

WARWICKSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE WARWICKSHIRE COUNTY COUNCIL
(DISTRICT OF WARWICK)
(CIVIL ENFORCEMENT AREA)
(WAITING RESTRICTIONS, ON STREET PARKING PLACES
AND RESIDENTS' PARKING)
(CONSOLIDATION)
(VARIATION E) ORDER 2022

The Warwickshire County Council (hereinafter referred to as "the Council") in exercise of the powers conferred by sections 1(1), 2(1) to (3), 4(2), 19, 32, 35, 45, 46, 47, 49, 53 and 124 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984 (hereinafter referred to as "the 1984 Act"), the Traffic Management Act 2004, and of all other enabling powers, hereby make the following Order:-

1. The Warwickshire County Council (District of Warwick) (Civil Enforcement Area) (Waiting Restrictions, On Street Parking Places and Residents' Parking) (Consolidation) Order 2017 (which said Order of 2017 is hereinafter referred to as 'the Principal Order') is hereby varied in the manner and to the extent hereinafter provided.
2. In Article 2 to the Principal Order:-
 - a. delete the definition of "additional charge for parking" in its entirety;
 - b. replace the definition of "administration fee" in its entirety with the following definition:-

"“administration fee” means the administration fee payable when applying to the Council for the suspension of a parking place, disabled person’s parking place or doctor’s parking place in accordance with Article 30(3) of sixty pounds plus (if the parking place is in a pay & display area) fifteen pounds per day per parking space;”
 - c. replace the definition of "bus" in its entirety with the following definition:-

"“bus” shall mean a local bus as defined in Schedule 1 of the 2016 Regulations;”
 - d. prior to the definition of "carriageway", insert the following definition:-

"“business” means any company registered at Companies House or any partnership registered at HMRC or any sole trader;”
 - e. prior to the definition of "doctor", insert the following definition:-

"“dispensation fee” means the fee payable when applying to the Council for a dispensation in accordance with Article 30A of fifteen pounds per day per parking space;”

- f. replace the definition of “loading” in its entirety with the following definition:-

““loading” means being engaged in the activity of continuously and expeditiously loading or unloading of goods to or from a vehicle;”

- g. replace the definition of “parking space” in its entirety with the following definition:-

““parking space” means a space within a parking place which is provided for the leaving of a vehicle and demarcated in accordance with either the 2016 Regulations or the 2002 Regulations;

- h. replace the definition of “permit” in its entirety with the following definition:-

““permit” means a permit issued virtually or otherwise under the provisions of Article 31;”

- i. replace the definition of “registered guest house” in its entirety with the following definition:-

““registered guest house” means a guest house registered to pay business rates as such and/or registered at Companies House as such and located within the towns of Warwick, Leamington Spa or Kenilworth;”.

3. In Article 10 to the Principal Order:-

- a. delete paragraph (4) entirely and replace with:-

“(4) Nothing in Article 7 of this Order shall render it unlawful to cause or permit a motor car or motor cycle for which either a valid permit has been issued and virtually exists or on which is displayed in the relevant position a valid permit for the zone in the length of road it is situated (issued under the provisions of Article 30) to wait in such lengths of road identified in Article 7 where it is specified on the plans that those permit holders are excepted from those provisions.

- b. after paragraph (7) insert:-

“(8) Nothing in Article 7 shall render it unlawful to cause or permit a motor vehicle for which a valid dispensation has been issued pursuant to Article 30A for the length of road in which the motor vehicle is waiting to wait in such length of road to which the dispensation applies during the period in which the dispensation is valid.”

4. In Article 11 to the Principal Order, delete paragraphs (1) and (2) entirely and replace with:-

“(1) Subject to the following provisions of Articles 12 to 19, the parts of roads identified on the plans as parking places for permit holders are authorised to be used as parking places in such positions, on such days and during such hours as identified on the plans, for vehicles either displaying in the relevant position a valid permit for that parking place issued under the provisions of Article 31 below or for vehicles registered as holding a valid permit for that parking place issued virtually under the provisions of Article 31 below.

(2) Subject to the following provisions of Articles 12 to 19, the parts of roads identified on the plans as a pay & display area are authorised to be used as parking places for vehicles in such positions, on such days and during such hours as identified on the plans, upon payment of the specified charge for parking in the manner set in this Order. Provided that no person shall, except in an emergency upon the direction of a police constable in uniform or a civil enforcement officer, cause or permit a vehicle to wait in a parking place in a pay & display area for longer than either the maximum period for waiting specified on the plans or until the expiration of the period for which the specified charge for parking has been paid, whichever occurs earlier.”

