

TORBAY COUNCIL PARKING POLICY 2012 – 2015 (DRAFT)



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1.0 Introduction

1.0.1 This document sets out the key policies with regard to the provision of both on-street and off-street parking and for the enforcement of Traffic Regulation Orders. By its nature, parking policies adapt and change over time and will need to be regularly reviewed and updated.

1.0.3 This policy builds upon the Torbay Parking Strategy, and sets out how these strategies will be implemented and managed.

Torbay's parking policies aim to:-

- Integrate traffic management policies with effective on-street and off street enforcement
- Provide dedicated on and off street enforcement
- Be responsive to changing priorities, local factors and demand
- Provide parking exemptions, dispensations and waivers for disabled, diplomats and others as appropriate.
- Provide parking capacity both on and off street to meet the demands of businesses and the public throughout the year.

1.0.4 The policy sets out Torbay Council's parking policies in respect to the operation, the eligibility criteria and cost for permits and the rationale for decisions about controlled parking zone areas and hours and days of operation.

1.0.5 Finally this document does not aim to cover the strategy behind parking charges or why the Council implements charging in car parks only that parking charges will be reviewed annually by the Executive Lead for Transport.

2.0 Review of Traffic Regulation Orders (TROs)

2.1 Traffic Regulation Order

- 2.1.1 Torbay Council has checked the signs and lines on-street against the made traffic orders, corrected anomalies and entered the traffic orders onto a map based system. This is an ongoing process as lines and signs require regular maintenance and additions or deletions as orders are introduced altered, or revoked.
- 2.1.2 Regular reviews of the TROs will be carried out to ensure that they reflect any new priorities established in the Local Transport Plan. Any problems arising as a result of Civil Parking Enforcement shall also be assessed as part of this process.

3.0 *Parking Policies and Controlled Parking Zones (CPZs)*

Introduction/Expansion

3.1 Parking Policy

3.1.1 Torbay Council will work with the local businesses to identify arrangements so that parking within Torbay will be provided to ensure the delivery of the following key objectives:

- Ensure that there is effective enforcement of on-street waiting and parking restrictions in order to reduce congestion and increase the availability of short stay parking space.
- Provide adequate space for taxis, coaches and buses to park and operate safely in appropriate locations.
- Review the extent of long stay, on street car parking where this causes problems in residential areas, conflicts with essential traffic movements, creates safety problems or reduces space for short stay visitors.
- Enhance and encourage the use of public off-street car parks for short and long stay parking.
- Make attractive parking arrangements for holders of “Blue Badges” in suitable locations and improve the access and internal layout of car parks to give full access for the disabled.
- Continually manage all town centre car parking, giving priority to provision for shoppers and visitors and reducing the need to search for car parking spaces.
- Provide adequate space for secure overnight parking for coaches and heavy goods vehicles (HGV's) where this will not cause a problem for local residents,
- Ensure retail deliveries can continue with reasonable efficiency particularly outside the main periods of pedestrian activity.
- Provide on street pay and display parking to ensure a turnover of short stay parking in key Town Centre locations and access to amenities during the busy summer season.

3.1.2 Torbay Council may review TRO's in the following circumstances where funding allows:

- Implementation of additional parking restrictions or alteration of existing to address a potential road safety issue.

- Implementation of additional parking restrictions or alteration of existing restrictions to address a problem associated with traffic movement.
- An amendment to existing TRO's to provide additional on-street parking provision.

3.1.3 During the year TRO's will be altered to allow the implementation of a traffic management scheme approved as part of the Council capital programme or to address an immediate safety issue which has been identified as an accident cluster site.

3.1.4 Requests from members of the public in relation to the introduction of restrictions or the alteration of existing restrictions will be considered in conjunction with the council's priorities on funding or where external funding (e.g. Section 106 contributions) has been secured to cover the costs incurred. Any such requests made during periods of moratoriums on expenditure will be retained on file for consideration in the event that funding becomes available. Outlined in Appendix B is the criteria for consideration of waiting restrictions on the public highway.

3.2 Parking in Town Centres and Coastal Areas

3.2.1 Torbay Council recognises that retailers rely, to a significant extent, on trade resulting in single purpose visits to town centres. These visits are generally short term and often undertaken by car. Torbay Council are keen to ensure that in town centre areas on street parking is provided for short stay shoppers. In order to provide and enforce short stay parking, pay and display facilities have been introduced within the town centre shopping areas and are subject to time restrictions.

3.2.2 Between 2008 and 2012 a number of on street pay and display areas have been introduced which can be found in Appendix G which are under constant review to ensure tariffs and capacity suits the particular areas where they have been implemented.

