

**THE SURREY COUNTY COUNCIL**  
**ESHER GREEN CONTROLLED PARKING ZONE IN THE BOROUGH OF**  
**ELMBRIDGE (CONSOLIDATION OF WAITING RESTRICTIONS AND ON-STREET**  
**PARKING PLACES) ORDER 2014**

**THE SURREY COUNTY COUNCIL**  
**ESHER GREEN CONTROLLED PARKING ZONE IN THE BOROUGH OF**  
**ELMBRIDGE (CONSOLIDATION OF WAITING RESTRICTIONS AND ON-STREET**  
**PARKING PLACES) ORDER 2014**

**ARRANGEMENT OF ARTICLES**

**PART I**

**GENERAL**

	Article(s)
Citation and commencement .. .. .	1
Interpretation .. .. .	2

**PART II**

**WAITING PROHIBITIONS AND RESTRICTIONS**

Prohibition and restriction on waiting by vehicles .. .. .	3
Exceptions and exemptions from the prohibition and restriction on waiting by vehicles .. .. .	4 5 6 and 7
Furniture removals .. .. .	8

**PART III**

**SECTION I**

**DESIGNATION OF SHARED USE PARKING PLACES**

Designation of such parking places .. .. .	9
Vehicles for which such parking places are designated .. .. .	10
Period for which a vehicle may be left in such a parking place .. .. .	11
Interval before a vehicle may again be left in such a parking place .. .. .	12
Manner of standing in such a parking place .. .. .	13
Alteration of position of a vehicle in such a parking place .. .. .	14
Power to suspend the use of such a parking place .. .. .	15
Restriction on the use of such a parking place or a vehicle in such a parking place .. .. .	16
Requirement for driver to stop engine of the vehicle whilst in position in such a parking place .. .. .	17
Restriction on waiting by a vehicle in such a parking place .. .. .	18
Manner of waiting in such a parking place .. .. .	19
Placing of traffic signs etc. .. .. .	20

## **SECTION II**

### **PARTS OF ROADS AUTHORISED TO BE USED AS DISABLED PERSONS' FREE ON-STREET PARKING PLACES**

Authorisation for such parking places .. .. .	21
Vehicles for which such parking places are authorised to be used .. ..	22
Manner of standing in such a parking place .. .. .	23
Alteration of position of a vehicle in such a parking place .. .. .	24
Power to suspend the use of such a parking place .. .. .	25
Restriction on the use of such a parking place or a vehicle in such a parking place .. .. .	26
Requirement for driver to stop engine of the vehicle whilst in position in such a parking place .. .. .	27
Restriction on waiting by a vehicle in such a parking place .. .. .	28
Manner of waiting in such a parking place .. .. .	29
Placing of traffic signs etc .. .. .	30

## **SECTION III**

### **MOVEMENT AND/OR REMOVAL OF VEHICLES FROM PARKING PLACES**

Movement of a vehicle in a parking place in an emergency .. .. .	31
Removal of a vehicle from a parking place .. .. .	32 and 33
Charges for the removal and storage of a vehicle from a parking place ..	34

## **PART IV**

### **SECTION I**

#### **RESIDENT PARKING PERMITS**

Application for and issue of a Resident Parking Permit .. .. .	35
Application for the re-issue of a Resident Parking Permit upon a change of vehicle with a different registration mark .. .. .	36
Surrender withdrawal and validity of Resident Parking Permits .. .. .	37
Application for and issue of a duplicate Resident Parking Permit .. .. .	38
Form of Resident Parking Permit .. .. .	39
Display of a Resident Parking Permit .. .. .	40
Refund of fee paid in respect of a Resident Parking Permit .. .. .	41

## **SECTION II**

### **RESIDENT VISITOR PARKING PERMITS**

Application for and issue of a Resident Visitor Parking Permit .. ..	42
Form of Resident Visitor Parking Permit .. ..	43
Display of a Resident Visitor Parking Permit.. ..	44
Validation of a Resident Visitor Parking Permit .. ..	45

## **SECTION III**

### **OPERATIONAL PARKING PERMITS**

Application for and issue of an Operational Parking Permit .. ..	46
--	----

## **SECTION IV**

### **CARER'S PARKING PERMITS**

Application for and issue of a Carer's Parking Permit.. ..	47
Fee to be paid in respect of a Carer's Parking Permit.. ..	48
Refund of fee paid in respect of a Carer's Parking Permit.. ..	49
Form of Carer's Parking Permit.. ..	50
Display of Carer's Parking Permit.. ..	51

## **SECTION V**

### **BUSINESS PERMITS**

Application for and issue of a Business Parking Permit. .. ..	52
Form of Business Parking Permit .. ..	53
Display of Business Parking Permit .. ..	54
Refund of fee paid in respect of a Business Parking Permit .. ..	55

## **PART V**

### **SUPPLEMENTARY PROVISIONS**

Saving with respect to parking places .. ..	56
Saving with respect to pedestrian crossings .. ..	57
Saving with respect to hackney carriages .. ..	58
Saving with respect to bus stop clearways .. ..	59
Saving with respect to other enactments .. ..	60

**PART VI**

ENFORCEMENT

Contraventions .. .. .	61
Notice of Penalty Charge .. .. .	62
Restriction on removal of Penalty Charge Notices .. .. .	63
Manner of payment of Penalty Charge.. .. .	64

**PART VII**

REVOCATION

Revocation .. .. .	65
--------------------	----

**ARRANGEMENT OF SCHEDULES**

FIRST SCHEDULE	Roads or parts of roads for the purpose of the issue of Resident Parking Permits
SECOND SCHEDULE	Roads or parts of roads for the purpose of the issue of Resident Visitor Parking Permits
THIRD SCHEDULE	List of Drawings
FOURTH SCHEDULE	List of Revocations

SURREY COUNTY COUNCIL in exercise of their powers under Sections 1(1) and 2(1) to (3) 4 32 35 36 45 46 49 51 and 53 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter called "the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

## **PART I**

### **GENERAL**

#### **Citation and commencement**

- 1 THIS Order may be cited as "The Surrey County Council Esher Green Controlled Parking Zone in the Borough of Elmbridge (Consolidation of Waiting Restrictions and On-Street Parking Places) Order 2014" and shall come into force on 11 August 2014

#### **Interpretation**

- 2 (1) In this Order except where the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them: -
  - "agents" means any person or persons authorised by or on behalf of the Council to supervise and/or enforce any prohibition and restriction on the waiting by vehicles and/or any parking place
  - "bus" has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions 2002 (S.I. 2002 No. 3113)
  - "Business Parking Permit" means a Business Parking Permit issued under the provisions of Article 52
  - "carer" means a person who looks after another person who is either elderly disabled or in ill health and is unable to manage and/or cope by themselves without assistance
  - "Carer's Parking Permit" means a Carer's Parking Permit issued by the Borough Council under the provisions of Article 47
  - "carriageway" has the same meaning as in Section 329 of the Highways Act 1980
  - "cashless parking" means a facility where a resident can use a phone, a mobile phone, a smartphone, a computer or another form of transaction on a cashless parking system to make and pay for a virtual

parking transaction

“cashless parking device” is a device displayed on a vehicle which when scanned by a hand held device used by a civil enforcement officer that gives information on the hand held device of a virtual parking transaction for that vehicle and that vehicle’s eligibility to park in a parking place

“cashless parking system” is a computer system that holds information on virtual parking transactions which may include type of permit or ticket, period of validity, end of period of validity, vehicle registration mark and the location at which the virtual parking transaction is valid

“Civil Enforcement Officer” has the same meaning as in Section 76 of the Traffic Management Act 2004

“community care personnel” means persons who are employed by or who are members of an official carers organisation operating through Surrey County Council or the National Health Service

"Council" means Surrey County Council or its appointed agents

"credit card" has the same meaning as in Paragraph (6) of Section 35A of the Act

"debit card" has the same meaning as in Paragraph (6) of Section 35A of the Act

"disabled person’s badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (S.I. 2000 No. 682)

“disabled persons’ parking place” means an area of highway authorised to be used as a parking place for the leaving of disabled persons’ vehicles by virtue of the provisions of Article 21

“disabled person’s vehicle” means a motor vehicle being driven by a disabled person or being used for the carriage of a disabled person or disabled persons

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

“doctor” means a registered medical practitioner who is a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practice under that Act

“electronic communications apparatus” has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984

“enactment” means any enactment whether public general or local

and includes any Order bylaw rule regulation scheme or other instrument having effect by virtue of an enactment

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

"goods vehicle" means a motor vehicle the maximum gross weight of which does not exceed 5 tonnes and which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer

"hand held device" is a device used by a civil enforcement officer which is updated with information from the cashless parking system on valid and invalid (expired) virtual parking transactions

"house" means a residential property or premises where the occupier or occupiers are liable to pay Council Tax and is used for residential purposes only

"household" means, in the broad sense of a family, a collective group living in a house and acknowledging the authority of a head the members of which, with some exceptions, are bound by marriage or blood affinity: it may also include such persons as domestic servants and other people who reside permanently within it and others who participate to a substantial degree in the general life of the household and therefore form part of it

"maximum gross weight" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002 (S.I. 2002 No. 3113)

"medical personnel" means doctors nurses healthcare and community visitors and other categories of medical personnel operating through Surrey County Council or the National Health Service or private healthcare organisations who make house visits

"motor cycle" "motor vehicle" and "invalid carriage" have the same meanings as in Section 136 of the Act

"nurse" means in relation to a nurse or a midwife a nurse or midwife who is registered in the register maintained under Article 5 of the Nursing and Midwifery Order 2001 (S.I. 2002 No. 1771)

"one-way road" means a highway in which the driving of vehicles otherwise than in one direction is prohibited



“Operational Parking Permit” means an operational parking permit issued under the provisions of Article 46

“Operational Parking Permit holder” means a person to whom an Operational Parking Permit has been issued under the provisions of Article 46

“owner” has the same meaning as defined in sub-section (1) of Section 92 of the Traffic Management Act 2004

“parking disc” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000 (S.I. 2000 No. 683)

"parking place" means any area on a highway designated as a street parking place by this Order

