

SOUTHEND-ON-SEA BOROUGH COUNCIL

(WELLS AVENUE RESIDENTS PERMIT PARKING SCHEME) (ZONE WA) (PROVISION OF RESIDENTS PERMIT PARKING PLACES) ORDER 2019

Road Traffic Regulation Act 1984

The Southend-on-Sea Borough Council, in exercise of the powers conferred by sections 1, 2, 4, 32, 35, 36, 47, 49, 53 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), as amended and part 6 of the Traffic Management Act 2004 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 makes the following Order:

PART I – GENERAL

Citation and Commencement

This Order shall come into operation on _____ and may be cited as The Southend-on-Sea Borough Council (Wells Avenue Residents Permit Parking Scheme) (Zone WA) (Provision Of Residents Permit Parking Places) Order 2019

Interpretation

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

"the Act of 1984" means the Road Traffic Regulation Act 1984;

"the Regulations" means The Traffic Signs Regulations and General Directions 2016;

"the 2004 Act" means the Traffic Management Act 2004;

"Article" means the appropriately numbered article of this Order, unless the context otherwise requires;

"bona fide visitor" means a person calling at the address of a qualifying resident for social or business purposes only and not purely for the purpose of parking a vehicle within the residents' permit parking place;

"carer's permit" means a permit issued by the Council under the provisions of this Order to a registered address within the Permit Parking Places (PPP) area to allow for carers visiting a property to park within the zone;

"civil enforcement officer (CEO)" has the same meaning as in Section 76 of the Traffic Management Act 2004;

"controlled hours" means the hours and days identified in the schedules attached to this Order and relates to a permit parking place;

"Council" means The Southend-on-Sea Borough Council;

"designated parking place" means a parking place designated by an Order made under Section 32 of the Act of 1984;

“disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

“disabled person’s vehicle” means a vehicle displaying a disabled person’s badge in accordance with Regulations 12, 14 and 16 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 S I 682;

“disabled persons parking place” or “disabled bay” means a length of road authorised to be used as a parking place for a disabled person’s vehicle displaying a disabled person’s badge;

“dispensation certificate” means a certificate issued by or on behalf of the Council for the purpose of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited;

“driver” in relation to a vehicle waiting in a restricted area, means the person driving the vehicle at the time it was left in the restricted waiting area or parking place;

“Eligible Address” means any postal address which is listed in **Schedule 3** to this Order and therefore indicates that the resident may apply for a Parking Permit and/or Visitors Permits

“goods” means goods of any kind whether animate or inanimate and includes postal packets of any description; and “delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection;

“goods vehicle” means a motor vehicle which is constructed or adapted for the use of the carriage of goods or burden of any description;

“hand held device” means a hand held computer used by a Civil Enforcement Officer (CEO) whilst carrying out his/her duties; including the issuing of a Penalty Charge Notice (PCN), logging of parked cars;

“household” means any domestic establishment having an individual postal address within the residents’ parking area and maintained as the usual place of abode for any number of residents;

“invalid carriage” has the same meaning as defined in Section 136 (1) of the Road Traffic Regulation Act 1984;

“kerbline” shall mean that imaginary line which is the projection of the line formed by the edge of the carriageway of the scheduled street adjacent to its junction with the side in question of any other street;

“manner of standing” means the position a vehicle shall stand when left in a permit parking place during the controlled hours in accordance with the provisions of this Order;

“Map Schedule” means a collection of Map Tiles attached to this Order and listed in **Schedule 8**, which depict the stopping, waiting prohibitions and restrictions and parking places, designated by this Order, and in conjunction with the Map Schedule Legend and/or Map Tile label, identifies the type of each particular type of prohibition, restriction, parking place, and certain of its governing provisions:

Provided that the Council does not accept responsibility for inaccuracies contained in the Ordnance Survey data relied upon to create the Map Schedule and where a prohibition, restriction, parking place, is depicted on the Map Schedule, that provision continue to apply irrespective of any subsequent changes that have been made to the underlying Ordnance Survey data;

“Map Schedule Legend” means the Map Schedule Legend to this Order which, when used in conjunction with a Map Tile as listed in Schedule 8, identifies the specific type of prohibition, restriction, parking place, designated by this Order and, where appropriate, certain of their governing provisions;

“Map Tile” means an individual map with a specific tile reference, being part of the Map Schedule as listed in Schedule 8 to this Order;

