

HEREFORDSHIRE COUNCIL

NOTICE OF PROPOSAL

U81255, STATION ROAD, HEREFORD (PROHIBITION OF WAITING) (RESTRICTION OF WAITING) (RESIDENTS PARKING) ORDER 2011

Notice is hereby given that Herefordshire Council ("the Council") in exercise of its powers under the Road Traffic Regulation Act 1984 (referred to as "the Act"), and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, proposes to make the above-named Order the effect of which would be the following traffic measures:

No waiting at any time:

U81255, Station Road:

- i) On both sides, from the junction with C1189 Barton Road, for a distance of 12 metres in a northerly direction.
- ii) On the east side, from a point 22 metres north of the junction with C1189 Barton Road, for a distance of 10 metres in a northerly direction.
- iii) On the east side, from a point 42 metres north of the junction with C1189 Barton Road, for a distance of 6 metres in a northerly direction.
- iv) On the east side, from a point 54 metres north of its junction with the C1189 Barton Road for its full length in a northerly and then westerly direction.
- v) On the west side, from a point 39 metres north of its junction with the C1189 Barton Road for its full length in a northerly direction (including the turning bay).

Waiting limited to 2 hours, no return within 2 hours (except permit holders) 8am to 6pm, Monday to Saturday:

U81255, Station Road:

- i) On the west side, from a point 12 metres north of the junction with C1189 Barton Road for a distance of 27 metres in a northerly direction.
- ii) On the east side, from a point 12 metres north west of the junction with C1189 Barton Road for a distance of 10 metres in a northerly direction.
- iii) On the east side, from a point 32 metres north of the junction with C1189 Barton Road for a distance of 10 metres in a northerly direction.
- iv) On the east side, from a point 48 metres north of the junction with C1189 Barton Road for a distance of 9 metres in a northerly direction.

There are exemptions in the Order (eg for emergency service vehicles, disabled badge vehicles)

A copy of the draft Order with plan and Statement of Reasons are available for inspection at Brockington, 35 Hafod Road, Hereford. HR1 1SH (Tel: 01432- 260000) and The Hereford Centre, Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford,, HR1 2BB (Tel 01432 260500) during normal opening hours (excluding Bank Holidays). Photocopies of the said documents may be provided on payment of the photocopying charges of the Council. Details can also be found at www.herefordshire.gov.uk

Any queries in relation to this proposal may be directed to the Traffic Management Team (Tel: 01432 842114).

Objections to the Order (stating the grounds on which they are made) and other representations relating to the proposed Order must be received in writing on or before 7th October 2011 and should be sent to the Traffic Management Team at the address stated below or by email to trocomment@amey.co.uk quoting ref: C-001-11

Any representations received by the Council may be imparted to third parties.

Richard Ball
Assistant Director for Place Based Commissioning
Herefordshire Council

Traffic Team
Amey Herefordshire
Unit 3 Thorn Business Park
Rotherwas Industrial Estate
Hereford
HR2 6JT

HEREFORDSHIRE COUNCIL

U81255, STATION ROAD, HEREFORD (PROHIBITION OF WAITING) (RESTRICTION OF WAITING) (RESIDENTS PARKING) ORDER 2011

~~The County of Herefordshire District Council ("known as Herefordshire Council") in exercise of its powers under Sections 2, 32 and 45, and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act"), and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-~~

1. This Order shall come into operation on the **[INSERT DATE]** day of _____ 2011 and may be cited as the Herefordshire Council U81255 Station Road, Hereford (Prohibition Of Waiting) (Restriction Of Waiting) (Residents Parking) Order 2011

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

"Disabled Permit Holders" means a person who has been issued with a valid Disabled Person Badge;

"Disabled Person's Badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) Regulations 2000;

"Disabled Person's Vehicle" means a vehicle displaying a valid Disabled Persons Badge and Parking Disc.

"Driver", in relation to a vehicle waiting in a Parking Place, means the person driving the vehicle at the time it was left in the Parking Place.

"Dwelling", means a house or self-contained flat registered for Council Tax purposes.

"Light Goods Vehicle" means a motor vehicle, the maximum gross weight of which does not exceed 3.5 tonnes, which is constructed or adapted for use for the carriage of goods or burden of any description, and is not drawing a trailer.

"Motor Cycle" and "invalid carriage" have the same meaning respectively as in Section 136 of the 1984 Act.

"Multiple Occupancy Dwelling" shall mean premises where more than one family unit is in occupation.

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

"Civil Enforcement Officer" means a person appointed in accordance with the provisions of Section 76 of the Traffic Management Act 2004.

"Parking Disc" has the same meaning as in the Disabled Persons (Exemptions for Disabled Persons) (England) Regs. 2000.

"Parking Permit", means a permit which is designated as a Residents Parking Permit or Visitors Parking Permit issued by the Council pursuant to the provisions of this Order;

"Parking Permit Holder", means a person to whom a Parking Permit has been issued

"Parking Place", means any part of a road so marked (if any) and authorised by this Order to be used for parking.

