

--- PROPOSED ORDER ---

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES
(GOLDEN DRIVE (PART), EAGLESTONE)
(RESIDENTS PERMIT PARKING AREA) ORDER 2020**

The Council of the Borough of Milton Keynes ("the Council") in exercise of its powers under Sections 1(1), 2(1) and (2), 4(1), 32(1), 35, 35A and 53, of the Road Traffic Regulation Act 1984 ("the Act of 1984") 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 of 1984, hereby makes the following Order:

PART 1

IMPLEMENTATION, CITATION, AND DEFINITIONS

1. This Order shall come into operation on the day of 2020 and may be cited as "The Council of the Borough of Milton Keynes (Golden Drive (Part), Eaglestone) (Residents Permit Parking Area) Order 2020".

2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:-
 - "access way" means a length of road sufficient to enable a vehicle to have access to and egress from land or premises in or adjacent to the road;
 - "carer" means a person who provides care to those in need of medical, nursing or personal assistance in a voluntary capacity or employed either by a public service body or an officially registered company;
 - "carer's permit" means a permit that has been issued by the Council for the purpose of leaving a vehicle in a residents permit parking area under the provisions of Parts 2 and 3 of this Order;
 - "Civil Enforcement Officer (CEO)" has the same meaning as in Section 76 of the Traffic Management Act of 2004;
 - "Council" means the Council of the Borough of Milton Keynes;
 - "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;
 - "driver" in relation to a vehicle waiting in a parking zone, means the person driving the vehicle at the time it was left in the parking zone;
 - "electric vehicle" means any vehicle which uses one or more electric motors for propulsion;
 - "goods" includes postal packets of any description, cash or other valuable securities;

"hand held device" means an electronic device which is programmed to interface with the Pay by Phone parking system and used by a CEO to assist in carrying out parking enforcement with the residents permit parking area;

"moped" means a two or three wheel vehicle fitted with an engine having a cylinder capacity not exceeding 50 cubic centimetres if of the internal combustion type and a maximum design speed of not more than 45 kilometres per hour;

"motor cycle" means a two-wheel vehicle with or without a sidecar, fitted with an engine having a cylinder capacity of more than 50 cubic centimetres if of the internal combustion type and/or having a maximum design speed of more than 45 kilometres per hour;

"motor vehicle" has the same meaning as in Section 185 of the Road Traffic Act 1988;

"parking area" means an area of carriageway authorised by and subject to the conditions of this Order for the leaving of a vehicle;

"Pay as you go residents' visitors permit" means a permit that has been issued by the Council for the purpose of leaving a vehicle in a residents permit parking area under the provisions of Parts 2 and 3 of this Order;

"Pay by mobile phone parking system" means a method of payment for parking within the residents permit parking area by electronic means via the use of a mobile phone or other such device;

"permit parking area" means an area of carriageway authorised by and subject to the conditions of Part 2 of this Order for the leaving of vehicles;

"permit holder" means a person to whom a permit has been issued under Councils terms and conditions for parking permits;

"postal packets" has the same meaning as in Section 125 of the Postal Services Act 2000;

"prescribed hours" means between those hours stated in Part A of Schedule 1 to this Order;

"R36" means the permit symbol that is valid for the residents permit parking area referred to in Schedule 1 to this Order;

"resident's permit" means a permit that has been issued by the Council for the purpose of leaving a vehicle in a residents permit parking area under the provisions of Parts 2 and 3 of this Order;

"residents visitor's permit" or "visitors permit" means a permit that has been issued by the Council for the purpose of leaving a vehicle in a residents permit parking area under the provisions of Parts 2 and 3 of this Order;

"road" means a highway and any other road to which the public has access;

"statutory undertaker" has the same meaning as in Section 329 of the Highways Act 1980;

"telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984;

"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 of 1984;

"user" in relation to a vehicle, means the person by whom such vehicle is owned, kept or used.

"virtual parking permit system" means the application process provided by Milton Keynes Council whereby a virtual parking permit has been issued for the purpose of leaving a vehicle in a residents permit parking area specified in Schedule 1 to this Order;

"virtual Permit" means an electronic record of a parking permit that has been registered to a vehicle through the Councils online virtual parking permit system.

