

MILTON KEYNES CITY COUNCIL
(ROWLANDS CLOSE, BLETCHLEY)
(OFF-STREET RESIDENTS PERMIT PARKING AREA) ORDER 2023

Milton Keynes City Council ("the Council") in exercise of its powers under Sections 1(1), 2(1) and (2), 32(1)(b), 35(1), 44 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 2023 and may be cited as "Milton Keynes City Council (Rowlands Close, Bletchley) (Off-Street Residents Permit Parking Area) Order 2023".
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 and for the purposes for this Order is employed, in a voluntary capacity or by paid employment, either by a public service body or an officially registered company;
 - "**Carer permit**" means a permit that has been issued by the Council for the purpose of leaving a vehicle in a resident permit parking area under the provisions of this Order;
 - "**Civil Enforcement Officer (CEO)**" has the same meaning as in Section 76 of the Traffic Management Act of 2004;
 - "**the Council**" means Milton Keynes City Council;
 - "**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 place, means the person driving the vehicle at the time it was left in the parking place;
 - "**Driver and Vehicle Licencing Agency**" (**DVLA**) means the Executive Agency of the Department for Transport charged with facilitating road safety and general law enforcement by maintaining registers of drivers and vehicles and the collection of vehicle excise duty (VED);
 - "**dual purpose vehicle**" has the same meaning as in Part 1 Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986;
 - "**electrically (or mechanically) assisted pedal cycle**" (**EAPC**) means a pedal cycle the propulsion of which can be augmented by an electric or internal

combustion motor, of maximum power output not exceeding 250 watts, but is precluded from assisting the propulsion of the pedal cycle when it is travelling at speeds in excess of 25 km per hour.

“electric vehicle” means any vehicle which uses one or more electric motors for propulsion;

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

"Enforcement Officer" means a Civil Enforcement Officer appointed by the Council under Section 76 of the Traffic Management Act 2004, or a Parking Attendant appointed under Section 63A of The Road Traffic Regulation Act 1984, for the purpose of enforcing and supervising the provisions of this Order;

"goods" includes postal packets of any description, cash or other valuable securities;

"handheld or other vehicle recognition device" means an electronic device which is programmed to interface with the Council's virtual parking permit system and is used by a civil enforcement officer to assist in carrying out parking enforcement within the resident permit parking area;

“household” means a house and its occupants regarded as a unit;

“Mobile Phone” means wireless telegraphy apparatus (as defined in the Wireless Telegraphy Act 1949) designed or adapted for the purpose of transmitting and receiving spoken messages so as to provide a telephone which is connected to a public electronic communications network (within the meaning of the Communications Act 2003) and is not physically connected to a land line;

"moped" means a two or three wheeled vehicle that, if of the internal combustion type, is fitted with an engine having a cylinder capacity not exceeding 50 cm³ or if electrically propelled a power output not exceeding 4 kW and in either case a maximum design speed not exceeding 45 kilometres per hour. For the purposes of this Order the aforementioned “moped” shall be classified as a “motor cycle” and shall not include any vehicle that can be propelled manually by pedals.

"motor cycle" has the same meaning as in Section 136(4) of the Road Traffic Regulation Act 1984 and for the purposes of this Order includes any two or three wheeled petroleum or electrically powered vehicle but excludes any such vehicle that, in addition, can be propelled manually by pedals.

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

“on-line parking system” means the system provided by Milton Keynes Council to electronically process and issue virtual parking permits and manage some aspects of enforcement;

"Off-street" means an area of land privately owned that has not been adopted as highway;

“paper permit” means a physical permit that the Council has provided to a resident who has satisfied the Council, by formal application, that he/she does not have access to the Council's electronic parking app. The paper permit can be used in lieu of a virtual permit.

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

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and for the purposes of this Order is not drawing a trailer and has a weight not exceeding 3.5 tonnes;

"Penalty Charge" means a charge amended from time to time in compliance with the provisions of Part 6 of the Traffic Management Act 2004;

"Penalty Charge Notice" (PCN) means a formal notice informing the driver of a vehicle that he is in contravention of a restriction and that a penalty charge is now owed;

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

"permit parking area" means an area of roads authorised, subject to the conditions of this Order, for the leaving of vehicles;

"permit holder" means a person to whom a permit has been issued under the Council's 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 the period or periods of hours and days during which the permit parking scheme is in operation when only vehicles which have been issued with a parking permit may park in the permit parking area under the provisions of this Order.

