

HEREFORDSHIRE COUNCIL

NOTICE OF MAKING

(OLD MILL CLOSE, HEREFORD) (PROHIBITION OF WAITING) (RESTRICTION OF WAITING (RESIDENTS PARKING) ORDER 2014

Notice is hereby given that Herefordshire Council ("the Council") in exercise of its powers under sections 1 and 2 of the Road Traffic Regulation Act 1984 (referred to as "the Act") and of all other enabling powers has made the above-named Order the effect of which is as follows:

No waiting, loading and unloading at any time:-

North Side

1. From its junction with Friars Street for a distance of 14 metres in a westerly direction
2. From a point 29 metres west of its junction with Friars Street for a distance of 8 metres in a westerly direction
3. From a point 65 metres west of its junction with Friars Street for a distance of 9 metres in a westerly direction
4. From a point 89 metres west of its junction with Friars Street to the limit of the adopted highway in a westerly direction

South Side

5. From its junction with Friars Street to the limit of the adopted highway in a westerly direction

Waiting limited to 1 hours, no return within 1 hours (except permit holders) 8am to 6pm, Monday to Saturday

North Side

1. From a point 14 metres west of its junction with Friars Street for a distance of 15 metres in a westerly direction
2. From a point 37 metres west of its junction with Friars Street for a distance of 28 metres in a westerly direction
3. From a point 74 metres west of its junction with Friars Street for a distance of 15 metres in a westerly direction.

Streets eligible for a residents parking permit for Parking zone 11, Old Mill Close and a number of properties in Friars street

The Order will come into operation on the 28th February 2014

A copy of the Order, Statement of Reasons with plan and any old orders are available for inspection during the normal office hours of the Council's offices at Brockington, 35 Hafod Road, Hereford HR1 1DH (Tel: 01432 260000) and the The Hereford Centre, Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB (Tel: 01432 260500). They can also be viewed on the Council's website at www.herefordshire.gov.uk. Photocopies of the same may be provided on payment of the photocopying charges of the Council.

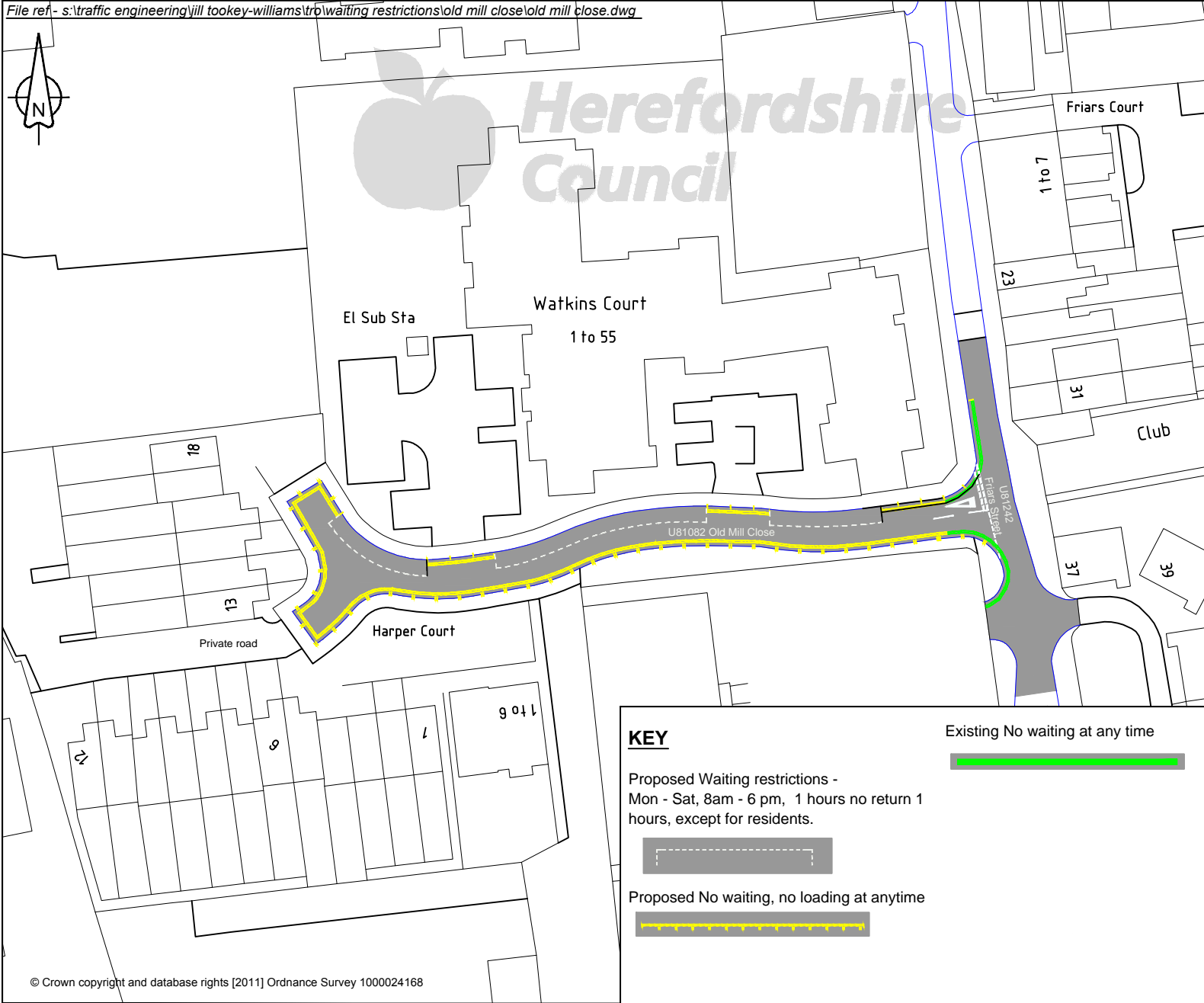
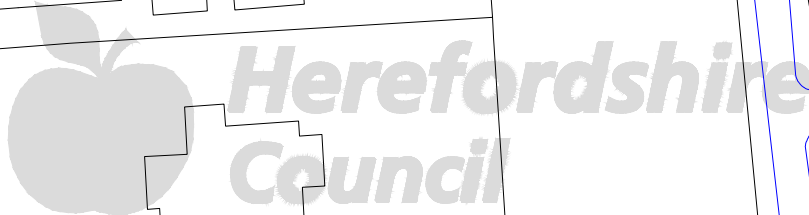
Any queries in relation to this order may be directed to the Traffic Management Team (Tel:

01432 349515)

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.

Richard Ball
Assistant Director Place Based Commissioning
Herefordshire Council

Balfour Beatty Living Places
Traffic Management Team
Unit 3, Thorn Business Park
Rotherwas Industrial Estate
Hereford
HR2 6JT



KEY

Proposed Waiting restrictions -
Mon - Sat, 8am - 6 pm, 1 hours no return 1
hours, except for residents.



Proposed No waiting, no loading at anytime



Existing No waiting at any time



P1	Residents parking restriction added	ALJ	ALJ	MAY 13
Rev	Revision details	Chkd	Appd	Date
Drawn:	JTW	Preliminary		<input checked="" type="checkbox"/>
Design:	JTW	For comment		<input type="checkbox"/>
Chkd:	ALJ	For tender		<input type="checkbox"/>
Appd:	ALJ	For construction		<input type="checkbox"/>
Date:	Feb 13	As constructed		<input type="checkbox"/>
		Other		<input type="checkbox"/>

Balfour Beatty
Living Places

Client
G J HUGHES
PLACES AND COMMUNITIES
DIRECTORATE.



Brockington, 35 Hatford Road, Hereford, HR1 1SH Tel: (01432) 260760 Fax: (01432) 261983

Project Name
**Old Mill Close, Hereford
Proposed waiting
restrictions.**

Drawing Title
**Traffic Management
Site extents**

Original Drawing Size :	A4
Scale :	Dimensions : -

Drawing No HD/T/HER/1629/1/A4	Rev P0
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HEREFORDSHIRE COUNCIL

(OLD MILL CLOSE, HEREFORD) (PROHIBITION OF WAITING) (RESTRICTION OF WAITING (RESIDENTS PARKING) ORDER 2014

The County of Herefordshire District Council and also known as Herefordshire Council ("the 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 28th February 2014 and may be cited as the Herefordshire Council (Old Mill Close, Hereford) (Prohibition Of Waiting) (Restriction Of Waiting (Residents Parking) Order 2014

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 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) 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 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) 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 and load 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 a 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.
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 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 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, ambulance or Doctor 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, 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;
 - (iv) 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;
 - (v) 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 2 to this Order if the vehicle displays a Parking Permit
- (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.

Charge and Display in connection with the use of Parking Permits

- 14. (1) A maximum of 5 parking permits will be allowed per Dwelling of a Resident
- (2) There will be a charge per annum for the issue of each Parking Permit subject to Article 15(4) below :- first and second permit - £30.00 each, third permit - £75.00 and fourth and fifth permit - £100.00 each
- (3) 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.
- (4) A Parking Permit which is a Residents Parking Permit may only be affixed to the vehicle to which it relates.
- (5) 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 18 of this Order are clearly visible when viewed from the front of the vehicle.

Application for and Issue of Parking Permits

- 15. (1) Every Resident of a Dwelling as stated in the street or particular named Dwelling as referred to in Schedule 3 hereto may be issued with a maximum of Five Parking Permits (namely a maximum of four Residents Parking Permits and one Visitors Parking Permit) and an applicant occupier of a Dwelling of a Resident 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 sub clause (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 in Schedule 3 hereto
- (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 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 form 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 a Dwelling as stated in Schedule 3 hereto
 - (b) in respect of a Parking Permit which is designated as a Resident Parking Permit and the Parking Permit Holder ceases

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 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 £25.00 will be payable by the Parking Permit Holder to the Council for the issuing of a duplicate Parking Permit.

Form of Parking Permits

18. 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;

Schedule 1

No waiting, loading and unloading at any time:-

North Side

1. From its junction with Friars Street for a distance of 14 metres in a westerly direction
2. From a point 29 metres west of its junction with Friars Street for a distance of 8 metres in a westerly direction
3. From a point 65 metres west of its junction with Friars Street for a distance of 9 metres in a westerly direction
4. From a point 89 metres west of its junction with Friars Street to the limit of the adopted highway in a westerly direction

South Side

5. From its junction with Friars Street to the limit of the adopted highway in a westerly direction

Schedule 2

Waiting limited to 1 hours, no return within 1 hours (except permit holders) 8am to 6pm, Monday to Saturday

North Side

1. From a point 14 metres west of its junction with Friars Street for a distance of 15 metres in a westerly direction
2. From a point 37 metres west of its junction with Friars Street for a distance of 28 metres in a westerly direction
3. From a point 74 metres west of its junction with Friars Street for a distance of 15 metres in a westerly direction.

Schedule 3

Properties eligible for the purchase of residents parking.

23 to 47 Friars street

Old Mill Close