

DATED:

8th May

2013

**BOROUGH OF TORBAY,  
(VARIOUS STREETS, TORQUAY)  
(STREET PARKING PLACES {PAY & DISPLAY})  
ORDER 2013**

**CAROLINE TAYLOR  
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**On Street Order.**

**BOROUGH OF TORBAY,  
(VARIOUS STREETS, TORQUAY)  
(STREET PARKING PLACES {PAY & DISPLAY})  
ORDER 2013**

Torbay Council (hereinafter referred to as 'the Council') in exercise of their powers under Sections 1 (1), 2(1) – (3), 4(2), 45, 46, 46C, 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 of the hereby make the following Order:-

**Part I**

1. This Order shall come into operation on the 16<sup>th</sup> May 2013 and may be cited as "Borough of Torbay (Various Streets, Torquay) (Street Parking Places {Pay & Display}) Order 2013".

2. (1) In this Order, except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

"civil enforcement officer" means a person authorised by or on behalf of the Council to supervise any parking place;

"CPZ A permit holder" means a resident who has been issued with a permit by the Council to a in accordance with the provisions of the "Borough of Torbay, Torquay Harbour North Controlled Parking Zone (Area A) Traffic Regulation Order 2011" and any Order that revokes or varies that Order;

"cycle" has the same meaning as in Section 196 of the Road Traffic Act 1972;

"disabled person's vehicle" has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons)(England) Regulations 2000;

"disabled person's badge has the same meaning as in the Disabled Persons(Badges for Motor Vehicles)(England) Regulations 2000;

"e-permit" means an electronic parking permit purchased via the mobile telephone parking system;

"goods" includes postal packets of any descriptions; and delivering and collection in relation to any goods including checking the goods for the purpose of their delivery or collection;

"goods vehicle" means a motor vehicle which is constructed or permanently adapted for the use of the carriage of goods or burden of any description, and unless it is an articulated vehicle within the meaning of S138(3) of the Act, is not drawing a trailer;

"mobile telephone parking" means the purchase of a period of parking via a mobile telephone to facilitate a cashless and ticketless parking transaction;

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

“parking bay” means a space in a parking place which is provided for the leaving of a vehicle;

“parking disc” means a disc, issued by a Local Authority, 125 millimetres square coloured blue and capable of showing the quarter hour period during which a period of waiting begins;

“parking permit” shall mean any season ticket issued for a period not exceeding one year and expiring at any time;

“parking place” means an area of Highway designated as a parking place by Article 3 of this Order;

“parking meter” means an apparatus of a type and design approved by the Secretary of State for Transport for the purpose of this Order being apparatus designed to indicate the time by a clock and to issue numbered tickets indicating the payment of a charge, the period in respect of which it has been paid and the day and time at which the charge was paid, or the expiry time of the period paid for;

“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 twelve passengers exclusive of the driver, and not drawing a trailer;

“permitted hours” means the hours specified for charging purposes in the Schedules to this Order in respect of any parking place and are the hours during which a parking charge shall be paid for the leaving of a vehicle in that parking place;

“relevant position” is as defined in Regulation 4 of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons)(England) Regulations 2000;

“resident” means a person whose usual place of abode is a premises the postal address of which is within Nos. 186 to 226 (even Nos. only) Newton Road, Torquay. Usual place of abode means the applicant must reside at that address for no less than 5 nights per week;

“resident permit holder” means a Resident who has been issued with a permit by the Council in accordance with the provisions of Articles 23 to 28 of this Order;

“telecommunication apparatus” has the same meaning as defined in Section 4(3) of the Telecommunications Act 1984;

“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.

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

(3) Without prejudice to anything done before or to any liability incurred before the coming into force of this Order, the Order specified in Schedule 11 are hereby revoked.

## **Part 2**

### **Designation of Parking Places**

3. Each area on a highway in Torquay which is described as a designated parking place in Schedules 1- 9 of this Order is designated as a parking place.

### **Marking on the Carriageway of Parking Places and Parking Bays.**

4. The limits of each parking place and the limits of any parking bay shall be indicated by the Council on the carriageway by appropriate traffic signs.

### **Vehicles for which Parking Places are Designated.**

5. Each parking place may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are passenger vehicles, goods vehicles, motor cycles or disabled persons vehicles.