5. In Article 18 to the Principal Order, delete paragraph (2) entirely and replace with:-

“(2) Without prejudice to the provisions of Articles 11, 13 and 14, a motor car or a motor cycle which either displays on the front of the vehicle in the relevant position (so that all of the particulars referred to in Article 37 are readily visible from the front of the vehicle) a valid permit for that parking place issued in respect of that vehicle under the provisions of Article 31, or in respect of which a valid permit issued virtually under the provisions of Article 31 for that parking place exists, may be left in a parking place identified in Article 11(2) and the driver of any such vehicle shall be exempt from payment of the specified charge for parking and from the limitation on the period of waiting or return of the vehicle specified in this Order.”

6. In Article 19(1) to the Principal Order, after the word “use” insert the word “of” in the first paragraph

7. In Article 19(1) to the Principal Order, delete (ix) entirely and replace with:-

“(ix) if the vehicle is being used by a home carer when visiting premises near to the parking place to provide care or medical support in the home for a resident PROVIDED THAT a valid home carer’s permit has been issued and virtually exists or is displayed on the vehicle in the relevant position (if not a virtual permit) for that vehicle relating to the zone in which the parking place is situated; or

(x) if the vehicle has a valid dispensation issued pursuant to Article 30A for the parking place in which the vehicle is waiting during the period in which the dispensation is valid.”

8. In the Principal Order, delete Articles 26 and 27 entirely and replace with:-

- “26. Subject to the following provisions of Articles 27 to 29, the parts of roads identified on the plans as parking for doctor’s vehicles are authorised to be used as doctor’s parking places in such positions, on such days and during such hours as identified on the plans, for vehicles registered as holding an appropriate permit issued under the provisions of Article 31(8).
27. (1) Save as provided in Article 29, the driver of a vehicle shall not permit it to wait in a doctor’s parking place unless there is registered to that vehicle a valid permit issued in accordance with Article 31(8)
- (2) The driver of a motor vehicle using a doctor’s parking place shall stop the engine as soon as the vehicle is in position and shall not start the engine except when about to change position of the vehicle or depart.
- (3) Every vehicle left in a doctor’s parking place in accordance with this Order shall stand so that every part of the vehicle is wholly within the limits of a parking space.”

9. In Part VI to the Principal Order, delete the heading and replace with the following heading:-

“SUSPENSION OF PARKING PLACES AND DISPENSATIONS”

10. In Article 30 to the Principal Order, delete paragraph (3) entirely and replace with:-

- “(3) Any person or business may apply to the Council for the suspension of a parking place, disabled person’s parking place or doctor’s parking place or any part thereof for the purpose of:-
- (a) facilitating any building operation, demolition or excavation in or adjacent to the parking place, disabled person’s parking place or doctor’s parking place, or the laying, erection, alteration, removal or repair in or adjacent to the parking place, disabled person’s parking place or doctor’s parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus, telephone kiosk or traffic sign;
- (b) the convenience of occupiers of premises adjacent to the parking place, disabled person’s parking place or doctor’s parking place on any occasion of 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;
- (c) any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or

- (d) the convenience of occupiers of premises adjacent to the parking place, disabled person's parking place or doctor's parking place at times of weddings or funerals, or any other special occasions.

Provided always the suspension of such a parking place, disabled person's parking place or doctor's parking place shall be at the Council's discretion and any such application shall be made to the Council (using the method as may be specified by the Council from time to time) together with the administration fee."

11. In the Principal Order, after Article 30(5) insert the following new Article:-

"30A Any person or business may apply to the Council for a dispensation enabling a motor vehicle to wait in a parking place, disabled person's parking place or doctor's parking place, or any part thereof, for the purpose of carrying out of essential works which require a motor vehicle to be left in that parking place, disabled person's parking place or doctor's parking place PROVIDED ALWAYS that any dispensation shall be granted at the Council's discretion and any such application shall be made to the Council (using the method as may be specified by the Council from time to time) and shall be submitted to the Council together with the dispensation fee."

