

**(Bargates, Leominster) (Prohibition Of Waiting) (Residents' Parking) (Zone LB) Order 2016**

Notice is hereby given that Herefordshire Council has made the above-named Order, the effect of which introduces the following: **Prohibition of waiting at any time: Bargates:** (a) On the north side from its junction with the western kerb line of the Cursneh Street for a distance of 201 metres in a westerly direction. (b) On the south side from its junction with the Dishley Street to a point 98 metres east of its junction with the centre line of the Westfield Walk. (c) On the south side from its junction with the centre line of the Westfield Walk to a point 24 metres east of that junction. **Waiting restricted to 1 hour with no return permitted within 2 hours between 8.00 am to 6.00 pm on Monday to Saturday, except for residents' permit holders: Bargates:** (a) On the south side from a point 24 metres east of its junction with the centre line of the Westfield Walk to a point 98 metres east of that junction.

**The Order comes into operation on the 20<sup>th</sup> June 2016.**

A copy of the Order, with plan and Statement of Reasons, may be viewed at the Council's offices at Plough Lane, Hereford, the Leominster Customer Service Centre, The Library, 8 Buttercross, Leominster or on the Council's website at [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk). Any queries in relation to this Order may be directed to Balfour Beatty Living Places, Network Regulation, Unit 3, Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT or by email to [Herefordshire.TROcomments@bblivingplaces.com](mailto:Herefordshire.TROcomments@bblivingplaces.com).

If any person wishes to question the validity of the Order or of any of its provisions on the grounds that it or they are not within the powers conferred by the Act, or that any requirement of the Act or of any instrument made under the Act has not been complied with that person may do so by application to the High Court within six weeks from the date the order was made.

**HEREFORDSHIRE COUNCIL**

**(BARGATES, LEOMINSTER) (PROHIBITION OF WAITING) (RESIDENTS PARKING)  
(ZONE LB) ORDER 2016**

**STATEMENT OF REASONS**

The implementation of the proposed parking restrictions will preserve and improve the amenities of the area through which the road runs.

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

Richard Ball  
Assistant Director Environment and Place  
Herefordshire Council

Balfour Beatty Living Places  
Network Regulation  
Unit 3, Thorn Business Park  
Rotherwas Industrial Estate  
Hereford  
HR2 6JT

# ROAD TRAFFIC REGULATION ACT 1984

## HEREFORDSHIRE COUNCIL

### (BARGATES, LEOMINSTER) (PROHIBITION OF WAITING) (RESIDENTS' PARKING) (ZONE LB) ORDER 2016

The County of Herefordshire District Council, also known as Herefordshire Council, ("hereinafter called "the Council") in exercise of its powers under Sections 2, 4, 32(1), 35(1), 45, 46, 49 and 53 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 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 1984 Act, hereby makes the following Order:-

#### Citation

1. This Order shall come into operation on the <sup>20<sup>th</sup></sup> day of <sup>June</sup> 2016 and may be cited as the Herefordshire Council (Bargates, Leominster) (Prohibition of Waiting) (Residents' Parking) (Zone LB) Order 2016.
2. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order the Orders or Order (or part thereof where stated) as listed in Schedule 1 hereto are revoked or varied, as detailed in the said Schedule from the date this Order comes into operation.
3. (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 Traffic Management Act 2004

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

"Parking Permit", means a valid 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 valid 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 valid 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 the dwellings referred to in Schedule 4 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.



4. Save as provided in Article 14 (a) and (c) 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 2 to this Order and which for the purposes of identification only are shown on the attached plan.
5. Save as provided in Article 14 (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 for longer than to 1 hour with no return permitted within 2 hours between the hours of 8.00 am to 6.00 pm on Monday to Saturday, except for residents' permit holders and along those lengths of road specified in Schedule 3 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**

6. Nothing in Articles 4 and 5 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**

7. 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.
8. 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.
9. 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.
10. A vehicle parked within a Parking Place must be parked wholly within the road markings (if any) for the Parking Place.
11. When a vehicle is left in a Parking Place in contravention of any of the provisions contained in paragraphs (a) or (b) of Article 7 of this Order a police constable in uniform or Civil Enforcement Officer 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.



12. 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.
13. When a police constable or a Civil Enforcement Officer 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 11 above of this Order, they shall make such arrangements as may be reasonably necessary for the reasonable safe custody of that vehicle.

