of this Order as if it had arrived in the Parking Place at the beginning of those hours.

PART 5 - AUTHORISATION AND USE OF PERMIT PARKING PLACES

15. Each length of road specified in Schedule 2 to this Order is hereby authorised to be used subject to the following provisions of this Part of this order as a Permit Parking Place during the Prescribed Hours, for Motor Vehicles that display a valid Permit. This should be in the manner specified in Articles 21, 29, 31, 44 and 49 of this Order a valid Permit for the area in which the vehicle is left as issued by the Council in respect of that vehicle and which park in position in single line with the whole nearside or offside of the vehicle, adjacent to the kerb or at the angle described in those Permit Parking Places so indicated in Schedule 2 and wholly within the limits so marked or other means of standing shown by road markings provided by the Council.
16. Subject to the provisions of Articles, 12, 13, 23 and 26 of this order no vehicle other than of a class specified in and displaying a valid Permit in accordance with Article 15 of this order shall park at any time in any Permit Parking Place specified in Schedule 2.

PART 6 - AUTHORISATION AND USE OF RESIDENTS' PARKING PERMITS

17. (1) (a) Any Resident who is the Registered Keeper of a Motor Vehicle and whose place of residency within the parking area for which the Permit is required is shown on the Vehicle Registration Certificate may apply to the Council for the issue of a Permit for the leaving of that vehicle in a Permit Parking Place within the parking area in which he or she is resident.

(b) 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 the Council to be supplied and shall be accompanied by a remittance for such charges as are specified in part (4) of this Article.

PROVIDED that nothing in this article shall prevent a Resident who keeps and uses a Motor Vehicle but whose name and place of residency are not shown on the Vehicle Registration Certificate only because the vehicle is registered in the name of his employer or because it is hired or leased to him from applying for a permit.

- (2) The Council may at any time require an applicant for a Permit or a Permit Holder to produce to an officer of the Council such evidence in respect of an application for a Permit or an issued Permit as they may reasonably require to verify any particulars or information given or to verify that an issued Permit is valid.
 - (3) The number of Resident's Parking Permits issued will be limited. In the event of excess demand, there can be no guarantee that more than one Resident's Parking Permit per household will be issued. The Council will exercise its' discretion but cannot guarantee that every Resident will be issued with a permit.
 - (4) The charge for the issue of a Resident's Parking Permit and Protective Cover shall, subject as hereinafter provided, be:-
 - (a) £30 for a period of 12 months commencing from the beginning of the month in which the Permit first becomes valid.
 - (5) On receipt of an application duly made under the foregoing provisions of this Article the Council upon being satisfied with the particulars and information provided may at its' absolute discretion issue to the applicant one Resident's Parking Permit and Protective Cover for the leaving by the Permit Holder during the Prescribed Hours of the vehicle to which such Permit relates in a Permit Parking Place specified in Schedule 2 in the parking area in which the Permit Holder is resident, subject to the provisions of this Part of this Order.
18. (1) A Permit Holder may surrender a Permit to the Council at any time and shall do so on the occurrence of any one of the events set out in part (2) of this Article and will be entitled to

a refund of part of the charge paid provided it comes within one of the events set out in sub paragraphs (a) (b) or (c) of part (2) of this Article. The part of the charge which is refundable shall be the sum of one third part of the amount specified in Article 17 (4) (a) or one twelfth part of the amount specified in Article 17 (4) (b) whichever sum was paid to the Council for each complete month of the Permit that remains unexpired at the time when the Permit is surrendered to the Council.

(2) 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 the Registered Keeper of the vehicle in respect of which the Permit was issued;
- (c) the vehicle in respect of which such Permit was issued being of a type or adapted or used in such a manner that it is not a vehicle of a class specified in Article 15 of this Order;
- (d) the issue of a duplicate Permit by the Council under the provisions of Article 19 of this Order;

(3) Without prejudice to the foregoing provisions of this Article a Permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events set out in sub-paragraphs (a), (b), (c) or (d) of part (2) of this Article, whichever is the earlier.