### **Amount and Method of Payment of Initial Charge at Parking Places and Display of Tickets**

6. (1) The initial charge for a vehicle left in a parking place during the permitted hours specified in Schedules 1, 2, 4 and 5 during the period 25<sup>th</sup> March to 31<sup>st</sup> October inclusive each year shall subject as hereinafter provided, be either:

- (a) 70p for an initial period of not more than 30 minutes;
- (b) £1.30 for an initial period of not more than 1 hour;
- (c) £2 for an initial period of not more than 1.5 hours;
- (d) £2.50 for an initial period of not more than 2 hours;
- (e) £3.50 for an initial period of not more than 3 hours;
- (f) £4.50 for an initial period of not more than 4 hours;
- (g) £10.00 for all day parking;

(2) The initial charge for a vehicle left in a parking place during the permitted hours specified in Schedule 3 during the period 25<sup>th</sup> March to 31<sup>st</sup> October inclusive each year shall subject as hereinafter provided, be either:

- (a) £1.00 for an initial period of not more than 30 minutes;
- (b) £1.50 for an initial period of not more than 1 hour;
- (c) £2.20 for an initial period of not more than 1.5 hours;
- (d) £3.00 for an initial period of not more than 2 hours;
- (e) £4.00 for an initial period of not more than 3 hours;
- (f) £5.00 for an initial period of not more than 4 hours;
- (g) £10.00 for all day parking;
- (h) £2.50 overnight fixed charge available between 6pm and 8am each day;

(3) The initial charge for a vehicle left in a parking place during the permitted hours specified in Schedule 6 during the period 25<sup>th</sup> March to 31<sup>st</sup> October inclusive each year shall subject as hereinafter provided, be either:

- (a) £1.00 for an initial period of not more than 30 minutes;
- (b) £1.50 for an initial period of not more than 1 hour;
- (c) £2.20 for an initial period of not more than 1.5 hours;
- (d) £3.00 for an initial period of not more than 2 hours;
- (e) £4.00 for an initial period of not more than 3 hours;
- (f) £5.00 for an initial period of not more than 4 hours;
- (g) £10.00 for all day parking;

(4) The initial charge for a vehicle left in a parking place during the permitted hours specified in Schedules 7 and 8 shall subject as hereinafter provided, be either:

- (a) £1.00 for an initial period of not more than 4 hours;
- (b) £2.00 for all day parking;

(5) The initial charge for a vehicle left in a parking place during the permitted hours specified in Schedule 9 shall subject as hereinafter provided, be:

- (a) £1.00 for all day parking;

(6) The initial charge for a vehicle left in a parking place during the permitted hours specified in Schedules 1, 2, 4 and 5 during the period 1<sup>st</sup> November and 24<sup>th</sup> March inclusive each year shall subject as hereinafter provided, be either:

- (a) 50p for an initial period of not more than 30 minutes;
- (b) £1.00 for an initial period of not more than 1 hour;
- (c) £1.50 for an initial period of not more than 1.5 hours;
- (d) £2.00 for an initial period of not more than 2 hours;
- (e) £3.00 for an initial period of not more than 3 hours;
- (f) £4.00 for an initial period of not more than 4 hours;
- (g) £10.00 for all day parking;

(7) The initial charge for a vehicle left in a parking place during the permitted hours specified in Schedule 3 during the period 1<sup>st</sup> November and 24<sup>th</sup> March inclusive each year shall subject as hereinafter provided, be either:

- (a) 20p for an initial period of not more than 30 minutes;
- (b) 50p for an initial period of not more than 1 hour;
- (c) £1.00 for an initial period of not more than 1.5 hours;
- (d) £1.50 for an initial period of not more than 2 hours;
- (e) £2.00 for an initial period of not more than 3 hours;
- (f) £2.50 for an initial period of not more than 4 hours;
- (g) £10.00 for all day parking;
- (h) £1.50 overnight fixed charge available between 6pm and 8am each day;

(8) The initial charge for a vehicle left in a parking place during the permitted hours specified in Schedule 6 during the period 1<sup>st</sup> November and 24<sup>th</sup> March inclusive each year shall subject as hereinafter provided, be either:

- (a) 20p for an initial period of not more than 30 minutes;
- (b) 50p for an initial period of not more than 1 hour;
- (c) £1.00 for an initial period of not more than 1.5 hours;
- (d) £1.50 for an initial period of not more than 2 hours;
- (e) £2.00 for an initial period of not more than 3 hours;
- (f) £2.50 for an initial period of not more than 4 hours;
- (g) £10.00 for all day parking;

(9) The initial charge shall be payable on the leaving of the vehicle in a parking place by the insertion in a parking meter relating to the parking bay in which the vehicle is left coins of denominations between 5p and £2 to the correct amount.

(10) Upon payment of the initial charge for the vehicle the driver thereof shall exhibit on the vehicle, in accordance with provisions of paragraphs (9) of this Article, a ticket issued by a parking meter relating to the parking space in which the vehicle is left.