### **Exemptions**

14. (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 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
  - (viii) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or merchandise, including, so far as a bank is concerned, cash or other valuables or valuable securities, or loading or unloading the vehicle at premises adjacent to any said lengths of road in which the vehicle



is waiting and the vehicle not being a goods vehicle does not wait for such purpose for more than thirty minutes or for such longer period as a police constable in uniform or a traffic warden may authorise, or, being a goods vehicles does not so wait for more than thirty minutes or such longer period as aforesaid if it is in any part of a parking space;

- (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 Schedule 3 to this Order if the vehicle displays a valid Parking Permit issued by the Council.
- (c) Nothing in Article 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 Schedule 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 waiting by the same vehicle on the same sides of length of road on the same day).
- (d) Nothing in Article 5 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 without limitation in the said sides of those lengths of road referred to in Schedule 3.

#### **Charge and Display in connection with the use of Parking Permits**

- 15
- (1) There will be a charge per annum of £30 each for the issue of the first and second Parking Permit, £75 each for the issue of a third and fourth, and £100 for the issue of a fifth subject to Article 16 (4) hereto.
  - (2) Subject to the provisions of this Order, the said charge in connection with the use of a Parking Permit issued for the leaving of a vehicle in a Parking Place shall be payable and shall be indicated by the issue of a Parking Permit and by the affixing of the Parking Permit in the manner prescribed in paragraph (4) of this Article not later than on the first leaving of a vehicle in a Parking Place.
  - (3) A Parking Permit which is a Residents' Parking Permit may only be affixed to the vehicle to which it relates.
  - (4) The manner in which a Parking Permit shall be affixed to the vehicle shall be as follows:-

A Parking Permit shall be affixed to the front windscreen of the vehicle so that all particulars of the Parking Permit referred to in Article 19 of this Order are clearly visible when viewed from the front of the vehicle.

#### **Application for and Issue of Parking Permits**

- 16
- (1) Every Dwelling within a street (or part thereof) as listed in Schedule 4 hereto may be issued with a maximum of five Parking Permits (namely four Residents' Parking Permits and one Visitors' Parking Permit) and an applicant occupier of a Dwelling shall make an application on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied and the said Parking Permits are only available in respect of vehicles



of the following class, that is to say a Passenger Vehicle, a Light Goods Vehicle or a Motor Cycle.

- (2) A Parking Permit which is designated as a Residents' Parking Permit may only be issued to the Owner of a vehicle who occupies a Dwelling as stated in the above paragraph (1) of this Article.
- (3) Where a Dwelling is a Multiple Occupancy Dwelling the same number of permits will be issued to that dwelling as stated in the above paragraph (1) of this Article.
- (4) The Council are at liberty to vary the policy, charges and terms for the issue of a Parking Permit as stated in this Article on giving the Parking Permit Holder prior written notice of any said variation (where appropriate) and to also issue a Parking Permit for a parking place to an applicant who does not reside in the said roads named the above paragraph (1) of this Article.
- (5) The Council may at any time require an applicant for a relevant Parking Permit or any relevant Parking Permit Holder to produce to an officer of the Council such evidence in respect of an application for a Parking Permit made to them as they may reasonably call for to verify any particulars or information given to them or in 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 above paragraph (1) of this Article, it shall issue to the applicant a Parking Permit.

#### **Surrender, Withdrawal and Validity of Parking Permits**

- 17 (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 said roads listed in Article 16 (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;





**Key**

Existing No Waiting at any Time

Existing No Waiting Mon to Sat 8am - 6pm

Proposed Limited Waiting Mon to Sat 8am - 6pm waiting limited to 1 hour except for Residents



Balfour Beatty Living Places  
 Unit 3 Thom Business Park  
 Rothmans Industrial Estate  
 Hereford HR2 6JT



Drawing No:  
 HD/TT/LEO/165206157/a

Date: August 2015  
 Scale: Not to Scale

**Bargates, Leominster  
 Proposed Waiting Restrictions &  
 Residents' Parking**

Location:

**IMPORTANT WARNING**  
 Information regarding the location of apparatus  
 is given for your assistance and is intended for guidance  
 only. No guarantee is given of its accuracy

Scheme:  
 Leominster Proposed  
 Parking Management

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Authorised officer







- (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 16 (1) of this Order;
  - (e) the issue of a duplicate Parking Permit by the Council under the provisions of Article 18 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.
- (5) A Parking Permit shall be valid in Leominster Zone 'LB' comprising of any of the streets (or part of the streets) listed in Schedule 4 of this Order and which are also shown in Schedule 3 to this Order.