(4) If it appears to the Council that any of the provisions contained in this Part of the Order are being abused or not being complied with in respect of the use of a Resident's Parking Permit or if any of the events set out in sub-paragraphs (a), (b) or (c) of part (2) of this Article has occurred the Council may at its' absolute discretion by serving notice in writing on the Permit Holder by sending the same by the recorded delivery service 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 place of abode, withdraw the Permit and the Permit Holder shall surrender the Permit to the Council within 48 hours of the receipt of the aforementioned notice.

19. (1) If a Permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the Permit has become altered by fading or otherwise the permit shall become invalid and the Permit Holder shall be required to surrender it to the Council and apply for the issue to him of a duplicate Permit. If a permit has been obtained or defaced in an attempt to defraud the Council then the individual will not be entitled to apply for another permit.

(2) If a Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue to him of a duplicate Permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate Permit and upon such issue the Permit that has been replaced shall become invalid.

(3) The provisions of this part of this Order shall apply to a duplicate Permit or an application therefore as if it were a Permit or as the case may be an application therefore.

20. 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 18 (3) of this Order, the Permit shall remain valid;
- (c) an indication of the parking area for which the permit applies;
- (d) an indication that the Permit has been issued by the Council.

21. At all times during which a vehicle is left in a Permit Parking Place during the Prescribed Hours, the Driver thereof shall cause to be displayed in the front windscreen of the vehicle a valid Permit relating to that Parking Place in the Protective Cover so that all of the particulars referred to in Article 20 of this Order are readily visible from the front or nearside of the vehicle.
22. Where a Permit has been displayed on a vehicle in accordance with the provisions of Article 21 of this Order, no person, not being the Driver of the vehicle, shall remove the Permit from the vehicle unless authorised to do so by the Driver of the vehicle.
23. Notwithstanding the provisions of Article 17 of this Order, the following vehicles may be left during the Prescribed Hours in a Permit Parking Place:-
 - (i) an Invalid Carriage;
 - (ii) a vehicle issued to a disabled person by the Department of Social Security in lieu of an Invalid Carriage;
 - (iii) a vehicle left by the Driver thereof, being a vehicle which bears in the Relevant Position a disabled persons' badge;
24. The provisions of Articles 11 to 14 in Part 4 of this Order shall apply to this part of this Order as if they were expressly repeated in this part and as though "Permit Parking Place" was substituted for "Parking Place" wherever the latter expression occurs.
25. Without prejudice to the foregoing provisions of this part of the Order in respect to vehicles left in a Permit Parking Place in accordance with those provisions, and save as provided for in respect of vehicles waiting in a Permit Parking Place the use of which has been suspended, any vehicle may wait during the Prescribed Hours within the markings of a Permit Parking Place or Permit Parking Space if:-
 - (a) the vehicle is waiting for any purpose or eventuality specified in parts (a), (b), (c), (d), (f), (g), and (i) of Article 6 of this Order (which said parts shall be construed as if "Permit Parking Place" was substituted for "Restricted Road" wherever the latter expression occurs);
 - (b) the vehicle is waiting only for so long as is necessary to enable it to be used in connection with the posting or removing of advertising material in the form of posters, or cleaning windows or chimneys in premises adjacent to the Parking Place in which the vehicle is waiting.

PART 7 – AUTHORISATION AND USE OF VISITOR'S PERMITS

26. (1) Any Resident aged 17 years or over may apply to the Council for the issue of Visitor's Permits for the leaving during the Prescribed Hours of a Motor Vehicle belonging to or used by a person visiting that Resident in a Permit Parking Place within the parking area in which the applicant is resident.
- (2) Such initial application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by the Council to be supplied and shall be accompanied by a remittance for such charges as are specified in part (5) of this Article.
- (3) Subsequent applications shall be made either by form as described in part (2) of this Article or on request and submission of evidence in accordance with part (4) of this Article at the absolute discretion of the Council and shall be accompanied by a remittance for such charges as are specified in part (5) of this Article.
- (4) A person authorised by the Council may at any time require an applicant for a Visitor's Permit, or require the person to whom Visitor's Permits have been issued, to produce such evidence in respect of any such application or issue of permits as may be

reasonably required to verify the particulars of information given to the Council or the validity of permits issued.