(11) The ticket referred to in paragraph (10) of this Article shall be exhibited on the vehicle-

- (1) at all times during which the vehicle is left in a parking place during the permitted hours so that all the particulars on that side of the ticket which bears the indication that a parking charge has been paid and the day and time by which the parking period started, are readily visible from the front or near side of the vehicle to a person standing on the near side of the vehicle;
- (2) where the vehicle is not fitted with a front glass windscreen, on the near side of the vehicle facing towards the near side of the road and not less than 35 centimetres and not more than two metres above the carriageway in the immediate vicinity;
- (3) if a vehicle is left in a parking place outside the charging hours, and is allowed to remain in the parking place during the charging hours, the driver shall purchase a ticket in accordance with this Article before removing the vehicle from the parking place;
- (4) all vehicles shall be parked wholly within a marked parking space in a parking place and parked with its longitudinal axis parallel to the kerb;

(12) If a vehicle is left in a parking place otherwise than in accordance with this Article then a penalty charge shall be payable in accordance with Article 8 of this Order.

### **Parking Permits**

7. (1) A vehicle shall be exempt from paying the parking charges specified in Article 6 (1) to (8) when a valid parking permit specified in paragraphs (1)(a) to (1)(c) of this Article is displayed in the vehicle in accordance with paragraph (2) of this Article -
- (a) an 'annual on street permit' purchased at the cost specified in Schedule 9 may be used from the valid from date noted on the face of the permit and shall remain valid for a period of 12 months until the expiry date noted on the face of the permit, and shall be valid for use in up to four vehicle registration numbers notified to Parking Services

in writing. The permit may be in the form of a parking permit or an e-permit, and the permit shall be valid for use in the parking places specified in Schedules 1 – 9 of this Order;

- (b) a 'monthly on street permit' purchased at the cost specified in Schedule 9 may be used for a period of one calendar month and shall be valid for use in one vehicle, the registration number of which must be notified to Parking Services in writing. The permit may be in the form of a parking permit or an e-permit, and the permit shall be valid for use in the parking places specified in Schedules 1 – 9 of this Order;
- (c) a 'commuter on street permit' purchased at the cost specified in Schedule 9 may be used for a period of one calendar month and shall be valid for use in one vehicle, the registration number of which must be notified to Parking Services in writing. The permit may be in the form of a parking permit or an e-permit, and the permit shall only be valid for use in the parking places specified in Schedules 7 and 8 of this Order;

(2) The parking permits referred to in this Article shall be exhibited in the vehicles front windscreen at all times during which the vehicle is left in a parking place during the permitted hours so that all the particulars on that side of the permit which bears the valid from date, expiry date, serial number, hologram (where applicable) and valid location are readily visible from the front or near side of the vehicle to a person standing on the near side of the vehicle. This does not apply to e-permits purchased via a mobile telephone parking.

(3) 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. The cost of issuing a replacement permit shall be £20 payable by the permit holder. 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.

(4) 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. The cost of issuing a replacement permit shall be £20 payable by the permit holder.

(5) Parking permits may not be copied under any circumstances. If the Council has reason to believe that a permit has been copied or falsified then the Council may at its absolute discretion by serving notice in writing on the permit holder at the address provided by that person on their application for the permit, or at any other address believed to be that persons 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.

(6) An administration fee of £20 shall apply if an applicant requests changes be made to the vehicle registration numbers recorded against their parking permit or e-permit.

(7) No refunds can be given under any circumstances for parking permits or e-permits purchased from the Council.

(8) A parking permit or e-permit specified in Article 7 (1) (a) to (c) will only be issued once the relevant charges have been paid in full to Torbay Council in the method specified by the Council.

(9) Parking permits provided by Torbay Council shall not be valid for use in any off street pay and display parking facilities within Torbay.

(10) All vehicles displaying a valid parking permit shall be parked wholly within a relevant marked bay.

(11) A discount of 10% shall apply on purchases of all car park permits specified in Article 7(1)(a) to (c) for vehicles in Car Tax bands A, B and C.

### **Contravention In a Parking Place**

8. If a vehicle is left in a parking place during the charging hours without complying with the provisions of this Order, then a contravention shall be deemed to have occurred and a penalty charge shall be payable. A penalty charge notice showing the information required by the Traffic Management Act 2004 may then be issued by a civil enforcement officer in accordance with the requirements of that Act.

9. (1) When a penalty charge notice has been issued in respect of a vehicle in accordance with the provisions of Article 8 of this Order, no person not being the driver of the vehicle, a civil enforcement officer or a person duly authorised by the Council shall remove the notice from the vehicle.

