

THE SURREY COUNTY COUNCIL
(D1175) QUALITY STREET AND OLD MILL LANE MERSTHAM
IN THE BOROUGH OF REIGATE AND BANSTEAD
(ON-STREET PARKING PLACE) (RESTRICTED ZONE)
ORDER 2013

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ARRANGEMENT OF SCHEDULES

FIRST SCHEDULE	specified premises for the purpose of the issue of residents' parking permits (see article 2)
SECOND SCHEDULE	List of plans

SURREY COUNTY COUNCIL in exercise of their powers under Sections 32 35 36 45 46 49 51 and 53 of the Road Traffic Regulation Act 1984 (“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 1
GENERAL

Citation and commencement

1 THIS Order may be cited as “The Surrey County Council (D1175) Quality Street and Old Mill Lane Merstham in the Borough of Reigate and Banstead (On-Street Parking Place) (Restricted Zone) Order 2013” and shall come into operation on 6 January 2014

Interpretation

2 (1) In this Order unless 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

“Borough Council” means the Reigate and Banstead Borough Council of Town Hall Castlefield Road Reigate RH2 0SH

“bus stop clearway” has the same meaning as in sub-paragraph (a) of paragraph 1 of schedule 19 to the Traffic Signs Regulations and General Directions 2002 (S.I. 2002 No 3113)

“carriageway” has the same meaning as in Section 329 of the Highways Act 1980

“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

“delivering” and “collecting” in relation to any postal packet as defined in Section 87 of the Post Office Act 1953 includes checking any of the said postal packets for the purpose of their delivery or collection

“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 person’s vehicle” 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)

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

"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

“electronic communications apparatus” has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984 and/or Sections 106 and 151 of the Communications Act 2003

“enactment” means any enactment whether public general or local and includes any order byelaw rule regulation scheme or other instrument having effect by virtue of an enactment

“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

“hackney carriage” means a hackney carriage in respect of which there is in force a licence granted under Section 37 of The Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976

“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, 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 health care 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)

“off street parking space” means an area available for the parking of vehicles within the curtilage of the house

"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 by the Borough Council under the provisions of Article 27

“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 permit” means a Residents’ Parking Permit issued by the Borough Council pursuant to the provisions of Article 16

“parking permit holder” means a person to whom a parking permit has been issued

“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 Traffic Management Act 2004

“penalty charge notice” has the same meaning as in the General Regulations

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

“plans” means the drawings listed in the Second Schedule the drawing number of each of those drawings being given in the first column of that Schedule

“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 specified and described in The First Schedule and which house includes a bathroom and a kitchen for the sole use of the said house”

“Residents’ Visitors Parking Permit” means a Residents’ Visitors Parking Permit

issued by the Borough Council under the provisions of Article 23

“road” includes part of a road and 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 No. 3483)

“the 1986 Regulations” means the Removal and Disposal of Vehicles Regulations 1986 (S. I. 1986 No. 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

“valid permit” means a valid Residents’ Parking Permit or a Residents’ Visitor’s Parking Permit or an Operational Permit issued in accordance with the provisions of this Order

"visitor" means a person who is visiting a resident and who is not ordinarily resident or resident at that resident’s usual house being premises the postal address of which is in the road or any part thereof specified and described in the First Schedule

"Waiver Certificate" means a certificate issued on behalf of the Council for the purposes of Article 12(i) permitting a specified vehicle to wait in special circumstances on a length or lengths of a road or 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 fascia of the vehicle
or

(ii) where the vehicle is not fitted with a dashboard or fascia the badge is exhibited in a conspicuous position on the vehicle

so that the front of the badge is clearly legible from the outside of the vehicle

(b) a parking disc in the relevant position if -

(i) the disc is exhibited on the dashboard or fascia of the vehicle or

(ii) where the vehicle does not have a dashboard or fascia the disc is exhibited in a conspicuous position on the vehicle

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

(3) Any reference in this Order to a numbered Article Schedule or Section shall unless the context otherwise requires be construed as a reference to the Article 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

PART II

DESIGNATION OF A RESIDENTS' PARKING PLACE

Designation of residents' parking place

3 EACH area on a highway comprising of those lengths of carriageway of Quality Street and Old Mill Lane (D1175) Merstham within the area indicated by the key as Permit Holders Only on the plans is hereby designated as a residents' parking place for use on such days and during such hours as identified on the plans

Vehicles for which such parking place is designated

4 THE residents' parking place may be used subject to the provisions of this Order for the leaving during the permitted hours of such vehicles only as display in the manner specified in Article 21 Article 25 or Article 27 (as applicable) a valid permit issued in respect of that vehicle PROVIDED THAT nothing in this Article shall apply to a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority which may be left in the residents parking place free of charge and without time limit