- (5) The charge for each Visitor Permit shall be £1.00 for one calendar day.
 - (6) Subject to the provisions of part 8 of this Article no Resident shall be entitled to more than 100 Visitor's Permits in any 12 month period commencing from the date of issue of the first Visitor Permit to that Resident.
 - (7) (a) On receipt of an application duly made under the foregoing provisions of this Article the Council upon being satisfied with the particulars and information provided shall at its' absolute discretion issue to the applicant Visitor's Permits for the leaving during the Prescribed Hours of a vehicle of a class specified in Article 15 of this Order belonging to or used by a person visiting that Resident in a Permit Parking Place in the parking area in which the applicant is resident.

(b) Before the issue of any Visitor's Permits, the Council shall mark thereupon in the place provided the indicator for the parking area within which the applicant is resident
 - (8) The Strategic Director of Community Services may, in his absolute discretion where it appears justified;-
 - (a) on medical grounds, issue to a Resident more than 100 Visitor's Permits in any 12 month period commencing from the date of issue of the first Visitor Permit where he or she is satisfied, upon consideration of such supporting evidence as he or she may require, that to do so would be appropriate in the circumstances.
 - (b) issue to a property owner whose main place of residence falls outside of the Borough of Torbay and does not fulfil the aforementioned criteria for a residential permit to purchase no more than 365 Visitor's Permits in any 12 month period commencing from the date of issue of the first Visitor Permit to that Residence.
27. (1) A Visitor's Permit shall be valid for the full 24 hours of a particular calendar day pursuant to Articles 15 and 26 of this Order if, and only if, in the relevant section on the face of the Permit there is written in ink by the Resident, or by a person authorised to do so by the Resident, the registration mark of the vehicle in respect of which it is displayed and the day of the week, date, month and year for which it is being used have been indicated.
- (2) If it appears to the Council that any of the provisions contained in this Part of this Order are being abused or not being complied with in respect of the use of Visitor's Permits, the Council may, in its' absolute discretion, by notice in writing served on the Visitor's Permit Holder by sending the same by the recorded delivery service to the Visitor's Permit Holder at the address shown by that person on the application for the Visitor's Permit or at any other address believed to be that person's place of abode, withdraw the Visitor's Permits and the Visitor's Permit Holder shall surrender the Visitor's Permits to the Council within 48 hours of the receipt of the aforementioned notice.
28. The provisions of Articles 15, 18(1) (2) (with the exception of parts (b) and (c), (3) (4)) and 19 shall apply to this part of this Order as if they were expressly repeated in this Part and as though "Visitor's Permit Holder" and "Visitor's Permit" was submitted for "Permit Holder" and "Permit" wherever the latter expression occurs.
29. At all times during which a vehicle is left in a Parking Place during the Prescribed Hours, the Driver thereof shall cause to be displayed in the front windscreen of the vehicle or attached to the side window of the vehicle nearest to the edge of the carriageway a valid Visitor's Permit or Visitor's Permits so that all of the particulars referred to in Articles 26 () and 27 (1)

(b) of this Order are readily visible to a person outside the vehicle from the nearside of the vehicle.

30. Where a Permit has been displayed on a vehicle in accordance with the provisions of Article 29 of this Order, no person, not being the Driver of the vehicle, shall remove the Permit from the vehicle unless authorised to do so by the Driver of the vehicle.