"qualifying resident" means a person whose usual place of abode is at premises, the postal address of which is in any street or part of a street described in Schedule 2 of this Order;

"R32" means the permit symbol that is valid for the residents permit parking area referred to in this Order;

"resident permit" means a permit that has been issued by the Council for the purpose of leaving a vehicle in a resident permit parking area under the provisions of this Order;

"resident's visitor permit" means an annual permit that has been issued by the Council, to a resident of a permit parking area, for the purpose of enabling a driver who is visiting a resident to leave a vehicle during its controlled hours;

"resident's visitor day voucher" means a permit that has been issued by the Council for the purpose of leaving a vehicle whose driver is visiting a resident of a permit parking area during its controlled hours;

"restricted road" means a road which is subject to parking and waiting restrictions;

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

"smartphone App" means the Council's smartphone application that facilitates access to the Council's on-line parking system and virtual permit parking system;

"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;

"street trading vendor's vehicle" means a vehicle constructed or adapted so as to enable hot or cold food to be prepared in and sold from the vehicle;

"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 system provided by Milton Keynes Council to electronically process and issue virtual parking permits and manage some aspects of enforcement;

"virtual Permit" means an electronic record of a parking permit that has been registered to a vehicle through the Council's online virtual parking permit system;

"visitor" means a person calling at the address of a qualifying resident for social purposes only and shall not be a person seeking only to park a vehicle within the permit area;

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. Any reference in this Order to an off-street permit parking area or a parking permit shall, unless otherwise stated, refer to the Rowlands Close, Milton Keynes, Off-Street Permit Parking Area.
5. Any reference in this Order to a parking permit or voucher shall, unless otherwise stated, refer to a permit to park in the Rowlands Close, Milton Keynes, Off-Street Permit Parking Area and shall be a virtual permit or voucher issued through the Council's on-line permit parking system.
6. The plan annexed to this Order identifies the lengths of roads subject to this Order, provided that where there is any inconsistency between the plans and the Schedules it is the wording of the Schedules that shall prevail.

PART 2

OFF-STREET RESIDENTS PERMIT PARKING AREA

The Permit Parking Area

7. The roads, and parts of roads, specified in Schedule 1 of this Order shall comprise the Rowlands Close Off-Street Permit Parking Area which is designated, subject to the provisions of this Order, as an area where off-street parking, during the hours and days set out in Schedule 3 of this Order, is restricted to vehicles the drivers of which have been issued with an appropriate and valid R32 parking permit as listed in Schedule 5 of this Order.

The limits of and signage of the Rowlands Close Off-Street Permit Parking Area

8. The limits of the Rowlands Close Off-Street Permit Parking Area shall be indicated by traffic signs placed at each of its entry and egress points, and at locations within the area, in accordance with the Traffic Signs Regulations and General Directions 2016.

Prescribed hours and days of operation of the permit area

9. The prescribed hours and days of operation of the Rowlands Close Off-Street Permit Parking Area shall be as set out in Schedule 3 of this Order.

Virtual permits and vouchers

10. For the purpose of this Order a vehicle left in the permit parking area during its prescribed hours and days of operation shall be regarded as having purchased a virtual R32 permit or voucher if its system registration details appear on the Civil Enforcement Officers hand held, or other vehicle recognition, device. If no such indication appears and if, by any other immediately available means, the Civil Enforcement Officer is not able to confirm registration it shall be presumed that either:
 - a) The R32 resident permit, resident's visitor permit or resident's visitor voucher has not been duly paid in respect of that vehicle or;
 - b) The R32 permit period for which payment was made has expired;

And, in either case, the driver of the vehicle shall be liable for the serving of a Penalty Charge Notice.

Driver to switch of engine while parked

11. The driver of a vehicle parking within the resident's 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 or to depart.

Removal of parked vehicles in an emergency

12. A police officer in uniform or a Civil Enforcement Officer may in the case of an emergency move or cause to be moved any vehicle left in a parking area to any place he thinks fit.