Manner of standing in such a parking place

5 THE driver of a vehicle waiting in the residents' on-street parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand: -

- (a) the vehicle does not obstruct in anyway what so ever the passing and re-passing of all traffic (including pedestrians) on the Highway which comprises the said residents parking place or any part thereof and
- (b) the vehicle is adjacent to the edge of the carriageway on the side of the Highway on which the vehicle is waiting and
- (c) the vehicle is left wholly within the limits of the said residents parking place

Alteration of position of a vehicle in such a parking place

6 WHERE any vehicle is standing in a parking place in contravention of the provisions of Article 5 a police constable in uniform or a civil enforcement officer or a person duly authorised

by the Council 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

7 (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 a police constable in uniform a person acting under the instructions (whether general or specific) of the Chief Officer of Police or a person duly authorised by the Council or the Borough Council may suspend the use of the residents' 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 parking place the maintenance improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place the laying erection alteration or repair in or adjacent to the parking place of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any electronic communications apparatus or the placing maintenance or removal of any traffic sign
- (c) for the convenience of occupiers of premises adjacent to the 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 parking place at times of weddings or funerals or on other special occasions

(2) Subject to the provision set out in paragraph (1) of this Article a police constable in uniform may suspend for not longer than twenty-four hours the use of the 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 the 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 the 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 10(1) (b) (d) or (e) or
- (ii) to anything done with the permission of the person suspending the use of the 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 the parking place or a vehicle in the parking place

8 DURING the permitted hours no person shall use the residents' 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 the 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 parking place in accordance with Article 4 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 10(1)(h) applies

9 THE driver of a motor vehicle using the residents' on-street parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place

Restriction on waiting by a vehicle in such a parking place

10 (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours anywhere in any part of the residents' 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 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 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 7 (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 parking place in which the vehicle is waiting from or to a depository another office or dwelling-house
- (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 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) the vehicle is displaying 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

- (2) In respect of any vehicle waiting in the residents' parking place in accordance with the foregoing provisions of this Article and a valid parking permit need not be displayed on that vehicle
- (3) 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 the residents' on-street parking place during the permitted hours

Placing of traffic signs etc

11 THE Council shall -

- (a) place and maintain in or in the vicinity of the residents parking place 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 4 and
- (b) carry out such other work as is reasonably required for the purposes of the satisfactory operation of the residents parking place

PART III

SUPPLEMENTARY PROVISIONS

SECTION I - MOVEMENT OF AND/OR

REMOVAL OF VEHICLES FROM PARKING PLACES

Movement of a vehicle in a parking place in an emergency

12 ANY person duly authorised by the Council a police constable in uniform or a civil enforcement officer may move or cause to be moved in case of emergency to any place he thinks fit any vehicle left unattended in a parking place

Removal of a vehicle from a parking place

- 13 (1) When a vehicle is left in the 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 Borough Council or a police constable in uniform that a vehicle left in the 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 Borough Council or a police constable in uniform

propose to move such a vehicle which in the opinion of the Borough Council or the Chief Constable 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

14 WHEN a person authorised by the Council or a police constable in uniform removes or makes arrangements for the removal of a vehicle from the parking place by authority of Article 13 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

15 WHERE a vehicle is removed by the Council or a police constable in uniform from the parking place in pursuance of Article 13 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

SECTION II - RESIDENTS' PARKING PERMITS

Application for and issue of a Residents' Parking Permit

- 16 (1) (a) Any resident who is the owner of a vehicle of the following class that is to say a passenger vehicle or a goods vehicle or motor cycle may apply to the Borough Council in accordance with the following provisions for the issue to him of a Residents' Parking Permit in respect of that vehicle
- (b) The number of Residents' Parking Permits which may be issued by the Council or Borough Council in respect of each separate house shall be calculated as follows
- (i) for houses specified in Part I of the First Schedule - the sum of the number of vehicles registered to members of the household at that house minus the total number of off-street parking space available to that house
 - (ii) those properties specified in Part II of the First Schedule - one permit for a property with no off-street parking space and no permits for a property with one or more off-street parking space

PROVIDED that where the Council or Borough Council is of the opinion that the off-street parking space is large enough for the leaving of a motor car or goods vehicle

or any number of those vehicles or a combination thereof but cannot be used for that purpose due to the alternative use of that space by any member of the household then the Borough Council may count the number of such off-street parking spaces in the calculation for the total number of residents parking permit to be issued to any member of that particular household