PART 8 – ESSENTIAL VISITORS PERMITS

31. (1) Essential Visitors permits may be available to a resident who provides evidence of a need for a regular visitor support to care for an ailing or disabled resident.
- (2) 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.
- (3) The Council upon being satisfied that an applicant is a resident and is eligible for a permit may issue to that applicant one Essential Visitors Permit for the parking in a parking place specified in Schedule 2 of any passenger vehicle, dual purpose vehicle, goods vehicle or invalid carriage belonging to or on hire to a person visiting that person.
- (2) The Council may at its absolute discretion allow the issue of a second Essential Visitors Permit where the resident has not exceeded their residents permit allocation.
32. The charge for the issue of an Essential Visitors Parking Permit and Protective Cover shall, subject as hereinafter provided, be £30 for a period of 12 months commencing from the beginning of the month in which the Permit first becomes valid for the vehicle.
33. (1) An Essential Visitors Permit shall be in writing and shall include the following particulars –
- (a) the period during which the permit shall remain valid;
 - (b) the vehicle registration mark of the vehicle in respect of which the permit has been issued;
 - (c) an authentication that the permit has been issued by the Council;
 - (d) the hours between which the permit is valid for use.
- (2) An Essential Visitors Permit shall remain the property of the Council at all times and shall be issued at their discretion.
34. (1) 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 events set out in paragraph (3) of this Article.
- (2) The Council may by notice in writing served on 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 persons residence withdraw a permit if it appears to the Council that any of the events set out in paragraph (3) 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 said notice.
- (3) 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 31;
 - (c) the issue of a duplicate permit by the Council under the provisions of Article 35;
 - (d) the expiry of the period for which the permit was issued
- (4) A permit shall cease to be valid on the occurrence of any one of the events set out in paragraph (3) of this Article.
35. (1) If a permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the permit has 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 of a duplicate permit.

- (2) If a permit is lost or destroyed the permit holder may apply to the Council for the issue of duplicate permit and surrender the original if it is subsequently found or retrieved.
 - (3) The provisions of this Order shall apply to the duplicate permit and application for such a permit as if it were a permit or as the case may be an application for a permit.
 - (4) It shall be an offence to alter said parking permit in any manner and any person so doing may have the parking permit withdrawn.
 - (5) Upon the issue of a duplicate permit the permit which it duplicates will become invalid.
36. A vehicle displaying an Essential Visitors Permit valid in respect of that vehicle so that all the particulars in Article 33 are readily visible from outside of the vehicle shall be permitted to be left in a parking place specified in Schedule 2.
37. When a permit has been displayed on a vehicle in accordance with the provisions of Article 36 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 said permit has been issued.

PART 9 – AUTHORISATION AND USE OF HOTEL GUEST PERMITS

38. (1) Any Hotel occupying premises within the area specified in Schedule 3 to this Order may apply to the Council where there is sufficient on street space for the issue of Hotel Guest Permits for the leaving during the Prescribed Hours in the Permit Parking Places specified in Schedule 2 to this Order, a vehicle of a class specified in Article 15 belonging to or on hire or lease to or otherwise associated with a Hotel guest.
39. (1) Such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by the form to be supplied.
- (2) A person authorised by the Council may at any time require an applicant for Hotel Guest Permits, or require the person to whom a blank block of Hotel Guest Permits has been issued, to produce such evidence in respect of any application for a Hotel Guest Permit as may be reasonably required to verify the particulars of information given to the Council or, in respect of any block of Hotel Guest Permits issued by the Council, as may reasonably be required to verify their validity.
- (3) On receipt of an application duly made under part (1) of this Article, the Council, upon:-
- (a) being satisfied that the applicant is a Hotel within the area specified in Schedule 3;
 - (b) receipt of the charge for the Hotel Guest Permits as specified in (4) of this Article;
 - (c) being satisfied that no more than the number of Hotel Guest Permits stated in (5) of this Article have already been issued in respect of that Hotel shall issue to the applicant one Hotel Guest Permit or a block of Hotel Guest Permits associated with that Hotel for use in any Permit Parking Place in Schedule 2 of this Order.
- (4) The charge for each Hotel Guest Permit shall be £1.00 per one day.
- (5) No Hotel shall be entitled to more than the number of visitor's guest Permits equating to the number generated by the number of guest rooms minus the number of Parking Spaces provided off street by the Hotel and the number of annual Resident Permits held by the owner plus one and then multiplied by the number of days in any 12 month period from the date of issue of the first hotel permit.
40. (1) A Hotel Guest Permit shall be valid for the full 24 hours of a particular day as it were a Permit issued by the Council pursuant to Article 28 of this Order if, and if only, in the first available section on the face of the Permit there is written in ink by the Hotel the

name of the Hotel, the registration mark of the vehicle in respect of which it is displayed, the day of the week and the date on which it is valid are indicated.

