

THE NORTH YORKSHIRE COUNCIL

(HARROGATE, KNARESBOROUGH, PANNAL AND BURN BRIDGE) (PARKING AND WAITING) **(NO 52) ORDER 2023**

The North Yorkshire Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1), 2(1) to (3), 4(2), 32(1) and 35(1) of the Road Traffic Regulation Act 1984 ("the 1984 Act") and Part IV of Schedule 9 to the 1984 Act and under 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 make the following Order:-

PART I **GENERAL**

1. (1) When used in this Order each of the following expressions has the meaning assigned to it below:-

"Carriageway" means that part of the Road over which the public have right of way for the passage of Motor Vehicles and excludes any way over which the public have right of way on foot only;

"Charge certificate" means the statement that the Penalty charge has been increased in accordance with Regulation 21 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Civil Enforcement Officer" means any officer of the Council who is duly authorised in writing in that behalf (from time to time) by the Council to enforce the provisions of this Order pursuant to Section 76 of the 2004 Act and Section 63A of the 1984 Act;

"Column" means a Column in a Schedule or Part of a Schedule referred to or last referred to;

"Cycle Track" has the same meaning as in Section 329 of the Highways Act 1980;

"Delivering" and or "collecting" in relation to any Goods includes checking the Goods for the purpose of their delivery or collection;

"Disabled Person" means a person who holds a Disabled Persons' Badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682) (and in particular Regulation 4 thereof) or any re-enactment thereto;

"Disabled Person's Badge" means a badge issued in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended) (in particular Regulation 11 and the Schedule thereto) or under regulations having effect in Scotland and Wales under Section 21(1)(b) of the Chronically Sick and Disabled Persons Act 1970 as referred to currently by the Local Authorities Traffic Orders (Exemptions for Disabled) (England) Regulations 2000 (No. 683) or any subsequent further re-enactments thereof;

"Disabled Person's Vehicle" means a vehicle driven by a Disabled Person as defined in Regulation 4(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682);

"Goods" shall mean items of any description which cannot easily be carried by one person and do not include Goods that are not pre-ordered, shopping, small fragile Goods or cash or other valuable securities which are being collected or delivered from a bank/building society (except in the case of security company collections);

"Goods Vehicle" means a Motor Vehicle constructed or adapted for the carriage or haulage of Goods or burden of any description (other than the effects of passengers) or a Trailer so constructed or adapted whether or not such Trailer may by superimposition be attached to the Motor Vehicle in such a manner as to cause a substantial part of its weight to be borne by the Motor Vehicle;

OFFICIAL

“Heavy Commercial Vehicle” has the same meaning as in Section 138 of the 1984 Act and which has an operating weight exceeding 7.5 tonnes;

“Heavy Goods Vehicle” means a Goods Vehicle with a maximum gross weight exceeding 7.5 tonnes which is constructed or adapted to carry or haul Goods of any description or which is fitted with a special appliance, plant, machinery or apparatus, such appliance plant machinery of apparatus being included in the weight or, for the purposes of this Order, a ‘Heavy Commercial Vehicle’ as defined in Section 138 of the 1984 Act;

“Higher level contraventions” are as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

“Junction” means, unless otherwise indicated in this Order, the intersection of the general alignment of the boundaries of two road kerblines or projected kerblines of roads;

“Length” referring to a Road means a length of road described in a Schedule;

“Loading” and/or “Unloading” means when a Motor Vehicle stops to load or unload Goods and “Loaded” and “Unloaded” shall be construed accordingly;

“Lower level contraventions” means all parking contraventions which are not Higher level contraventions as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

“Motor Car” shall mean and include any mechanically propelled vehicle not being a Motor Cycle or an Invalid Carriage, which is constructed itself to carry passengers of which the weight unladen does not normally exceed 3500 kilograms subject always to the inclusion of the extended meaning to this term given in Section 136 of the 1984 Act (and whether or not it is being used for business purposes);

“Motor Cycle” and “Invalid Carriage” have the same meanings respectively as in Section 136(4) of the 1984 Act;

“Motor Vehicle” means any class of mechanically propelled vehicle including Motor Cycles, Motor Cars, Goods Vehicles and car derived vans, and shall bear the extended definition given thereto in Sections 136 and 137 of the 1984 Act (but shall not include any Heavy Commercial Vehicle as defined in Section 138 of the 1984 Act) (and whether or not it is being used for business purposes). Where reference is made to vehicle or Motor Vehicle in the Order these terms shall be deemed to have the same meaning and be interchangeable and to be interpreted accordingly;

“Officer” means an Officer of the Council duly authorised for any purpose;

“Owner” in relation to a Motor Vehicle means the person by whom such Motor Vehicle is kept and used;

“Paragraph” means a paragraph of the Article in which the word appears unless otherwise stated;

“Parking Disc” means, in relation to Article 4(2) of this Order, a device which:-