12. In the Principal Order, delete Part VII in its entirety and replace with the following wording:-

**"PART VII
PERMITS**

- 31. (1) Any resident within a permit controlled zone who is the owner of a motor car or motor cycle may apply to the Council for the issue of a permit for the leaving of that vehicle in a parking place and any such application shall be made to the Council (using the method as may be specified by the Council from time to time) and accompanied by a remittance for such charge as provided by Article 32(1).
- (2) On receipt of an application made under the foregoing provision (1) of this Article and the fee, the Council, upon being satisfied that the applicant is a resident and is the owner of a vehicle of the class specified in paragraph (1) of this Article, shall issue to that applicant (either virtually or otherwise) one permit for the leaving of that vehicle in any parking place within the zone to which such permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward. Provided that in respect of the residents of any one household there shall not be in force at any one time more than three permits issued under the provisions of paragraph (1) or paragraph (3) of this Article (or more than two permits for any one household in respect of an application from a resident of Mill Street, Warwick).

- (3) Any resident within a permit controlled zone in possession of a motor car or motor cycle provided by his/her employer may apply to the Council for the issue of a permit for the leaving of such a vehicle in a parking place and any such application shall be to the Council (using the method as may be specified by the Council from time to time) and accompanied by any such evidence from the applicant's employer as may be required by the Council from time to time together with a remittance for such charge as provided by Article 32(1).
- (4) On receipt of an application made under the foregoing provision (3) of this Article and the fee, the Council, upon being satisfied that the applicant is a resident and has the use of vehicles of the class specified in paragraph (1) of this Article, shall issue to that applicant (either virtually or otherwise) one permit for the leaving of such a vehicle in any parking place within the zone to which such permit relates by the applicant or by any person using such vehicle with the consent of the applicant other than a person to whom such vehicle has been let for hire or reward. Provided that in respect of the residents of any one household there shall not be in force at any one time more than three permits issued under the provisions of paragraph (1) or paragraph (3) of this Article (or more than two permits for any one household in respect of an application from a resident of Mill Street, Warwick).
- (5) Any resident within a permit controlled zone may apply , to the Council (using the method as may be specified by the Council from time to time) and accompanied by such remittance as prescribed in Article 32(2), for the issue of a permit for use by visitors to the applicant's residence.
- (6) On receipt of an application made under the foregoing provision (5) of this Article and the fee, the Council (upon being satisfied that the requirements of Article 31(5) above have been met) shall issue to the applicant (either virtually or otherwise) one permit for the leaving of any motor car or motor cycle in any parking place within the zone to which such permit relates by any visitor to the applicant's residence. Provided that in respect of the residents of any one household there shall not be in force at any time more than one permit issued under the provisions of paragraph (5) of this Article.
- (7) A doctor may apply to the Council (using the method as may be specified by the Council from time to time) for the issue of a permit for the leaving of the vehicle specified in the application in a parking place within a permit controlled zone or in a doctor's parking place for the purposes only of carrying out their duties as a medical practitioner and any such application shall be accompanied by any such evidence from the doctor's employer as may be required by the Council from time to time.

- (8) Upon receipt of an application duly made under the foregoing provision (7) of this Article, the Council may issue to the applicant (either virtually or otherwise) a permit or permits for the leaving in the permit controlled zone or doctor's parking place specified in the application such vehicles specified in the application as they are satisfied are used by a doctor for the purposes only of carrying out their duties as a medical practitioner.
- (9) A home carer may apply to the Council (using the method as may be specified by the Council from time to time) for the issue of a permit for the leaving within a permit controlled zone of the vehicle specified in the application for the purposes only of carrying out their duties as a home carer and any such application shall be accompanied by any such evidence from the applicant's employer as may be required by the Council from time to time.
- (10) Upon receipt of an application duly made under the foregoing provision (9) of this Article the Council may issue to the applicant (either virtually or otherwise) a home carer's permit for the leaving within a permit controlled zone of the vehicle specified in the application as they are satisfied is used by a home carer solely for the purposes of carrying out their duties as a home carer and to whom no suitable alternative parking facility is available.
- (11) Warwickshire Police may apply to the Council (using the method as may be specified by the Council from time to time) for the issue of a Zone LP permit for the leaving of operational police vehicles in a parking place to which such permit relates and any such application shall be accompanied by a remittance for such charge as provided by Article 32(3).
- (12) Upon receipt of an application duly made under the foregoing provision (11) of this Article and the fee, the Council shall issue to the Warwickshire Police (either virtually or otherwise) a Zone LP permit for the leaving of operational police vehicles in any parking place to which such permit relates.
- (13) The proprietor of a registered guest house within a permit controlled zone may apply to the Council for the issue of a permit for use by a temporary resident for the leaving of a motor car or motor cycle in a parking place. Any such application shall be made to the Council (using the method as may be specified by the Council from time to time) and shall be accompanied by a remittance for such charge as provided by Article 32(4).