3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
4. The plan(s) annexed to this Order identifies the lengths of road subject to this Order, provided that where there is any inconsistency between the plan(s) and the Schedules it is the wording of the Schedules that shall prevail.

PART 2

RESIDENTS PERMIT PARKING AREA

5. Each area on a highway which is described in Schedule 1 in this Order is designated as a residents permit parking area between the hours of 9.00 am and 6.00 pm, Monday to Friday.
6. Each of the lengths of road specified in Schedule 1 to this Order is authorised to be used during the prescribed hours, subject to provisions to this Part of this Order, as a parking area for motor vehicles', electric vehicles, motor cycles and mopeds which have been issued with one of the following virtual permits:
 - a) a valid residents permit;
 - b) a valid visitors permit;
 - c) a valid pay as you go residents' visitors permit; or
 - d) a valid carer's permit.
7. For the purpose of this Order, a permit can only be used when parking as a resident of that household or is visiting a property within the affected lengths of road specified in Schedule 1 to this Order
8. For the purpose of this Order a vehicle parked in a residents permit parking area shall be regarded as having purchased a residents or residents visitors parking permit using the Councils online virtual parking permit system if the virtual permit

appears on the Civil Enforcement Officers hand held device or has been obtained but the Civil Enforcement Officer contacting the service provider.

If no indication appears on a hand held device that a valid residents or residents visitors parking permit has been issued to that vehicle using the virtual parking permit system or an indication that the virtual residents or residents visitors parking permit has expired, it shall be presumed unless the contrary is proved, that either:-

- a) The virtual residents, residents visitors permit or pay as you go residents' visitors permit has not been duly paid in respect of that vehicle or;
- b) The permit period for which payment was made has expired.

and the driver of the vehicle may be issued with a Penalty Charge Notice.

9. The limits of each residents permit parking area shall be indicated by the appropriate traffic signs at each entry and egress point to the area covered by this Order.
10. The driver of a vehicle parking within the residents permit parking area shall stop the engine as soon as the vehicle is in position in the road, and shall not start the engine of the vehicle except when about to change the position of the vehicle in or to depart from the parking on that road.
11.
 - (1) A police officer in uniform, traffic warden or CEO may in case of emergency move or cause to be moved any vehicle left in a parking area to any place he thinks fit.
 - (2) Any person authorised to remove a vehicle or alter its position by virtue of paragraph (1) of this Article may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.
12. Nothing in this Part of this Order shall render it a contravention of this Order to cause or permit a vehicle to park during the prescribed hours in the roads within the permit parking area as specified in Schedule 1 for so long as may be necessary:
 - (1) when the person in control of the vehicle is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstances outside his control;
 - (2) to enable a person to board or alight from the vehicle;

- (3) to enable goods to be loaded or unloaded from the vehicle;
 - (4) to enable the vehicle if it cannot reasonably be used for such purpose in any other road to be used in connection with any of the following:
 - (a) building, industrial or demolition operations;
 - (b) the removal of any obstruction to traffic;
 - (c) the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;
 - (d) use in the service of any statutory undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
 - (e) use for police, fire brigade or ambulance purposes;
 - (f) use for the purpose of delivering or collecting postal packets as defined by Section 125 of the Postal Services Act 2000;
 - (g) the vehicle being specially constructed or adapted for the delivery or collection of money or valuable securities to be used for those purposes in relation to premises in the vicinity;
 - (h) the removal of furniture or household effects to or from a shop, office, depository or dwellinghouse adjacent to the permit parking area.
 - (5) to enable the vehicle to wait at or near to any premises situated within the said parking area for so long as such waiting by that vehicle is reasonably necessary in connection with a wedding or funeral, or on any other special occasion.
13. No person shall cause or permit a vehicle to wait in a parking area by virtue of the provisions of paragraph (4) of Article 11 above otherwise than:
- (1) so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle; and
 - (2) so that no part of the vehicle obstructs any access way other than from or to the premises referred to in paragraph (4)(h) of Article 11.
14. (1) Any person authorised by the Council may suspend the use of a permit parking area or any part thereof whenever and for such duration as the Council considers such suspension reasonably necessary:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of building, industrial or demolition operations;