Manner of removal of parked vehicles in an emergency

13. Any person authorised to remove a vehicle or alter its position by virtue of the provisions of this Order 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.

Certain exemptions

14. Nothing in this Part of this Order shall render it a contravention of the Order to cause or permit a vehicle to park during the prescribed hours in the roads within the permit parking area for so long as may be necessary:
- a) 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, or;
 - b) to enable a person to board or alight from the vehicle, or;
 - c) to enable goods to be loaded or unloaded from the vehicle, or;
 - d) 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:
 - i) the removal of any obstruction to traffic;
 - ii) 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;
 - iii) use in the service of any statutory undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
 - iv) use for police, fire brigade or ambulance purposes;
 - v) use for the purpose of delivering or collecting postal packets as defined by Section 125 of the Postal Services Act 2000;
 - vi) 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;

Obstructive parking

15. Notwithstanding any enforcement carried out by a police officer in uniform, no person shall cause or permit a vehicle to wait in a road under the provisions of Article 14 (d) otherwise:
- a) than so as not to cause an obstruction to the flow of pedestrian or vehicular traffic along the road, or;
 - b) than with the longitudinal axis of the vehicle parallel to the edge of the carriageway nearest to the vehicle, and;
 - c) so that no part of the vehicle obstructs any dropped kerb or access way other than that to or from the premises the subject of the said Article.

Suspension of parking by the Council

16. The Council or any person authorised by the Council may suspend the use of the 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) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed;
- e) the removal of furniture or household effects to or from a shop, office, depository or dwelling adjacent to the permit parking area.
- f) 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, funeral, bar mitzvah or other special event for which, following an application by a resident, the Council has granted a written exemption from compliance with this part of the Order.

Suspension of parking by police or civil enforcement officers

17. A police officer in uniform or civil enforcement officer may suspend, for a period not longer than twenty-four hours, the use of any part of the permit parking area when he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

Suspension of parking for special events

18. Without prejudice and in addition to all other enabling powers the Council shall have the power to close or suspend for as long as it considers necessary, from time to time as it deems appropriate, the use of any part of the 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.

Signing of suspensions of parking

19. Upon the suspension of the use of any part the permit parking area in accordance with the provisions of Articles 16,17 and 18 of this Order the person authorising or causing such suspension shall place, or cause to be placed, appropriate traffic signs indicating that the use of part of the permit parking area has been suspended and that waiting by vehicles is prohibited.

Prohibition of parking in a suspended area

20. Save as provided in Article 21 of this Order no person shall cause or permit any vehicle to be left in any part of a permit parking area during any period when a traffic sign has been placed in pursuance of Articles 16,17 and 18 of this Order, indicating that the said part of that parking area has been suspended.

Exemption of emergency vehicles

21. 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 Article 20 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 Articles 16,17 and 18 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 or a civil enforcement officer.

PART 3

APPLICATION AND ISSUE OF PERMITS

Virtual parking permits and day vouchers

22. Any person who resides at any address listed in Schedule 2 of this Order and is the owner of one or more vehicles of a class specified in Schedule 4 of this Order or is the keeper and sole user of such a vehicle who has provided the Council with satisfactory validation, may for such charge as is listed in Schedule 5 of this Order, apply to the Council for the issue of:
- a) one R32 virtual resident permit per vehicle per year and;
 - b) one R32 virtual resident's visitor permit per person per year, and;
 - c) provided that at least one annual R32 resident or R32 resident's visitor permit has been issued to that household, 50 virtual R32 resident's visitor day vouchers per household per year, and;
 - d) for the charge specified in Schedule 5 of this Order, additional virtual R32 resident's visitor day vouchers for each household as may be required.

Carer parking permits

23. Any public service body or officially registered company that employs Carers, on a paid or voluntary basis, that are required to make house calls using motor vehicles or electric vehicles as a part of their normal duty may apply on-line, using the Council's virtual parking permit system, for a Carer permit for such charge specified in Schedule 5 of this Order.

Application for virtual parking permits

24. Applications for virtual parking permits shall register on-line and make their applications using the Council's virtual parking permit system, submitting such information as may be required to enable the Council to confirm the validity of the application.