- (2) If it appears to the Council that any of the provisions contained in this Part of this Order are being abused or not being complied with in respect of the use of Hotel Guest Permits, the Council may, in its absolute discretion, by notice in writing served on the Hotel by sending the same by the recorded delivery service to the Hotel at the address shown by that person on the application for the Hotel Guest Permit, withdraw the Hotel Guest Permits and the Hotel shall surrender the Hotel Guest Permits to the Council within 48 hours of the receipt of the aforementioned notice.
41. The Council may, by serving notice in writing to the Hotel, withdraw the Hotel Guest Permits if it appears to the Council that the Hotel has ceased to operate from an address within the areas specified in schedule 3 of this order and the Hotel shall surrender the Permit to the Council within 48 hours of the receipt of the aforementioned notice.

PART 10 – AUTHORISATION AND USE OF BUSINESS PERMITS

42. (1) Subject to part (2) of this Article any Business occupying premises within the area specified in Schedule 3 to this Order may apply to the Council for the issue of a Business Permit and Protective Cover for the leaving during the Prescribed Hours in the Permit Parking Places specified in Schedule 2 to this Order a vehicle of a class specified in Article 15 belonging to or on hire or lease to or otherwise associated with that Business and which is necessary for the essential operation of the Business.
- (2) On receipt of an application made under paragraph (1) of this Article, the Council upon being satisfied that the applicant is a Business and having given due consideration to the criteria for issuing the Business Permit as required by the Council, shall at its discretion, issue to that applicant, one Permit and Protective Cover for the leaving in a Parking Space in any of the Parking Places specified in the Schedule 2 this Order of the vehicle to which such Business Permit relates.
43. (1) No Business Permit shall be valid for a period in excess of 12 months.
- (2) The Council shall fix a day when each individual Business Permit shall cease to be valid.
- (3) The charge for each Business Permit shall be £100.00 per year.
44. (1) An application for a Business Permit shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by the form to be supplied.
- (2) A person authorised by the Council may at any time require an applicant for a business Permit, or require a Business to which a Business Permit has been issued, to produce such evidence in respect of any application for a Business Permit as may reasonably be required to verify the particulars or information given to the Council, or, in respect of any Business Permit issued by the Council, as may reasonably be required to verify that the Business Permit Holder remains eligible for such Permit.
- (3) On receipt of an application duly made in accordance with part (1) of this Article, the Council, upon:-
- (a) being satisfied the applicant is a Business within the area specified in Schedule 3;
 - (b) receipt of the charge for the Business Permit as specified in Article 19 (3);
 - (c) being satisfied that the applicant is not ineligible for a Business Permit by virtue of part (2) or Article 18 of this Order,

shall issue to the applicant one Business Permit and Protective Cover for the leaving of a vehicle associated with that Business in any Permit Parking Place in Schedule 2 of this Order.

45. (1) A Business Permit Holder may surrender a Business Permit to the Council at any time and shall surrender a Business Permit to the Council on the occurrence of any one of the events set out in part (3) of this Article and will be entitled to a refund provided it comes within one of the events set out in sub paragraphs (a) (b) or (c) of part (3) of this Article.
 - (2) The Council may, by serving notice in writing on the Permit Holder, withdraw a Permit if it appears to the Council that any of the events set out in sub-paragraphs (a), (b), (c) or (d) of part 3 of the Article has occurred and the Business Permit Holder shall surrender the Permit to the Council within 48 hours of the receipt of the aforementioned notice.
 - (3) The events referred to in the foregoing provisions of this Article are:-
 - (a) the Business ceasing to operate from an address within the area specified in Schedule 3;
 - (b) the Business becoming ineligible for a Business Permit by virtue of part (2) of Article 18 of this Order.
 - (c) the Business ceasing to use a vehicle of a class specified in Article 15 of this Order
 - (d) the issue of a duplicate Business Permit by the Council under the provisions of Article 19(2) of this Order;
 - (e) the Business Permit ceasing to be valid pursuant to the provisions of part (4) of this Article.
 - (4) Without prejudice to the foregoing provisions of this Article a Business Permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one time of the events set out in sub-paragraphs (a), (b), (c) or (d) of part (3) of this Article, whichever is the earlier.
46. (1) If a Business Permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the Business Permit has become altered by fading or otherwise, the Business Permit Holder shall either surrender it to the Council or apply to the Council for the issue to it of a duplicate Permit and the Council, upon receipt of the business Permit, shall issue a duplicate Business Permit so marked and upon such issue the Business Permit shall be invalid.
 - (2) If a Business Permit is lost or destroyed, the Business Permit Holder may apply to the Council for the issue to it of a duplicate Business Permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate Business Permit so marked and upon such issue the Business Permit shall become invalid.
47. A Business 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 the Business Permit shall remain valid;
 - (c) an indication that the Business Permit has been issued by the Council.
48. At all times during which a vehicle authorised by this part of this Order is left in a Permit Parking Place during the Prescribed Hours the Driver thereof shall cause to be displayed a valid Business Permit in a Protective Cover and relating to that Parking Place so that all of