“Map Tile label”, where shown on a Map Tile forming part of the Map Schedule in relation to a prohibition, restriction, parking place, loading place or parking area, means a label which indicates the type of provision and, if appropriate, certain of its governing conditions;

“motor car/vehicle” has the same meaning as Section 136 (2) of the Act of 1984;

“owner” in relation to a vehicle, means the person by whom such vehicle is kept and used;

“parking area” means any area on a highway designated as a parking area by this Order, which includes two-wheeled footway parking, solo motorcycle parking areas, restricted zone parking areas and permit parking areas, and which are identified as to the type of parking area on the Map Tile relating to that parking area, by reference to the Map Schedule Legend and/or the Map Tile label in the Map Schedule;

“parking disc” has the same meaning as given in Regulation 8(5) of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulation 2000;

"parking permit" means an authorised document of the type specified in Articles 22, 23 and 25 of this Order and issued by the Council or its contractors to allow the authorised use of a permit parking place;

"passenger vehicle" means a motor car (other than a motorcycle) constructed solely for the carriage of passengers and their effects and adapted to carry not more than eight passengers exclusive of the driver, and not drawing a trailer;

penalty charge” and “penalty charge notice” have the same meanings as in The Civil Enforcement of Parking Contraventions (England) General Regulations 2007

“permit” means a permit issued by the Council or its contractors under the provisions of this Order;

"permit fee" means the fee payable specified in Schedule 7 to this Order on application to the Council or its contractors for a parking permit;

"permit holder" means a person being a qualifying resident to whom the Council or its contractors has issued a parking permit;

“permit identifier” is an alpha and or alpha/numeric identifier specified in Schedule 3 applicable to the permit parking places and used:

- a. on permits;
 - b. on signs at relevant permit parking places or parking areas; and
 - c. in the Map Tile labels of such permit parking places and areas in the Map Schedule;
- to identify the permits that are valid for use in such permit parking places and areas to which that permit identifier relates;

"permit parking area" means an area into which each entrance for vehicular traffic has been indicated by the sign shown in The Traffic Signs Regulations and General Directions 2016.

"permit parking place" means a road or any length of road identified in the plans attached to this Order, which is provided by the Council for the leaving of a vehicle under the provisions of this Order, and is indicated by the prescribed traffic signs;

“permit zone” or “permit parking area” means an area introduced by the Council for the administration of permits, identified in Schedule 3 indicates that permits bearing the same permit identifier are valid permits for use in a permit parking place, or permit parking area, where that permit identifier is displayed on the sign in the vicinity of the permit parking place, or on the signs at the entrance to that permit parking area, and in both cases by the inclusion of the same permit identifier in the Map Tile label related to that permit parking place, or permit parking area, in the Map Schedule;

"permitted hours", in relation to a parking place or parking area, means the period specified in the Map Tile related to that parking place, by reference to the Map Schedule Legend and/or the Map Tile label in the Map Schedule;

“postal packet” has the same meaning as in the Postal Services Act 2000

“relevant parking place” means any parking place or parking area designated as such by the provisions of this Order in which a valid permit is required to be displayed during permitted hours and shall include any permit parking place, parking place identified as such in the Map Schedule;

“reduced penalty charge” means the charge set by the Council under provision of the Traffic Management Act 2004 and following approval of the Secretary of State, which is to be paid following the issue of a penalty charge notice within 14 days of the issue of that notice;

“relevant position” has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"resident" means a person whose usual place of abode is listed in Schedule 3 to this Order;

“residents’ parking area” means the roads or parts of roads which are specified as being within the area identified as boundary of the scheme within which households can apply for a permit including any property with its main access within the said boundary and may also include the roads or parts of roads which are indicated as private roads on the plans within the said boundary in cases where an individual address has no access to either a dedicated parking space or a communal space or spaces associated with that household, but not otherwise;

“Residents’ permit” means a permit issued under the provisions of Article 26 of this order;

“restricted hours” in relation to waiting restrictions in a restricted street, means the times when a prohibition or restriction on waiting applies as identified as such in the Map Tile relating to that prohibition or restriction by the Map Schedule Legend and/or Map Tile label in the Map Schedule

“restricted street” means any of the roads, lengths of road or sides of road where any prohibition or restriction of waiting is indicated as being present and is identified as such in the Map Tile relating to that prohibition or restriction by the Map Schedule Legend and/or Map Tile label in the Map Schedule;

"Schedule" or "Map Schedule" means a Schedule or Map Schedule to this Order

“street” includes any part of a street;

“telecommunications system” has the same meaning as in the Telecommunications Act 1984.