(2) When a ticket or permit has been exhibited on a vehicle in accordance with the provisions of Article 6 of this Order no person shall remove the ticket or permit from the vehicle until the vehicle has been removed from the parking place.

### **Manner of Payment of the Penalty Charge**

10. (1) The Penalty charge notice shall be paid to the Council in accordance with the instructions indicated on the penalty charge notice, either –

(a) by cheque or postal order, which shall be delivered or sent by post to the address indicated in the penalty charge notice; or

(b) in cash, which shall be either delivered in person or sent by registered post to the address indicated on the penalty charge notice; or

(c) by any other acceptable means which is agreed by the Council or authorised agent and the person or persons paying the penalty charge.

(2) The penalty charge must be paid to the Council before the end of twenty-eight days beginning with the date of the penalty charge notice.



(3) If the penalty charge is paid to the Council before the end of a period of fourteen days beginning with the date of the penalty charge notice, the amount of the penalty charge shall be reduced in accordance with the provisions of the Traffic Management Act 2004.

(4) For the purposes of this Article the penalty charge shall be taken to be paid when it is received at the office at the address indicated on the penalty charge notice and if the end of the period of twenty-eight days specified in paragraph(2) of this Article or the end of the period of fourteen days specified in paragraph(3) of this Article falls upon a day the said office is closed, the period within which the payment of the penalty charge shall be made shall be extended until the time at which the said office closes on the next full day on which that office is open.

### **Parking Meters to be Installed at Parking Places**

11. There shall be one or more parking meter in the vicinity of each parking place.

### **Indications by Parking Meters Tickets**

12. (1) Payment of the initial charge for a vehicle left in a parking place shall be indicated on a numbered ticket indicating that the charge has been paid for in respect of the parking place in which the vehicle has been left parked and the day and time of payment of the charge or expiry time of the period paid for and by exhibition of that ticket on the vehicle in the manner specified in Article 6, in any parking place specified in Schedules 1 to 9.

(2) The expiry of the initial period for which the initial charge has been paid shall be indicated where there is exhibited on the vehicle a ticket issued by a parking meter relating to the parking bay in which the vehicle is left showing the day and either the time of payment of the charge and the time shown on the clock on the said parking meter is more than 30 minutes, or 1, 1.5, 2, 3 or 4 hours later (as appropriate to the initial time paid for) or an expiry time which has elapsed.

### **Indications By Parking Meters & Tickets as Evidence**

13. (1) If at any time while a vehicle is left in a parking place during the permitted hours no ticket is exhibited on that vehicle in accordance with the provisions of paragraph (1) of the last preceding Article it shall be presumed unless the contrary is proved that the initial charge has not been duly paid;

(2) If at any time while a vehicle is left in a parking place during the permitted hours the clock on the parking meter from which the ticket was obtained relating to the parking bay in which the vehicle is left and the ticket exhibited on the vehicle give one of the indications mentioned in paragraph (2) of the preceding Article, it shall be presumed unless the contrary is proved that the initial charge has been duly paid and that the initial period for which payment was made by the initial charge has already expired.

### **No Additional Coins to Be inserted after Payment of Initial Charge**

14. No person shall insert in a parking meter relating to the parking bay in which a vehicle is left any coins additional to those inserted by way of payment of the initial charge in respect of that vehicle.

### **Manner of Standing In Parking Places**

15. Every vehicle left in a parking place in respect of which a charge has been incurred shall so stand –
- (a) parallel and adjacent to kerb, unless in the case of a parking place to which special provisions as to the manner of standing of vehicles in that parking place are specified in Column 3 of Schedules 1 - 9 to this Order
  - (b) in the case of any parking place that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50 centimetres and
  - (c) that every part of the vehicle is within the limits of a parking bay which shall be the appropriate bay in relation to the parking meter in which has been or should have been inserted any coin for the purpose of payment of the initial charge. Provided that, in the case of any parking place referred to in paragraph (b) of this Article –
    - (i) where the length of any vehicle, being a passenger vehicle, precludes it from standing wholly within the limits of a parking bay, being the appropriate bay as provided in paragraph(c) of this Article, such vehicle may so stand in that parking place that, and shall be deemed for the purposes of Articles 15(b) and 21(3) of this Order to be wholly within the limits of a parking bay if:-
    - (ii) the extreme front portion of the extreme rear portion, as the case may be, of the vehicle is within 50 centimetres of the limits of that parking bay, which are indicated on the carriageway in the manner provided in Article 4 of this Order; and
    - (iii) no part of the vehicle is within the limits of any other parking bay.