- (i) is 125 millimetres square and coloured blue, if issued on or after 1st April 2000, or orange if issued before that date;
- (ii) has been issued by a local authority and has not ceased to be valid;
and
- (ii) is capable of showing the quarter-hour period during which a period of waiting has begun;

“Penalty charge” means a charge set by the Council in accordance with charges set by

the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 28 days beginning with the date of service endorsed upon the Penalty charge notice in the manner set out in the Penalty charge notice;

“Penalty charge notice” means a notice issued or served by a Civil Enforcement Officer or posted by the Council pursuant to the provisions of Section 78 of the 2004 Act and The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Post Office” and any reference to “post office vehicle” or “postal packets” shall be construed in the context of the Postal Services Act 2000 and the Postal Services Act 2000 (Consequential Modifications to Local Enactments No. 1) Order 2001 (SI No. 2001/648) and shall include therefore references to “universal service providers”, as the context shall require;

“Quarter-hour period” means a period of quarter of an hour starting at any hour or fifteen, thirty or forty-five minutes past the hour which can be shown on the Parking Disc;

“Reduced penalty charge” means a charge set by the Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 14 days following the date of service endorsed upon the Penalty charge notice in the manner set out in the Penalty charge notice;

“Registered keeper” means:-

- (a) the person whose name appears in the Motor Vehicle registration document or book of the Motor Vehicle in whose name the vehicle is registered, or
- (b) a person who has the permanent use of the Motor Vehicle vested in the name of his employer, or in the case of a leased Motor Vehicle in the name of the leasing company;

“Relevant Position” means:-

- (a) in relation to a Disabled Person’s Badge (in conformity with Regulation 12 of SI 2000 No. 682 referred to above), if
 - (i) the badge is exhibited on the dashboard or fascia of the vehicle, or
 - (ii) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle,so that the front of the badge is clearly legible from the outside of the vehicle;
- (b) in relation to a Parking Device or Parking Disc (in conformity with Regulation 4 of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (SI 2000 No. 683)):-
 - (a) the disc is exhibited on the dashboard or fascia of the vehicle; or
 - (ii) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle,

so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle.

“Road” means the full width of the highway including the carriageway and footway and any other Road to which the public has access and includes bridges over which a Road passes;

“Service” or “Served” in respect of a Penalty charge notice means the forms of service specified in regulations 9 and 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any amendment or re-enactment thereof;

“Secretary of State” means the Secretary of State for Transport;

“the 1984 Act” means the Road Traffic Regulation Act 1984;

“the 2016 Regulations” means the Traffic Signs Regulations and General Directions 2016 (SI 2016/362);

“the 2004 Act” means the Traffic Management Act 2004;

“Verge” means any part of a Road which is not a carriageway, footway or lay-by.

- (2) Except where otherwise stated, any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order, and any reference in this Order to a Schedule is a reference to a Schedule bearing that number in this Order.
2. For the purposes of this Order any reference to a length of Road shall be construed as a reference to the length specified in Column 4 of Schedule 1 to this Order of the side or sides of Road specified in respect of that length in Column 3 thereof in relation to the Road named in respect of that side or those sides in Column 2 of that Schedule.

PART II **PROHIBITION AND RESTRICTION OF WAITING**

3. Save as provided in Article 4 of this Order no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause or permit any Motor Vehicle to wait at any time in any length of Road specified in Schedule 1 to this Order.

Exemptions

4. (1) Nothing in Article 3 of this Order shall render it unlawful to cause or permit any Motor Vehicle to wait during the hours prescribed in the said Article 3 in any length of Road specified in Schedule 1 to this Order for so long as may be necessary to enable:-
- (a) a person to board or alight from the Motor Vehicle;
 - (b) Goods to be Loaded on or Unloaded from the Motor Vehicle; or
 - (c) the Motor Vehicle if it cannot conveniently be used for such purposes in any other Road 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 length of Road specified in the said Schedule;
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to any of the said lengths or sides of Road of any sewer or of any main, pipe, cable or apparatus for the supply of gas, water or electricity or of any electronic communications network or electronic communications service as defined in Schedule 3A and Section 32 of the Communications Act 2003; or
 - (v) a vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000 at or from premises fronting any length of Road specified in the said Schedule.
 - (d) the Motor Vehicle if it cannot conveniently be used for such purpose in any other

Road to be used in the service of a local authority or a water authority for the purpose of the performance of the statutory functions of such authority;

- (e) the Motor Vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to any length of Road specified in the said Schedule;
 - (f) the Motor Vehicle to wait at or near to any premises situated on or adjacent to the length of Road specified in the said Schedule for so long as is reasonably necessary to enable the vehicle to be used for or in connection with the purposes of any wedding or funeral taking or to take place from or at any such premises,
 - (g) the Motor Vehicle to be used for Fire Brigade, Ambulance or Police purposes, or
 - (h) the Motor Vehicle to be Loaded or Unloaded whilst actually in 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.
- (2) Nothing in Article 3 of this Order shall render it unlawful to cause or permit a Disabled Person's Vehicle which displays in the Relevant Position a Disabled Person's Badge whilst such Motor Vehicle is being used by or for the convenience of a Disabled Person and a Parking Disc (on which the Driver or other person in charge of the Motor Vehicle has marked the time at which the period of waiting began) to wait in any length of Road referred to in that Article during the hours prescribed in that Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same Motor Vehicle in the same length of Road on the same day).

