

GLOUCESTERSHIRE COUNTY COUNCIL ON-STREET PARKING ORDER 2017

Gloucestershire County Council in exercise of its powers under sections 1, 2, 4, 9, 10, 32, 35, 45, 46, 46A, 51 and 124 (1) (d) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (the 1984 Act) and the Traffic Management Act 2004 (the 2004 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.

PART I - GENERAL

CITATION AND COMMENCEMENT

1. This Order shall come into operation on the 2nd day of February 2017 and may be cited as the **Gloucestershire County Council On-Street Parking Order 2017**.
2. Any plans affixed with the common seal of the Council, incorporated into the Orders listed in Article 3 below, are hereby incorporated into this Order. These documents are hereinafter together referred to as 'the Plans'.

REVOCATION

3. The following Orders are hereby revoked save for the Plans:
 - (1) Gloucestershire County Council (The Borough of Tewkesbury) (Prohibition and Restriction of Waiting and Loading and Parking Places) Amendment (Consolidation) Order 2008
 - (2) Gloucestershire County Council (The District of Cotswold) (Prohibition and Restriction of Waiting and Loading and Parking Places) Amendment (Consolidation) Order 2008

- (3) Gloucestershire County Council (The District of Stroud) (Prohibition and Restriction of Waiting and Loading and Parking Places) Amendment (Consolidation) Order 2008
- (4) Gloucestershire County Council (City of Gloucester) (Prohibition and Restriction of Waiting and Loading and Parking Places) Amendment (Consolidation) Order 2008
- (5) Gloucestershire County Council (The Borough of Cheltenham) (Prohibition and Restriction of Waiting and Loading and Parking Places) Amendment (Consolidation) Order 2008
- (6) Gloucestershire County Council (The District of Forest of Dean) (Prohibition and Restriction of Waiting and Loading and Parking Places) Amendment (Consolidation) Order 2008

INTERPRETATION

4. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order.
6. Any reference in this Order to any Enactment shall be construed as a reference to that Enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent Enactment.
7. The prohibitions and restrictions imposed by the Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the 1984 Act or by or under any other Enactment.

DEFINITIONS

8. In this Order:-

- (1) 1984 Act means the Road Traffic Regulation Act 1984;
- (2) 2004 Act means the Traffic Management Act 2004;
- (3) Charge-Up means deriving electrical motive power for an Electric Vehicle from apparatus provided by the Council;
- (4) Charge-Up Fee means a payment set by the Council and specified in the Gloucestershire Parking Terms and Conditions for the use of any apparatus provided by the Council for the Charge Up of Electric Vehicles;
- (5) Cheltenham Racecourse Major Event (CRME) means an event held at Cheltenham Racecourse and in respect of which the Jockey Club, having consulted with Gloucestershire County Council, considers it likely that the gate at that event will exceed 15,000 people, and has given at least 28 days notice to Gloucestershire County Council that any such event will be so designated.
- (6) Cheltenham Racecourse Major Event Day means the day or days on which a Cheltenham Racecourse Major event is scheduled to be held.
- (7) Civil Enforcement Officer (CEO) has the same meaning as Section 76 of the 2004 Act;
- (8) Council means Gloucestershire County Council or any of its employees, duly appointed servants or agents;
- (9) Disabled Person's Badge has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
- (10) Disabled Person's Parking Disc has the same meaning as Parking Disc in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

(11) **Dropped Footway** means:

a) a footway, cycle track or verge has been lowered to meet the level of the carriageway for the purpose of;

(i) assisting pedestrians crossing the carriageway;

(ii) assisting cyclists entering or leaving the carriageway; or

(iii) assisting vehicles entering or leaving the carriageway across the footway, cycle track or verge; or

b) the carriageway has, for a purpose within paragraph (a)(i) to (iii), been raised to meet the level of the footway, cycle track or verge;

(12) **Electric Vehicle** means a vehicle with a traction battery that is either partially or fully propelled by an electric machine and for the purpose of this Order, refers to a vehicle for which electrical motive power is derived from a source external to the vehicle;

(13) **Emergency Vehicle** has the same meaning as in Regulation 3(2) of the Road Vehicle Lighting Regulations 1989;

(14) **Enactment** means any enactment, whether public, general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment as amended, applied, consolidated, enacted by or as having effect by virtue of any subsequent enactment;

(15) **Gloucestershire Parking Terms and Conditions** means the document for the time being in force of the same name published by the Council.