3.3 Disabled Parking Provision (on street)

3.3.1 Disabled persons parking places will be provided on street within the town centre shopping areas. These mandatory bays will be marked in accordance with diagrams 661A and 1028.3 of The Traffic Sign Regulations

General Directive (TSRGD) and may be enforced at any time of the day and will be backed up with a traffic regulation order.

3.3.2 Torbay Council will continue to provide, charge at cost, disabled persons parking places in residential areas. These bays are advisory and therefore require the consideration of other drivers. Disabled bays will only be provided if all the following circumstances are met:

- The applicant holds a blue badge and is the driver of the vehicle.
- The applicant does not have off road parking.
- There are no existing waiting restrictions
- Less than 25% of spaces in the street are taken up by disabled parking bays.

There may be occasions when exceptions to the above criteria may be considered. Any applications where exceptional circumstances may apply must be substantiated by clear evidence from a medical professional, which details the medical issues which may affect either operational or care issues, which may deem an element of the criteria inappropriate. Highways officers may however in these circumstances request further specific evidence as required and will reserve the right to refuse such applications if it is considered that an exceptional case has not been fully made.

3.3.3 Disabled parking bays on street in Town Centre areas have also been implemented to ensure dedicated 4 hour waiting facilities for the disabled.

3.4 Coach & Taxis Parking

3.4.1 Coaches play a significant role in the provision of long-distance travel and commuter services, and in the provision of transport for specific groups such as educational parties, theatre visitors, tourists and people with mobility difficulties. Torbay Council recognises these values and provides a coach park in Brixham, Torquay and Paignton. In addition to these facilities, specific on-street drop off points will be provided in the town centres and waterfront areas. Torquay town centre will have a further drop off point for foreign registered coaches i.e. to allow dropping off on the right hand side of the vehicle.

3.4.2 In addition to these provisions it is recommended that good relationships are established and maintained between the Council and the coach and

tourism industries. This will encourage responsible behaviour by operators and drivers as well as providing feedback on any arising coach parking problems.

- 3.4.3 Taxis are also an important part of the transport provision to the public. It is important that ample space is provided for taxi ranks in town centres. However, the provision of too many ranks can lead to some ranks not being attended or valuable town centre kerb space not being used. The Council has worked with the Torbay Licensed Taxi Drivers Association and other stakeholders and consolidated the number and size of existing ranks.
- 3.4.4 It is also important that ranks are reserved for the use of taxis only. All ranks are covered by TROs and are enforceable by the Council's Civil Enforcement Officers.

3.5 Heavy Good Vehicles Parking

- 3.5.1 Torbay Council has already developed a HGV strategy which identifies strategic routes and layover locations for HGV's. HGV's will be discouraged from parking in residential areas.
- 3.5.2 Consideration will be given to providing loading bays, subject to sufficient highway space being available, in areas where there are a significant number of retail outlets.

3.6 Motorcycle Parking

- 3.6.1 In town centre areas solo motorcycle bays will be installed to provide dedicated parking facilities for two wheeled vehicles. In these spaces motorcycles can park without time limit and free of charge.
- 3.6.2 Quad motorcycles have become more popular however due to their size they can create problems for standard motorcycles. On and off street they are permitted to use dedicated two wheeled motorcycle spaces. However if using marked parking spaces which are pay and display they must like standard motorcycles pay the stated tariff and must adhere to any specified waiting restrictions.

3.7 Cycle Parking

3.7.1 Cycles will be exempt from any parking TRO's and, in order to promote the use of cycling within Torbay, cycle parking facilities will be provided within all town centre areas, public transport interchanges and other key areas such as tourist locations.

3.8 Footway/Verge Parking

3.8.1 Parking on footways and verges can be a significant problem in many areas. Where such parking causes a clear obstruction to pedestrians then the Police may enforce. If however parking restrictions are in place in affected roads then the restrictions will also extend and apply to any adjacent footway or verge areas and can be enforced by the issuing of PCN's.

3.8.2 It is clear however that where footway parking has become normal practice it can lead to considerable frustration to residents and also leads to increased damage to highway verges during periods of adverse weather.

3.8.3 Areas may be covered by TRO's to prevent footway parking, however such orders require significant funding to implement and result in a considerable amount of additional signage to the area, which can increase the 'street clutter'. Other considerations with respect to the implementation of a TRO to prevent footway parking is the effect of any displaced vehicles to the immediate surrounding area, putting increased pressure on the local parking capacity.

3.8.4 Funding for the implementation of TRO's to prevent footway parking will be subject to the Council's priorities. It may however be considered that if such funding is provided in the future that it may be more appropriate to direct it towards the provision of additional physical parking measures to improve parking capacity as an alternative. The council will however continue to work with the local Police to educate motorists in these areas on the safety implications of inappropriate footway parking.