"parking space" means a space in any parking place which is provided for the leaving of vehicles

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed or adapted solely for the carriage of not more than eight passengers (exclusive of the driver) and their effects and not drawing a trailer

“penalty charge” has the same meaning as defined in Section 92 of the Traffic Management Act 2004”

“Penalty Charge Notice” has the same meaning as in the General Regulations

"permit", without more, means a parking permit or, as the case may be, an operational parking permit or, as the case may be, a Carer’s Parking Permit or, as the case may be, a residents’ visitor’s parking permit

"permitted hours" means the hours identified as such in the key relating to the plans

"plans" means the drawings listed in the Third Schedule the drawing number of each of those drawings being given in the first column of that Schedule and which drawings are attached to this Order

"postal packets" has the same meaning as in Sub-section (1) of Section 125 of the Postal Services Act 2000

“registration mark” has the same meaning as in Section 31 of the Vehicles (Crime) Act 2001

"resident" means a person whose usual place of abode is at a house

the postal address of which is in any road or part of a road specified and described in The First Schedule

“Resident Parking Permit” means a Resident Parking Permit issued under the provisions of Article 35

“Resident Parking Permit holder” means a person to whom a Resident Parking Permit has been issued under the provisions of Article 35

“Resident Visitor Parking Permit” means a Resident Visitor Parking Permit issued by the Council under the provisions of Article 42

"road" includes part of a road and has the same meaning as in Section 142 of the Act

“service charge” means any charge payable to the service provider (in addition to the appropriate fee payable in accordance with the provisions of Articles 35(1) 42(1) 46 47 and 52 for drivers of vehicles using the discretionary cashless parking service

"service provider" is a service administering virtual parking transactions on the cashless parking system

"shared use parking place" means an area on a highway designated as a parking place by this Order for the leaving free of charge of such vehicles only as are passenger vehicles goods vehicles motor cycles and invalid carriages by virtue of the provision of paragraph (a) of Article 10 and/or for the leaving during the permitted hours of such vehicles as display in the manner specified in Article 40 or 44 or 46 or 51 and 54 a valid parking permit in respect of that vehicle

"street parking place" has the same meaning as in Section 142 of The Act

“the General Regulations” means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S.I. 2007/3483)

“the 1986 Regulations” means The Removal and Disposal of Vehicles Regulations 1986 (S.I. 1986/183)

"traffic sign" means a sign of any size colour and type prescribed or authorised under or having effect as though prescribed or authorised under Section 64 of the Act

"trailer" has the same meaning as in Section 136 of the Act and includes a trailer any part of which is superimposed on the drawing vehicle

"usual place of abode" means a house where a person ordinarily

resides and shall not include premises where a person is occupying with other persons in circumstances where that house have either separate residential accommodation for each person or where certain areas of that residential accommodation are shared between all or some of the persons occupying that house but in all cases where the bathroom and/or kitchen facilities are shared between all the persons occupying that house

“valid parking permit” means a Resident Parking Permit or an Operational Parking Permit or a Resident Visitor Parking Permit or a Business Parking Permit or a Carer Permit issued in accordance with the respective provisions of this Order

“virtual parking transaction” can be a virtual permit; virtual resident parking permit; virtual resident visitor parking permit; a virtual operational parking permit; a virtual business parking permit; a virtual pay and display parking ticket; a virtual waiver certificate; a virtual carers parking permit or a virtual parking place suspension certificate

"visitor" means a person who is visiting a resident and who is not ordinarily resident or resident at that resident's usual place of abode being at a house the postal address of which is/are within the roads and lengths of roads specified and described in the First Schedule

"Waiver Certificate" means a certificate issued on behalf of the Council for the purposes of Article 4(h) or Article 11(c) or Article 18(1)(j) permitting a specified vehicle to wait in special circumstances on a length or lengths of roads where the waiting of that vehicle would otherwise be restricted or prohibited

(2) For the purpose of this Order a vehicle shall be regarded as displaying-

- (a) a disabled person's badge in the prescribed manner when -
  - (i) the badge is exhibited thereon on the dashboard or facia of the vehicle or
  - (ii) where the vehicle is not fitted with a dashboard or facia 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) a parking disc in the relevant position if -
  - (i) the disc is exhibited on the dashboard or facia 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

- (3) Any reference in this Order to a numbered Article Part Schedule or Section shall unless the context otherwise requires be construed as a reference to the Article Part Schedule or Section bearing that number in this Order
- (4) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended applied consolidated re-enacted by or as having effect by virtue of any subsequent enactment
- (5) Any reference in this Order to a road or a length of a road shall unless otherwise specified be construed as a reference to the whole width of that road or length of road
- (6) For the purposes of sub-paragraph (i) of paragraph (4) of Article 15 and of sub-paragraph (i) of paragraph (4) of Article 25 and of Article 18 and of Article 28 and of sub-paragraph (i) of paragraph (4) of Article 35 and of Article 39 a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle

## **PART II**

### WAITING PROHIBITIONS AND RESTRICTIONS

#### **Prohibition and restriction on waiting by vehicles**

- 3 SAVE as provided in Articles 4 5 6 7 and 8 no person shall except upon the direction or with the permission of a police constable in uniform a Civil Enforcement Officer cause or permit any vehicle to wait at the times indicated on the Key relating to the plans in the roads and lengths of roads identified on the plans by the coloured lines relating to each of the said times within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone on any of the plans

## **Exceptions and exemptions from the prohibition and restriction on waiting by vehicles**

- 4 NOTHING in Article 3 shall render it unlawful to cause or permit any vehicle to wait in any of the roads lengths of roads or on the sides of roads specified therein for so long as may be necessary to enable -
- (a) a person to board or alight from the vehicle
  - (b) the vehicle if it cannot conveniently be used for such purpose in any other road to be used in connection with any of the following operations namely
    - (i) building industrial or demolition operations
    - (ii) the removal of any obstruction to traffic
    - (iii) the maintenance improvement or reconstruction of the said lengths or sides of roads or
    - (iv) the laying erection alteration or repair in or in land adjacent to the said lengths or sides of roads of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any electronic communications apparatus
  - (c) the vehicle if it cannot conveniently be used for such purposes in any other road to be used in the service of a local authority or of a water authority in pursuance of statutory powers or duties
  - (d) the vehicle to be used for the purpose of delivering or collecting postal packets
  - (e) the vehicle to take in petrol oil water or air from any garage situated in or adjacent to the said lengths or sides of roads
  - (f) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths or sides of roads for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral
  - (g) the vehicle to be used for fire brigade ambulance or police purposes
  - (h) the vehicle which is displaying a valid Waiver Certificate issued by a person duly authorised by the Council to wait in accordance with the terms and conditions prescribed by the said certificate either
    - (i) in a prominent position behind the windscreen so that it is facing forwards and can be entirely and easily seen from the front of the vehicle OR
    - (ii) be a cashless parking device displayed in a conspicuous position on the vehicle in a manner where it can be read by the

handheld device

PROVIDED THAT a vehicle is validated by the hand held device as having a valid Virtual Waiver Certificate, no certificate or cashless parking device needs be displayed on that vehicle

AND FURTHER PROVIDED THAT a Waiver Certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid and that a notification of such cancellation shall be sent either electronically or by post to the holder of the certificate at any address which the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council

5 NOTHING in -

- (a) Article 3 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position or in the prescribed manner a disabled person's badge and in the relevant position a parking disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait on each separate length or side of road identified on the key relating to the plans (within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone) 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 vehicle on the same separate length or side of road)
- (b) Article 3 shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position or in the prescribed manner a disabled persons badge issued by any local authority to wait on each separate road or length or side of road identified on the plans (within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone) where the prohibition on the waiting by vehicles is for a period of three continuous hours or for any period which is less than three continuous hours

6 NOTHING in Article 3 shall render it unlawful to cause or permit a vehicle to wait in any case where the person in control of it -

- (a) is required by law to stop
- (b) is obliged to stop in Order to prevent an accident or
- (c) is prevented from proceeding by circumstances outside his control

7 NOTHING in Article 3 shall render it unlawful to cause or permit any vehicle to wait in any of the roads identified on the plans for so long as may be necessary to enable goods to be loaded on and/or unloaded from that vehicle

**Furniture removals**

8 NOTHING in Article 3 shall apply so as to restrict or prohibit the waiting of any vehicle while the vehicle is in actual use in any length or side of road identified on the plans attached to this Order in connection with the removal of furniture from one office or dwelling-house to another or the removal of furniture from any such premises to a depository or to any such premises from a depository PROVIDED THAT this Article shall not apply to a vehicle waiting in any part of any length of road identified by the key relating to the plans (within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone) unless notice is given twenty-four hours in advance to the Council and a valid Waiver Certificate is obtained

**PART III**

**SECTION I**

**DESIGNATION OF SHARED USE PARKING PLACES**

**Designation of such parking places**

9 EACH area on a highway comprising the lengths of carriageway of the roads identified on the key relating to the plans as a shared use parking place (within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone) and unless otherwise so specified bounded on one side of that length by the edge of the carriageway and having a minimum width throughout of 1.83 metres is designated as a shared use parking place for use on such days and during such hours as identified on the key on the aforesaid plans

**Vehicles for which such parking places are designated**

10 EACH shared use parking place identified on the plans may be used subject to the provisions of this Order for the leaving during the permitted hours of such vehicles only as: -

- (a) are passenger vehicles goods vehicles motor cycles or invalid carriages and/or

- (b) display in the manner specified in Articles 40 44 46 51 and 54 a valid parking permit issued in respect of that vehicle

**Period for which a vehicle may be left in such parking place**

11 WITHOUT prejudice to the provisions of Article 18 no person shall cause any vehicle to be left during the permitted hours in a shared use parking place for longer than the maximum period permitted for waiting specified in relation to that parking place as identified in the key relating to the plans (within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone)

PROVIDED THAT nothing in this Article shall apply to:

- (a) a disabled person's vehicle which displays in the relevant position or in the prescribed manner a disabled person's badge issued by any local authority
- (b) such vehicles as display in the manner specified in Articles 40 44 46 51 and 54 a valid parking permit issued by the Council in respect of that vehicle
- (c) such vehicles as display in a prominent position behind the windscreen so that it is facing forwards and can be entirely and easily seen from the front of the vehicle a valid Waiver Certificate issued by a person duly authorised by the Council to wait in accordance with the terms and conditions prescribed by the said certificate

PROVIDED THAT a Waiver Certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid and that a notification of such cancellation shall be sent by post to the holder of the certificate at any address which the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council

**Interval before a vehicle may again be left in a such a parking place**

12 WITHOUT prejudice to the provisions of Article 18 no vehicle which has been taken away from a shared use parking place identified by the key relating to on the plans (within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone) during the permitted hours shall until the expiration of such time as is identified on the key on the aforesaid plans from the time it was taken away again be left in that parking place



PROVIDED THAT nothing in this Article shall apply to: -

- (a) a disabled person's vehicle which displays in the relevant position or in the prescribed manner a disabled person's badge issued by any local authority
- (b) such vehicles as display in the manner specified in Articles 40 44 46 51 and 54 a valid parking permit issued by the Council in respect of that vehicle
- (c) such vehicles as display in a prominent position behind the windscreen so that it is facing forwards and can be entirely and easily seen from the front of the vehicle a valid Waiver Certificate issued by a person duly authorised by the Council to wait in accordance with the terms and conditions prescribed by the said certificate

PROVIDED THAT a Waiver Certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid and that a notification of such cancellation shall be sent by post to the holder of the certificate at any address which the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council

#### **Manner of standing in such a parking place**

13 THE driver of a vehicle waiting in a shared use parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand: -

- (a) in the case of a shared use parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are identified on the plans (within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone) so as to be in accordance with those provisions
- (b) in the case of any other shared use parking place -
  - (i) if the said parking place is not in a one-way road that the left or near side or right or off side of the vehicle is parallel to the edge of the carriageway nearest to the vehicle or
  - (ii) if the said parking place is in a one-way road that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway or that the right or off side of the vehicle is adjacent to the right-hand edge of the carriageway and
  - (iii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres

- (c) that every part of the vehicle is within the limits of a parking space and/or a shared use parking place and
- (d) 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

**Alteration of position of a vehicle in such a parking place**

14 WHERE any vehicle is standing in a shared use parking place in contravention of the provisions of Article 13 or of the provisions of Article 19 a police constable in uniform or a 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

**Power to suspend the use of such a parking place**

- 15 (1) Subject to the following persons or organisations being able to exercise the function described below in this Article by virtue of legislation, any person duly authorised by the Council or a police constable in uniform or a person under the instructions (whether general or specific) of the Chief Officer of Police, or a person duly authorised by the Council may suspend the use of a shared use parking place or any part thereof whenever he considers such suspension reasonably necessary:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety
  - (b) for the purpose of any building operation demolition or excavation adjacent to the shared use parking place the maintenance improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the shared use parking place the laying erection alteration or repair in or adjacent to the free 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 apparatus or the placing maintenance or removal of any traffic sign
  - (c) for the convenience of occupiers of premises adjacent to the shared use parking place on any occasion of 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) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed or
  - (e) for the convenience of occupiers of premises adjacent to the shared use parking place at times of weddings or funerals or on other special occasions
- (2) Subject to as set out in paragraph (1) of this Article a police constable in uniform or a Civil Enforcement Officer may suspend for not longer than twenty-four hours the use of a shared use parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety
- (3) On the suspension of the use of a shared use parking place or any part thereof in accordance with the provisions of this Article the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that parking place or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting by vehicles is prohibited
- (4) No person shall cause or permit any vehicle to wait in a shared use parking place or part thereof during such period as there is in or adjacent to that parking place or that part thereof a traffic sign or traffic signs placed in pursuance of paragraph (3) of this Article:

PROVIDED THAT nothing in this paragraph shall apply -

- (i) in respect of any vehicle being used for fire brigade ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 18(1)(b) (d) or (e) or
- (ii) to anything done with the permission of the person suspending the use of the shared use parking place or part thereof in pursuance of paragraph (1) of this Article or a police constable in uniform or a Civil Enforcement Officer acting in the exercise of lawful authority

**Restriction on the use of such a parking place or a vehicle in such a parking place**

16 DURING the permitted hours no person shall use any shared use parking place or any vehicle while it is in a shared use parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near that parking place or in connection with the selling or offering for sale of

his skill in handicraft or his services in any other capacity

PROVIDED THAT nothing in this Article shall prevent the sale of goods from a vehicle -

- (a) if the vehicle is one which may wait in a shared use parking place in accordance with Article 10 and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected or
- (b) if the vehicle is one to which the provisions of Article 18(1)(h) or (i) apply

**Requirement for driver to stop engine of the vehicle whilst in position in such a parking place**

17 THE driver of a motor vehicle using a shared use parking place shall stop the engine as soon as the vehicle is in position in the said parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the said parking place

**Restriction on waiting by a vehicle in such a parking place**

18 (1) NOTWITHSTANDING the foregoing provisions of this Order any vehicle may wait during the permitted hours anywhere in any part of a shared use parking place if the use of that part has not been suspended and if:

- (a) the vehicle is waiting for a period not exceeding two minutes or such longer period as a police constable in uniform or a civil enforcement officer acting in accordance with lawful authority may approve to enable a person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage:

PROVIDED THAT if the said person is a person suffering from any disability or injury which seriously impairs his ability to walk or who is blind the vehicle may wait for as long as may be necessary to enable that person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage

- (b) the 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
- (c) the vehicle is being used for fire brigade ambulance or police purposes or not being a passenger vehicle a motor cycle or an

invalid carriage 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

- (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic
- (e) the vehicle is waiting:
  - (i) while postal packets addressed to premises adjacent to the shared use parking place in which the vehicle is waiting are being unloaded from the vehicle or having been unloaded therefrom are being delivered or
  - (ii) while postal packets are being collected for loading on the vehicle from premises or posting boxes adjacent to the shared use parking place in which the vehicle is waiting or having been so collected are being loaded thereon
- (f) the vehicle not being a passenger vehicle a motor cycle or an invalid carriage is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 15(1)(b)
- (g) the vehicle is in actual use in connection with the removal of furniture to or from one office or dwelling-house adjacent to the shared use parking place in which the vehicle is waiting from or to a depository another office or dwelling-house
- (h) the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the shared use parking place in which the vehicle is waiting and the vehicle does not wait for such purpose for more than twenty minutes or for such longer period as a police constable in uniform or a Civil Enforcement Officer may approve or
- (i) goods are being sold or offered or exposed for sale from the vehicle by a person who is licensed by the Council to sell goods from a stationary vehicle on a pitch situated in the shared use parking place
- (j) the vehicle is displaying a valid Waiver Certificate issued by a

person duly authorised by the Council to wait in accordance with the terms and conditions prescribed by the said certificate

- (i) in a prominent position behind the windscreen so that it is facing forwards and can be entirely and easily seen from the front of the vehicle OR
- (ii) be a cashless parking device displayed in a conspicuous position on the vehicle in a manner where it can be read by the handheld device

PROVIDED THAT a vehicle is validated by the hand held device as having a valid Virtual Waiver Certificate, no certificate or cashless parking device needs be displayed on that vehicle

AND FURTHER PROVIDED THAT a Waiver Certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid and that a notification of such cancellation shall be sent either electronically or by post to the holder of the certificate at any address which the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council

- (2) Except as provided by this Order the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a shared use parking place during the permitted hours

#### **Manner of waiting in such a parking place**

19 NO person shall cause or permit a vehicle to wait in a shared use parking place by virtue of the provisions of sub-paragraph (1)(e) (f) (g) (h) (i) or (j) of the last preceding Article otherwise than: -

- (a) in the case of a shared use parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are identified on the plans so that the vehicle shall stand -
  - (i) unless the length of the vehicle precludes compliance with this sub-paragraph in accordance with those provisions and so that every part of the vehicle is within the limits of the aforesaid parking place or
  - (ii) if the length of the vehicle does preclude compliance with the last preceding sub-paragraph so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres

and

- (b) in the case of any other shared use parking place so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres 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

For the purposes of the last foregoing paragraph the expression "premises" shall not include any premises to or from which any furniture is being removed by virtue of the provisions of paragraph (1)(g) of the last preceding Article or to or from which goods are being delivered or collected by virtue of the provisions of paragraph (1)(h) of that Article

#### **Placing of traffic signs etc**

20 THE Council shall -

- (a) place and maintain a traffic sign or traffic signs indicating the limits of each parking space and/or each shared use parking place
- (b) place and maintain in or in the vicinity of each shared use parking place identified on the plans attached to this Order a traffic sign or traffic signs indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 10 and
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a shared use parking place

## **SECTION II**

### **PARTS OF ROADS AUTHORISED TO BE USED AS DISABLED PERSONS' FREE ON-STREET PARKING PLACES**

#### **Authorisation for such parking places**

21 EACH part of a highway comprising the length of carriageway of a road specified on the plans (within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone) attached to this Order as a disabled persons' parking place and unless otherwise so specified bounded on one side of that length by the edge of the carriageway and

having a width throughout of 2.7 metres is authorised to be used subject to the following provisions of this Order as a disabled persons parking place for use on such days and during such hours as identified on the plans (within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone) attached to this Order

**Vehicles for which such parking places are authorised to be used**

22 EACH disabled persons' parking place may be used subject to the provisions of this Order for the leaving free of charge of such disabled persons' vehicles as display in the relevant position or in the prescribed manner a disabled person's badge

**Manner of standing in such a parking place**

23 THE driver of a vehicle waiting in a disabled persons' parking place in accordance with the foregoing provisions of this Order shall cause it so to stand:-

- (a) in the case of a disabled persons' parking place in relation to which special provisions as to the manner of standing of a vehicle are identified on the plans so as to be in accordance with those provisions
- (b)
  - (i) if the said disabled persons' parking place is not in a one way road that the left near side or right or off side of the vehicle is parallel to the edge of the carriageway nearest to the vehicle or
  - (ii) if the said disabled persons' parking place is in a one way road that the left or near side of the vehicle is adjacent to the left hand edge of the carriageway or that the right or off side of the vehicle is adjacent to the right hand edge of the carriageway and
  - (iii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres
- (c)
  - (i) that every part of the vehicle is within the limits of a parking space and/or
  - (ii) that every part of the vehicle is within the limits of a disabled persons' parking place and
- (d) 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



