

THE VALE OF GLAMORGAN (DRYDEN ROAD, PENARTH) (SCHOOL STREET) (PROHIBITION OF MOTOR VEHICLES) EXPERIMENTAL TRAFFIC ORDER 2023

The Vale of Glamorgan Council being the highway authority for Penarth in exercise of its powers under sections 1, 2, 9 & 10 of the Road Traffic Regulation Act 1984 (as amended) Part 6 of the Traffic Management Act 2004, The Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013, and of all other enabling powers, and after consultation with the Chief Officer South Wales Police, in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Experimental Order as more particularly detailed in the schedules below.

INTERPRETATION

In this Order the following expressions shall have the meanings hereby assigned to them unless the context of their use requires otherwise:

"Bus" has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016

"Civil Enforcement Officer" has the same meaning as in section 76 of The 2004 Act and means a person authorised by or on behalf of The Council to supervise and/or enforce Road Traffic Contraventions

"Disabled Person" has the same meaning as the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000

"Disabled Persons Badge" has the same meaning as the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000

"Emergency Visitor Permit" means any Permit issued to a resident of a School Street for the purpose of allowing a visitor of the Permit Holder to access the Permit Holder's dwelling, where that visitor is unable to access that dwelling at any other time or by any other means

"Goods Vehicle" has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016

"Holder" has the same meaning as the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000

"Motor Vehicle" has the same meaning as in section 136 of the 1984 Act, whether or not it is in a fit state for such use

"Penalty Charge" has the same meaning as in section 92 of the 2004 Act and means a penalty charge imposed under Part 6 of the 2004 Act and payable in accordance with the 2004 Act and the 2013 Regulations

"Permit" without more means a Permit issued in accordance with this Order

"Permit Holder" means the applicant to whom the Permit was issued

"Postal Packet" has the same meaning as given in section 27 of the Postal Services Act 2011

"Private Hire Vehicle" has the same meaning as in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976

"Professional Health Carer" shall be construed to cover members of those professions who are trained and paid to carry out their caring role and for the

avoidance of doubt shall include inter alia doctors, nurses, social workers and carers.

"Road" has the same meaning as in section 142(1) of the 1984 act

"Road Traffic Contravention" in relation to Wales has the same meaning as in the 2013 Regulations

"School Street" means a length of Road specified in the Schedule to this Order

"Taxi" means has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016

"Term Time" means any date published by the Council as being included as a school term date

"Universal Service Provider" has the same meaning as given by section 65(1) of the Postal Services Act 2011

"Vehicle" means any motor car, electrically or mechanically propelled Vehicle intended or adapted for use on the Road

"Vehicle Registration Mark" has the same meaning as in Part 2(23)(1) of the Vehicle Excise and Registration Act 1994

EXEMPTIONS

2. Schedule 2 of this Order shall not render it unlawful for a Motor Vehicle to enter and proceed along the said lengths of Road if it is registered with the Council as having a valid Permit and relative to the street specified by name in this Order, and where that particular Permit is being used in compliance with the terms and conditions of that Permit.

3. Schedule 2 shall not apply to any Bus, Taxi or Private Hire Vehicle in the service of a school located in the School Street specified by name in this order and acting with written permission from the Council.

4. Schedule 2 of this Order shall not apply so as to prevent any person from causing or permitting any Motor Vehicle to enter and proceed along the said lengths of Road if the Vehicle is being used:-

a. for statutory Police, Ambulance, Fire & Rescue, National Crime Agency, Special Forces or Bomb Disposal Service purposes and where the observance of the prohibition would be likely to hinder the use of that Vehicle for that purpose on that particular occasion

b. for so long as may be necessary for the following purposes where the observance of the prohibition would be likely to hinder the use of that Vehicle for that purpose and if that Vehicle cannot be used for that purpose in any other length of Road or at any other time:-

(i) the maintenance, improvement or reconstruction of any part or parts of the Road

(ii) the maintenance, repair, replacement or improvement of any street furniture, notice or sign