PART III

AUTHORISATION AND USE OF PARKING PLACES

Disc Parking Zones with exemptions for parking permits

- 5 Each of the lengths of Road or sides of Road as specified in Part I of Schedule 2 are authorised to be used, subject to the following provisions of this Order, as a Parking Place during the Operative Hours for Motor Vehicles having an unladen weight of not more than 3500Kgs within the positions marked for them and shall be a Parking Place.

Limitations on Waiting in a Parking Place

6. (a) The Driver of a Motor Vehicle shall not permit it to wait in a parking place on any of the lengths of Road specified in Schedule 2 to this Order during the Operative Hours unless it is of the class of Motor Vehicle specified in Article 5 of this Order and in such a position as specified.
- (b) For the avoidance of doubt, the Driver of a Motor Vehicle shall not permit it to wait in any Parking Place specified in Schedule 2 unless the Motor Vehicle is positioned wholly within the limits of the Parking Place as indicated by the markings on the Carriageway, and no part of it, whilst so parked, projects over, on to or straddles any marking placed within that Parking Place.

Setting of Parking Discs

7. (a) Subject to the provisions of Article 11, the Driver shall, on the arrival of the Motor Vehicle at any Parking Place specified in Part I of Schedule 2 during the Operative Hours exhibit on the Motor Vehicle in accordance with the following provisions of this Article a Parking Disc;
- (b) The Parking Disc shall be exhibited on the Motor Vehicle in the Relevant Position;

- (c) The Parking Disc, while exhibited on the Motor Vehicle, shall so be placed that the arrival time shown on the front of the Parking Disc is clearly visible to a person standing at the near side of the Motor Vehicle;
 - (d) The Driver of a Motor Vehicle shall, on exhibiting the Parking Disc on the Motor Vehicle in accordance with the provisions of the last preceding Article, set the Parking Disc so that it indicates the Quarter Hour Period during which the Motor Vehicle arrived at the Parking Place;
 - (e) When a Parking Disc exhibited in pursuance of this Part of this Order is showing an exact quarter hour, then that time, or where the indicated time of arrival is not shown as an exact quarter hour, then the next Quarter Hour Period indicated on a Parking Disc, as the case may be, shall be treated as evidence that the Motor Vehicle has been waiting in that Parking Place since that time, in any proceedings for a contravention of Article 9 of this Order.
 - (f) Where in any proceedings for a contravention under Articles 8 and 9 of this Order, it is not proved that the contravention has been committed, but it is proved that the Parking Disc had not been set in accordance with paragraph (d) of this Article, the Owner shall be deemed to have contravened the provisions of Article 9 of this Order;
 - (g) In any proceedings for a contravention under Paragraph (d) of this Article or Article 8 and 9, it shall be assumed, unless contrary is shown, that the Parking Disc mentioned is an approved device.
8. No person shall:-
- (a) set the Parking Disc otherwise than in accordance with Article 7 of this Order; or
 - (b) alter the Parking Disc (or the indications given therein) exhibited on a Motor Vehicle which has been set in accordance with Article 7 whilst the said Motor Vehicle remains in the Parking Place; or
 - (c) knowingly exhibit on any Motor Vehicle any Parking Disc which has been otherwise altered, defaced, mutilated, or added to or upon which the figures or particulars have become illegible.
9. The Driver of a Motor Vehicle specified in Article 5 shall not permit it to wait continuously in any Parking Place set out in Column 3 to Part I of Schedule 2 within the Zone defined in Column 1 of Part I of Schedule 2 to this Order on such days and during the Operative Hours as are specified in relation to that zone reference or length or side of Road in Columns 2 and 3 of Part I of Schedule 2 for not longer than the period specified in Column 6 of part I of Schedule 2.
10. When a Motor Vehicle has left a Parking Place in any of the lengths of Road specified in Column 3 of Part I of Schedule 2 to this Order, within the Zone specified in Column 1 of Part I of Schedule 2 after waiting thereon, the Driver thereof shall not within that same day after its leaving that Parking Place permit it to wait again in any of the Parking Places specified in Column 3 of Part I of Schedule 7 to this Order, within that same Zone specified in Column 1 of Part I of Schedule 2, or in any of the Parking Places specified in Column 3 of Part I of Schedule 40 to "North Yorkshire County Council (Harrogate, Knaresborough, Pannal and Burnbridge) (Parking and Waiting) (No.16) Order 2013", within that same Zone specified in Column 1 of Part I of Schedule 40 to the 2013 Order, or Column 3 of Part I of Schedule 8 to "North Yorkshire County Council (Harrogate, Knaresborough, Pannal and Burnbridge) (Parking and Waiting) (No.20) Order 2015", within that same Zone specified in Column 1 of Part I of Schedule 8 to the 2015 Order.
11. (a) The Driver of a two wheeled Motor Cycle not having a side car attached shall be exempt from the provisions of Articles 6 to 7 of this Order.
- (b) The following Motor Vehicles left in a parking place on any of the lengths of Road specified in Schedule 6 and Part I of Schedule 2 to this Order during the Operative Hours shall be exempt from compliance with any limitation of time during when a Motor Vehicle may be left in such an Authorised Parking Place or Parking Place specified in the