### **Alteration of position of a vehicle in such a parking place**

24 WHERE any vehicle is standing in a disabled persons' parking place in contravention of the provisions of Article 23 or of the provisions of Article 29 a police constable in uniform or a 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

### **Power to suspend the use of such a parking place**

25 (1) Subject to the following persons or organisations being able to exercise the function described below in this Article by virtue of legislation, a Civil Enforcement Officer or a police constable in uniform, person under the instructions (whether general or specific) of the Chief Officer of Police, or a person duly authorised by the Council may suspend the use of a disabled persons' parking place or any part thereof whenever he considers such suspension reasonably necessary:-

- (a) for the purpose of facilitating the movement of traffic or promoting its safety
- (b) for the purpose of -
  - (i) any building operation demolition or excavation adjacent to the said disabled person's parking place
  - (ii) the maintenance improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the disabled persons' parking place
  - (iii) the laying erection alteration or repair in or adjacent to the disabled persons' 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 apparatus or
  - (iv) the placing maintenance or removal of any traffic sign
- (c) for the convenience of occupiers of premises adjacent to the said disabled persons' parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the disabled persons' parking place from or to a depository another office or dwelling-house
- (d) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed or

- (e) for the convenience of occupiers of premises adjacent to the said disabled person's parking place at times of weddings or funerals or on other special occasions
- (2) Subject to as set out in paragraph (1) of this Article a police constable in uniform or a Civil Enforcement Officer may suspend for not more than seven days the use of a disabled person's parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety
- (3) On the suspension of the use of a disabled persons' parking place or any part thereof in accordance with the provisions of this Article the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that parking place or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting by vehicles is prohibited
- (4) No person shall cause or permit any vehicle to wait in a disabled persons' parking place or any part thereof during such period which there is displayed in or adjacent to that parking place or that part thereof as the case may be a traffic sign placed in pursuance of paragraph (3) of this Article: -

PROVIDED THAT nothing in this paragraph shall apply -

- (i) in respect of any vehicle being used for fire brigade ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 28 (1) (b) (d) or (e)
- (ii) to anything done with the permission of the person suspending the use of that parking place or that part thereof in pursuance of paragraph (1) of this Article or a police constable in uniform or a Civil Enforcement Officer acting in the exercise of lawful authority

**Restriction on the use of such a parking place or a vehicle in such a parking place**

26 NO person shall use any disabled persons' parking place or any vehicle while it is in such a parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near that disabled persons' parking place or in connection with the selling or offering for sale his skill in handicraft or his services in any other capacity

**Requirement for driver to stop engine of the vehicle whilst in position in such a parking place**

27 THE driver of a motor vehicle using a disabled persons' parking place shall stop the engine as soon as the vehicle is in position in that disabled persons' parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from that parking place

**Restriction on waiting by a vehicle in such a parking place**

28 (1) NOTWITHSTANDING the foregoing provisions of this Order any vehicle may wait in any part of a disabled persons' parking place identified by the key relating to the plans (within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone) if the use of that part has not been suspended and if:

(a) the vehicle is waiting for a period not exceeding two minutes or such longer period as a police constable in uniform or a civil enforcement officer acting in accordance with lawful authority may approve to enable a person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage

PROVIDED THAT if the said person is a person suffering from any disability or injury which seriously impairs his ability to walk or who is blind the vehicle may wait for as long as may be necessary to enable that person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage

(b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary to avoid an accident

(c) the vehicle is being used for fire brigade ambulance or police purposes or not being a passenger vehicle a motor cycle or an invalid carriage 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

(d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any

- obstruction to traffic
- (e) the vehicle is waiting -
    - (i) while postal packets addressed to premises adjacent to the disabled person's parking place in which the vehicle is waiting are being unloaded from the vehicle or having been unloaded therefrom are being delivered or
    - (ii) while postal packets are being collected for loading on the vehicle from premises or postal boxes adjacent to the disabled persons' parking place in which the vehicle is waiting or having been so collected are being loaded thereon
  - (f) the vehicle not being a passenger vehicle a motor cycle or an invalid carriage is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 25 (1) (b)
  - (g) the vehicle is in actual use in connection with the removal of furniture to or from one office or dwelling-house adjacent to the disabled person's parking place from or to a depository another office or dwelling-house or
  - (h) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the disabled persons' parking place in which the vehicle is waiting and the vehicle does not wait for such purpose for more than twenty minutes or for such longer period as a police constable in uniform or a Civil Enforcement Officer may approve
- (2) EXCEPT as provided by this Order the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a disabled persons' parking place at any time

**Manner of waiting in such a parking place**

29 NO person shall cause or permit a vehicle to wait in a disabled persons' parking place by virtue of the provisions of paragraph (1) (e) (f) (g) or (h) of the last preceding Article otherwise than:-

- (a) in the case of a disabled persons' parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are identified on the plans so that the vehicle shall

stand-

- (i) unless the length of the vehicle precludes compliance with this sub-paragraph in accordance with those provisions and so that every part of the vehicle is within the limits of the disabled persons' parking place or
  - (ii) if the length of the vehicle does preclude compliance with the last preceding sub-paragraph so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres and
- (b) in the case of any other disabled persons' parking place so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres 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

For the purposes of the foregoing sub-paragraph the expression "premises" shall not include any premises to or from which any furniture is being removed by virtue of the provisions of paragraph (1) (g) of the last preceding Article or to or from which goods are being delivered or collected by virtue of paragraph (1) (h) of that Article

#### **Placing of traffic signs etc**

- 30 THE Council shall place and maintain traffic signs indicating the limits of each parking space and/or each disabled person's parking place and that each disabled person's parking place so designated may only be used by vehicles referred to in Article 22

### **SECTION III**

#### **MOVEMENT AND/OR REMOVAL OF VEHICLES FROM PARKING PLACES**

#### **Movement of a vehicle in a parking place in an emergency**

- 31 ANY person duly authorised by the Council or a police constable in uniform may move or cause to be moved in case of emergency to any place he thinks

fit any vehicle left unattended in a parking place

**Removal of a vehicle from a parking place**

- 32 (1) When a vehicle is left in a parking place in contravention of any of the provisions contained in this Order a person authorised in that behalf by the Council or a police constable in uniform or a Civil Enforcement Officer may remove the vehicle or arrange for it to be moved from that parking place

BUT PROVIDED THAT Civil Enforcement Officers shall not exercise the powers in this Article other than in accordance with the 1986 Regulations

- (2) Where it appears to the Council or a police constable in uniform that a vehicle left in a parking place has been abandoned a Civil Enforcement Officer or a police constable in uniform may in such manner as they consider necessary for the purpose remove the vehicle or arrange for it to be moved from that parking place:

PROVIDED THAT where the Council or a police constable in uniform propose to move such a vehicle which in the opinion of the Council or a police constable in uniform is in such a condition that it ought to be destroyed then they shall not less than twenty-four hours before removing it cause to be affixed to the vehicle a notice stating that they propose to remove it for destruction at the end of that period

- 33 WHEN a person authorised by the Council or a police constable in uniform or a Civil Enforcement Officer removes or makes arrangements for the removal of a vehicle from a parking place by authority of Article 32 he shall except in the case of a vehicle which in the opinion of the Council or the Chief Constable is in such condition that it ought to be destroyed make such arrangements as may be deemed reasonably necessary for the safe custody of the vehicle

**Charges for the removal and storage of a vehicle from a parking place**

- 34 WHERE a vehicle is removed by the Council or a police constable in uniform from a parking place in pursuance of Article 32 there shall be payable to the Council or the Chief Constable pursuant to Section 102 of the Act and the Removal Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) Regulations 1989 charges for the removal storing and disposal of the said vehicle in accordance with the provisions of the said Regulations

**PART IV**

**SECTION I**  
**RESIDENT PARKING PERMITS**

**Application for and issue of a Resident Parking Permit**

- 35 (1) Subject to all the subsequent provisions of this Article a resident being a member of a household situated in the Esher Green Controlled Parking Zone any of whose members is/are the owner of a vehicle of the following class that it is to say a passenger vehicle or a goods vehicle or who uses with the permission of the owner of such a vehicle on a regular basis during the course of his employment may apply to the Council or the Borough Council for the issue to him/her of a Resident Parking Permit or a Virtual Resident Parking Permit in respect of that vehicle and any such application shall be made in a form either paper or electronically provided by the Borough Council and shall include the particulars and information required by the Borough Council and shall be accompanied by a remittance for the appropriate fee in respect of a parking permit hereinafter specified

PROVIDED THAT the maximum number of parking permits which may be issued to each household situated within the Esher Green Controlled Parking Zone shall be calculated in accordance with the provisions of paragraph (4) of this Article

- (2) Any application for a Resident Parking Permit to be issued in accordance with the provisions of paragraph (1) of this Article shall be made on a form or forms issued by and obtainable from the Council or the Borough Council and shall include the particulars and information required by such form or forms to be supplied and shall be accompanied by a remittance for the appropriate fee hereinafter specified
- (3) The Council or the Borough Council may at any time require an applicant for a Resident Parking Permit or any Resident Parking Permit holder to produce to an officer of the Council or the Borough Council such evidence in respect of an application for a Resident Parking Permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any Resident Parking Permit issued by them to that person as they may reasonably call for to verify that the Resident Parking Permit is valid
- (4) The number of Resident Parking Permits which may be issued by the

Council or the Borough Council in respect of each separate house within Esher Green Controlled Parking Zone shall be calculated as the sum of the total number of motor vehicles and/or goods vehicles registered to or owned by leased by or being used (with the consent of the owner) by any member[s] of the household resident at that house minus the total number of off-street parking space or spaces available for the use of that house for the leaving of a motor car or a goods vehicle or any number of those vehicles in any combination whatsoever