- (c) for the purpose of the maintenance, improvement or reconstruction of the parking area;
 - (d) for the purpose of the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;
 - (e) for the convenience of occupiers of premises adjacent to the permit parking area on any occasion of the removal of furniture or household effects to or from a shop, office depository or dwellinghouse;
 - (f) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed.
 - (g) for the convenience of occupiers of premises within the permit parking area at times of weddings or funeral, or on any other special occasions.
- (2) A traffic warden, police officer in uniform or CEO may suspend for not longer than twenty-four hours the use of a permit parking area 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) Without prejudice and in addition to all other enabling powers the Council shall have the power from time to time as it deems appropriate to close or suspend for as long as it considers necessary the use of any permit parking area for the purpose of enabling such parking area to be used by exhibition or public information vehicles of official or quasi official authorities or bodies whose contents are intended to be and are made available for inspection by and for the public without any charge of any kind being made to the public.
15. On the suspension of the use of a permit parking area or any part thereof in accordance with the provisions of Article 13 of this Order the person authorising or causing such suspension shall, place or cause to be placed in or adjacent to that permit parking area a traffic sign indicating that the use of the permit parking area is suspended and that waiting by vehicles is prohibited.
16. (1) Save as provided in paragraph (2) of this Article no person shall cause or permit a vehicle to be left in a parking area or part thereof during any period when there is in or adjacent to that parking area or part thereof a traffic sign placed in pursuance of Article 13 of this Order, that the whole or part of that parking area has been suspended.
- (2) Subject to the overriding requirement that the person in control of the vehicle shall move it on the instruction of a police officer in uniform or a

traffic warden whenever such moving shall be necessary for the purpose of preventing obstruction, nothing in paragraph (1) of this Article shall render it a contravention of this Order to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose or eventuality specified in paragraph (1) of Article 13 of this Order to be left in the permit parking area or part thereof during any such period when the use thereof has been suspended, or to any other vehicle so left if that vehicle is left with the permission of a police officer in uniform, a traffic warden or CEO.

PART 3

APPLICATION AND ISSUE OF PERMITS FOR THE USE OF THE RESIDENTS PERMIT PARKING AREA

17. Any person residing in a property specified in Schedule 2 to this Order over the age of 17, who is the user of a motor or electric vehicle, may apply to the Council for the issue of:
 - (i) Up to two virtual resident permits per year per household, for the use by a resident of the household to park in any length of road specified in Schedule 1 of this Order;
 - (ii) Up to two virtual residents visitor's permit per year per household, for the use by a visitor who is visiting the applicant's residence to park in any length of road specified in Schedule 1 of this Order;
 - (iii) A virtual pay as you go voucher per day per household upon the successful purchase of a resident's permit, for the use by a visitor who is visiting the applicant's residence to park in any length of road specified in Schedule 1 of this Order.
18. Any such application shall be made using the Councils virtual parking permit system and shall include the information required by such form and shall require the applicant to provide proof of residency and ownership of the vehicle.
19.
 - (1) On receipt of an application the Council upon being satisfied that the applicant meets the requirements, shall issue to that that person either a resident's permit and/or a residents visitors permits for such charge as is specified in Schedule 3 of this Order.
 - (2) Each household will be entitled to purchase no more than two virtual resident's permits and two virtual residents' visitors permits.
 - (3) Any person may also apply for a virtual pay as you go voucher upon the successful purchase of a residents permit for such charge as is specified in Schedule 3 of this Order.