“time limited parking place" means a parking place in which vehicles may wait for a specified period;

“valid permit holder” means a person to whom a valid permit has been issued under the provisions of this Order;

“unauthorised vehicle” means a vehicle not displaying a valid permit

“virtual parking permit” means an electronic record of parking ticket permit issued and confirmed by Southend-on-Sea Borough Council to exempt a vehicle from a restriction under the terms and charges applicable at the time of issue.

“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; and

“zone identifier” is an alpha and or alpha/numeric identifier specified in Schedule 3 applicable to the payment parking zone of that Schedule and used:
a. on residents parking permits; and
b. in the Map Tile labels in the Map Schedule;
to identify the parking permits that are valid for use in the residents parking zone and the relevant parking places to which that permit zone identifier relates.

"zone" means a road or part of a road identified in Schedule 1 & 3 to this Order subject to permit parking for which a permit is issued for that particular zone and no other.

- (2) 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 having effect by virtue of any subsequent enactment.
- (a) in a restricted street if any point in that street is below the vehicle or its load (if any) and the vehicle is stationary; or
 - (b) for more than a specified period in the same place in a restricted street if any one point in that street is below the vehicle or its load (if any) throughout a period exceeding the specified period whether or not the vehicle is moved during that period.

- (3) Any reference in this Order to a length of street shall, unless otherwise specified, be construed as a reference to the whole width of that length of street.
- (4) The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order or having the effect as if made under The Road Traffic Regulation Act 1984 is without prejudice to the provisions of any other enactment.
- (5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies to the interpretation of an Act of Parliament

Application of Order

- 3 The restrictions imposed by Part 2 of this Order are subject to the exceptions and exemptions set out in Part 3 of this Order and any such exceptions and exemptions are subject to the provisions of Part 4 of this Order.

PART 2 – RESTRICTIONS

Prohibition on waiting

4. Except as provided in Part 3, no person shall cause or permit any vehicle to wait contrary to the restrictions identified in the Map Schedule to this order which indicate, with reference to the Map Schedule Legend and/or Map Tile label, the roads or parts of roads where and the restricted hours when waiting or parking is prohibited.

Contravention of restrictions

5. (1) Except as provided Part 3 of this Order, if a vehicle waits or stops in a road or part of a road contrary to any prohibition or restriction stated in Article 4 of this Order, then a contravention shall have occurred and a penalty charge is payable.
(2) If a vehicle is left in a prohibited or restricted road or parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge is payable.

PART 3 – EXEMPTIONS FROM RESTRICTIONS

Exempted vehicles

6. The restrictions imposed by Part 2 of this Order shall not apply in relation to the following vehicles:-
 - (1) a bicycle propelled by mechanical power and not having a side-car attached thereto whilst waiting wholly within the limits of a parking area;
 - (2) a bus whilst waiting at an authorised bus stop, bus stand, bus terminal or bus turning point;
 - (3) an authorised taxi to call upon or wait at a taxi rank or taxi stand; or
 - (4) a vehicle when used for emergency services e.g. those being used for fire brigade, ambulance, police or coastguard/RNLI purposes.

Exemptions for vehicles displaying disabled persons' badge

7. Waiting restrictions shall not apply to disabled persons' vehicles:
- (1) in a case where the period of the waiting restriction is for 3 hours duration or less, for the whole of that period; and
 - (2) in a case where the period of the waiting restriction is more than 3 hours duration, for a period of 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same road or part of a road on the same day),

and provided that the following requirements are satisfied, namely:

- (3) that in all cases a valid disabled person's badge is displayed in the relevant position on the vehicle, and
- (4) in the case mentioned at paragraph (2) of this Article, a parking disc is displayed in a relevant position on the vehicle, and the driver, or other person in charge of the vehicle, marks on the parking disc the time at which the period of waiting has begun.
- (5) Any Blue Badge holder can park in any disabled parking bay area. However, if a resident of a Parking Management Scheme Zone is also a Blue Badge Holder, they need to purchase a Resident's Parking Permit which allows them to park in a residents bay should a disabled parking bay not be available.