(16) **Invalid Carriage** means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person as defined in Section 185 of the Road Traffic Act 1988;

(17) **Keeper** has the same meaning as Registered Keeper in The Road Vehicles (Registration and Licencing) Regulations 2002;

(18) **Medical Practitioner** has the same meaning as within the meaning of the Medical Act 1983;

- (19) Motor Vehicle means a mechanically propelled vehicle intended or adapted for use on the roads as defined in Section 185 of the Road Traffic Act 1988;
- (20) Motorcycle means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms as defined in Section 185 of the Road Traffic Act 1988;
- (21) Occupiers means a resident or business responsible for paying the Council Tax/Business Rates for a property;
- (22) Operational Hours means the portion of the day and days of the week that a parking restriction or prohibition applies, as shown on the Plans;
- (23) Parking Charge means any fee charged for using a parking place as specified in Schedule 1 of this Order;
- (24) Parking Device has the meaning assigned to it by Section 35 (3B) of the 1984 Act.
- (25) Parking Permit means a Parking Device issued by the Council in accordance with the Gloucestershire Parking Terms and Conditions and used in accordance with those terms and conditions of use;
- (26) Pay and Display Ticket means a type of Parking Device issued by a Pay and Display Ticket Machine relevant to the parking place in which a vehicle has been left;
- (27) Pay and Display Ticket Machine means an apparatus provided by the Council for issuing a Pay and Display Ticket;
- (28) Penalty Charge means a charge set by the Council in accordance with the provisions of Section 77 and Schedule 9 of the 2004 Act and regulations made thereunder and in accordance with any guidance given by the Secretary of State;
- (29) Penalty Charge Notice (PCN) means a notice issued by a Civil Enforcement Officer pursuant to the provisions of Section 78 of the 2004 Act and regulations made thereunder;
- (30) Permit Holder means an authorised holder to whom a Parking Permit has been issued under the provisions of this Order;
- (31) Permit Zone means an area, the boundary of which is as prescribed on the maps in Schedule 2 of this Order;

- (32) Public Service Vehicle has the same meaning as given in Section 1 of the Public Passenger Vehicles Act 1981;
- (33) Road has the same meaning as in Section 142(1) of the 1984 Act;
- (34) Taxi means a vehicle licenced under Section 37 of the Town Police Clauses Act 1847
- (35) Taxi Rank means an area of carriageway reserved for use by Taxis waiting to pick up passengers;
- (36) Traffic Sign has the same meaning as given in Section 64 of the 1984 Act, and complies with all applicable requirements provided for in TSRGD;
- (37) TSRGD means the Traffic Signs Regulations and General Directions 2016;
- (38) Universal Service Provider has the same meaning as that assigned to it in Section 4(3) of the Postal Services Act 2000;
- (39) Utility Organisation has the same meaning as Undertaker as defined in Section 48(4) of the New Roads and Street Works Act 1991;
- (40) Waiver means a Parking Device issued by the Council in accordance with the Gloucestershire Parking Terms and Conditions and used in accordance with those terms and conditions of use for the purpose of permitting a specified vehicle to wait in specified circumstances on a specified road where the waiting of that vehicle would otherwise be restricted or prohibited;

PART II – PROHIBITION AND RESTRICTION OF STOPPING AND WAITING

PROHIBITION OF STOPPING

9. Whilst this Order continues in force, each area of Road identified on the Plans as no stopping, and indicated by a Traffic Sign is designated as a clearway during the Operational Hours stated on the Plans. If no period is stated, the clearway applies at any time.
10. Save as provided in Article 32 of this Order no person shall cause or permit any Motor Vehicle to stop on a clearway.

PROHIBITION AND RESTRICTION OF WAITING

11. Whilst this Order continues in force, each area of Road identified on the Plans as no waiting, and indicated by a Traffic Sign is designated as a restricted road during the Operational Hours stated on the plans.
12. Save as provided in Article 32 of this Order no person shall cause or permit any Motor Vehicle to wait in any restricted road.

Loading/Unloading

13. Nothing in Article 12 of this Order shall prohibit a vehicle from waiting in a restricted road for so long as may be reasonably necessary for the purpose of loading or unloading goods to/from the vehicle. This Article shall not apply during any specified hours of loading/unloading prohibitions as identified on the Plans.

PART III – ON-STREET PARKING PLACES

14. Whilst this Order continues in force, each area of Road identified on the Plans for use as a parking place, subject to the following provisions of this Order and indicated by a Traffic Sign is designated as a parking place during the Operational Hours stated on the plans.

LIMITED WAITING PARKING PLACES

15. Save as provided in Article 32 of this Order no person shall cause or permit any Motor Vehicle:-
- (1) to wait in any parking place during Operational Hours for a period longer than the maximum period of waiting specified on the Plans.
 - (2) to return to a parking place or another parking place in the same road during Operational Hours until after the expiration of the time shown on the Plans when a vehicle is permitted to return to the same parking place.