20. The Council may revoke a virtual residents permit, residents visitors permit or on the occurrence of any of the following events:
- (i) The holder of the resident's permit ceasing to be an eligible resident;
 - (ii) The holder of the resident's permit ceasing to be the user of the vehicle in respect of which the permit was issued;
 - (iii) The vehicle in respect of which a resident's permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 16 of this Order.
 - (iv) The permit being obtained for the purpose of financial gain through the selling of a permit to a third party who does not reside or is visiting the household in which the permit was applied for.
 - (v) The resident's permit having been obtained by fraudulent means.
21. Any vehicle that has been issued with a resident's permit that has been left in any of the lengths of road specified in Schedule 1 to this Order must be a resident of a property specified in Schedule 2 to this Order.
22. Any vehicle that has been issued with a resident's visitor's permit that has been left in any of the lengths of road specified in Schedule 1 to this Order must be a visiting a property specified in Schedule 2 to this Order.
23. Any vehicle that has been issued with a pay as you go voucher that has been left in any of the lengths of road specified in Schedule 1 to this Order must be a visiting a property specified in Schedule 2 to this Order.
24. Any person that has purchased a valid resident's permit and residents visitors permit that no longer resides in the property to which the permit was issued to is required to notify the Council immediately.
25. (1) Any person that has purchased a valid resident's permit and residents visitors permit that no longer is the owner of the vehicle to which the permit was issued to is required to notify the Council immediately.
- (2) Any person who has purchased a permit will be entitled to a 50% refund of the charge paid if there is 6 months or longer left on their permit
26. A resident's permit or resident's visitor's permit shall cease to be valid at the end of the permit period specified thereon or on the occurrence of any one of the events set out in Article 19 of this Article, whichever is the earlier.

27. A resident's permit shall only be valid for the duration of the permit period in respect of the year for which it is issued.
28. At the end of the permit period the resident will need to apply for a new permit through the Councils online virtual parking permit system.
29. Any public service body or an officially registered company employing carers, whether employed or in a voluntary capacity who are required to make house calls using motor or electric vehicles as a part of their normal duty may apply to the Council through the Councils virtual parking permit system for the issue of a carer's permit for such charge as is specified in Schedule 3 of this Order.
30. Each of the lengths of road specified in Schedule 1 to this Order is authorised to be used during the prescribed hours, subject to provisions to this Part of this Order, as a parking area for motor vehicles', electric vehicles, motor cycles and mopeds which have been issued with a carers permit for the purpose of making visits to properties within the parking area whilst making a house call as a part of their normal duty.

PART 4

ENFORCEMENT OF RESTRICTIONS

31. The Council shall, on or in the vicinity of any road provided for in this Order:
 - (1) provide traffic signs in accordance with the Traffic Signs Regulations and General Directions 2016;
 - (2) maintain and from time to time alter the said traffic signs;
 - (3) carry out such other work as is reasonably required for the purpose of the satisfactory operation of a road.
32. The Council shall appoint CEO's whose duty it shall be to patrol and enforce the waiting and parking restrictions imposed by the Articles of this Order.

SCHEDULE 1

RESIDENTS PERMIT PARKING AREA

**FOR USE BY VEHICLES THAT HAVE BEEN ISSUED WITH A RESIDENT'S PERMIT,
VISITOR'S PERMIT, PAY AS YOU GO RESIDENTS' VISITORS PERMIT OR CARER'S
PERMIT**

24 HOURS OF EVERY DAY

GOLDEN DRIVE, EAGLESTONE

THE CUL-DE-SAC (NUMBERS 144 to 158 (Even))

RPA1 That entire area south-east of a point 10 metres from its junction with Golden Drive

SCHEDULE 2

ROADS OR PARTS OF ROADS FROM WHICH RESIDENTS ARE ELIGIBLE TO APPLY FOR A RESIDENT'S PERMIT, VISITOR'S PERMIT, PAY AS YOU GO RESIDENTS' VISITORS PERMIT OR CARER'S PERMIT

1. Golden Drive, Eaglestone – Numbers: 144, 146, 148, 150, 152, 154, 156 and 158

SCHEDULE 3

PERMIT CHARGES

	<u>PERMIT</u>	<u>PERIOD</u>	<u>CHARGE</u>
1.	1x Resident's Permit	12 months	£25.00
2.	1x Resident's Visitor's Permit	12 months	£25.00
3.	1x Pay as you go residents' visitors permit	24 hours	£1.00
4.	Carer's Permit	12 months	FREE

--- END ---

THE COMMON SEAL of the **COUNCIL OF THE BOROUGH OF MILTON KEYNES** as hereunto affixed this day of 2020 in the presence of:-

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HEAD OF LEGAL SERVICES