"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.

"Public Service Vehicle" means a motor vehicle, including a tramcar or trolley vehicle, used for carrying passengers for hire or reward which either (1) is carrying passengers at separate fares; or (2) is not carrying passengers for separate fares but is adapted to carry eight or more passengers.

"Resident Parking Permit", means a permit which can only be issued to a Resident in accordance with the provisions of this Order.

"Resident" means a person whose main place of residence is at any of the streets (or part thereof) referred to in Schedule 3 hereto.

"Visitors Parking Permit" means a permit which can only be issued to a Resident in accordance with the provisions of this Order and which can only be used in respect of vehicles of persons who are visiting the Dwelling of the Resident

- (2) For the purpose of this Order a vehicle shall be regarded as displaying
- (a) a Disabled Person's Badge in the relevant position, when:-
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that the front of the badge is legible from outside the vehicle; and
 - (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is legible from outside the vehicle.
 - (b) a Parking Disc in the relevant position, when:-
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; and
 - (ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the front of the badge is legible from outside the vehicle.
3. Save as provided in Article 13 (a) (b) and (c) - *check exemptions* of this Order no person shall, except upon the direction or with the permission of a police officer or Civil Enforcement Officer in uniform cause or permit any vehicle to wait at any time on those lengths of road specified in Schedule 1 to this Order and which for the purposes of identification only are shown on the attached plan.

4. Save as provided in Article 13 (a)(b) and (d) of this Order no person shall, except upon the direction or with the permission of a police officer or Civil Enforcement Officer in uniform cause or permit any vehicle to wait longer than the times specified in respect of the lengths of road specified in Schedule 2 to this Order and which for the purposes of identification only are shown on the attached plan.

Power to Suspend Prohibition of Parking and Restriction of Waiting and Residents Parking

5. Nothing in Articles 3 and 4 of this Order:-
 - (a) shall restrict the power of the Council or the police for preventing obstruction of the streets, by order or otherwise on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any Parking Place; or
 - (b) shall authorise the use of any part of the road so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to the use of thereof, or so as to be a nuisance.

Use of a Parking Place

6. A Driver of a vehicle shall not use a Parking Place:-
 - (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons entitled to do so, or so as to be a nuisance:
 - (b) when for preventing obstruction of the streets the Council shall by order or otherwise made on the occasion of any public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed have closed that Parking Place and exhibited notice of such closing on or near the Parking Place.
7. The Driver of a motor 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.
8. Unless the prior written consent of the Council is obtained no person shall use a vehicle, while it is in a Parking Place in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of his skill or services.
9. A vehicle parked within a Parking Place must be parked wholly within the road markings (if any) for the Parking Place.
10. When a vehicle is left in a Parking Place in contravention of any of the provisions contained in paragraphs (a) or (b) of Article 6 of this Order a police constable in uniform or Civil Enforcement Officers in uniform or a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that Parking Place.
11. Any person moving a vehicle by virtue of the last preceding Article of this Order 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 as aforesaid.
12. When a police constable or a Civil Enforcement Officers in uniform, or a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a Parking Place by virtue of Article 10 above of this Order, they shall make such

arrangements as may be reasonably necessary for the reasonable safe custody of that vehicle.

Exemptions

13. (a) Where referred to in this Order nothing shall render it unlawful to cause or permit any vehicle to wait on the sides of those lengths of road referred to in the relevant Schedules and Articles hereto so long as may be necessary where:-
- (i) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from a vehicle;
 - (ii) the vehicle is used for fire brigade, police or ambulance purposes or a vehicle (other than a Passenger Vehicle) in the service of a local authority is being used in pursuance of statutory powers or duties;
 - (iii) the vehicle is in the service of or employed by the Post Office Company or similar service vehicle and is waiting while postal packets are being unloaded from the vehicle, or having been unloaded there from, are being delivered or while postal packets are being collected or is in use in connection with the servicing of telephone kiosks in the said lengths of roads;
 - (iv) the vehicle, not being a Passenger Vehicle, is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose of any building operation, demolition or excavation or the maintenance, improvement or reconstruction of any said lengths of road or 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 any telegraphic line or traffic sign in any said lengths of road;
 - (v) 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;
 - (vi) the vehicle is waiting otherwise than in a parking space if goods are being sold or offered for sale from the vehicle by a person who is licensed by a local authority to sell goods from a stationary pitch situated in any said lengths of road;
 - (vii) the vehicle is waiting only for so long as is necessary to enable it 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 any said lengths of road in which the vehicle is waiting; or
- (b) Without prejudice to the foregoing provisions of this Order with respect to vehicles left in a Parking Place in accordance with those provisions, a vehicle may wait without limitation on any of the lengths of road described in Schedules 1 and 2 to this Order if the vehicle displays a valid Parking Permit issued by the Council.
- (c) Nothing in Articles 3 and 4 of this Order shall render it unlawful to cause or permit a Disabled Person's Vehicle which displays in the relevant position a valid Disabled Person's Badge, and a Parking Disc (on which the Driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in the said sides of those lengths of road referred to in Schedules 1 and 2 hereto 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

respect of an application for a Parking Permit made to them as they may reasonably call for to verify that the Parking Permit is valid.