PERMIT HOLDER PARKING PLACES

16. Save as provided in Article 32 of this Order no person shall cause or permit any Motor Vehicle to wait in any parking place during Operational Hours without a Parking Permit for the relevant Permit Zone applicable to the use of the parking place as identified on the Plans.

PARKING PLACES WITH PARKING CHARGES

17. Save as provided in Article 32 of this Order no person shall cause or permit any Motor Vehicle:-
- (1) to wait during Operational Hours in a parking place where Parking Charges apply as identified on the Plans, without making payment evidenced by a current and valid Parking Device for that parking place.
 - (2) that has transferred an unexpired Pay and Display Ticket from one Motor Vehicle to another to wait during Operational Hours.

- (3) which an additional payment evidenced by a Parking Device has been made to extend the time the vehicle to wait during Operational Hours beyond the maximum period of waiting as shown on the Plans.

DISABLED PERSONS PARKING PLACES

18. Save as provided in Article 32 of this Order no person shall cause or permit any Motor Vehicle to wait in any disabled person's parking place as identified on the Plans during the Operational Hours unless the vehicle is displaying a Disabled Person's Badge and if required a Disabled Person's Parking Disc and the person to whom the Disabled Persons Badge has been issued is in the vehicle immediately before or after the act of waiting.

TAXI RANKS

19. Save as provided in Article 32 of this Order no person shall cause or permit any Motor Vehicle to wait in any Taxi Rank as identified on the plans during the Operational Hours of the rank unless they are a Taxi plying for hire.

MOTORCYCLE PARKING PLACE

20. Save as provided in Article 32 of this Order no person shall cause or permit any Motor Vehicle to wait during Operational Hours in any Motor Cycle parking place identified on the Plans other than a single Motor Cycle.

LOADING BAYS

21. Save as provided in Article 32 of this Order no person shall cause or permit any Motor Vehicle to wait in any parking place reserved for loading as identified on the plans during the Operational Hours other than for so long as may be reasonably necessary for the purpose of loading or unloading goods to/from the vehicle.

SPECIFIED TYPE OF USER PARKING PLACES

22. Save as provided in Article 32 of this Order no person shall cause or permit any Motor Vehicle to wait in any parking place designated for use by a type of user or vehicle class as shown on the Plans during the Operational Hours, unless the motor vehicle is of the specified vehicle class or being used by the specified type of user immediately before or after the act of waiting.

GENERAL PROVISIONS FOR THE USE OF PARKING PLACES

Parking Charges

23. Where Parking Charges apply to a parking place, as shown on the Plans, the charge applicable to that parking place shall be as set out in Schedule 1 of this Order.

Permit Eligibility

24. Permit eligibility for each Permit Zone is limited to those properties that are within the Permit Zones set out in Schedule 2 and is in accordance with the Gloucestershire Parking Terms and Conditions.

Display of Disabled Persons Badge and Pay & Display Tickets

25. For the purpose of this order a Motor Vehicle shall be regarded as displaying:
- (1) A Disabled Persons Badge in the relevant position when,
 - a) In the case of a Motor 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 Motor Vehicle; with the expiry date showing, and
 - b) In the case of a Motor Vehicle not fitted with a dashboard or fascia panel, the said Badge is exhibited in a conspicuous position on the Motor Vehicle so that the front of the said Badge is legible from outside the Motor Vehicle; with the expiry date showing.
 - (2) A Disabled Persons Parking Disc in the relevant position when;
 - a) in the case of a Motor 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 Motor Vehicle and
 - b) in the case of a Motor Vehicle not fitted with a dashboard or fascia panel, the said Disc is exhibited in a conspicuous position on the Motor Vehicle so that the quarter period during which the period of waiting began is legible from outside the Motor Vehicle.

(3) A Pay and Display Ticket in the relevant position when;

- a) In the case of a Motor Vehicle fitted with a dashboard or fascia panel, the Ticket is exhibited thereon so that the front of the Ticket is legible from outside the Motor Vehicle, with all the information on the Ticket showing, and
- b) In the case of a Motor Vehicle not fitted with a dashboard or fascia panel, the said Ticket is exhibited in a conspicuous position on the Motor Vehicle so that the front of the said Ticket is legible from outside the Motor Vehicle, with all the information on the ticket showing.

Electric Vehicles

26. Where the specified type of user referred to in Article 22 is an Electric Vehicle, any person causing or permitting an Electric Vehicle to wait in the parking place must pay the appropriate Parking Charge (if any) and Charge-Up Fee (if any). Only an Electric Vehicle may wait in an area reserved for such a vehicle, and it must be using the area for active Charge Up of the same.