foregoing provisions of this Order:-

- (i) an Invalid Carriage;
- (ii) a Motor Vehicle issued to a Disabled Person by the Department of Health and Social Security in lieu of an Invalid Carriage;
- (iii) a Motor Vehicle left by the Driver thereof, who is a person who on account of his severe physical disability has been given a notice in writing by the Council that he is exempt from any such compliance, if the notice is displayed on the Motor Vehicle in a conspicuous position;
- (iv) a Disabled Person's Vehicle which displays in the Relevant Position a Disabled Person's Badge having effect as if it were a Disabled Person's Badge;
- (v) a Motor Vehicle left by the Driver thereof being a Motor Vehicle which bears in a conspicuous position a Permit issued by the Director of Development Services at the Harrogate Borough Council, or a certificate signed by the Area 6 Highways Manager of the Council stating that the Motor Vehicle is exempted under this provision.
- (vi) a Motor Vehicle left by the Driver thereof being a Motor Vehicle which displays in the Relevant Position a Valid Permit specific to the Zone reference number in which the Motor Vehicle is parked, except where the Permit applies to all Zones.
- (vii) a Motor Vehicle left by the Driver thereof being a Motor Vehicle which displays in the Relevant Position a Monthly Season Ticket specific to the street in which the Motor Vehicle is parked.

Indication of Parking Places and Signage

12. It is hereby declared that (for the avoidance of doubt) that the Council shall (in its sole discretion) have the power to carry out the following actions, namely:-
- (a) to cause the limits of each and any Parking Place designated by this Order to be indicated on the Carriageway by placing and maintaining thereon Traffic Signs of any size colour and type prescribed or authorised under Section 64 of the 1984 Act;
 - (b) to place and maintain on or in the vicinity of each such Parking Place, Traffic Signs of any size colour and type prescribed or authorised under Section 64 of the 1984 Act indicating that such Parking Place may be used during the prescribed hours for the leaving of Motor Vehicles only as specified in this Order; and
 - (c) to carry out such work as is reasonably required for the purposes of the satisfactory operation of these Parking Places.

Powers to Suspend Use of Parking Places

13. Any Civil Enforcement Officer or other person duly authorised by the Council may suspend the use of any Parking Place or any part thereof whenever he or she considers such suspension reasonably necessary as follows:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the erection, maintenance or removal of any Traffic Sign adjacent to that parking place;
 - (c) for the purpose of any building operation, demolition or excavation in or adjacent to any Parking Place or the maintenance improvement or reconstruction of any such Parking Place or the laying erection alteration removal 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 telegraphic line or Traffic Sign;
 - (d) for the cleansing of gullies in or adjacent to that Parking Place;

- (e) for the convenience of occupier of premises adjacent to any Parking Place on any occasion of the removal of furniture from one dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (f) on any occasion of any public procession rejoicing or illumination, or where the Roads are thronged or liable to be obstructed.
14. Without prejudice to the generality of any other statutory provision, a Police Constable in uniform May suspend for not longer than 24 hours the use of any parking place or any part thereof designated by this Part of this Order whenever he or she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

Traffic Signs and Cones

15. Any Civil Enforcement Officer, Police Officer or other authorised person who causes suspension of the use of any parking place or any part thereof in accordance with Articles 13 and 14, shall thereupon place or cause to be placed in or adjacent to that Parking Place or the part thereof, the use of which is suspended, a Traffic Sign or cone indicating that waiting by Motor Vehicles is prohibited.
16. No person shall cause or permit a Motor Vehicle to be left in any part of any Parking Place so long as during such period there is in or adjacent to that Parking Place a Traffic Sign or cone placed in pursuance of Articles 13 to 15 of this Order.
17. Nothing in Article 16 shall render it unlawful to cause or permit a Motor Vehicle to wait in a Parking Place suspended in accordance with Articles 13 to 15 if the Motor Vehicle:
- (a) is being used for a purpose specified in Article 13; or
 - (b) is waiting with the permission of:
 - (i) the person suspending the use of the Parking Place or part thereof in pursuance of Article 15; or
 - (ii) a Police Constable in Uniform, traffic warden, Civil Enforcement Officer or the Parking Service Manager.

Further Conditions on the Use of Parking Places

18. The Driver of a Motor Vehicle using a Parking Place on any of the lengths of Road specified in Schedule 2 to this Order shall stop the engine as soon as the Motor Vehicle is in position in the Parking Place and the engine shall not be started except when the position of the Motor Vehicle in the Parking Place is about to be changed or the Motor Vehicle is about to depart from the Parking Place.