Issue of virtual parking permits and day vouchers

25. The Council, having received an application and being satisfied that the applicant meets the necessary requirements and following receipt of full payment as specified in Schedule 5 of this Order or as, subsequent to the making of this Order, amended by Public Notice, shall issue to the applicant the virtual permits and virtual vouchers applied for.

Renewal of permits

26. A parking permit shall cease to be valid at the end of the permit period or on the occurrence of any one of the events set out in Article 37 of this Order, whichever is the earlier, and if the holder of the parking permit requires to continue the use of the parking permit an application will need to be made.

Surrender of permits due to changes of circumstances

27. It is the permit holder's responsibility to immediately notify the Council, using the Council's on-line system or smartphone "App, of any changes to the information submitted in the application for any permit and in particular any change which might invalidate the use of any permit held, including a resident permit, resident's visitor permit or Carer permit, for example if the permit holder:
- a) ceases to be the owner, keeper or user of the vehicle in respect of which any permit or permits were issued;
 - b) adapts or changes the class of the vehicle, in respect of which any permit or permits were issued, in such a manner that it is not a vehicle of the class specified in Schedule 4 of this Order;
 - c) intends to change their address, regardless of whether or not their new address is within the Rowlands Close Off-Street Permit Parking Area or outside it;
 - d) ceases to be a resident or Carer in the permit area or if any of the circumstances submitted with the application for the permit changes.

Surrendered permit refunds

28. Any person that surrenders a parking permit, that has been held by that person for less than 6 months since purchasing it, shall be entitled to a 50% refund of the charge paid for that permit.

Management of virtual permits using the Council's on-line system.

29. Permit holders shall continue to use their registration details on the Council's on-line system, or smartphone "App" for the ongoing management of their parking requirements including for compliance with Article 27 of this Order and:
- a) for the notification of the registration number of each and every vehicle to which a permit holder has assigned a visitor permit or voucher,
 - b) for the purchasing of additional visitor vouchers, if required,
 - c) for the renewal of any permit in advance of its expiry,

The applicant is responsible for providing correct information

30. Any incorrect information submitted to the Council or failure to renew a permit may result in the driver of the vehicle being liable for the serving of a Penalty Charge Notice and it shall be the responsibility of each applicant to provide the correct information when applying for or renewing any permit or voucher;

Application for special paper resident's visitor permit

31. The Council shall consider any application for exemption, in respect of resident's visitors' permits, from the Council's virtual permit parking scheme for any resident complying with the requirements of Article 22 that may, through any valid particular circumstance, be unable to use the Council's on-line system and upon such application being successful shall, on receipt of the charges specified, in Schedule 5 of this Order shall;
- a) issue a 12-month paper resident's visitor permit, and
 - b) shall allow the resident to notify the Council of his intention to issue a day voucher and, when necessary make payment for a day voucher, by telephone.

Exemptions for holders of paper permits

32. Nothing in the provisions of this Order in respect of the use of the Council's on-line system, as it relates to their use of visitor permits, shall apply to any resident of the permit parking area who has made a successful application in accordance with Article 31 of this Order and to whom the Council has issued a paper resident permit.

The use of paper resident's visitor permits

33. Any resident of the permit parking area who has made a successful application in accordance with Article 31 of this Order and to whom the Council has issued a paper resident's visitor permit, shall, in the case of a bona fide visitor using a vehicle to visit him during the operational period of the permit parking area, cause the visitor permit to be displayed in a conspicuous position within the visitor's vehicle, such that the front of the permit is clearly legible from outside the vehicle.

Paper parking permits shall remain the property of the Council

34. Any paper parking permit issued by the Council shall remain the property of The Council at all times and may be withdrawn by The Council in accordance with the terms under which the permit was issued and the provisions of this Order.

Paper parking permits are not transferable

35. No parking permit issued by the Council is transferable and no person to which a parking permit has been issued shall sell or transfer the use of the said parking permit to any other person save the proper use of a resident visitor's permit.

Council's right to verify permit holder's or user's details at any time

36. The Council may at any time require any holder or user of any permit to produce, to an Officer of the Council, such evidence as may be reasonably required to verify any information that was given to the Council in support of the holder's application to the Council for the said permit.