- (2) Any such application as is mentioned in paragraph (1) above shall be made on a form or forms issued by and obtainable from 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 Borough Council may at any time require an applicant for a Residents' Parking Permit or any Residents' Parking Permit holder to produce to an officer of the Borough Council such evidence in respect of an application for a Residents' 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 parking permit issued by them to that person as they may reasonably call for to verify that the Residents' Parking Permit is valid
- (4) Upon receipt of an application duly made under the provisions of paragraph (1) of this Article in respect of the nominated vehicle or vehicles the Borough Council upon being satisfied that the applicant is a resident and is the owner of a vehicle of the class specified in paragraph (1) of this Article may in its absolute discretion issue to the applicant therefor one or more Residents' Parking Permit(s) the parking permit being for the leaving of the vehicle to which the parking permit relates without time limit during the permitted hours in the residents' parking place the postal address of the house of the applicant therefore being within the road or parts of road specified in the First Schedule 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
- (5) If the Borough Council is either unable or decides not to issue a Residents' Parking Permit to an applicant therefor any remittance paid shall be refunded to the said applicant
- (6) The fee referred to in paragraph (1) of this Article payable to the Borough Council shall be the sum of fifty pounds in respect of the first Residents' Parking Permit and seventy-five pounds for any subsequent permit 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 parking permit first

becomes valid

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

Surrender withdrawal and validity of Residents' Parking Permits

- 17 (1) A parking permit holder may surrender a parking permit to the Borough 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
- (2) The Borough 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 place of abode withdraw a parking permit if it appears to the Borough Council that any one of the events set out in paragraph (3)(a) (b) (d) or (e) of this Article has occurred and that person shall surrender the parking permit to the Borough Council within 48 hours of the receipt of the afore-mentioned notice
- (3) The events referred to in the foregoing provisions of this Article are -
- (a) the parking permit holder ceasing to be a resident
 - (b) the withdrawal of the parking permit by the Borough 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 paragraph (1) of Article 16
 - (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 Borough Council pursuant to the provisions of Article 18
 - (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's 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 parking permit is issued pursuant to paragraph (6) of Article 16 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 Borough 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 Borough Council within 48 hours of the receipt of the afore-mentioned notice

Application for the Re-issue of a Residents Parking Permit upon a change of vehicle with a different registration mark

18 WHERE a resident or a parking permit holder applies for the issue of further parking permit due to that resident or that parking permit holder changing the vehicle in respect of which the original parking permit was issued so that the original parking permit no longer bears the registration mark of the vehicle in respect of which that original parking permit was first issued under the provisions of Article 16 (4) then the original parking permit shall be surrendered to the Council and immediately a further 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 parking permit which shall be valid for the remainder of the period stated on the original parking permit under the provisions of Article 20 (b)

Application for and issue of duplicate Residents' Parking Permits

- 19 (1) If a parking permit is mutilated or torn or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the parking permit has become altered by fading or otherwise the parking permit holder shall either surrender it to the Borough Council or apply to the Borough Council for the issue to him of a duplicate parking permit and the Borough Council upon receipt of the parking permit shall issue a duplicate parking permit so marked and upon such issue the first mentioned parking permit shall become invalid
- (2) If a parking permit is lost or destroyed the parking permit holder may apply to the Borough Council for the issue to him of a duplicate parking permit and the

Borough 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 residents 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 Borough 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 Residents' Parking Permits

20 A residents parking permit shall be in writing and shall include the following particulars: -

- (a) the registration mark of the vehicle in respect of which the parking permit has been issued and
- (b) the period during which subject to the provisions of paragraph (4) of Article 17 the parking permit shall remain valid and
- (c) an indication that the parking permit has been issued by the Borough Council and
- (d) The letter "A" being an indication of the area in which the permit is valid
- (e) a serial number identifiable in the office of issue

Display of Residents' Parking Permits

21 AT all times during which a vehicle of a class specified in paragraph (1) of Article 16 is left in the residents' parking place during the permitted hours a valid parking permit shall be displayed on 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

PROVIDED THAT no such parking permit need be so displayed if the vehicle is waiting in such a parking place pursuant to the provisions of Article 10

Refund of fee paid in respect of a Resident's Parking Permit

- 22 (1) A parking permit holder who surrenders a Resident's Parking Permit to the Borough 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 Borough

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 costs of a permit 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 III - RESIDENTS' VISITOR'S PARKING PERMITS