- (6) On receipt of an application duly made under the foregoing provisions of this Article, the Council, upon being satisfied that the applicant is a Resident and is the Owner of a vehicle of the class specified in paragraph (1) of this Article, it shall issue to the applicant a Parking Permit.

Surrender, Withdrawal and Validity of Parking Permits

16. (1) A Parking Permit Holder may surrender a Parking Permit to the Council at any time and shall surrender a Parking Permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article.
 - (2) The Council may, by notice in writing served on the Parking Permit Holder by sending the same by recorded delivery service to the Parking Permit Holder at the address shown by that person on the application for the Parking Permit or at any other address believed to be that person's place of abode, withdraw a Parking Permit if it appears to the Council that any one of the events set out in paragraphs (3)(a), (3)(b), (3)(d), (3)(e) or 3(f) of this Article has occurred and the Parking Permit Holder shall surrender the Parking Permit to the Council within 48 hours of the receipt of the aforementioned notice or if the Parking Permit Holder fails to do so within this time the Parking Permit shall cease to have effect.
 - (3) The events referred to in the foregoing provisions of this Article are:-
 - (a) the Parking Permit Holder ceasing to be a Resident of the said Station Road referred to in the above Article 15 (1)
 - (b) in respect of a Parking Permit which is designated as a Resident Parking Permit the Parking Permit Holder ceasing to be the Owner of the vehicle in respect of which the Parking Permit was used;
 - (c) the withdrawal of the Parking Permit by the Council under the provisions of paragraph (2) of this Article;
 - (d) the vehicle in respect of which a Parking Permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 15(1) of this Order;
 - (e) the issue of a duplicate Parking Permit by the Council under the provisions of Article 17 of this Order.
 - (f) A Visitors Parking Permit being used in respect of a vehicle not connected with persons visiting the Dwelling of the Resident
 - (4) Without prejudice to the foregoing provisions of this Article, a Parking Permit shall cease to be valid at the expiration of the month and year specified thereon or on the occurrence of any one of the events set out in paragraph 3 of this Article, whichever is the earlier.

Application for and issue of Duplicate Parking Permits

17. (1) if a Parking Permit is mutilated or torn or the figures or particulars thereon have become illegible the Parking Permit Holder shall either surrender it to the Council or apply to the Council for the issue to him of a duplicate Parking Permit and the Council upon the receipt of the Parking Permit, shall issue a duplicate Parking

**THE COMMON SEAL of
THE COUNTY OF HEREFORDSHIRE
DISTRICT COUNCIL** was hereunto
affixed **BY ORDER**

..... Authorised Officer

SCHEDULE 1

No waiting at any time:

U81255, Station Road:

- i) On both sides, from the junction with C1189 Barton Road, for a distance of 12 metres in a northerly direction.
- ii) On the east side, from a point 22 metres north of the junction with C1189 Barton Road, for a distance of 10 metres in a northerly direction.
- iii) On the east side, from a point 42 metres north of the junction with C1189 Barton Road, for a distance of 6 metres in a northerly direction.
- iv) On the east side, from a point 54 metres north of its junction with the C1189 Barton Road for its full length in a northerly and then westerly direction.
- v) On the west side, from a point 39 metres north of its junction with the C1189 Barton Road for its full length in a northerly direction (including the turning bay).

SCHEDULE 2

Waiting limited to 2 hours, no return within 2 hours (except permit holders) 8am to 6pm, Monday to Saturday:

U81255, Station Road:

- i) On the west side, from a point 12 metres north of the junction with C1189 Barton Road for a distance of 27 metres in a northerly direction.
- ii) On the east side, from a point 12 metres north west of the junction with C1189 Barton Road for a distance of 10 metres in a northerly direction.
- iii) On the east side, from a point 32 metres north of the junction with C1189 Barton Road for a distance of 10 metres in a northerly direction.
- iv) On the east side, from a point 48 metres north of the junction with C1189 Barton Road for a distance of 9 metres in a northerly direction.

SCHEDULE 3

List of streets eligible for a Residents Parking Permit:

U81255, Station Road

HEREFORDSHIRE COUNCIL

STATEMENT OF REASONS

**U81255, STATION ROAD, HEREFORD (PROHIBITION OF WAITING)
(RESTRICTION OF WAITING) (RESIDENTS PARKING) ORDER 2011**

The Council considers making the above order desirable for facilitating the passage on the road or any other road of any class of traffic (including pedestrians)

The Council reserves the right to produce an amended or further statement in the context of any public inquiry into objections to these proposals.

Richard Ball

Assistant Director for Place Based Commissioning
Herefordshire Council