Cancellation or withdrawal of permits by the Council

37. If it appears to the Council, at any time, that any permit was obtained by fraudulent means or that any permit is being used in a fraudulent manner or if any of the information submitted on the application for any permit has changed, without the Council being notified of the changes, then the Council shall cancel, and may refuse any application for its replacement:
- a) any virtual permit, that is to say remove the said permit from the Council's database, or:
 - b) any paper permit by written notice to the permit holder's address or by notice attached to the vehicle, such notice shall have immediate effect and the permit holder shall surrender any parking permit held to The Council within 48 hours of receiving the said notice.

Fraudulent acquisition or use of a parking permit

38. The Council shall monitor the acquisition and use of parking permits within the parking area and shall, upon discovery of the fraudulent acquisition or use of a parking permit or any other malpractice and whether the offender be a resident of the Rowlands Close Off-Street Permit Parking Area or not, issue a penalty charge notice and may take such further actions as are available to it against those responsible for the fraud. Such action shall, where the Council considers appropriate, include the prosecution of those alleged to have committed fraud.

The Council to give fair warning of the possible consequences of fraud.

39. The Council shall, in its information related to the acquisition and use of parking permits draw the attention of applicants to the Council's current document: "Milton Keynes Council Anti Fraud Strategy" and shall further advise that fraudulent acquisition and/or use of a parking permit is not a de-criminalised offence, and as such may result in prosecution in a court of law and if proven may result in heavy penalties and a criminal record.

PART 4

ENFORCEMENT OF RESTRICTIONS

40. The Council shall:
- a) provide traffic signs in accordance with the Traffic Signs Regulations and General Directions 2016;
 - b) maintain and from time to time alter the said traffic signs;
 - c) carry out such other work as is reasonably required for the purpose of the satisfactory operation of a road.
41. The Council shall appoint civil enforcement officers whose duty it shall be to patrol and enforce the waiting and parking restrictions imposed by this Order.

SCHEDULE 1**ROWLANDS CLOSE OFF-STREET PERMIT PARKING AREA**

The following lengths of road are included within the Rowlands Close Off-Street Permit Parking Area: -

SCHEDULE REFERENCE	NAME OF ROAD	LENGTH OF ROAD
RPA1	Rowlands Close, Bletchley	That whole area west of the highway boundary of Rowlands Close from the shared northern boundary line of numbers 3 and 5 Rowlands Close.

SCHEDULE 2**PERMIT PARKING AREA QUALIFYING ADDRESSES**

Qualifying addresses within the Rowlands Close Off-Street Permit Parking Area, Milton Keynes: -

NAME OF ROAD	QUALIFYING PROPERTIES
Rowlands Close, Bletchley	All residential addresses

SCHEDULE 3**PRESCRIBED HOURS OF OPERATION**

The prescribed hours and days of operation of the Rowlands Close Off-Street Permit Parking Area shall be:

24 hours of every day

SCHEDULE 4**CLASSES OF PERMITTED VEHICLES**

The following classes of petroleum or electrically powered motor vehicles are eligible for the issue of permits:

- i) A passenger vehicle, of no more than 3.5 tonnes gross (or laden) weight, which is able to seat no more than 12 passengers;
- ii) A goods vehicle of no more than 3.5 tonnes gross (or laden) weight;