- (14) On receipt of an application made under the foregoing provision (13) of this Article and the fee, the Council shall issue to the applicant (either virtually or otherwise) one permit for the leaving of any motor car or motor cycle in any parking place within the zone to which such permit relates by a temporary resident. Provided that in respect of any one registered guest house there shall not be in force at any time more than one permit issued under the provisions of paragraph (13) of this Article per let-able room.
- (15) The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit as they may reasonably require to verify the particulars or information given to them or to verify that the permit is valid.
32. (1) The charge in connection with the issue of a permit to a resident under Articles 31(1) and 31(3) shall be twenty-five pounds per permit and each permit shall be valid for a period of twelve months from the date of issue.
- (2) The charge in connection with the issue of one permit under Article 31(5) shall be twenty-five pounds and each permit shall be valid for twelve months from the date of issue. In the case of a permit which has been issued virtually, prior to the commencement of parking by a visitor the permit holder shall ensure that the relevant details of the visitor's vehicle are registered with the Council (using the method as may be specified by the Council from time to time).
- (3) The charge in connection with the issue of one Zone LP permit to Warwickshire Police under Article 31(11) shall be one thousand pounds per permit and each permit shall be valid for twelve months from the date of issue.
- (4) The charge in connection with the issue of one permit under Article 31(13) shall be three pounds and each permit shall be valid for a period of twenty-four hours commencing from the time when the permit is issued to a temporary resident.
33. (1) 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 of the events set out in paragraph (3)(a) of this Article in respect of a permit issued to a resident, paragraph (3)(b) of this Article in respect of a permit issued to a doctor, paragraph 3(c) of this Article in respect of a permit issued to a home carer, paragraph 3(d) in respect of a permit issued to Warwickshire Police and paragraph 3(e) of this Article in respect of a permit issued to a proprietor of a registered guest house.

- (2) The Council may, by notice in writing served on 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 residence, or by electronic means to the permit holder at the email address shown by that person on the application form, withdraw a permit if it appears to the Council that any one of the events set out in paragraphs (3) (a) to 3 (e) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of such notice.
- (3) (a) The events referred to in the foregoing provisions of this Article are, in respect of a permit issued to a resident:-
- (i) the permit holder ceasing to be a resident;
 - (ii) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
 - (iii) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 31(1);
 - (iv) the revocation of the designation of the parking place in respect of which the permit was issued;
 - (v) the issue of a duplicate permit by the Council under the provisions of Article 34;
 - (vi) the permit being used in such a manner which contravenes the provisions of this Order; or
 - (vii) any other reason by which the Council understands misuse of the permit or permit application process has occurred.
- (3) (b) The events referred to in the foregoing provisions of this Article are, in respect of a permit issued to a doctor:-
- (i) the vehicle or any vehicle in respect of which the permit was issued ceasing to be used by a doctor solely for the purposes of carrying out their duties as a medical practitioner;
 - (ii) the revocation of the designation of the parking place or doctor's parking place in respect of which the permit was issued;
 - (iii) the issue of a revised permit or a duplicate permit by the Council under the provision of Article 34; or
 - (iv) the permit being used in such a manner which contravenes the provisions of this Order.