the particulars referred to in Article 47 shall be displayed in the Relevant Position on the vehicle.

49. Where a Business Permit has been displayed on a vehicle in accordance with the provisions of Article 48 of this Order, no person, not being the Driver of the vehicle, shall remove the Business Permit from the vehicle unless authorised to do so by the Business to which the Business Permit was issued.
50. It if appears to the Council that any of the provisions contained in this Part of the order are being abused or not being complied with in respect of the use of business Permits, the Council may, in its absolute discretion withdraw the Business Permit by serving notice in writing on the Business Permit Holder and the Business Permit Holder shall surrender the Business Permit to the Council within 48 hours of the receipt of the aforementioned notice.
51. The provisions of Article 12, 13 and 14 of this Order shall apply to vehicles authorised to park in Permit Parking Places by this part of this Order as if they were expressly repeated in this Part.

PART 11 – LIST OF SCHEDULES

Schedule 1 – No Waiting At Any Time

Schedule 2 – Resident Permit Holder Parking Places Only

Schedule 3 – Streets Eligible For An Adelphi Road CPZ Permit

Schedule 1 - No Waiting At Any Time

Adelphi Road

- (i) the south side from a point 121.5 metres west of its junction with Esplanade Road in a westerly direction for a distance of 21.5 metres.
- (ii) the south side from its junction with Queens Road in an easterly direction for a distance of 3 metres.
- (iii) the north side for its entire length.
- (iv) the south side from its junction with Esplanade Road in a westerly direction for a distance of 10 metres.
- (v) the south side from a point 28 metres west of its junction with Esplanade Road in a westerly direction for a distance of 6 metres.

Schedule 2 - Resident Permit Holder Parking Places Only

Adelphi Road

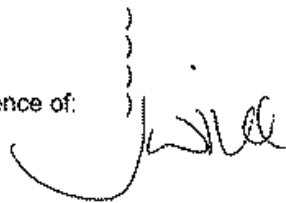
The south side from a point 77.5 metres west of its junction with Esplanade Road in a westerly direction for a distance of 44 metres.

Schedule 3 - Streets eligible for an Adelphi Road CPZ permit:

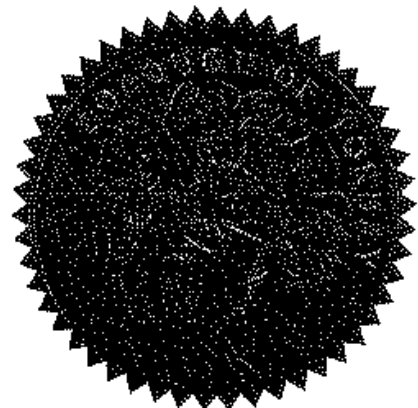
Adelphi Road

Dated the *10th* day of *April* 2012

The COMMON SEAL of
THE COUNCIL OF
THE BOROUGH OF TORBAY
was hereunto affixed in the presence of:



Proper Officer and
Authorised Signatory



The Council of The
Borough of Torbay

S / No: 3845