Miscellaneous exemptions

8. (1) Nothing in Part 2 of this Order shall render it unlawful to cause or permit a vehicle to wait or remain at rest in any restricted street for as long as stated or as may be necessary to enable:
- (a) a person to board or alight from a vehicle for as long as may be necessary;
 - (b) postal packets addressed to premises adjacent to any such street in which the vehicle is waiting to be unloaded from the vehicle or having been unloaded therefrom, to be delivered;
 - (c) postal packets to be collected for loading on the vehicle from premises or posting boxes in or adjacent to any street in which the vehicle is waiting or, having been so collected, to be loaded thereon;
 - (d) a vehicle, if it cannot conveniently be used for such purpose in any other street or outside of restricted hours, to be used in connection with any of the following operations:
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement, or reconstruction of any part of the restricted street;
 - (iv) cleansing or lighting of any street; or
 - (v) the laying, erection, alteration or repair in or adjacent to any street of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications network, or the placing, maintenance or removal of any traffic sign;
 - (e) a vehicle to take in petrol, oil water or air from any garage situate on or adjacent to the street or any length of street;
 - (f) a vehicle being used as an official funeral or wedding vehicle in connection with a funeral or wedding to wait in any restricted street during restricted hours, if it cannot safely and conveniently do so elsewhere;
 - (g) any gate or other barrier at the entrance to premises, to which the vehicle requires access or from which it has emerged to be opened or closed; or
 - (h) with the written consent of the Council and such conditions and requirements as they may impose are being complied with.

- (2) Nothing in Part 2 of this Order shall apply to anything done with the permission or at the direction of a police constable in uniform or a civil enforcement officer or where the person in control of the vehicle is required by law to stop or wait or remain at rest, or is obliged to do so in order to avoid an accident, or is prevented from proceeding by circumstances beyond their control.

PART 4 – ADDITIONAL PROVISIONS

Duty to move on

9. Notwithstanding any exception or exemption contained in this Order, the person in control of a vehicle waiting during the restricted hours in any restricted street shall move the vehicle on the instructions of a police officer in uniform or a civil enforcement officer whenever such moving may be reasonably necessary for the purpose of preventing or removing obstruction.

Restriction on Street Trading

10. No person shall sell, offer or expose for sale goods from a vehicle which is in any restricted street unless:
- (1) that person is licensed by the Council to sell goods from a stationary vehicle on a pitch in that street and sells goods from that pitch; or
 - (2) the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is affected.

PART 5 – DESIGNATION OF PARKING PLACES

Designation of parking places

11. (1) Each area on a highway identified:
- (a) on the Map Schedule by way of a Map Tile label and/or the Map Schedule Legend as a parking place; and
 - (b) as an area marked out and signed for the use therein of specified classes of vehicles following the conditions specified in this Order in relation to that parking place, is designated as a parking place by this Order.

Classes of vehicles for which parking places are designated

12. Subject to the provisions of this Order, parking places may be used during the permitted hours for the leaving of passenger vehicles and light goods vehicles, displaying a valid permit.

Vehicles for which parking places are designated

13. (1) Each parking place identified as such in the Map Tile relating to that parking place, by reference to the Map Schedule Legend and/or the Map Tile label in the Map Schedule may be used, subject to the provisions of this Order, for the leaving during the permitted hours of passenger vehicles, light goods carrying vehicles, or disabled persons vehicles.
- (2) Where the parking place or parking area identified in Article 11 is a relevant parking place for valid permit holders it may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are described in Article 13(1) which either:
- (a) display a valid permit on the front windscreen of the vehicle so that it is readily visible from the front or nearside window of the vehicle, and if applicable
 - (b) display a disabled persons badge in the relevant position.
- (3) A valid permit applicable to a parking place or parking area, to be displayed in accordance with paragraph (2)(a) of this Article, shall be determined by the type of permit identified in Schedule 5 and the provisions of this Order.
- (4) Subject to the provisions of this Order, the following parking places or parking areas identified in Article 11 may only be used by the class of vehicle specified as follows:
- (a) a disabled persons' badge parking place may be used, for the leaving during the permitted hours of such vehicles as display in the relevant position a disabled persons' badge;

Restriction on waiting

14. No person shall, except upon the direction or with the permission of a police constable in uniform or civil enforcement officer, cause or permit any vehicle not displaying a valid permit to wait during the permitted hours on any restricted parking place specified in Schedule 1.

PART 6 - GENERAL CONDITIONS IN RESPECT OF PARKING PLACES

Alteration of position of a vehicle in a parking place

15. Where any vehicle is standing in a parking place in contravention of the provisions of this Order, a police officer in uniform or civil enforcement officer may alter, or cause to be altered, the position of the vehicle in order that its position shall comply with those provisions.