3.9 CPZ programme and prioritisation

- 3.9.1 When the Council is planning a programme of Controlled Parking Zone (CPZ) introductions, it is essential that a clear set of parking policies are in place and that they are transparent to public scrutiny.
- 3.9.2 An established set of criteria (see 3.9.3) can be used to determine if an area should be considered for inclusion in a programme of CPZ implementation. Not only is it useful for budgeting and programming of workload, but also to inform residents who may be requesting prioritised parking in their area.
- 3.9.3 In recent years Torbay Council has undertaken a Bay-wide survey to identify and implement CPZ areas where residents have particular problems associated with non-residential parking. This has now been completed and requests for future CPZ's are being received and processed from Residents Groups and the Community Partnerships. The following criteria will be used to prioritise the future CPZ programme:
- Parking problems associated with commuter or non-residential parking.
 - High support from residents.
 - The extent of the problem identified.
 - The availability of alternative off-street parking.
 - The potential effect on local businesses.
 - Implementation will only proceed after public consultation and only in areas where there is support for the proposals.
- 3.9.4 Any applications for the implementation of CPZ's will be held on file, prioritised using the above criteria. Progression to consultation and implementation will be subject to the council's funding priorities.
- 3.9.5 It should be noted that CPZ's are normally introduced when residents are experiencing difficulty in parking near to their home as a result of the proximity of a commercial centre that attracts commuters, shoppers etc or a tourist attraction with little parking, rather than where residents have more cars than road space to park upon.
- 3.9.6 Please note that in a CPZ the parking bays are not numbered or allocated to a particular property, vehicles with a permit may park anywhere within the zone, not just in their own street.
- 3.9.7 Torbay Council will continue to review, maintain and enforce all existing and future CPZ's.

3.10 Public Consultation Policy

3.10.1 Effective, all-inclusive public consultation and clear and transparent decision making are essential for the credibility of the CPZ programme and the local authority itself. Even the most appropriate and well designed scheme can fail if the consultation process is not carried out effectively.

3.10.2 The public consultation associated with the implementation of any TRO associated with the implementation or removal of parking restrictions will be:

1. Initial local consultation with residents and businesses within the area outlining the proposals and requesting feedback.
2. Report to Members through the Transportation Working Party (TWP).
3. Advertising of the draft traffic orders and implementation if no objections received.
4. Consideration of objections by TWP.
5. Recommendation to implement by TWP.

It should be noted that this process takes a minimum of 17 weeks to implement if no objections are received.

3.10.3 The public consultation associated with CPZs will be a four staged approach.

1. Initial, opinion survey consultation to establish areas where parking problems exist. This could be led by a community group.
2. Second consultation on detailed proposals in a proposed CPZ to establish type of operation, the area of the CPZ, the area of permit eligibility and the hours of control.
3. Report to Members through the TWP and advertising of the draft traffic orders.
4. Consideration of objections.
5. Recommendation to implement by TWP.
6. Advertise intent to implement and enforce parking restrictions
7. A review of a CPZ after twelve months of operation.

3.10.4 This approach combines the essential components for establishing the level of public support for a proposed CPZ, keeping all interested parties involved throughout the process and meeting the statutory public advertising.

- 3.10.5 Consultation leaflets will present the information neutrally in a clear and easily understood format for the introduction of CPZs. Consultation will outline the advantages **and** disadvantages of the introduction of parking controls and the cost implications.
- 3.10.6 Key to the consultation process is the transparency of the decision making process. Establishing the policy that Torbay 'will not introduce CPZ's in areas where the majority is not in favour of them' is essential in ensuring credibility and dispelling any suggestion that parking controls are being introduced only as a money raising policy. Within this context, the analysis of responses will be reported on a street by street basis.
- 3.10.7 The consultation process will be carried out on a household by household basis which is the fairest and most easily validated process for this type of consultation.
- 3.10.8 The Council will not give higher merit to comments from residents associations or petitions as it is difficult to establish if these comments are a reflective view of the association in the former instance or a true opinion based on facts in the latter instance. An individual household/business consultation ensures that everyone has an equal opportunity to express their views based on balanced and accurate information.
- 3.10.9 The results of any consultation will be publicised by the Council and a summary of the information will be made available for public scrutiny on the Council's website.

4.0 Controlled Parking Zones

4.1 Operational Policies

4.1.1 Within Appendix A are details of the operational policies used for the implementation of CPZs. These policies will be essential to ensure that the management of any potential CPZ's are carried out consistently and that residents understand how the CPZ will be controlled.

4.2 Size of a Controlled Parking Zone

4.2.1 A CPZ can basically be defined as a group of inter-related streets which have, in the main, the same parking controls operating. The positioning of zone entry signs (Diagram 663 or its variants [TSRGD2002]) enables the Council to dispense with waiting restriction plates within the zone (unless the restrictions are different from the main zone hours).