### **Alteration of Position of Vehicles in Parking Places**

16. Where any vehicle is standing in a parking place in contravention of the provisions of the preceding Article or of the provisions of Article 21(3) of this Order a civil enforcement officer may alter or cause to be altered the position of the vehicle in Order that its position shall comply with those provisions.

### **Removal of Vehicle from Parking Places**

17. Where a civil enforcement officer is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he/she may remove or cause to be removed the vehicle from the parking place and, where it is removed, shall provide for the safe custody of the vehicle.

### **Movement of Vehicles in Parking Places In Emergencies**

18. Any person duly authorised by the Council, or a police constable in uniform may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a parking place.

### **Power to Suspend Use of Parking Places**

19. (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever he/she considers such suspension reasonably necessary:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
  - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement 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 of any telegraphic line, traffic sign or parking meter;
  - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of 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) on any occasion on which it is likely by reason of some special event that any street may be thronged or obstructed; or
  - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings and funerals, or on other special occasions.
- (2) A Police Constable in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) At the discretion of the Chief Officer of police a parking place or any part thereof shall be suspended whenever he/she considers such suspension reasonably necessary to enable the Police to discharge their duties.
- (4) Any person suspending the use of a parking place or any part thereof in accordance with paragraphs(1) or (2) above shall thereupon:-
- (a) in the case of a parking place within which the use of all parking bays relating to one parking meter has been suspended, place or cause to be placed over the parking meter relating to those parking bays a cover indicating that the use of the bays is suspended, also traffic signs adjacent to the bays, both actions indicating that waiting by vehicles is prohibited, and ;
  - (b) in the case of a parking place the use of any part or parts of which, whether including a parking bay or not, has been suspended, place or cause to be placed in or adjacent to that part or those parts a traffic sign or traffic signs indicating that waiting is prohibited.
- (5) On any suspension of the use of a parking place or part of a parking place in accordance with the provisions of paragraph (1) above, if the use of all the bays relating to one parking meter has been suspended, any person duly authorised by the Council may temporarily remove that parking meter and any post, bracket or other support on which such parking meter is fitted.

(6) No person shall cause or permit a vehicle to be left in any part of a parking place during such period there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of paragraph (4)(a) and (b) above

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or Police purposes or any vehicle being used for any purpose specified in Article 21(1)(b), (d) or (e) of this Order to be left in that part of the parking place during such period to in this paragraph, or to any other vehicle so left if that vehicle is left without the permission (i) of the person suspending the use of the parking place or part thereof in pursuance of (1) above, or (ii) of a Police constable in uniform.

### **Restriction of Use of Vehicles at Parking Places**

20. No person shall use any vehicle, while it is in a parking place during the permitted hours, 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 sale their skill in handicraft or their services in any other capacity

Provided that nothing in this Article shall prevent the sale of goods from a vehicle-

(a) if the vehicle is one which may be left in a parking place in accordance with Article 6 of this Order and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected;

### **Restrictions of Waiting of Vehicles In Parking Places**

21. (1) Without prejudice to the foregoing provisions of this Order with respect to vehicles which are left in a parking place in accordance with those provisions, 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, if –

(a) the vehicle is waiting only for so long as may be necessary 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/her control or to such waiting being necessary to avoid an accident;

(c) the vehicle is a vehicle used for fire brigade purposes or an ambulance, or a vehicle (other than a passenger vehicle) in the service of a police force in either case being in pursuance of statutory powers or duties;

(d) the vehicle is waiting only for so long as may be necessary 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 Post Office and is waiting whilst postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle, or, having been unloaded there from, 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, or is in use in connection with the servicing of telephone kiosks adjacent to the parking place;

- (f) the vehicle not being a passenger 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;
  - (g) the vehicle is waiting otherwise than in a parking bay if goods are being sold or offered for sale from the vehicle by a person who is licensed by the Council to sell goods from a stationary pitch situated in or adjacent to the parking place;
- (2) No charge specified in the foregoing provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article
- (3) Except as provided in the foregoing provisions of this Article, the driver of a vehicle shall not cause or permit the vehicle to wait in a parking place during the permitted hours
- (4) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act

### **Manner of Waiting In Parking Places**

22. A person causing or permitting a vehicle to wait in a parking place by virtue of the provisions of sub-paragraph (e), (f) or (g) in paragraph (1) of the last preceding Article shall take all such steps as are necessary to ensure:-
- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of vehicles in that place are specified in Column 3 of Schedules 1 - 9 to this Order that the vehicle shall so stand –
    - (i) unless the length of the vehicle precludes compliance with this sub-paragraph, as to be in accordance with those provisions and so that every part of the vehicle is within the limits of the parking place, or
    - (ii) if the length of the vehicle does preclude compliance with the last preceding sub-paragraph that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than thirty centimetres; and
  - (b) in the case of any other parking place, that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than thirty centimetres.