Prohibition on Use of Parked Vehicles for Offer of Sale of Articles, Goods or Services

19. No Motor Vehicle shall be used while it is in a Parking Place in the 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 the skill or services of any person.

Powers to remove vehicles in Parking Places

20. (a) Where a Penalty Charge is payable under Article 32, a Civil Enforcement Officer may, subject to Sections 99 and 100 of the 1984 Act, remove or arrange for the removal of that Motor Vehicle in accordance with Regulation 5A of the Removal and Disposal of Vehicles Regulations 1986, as amended by The Removal and Disposal of Vehicles (England) (Amendment) Regulations 2002.
- (b) Where a Motor Vehicle has been removed from a Road in accordance with paragraph (a) the Council shall be entitled to recover from any person responsible for that Motor Vehicle such charges in respect of the removal, storage and disposal of the Motor Vehicle in accordance with Section 102 of the 1984 Act.

21. No person shall, except with the permission of a Police Constable, Civil Enforcement Officer or other person duly authorised by the Council in that behalf, drive or permit to be driven any Motor Vehicle in a Parking Place for any purpose other than for the purpose of leaving that Motor Vehicle in the Parking Place in accordance with the provisions of this Order or for the purposes of departing from the Parking Place.

Exemptions

22. Nothing in the foregoing provisions of this Part of the Order shall apply to a Motor Vehicle waiting during the Operative Hours in a Parking Place if:-
- (a) the Motor Vehicle if it cannot conveniently be used for such purposes in any other Road to be used in connection with any of the following operations:-
 - (i) building, industrial or demolition operations
 - (ii) Goods to be Loaded on or Unloaded from the Motor Vehicle; or
 - (iii) the removal of any obstruction to traffic
 - (iv) the maintenance, improvement or reconstruction of any length of Road specified in Schedule 2;
 - (v) the laying, erection, alteration or repair, in or in land adjacent to, any length of Road specified in Schedule 2 of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984; or
 - (vi) the delivery or collection of Postal Packets as defined in Section Section 125(1) of the Postal Services Act 2000 at or from premises fronting any length of Road specified in Schedule 2.
 - (b) the Motor Vehicle is waiting only so long as is necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (c) the Motor Vehicle is waiting only for so long as is necessary to enable a person to board or alight from the Motor Vehicle or to load thereon or unload his personal luggage;
 - (d) the Motor Vehicle is waiting owing to the Driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
 - (e) the Motor Vehicle is a Motor Vehicle being used for Fire Brigade purposes or Ambulance or a Motor Vehicle (other than a Passenger Vehicle) in the service of a local authority or a Motor Vehicle in the service of a Police Force or statutory undertaking in any case being used in pursuance of statutory powers or duties which require the Motor Vehicle to be close at hand for the purpose of such statutory powers or duties;
 - (f) the Motor Vehicle to wait at or near to any premises situated on or adjacent to any length of Road specified in the Schedule 2 for so long as is reasonably necessary to enable the Motor Vehicle to be used for or in connection with the purposes of any wedding or funeral taking or to take place from or at any such premises;
 - (g) For the avoidance of any doubt it is hereby declared that any Goods Vehicle or Heavy Commercial Vehicle is prohibited to wait in any of the Parking Places specified in Schedule 2 of this Order.