PROVIDED THAT where the Council or the Borough Council is of the opinion (which opinion shall be at the absolute discretion of that Council) that any off-street parking space is large enough for the leaving of a motor cycle or a motor car or a goods vehicle or any number of those vehicles in any combination whatsoever but cannot be used for that purpose due to the use of that space for any other purposes whatsoever by any member of the household then the Council or the Borough Council may count the number of any off-street parking space or spaces being so used in the calculation for the total number of Resident Parking Permits which may be issued to any member or members of that household

AND FURTHER PROVIDED THAT the maximum number of Resident Parking Permits which may be issued by the Council or the Borough Council to each household situated within Esher Green Controlled Parking Zone may, at the absolute discretion of the Council or the Borough Council be limited

- (5) Upon receipt of an application duly made under the foregoing provisions of this Article in respect of the nominated vehicle the Council or the Borough Council upon being satisfied that the applicant is a resident being a member of a household in Esher Green Controlled Parking Zone to which this Section applies (as stated in paragraph (1) of this Article) and is the owner or a regular user of a vehicle of the class specified in paragraph (1) of this Article, that Council may, in its absolute discretion, issue to the applicant therefor one Resident Parking Permit for the leaving of the nominated vehicle without time limit during the permitted hours in any shared use parking place located only within the Esher Green Controlled Parking Zone specified in the First Schedule in which that shared use parking place is stated as being situated of the vehicle to which such Resident Parking 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

- (6) Notwithstanding any of the foregoing provisions of this Article the Council or the Borough Council shall not in any circumstances issue a Resident Parking Permit to any resident which would be valid for any period during which any other Resident Parking Permit issued to that resident by the Council and/or the Borough Council for the leaving of a vehicle in a street parking place pursuant to the provisions of any other enactment is valid
- (7) If the Council or Borough Council is either unable or decides not to issue a Resident Parking Permit to an applicant therefor any remittance paid shall be refunded to the said applicant
- (8) The fee referred to in paragraph (1) of this Article payable to the Council shall be the sum of -
  - (a) fifty pounds in respect of the first Resident Parking Permit issued under the provisions of paragraph (5) of this Article which subject to the provisions of this Order shall be valid for a period of twelve months running from any day of the month on which the Resident Parking Permit first becomes valid
  - (b) seventy-five pounds in respect of the second and any subsequent Resident Parking Permit issued under the provisions of paragraph (5) of this Article which subject to the provisions of this Order shall be valid for a period of twelve months running from any day of the month on which the Resident Parking Permit first becomes valid
- (9) It is hereby stated by the Council that -
  - (a) the issuing of a Resident Parking Permit to a Resident Parking Permit holder does not guarantee that any parking space within any residents' only parking place will be available for use by the Resident Parking Permit holder aforesaid during the permitted hours and
  - (b) the Resident Parking Permit remains at all times whilst it is issued to a Resident Parking Permit holder the property of the Council

**Application for the re-issue of a Resident Parking Permit upon a change of vehicle with a different registration mark**

36 WHERE a resident or a Resident Parking Permit holder applies for the issue of a further Resident Parking Permit due to that resident or that Resident Parking Permit holder changing the vehicle in respect of which the original Resident Parking Permit was issued so that the original Resident Parking Permit no longer bears the registration mark of the vehicle in respect of which that original Resident Parking Permit was first issued under the provisions of Article 35 (1) then the original Resident Parking Permit will be issued bearing the registration mark of the new vehicle PROVIDED THAT there shall then be payable to the Borough Council a sum of fifteen pounds for the issue of that further Resident Parking Permit which shall be valid for the remainder of the period stated on the original Resident Parking Permit under the provisions of Article 39(b)

**Surrender withdrawal and validity of Resident Parking Permits**

- 37 (1) (a) A parking permit holder may surrender a parking permit or a cashless parking device to the Council at any time and shall surrender it to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article or in accordance with the provisions of paragraph (5) of this Article
- (b) The Council may by notice in writing served on a parking permit holder by sending the same by the recorded delivery service to that person at the address shown by that person on the application for the parking permit or a cashless parking device or at any other address believed to be that person's house or usual place of abode withdraw a parking permit or a cashless parking device if it appears to the Council that any one of the events set out in paragraph (3)(a) (d) (e) or (f) of this Article has occurred and that person shall surrender the parking permit to the Council within 48 (forty-eight) hours of the receipt of the afore-mentioned notice
- (2) The Council may by notice in writing served on a parking permit holder by sending the same by the recorded delivery service to that person at the address shown by that person on the application for the parking permit or at any other address believed to be that person's house OR usual place of abode withdraw a parking permit if it appears to the

Council that any one of the events set out in paragraph (3)(a) (d) (e) or (f) of this Article has occurred and that person shall surrender the parking permit to the Council within 48 (forty-eight) hours of the receipt of the afore-mentioned notice

- (3) The events referred to in the foregoing provisions of this Article are -
  - (a) the permit holder ceasing to be a resident
  - (b) the withdrawal of the parking permit by the Council under the provisions of paragraph (2) of this Article
  - (c) the vehicle in respect of which the parking permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified in Article 35
  - (d) the parking permit having been obtained by fraud and/or deception or as a result of incorrect material information supplied by the applicant therefor
  - (e) the parking permit bearing numbers or letters other than that indicated by the Council
  - (f) the issue of a duplicate parking permit by the Council pursuant to the provisions of Article 38
  - (g) the parking permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article
- (4) Without prejudice to the foregoing provisions of this Article a Resident Parking Permit shall cease to be valid at the expiration of the period stated thereon or on the occurrence of any one of the events set out in paragraph (3) of this Article whichever is the earlier
- (5) Where a Resident Parking Permit is issued pursuant to paragraph (4) of Article 35 to any person upon receipt of a cheque and the cheque is subsequently dishonoured the parking permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such parking permit was issued by sending the same by the recorded delivery service to him at the address shown by that person on the application for the parking permit or at any other address believed to be that person's place of abode require that person to surrender the parking permit to the Council within 48 hours of the receipt of the afore-mentioned notice

### **Application for and issue of a duplicate Resident Parking Permit**

- 38 (1) If a Resident Parking Permit is mutilated, torn or defaced, or the figures or particulars have become illegible or the colour of the permit has become altered by fading the holder shall surrender it to the Council and apply to the Council for them to issue a duplicate. On receipt of the old permit the Council shall issue a duplicate permit and the previous permit shall be invalid
- (2) If a parking permit is lost or destroyed the parking permit holder may apply to the Council for the issue to him of a duplicate parking permit and the Council upon being satisfied as to such loss or destruction shall issue a duplicate parking permit so marked and upon such issue the first mentioned parking permit shall become invalid
- (3) The provisions of this Order shall apply to a duplicate parking permit and an application therefor as if it were a parking permit or as the case may be an application therefor
- (4) The duplicate permit remains at all times whilst it is issued to a permit holder the property of the Council
- (5) The fee payable to the Borough Council for the issue of a duplicate Parking Permit shall be the sum of fifteen pounds

### **Form of Resident Parking Permit**

- 39 A parking permit shall either -
- (a) be in writing and shall include the following particulars:-
- (i) the registration mark of the vehicle in respect of which the parking permit has been issued and
  - (ii) the period during which subject to the provisions of paragraph (4) of Article 36 the parking permit shall remain valid
  - (iii) the hours during which the vehicle may be left in a parking place
  - (iv) an indication that the permit has been issued by the Council
  - (v) the words "Esher Green Resident Parking Permit" OR
- (b) be a cashless parking device OR
- (c) be a virtual resident parking permit

### **Display of a Resident Parking Permit**

40 AT all times during which a vehicle of a class specified in Article 35 is left in a resident parking place during the permitted hours a valid parking permit shall be displayed on either -

- (a) the vehicle in respect of which it was issued on the front or near side of the vehicle so that all the particulars on the parking permit are readily visible from the front or near side of the vehicle OR
- (b) be a cashless parking device displayed in a conspicuous position on the vehicle in a manner where it can be read by the handheld device

PROVIDED THAT a vehicle is validated by the hand held device as having a valid Virtual Waiver Certificate, no certificate or cashless parking device needs be displayed on that vehicle

AND FURTHER PROVIDED THAT no Resident Parking Permit or cashless parking device or virtual parking permit is required if the vehicle is waiting in such a parking place pursuant to the provisions of Article 18 or display in the manner specified in Articles 44 46 51 or 54 a valid Permit issued in respect of that vehicle or is a disabled person's vehicle which displays in the relevant position or in the prescribed manner a disabled person's badge issued by any local authority

### **Refund of fee paid in respect of a Resident Parking Permit**

- 41
- (1) A parking permit holder who surrenders a parking permit to the Council before the parking permit becomes valid shall be entitled to a refund of the fee paid in respect thereof
  - (2) A parking permit holder who surrenders a parking permit to the Council after the parking permit has become valid shall be entitled to a refund of part of the charge paid in respect thereof calculated in accordance with the provisions of the next following paragraph
  - (3) The part of the charge which is refundable under the provisions of the last foregoing paragraph shall be calculated as one-twelfth of the sum paid in respect thereof in respect of each complete month of the period specified thereon as the period during which it shall be valid which remains unexpired at the time when the permit is surrendered to the Borough Council

## SECTION II

### RESIDENT VISITOR PARKING PERMITS

#### **Application for and issue of a Resident Visitor Parking Permit**

- 42 (1) Any resident may apply to the Council for the issue of a day's Resident Visitor Parking Permit or a Virtual Resident Visitor Parking Permit for leaving in a parking space (where such parking space is provided) in any resident parking place a vehicle of the class referred to in Article 35 owned by and/or being used by a visitor. Any application for a Resident Visitor Parking Permit or a Virtual Resident Visitor Parking Permit shall be made either on paper or electronically and shall include the particulars and information required by the Borough Council and shall be accompanied by a remittance for the appropriate fee in respect of a Resident Visitor Parking Permit or Virtual Resident Visitor Parking Permit hereinafter specified
- (2) The Council may at any time require an applicant for a Resident Visitor Parking Permit or any Resident Visitor Parking Permit holder to produce to an officer of the Council such evidence in respect of an application for a Resident Visitor Parking Permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any Resident Visitor Parking Permit issued by them to that person as they may reasonably call for to verify that the Resident Visitor Parking Permit is valid
- (3) Upon receipt of an application duly made under the provisions of paragraph (1) of this Article and the appropriate fee specified in paragraph (6) of this Article the Council upon being satisfied that the applicant is a resident may in its absolute discretion issue to the applicant therefore one Resident Visitor Parking Permit the parking permit aforesaid being for the leaving of the vehicle to which the parking permit relates without time limit during the permitted hours in a parking space (where such parking space is provided) in a shared use parking place situated on any part of the road specified in column 3 of the table forming Part II of the Second Schedule the postal address of the usual place of abode of the said applicant being within the road or part of the road specified in column 2 of the said part of the said table of a vehicle owned by and/or being used by a person visiting the said applicant