- (3) (c) The events referred to in the foregoing provisions of this Article are, in respect of a permit issued to a home carer:-
- (i) the vehicle or any vehicle in respect of which the permit was issued ceasing to be used by a home carer solely for the purposes of their duties as a home carer;
 - (ii) the issue of a revised permit or a duplicate permit by the Council under the provision of Article 34; or
 - (iii) the permit being used in such a manner which contravenes the provisions of this Order.
- (3) (d) The events referred to in the foregoing provisions of this Article are, in respect of a permit issued Warwickshire Police:-
- (i) the revocation of the designation of the parking place in respect of which the permit was issued; or
 - (ii) the permit being used in such a manner which contravenes the provisions of this Order.
- (3) (e) The events referred to in the foregoing provisions of this Article are, in respect of a permit issued to a registered guest house:-
- (i) the permit holder ceasing to be a proprietor of a registered guest house; or
 - (ii) the permit being used in such a manner which contravenes the provisions of this Order.
- (4) A permit shall cease to be valid on the day following the expiry date specified thereon or on the occurrence of any one of the events set out in paragraphs (3)(a) to 3(e) of this Article, whichever is the earlier.
- (5) Where a permit is issued to any person upon receipt of payment and the payment is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such permit was issued by sending the same by the recorded delivery service or by electronic means to the permit holder at the address or email address shown by that person on the application for the permit or at any other address believed to be that person's place of residence, require that person to surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
- (6) The Council may at any time require a permit holder to produce to an officer of the Council such evidence in respect of any permit issued by it that it may reasonably require.

34. (1) (a) A permit holder, may at any time apply to the Council for a permit issued to him to be amended so as to relate to any other vehicle provided that the appropriate evidence of ownership or use as may be required by the Council from time to time is provided and provided that (with the exception of permits issued under Articles 31(3) and 31(11)) a maximum of two such amendments will be authorised in any twelve month period.
- (b) Upon receipt of an application pursuant to paragraph (1)(a) of this Article and of the relevant permit (unless issued virtually) and such evidence as may be required by the Council from time to time, the Council may amend the permit accordingly, or to such extent as it thinks fit, or at its discretion, issue a revised permit, and if a revised permit is so issued, the original permit shall become invalid and shall be surrendered to the Council (unless issued virtually).
- (2) The provisions of this Order shall apply to any revised or duplicate permit to the same extent as they applied to the original permit.
35. (1) A permit holder may apply to the Council (using the method as may be specified by the Council from time to time) for a permit to be cancelled and (unless the Permit was issued virtually) shall surrender that Permit to the Council.
- (2) A permit holder who successfully applies for a permit to be cancelled pursuant to Article 35(1) above shall be entitled to a refund of that part of the charge paid (less an admin fee for processing the cancellation) as is attributable from the date of acceptance by the Council of the application for cancellation and (unless issued virtually) the surrendered permit PROVIDED ALWAYS THAT the permit has at least six whole unexpired months remaining at the date of acceptance by the Council of the application for cancellation.
36. Upon successful application for any of the permit types described in the above Articles (with the exception of Article 31(13)) and receipt of the correct fees as specified in the above Articles, the applicant's details and those of the vehicle to which the permit applies will be recorded in the Council's permit database and the permit will be deemed valid and live.

37. A permit (unless issued virtually) shall be in writing and shall include the following particulars:-
- (1) the words "Parking Permit" and (where applicable) the registration mark of the vehicle in respect of which the permit has been issued;
 - (2) the time and date on which, subject to the provisions of Article 33(4), the permit expires;
 - (3) an authentication that the permit has been issued by the Council;
 - (4) the code identifying the parking places to which such permit relates in accordance with the zones specified in Schedule 1 to this Order.
- 37A. Unless the permit has been issued virtually, at all times during which a vehicle is left in a parking place identified on the plans as a parking place for permit holders there shall be displayed on the front of the vehicle a valid permit issued in respect of that vehicle so that all the particulars referred to in Article 37 are readily visible from the front of the vehicle.
- 37B. When a permit has been displayed on a vehicle in accordance with the provisions of Article 37A this Order, or where a penalty charge notice has been attached to the vehicle in accordance with this Order no person other than a civil enforcement officer shall remove such permit or notice from the vehicle unless authorised to do so by the driver of that vehicle."

13. This Order shall come into operation on the _____ day of _____ Two thousand and twenty-two and may be cited as "The Warwickshire County Council (District of Warwick) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) (Variation E) Order 2022".

SIGNED by the Proper Officer

for and on behalf of The Warwickshire County Council

on the _____ day of _____ Two thousand and twenty-two

Authorised by Initials.....

DATED

2022

WARWICKSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**THE WARWICKSHIRE COUNTY COUNCIL (DISTRICT
OF WARWICK) (CIVIL ENFORCEMENT AREA)
(WAITING RESTRICTIONS, ON STREET PARKING
PLACES AND RESIDENTS' PARKING)
(CONSOLIDATION) (VARIATION E) ORDER 2022**