4.2.2 CPZs can cover large areas and include numerous public facilities. This can be a valuable facility for many residents, but increases parking pressure in the popular areas, particularly near stations, hospitals and shopping centres where local residents compete with other road users for parking space. Fundamentally, the aim of most parking schemes is to help residents to park near their homes by preventing commuters from parking in the area. The size of individual zones will be limited to prevent inter-zone commuting by permit holders particularly in areas close to amenities (shopping centre, sea front etc).

4.2.3 Each CPZ will need to be appropriately signed and permits will need to be zone specific. This is usually achieved by a prefix number or letter that is printed on the permit. Within a CPZ a number of different parking provisions can be accommodated.

4.3 Types of parking bays

4.3.1 The following types of parking bay can be made available in Torbay CPZs:-

- Resident permit bays
- Business permit bays
- Pay and display bays

- Shared use bays
- Disabled bays
- Loading bays

4.4 Permits General

4.4.1 One of the key elements of a parking policy is the regulation of the issue and use of parking permits. It is essential that the integrity of the parking scheme be safeguarded to ensure fairness and to maintain its benefits to genuine residents (and businesses where business permits are provided). While it will never be possible to completely eliminate fraudulent permit applications, every effort should be made to ensure that, as far as possible, permits are only issued to bona fide residents and business users.

4.5 Parking across crossovers in CPZ's

4.5.1 Within a CPZ, legislation requires that every section of kerbside space is controlled and either marked with a yellow line waiting restriction or parking place.

4.5.2 So as to maximise on street capacity and enable residents to park in front of the crossover that leads to their property Torbay Council will mark these areas as parking bays. It is general practice that the area in front of the crossover is demarcated with a white access line; this is to draw attention to those who do not reside at the property who may otherwise cause an access obstruction.

4.5.3 If a vehicle is obstructing a crossover to a property and the vehicle is displaying a valid permit no enforcement can take place however the Police can be contacted who may consider the vehicle as an obstruction and issue a Fixed Penalty Notice.

4.6 Motorcycle parking

4.6.1 The policy of Torbay Council is to exempt all motorcycles from obtaining and displaying a parking permit within CPZs. They will not be exempt from all other conditions within the CPZ's.

4.7 Hours of control within a CPZ

- 4.7.1 Hours of control within CPZs, will be based upon the results of public consultation as well as the most effective enforcement hours. During the consultation period of proposed CPZs the Council will provide a selection of hours of control. These options will provide the basis for the local community to express their preference for enforcement. Consideration should also be given on the policy of enforcement for Bank and Public Holidays .

5.0 Off-Street Car Parking

- 5.0.1 Torbay Council recognises that by providing good value, attractive and safe off street parking it will contribute towards effective traffic management, economic growth and provide improved access to many members of the community.
- 5.0.2 Torbay Council will continue to work with the British Parking Association in order to gain “Park Mark” awards for as many of its car parks as practically possible, subject to Council funding. The following outline policies have been developed to ensure that the provision of off-street parking complements the provision of on-street parking in order to reduce congestion, allow safe parking and to allow local businesses to flourish.
- 5.0.3 Improved signage to all Council car parks will be provided from the principal highway network. For town centre car parks variable message signs have been will be introduced which show the number of spaces provided or whether a car park is open or closed. Improved signing promotes the use of town centre car parks and by providing real-time information to drivers reduces the amount of unnecessary journeys which in turn reduces journey times and congestion. Within Council car parks improved signing will be provided so that visitors can more easily locate local attractions and facilities.

5.1 Car Park Charging

- 5.1.1 The level of car park charges will be reviewed annually through the budget process and if changes are required will be approved by the Executive Lead for Finance and the Section 151 Officer for Finance, however, the charges will be in line with the following two designations. These designations have been developed in order to assist the public in choosing specific car parks to use.
- 5.1.2 **Short Stay Car Parks:** Defined as sites where stays of over 3 hours are to be discouraged in order to create a turnover of available spaces. Primarily designed for the use of shoppers.

5.1.3 **Long Stay Car Parks:** Whilst allowing short stay parking, these would also allow vehicles to park for longer. Primarily aimed at commuters and permit holders.

5.1.4 The Council will provide parking permits at a concessionary rate to encourage the use of off street parking when compared to the standard daily parking charge.

5.2 Off Street Disabled Parking

5.2.1 Off street parking provisions for disabled drivers will be provided by Torbay Council in all car parks. They will be located within the most easily accessible locations within the car parks and designed to assist ease of mobility.

5.2.2 The charging policy for use of the Council's car parks by blue badge holders is that they will be subject to the standard daily parking tariff however an annual parking permit will be available to purchase at a huge discount subject to a necessary criteria including receipt of mobility benefit.