Movement of a vehicle in parking place or parking area in an emergency

16. A police officer in uniform or a civil enforcement officer, may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a parking place or a parking area.

Contraventions in a parking place

17. If a vehicle is left in a parking place at any time during the permitted hours, without complying with the provisions of this Order, then a contravention of this Order shall be deemed to have occurred and a penalty charge notice may be issued,

Manner of payment of the penalty charge

18. The penalty charge shall be paid to the Council in accordance with the instructions set out on the penalty charge notice

PART 7 – DISPENSATION CERTIFICATE

Dispensation certificate

19. The Council may issue a dispensation certificate on receipt of an application and may impose such terms and conditions as it deems appropriate.
20. A dispensation certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the certificate at any address that the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

PART 8 - PERMITS

Zones

21. (1) For the purposes of administering permits the Council shall define by name or unique reference code such parking zones as the Council at its absolute discretion may deem necessary
- (2) The names, of roads and properties that are eligible to apply for permits are detailed in Schedule 3.

Eligibility and application for residents permits

Residents Permit

22. Any resident who is the owner of a vehicle of the class specified in Article 27 may apply to the Council for the issue of a residents permit in respect of that vehicle and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.

Visitor permit

23. Any resident may apply to the Council for the issue of a visitor permits for the leaving of a vehicle by any visitor to that resident, or any other person resident at the same address, during the permitted hours in a residents parking place within the permit zone of which they are resident and any such application shall be made on a form issued by, or on behalf of, the Council or on line and shall include the particulars and information required by such form to be supplied.

Issue of visitor permits

24. The Council, upon being satisfied that an applicant is a resident of the permit zone for which application is being made and on receipt of the appropriate fee as shown in Schedule 7 may issue to that applicant a visitor permit or virtual permit agreed by the Council for the leaving of a vehicle of a class specified in Article 27 at any time in any residents parking place within the permit zone specified on the visitor permit. All applicants must either have registered a vehicle for the virtual visitor permit or display a valid permit in their vehicle when left in a permit parking place within the zone or area to which the permit relates on the days and during the prescribed hours of operation, as identified by the sign in the vicinity of the parking place and as shown on the Map Tile related to that parking place by the Map Tile Label and/or the Map Schedule Legend in the Map Schedule to this Order and must at all such times use it in accordance with the conditions of issue.

Carers Permit

25. Any resident may apply to the Council or its contractors for the issue of a carers permit for the leaving of a vehicle by a carer to that resident, as specified on such days and during such hours as are specified in Schedule 4.

Maximum number of permits

26. The maximum number of residents', visitor and carers permits is as specified in Schedule 8.

Classes of vehicles for which permits are applicable

27. Subject to the provisions of this Order, permits may be issued to classes of vehicles being passenger vehicles and light goods vehicles.

A vehicle of the dimensions and weights listed below will not be eligible for a permit i.e.

1. If it is more than 2.2 metres in height
2. more than 5.25 metres in length
3. more than 3.5 tonnes in Gross Laden Weight (GLW)
4. has more than 12 seats

Verification

28. The Council or its contractors may require an applicant for a permit or permit holder to produce such evidence in respect of the application as may be reasonably be required to verify any particulars or information given to them or in respect of any residents or visitor permit issued by them as may reasonably be required to verify that the details of the application are valid or that the permit is valid.

Issue of permit

29. (1) The Council or its contractors, upon being satisfied that an applicant is the keeper of a vehicle of a class specified and on receipt of the appropriate fee, as detailed in Schedule 7 may issue to that applicant a permit, for the leaving on that vehicle at any time in a parking place to which such permit relates by the owner or by any person using such vehicle with the consent of the owner.

(2) All applicants must display a valid permit in their vehicle and use it in accordance with the conditions of issue.

Validity

30. A permit shall only be valid for the use in a permit parking place on a road within a zone identified on the permit and must be used in accordance with the conditions of issue within the period of validity specified by the permit.