(iii) for building, excavation or demolition works

- (iv) the collection of refuse
- (v) the recovery or repair of any Vehicle
- (vi) in the service of a Universal Service Provider being used to deliver or collect Postal Packets in the course of the provision of a Universal Postal Service
- (vii) as part of a funeral cortege and where that Vehicle is a hearse or other official Vehicle of an undertaker in connection with a funeral associated with an adjacent premises
- (viii) in connection with the maintenance, laying, erection, alteration, repair or cleaning of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus kept installed for the purposes of an electronic communications code system or of any other electronic communications apparatus lawfully kept installed in any position
- (ix) in connection with the delivery or collection of bullion or substantial quantities of money or cash, where that Vehicle is a purpose built security Vehicle and easily identified as a security Vehicle operated by uniformed security personnel, or;
- (x) In connection with the enforcement of Road Traffic Contraventions
 - c. with written permission of the Council, and where the terms and conditions of that particular permission are being complied with in full
 - d. upon the direction or with the permission of a Police Constable, Civil Enforcement Officer in uniform, or with the permission (whether general or specific) of the Chief Officer of Police

PERMITS

Permits for Residents

5. Any resident of a dwelling only accessible from a School Street shall be entitled to apply for a Permit for any vehicle that is kept or registered at that dwelling in accordance with the Vehicle Excise and Registration Act 1994
6. Any resident of a dwelling only accessible from a School Street shall be entitled to apply for up to 30 Emergency Visitor Permits per Academic year per dwelling

Permits for Blue Badge Holders

7. Any Disabled Person shall be entitled to apply for a Permit when they satisfy the Council that they are a Holder of a valid Disabled Person's Badge and as the Holder they require use of a particular Vehicle for access to any school, dwelling or premises only accessible from a School Street

8. No Disabled Person shall be entitled to hold more than two Permits issued in accordance with Article 7 at any given time

Miscellaneous Permits

9. A person shall be entitled to apply for a Permit upon satisfying the Council that they require use of a particular Vehicle and are:-

a. a staff member of a School only accessible from a School Street and require a Permit to gain access to that School, but only where it is essential to the operational running of that School;

b. in charge of a Goods Vehicle delivering goods to any business premises only accessible from a School Street on a weekly basis;

c. a Professional Health Carer providing official care to a resident of a School Street;

d. employed by (or officially charged with the running of) any business, religious or community premises only accessible from a School Street

Permits (general)

10. Permits shall only be issued to eligible persons for the particular School Street for which access is legitimately required

11. Save for an Emergency Visitor Permit, any Permit issued in accordance with this Order shall remain valid for no longer than one Academic year, or until the Permit Holder ceases to be eligible for that permit; whichever comes first

12. An Emergency Visitor Permit shall remain valid until midnight of the day upon which the Permit was issued

13. A Permit will be specific to a certain Vehicle by means of its Vehicle Registration Mark and shall not be transferable to any other Vehicle for the duration of the Permit, or transferable to any other School Street

14. A Permit will be issued subject to terms and conditions of that Permit and for the avoidance of any doubt the Permit Holder must comply with those terms and conditions otherwise the Permit will not be valid

CONTRAVENTIONS

15. Any contravention of the restrictions listed in this Order shall be deemed to be a Road Traffic Contravention and subject to civil enforcement pursuant to the provisions of Part 6 of the 2004 Act and the 2013 Regulations and if a Road Traffic Contravention is observed then a Penalty Charge shall be payable in accordance with the 2013 Regulations.

Citation and Commencement

This Order shall come into operation on the 9th day of May 2023 or on the date that the appropriate signs and road markings are in place, whichever is the later and may be cited as "The Vale of Glamorgan Council (Dryden Road, Penarth) (School Street) (Prohibition of Motor Vehicles) (Eperimental Traffic Order 2023).

SCHEDULE 1

No person shall cause or permit any Motor Vehicle to enter and proceed along the length of road described in Schedule 2 below, during term time, between the hours of 08:00 and 09:15 and between the hours of 15:00 and 16:00 on any day other than a Saturday or Sunday, unless exempt, as set out in the articles to this Order.

SCHEDULE 2

Prohibition of Motor Vehicles – Monday to Friday 08.00 to 09.15 and 15.00 to 16.00 During School Term Time only

Dryden Road (Part), Penarth

From a point approximately 15.5 metres from its junction with Tennyson Road, in a generally easterly and southerly direction, to its junction with Wordsworth Avenue, a distance of approximately 235 metres.

THE COMMON SEAL of
VALE OF GLAMORGAN COUNCIL was
hereunto affixed the 25th day of April
2023 in the presence of



Monitoring Officer / Head of Legal &
Democratic Services
Operational Manager Legal Services
Vale of Glamorgan Council



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