5.3 Parking Near Schools

5.3.1 In order to promote the Council's safer journeys to school policy and to encourage parents to park away from school gates, free parking at school start and finish times will be permitted in a number of car parks. The car parks and the periods applicable is listed in Appendix C have been identified as "park and stride" car parks.

5.4 Council Staff Parking

5.4.1 Issues in relation to staff parking forms part of the Council's Staff Travel Plan which encourages the use of sustainable transport as a method to get to work.

5.5 Seasonal Parking Charges

5.5.1 In order to allow local residents to enjoy the natural environment that Torbay has to offer and to promote healthy living the car parks listed in

Appendix D shall offer reduced car parking charges in the winter months between November and March.

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6.0 Enforcement

- 6.0.1 The Council issue Penalty Charge Notices as laid down in the Traffic Management Act 2004.
- 6.0.2 Torbay Council will develop its enforcement policy in line with compliance of the parking restrictions. However the minimum levels of enforcement will follow the general criteria:
- Town centre areas: Continuous enforcement.
 - CPZ's and bus routes: Daily
 - Other Areas: Weekly

6.1 Notice processing

- 6.1.1 Staff dealing with correspondence and representations will follow procedures, which are laid down in the Traffic Management Act 2004, guidance issued by the Secretary of State and also by the Traffic Penalty Tribunal (the tribunal body which hears formal appeals).
- 6.1.2 In respect of the CPE process the Parking Service staff are required to have detailed legislative knowledge and must be aware of policy guidance from all of the relevant bodies, as well as being up to date with changing requirements and the Council's own parking policies.
- 6.1.3 It should be borne in mind that, in considering challenges and representations and evidence provided to support mitigating circumstances against parking tickets, Parking Services staff or the impartial adjudicator, act in a quasi-judicial role and are required to make a balanced decision based on their knowledge and experience. In view of this, Members will not be permitted to make representations to the appeals process on behalf of any individual and will only be permitted to advise individuals on the parking appeals process.

6.2 Enforcement outside Schools

- 6.2.1 In order to complement the significant work carried out in Torbay as part of its safer journeys to school programme, enforcement will be carried out outside schools to a high level. All schools will be visited by Civil Enforcement Officers and/or the CCTV enforcement vehicle at a frequency

agreed by the Council's Parking Operations and Road Safety Teams, and the Police.

6.3 Requests for Enforcement

6.3.1 At times, requests from the public, police or other Council services may be made for immediate enforcement to an area or for long term increased levels of enforcement. The Council will provide mobile enforcement services and will attend requests from the public only if resources allow. Long term increased levels of enforcement will be considered on an annual basis.

6.3.2 Enforcement will be conducted in a fair and proportionate manner, individual vehicles will not be targeted, however areas of highway where continued non-compliance is reported will be subjected to increased patrols.

6.4 Wheel Clamping and Vehicle Removals

6.4.1 Torbay Council has powers as laid down in the Traffic Management Act 2004 for wheel clamping and vehicle removals. The Council will only use these powers where vehicles repeatedly break parking restrictions and the payment for outstanding penalty charge notices cannot be collected or where there is a suspension of parking for an event or other activity and there is a need for the vehicle to be removed.

6.5 Dispensations, Exemptions and Waivers

6.5.1 **Health Emergency Badge Scheme:** Introduced as a pilot in April 2006, this scheme offers dispensation to workers within the healthcare industry operating within Torbay. Applicable workers include; midwives, district nurses, pharmacists, carers who provide services essential to those in their own homes.. The badge allows parking on a yellow line restriction for up to 1 hour providing there is no loading/unloading ban in place and also an extra hour in limited waiting areas. These permits are only issued to organisations who apply on behalf of their staff and meet the Council's qualifying criteria.

- 6.5.2 **Diplomatic registered vehicles:-** It is not expected that there will be a significant number of diplomatic vehicles within Torbay but in accordance with article 31.1 of the Vienna Convention on Diplomatic Relations any D, X or personalised diplomatic registration plated vehicles will not be clamped or removed. The Council will exercise its powers to issue a PCN to any illegally parked diplomatic vehicle but, in the event of a PCN remaining unpaid, it will not progress the PCN but pass the information to the Foreign and Commonwealth Office.
- 6.5.3 **Crown and visiting forces:-** Torbay Council will not subject liveried vehicles used by Her Majesty's army, navy or air forces or vehicles used by visiting armed forces to parking controls within the district of Torbay.
- 6.5.4 **Waivers:-** A parking waiver can be issued to allow people to carry out work or services to premises in Torbay, where constant access to the vehicle is required e.g. contractors, glaziers, house removal companies, wedding cars, funeral vehicles etc. Local restrictions may apply which affect the adjacency of the vehicle to the premises. Parking waivers do not allow parking in bus stops or taxi ranks, disabled bays or where a loading ban applies.