Surrender of permit

31. A resident permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events as set out in Article 32.

A permit holder who surrenders a permit:

(a) before the permit becomes valid shall be entitled to a refund of the fee paid in respect thereof;

(b) after the permit has become valid the applicant shall be entitled to a refund of part of the fee paid in respect thereof calculated in accordance with the Council policy as detailed in Schedule 10 provided that no refund is payable if the permit is surrendered as a consequence of any of the events specified in Article 32(2) (d) or (e)

Withdrawal of permit

32. (1) The Council or its contractors, may by notice in writing served on the permit holder of a residence at the address shown by that person on the application for the permit or at any other address believed to be that person's residence, withdraw a permit if it appears to the Council or its contractors that any of the events set out in Article 32(2) has occurred. The permit holder shall surrender the permit to the Council within 48 hours of the receipt of the said notice.

(2) The events referred to in Article 32(1) are:-

- (a) the permit holder ceases to be a resident;
- (b) the permit holder ceasing to be the keeper of the vehicle in respect of which a permit was issued;
- (c) the vehicle in respect of which such permit was issued being adapted or used in such manner that it is not a vehicle of a class specified in Article 27;
- (d) the issue of a duplicate permit by the Council or its contractors;
- (e) a breach of any condition which may from time to time be determined by the Council and is specified on the permit and / or any application form.

(3) A permit shall cease to be valid on the occurrence of any of the events set out in this Article.

Duplicate permit

33. (1) If a permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and may then apply to the Council or its contractor for the issue of a duplicate permit.

(2) If a permit is lost or destroyed, the permit holder may apply to the Council or its contractors for the issue of a duplicate permit.

(3) The provisions of this Order shall apply to a duplicate permit and an application for such a permit as if it were a permit or, as the case may be, an application for a permit.

(4) Any permit issued by virtue of the provisions of paragraphs (1) or (2) above shall be marked as a duplicate, and upon the issue of a duplicate permit the permit which it duplicates shall become invalid.

Form of permit

34. A resident permit shall include the following particulars:-

- (a) the registration mark of the vehicle in respect of which the permit has been issued;
- (b) the parking zone in respect of the permit is valid;
- (c) the period during which, subject to the provisions of this Order, the permit shall remain valid;
- (d) any condition imposed by virtue of Article 33
- (e) an authentication that the permit has been issued on behalf of the Council or its contractors.

Renewal of permits

35. Not more than one month before a permit expires; the permit holder may apply to have it renewed, by either;

- (a) applying for a residents, carers permit in the manner specified in Articles 22, and 25 and fulfilling the requirements specified in those Articles; or
- (b) the permit holder is able to apply for the permit via the following methods;
 - (i) by internet, on the form provided on the Council's website. The form must be completed with all required information and the permit charge paid in full.
 - (ii) By post using the hard-copy form that accompanies the letter issued by the Council in accordance with the articles referred to in sub-paragraph (a) above, with all required information and paying the appropriate permit charge in full.

Charges for permits

36. The permit charges for residents, visitor, and carers and permits are as set out in Schedule 7

Payment of permit charges

37. The permit charge shall be paid to the Council or its contractors in the manner specified within the application form.

Refund of Permits

38. (1) Refunds in respect of Residents, and Carers permits are calculated by the number of complete months remaining less an administration charge.

(2) A holder of a residents' visitors permit shall be entitled to surrender to the Council the permit at any time after issue. There is no refund available for purchased residents visitors permit books.

Appeal against a decision not to issue a permit

39. (1) Where an application for a permit is declined by the Council or its contractors, the applicant may, subject to paragraph (2) of this Article, appeal against this decision. Such an appeal must be in writing and be sent to the Council within 28 days of the application being declined.

(2) Appeals will be considered by the Permit Appeals Panel. This Panel shall comprise a minimum of two senior designated officers of the Council who have not been initially involved in the decision to reject the application. The Permit Appeals Panel shall provide a written decision to the appellant within 28 days of receipt of the appeal. There is no right of appeal against the decision of the Permit Appeals Panel.

PART 9 - SUPPLEMENTARY PROVISIONS

Manner of standing in a parking place

40. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall stand;
- (a) so that every part of the vehicle is within the limits of that parking place;
 - (b) if the vehicle is a motor cycle, so that its rear wheel is nearest to and at an angle of 90° to the nearest edge of the carriageway; and
 - (c) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting;
 - (d) in the case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are specified on the Map Tile Schedule and as detailed in Schedule 10 to this Order so as to be in accordance with those provisions

Power to suspend the use of a parking place

41. (1) The Council may suspend the use of a parking place or any part thereof for a period not exceeding twenty-eight days, whenever they consider such suspension is necessary for the purposes of maintaining the safety of any person or premises in the vicinity of that parking place.
- (2) At the expiration of the period of twenty-eight days specified in paragraph (1) of this Article, the suspension of the parking place or any part thereof, as the case may be, shall be reviewed by the person who suspended its use and any continuation of the suspension that they consider necessary shall be notified to the Council and shall not exceed a further period of twenty-eight days without similar review.
- (3) Any person duly authorised by the Council, may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary:
- (a) on any occasion on which it is likely, to be appropriate by reason of some special attraction or occurrence, on any street of Schedules 1 and 3.