### **Exemptions from Charges**

23. (1) If at the time when a vehicle is left during the permitted hours in a parking bay there is on every parking meter relating to that bay or in or adjacent to that bay notices placed by any person duly authorised by the Council, or a civil enforcement officer, indicating that the meters relating to that bay are out of order that vehicle shall be exempt from the initial charge provided that it is removed within two hours after the said meters are rectified; if it is not removed within that period the initial charge shall be treated as having been incurred and paid at the time when the

vehicle was left in the parking bay and all the provisions of this Part of this Order shall apply accordingly

(2) The following vehicles left in parking bays during the permitted hours shall be exempt from the payment of any charge or compliance with any limitation of time during which a vehicle may be left in a parking place specified in the foregoing provisions of this Order –

- (i) an invalid carriage;
- (ii) a vehicle issued to a disabled person by the Department of Health & Social Security in lieu of an invalid carriage;
- (iii) a disabled persons vehicle which displays in the relevant position a disabled persons badge.

(3) Without prejudice to the generality of this Article, a vehicle to which this Article applies shall stand in the parking bay in accordance with the provisions of Article 14(a) AND (b) of this Order and wholly within the limits of that bay.

(4) Any vehicle left in any parking place specified in Schedule 4 to this Order, that is displaying in a prominent position at all times during the permitted hours, a “CPZ Area A” residents permit that is issued and is valid under the terms specified within the "BOROUGH OF TORBAY, TORQUAY HARBOUR NORTH CONTROLLED PARKING ZONE (AREA A) TRAFFIC REGULATION ORDER 2011” and any order that revokes or varies that order.

(5) Any vehicle left in any parking place specified in Schedule 8 to this Order, that is displaying in a prominent position at all times during the permitted hours, a “residents parking permit” that is issued and is valid under the terms specified within this Order.

#### **Authorisation and use of Residents’ Parking Permits**

24. (1) (a) Any Resident who is the Registered Keeper of a Motor Vehicle and whose place of residency is Nos. 186 to 226 (even Nos. only) Newton Road, Torquay, and 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 Newton Road.

(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 be £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 Resident Permit Holder during the Prescribed Hours of the vehicle to which such Permit relates in a Permit Parking Place specified in Schedule 8, subject to the provisions of this Part of this Order.
25. (1) A Resident 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 twelfth part of the amount specified in Article 24 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 issue of a duplicate Permit by the Council under the provisions of Article 26 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.

26. (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.
27. 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 25 (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.
28. 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 27 of this Order are readily visible from the front or nearside of the vehicle.
29. Where a Permit has been displayed on a vehicle in accordance with the provisions of Article 28 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.

### **Authorisation and use of Visitor's Permits**

30. (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) 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 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 Executive Head for Residents and Visitor Services may, in their 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.
31. (1) A Visitor's Permit shall be valid for the full 24 hours of a particular calendar day pursuant to Article 30 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.

32. The provisions of Articles 25(1) (2) (with the exception of parts (b) and (c), (3) (4)) and 26 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.
33. 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.
34. Where a Permit has been displayed on a vehicle in accordance with the provisions of Article 33 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.

#### **Installation of Parking Meters etc**


35. The Council may install in such positions on or in the vicinity of a parking place as they may think fit such parking meters as are required by this Order for the purposes of that parking place, and carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place.

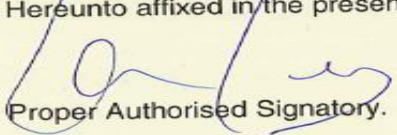
#### **Derogation**

36. The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any other made or having effect as if made under the Act or by or under any other enactment.
37. The powers conferred by this Order on a civil enforcement officer may be exercised by a police constable in uniform.

DATED the 8<sup>th</sup> day of May 2013.

THE COMMON SEAL of  
The Council of  
The Borough of Torbay was  
Hereunto affixed in the presence of:



  
Proper Authorised Signatory.