6.6 **Loading**

- 6.6.1 Within the Traffic Regulation Orders for Torbay there are exemptions for loading and unloading in areas where "no waiting at any time" restrictions exist. The exemption states it is not unlawful for a vehicle to wait for a period of not more than 20 minutes in the same place to enable goods to be loaded on or unloaded from the vehicle. For vehicles to be exempt from enforcement of waiting restriction the activity of loading/unloading vehicle must be seen to be continuously loading and unloading and not for a period of greater than 20 minutes. Torbay Council will determine continuous loading to be when activity within the vehicle is seen to take place by the Civil Enforcement Officer during an observation period of no less than 5 minutes.. If vehicles are seen to be loading continuously for a period of greater than 20 minutes then some discretion will be used if it is obvious that it would not be physically possible to unload the goods in that time. However, for long periods of loading such as house moving etc, then the policy regarding the issue of waivers would apply.

Appendix A – CPZ Operational Policies

A1 Eligibility criteria for permits

A1.1 It is the intention of any parking permit scheme to ensure that resident parking permits are only available for genuine residents who live within the zone or a resident living in properties bordering the zone and these properties are named in the final Schedule of the relevant Traffic Regulation Order. For the purpose of this document and other documents relating to Controlled Parking Zones a resident/applicant is classed as anyone whose property is named in the final Schedule of the relevant Traffic Regulation Order for the zone. Similarly, business permits are only available for local businesses that use and keep a vehicle. Therefore, before being issued with permits, applicants must meet criteria that satisfy the Council that they are bona fide and the vehicle for which they seek a permit is owned or kept by themselves, for their use. To this aim criteria must be set to ensure that :-

- The applicant's address on the application form must be the applicant's sole or main address and is named in the final Schedule of the relevant Traffic Regulation Order for the zone
- A minimum period must be spent at this address to qualify as a resident e.g. the applicant must spend at least 4 days and nights living and sleeping at the address for a minimum period of 13 consecutive weeks
- Full council tax must be paid on the property i.e. no discount for a second home
- The applicant must be the registered keeper of the vehicle or in the case of a company vehicle, have exclusive use of the vehicle
- The business is bona fide and within the controlled area
- The vehicle registration document must be in the name and address of the applicant within the CPZ

A2 Acceptable items for proof of residence

The following documentation will be needed to prove that criteria are met.

- Council or Housing Trust rent book
- Flat or house contents insurance
- Benefits or pension book

- Aliens registration card
- Firearms certificate (this may seem an unlikely inclusion but is one of the most robust proofs as it is issued by the Police after personal inspection of the property)
- Tenancy agreement - not hand-written and valid for the full life of the permit
- Current Council tax bill – not discounted as a second or holiday home

In addition to acceptable proof(s) of residence, a V5c vehicle registration document and a current driving licence is required which documents must show the name of the applicant and the correct address.

It is prudent to accept that, very occasionally, a genuine resident may not be able to provide all the items of proof of residence required by the criteria. In these cases the applicant will be refused a permit or asked to provide a signed proof of residence letter from a Councillor or a professionally qualified person.

There will be scenarios where other applicants, such as nannies or chauffeurs, will request permits and these should be considered and accepted if it can be proved that they work at a residential location full time.

A3 Eligibility criteria for business permits

- The business address must be a property named in the final schedule of the relevant Traffic Regulation Order.
- Proof of business rate payment is supplied
- Payment is made by the company with no personal payments being accepted
- Vehicle registration document or hire or leasing agreement

A4 Number of permits issued

Torbay Council will initially limit the number of permits issued to two per household and business address, this will be subject to the outcome of consultation at each CPZ. The area outlined within the final schedule of the relevant Traffic Regulation order will also be reviewed and can be altered in order to balance the demand for spaces for roads within the CPZ.

A5 Charge for second and subsequent permits per household

Torbay Council may make higher charges for second and subsequent permits. Demand for available space will again be monitored and Torbay Council may introduce extra charges if the number of spaces becomes limited.

A6 Foreign registered vehicles

The DVLA regulations stipulate that a foreign registered vehicle should be re-registered if it is to stay for longer than 6 months in this country.

Permit applications for foreign registered vehicles will only be issued with a maximum 6-month period. These permits would not be renewable and no further permits would be issued for the vehicle unless it was re-registered in the UK.

A7 Second Homes

For second homes the owners may apply for Visitor permits up to a maximum of 365 permits per year upon completion of the application form and payment of the appropriate fee

A8 Holiday Accommodation, Guest Houses/Hotels

For visitors staying in either guest houses or holiday accommodation the Council will issue to the owners of the properties upon completion of the relevant application form and the appropriate fee.