Application for and issue of a residents' visitor's parking permit

- 23
- (1) Any resident may apply to the Borough Council for the issue of a Residents' Visitors' Parking Permit for the leaving without time limit during the permitted hours in the residents' parking place of a vehicle of the class referred to in paragraph (1) of Article 16 owned by and/or being used by a visitor and any application for such a Residents' Visitors' Parking Permit shall be made on a form issued by and obtainable from the Borough Council and shall include the particulars and information required by such form to be supplied and shall be accompanied by a remittance for the appropriate fee in respect of a Residents' Visitors' Parking Permit hereinafter specified
 - (2) The Borough Council may at any time require an applicant for a Residents' Visitors' Parking Permit or any Residents' Visitors' Parking Permit holder to produce to an officer of the Borough Council such evidence in respect of an application for a Residents' Visitors' 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 Residents' Visitors' Parking Permit issued by them to that person as they may reasonably call for to verify that the Residents' Visitors' 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 Borough Council upon being satisfied that the applicant is a resident may in its absolute discretion issue to the applicant therefore one Residents' Visitors' 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 the residents' parking place the postal address of the house of the said applicant being within the road or part of the road specified in the First Schedule 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 Borough Council may in its absolute discretion limit the number of Residents' Visitors' Parking Permits that are issued at any one time in respect of a particular house and may require the production and/or surrender of a used Residents' Visitors' Parking Permit or used Residents' Visitors' Parking Permits before issuing a further such permit

- (4) Subject as provided below the number of Residents' Visitors' Parking Permits issued in respect of each separate house shall not exceed 120 in each calendar year
- (5) If the Borough Council is either unable or decides not to issue a Residents' Visitors' 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 Borough Council in respect of a Residents' Visitors' Parking Permit shall be two pounds for each such parking permit and the Residents' Visitors' 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 Borough Council in respect of any unused Residents' Visitors' Parking Permits or any such parking permits which are or have been lost or destroyed by the resident to whom those Residents' Visitors' Parking Permits have been issued or which Residents' Visitors' Parking Permits have been mutilated or torn or accidentally defaced in any way whatsoever whilst those Residents' Visitors' 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 Borough Council that -
 - (a) the issuing of a Residents' Visitors' Parking Permit to a resident does not guarantee that any parking space within the residents' parking place will be available for use by the visitor to that resident during the permitted hours and
 - (b) the Residents' Visitors' Parking Permit remains at all times whilst it is issued to the resident the property of the Borough Council
- (9) In any respect not specifically mentioned in this Section the procedure validity and terms of use for a Residents' Visitors' Parking Permit shall be the same as the procedure validity and terms of use of a Residents' Parking Permit and this Article shall be construed accordingly

Form of residents' visitor's parking permits

24 A residents' visitor's parking permit shall be in writing and shall include the following particulars -

- (a) a space for the insertion of the registration mark of the vehicle in respect of which the residents' visitor's parking permit is to be displayed on and used
- (b) an indication that the residents' visitor's parking permit has been issued by the Borough Council
- (c) a figure stating the number of the residents' visitor's parking permit
- (d) the letter "A" being an indication of the area in which the permit is valid
- (e) a set of figures and/or words indicating the days of the month and the calendar year and/or years when the residents' visitor's parking permit may be used
- (f) a list indicating the names of each month of the year

Display of residents' visitor's parking permits

25 AT all times during which a vehicle of a class referred to in paragraph (1) of Article 16 is left in the residents' parking place pursuant to Article 23 during the permitted hours a valid residents' visitors parking permit shall 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 residents' visitor's parking permit are readily visible from the front or near-side of the vehicle

PROVIDED THAT no such residents' visitor's parking permit need be so displayed if the vehicle is waiting in the residents' parking place pursuant to the provisions of Article 10

Validation of residents' visitor's parking permits

26 A residents' visitor's 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 residents' visitor's parking permit the date and the month and the year on which that residents' visitor's parking permit is to be used and by marking on the residents' visitor's parking permit the registration mark of the vehicle in respect of which that residents' visitor's parking permit is to be used