#### **Application for and issue of Duplicate Parking Permits**

18. (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 Permit so marked and upon such issue the previous Parking Permit shall become invalid.
- (2) if a Parking Permit is lost or destroyed the Parking Permit Holder may apply to the Council for the issue to him of a duplicate Parking Permit and the Council, upon being satisfied as to such loss or destruction, shall subject to paragraph (4) of this Article issue a duplicate Parking Permit so marked and upon such issue the Parking Permit shall become invalid.
- (3) the provisions of this Order shall apply to a duplicate Parking Permit or application in respect thereof as if it were a Parking Permit or as the case may be an application in respect thereof.
- (4) a charge of £10.00 will be payable by the Parking Permit Holder to the Council for the issuing of a duplicate Parking Permit or changing of vehicle details.

#### **Form of Parking Permits**

19. A Parking Permit shall be in writing and shall include the following particulars:-
- (a) in respect of a Parking Permit which is designated as a Residents' Parking Permit the registration mark of the vehicle in respect of which the Parking Permit was issued;
  - (b) the month and year up to which, subject to the provisions of Articles 16 (3) and (4) of this Order, the relevant Parking Permit shall remain valid;
  - (c) an indication that the Parking Permit was issued by the Council.

#### **Restriction on Removal of Parking Permits**

20. Where a Parking Permit has been displayed on a vehicle in accordance with the provisions of Article 15 (4) of this Order, no person, not being the Driver of the vehicle,



shall remove the Parking Permit from the vehicle unless authorised to do so by the Driver of that vehicle.

### Placing of Traffic Signs

21. The Council shall:-
- (a) cause the limits of each Parking Place to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size, colour and type prescribed in The Traffic Signs Regulations and General Directions 2002 and
  - (b) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a Parking Place.

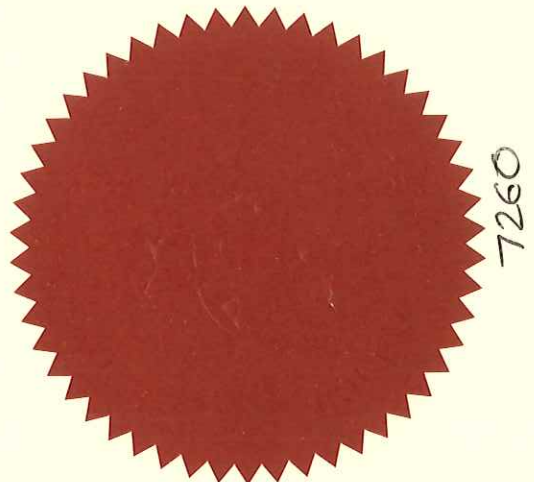
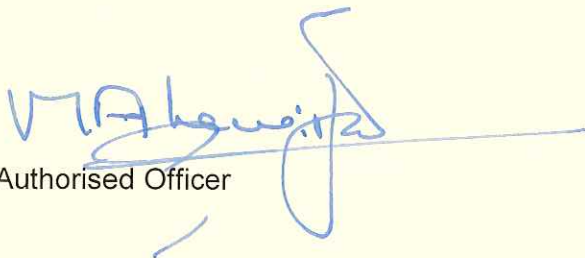
### Miscellaneous

22. References to any statutory provision herein shall include reference to any statutory modification or re-enactment thereof.

Dated this 20<sup>th</sup> day of June 2016

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

Authorised Officer





## SCHEDULE 1

Order to be revoked or varied	Provisions to be revoked
The County of Hereford and Worcester (Various Roads, Leominster) (Prohibition and Restriction of Waiting) Order 1977	Schedule 2 item 1 with respect to Bargates

## SCHEDULE 2

### Prohibition of waiting at any time

#### A44 Bargates

- (a) On the north side from its junction with the western kerb line of the A44 Cursneh Street for a distance of 201 metres in a westerly direction.
- (b) On the south side from its junction with the B4361 Dishley Street to a point 98 metres east of its junction with the centre line of the U93653 Westfield Walk.
- (c) On the south side from its junction with the centre line of the U93653 Westfield Walk to a point 24 metres east of that junction.

## SCHEDULE 3

**Waiting restricted to 1 hour with no return permitted within 2 hours between 8.00 am to 6.00 pm on Monday to Saturday, except for residents' permit holders**

#### A44 Bargates

- i) On the south side from a point 24 metres east of its junction with the centre line of the U93653 Westfield Walk to a point 98 metres east of that junction.

## SCHEDULE 4

### List of properties eligible for a Resident Parking Permit

Residential properties eligible for a Resident Parking Permits	List of Streets in which permits are valid – in permitted bays
Bargates – All residential properties between the junctions with Dishley Street and Westfield Walk  Bargates No's 46 to 68 even numbers inclusive  Bargates No's 27 to 75 odd numbers inclusive  1 to 4 Hester Clark Cottages	<u>Leominster Zone 'LB'</u>  Bargates