PROVIDED THAT subject to the provisions of paragraph (5) of this Article the Council may in its absolute discretion limit the number of Resident Visitor Parking Permits that are issued at any one time in respect of a particular usual place of abode and may require the production and/or surrender of a used Resident Visitor Parking Permit or used Resident Visitor Parking Permits before issuing a further such permit

- (4) The number of Resident Visitor Parking Permits issued in respect of each separate place of abode shall not exceed one hundred and twenty per annum
- (5) If the Council is either unable or decides not to issue a Resident Visitor Parking Permit to an applicant therefor any remittance paid shall be refunded to the said applicant
- (6) The fee referred to in paragraph (3) of this Article payable to the Council in respect of a Resident Visitor Parking Permit shall be two pounds for each such parking permit and the Resident Visitor Parking Permit shall be valid for a period of one day only being the date endorsed thereon by the resident as being the date of commencement of the permit
- (7) No refund shall be payable by the Council in respect of any unused Resident Visitor Parking Permits or any such parking permits which are or have been lost or destroyed by the resident to whom those Resident Visitor Parking Permits have been issued or which Resident Visitor Parking Permits have been mutilated or torn or accidentally defaced in any way whatsoever whilst those Resident Visitor Parking Permits have been issued to a resident and are actually held by that resident for the time being
- (8) For the avoidance of doubt it is hereby stated by the Council that -
  - (a) the issuing of a Resident Visitor Parking Permit to a resident does not guarantee that any parking space within any parking place will be available for use by the visitor to that resident during the permitted hours and
  - (b) the Resident Visitor Parking Permit remains at all times whilst it is issued to the resident the property of the Council

- (9) In any respect not specifically mentioned in this Section the procedure validity and terms of use for a Resident Visitor Parking Permit shall be the same as the procedure validity and terms of use of a Resident Parking Permit and this Article shall be construed accordingly

### **Form of Resident Visitor Parking Permits**

- 43 A Resident Visitor Parking Permit shall either –
- (a) be in writing and shall include the following particulars -
    - (i) a space for the insertion of the registration mark of the vehicle in respect of which the Resident Visitor Parking Permit is to be displayed on and used
    - (ii) an indication that the Resident Visitor Parking Permit has been issued by the Council
    - (iii) a figure stating the number of the Resident Visitor Parking Permit
    - (iv) the words “Esher Green Controlled Parking Zone”
    - (v) a space for the insertion of a set of figures and/or words indicating the days of the month and the calendar year and/or years when the Resident Visitor Parking Permit may be usedOR
  - (b) be a cashless parking device OR
  - (c) be a Virtual Resident Visitor Parking Permit

### **Display of a Resident Visitor Parking Permit**

- 44 AT all times during which a vehicle of a class referred to in Article 35 is left in a parking place during the permitted hours a valid Resident Visitor Parking Permit shall either -
- (a) be displayed on the vehicle in respect of which it is to be used on the front or near-side of the vehicle so that all the particulars on the Resident Visitor Parking Permit are readily visible from the front or near-side of the vehicle OR
  - (b) be a cashless parking device displayed in a conspicuous position on the vehicle in a manner where it can be read by the handheld device

PROVIDED THAT a vehicle is validated by the hand held device as having a valid Virtual Waiver Certificate, no certificate or cashless parking device needs be displayed on that vehicle

AND FURTHER PROVIDED THAT no such Resident Visitor Parking Permit,



cashless parking device or virtual parking permit is required if the vehicle is waiting in such a parking place pursuant to the provisions of Article 16 or display in the manner specified in Articles 40 46 51 or 54 a valid Permit issued in respect of that vehicle or is a disabled person's vehicle which displays in the relevant position or in the prescribed manner a disabled person's badge issued by any local authority

#### **Validation of a Resident Visitor Parking Permit**

45 A Resident Visitor Parking Permit shall be validated by the resident to whom it has been issued or by the visitor by whom it is to be used by indicating by whatever means provided on that Resident Visitor Parking Permit the date of the day of the month and the year on which that Resident Visitor Parking Permit is to be used and by marking on the Resident Visitor Parking Permit the registration mark of the vehicle in respect of which that Resident Visitor Parking Permit is to be used OR

PROVIDED THAT where a cashless parking device or Virtual Resident Visitor Permit is validated by the hand held device no such Resident Visitor Parking Permit is required to be displayed

### **SECTION III**

#### **OPERATIONAL PARKING PERMITS**

#### **Application for and issue of an Operational Parking Permit**

- 46 (1) ANY doctor or nurse or community care personnel may apply to the Council for the issue of an Operational Parking Permit for the leaving during the permitted hours of a vehicle of the class specified in Article 35 and belonging to or being used by a doctor or nurse or community care personnel visiting a resident in the course of medical or community care duties and any such application shall be made in accordance with formal guidance issued by and obtainable from the Elmbridge Borough Council and shall include the particulars and information required by such guidance to be supplied and the Council may in its absolute discretion issue an Operational Parking Permit to such categories of medical personnel
- (2) The Council may at any time require an applicant therefor or an Operational Parking Permit holder to produce to an Officer of that Council such evidence in respect of an application for an Operational Parking Permit made to them as they may reasonably call for to verify

any particulars or information given to them or in respect of any Operational Parking Permit issued by them to that person as they may reasonably call for to verify that the Operational Parking Permit is valid

- (3) Upon receipt of an application duly made under the foregoing provisions of this Article and upon being satisfied that the applicant is employed as one of the specific categories of medical or community care personnel and is either the owner of a vehicle of the class specified in paragraph (1) above or a person authorised by the owner of a vehicle of such class the Council may in its absolute discretion issue to the applicant therefor one Operational Parking Permit for the leaving without time limit during the permitted hours in any shared use parking place identified by the key relating to the plans (within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone) of a vehicle belonging to or being used by medical or community care personnel visiting a resident in the course of their duties
- (4) In any respect not specifically mentioned in paragraphs (1) (2) (3) (5) (6) and (7) of this Article the procedure validity and terms of use of an Operational Parking Permit shall be the same as the procedure validity and terms of use of a Resident Parking Permit and this paragraph shall be construed accordingly
- (5) No charge shall be payable in respect of an Operational Parking Permit and such permits shall be valid for a period of one year
- (6) A parking permit shall either –
  - (a) be in writing and shall include the following particulars:-
    - (i) the registration mark of the vehicle in respect of which the parking permit has been issued
    - (ii) the period during which the parking permit shall remain valid
    - (iii) an indication that the permit has been issued by the Council
    - (iv) the words “Esher Green Operational Parking Permit” OR
  - (b) be a cashless parking device displayed in a conspicuous position on the vehicle in a manner where it can be read by the handheld device

PROVIDED THAT a vehicle is validated by the hand held device as having a valid Virtual Operational Parking Permit, no permit or cashless parking device needs be displayed on that vehicle

- (7) AT all times during which a vehicle of a class specified in Paragraph

(1) of Article 10 is left in any shared use parking place identified in the plans during the permitted hours a valid Operational Parking Permit shall either –

- (a) be displayed on the vehicle in respect of which it was issued on the front or nearside of the vehicle so that all the particulars on the parking permit are readily visible from the front or nearside of the vehicle OR
- (b) be a cashless parking device displayed in a conspicuous position on the vehicle in a manner where it can be read by the handheld device

PROVIDED THAT a vehicle is validated by the hand held device as having a valid Virtual Waiver Certificate, no certificate or cashless parking device needs be displayed on that vehicle

AND FURTHER PROVIDED THAT no such parking permit or cashless parking device or virtual parking permit is required if the vehicle is waiting in such a parking place pursuant to the provisions of Article 18 or display in the manner specified in Articles 40 or 44 or 51 or 54 a valid Permit issued in respect of that vehicle or is a disabled person's vehicle which displays in the relevant position or in the prescribed manner a disabled person's badge issued by any local authority

## **SECTION IV**

### **CARERS' PARKING PERMITS**

#### **Application for and issue of a Carer's Parking Permit**

- 47 (1) ANY person –
- (a) who is resident or ordinarily resident at any premises the postal address of which is in the roads and lengths of roads specified and described in the First Schedule and
  - (b) is housebound and
  - (c) in need of regular short term visits from carers or community care personnel

may apply to the Borough Council for the issue of a Carer's Parking Permit for the leaving in any residents parking place situated within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone on any of the plans during the permitted hours of either passenger vehicle or goods vehicle and

belonging to or being used by a person visiting that resident at those premises to carry out carer's duties and any such application shall be made either electronically or on a form issued by and obtainable from the Borough Council and shall include the particulars and information required to be supplied and the Borough Council may in its absolute discretion issue a Carer's Parking Permit to such carers or community care personnel

- (2) The Borough Council may at any time require an applicant for a Carer's Parking Permit or a Carer's Parking Permit holder to produce to an Officer of that Council such evidence in respect of an application for a Carer's Parking Permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any Carer's Parking Permit issued by them to that person as they may reasonably call for to verify that the Carer's Parking Permit is valid
- (3) Upon receipt of an application duly made under the foregoing provisions of this Article and upon being satisfied that the applicant is housebound and in need of such short term visits by carers or community care personnel and that the carer or the community care personnel is or are either the owner of either a passenger vehicle or goods vehicle or a person authorised to use such a vehicle by the owner thereof the Borough Council may in its absolute discretion issue to the applicant therefor one Carer's Parking Permit for the leaving without time limit and free of charge during the permitted hours in any shared use parking place situated within the area shown marked by a black broken line and labelled as Esher Green Controlled Parking Zone on any of the plans of a vehicle belonging to or being used by a person visiting that resident as a carer or as community care personnel in the course of their duties