PENALTY CHARGE AND PAYMENT

23. Where a Motor Vehicle:-
- (d) waits, parks or is left on a Road in contravention of the foregoing provisions of this Order or otherwise contravenes or fails to comply with the provisions of this Order, insofar as it relates to a Motor Vehicle waiting, parking or being left on a Road; or
 - (e) waits, parks or is left on a Road in contravention of any other Traffic Regulation Order the provisions of which are not consolidated into this Order or fails to comply with the provisions of any such Order insofar as it relates to a vehicle waiting, parking or being left on a Road; or
 - (f) parks in contravention of the provisions of Sections 19 or 21 of the Road Traffic Act 1988 (prohibition of parking of HGVs on Verges, central reservations and footways and driving or parking on Cycle Tracks),
- a Penalty charge shall be payable by the Owner for each day of the said contravention or non-compliance.
24. The Penalty charge or Reduced penalty charge shall be in the sum of the following amounts:-
- (a) The Penalty charge - Band 2 as set out in Section 1 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 subject to payment being received by the Council as provided in Article 10 within 28 days beginning with the date of service of the Penalty charge notice.
 - (b) The Reduced penalty charge - a 50 per cent reduction of the Penalty charge subject to payment being received by the Council as provided in Article 11 within 14 days beginning with the date of service of the Penalty charge notice.
 - (c) On the issue of a Charge certificate in accordance with the provisions of Regulation 21 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 to the effect that the Penalty charge in question is increased by 50 per cent.
25. Service of a Penalty charge notice or Charge certificate by post is deemed effective on the second working day after the day of posting.
26. In the case of a Motor Vehicle in respect of which a Penalty charge is payable under Article 5 a Penalty charge notice, which shall comply with the requirements of Regulation 9 and the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, may be issued by a Civil Enforcement Officer and may accordingly be affixed to the Motor Vehicle in a conspicuous position or given to the person appearing to be in charge of the vehicle.
27. In the case of a Motor Vehicle in respect of which a Penalty charge is payable under Article 5 a Penalty charge notice, which shall comply with the requirements of Regulation 10 and the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, may be issued by post by the Council if the Owner of the vehicle drives the vehicle away before the Civil Enforcement Officer has issued a Penalty charge notice or the Civil Enforcement Officer has been prevented from issuing a Penalty charge notice.
28. Payment of the Penalty charge to the Council shall be paid by electronic transfer, cash or by credit card or debit card, cheque or postal order in each case crossed and made payable to The North Yorkshire Council which shall be delivered or sent by post so as to reach the relevant Department/ Office of the Council as stated on the Penalty charge notice not later than 4:30pm, within 28 days beginning with the date of service of the Penalty charge notice, but should the said Council Department/Office be closed on that day, the period for receiving payment may be extended until 4:30pm on the next full working day. Payment may also be made in person or by phone as detailed on the Penalty charge notice.
29. Payment of the Reduced penalty charge to the Council shall be paid by electronic transfer, cash or by credit card or debit card, cheque or postal order in each case crossed and made payable to The North Yorkshire Council which shall be delivered or sent by post so as to reach the relevant Department/Office of the Council as stated on the Penalty charge notice not later than 4:30pm,

within 14 days beginning with the date of service of the Penalty charge notice, but should the said Council Department/Office be closed on that day, the period for receiving payment may be extended until 4:30pm on the next full working day. Payment may also be made in person or by phone as detailed on the Penalty charge notice.

30. The particulars given in the Penalty charge notice attached to a vehicle, given to the person appearing to be in charge of the vehicle or issued by post by the Council in accordance with Articles 5-11 shall be treated as evidence in any proceedings relating to failure to pay such Penalty charge.

PART V **ISSUE AND DISPLAY OF PERMITS**

Entitlement

- 31 . (a) The Council shall issue Permits of the following types to persons and users qualifying under Column 2 of Part II of Schedule 2 up to the maximum qualifying under Column 2 of Part II of Schedule 2 up to the maximum number and limitations set out in Column 3 of that Schedule and such Permits shall be valid subject to the provisions of this Order when displayed on vehicles of a class permitted by Articles 5 to 6 in the Parking Places specified in Column 3 of Part I of Schedule 2:-

(b) Household Permit

Additional Household Permit

Residents' Guest Permit

Multiple Occupancy Household Permit

Guest House Permit

Business Permit

Discretionary Permit

Medical Permit

Attendance Permit

(c) A Permit does not reserve any part of a parking place for the use of a Permit Holder.

Applications for Permits and Authorisation Cards

32. (a) Permits
- (i) Any person entitled to a Permit under Article 31 and Part II of Schedule 2 may apply to the Council for the issue of a Permit 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 the Council.
- (ii) The Council may at any time require a Permit Holder or applicant for a Permit to produce to an Officer such evidence in respect of an application made to them for Permit as they may reasonably require to verify any particulars or information given to them and pending receipt of such information and approval or rejection of the application may issue a temporary permit ("temporary permit") of such nature and duration as the Director of Technical Services shall consider fit and such temporary permit shall be a Valid Permit until it is withdrawn or expires.
- (iii) On receipt of an application duly made under the foregoing provisions of this Article, the Council, upon being satisfied that the applicant is a person entitled to a Permit or Permits under Article 31 and Part II of Schedule 2 shall, subject to the provisions of this Order, issue to the applicant a Permit or Permits of the

type and for the Zone or Zones for which the application is approved.

- (iv) The Council has no obligation to issue a Permit until the fee specified in relation to the type of Permit to be issued as stated in Part III of Schedule 2 has been paid by the person stated therein to be entitled to such Permit but the Council may issue any Permit (other than a Residents' Guests' Permit or a Guest House Permit) for a period of a year ("the Annual Period").
- (v) Where any application for a Permit is made during the currency of the Annual Period the Council may issue a Quarterly Permit at one quarter of the rate specified in Part III of Schedule 2 to expire three, six or nine months before the expiry of the Annual Period ("the Quarterly Period") provided that any Quarterly Permit issued two weeks or less before the expiration of a Quarterly Period shall expire at the end of the following Quarterly Period.
- (vi) Upon surrender of a Permit issued for an Annual Period the Council shall remit 75%, 50% or 25% of the fee paid if it is surrendered during the first, second or third Quarterly Periods respectively.

(b) Authorisation Cards

- (i) For the purpose of the issue of Residents' Guests' Permits under Article 31 and Part II of Schedule 2 the Council shall issue one Household Authorisation Card for a Zone to an applicant provided the applicant is entitled to a Household Permit or a Multiple Occupancy Household Permit and does not hold a Discount Authorisation Card.