SECTION IV – PROVISIONS APPLYING TO THE ISSUE AND USE OF OPERATIONAL PARKING PERMITS

Application for and issue of an Operational Parking Permit

- 27 (1) ANY person falling within the definition in this Order of medical personnel or community care personnel in Paragraph (1) of Article 2 of this Order may apply to the Borough Council for the issue of an Operational Parking Permit for the leaving during the permitted hours of a vehicle of the class specified in Paragraph (1) of Article 16 and belonging to or being used by a person visiting a resident whose usual house is situated within a length of road in the First Schedule in the course of medical or community care duties at those premises and any such application shall be made in accordance with formal guidance issued by and obtainable from the Borough Council and shall include the particulars and information required by such guidance to be supplied and the Borough Council may in its absolute discretion issue an Operational Parking Permit to such categories of medical personnel
- (2) The Borough Council may at any time require an applicant therefor or an Operational Parking Permit holder to produce to an Officer of that Borough 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 Borough Council may in its absolute discretion issue to the applicant therefor one Operational Parking Permit for the leaving without time limit and free of charge during the permitted hours in the residents' parking place of a vehicle belonging to or being used by medical or community care personnel visiting that resident in the course of their duties
- (4) In any respect not specifically mentioned in paragraphs (1) (2) and (3) 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 Residents' 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 running from the date it is first issued
- (6) An Operational Parking Permit shall be in writing and shall include the following particulars: -
- (a) the registration mark of the vehicle in respect of which the parking permit has been issued
 - (b) the period during which the parking permit shall remain valid

- (c) an indication that the permit has been issued by the Borough Council
- (d) the words “Operational Parking Permit” and the letter “A” being an indication of the area in which the permit is valid

(7) At all times during which a vehicle of a class specified in Paragraph (1) of Article 16 is left in the residents’ parking place during the permitted hours pursuant to this Article a valid Operational Parking Permit shall 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

PROVIDED THAT no such parking permit need be so displayed if the vehicle is waiting in such a parking place pursuant to the provisions of Article 10

PART IV

SUPPLEMENTARY PROVISIONS

Saving in respect of Hackney Carriages

28 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 in respect of bus stop clearways

29 INSOFAR as any provision contained in PART II of this Order conflicts with a provision which is contained in paragraphs 2 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

30 SUBJECT to the provisions contained in Article 28 Article 29 and Article 31 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

Saving with respect to parking places

31 INSOFAR as any provision contained in PART II conflicts with a provision which is contained 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 II shall prevail

PART V ENFORCEMENT

Contraventions

32 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 Section 78 of the Traffic Management Act 2004 or any regulations thereunder may then be issued by a civil enforcement officer in accordance with the requirements of Section 78 of the Traffic Management Act 2004 of any regulations made thereunder

Notice of penalty charge

33 IN the case of a vehicle in respect of which the penalty charge may have been incurred a civil enforcement officer may serve a penalty charge notice in accordance with the requirement 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

34 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

35 (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 offices of the Reigate and Banstead Borough Council situated at Town Hall Castlefield Road Reigate Surrey RH2 0SH or the office of any agents thereof 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 as determined by the Council

(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

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 VI REVOCATION

Revocation

36 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 Surrey County Council (D1175) Quality Street and Old Mill Lane Merstham in the Borough of Reigate and Banstead (On-Street Parking Place) Order 2012 is hereby revoked in its entirety

SCHEDULES OVERLEAF

FIRST SCHEDULE

PART I

**SPECIFIED PREMISES FOR THE PURPOSE OF THE
ISSUE OF RESIDENTS' PARKING PERMITS (SEE ARTICLE 2)**

Quality Street, Merstham, all premises (not including Home Farm Place)

Old Mill Lane, Merstham, all premises

London Road North, Merstham, numbers 200, 202, 204 and 206.

PART II

**SPECIFIED PREMISES FOR THE PURPOSE OF THE
ISSUE OF RESIDENTS' PARKING PERMITS (SEE ARTICLE 2)**

High Street, Merstham, even numbers 30 to 40 inclusive

Salters Cottages, High Street, Merstham, numbers 1 to 3 inclusive

SECOND SCHEDULE

LIST OF PLANS

Drawing No	Date Drawn	Rev'n	Date Revised	Rev'n	Date Revised	Rev'n	Date Revised
3282/R&B/18000	08/12						
3282/R&B/18001	08/12						
3282/R&B/18002	08/12						
3282/R&B/18003	08/12						
3282/R&B/18004	08/12						
3282/R&B/18005	08/12						
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Executed as a Deed by Surrey County Council on 16 December 2013

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



Carol McLaughlin

Authorised Signatory

DATE: 16 DECEMBER 2013

SURREY COUNTY COUNCIL

No. IN SEALING
REGISTER

9254

ORDERED TO REIGATE + BANSTEAD LOCAL
BE SEALED COMMITTEE 3 DECEMBER 2012
ITEM 10

ROAD TRAFFIC REGULATION

ACT 1984

SECTIONS 32 35 36 45 46

49 51 AND 53

**THE SURREY COUNTY COUNCIL
(D1175) QUALITY STREET AND
OLD MILL LANE MERSTHAM
IN THE BOROUGH OF
REIGATE AND BANSTEAD
(ON-STREET PARKING PLACE)
(RESTRICTED ZONE)
ORDER 2013**