PROVIDED THAT the Carer's Parking Permit is only valid in respect of any resident's premises that are situated in the roads and parts of the roads specified and described in the First Schedule

- (4) IN any respect not specifically mentioned in paragraphs (1), (2) and (3) of this Article and Articles 48 49 and 50 the procedure validity and terms of use of a Carer's Parking Permit shall be the same as the procedure validity and terms of use of a parking permit and this paragraph shall be construed accordingly

### **Fee to be paid in respect of a Carer's Parking Permit**

48 THE payable to the Borough Council in respect of a Carer's Parking Permit shall be ten pounds permit which subject to the provisions of this Order shall be valid for a period of twelve months

### **Refund of the fee paid in respect of a Carer's Parking Permit**

- 49 (1) A Carer's Parking Permit holder who surrenders his or hers Carer's Parking Permit to the Borough Council before the said parking permit becomes valid shall be entitled to a refund of the fee paid in respect thereof
- (2) A Carer's Parking Permit holder who surrenders his or hers Carer's Parking Permit to the said Borough Council after the said parking permit has become valid shall not be entitled to a refund

### **Form of Carer's Parking Permit**

- 50 A Carer's Parking Permit shall either –
- (a) be in writing and shall include the following particulars –
    - (i) a serial number identifiable in the office of issue
    - (ii) the words "CARER"
    - (iii) the period during which the Carer's Parking Permit shall remain valid
    - (iv) an indication that the permit has been issued by the Borough Council
    - (v) the words "Esher Green Controlled Parking Zone" OR
  - (b) be a cashless parking device OR
  - (c) be a Virtual Resident Visitor Parking Permit

### **Display of a Carer's Parking Permit**

- 51 AT all times during which a passenger vehicle or a goods vehicle which is being used for the purposes specified in paragraph (1) of Article 47 is left in a residents parking place identified on the plans during the permitted hours a valid Carer's Parking Permit shall either be –
- (a) be displayed on the vehicle in respect of which it is to be used on the front or near-side of the vehicle so that all the particulars on the Carer's Parking Permit are readily visible from the front or near-side of

the vehicle OR

- (b) be a cashless parking device displayed in a conspicuous position on the vehicle in a manner where it can be read by the handheld device

PROVIDED THAT a vehicle is validated by the hand held device as having a valid Virtual Waiver Certificate, no certificate or cashless parking device needs be displayed on that vehicle

AND FURTHER PROVIDED THAT no such Carer's Parking Permit, cashless parking device or virtual parking permit is required if the vehicle is waiting in such a parking place pursuant to the provisions of Article 18 or display in the manner specified in Articles 40 or 44 or 46 or 54 a valid Permit issued in respect of that vehicle or is a disabled person's vehicle which displays in the relevant position or in the prescribed manner a disabled person's badge issued by any local authority

## **SECTION V**

### **BUSINESS PARKING PERMITS**

#### **Application for and issue of a Business Parking Permit**

- 52
- (1) Any business user who is the owner of a vehicle of the following class that is to say a passenger vehicle a goods vehicle a motor-cycle or an invalid carriage may apply to the Council for the issue of a Business Parking Permit in respect of that vehicle and any such application shall be made either electronically or on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied
  - (2) The Council may at any time require an applicant for a Business Parking Permit or a Business Parking Permit holder to produce to an officer of the Council such evidence in respect of an application for a Business Parking Permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any Business Parking Permit issued by them to as they may reasonably call for to verify that the Business Parking Permit is valid
  - (3) On receipt of an application duly made under the foregoing provisions of this Article the Council upon being satisfied that the applicant is a business user and is the owner of a vehicle of the class specified in paragraph (1) of this Article shall issue to the applicant therefor upon receipt of the fee of five hundred pounds one Business Parking Permit and a protective cover for the display therein of that Business Parking

Permit the Business Parking Permit being for the leaving during the permitted hours in a parking space (where such parking space is provided) in a shared use parking place situated on any road or part of a road specified in column 3 of the table forming the First Schedule the postal address of the business premises occupied by the aforesaid business user being within the roads or parts of the roads specified in column 2 of the aforesaid table to which such Business Parking Permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner

PROVIDED THAT the Council shall not issue a Business Parking Permit to any business user which would be valid during any period during which -

- (a) any two other Business Parking Permits issued to that business user are or would be valid or
- (b) any Resident Parking Permit issued to that business user and relating to the vehicle in question is or would be valid

AND PROVIDED ALSO THAT officers of the Council have the absolute discretion to permit the issue of extra Business Parking Permits where it is considered special circumstances exist

(4) It is hereby stated by the Council that -

- (a) the issuing of a Business Parking Permit to a Business Parking Permit holder does not guarantee that any parking space within any parking place will be available for use by the Business Parking Permit holder aforesaid during the permitted hours and
- (b) the Business Parking Permit remains at all times whilst it is issued to a Business Parking Permit holder the property of the Council

(5) PROVIDED THAT the number of Business Parking Permits which may be issued by the Council in respect of each separate business place is as follows: -

- (i) Where no off-street parking provision is available to that business place up to two Business Parking Permits may be issued by the Council
- (ii) Where one off-street parking space is available to that business place no more than one Business Parking Permit may be issued by the Council
- (iii) Where two off-street parking spaces are available to that

business place no Business Parking Permits may be issued by the Council

### **Form of Business Parking Permits**

53 A Business Parking Permit shall either –

- (a) be in writing and shall include the following particulars: -
  - (i) the registration mark of the vehicle in respect of which the Business Parking Permit has been issued and
  - (ii) the period during which subject to the provisions of paragraph (4) of Article 47 the Business Parking Permit shall remain valid and
  - (iii) an indication that the permit has been issued by the Council
  - (iv) the words “Esher Green Business Parking Permit” OR
- (b) be a cashless parking device OR
- (c) be a Virtual Resident Visitor Parking Permit

### **Display of Business Parking Permits**

54 AT all times during which a vehicle of a class specified in paragraph (1) of Article 52 is left in a residents’ parking place during the permitted hours a valid Business Parking Permit shall either -

- (a) be displayed on the vehicle in respect of which it is to be used on the front or near-side of the vehicle so that all the particulars on the Business Parking Permit are readily visible from the front or near-side of the vehicle OR
- (b) be a cashless parking device displayed in a conspicuous position on the vehicle in a manner where it can be read by the handheld device

PROVIDED THAT a vehicle is validated by the hand held device as having a valid Virtual Waiver Certificate, no certificate or cashless parking device needs be displayed on that vehicle

AND FURTHER PROVIDED THAT no such Business Parking Permit, cashless parking device or virtual parking permit is required if the vehicle is waiting in such a parking place pursuant to the provisions of Article 16 or display in the manner specified in Articles 40 or 44 or 46 or 54 a valid Permit issued in respect of that vehicle or is a disabled person’s vehicle which displays in the relevant position or in the prescribed manner a disabled person’s badge issued by any local authority

### **Refund of fee paid in respect of a Business Parking Permit**

55 (1) A Business Parking Permit holder who surrenders a Business Parking



Permit to the Council before the Business Parking Permit becomes valid shall be entitled to a refund of the fee paid in respect thereof

- (2) A Business Parking Permit holder who surrenders a Business Parking Permit to the Council after the Business Parking Permit has become valid shall be entitled to a refund of part of the fee paid in respect thereof calculated in accordance with the provisions of the next following paragraph
- (3) The part of the fee which is refundable under the provisions of the last foregoing paragraph shall be calculated as the sum of two pounds and ninety-one pence in respect of each complete month of the period specified thereon as the period during which it shall be valid which remains unexpired at the time when the Business Parking Permit is surrendered to the Council

## **PART V**

### **SUPPLEMENTARY PROVISIONS**

#### **Saving with respect to parking places**

- 56 INsofar as any provision contained in PART III conflicts with a provision which is contained in PART II or in any other enactment existing at the time when this Order comes into operation and which imposes or has the effect of imposing any restriction or prohibition on -
- (a) the waiting loading or unloading by vehicles and
  - (b) the delivering or collecting of goods by vehicles
- or grants an exemption from any such restriction or prohibition then the provisions contained in PART III shall prevail

#### **Saving with respect of pedestrian crossings**

- 57 NOTHING in the foregoing provisions of this Order shall be taken as authorising anything which would be a contravention of any Regulations made or having effect as if made under Section 25 of the Act

#### **Saving with respect of hackney carriages**

- 58 NOTHING in Article 3 of this Order shall render it unlawful to cause or permit hackney carriages to wait upon any stand for hackney carriages duly authorised under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976

PROVIDED THAT the said hackney carriages are waiting wholly within the limits of any said stand for hackney carriages

**Saving with respect of bus stop clearways**

59 INsofar as any provision contained in PART II of this Order conflicts with a provision which is contained in paragraph 2 or 3 or 4 of Schedule 19 to the Traffic Signs Regulations and General Directions 2002 (S.I. 2002 No. 3113) then the provision contained in the said paragraphs of the said Regulations shall prevail

**Saving with respect to other enactments**

60 SUBJECT to the provisions contained in Articles 56 and 57 and 58 and 59 the prohibitions restrictions and requirements imposed by this Order are in addition to and not in derogation of any prohibition restriction or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment

**PART VI**

**ENFORCEMENT**

**Contraventions**

61 IF a vehicle is left without complying with any of the requirements of this Order then a contravention will have occurred and a penalty charge shall be payable. A Penalty Charge Notice showing the information required by the Section 78 of the Traffic Management Act 2004 or any regulations made thereunder may then be issued by a Civil Enforcement Officer in accordance with the requirements of Section 78 of the Traffic Management Act 2004 or any regulations made thereunder