For the purpose of the issue of Residents' Guests' Permits under Article 31 and Part II of Schedule 2 the Council shall issue one Discount Authorisation Card for a Zone to an applicant provided the applicant is entitled to a Household Authorisation Card but has not acquired one and is:

- (a) over retirement age; or
 - (b) a registered disabled person; or
 - (c) in receipt of Income Support or Unemployment Benefit.
- (iii) For the purpose of the issue of Guest House Permits under Article 31 and Part II of Schedule 7 the Council shall issue a Guest House Authorisation Card to the Proprietor of a Guest House or small Hotel which is registered as such with a body approved by the Council for that purpose and which is wholly located within a Zone except where the premises are registered with more than sixty bedrooms.
 - (iv) Articles 32(a), 33, 34 and 35 shall apply to Authorisation Cards as though they were Permits and references in those Articles to Article 31 and Part II of Schedule 2 shall be construed as a reference to this Article 32(b) and Article 32(a), (v) and (vi) shall not apply to a Household Authorisation Card.

Withdrawal and Validity of Permits

33. (a) Withdrawal

- (i) A 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 one of the events set out in paragraph (a)(ii) or (b)(i)(a) or (b).

- (ii) The Council may, by notice in writing served on a Permit Holder by sending the same by the recorded delivery service to the Permit Holder at the address shown by that person on the application for the Permit or at any other address believed to be that person's place of abode, withdraw a Permit if The Director of Development Services believes that:
- (a) the Permit Holder is no longer qualified under Article 31 and Part II of Schedule 2; or
 - (b) the Permit Holder has used or permitted the use of a Permit in contravention of the provisions of this Order; or
 - (c) the Permit has otherwise ceased to be valid
- and in such cases the Permit Holder shall surrender the Permit so that it is received by the Council within 72 hours of the receipt of the aforementioned notice.
- (b) the Permit has otherwise ceased to be valid
- and in such cases the Permit Holder shall surrender the Permit so that it is received by the Council within 72 hours of the receipt of the aforementioned notice.

(b) Validity

- (i) A Permit shall cease to be valid:
- (a) if the Permit Holder is no longer qualified under Article 31 and Part II of Schedule 2; or
 - (b) where a Permit is issued in respect of a particular vehicle and the Permit Holder ceases to be the Owner of that vehicle; or
 - (c) other than in the case of a Residents' Guests' Permit or Guest House Permit if the expiry date of that Permit has passed; or
 - (d) in the case of a temporary permit, if the Council rejects the application which forms the basis for the grant of the temporary permit

and the Permit Holder shall surrender the Permit so that it is received by the Council within 72 hours of the occurrences mentioned in (b)(i)(a) or (b) of this paragraph.

- (ii) A Permit is not valid for a Parking Place other than one situated within the Zone the reference number of which as designated within Part IV of Schedule 7 is marked on the Permit.
- (iii) A Permit is not valid for a Parking Place if it does not bear the vehicle registration number for which it is displayed.
- (iv) A Residents' Guests' Permit and Guest House Permit come into effect on the earliest date exposed on that Permit and expire at noon on the day after the earliest date exposed on the Permit.
- (v) Without prejudice to any other provision of this Order a Permit shall not be valid in the circumstances set out in Column 5 of Part II of Schedule 2.
- (vi) Where a date has been entered or exposed on any Permit any alteration or obliteration of that date will render the Permit invalid.

Duplicate Permits

34. (a) If a Permit other than a Residents' Guests' Permit or Guest House Permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or

the colour of the Permit has become altered by fading or otherwise or if a Permit is issued in respect of a particular vehicle and the Permit Holder wishes to transfer it to another vehicle, the Permit Holder shall surrender it to the Council and the Council, upon receipt of the Permit, shall issue a duplicate Permit so identified.

- (b) If a Permit other than a Residents' Guests' Permit or a Guest House Permit is lost or destroyed the Permit Holder may apply to the Council for the issue of a duplicate and the Council upon being satisfied as to the loss or destruction shall upon payment of the fee specified in Part III of Schedule 2 issue a duplicate Permit so identified.
- (c) The provisions of this Order shall apply to a duplicate Permit as if it were a Permit.
- (d) Upon the issue of a duplicate Permit the permit which it duplicates shall become invalid.

Form of Permit

- 35. A Permit shall be in writing and shall include such particulars and be of such design as the Council may from time to time consider desirable but shall state one of the Zone numbers set out in Column 2 of Part I of Schedule 2.
- 36. A Permit is non transferable and does not have any effect outside the Zone number specified on that Permit.

Display of Permit

- 37. At all times during which a Motor Vehicle is left in a Parking Place during the Operative Hours the Permit shall be exhibited on the Motor Vehicle in the Relevant Position so that all such particulars referred to in Article 35 are clearly visible from the front of the Motor Vehicle.
Removal of Permit
- 38. A person, shall not remove a Permit from a vehicle unless authorised to do so by the Driver of the vehicle.