- (b) for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications network or the placing, maintenance or removal of any traffic sign.
 - (c) to facilitate the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depository, another office or dwelling-house;
 - (d) for the purpose of facilitating filming on or near a road;
 - (e) to facilitate occupiers of premises adjacent to the parking place at all times when the essential vehicles of weddings or funerals, are reasonably expected or on any other occasion when it is authorised by the Council in writing and any conditions or requirements they may impose are being complied with.
- (4) On the suspension of the use of a parking place or any part of a parking place, in accordance with the provisions of this Article, the person authorised by the Council carrying out the suspension shall place or cause to be placed in or adjacent to that parking place or part of a parking place a traffic sign indicating that waiting by vehicles is prohibited
- (5) No vehicle shall wait in any parking place or any part of a parking place at any time during which there is displayed in or adjacent to that parking place or part of that parking place, a traffic sign placed in pursuance of paragraph (4) of this Article.

Provided that nothing in this paragraph shall apply:-

- (a) in respect of any vehicle being used for police, fire brigade or ambulance purposes or any vehicle which is waiting for any reason specified in Article 43 or
- (b) to anything done with the permission of the person suspending the use of the parking place or part of a parking place, in pursuance of paragraph (1) and (3) of this Article or by a police constable in uniform or a civil enforcement officer

Restriction on the use of a parking place

42. During the permitted hours, no person shall use any parking place or any vehicle while it is in a parking place in connection with the sale or offering or exposing for sale of goods to any person in or near the parking place or the selling or offering for sale of his skill or services in any capacity.

Exemption on waiting by a vehicle in a parking place

43. (1) Notwithstanding the foregoing provisions of this Order, any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and whenever the following circumstances apply:
- (a) a vehicle may wait for as long as may be reasonably necessary to enable a passenger to board or alight from the vehicle;

- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting necessary in order to avoid an accident;
 - (c) the vehicle is being used for emergency services e.g. fire brigade, ambulance, police or coastguard/RNLI purposes;
 - (d) the vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
 - (e) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of obstruction to traffic;
 - (f) the vehicle is waiting-
 - (i) while postal packets addressed to premises adjacent to the parking place are being unloaded and delivered; or
 - (ii) while postal packets are being collected for delivery from premises or post boxes adjacent to the parking place;
 - (g) any vehicle that is authorised by the Council to be able to offer and sell goods from a stationary vehicle on a pitch situated in the parking place;
 - (h) any vehicle which is waiting with the written consent of the Council and such conditions and requirements as they may impose are being complied with.
- (2) A vehicle waiting in a parking place by virtue of the provisions of paragraph (1) of this Article shall stand in accordance with the provisions of Article 40.
- (3) No charge specified in the provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the provisions of paragraph (1) of this Article

PART 10

VIRTUAL PERMIT PARKING

Virtual Permit Parking

- 44.** Virtual Permits are electronic forms of parking tickets or permits. To be valid the virtual permit must be registered on line and paid for through an account held with Southend-on-Sea Borough Council or its contractors.
- 45.** Once a virtual permit has been purchased there will be no requirement to display a parking ticket or permit in the vehicle. Civil Enforcement Officers download the information regarding which vehicles have paid onto the hand held computers they carry for enforcement purposes. The account holder will have the ability to manage their account online and are able to make changes instantaneously, such as the registration numbers permitted to park, without the need to contact the Council

PART 11 – VALIDITY

Validity

46. If a Court, or the Department for Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable; such declaration shall not invalidate the remainder of the Order.