Guest Houses/Hotels – a maximum of 250 per letting room per year

Holiday Accommodation – a maximum of 365 per year

A9 Permit renewals

Permit holders wishing to renew their permits will be required to produce proof of ownership and residence (as outlined in the criteria proofs of this report) to verify that they continue to be the registered keeper of the vehicle and that they continue to reside within the area specified within the relevant Traffic Regulation Order. If residents change vehicles during the permit period they must apply for a new permit to be issued against the new vehicle.

A10 Non vehicle-specific permits

A very small number of residents may have difficulty in meeting the criteria for a resident permit because they are provided with a pool car that changes frequently. It would be impractical to expect them to surrender their permit and be issued with a replacement each time the vehicle changes.

On these occasions a non-vehicle specific permit will be issued if the resident can provide proof that, as part of their business, they need to use various vehicles or are provided with pool cars.

It is essential that the resident meets the full residential criteria to obtain this permit and must be clearly stated that any abuse of the permit will result in its instant withdrawal.

A11 Oversized vehicles

Vehicles are required to park within the parking bay markings to avoid being issued with a PCN. Consideration of defining the size/length/height of a residential vehicle is advantageous as it will allow some control of the 'white van man' who runs a business from home or stretch limousines or the oddity like a tank or armoured vehicle being claimed as a residents vehicle.

The most common measurements used are; height not exceeding six feet ten inches (208.28 cm) and length not exceeding eighteen feet (548.64 cm). A weight restriction is usually written into a traffic order although it is almost impossible for a Civil Enforcement Officer to visually assess the weight of a vehicle when parked on-street.

It is likely that a similar view will be taken on applications for business permits although this will depend on individual cases and specific design criteria for the area. Consideration may be given to areas in specific zones where parking a vehicle whose dimensions are slightly over the above will be permitted to park in specific bays only. The design criteria and the environment for the residents will be taken into consideration.

A12 Temporary cover

For a resident who does not normally run a car but wants to hire a vehicle for a limited period additional residents' visitor permits will be provided upon inspection of the hiring agreement for which a charge will be made.

A13 Visitor Parking

Visitors to CPZ's will be required to display a visitor permit if they wish to park during the enforcement period of the CPZ. Visitor permits will be available to purchase direct from Parking Services and will only be available to residents. A maximum of 100 passes a year will be provided to each household.

A14 Parking charges

The cost of a parking permit must reflect the overheads of enforcement and administration. These issues have been considered by Torbay Council and the following charges will apply:

Annual resident permit	£30
2 nd and subsequent annual resident permit	£30
One day visitor permit (book of 10)	£10
Essential visitor permit	£30
Annual business permit	£100
2 nd Annual business permit	£100

These charges will be reviewed on an annual basis

A15 Eligibility criteria for essential visitor permits

- to care for an ailing elderly individual or disabled person within the CPZ
- where a health and emergency care workers badge is not sufficient to attend to a residents health care needs
- evidence will need to be health care professionals, proof of benefits etc.

Appendix B

Criteria for the consideration of Waiting Restrictions on the Public Highway

1. In general, waiting restrictions (double and single yellow lines) should only be considered for the benefit of all road users in order to promote road safety and the free passage of vehicles.
2. Restrictions should only be considered where displaced parking will not cause additional parking problems in adjoining roads.
3. Restrictions should not be considered in isolated areas where enforcement would be difficult.
4. **Appropriate use of restrictions:**
 - a) Parking at major junctions causing hazards and where visibility is continually obstructed.
 - b) Collision risk due to parking on busy narrow roads, subject to width of road.
 - c) Parking obstructing access for emergency vehicles (i.e. private residential homes and old people's flats, etc).
 - d) Serious obstructions to through traffic on major routes.
 - e) To prevent danger to pedestrians.
 - f) At a location where there are parking related accidents.
5. **Inappropriate use of restrictions:**
 - a) Where parking obstructs a view from a property or noise associated with parking.
 - b). Parking obstructing access to private property.
 - c) At minor and residential road junctions.
 - d) Turning areas in residential cul-de-sacs.

Note: (Highway Code Regulations)

"DO NOT park your vehicle or trailer on the road where it would endanger, inconvenience or obstruct pedestrians or other road users. For example, do not stop" -

- a) on a footpath or pavement
- b) near a school entrance
- c) at or near a bus stop or taxi rank
- d) opposite or within 10 metres of a junction
- e) at a lowered kerb to help wheelchair users
- f) in front of entrance to a property
- g) anywhere that would prevent access for Emergency Services

6. **Limited Waiting Restrictions (white bay markings)**

- a) Can be considered to provide short-term parking for shoppers and visitors, provided that such parking will not cause obstructions to pedestrians, private accesses, traffic or impair visibility.
- b) Alterations to the timing of Limited Waiting Restrictions will be considered if they are believed to benefit residents and businesses.

7.