PART VI **REVOCATION OF EXISTING ORDERS**

- 39. The Traffic Regulation Orders specified in Column 1 of Schedule 3 to this Order are hereby revoked to the extent specified in Column 2 of that Schedule, and to the extent that the provisions of this Order are inconsistent with, or incompatible with, the provisions of any other Order, Byelaws or enactment relating to traffic regulation in Harrogate, Knaresborough, Pannal and Burn Bridge area not specifically referred to in Schedule 3, the provisions of this Order shall prevail for all purposes.

PART VII **OPERATION OF THE ORDER**

- 40. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any Order or regulations made or having effect as if made under the Act or by or under any other enactment.
- 41. This Order shall come into operation on [date of operation TBC] and may be cited as "The North Yorkshire Council (Harrogate, Knaresborough, Pannal and Burn Bridge) (Parking and Waiting) (No. 52) Order 2023"

WAITING PROHIBITED AT ALL TIMES WITH EXEMPTIONS

<u>Column 1 Item</u>	<u>Column 2 Road</u>	<u>Column 3 Side</u>	<u>Column 4 Length</u>
1	Cold Bath Road (U167), Harrogate	West	From a point 40 metres south of its junction with West Cliffe Grove to a point 12 metres north of its junction with West Cliffe Grove.
2	Cold Bath Road (U167), Harrogate	West	From a point 12 metres south of its junction with Cold Bath Place to a point 4 metres north east of its junction with Artisan Street.
3	Harlow Oval (U338), Harrogate	South west/ south	From a point 15 metres south east of its intersection point of the south western and southern kerb lines fronting No.3a Harlow Oval for a distance of 27 metres in a westerly direction.
4	Richmond Avenue (U625), Harrogate	South west	From its intersection point with the south east kerb line of Pannal Ash Road for a distance of 22.8 metres in a south easterly direction.
5	Richmond Avenue (U625), Harrogate	South west	From a point 63.5 metres south east of its intersection point with the south east kerb line of Pannal Ash Road to a point 110 metres south east of its intersection point with the south east kerb line of Pannal Ash Road.
6	Victoria Road (U253), Harrogate	West	From its junction with Esplanade to a point 30.4 metres south of its junction with Esplanade.
7	Victoria Road (U253), Harrogate	West	From a point 60 metres south of its junction with Esplanade to a point 108.2 metres south of its junction with Esplanade.
8	Victoria Road (U253), Harrogate	West	From a point 124 metres south of its junction with Esplanade to a point 130.8 metres south of its junction with Esplanade.
9	Victoria Road (U253), Harrogate	West	From a point 142 metres south of its junction with Esplanade to a point 211 metres south of its junction with Esplanade.

SCHEDULE 2 – PART I

DISC PARKING ZONES - RESIDENTS PRIORITY PARKING EXEMPTIONS

Parking Places

<u>Column 1</u> <u>Zone</u>	<u>Column 2</u> <u>Zone Number</u>	<u>Column 3</u> <u>Situation of Parking Place</u>	<u>Column 4</u> <u>Days of Operation</u>	<u>Column 5</u> <u>Operative Hours</u>	<u>Column 6</u> <u>Maximum Permitted Stay Time</u>	<u>Column 7</u> <u>Limit on Return of Vehicle to Parking Place in Zone</u>
W	W2	1 VICTORIA ROAD, HARROGATE The west side from a point 30.4 metres south of its junction with Esplanade to a point 60 metres south of its junction with Esplanade.	Mon-Sat	9.00am - 6.00pm	3 hours	That day
W	W2	2 VICTORIA ROAD, HARROGATE The west side from a point 108.2 metres south of its junction with Esplanade to a point 124 metres south of its junction with Esplanade.	Mon-Sat	9.00am - 6.00pm	3 hours	That day
W	W2	3 VICTORIA ROAD, HARROGATE The west side from a point 130.8 metres south of its junction with Esplanade to a point 150 metres south of its junction with Esplanade.	Mon-Sat	9.00am - 6.00pm	3 hours	That day

SCHEDULE 3

REVOCATIONS

<u>Column 1</u> <u>Title of Order</u>	<u>Column 2</u> <u>Extent of Revocation</u>
North Yorkshire County Council (Harrogate, Knaresborough, Pannal and Burn Bridge) (Parking and Waiting) (No.16) Order 2013	In so far as it relates to Schedule 1 (No waiting at any time), items; <ul style="list-style-type: none">• 672 to 673 (Cold Bath Road, Harrogate – west side),• 2489 to 2492 (Victoria Road, Harrogate – west side).
	In so far as it relates to Schedule 40 (Disc/ Residential parking), items; 410, 411 and 412 (Victoria Road, Harrogate – west side)

EXECUTED as a DEED by affixing the Common Seal)
of **THE NORTH YORKSHIRE COUNCIL** on the)
day of 2023 in the presence of:)

.....
Authorised signatory