SCHEDULE 5**THE COUNCIL'S PERMIT CHARGES**

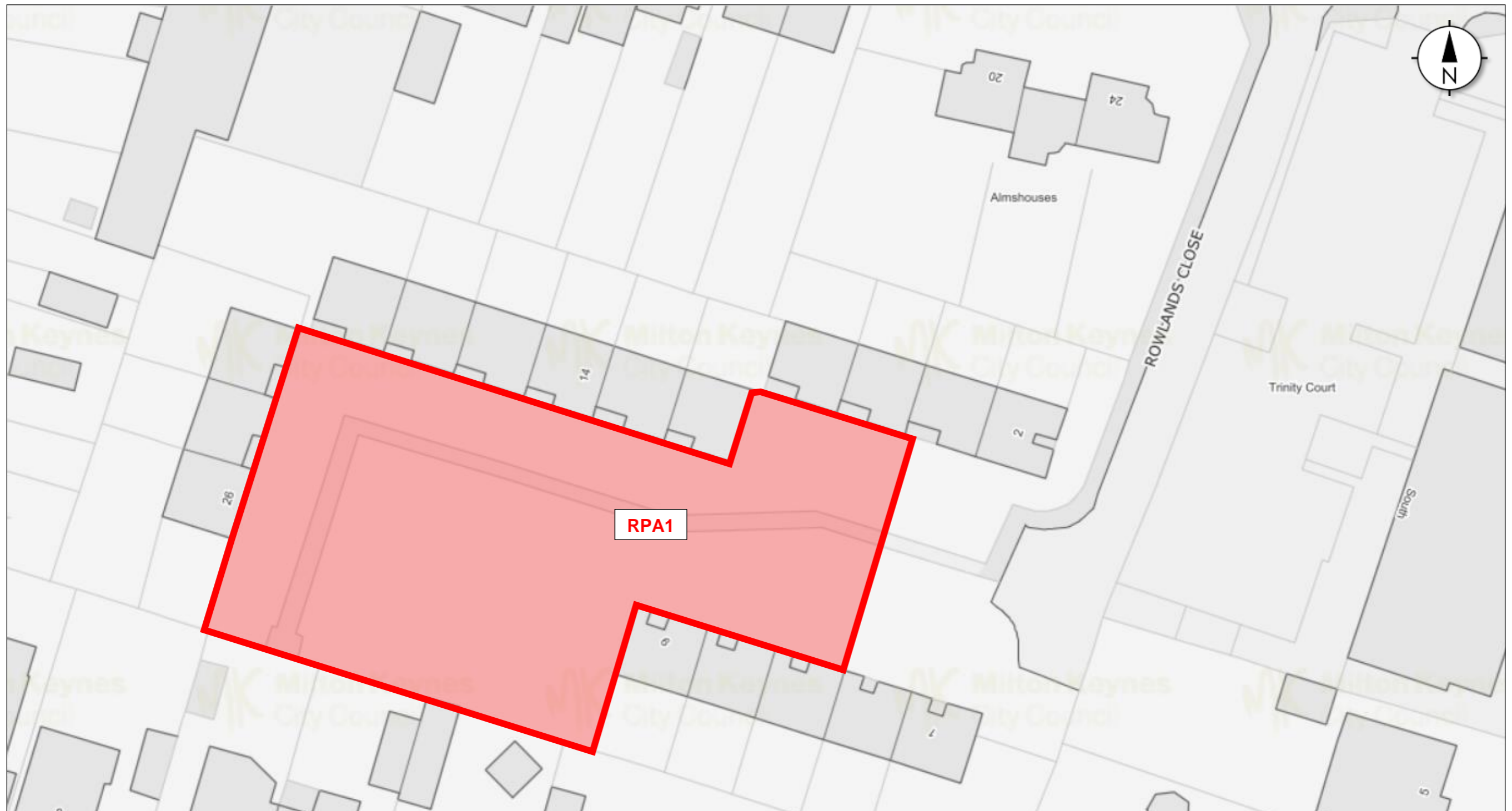
The Council's current permit parking area permit charges, as listed below, are subject to variation from time to time by Public Notice:

<u>PERMITS AVAILABLE</u>	<u>PERIOD</u>	<u>CHARGE</u>	<u>ALLOCATION</u>
R32 resident permit (virtual or paper permit)	12 months	£25	one per vehicle.
R32 resident's visitor permit (virtual or paper permit)	12 months	£25	one per person.
R32 virtual resident's visitor day voucher	24 hours	free	50 per household (for a period of 12 months).
Additional R32 virtual resident's visitor day vouchers	24 hours	£1	not limited.
Virtual Carer permit	12 months	free	one per Carer.

--- END ---

THE COMMON SEAL OF **MILTON
KEYNES CITY COUNCIL** was hereunto
affixed this day of 2023 in the
presence of: -

.....
HEAD OF LEGAL SERVICES



Key:



Off-Street Residents Permit Parking Area



Schedule 1 reference

Map referred to in "Milton Keynes City Council (Rowlands Close, Bletchley) (Off-Street Residents Permit Parking Area) Order 2023"

This Map not to scale

The Common Seal of Milton Keynes City Council was hereunto affixed in the presence of:

.....
Head of Legal Services