Removal of Restrictions

Requests for removal of existing restrictions will only be considered if allowing parking does not:

- a) Cause obstruction to the highway.
- b) Restrict the flow of traffic so as to cause congestion, particularly on main routes or bus routes.
- c) Affect Emergency Services.
- d) Cause a danger to other road users.

8.

Residents Parking

Residents Parking Schemes will only be considered in recognised Controlled Parking Zones.

Appendix C – Park & Stride Car Parks

- Hampton Avenue
- Lymington Road Coach Station
- Torre Valley
- Churchward Road
- Station Lane

Appendix D – Seasonal Parking Car Parks

- Kilmore (Torquay)
- Shedden Hill (Torquay)
- Torre Valley (Torquay)
- Meadfoot Beach (Torquay)
- Broadsands (Paignton)
- Quaywest (Paignton)
- Roundham (Paignton)
- Cliff Park Road (Paignton)
- Broadsands (Paignton)
- Breakwater (Brixham)
- Shoalstone (Brixham)

Appendix - E

Waivers (Also known as Dispensations)

The Council has the authority to issue a waiver which will allow a vehicle to park on a yellow line or in a parking bay for a specified period of time, where the normal 20 minute loading period would be inadequate, and the vehicle is required for carrying out works.

The Council is entitled to charge for waivers.

The waiver is issued to allow people to carry out works where their vehicle will be required i.e. where constant access to tools or materials in the vehicle is needed such as carpet fitter where carpets are stored, or a glazier where glass is stored. The waiver is not intended for those who will not require constant access to their vehicle, such as a labourer who will work on site but not require bulky tools or raw materials from the vehicle. This type of person should seek to drop off tools and then park legally. Waivers are usually only issued to vehicles of transit size or over.

It should be noted that on most yellow line restrictions a person is allowed to load or unload for a time of 20 minutes, without the need for a waiver, providing the loading/unloading is continuous. Continuous is assumed to be where loading/unloading is observed during a 5 minutes observation period of the vehicle.

Procedure and Conditions for Obtaining a Waiver

- 1) An application form can be completed and debit/credit card payment made on-line at any time of day. A minimum of one working day's notice (Monday-Friday) is required and must be submitted by 16:00.
- 2) An application form for a waiver can be obtained from the Connections office in Torquay, Paignton or Brixham, from the Council's web site www.torbay.gov.uk or from parking@torbay.gov.uk. When completed this should be submitted, with payment, at least 48 hours before the waiver is required.
- 3) The waiver will be sent via email and must be printed.
- 4) The waiver must be displayed in the front windscreen of the vehicle for which it was issued, at all times it is parked on the restriction, so that the details of the vehicle, the location it can be parked at, the time and date are clearly visible to the parking attendant.
- 5) Evidence must be produced at the time of the application that the vehicle needs to be parked at the location stated.
- 6) The cost of a waiver is £10 per first day, £5 for each subsequent day up to £25 per week, payable in advance of it being issued.
- 7) The vehicle is only permitted to park at or as near to the address stated but it does not guarantee a parking space outside of any building. When it is not suitable to park at a particular location the waiver may be granted for the nearest suitable location.

- 8) The vehicle should not cause an obstruction to other road users or pedestrians.
- 9) Materials or goods must not be deposited on the footway or carriageway (except at the rear of the vehicle).
- 10) The waiver will be invalid if changed or altered in any way.
- 11) A waiver is only valid for the vehicle for which it is issued. If you need to use a different vehicle to the one stated on the waiver it should be returned to the Council and a replacement will be issued free of charge.
- 12) The vehicle must be moved on the instructions of a police officer, civil enforcement officer or other council officer.
- 13) A Penalty Charge Notice will be issued where the terms of the waiver are not complied with.
- 13) No refunds will be given for days not used.

Appendix F – Glossary of Acronyms

CPZ	Controlled Parking Zones
CPE	Civil Parking Enforcement
HGV	Heavy Goods Vehicle
PCN	Penalty Charge Notice
TRO	Traffic Regulation Order
TSRGD	Traffic Signs Regulations General Directive

Appendix G – On Street Pay and Display areas

Location

Torquay

No. of spaces

Abbey Road	37
Babbacombe Road	25
Castle Road near Castle Circus	8
Lymington Road outside Library	8
Lymington Road by Upton Park	37
Magdalene Road	34
Market Street	18
Parkhill Road by Rainbow Funhouse	5
Pimlico	3
Rock Walk	41
The Terrace	13
Torre Abbey Meadow and Sands	56
Torwood Gardens Road	25
Torwood Street	28
Union Street by Court House	36

Paignton

Adelphi Road	19
Dendy Road	20
Eastern Esplanade	218
Hyde Road	16
Palace Avenue	74
Queens Road	29
Sands Road	16
Stearfield Road	10
Torbay Road	44
Torquay Road by Post Office	10