**Notice of penalty charge**

62 IN the case of a vehicle in respect of which a penalty charge may have been incurred a Civil Enforcement Officer may serve a Penalty Charge Notice in accordance with the requirements of Regulation 9 or Regulation 10 of the General Regulations and which Penalty Charge Notice shall comply respectively with the requirements of paragraph 1 or paragraph 2 of the Schedule to the General Regulations

### **Restriction on removal of Penalty Charge Notices**

63 WHERE a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of this Order no person not being the driver of the vehicle a police constable in uniform or a Civil Enforcement Officer shall remove that Notice from the vehicle unless authorised to do so by the driver

### **Manner of payment of penalty charge**

- 64 (1) The owner of a vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Council EITHER by cheque or postal Order which shall be delivered or sent by post so as to reach the Cash Office of the Elmbridge Borough Council situated at Civic Centre High Street Esher Surrey KT12 2XA or the office of any agents thereof within twenty-eight days of the issue of the penalty charge OR in cash in person at the said offices not later than as aforesaid OR by credit card or debit card
- (2) If the penalty charge is paid before the end of the period of fourteen days beginning with the date of the Notice the amount of the penalty charge will be reduced by the specified proportion PROVIDED THAT in this paragraph "specified proportion" means such proportion applicable to all cases as may be determined by the Local Authorities acting through the Joint Committee
- (3) If the owner fails to pay the penalty charge by the end of the twenty-eight day period a Notice to Owner may be served and if the charge is then not paid within a further period of twenty-eight days it may be increased by fifty per cent
- (4) If the fourteen or twenty-eight day periods referred to above fall on a day when the said Council Offices are closed the period within which payment shall be made shall be extended until 4.30 p.m. on the next full day on which the said Council Offices are open

## **PART VII**

### **REVOCATION**

#### **Revocation**

65 WITHOUT prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this

Order the Orders specified in the Fourth Schedule to this Order are hereby revoked in their entirety

### FIRST SCHEDULE

#### ROADS OR PARTS OF ROADS FOR THE PURPOSE OF THE ISSUE OF RESIDENT PARKING PERMITS

Column 1	Column 2	Column 3
<b>Area (shown on permit)</b>	<b>Roads for the purpose of definition of “resident”</b>	<b>Roads in which residents are entitled to park within marked parking spaces and/or parking places with appropriate permit</b>
Esher Green Controlled Parking Zone	Esher Green (Nos. 15 to 54 inclusive) Park Road Wolsey Road Wolsey Grove 24 and 26 Church Street	Esher Green Park Road Wolsey Road Wolsey Grove Esher Green (commonly known as Esher Place Avenue)(from the southern boundary of nos.1 and 2 Esher Place Avenue to it’s junction with Lammas Lane)

### SECOND SCHEDULE

#### ROADS OR PARTS OF ROADS FOR THE PURPOSE OF THE ISSUE OF RESIDENT VISITOR PARKING PERMITS

Column 1	Column 2	Column 3
<b>Area (shown on permit)</b>	<b>Roads for the purpose of definition of “resident”</b>	<b>Roads in which a residents’ visitors parking permit may be used</b>
Esher Green Controlled Parking Zone	Esher Green (Nos. 15 to 54 inclusive) Park Road Wolsey Road Wolsey Grove 11 Lammas Lane 24 and 26 Church Street	Esher Green Park Road Wolsey Road Wolsey Grove Esher Green (commonly known as Esher Place Avenue)(from the southern boundary of nos.1 and 2 Esher Place Avenue to it’s junction with Lammas Lane)



3282/ELM/1342	06/14								
3282/ELM/1343	06/14								
3282/ELM/1344	06/14								
3282/ELM/1345	06/14								
3282/ELM/1346	06/14								
3282/ELM/1347	06/14								
3282/ELM/1348	06/14								
3282/ELM/1349	06/14								
3282/ELM/1350	06/14								
3282/ELM/1351	06/14								
3282/ELM/1352	06/14								
3282/ELM/1353	06/14								
3282/ELM/1354	06/14								
3282/ELM/1355	06/14								
3282/ELM/1356	06/14								
3282/ELM/1357	06/14								
3282/ELM/1358	06/14								
3282/ELM/1359	06/14								
3282/ELM/1360	06/14								
3282/ELM/1361	06/14								
3282/ELM/1362	06/14								
3282/ELM/1363	06/14								
3282/ELM/1364	06/14								
3282/ELM/1365	06/14								
3282/ELM/1366	06/14								
3282/ELM/1367	06/14								
3282/ELM/1368	06/14								
3282/ELM/1369	06/14								
3282/ELM/1370	06/14								
3282/ELM/1371	06/14								
3282/ELM/1372	06/14								
3282/ELM/1373	06/14								
3282/ELM/1374	06/14								
3282/ELM/1375	06/14								
3282/ELM/1376	06/14								
3282/ELM/1377	06/14								
3282/ELM/1378	06/14								
3282/ELM/1379	06/14								
3282/ELM/1380	06/14								
3282/ELM/1381	06/14								
3282/ELM/1382	06/14								
3282/ELM/1383	06/14								
3282/ELM/1384	06/14								
3282/ELM/1385	06/14								
3282/ELM/1386	06/14								
3282/ELM/1387	06/14								
3282/ELM/1388	06/14								

3282/ELM/1389	06/14								
3282/ELM/1390	06/14								
3282/ELM/1391	06/14								
3282/ELM/1392	06/14								
3282/ELM/1393	06/14								
3282/ELM/1394	06/14								
3282/ELM/1395	06/14								
3282/ELM/1396	06/14								
3282/ELM/1397	06/14								
3282/ELM/1398	06/14								
3282/ELM/1399	06/14								
3282/ELM/13100	06/14								
3282/ELM/13101	06/14								
3282/ELM/13102	06/14								
3282/ELM/13103	06/14								
3282/ELM/13104	06/14								
3282/ELM/13105	06/14								
3282/ELM/13106	06/14								
3282/ELM/13107	06/14								
3282/ELM/13108	06/14								
3282/ELM/13109	06/14								
3282/ELM/13110	06/14								
3282/ELM/13111	06/14								
3282/ELM/13112	06/14								
3282/ELM/13113	06/14								
3282/ELM/13114	06/14								
3282/ELM/13115	06/14								
3282/ELM/13116	06/14								
3282/ELM/13117	06/14								
3282/ELM/13118	06/14								
3282/ELM/13119	06/14								
3282/ELM/13120	06/14								
3282/ELM/13121	06/14								
3282/ELM/13122	06/14								
3282/ELM/13123	06/14								
3282/ELM/13124	06/14								
3282/ELM/13125	06/14								
3282/ELM/13126	06/14								
3282/ELM/13127	06/14								
3282/ELM/13128	06/14								
3282/ELM/13129	06/14								
3282/ELM/13130	06/14								
3282/ELM/13131	06/14								
3282/ELM/13132	06/14								
3282/ELM/13133	06/14								
3282/ELM/13134	06/14								
3282/ELM/13135	06/14								

3282/ELM/13136	06/14								
3282/ELM/13137	06/14								
3282/ELM/13138	06/14								
3282/ELM/13139	06/14								
3282/ELM/13140	06/14								
3282/ELM/13141	06/14								
3282/ELM/13142	06/14								
3282/ELM/13143	06/14								
3282/ELM/13144	06/14								
3282/ELM/13145	06/14								
3282/ELM/13146	06/14								
3282/ELM/13147	06/14								

**FOURTH SCHEDULE**  
LIST OF REVOCATIONS

- 1 The Surrey County Council Esher Green Controlled Parking Zone in the Borough of Elmbridge (Consolidation of Waiting Restrictions and On-Street Parking Places) Order 2008
- 2 The Surrey County Council ((Esher Green Controlled Parking Zone in the Borough of Elmbridge) (Consolidation of Waiting Restrictions and On-Street Parking Places) Order 2008) (Amendment No. 1) Order 2009
- 3 The Surrey County Council ((Esher Green Controlled Parking Zone in the Borough of Elmbridge) (Consolidation of Waiting Restrictions and On-Street Parking Places) Order 2008) (Amendment No. 2) Order 2010
- 4 The Surrey County Council ((Esher Green Controlled Parking Zone in the Borough of Elmbridge) (Consolidation of Waiting Restrictions and On-Street Parking Places) Order 2008) (Amendment No. 3) Order 2011
- 5 The Surrey County Council ((Esher Green Controlled Parking Zone in the Borough of Elmbridge) (Consolidation of Waiting Restrictions and On-Street Parking Places) Order 2008) (Amendment No. 4) Order 2011



- 6 The Surrey County Council (Esher Green Controlled Parking Zone in the Borough of Elmbridge (Consolidation of Waiting Restrictions and On-Street Parking Places) Order 2008 (Amendment No. 5) Order 2012
  
- 7 The Surrey County Council Esher Green Controlled Parking Zone (Consolidation of Waiting Restrictions and On-Street Parking Places) Order 2008 (Amendment No.6) Order 2013
  
- 8 The Surrey County Council Esher Green Controlled Parking Zone (Consolidation of Waiting Restrictions and On-Street Parking Places) Order 2008 (Amendment No.7) Order 2014

Executed as a Deed by Surrey County Council on 6 August 2014

EXECUTED AS A DEED by )  
affixing THE COMMON SEAL of )  
SURREY COUNTY COUNCIL )  
in the presence of and attested by: )



A handwritten signature in black ink, appearing to read 'Carol Yellogg'.

Authorised Signatory

SURREY COUNTY COUNCIL

DATED 6 AUGUST 2014

No. IN SEALING REGISTER ..... 10748  
ELMBRIDGE LOCAL  
ORDERED TO COMMITTEE  
BE SEALED 28/11/11

**ROAD TRAFFIC REGULATION ACT 1984  
SECTIONS 1 2 4 32 35 36 45 46 49 51  
AND 53 AND PART IV OF SCHEDULE 9**

**THE SURREY COUNTY COUNCIL  
ESHER GREEN CONTROLLED  
PARKING ZONE IN THE BOROUGH OF  
ELMBRIDGE (CONSOLIDATION OF  
WAITING RESTRICTIONS  
AND ON-STREET PARKING PLACES  
ORDER 2014**