Manner of standing in a parking place

27. Every vehicle standing in a parking place in accordance with the provisions of this Order shall stand so that every part of the vehicle is within the limits of the parking place as indicated by Traffic Signs on the Road and must not obstruct access or egress from any Dropped Footway.

SUSPENSION OF USE OF A PARKING PLACE

28. Upon application to the Council, and upon payment of the appropriate fee as stipulated in the Gloucestershire Parking Terms and Conditions, the Council may direct that the use of any parking place, or part thereof, may be suspended whenever it considers the suspension reasonably necessary:
- (1) For the purpose of facilitating the movement of traffic or promoting traffic or pedestrian safety;

- (2) For the purpose of;
 - (i). any building operation, demolition, or excavation in or adjacent to the parking place; or
 - (ii). the maintenance, improvement or reconstruction of the Road; or
 - (iii). the laying, erection, alteration or repair in or on land adjacent to the Roads, lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line by a Utility Organisation while attending to their apparatus;
 - (3) For the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one place to another place;
 - (4) For the convenience of occupiers of premises adjacent to the parking place at times of weddings, funerals or on other special occasions;
 - (5) On any occasion where it is considered reasonably likely that obstructions will occur to pedestrians or vehicles;
 - (6) For the purposes of cleansing the parking place.
29. A Police Officer in uniform may direct the suspension of the use of a parking place or any part thereof for no longer than 24 hours whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
 30. Any person authorised to suspend the use of a parking place or any part thereof in accordance with Article 28 or 29 shall cause to be placed in or adjacent to that parking place a temporary sign indicating that the waiting of vehicles is prohibited;
 31. No person shall cause or permit a vehicle to be left in any suspended parking place or any part thereof:
 - (a) during such period as any suspension directed in accordance with Article 28 or 29 is in force in respect of that parking place or any part thereof; and
 - (b) whilst there are in or adjacent to that parking place or part thereof traffic signs placed in accordance with Article 30 or placed by the police.
 unless specifically authorised to do so pursuant to Article 28, via a Waiver issued by the Council.

PART IV - EXEMPTIONS

32. The following Motor Vehicles are exempt from the prohibitions, restrictions and provisions set out in Articles 10, 12, 14-22 and 31 of this Order:
- (1) a Motor Vehicle, necessarily required for use in connection with any of the following operations, namely:-
 - (a) the removal of any obstruction to traffic,
 - (b) the maintenance, improvement or reconstruction on the areas of Road or sides of Road, and
 - (c) the laying, erection, alteration or repair in or on land adjacent to the Roads, lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line by a Utility Organisation while attending to their apparatus;
 - (2) a Motor Vehicle in the service of a local authority being necessarily used in connection with highways inspections, parking enforcement, waste collection or street cleansing activities;
 - (3) a Motor Vehicle which is:
 - (a) required by law to stop; or
 - (b) obliged to stop so as to prevent an accident; or
 - (c) prevented from proceeding by circumstances outside his control; or
 - (d) caused or permitted to stop or wait upon the direction or with the permission of a Police officer in uniform.
 - (4) a Public Service Vehicle whilst waiting at an authorised stopping place, terminal or timing point;
 - (5) an Emergency Vehicle on official business
 - (6) a Motor Vehicle:
 - (a) being used by a Medical Practitioner attending an emergency, in which cases the Council may require evidence to show that there was a genuine emergency; or
 - (b) being used by naval, military or air force or visiting forces if at the time they are being used or appropriated by such forces.

- (7) a vehicle in the service of a Universal Service Provider being used for the purpose of delivering or collecting postal packets
- (8) a vehicle that has a Waiver issued by the Council.

DISABLED BADGE HOLDERS

- 33. Nothing in Articles 12, 15 and 17 of this Order shall prevent any person from causing or permitting a Motor Vehicle displaying a Disabled Persons Badge and Disabled Persons Parking Disc to wait in any restricted road, limited waiting parking place or parking place with a parking charge for a period not exceeding three hours free of charge.

PART V – CONTRAVENTION OF THIS ORDER

34. If a Motor Vehicle is parked in non-compliance with any Article in this Order, a contravention shall have occurred and a PCN may be issued by a CEO in accordance with the requirement of the 2004 Act and a Penalty Charge shall be payable by the person liable under the provisions of the 2004 Act.

Dated: 18th January 2017

THE COMMON SEAL of the COUNCIL
of Gloucestershire County Council was hereunto
affixed in the presence of: -

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J.M. Parkinson
Head of Legal Services