The Council of The  
Borough of Torbay S / No: 5117

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**Schedule 1: Pay & Display Parking 8am to 6pm**

| <b>Location</b> | <b>Description</b>   | <b>Special manner of standing of vehicles in parking place</b> |
|-----------------|--|--|
| Babbacombe Road | South side from the junction with Torwood Street eastwards for a distance of 8 metres  | Adjacent to kerb   |
| Ellacombe Road  | South west side from a point 15 metres north west of its junction with Market Street in a north westerly direction for a distance of 9 metres              | Adjacent to kerb   |
| Market Street   | South east side, the traffic island at the junctions with Ellacombe and Princes Roads, from a point opposite the boundary of Nos.63/65 north for 12 metres | Adjacent to kerb   |
| Market Street   | West side from a point 25 metres south of its junction with Castle Lane to the boundary of Nos.13/15   | Adjacent to kerb   |
| Market Street   | West side from a point 30 metres north of its junction with Castle Lane north east for a distance of 26 metres   | Adjacent to kerb   |
| Market Street   | West from the south western wall of No.47 North east to the boundary of Nos.53/55  | Adjacent to kerb   |
| Market Street   | West side from the boundary wall of Nos. 59/61 north east for a distance of 23 metres  | Adjacent to kerb   |
| Pimlico         | East side from a point 19 metres south-east of its junction with Stentiford Hill Road for a distance of 26 metres in a south-easterly direction            | Adjacent to kerb   |
| The Terrace     | North east side between the unnamed roads to and from Montpelier Road  | Adjacent to kerb   |
| Torwood Street  | North side from the western boundary of No.4 east for a distance of 34 metres  | Adjacent to kerb   |
| Torwood Street  | North side from a point 4 metres west of the boundary of Nos.24/26 east to the boundary of Nos.28/30   | Adjacent to kerb   |
| Torwood Street  | North side from the boundary of Nos.48/50 to its junction with Babbacombe/South Hill Road  | Adjacent to kerb   |

|                |  |                  |
|----------------|--|------------------|
| Torwood Street | South side from a point 38 metres east of its junction with Parkhill Road to the junction with Babbacombe Road | Adjacent to kerb |
| Torwood Street | South side lay by opposite Nos. 26 – 32 Torwood Street   | Adjacent to kerb |

**Schedule 2: Pay & Display Parking 9am to 5pm**

| <b>Location</b> | <b>Description</b>  | <b>Special manner of standing of vehicles in parking place</b> |
|-----------------|---|--|
| Abbey Road      | North side from a point 11 metres west of the western boundary of No.25 eastwards for a distance of 71 metres | Adjacent to kerb   |
| Abbey Road      | North side from a point 11 metres west of the eastern boundary of No.31 westwards for a distance of 86 metres | Adjacent to kerb   |
| Abbey Road      | North side from the southern boundary of No.61 north west for a distance of 42 metres                         | Adjacent to kerb   |
| Abbey Road      | North side from the boundary of Nos.71/73 south east for a distance of 14 metres                              | Adjacent to kerb   |

**Schedule 3: Pay & Display Parking (At Any Time)**

| <b>Location</b> | <b>Description</b>   | <b>Special manner of standing of vehicles in Parking Place</b> |
|-----------------|--|--|
| Torbay Road     | North-west side from a point 46 metres east of its junction with The King's Drive for a distance of 179.5 metres in a north-easterly direction                             | Adjacent to kerb   |
| Torbay Road     | South-east side from a point 61 metres east of its junction with The King's Drive for a distance of 147.5 metres in a north-easterly direction                             | Adjacent to kerb   |
| Torbay Road     | The north side of the north carriageway from a point 163 metres east of its junction with Shedden Hill Road in an easterly direction for a distance of 17.4 metres         | Adjacent to kerb   |
| Torbay Road     | The south side of the south carriageway from a point 215.2 metres east of its junction with Shedden Hill Road in a south easterly direction for a distance of 192.5 metres | Adjacent to kerb   |

**Schedule 4: Pay & Display Parking 8am to 6pm – CPZ A Permit Holders Exempt**

| <b>Location</b>      | <b>Description</b>  | <b>Special manner of standing of vehicles in Parking Place</b> |
|----------------------|---|--|
| Parkhill Road        | North west side from the boundary of Nos.1/3 to the south side of the junction with Meadfoot Road                 | Adjacent to kerb   |
| Torwood Gardens Road | South side from the junction with Parkhill Road to the access road between the Church and Apsley House            | Adjacent to kerb   |
| Torwood Gardens Road | South side from a point 5 metres east of the west boundary wall of Apsley House east for a distance of 10 metres  | Adjacent to kerb   |
| Torwood Gardens Road | South side from a point 19 metres east of the west boundary wall of Apsley House east for a distance of 57 metres | Adjacent to kerb   |
| Torwood Gardens Road | North east side from the junction with Babbacombe Road south for a distance of 28 metres                          | Adjacent to kerb   |