DRAFT

THE COMMON SEAL of the **SOUTHEND-ON-SEA**

BOROUGH COUNCIL was pursuant to a resolution
of the Council hereunto affixed this day
of Two Thousand and Nineteen

in the presence of;-

Proper Officer of the Council

DRAFT

SCHEDULES

Schedule 1 – “Resident Permit Holder” parking places

Schedule 2 -Permit Eligibility

Schedule 3– Properties that are Eligible to apply for “Resident & Visitor” parking permits

Schedule 4 – Days and Hours of Operation

Schedule 5- Permit Parking Places

Schedule 6 – Maximum Number of Permits

Schedule 7 – Permit Charges

Schedule 8 – Index of Map Tiles

Schedule 1- "Resident Permit Holder" Parking Places

Wells Avenue	From its junction with Eastwoodbury Lane to its junction with Avro Road
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SCHEDULE 2 – PERMIT ELIGIBILITY

Residents Permit

Vehicles eligible for a Resident Parking Permit must be registered to a resident at an address within the Permit Parking Places (PPP) Zone. Proof of resident's particulars will need to be provided on application.

Residents having company vehicles and lease vehicles will require proof from their company/agent supporting the requirement for the vehicle to be parked at their address.

Visitors Permit

During the PPP hours of operation visitors vehicles displaying a valid visitors parking permit will be authorised to park in the designated residents parking area

All residents in the area are eligible to receive visitor permits even if they do not buy a residents permit.

Carers Permit

A Carer's Permit can be issued to a property (address) within the zone, but it must meet the following criteria.

The applicant must provide a letter from their doctor or care company, on their headed paper, stating that the applicant must receive either 24 hour care or continuous/daily care at their address due to their condition (the type of condition or disability need not be disclosed).

The letter replaces the need to provide a vehicle V5C (logbook) and insurance documents. The applicant must also send proof of residency, e.g. a utility or Council Tax bill etc, showing their name and address.

A Carer's Permit is not registered to a particular vehicle and may be used by different carers visiting the property concerned. Only one Carer's Permit can be issued to a property (address) and any property having a Carer's Permit is ineligible to apply for a Resident's Permit. A household having a carer's permit can still apply for visitors permits.

Permit Parking Places (PPP) parking permits are only valid for Wells Avenue (Zone WA) and would not be eligible for use elsewhere within the Borough

All vehicles parked in the area during the hours of operation must display a valid permit

SCHEDULE 3 – ROADS THAT ARE ELIGIBLE TO APPLY FOR RESIDENT, VISITORS OR CARERS PARKING PERMITS

All eligible properties in the following roads

<u>Permit Identifier</u>			<u>WA</u>
<u>Parking Management Scheme name</u>			<u>Wells Avenue</u>
<u>Permit road</u>	<u>Odd Numbers</u>	<u>Even Numbers</u>	<u>Flats Included</u>
Wells Avenue	5 - 123	8 - 108	14A

SCHEDULE 4 - DAYS AND HOURS OF OPERATION

PARKING PLACE	DAYS OF OPERATION	PRESCRIBED HOURS OF OPERATION
Resident, Visitor, & Carers Permit Parking Places	Daily inclusive, any such day not being Christmas Day or Good Friday	24 Hours Daily

SCHEDULE 5 – PERMIT PARKING PLACES:

Column 1	Column 2	Column 3
Parking places	Valid permits	Conditions for use in parking places
Resident permit holders only, permit parking areas	Resident Visitor Carers	Where the permit identifier on the permit corresponds to the identifier shown on the sign adjacent to any parking place identified here in Column 1 and shown in the Map Tile label for those parking places in the Map Schedule.

SCHEDULE 6 – MAXIMUM NUMBER OF PERMITS

Residents Permit

Each household situated within the Permit Parking Places Zone can purchase a maximum of 4 resident parking permits per year.

Visitors Permit

Maximum 5 books per year

Carers Permit

A Carer's Permit can be issued to a property (address) within the zone. One permit can be issued subject to the criteria being met (as detailed in Schedule 2)

SCHEDULE 7 – PERMIT CHARGES

Residents Permit

Valid for use in the roads specified in Schedule 1. Permits can only be purchased as an annual ticket valid for 12 months from the date of issue.

Carer's Permit

Valid for use in the roads specified in Schedules 1. Permits can only be purchased as an annual ticket valid for 12 months from the date of issue.

Visitors Permit

Valid for use in the roads specified in Schedules 1. Visitor permits can only be purchased as a book of 20 daily vouchers costing £5 per book.

Residents	Carers	Visitors
1 st Permit - £15		
2 nd Permit - £25	1 Permit - £15	Cost £5 per Book
3 rd Permit - £50		
4 th Permit - £75		

SCHEDULE 8 – INDEX OF MAP TILES

Map Tile Numbers J14, J15, K15 will be updated.