**Schedule 5: Pay & Display Parking 8am to 6pm Monday to Saturday (inclusive) (Town Centre Sites)**

| <b>Location</b> | <b>Description</b>   | <b>Special manner of standing of vehicles in parking place</b> |
|-----------------|--|--|
| Castle Road     | North east side from a point 53 metres south east of Castle Circus south east for 45 metres  | Adjacent to kerb   |
| Lymington Road  | North east side from a point 135 metres north west of the junction with St Marychurch Road south east for a distance of 27 metres  | Adjacent to kerb   |
| Lymington Road  | South west side from a point 128.9 metres south east of the junction with Trematon Avenue south east for a distance of 34.5 metres | Adjacent to kerb   |
| Union Street    | North east side from a point 35 metres north west of the junction with Trematon Avenue north west for a distance of 55 metres      | Adjacent to kerb   |
| Union Street    | North east side from a point 9 metres north west of the junction with Trematon Avenue north west for a distance of 23 metres       | Adjacent to kerb   |
| Union Street    | South west side from a point 2 metres south east of the west wall of No.228 south west for a distance of 51 metres                 | Adjacent to kerb   |
| Union Street    | South west side from a point 65.5 metres south east of the west wall of No.228 south west for a distance of 49 metres              | Adjacent to kerb   |
| Union Street    | South west side from a point 20 metres south east of the junction with Trematon Avenue south east for a distance of 75 metres      | Adjacent to kerb   |

**Schedule 6: Pay & Display Parking 8am to 6pm Monday to Saturday (inclusive) (Prime Sites)**

| <b>Location</b> | <b>Description</b>   | <b>Special Manner of standing of vehicles in Parking Place</b> |
|-----------------|--|--|
| Babbacombe Road | South side from a point 75.5 metres east of its junction with Torwood Street and South Hill Road for a distance of 160 metres in an easterly direction               | Adjacent to kerb   |
| Babbacombe Road | South-east side from a point 238 metres north-east of its junction with Torwood Street and South Hill Road in a north-easterly direction for a distance of 21 metres | Adjacent to kerb   |

**Schedule 7: Pay & Display Parking 9am to 5pm Monday to Saturday (inclusive) (Commuter sites)**

| <b>Location</b> | <b>Description</b>   | <b>Special manner of standing of vehicles in parking place</b> |
|-----------------|--|--|
| Lymington Road  | North side from its junction with Sunbury Hill in an easterly direction for a distance of 132.5 metres   | Adjacent to kerb   |
| Lymington Road  | South-west side from a point 37 metres north-west of its junction with Trematon Avenue in a north-westerly direction for a distance of 86 metres | Adjacent to kerb   |

**Schedule 8: Pay & Display Parking 8am to 6pm – Resident Permit Holders Exempt (Commuter sites)**

| <b>Location</b> | <b>Description</b>  | <b>Special manner of standing of vehicles in Parking Place</b> |
|-----------------|---|--|
| Newton Road     | The north side from a point 34 metres west of the junction with Rougemont Avenue in a westerly direction for a distance of 248 metres | Adjacent to kerb   |

**Schedule 9: Pay & Display Parking 9am to 5pm Monday to Saturday (inclusive) (Town Centre sites)**

| <b>Location</b> | <b>Description</b>   | <b>Special manner of standing of vehicles in parking place</b> |
|-----------------|--|--|
| Magdalene Road  | North side from a point 19 metres west of its junction with Trematon Avenue in a north-westerly direction for a distance of 193 metres | Adjacent to kerb   |

**Schedule 10: Parking Permits**

| <u>Permit Type</u>                | <u>Charge</u> |
|-----------------------------------|---------------|
| Annual On Street Permit           | £850.00       |
| Monthly On Street Permit          | £80.00        |
| Monthly Commuter On Street Permit | £38.00        |

**Schedule 11: Revocations**

“Borough of Torbay (Various Streets, Torquay) (Street Parking Places {Pay & Display}) Order 2012”

“Borough of Torbay (Various Streets, Torquay) (Street Parking Places {Pay & Display}) Amendment Order No1 2012”

“Borough of Torbay (Various Streets, Torquay) (Street Parking Places {Pay & Display}) Amendment Order No2 2012”

“Borough of Torbay (Various Streets, Torquay) (Street Parking Places {Pay & Display}) Amendment Order No3 2012”

“Borough of Torbay (Various Streets, Torquay) (Street Parking Places {Pay & Display}) Amendment Order No1 2013”

“Borough of Torbay (Various Streets, Torquay) Experimental Regulation of Traffic Order No.2 2012”