

KIRKLEES COUNCIL

(Traffic Regulation) (No. 18) Order 2023

The Council of the Borough of Kirklees (“the Council”) in exercise of their powers under Sections 32, 35, 45, 46, 47, 49 and 53 of the Road Traffic Regulation Act 1984 (“the Act”), Part 6 of the Traffic Management Act 2004, the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Kirklees) Order 2006 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order which relates to roads in the Kirklees district:-

PART 1

1.

COMMENCEMENT AND CITATION

This Order shall come into operation on the day of 2024 and may be cited as the Kirklees Council (Traffic Regulation) (No 18) Order 2023

2.

INTERPRETATION

- 2.1 In this Order except where the context requires it “virtual permit” means a permit issued by the Council, upon confirmation by the Council of a valid application, but is not provided to the applicant in physical form and consequently is not required to be displayed in a vehicle but which is only valid for use in the areas or roads specified or for the time period stated and subject to the same conditions of use as if it were a physical permit.
- 2.2 Except where the context otherwise requires, any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference to a numbered Schedule is a reference to the Schedule bearing that number in this Order

PART 2

3.

AMENDMENTS TO EXISTING ORDERS

- 3.1 The Articles within the Orders listed in the First Schedule to this Order are hereby amended insofar as the existing wording is replaced by the substitution of the wording detailed in Part 3 of this Order.

- 3.2 The Articles within the Orders listed in the Second Schedule to this Order are hereby amended insofar as the wording is replaced by the wording detailed in Part 4 of this Order

PART 3

APPLICATION FOR AND ISSUE OF PERMITS

- 5.15 Any resident who is the owner of a permitted vehicle may apply to the enforcement authority for the issue of a specific residents' permit (which shall be valid for a period of twelve months from the date of issue or renewal or lesser period as the enforcement authority may determine) for the leaving of that motor vehicle in a parking place and any such application shall include the particulars and information required by such application.
- 5.16 On receipt of an application for a specific parking permit duly made under the foregoing provisions of Article 5.15, the enforcement authority, upon being satisfied that the applicant is a resident and is the owner of a permitted motor vehicle, may, subject to the proviso hereto, and upon payment of the administration charge, being such sum as may be determined by the enforcement authority, issue to the applicant one permit for the leaving in the parking place of the motor vehicle to which such permit relates by the owner of such motor vehicle or by any person using such motor vehicle with the consent of the owner other than a person to whom such motor vehicle has been let for hire or reward provided that subject to the provisions of Articles 5.24 and 5.25, the enforcement authority shall not issue a permit to any resident which would be valid for any period during which any other permit issued to that resident is or would be valid.
- 5.17 Any resident may apply to the enforcement authority for the issue of an Open or for two Open parking permits (which shall be valid for a period of 12 months from the date of issue or renewal or lesser period as the enforcement authority may determine) to enable a bona fide visitor to the premises to leave a permitted motor vehicle in a parking place and any such application shall include the particulars and information required by such application. Subject to Article 5.20 a maximum of two Open parking permits may be issued to the resident of premises having a separate postal address.

- 5.17A An Open or two Open parking permits will be issued by the enforcement authority only upon receipt of the administration charge, being such sum as may be determined by the enforcement authority.
- 5:18 Any occupant of business premises may, after payment of such administrative charge as may be determined by the enforcement authority, apply to the enforcement authority for the issue or renewal of a business parking permits (which shall be valid for a period of twelve months from the date of issue or renewal or such lesser period as the enforcement authority may determine) for the leaving of a permitted motor vehicle in a parking place
- 5.18A Where a vehicle is to be used in connection with works being undertaken at premises in relation to which a specific parking permit has been or could be issued under Article 5.16, use should, wherever possible, be made of any open parking permit issued in relation to those premises. Where that is not possible the driver or owner of the vehicle must apply to the enforcement authority for the grant of a business parking permit for the leaving of that motor vehicle in a parking place. The granting of such a permit by the enforcement authority may be subject to the payment of an administrative charge being such sum as may be determined by the enforcement authority.
- 5.19 The enforcement authority may at any time require a permit holder or applicant for a permit to produce to an officer of the enforcement authority such evidence in respect of an application made to them for a permit as they may reasonably require to verify any particulars or information given to them.
- 5.20 The enforcement authority may at their discretion issue a permit with or without any administrative charge to any person who in the opinion of the enforcement authority requires to park in any parking place, any permitted motor vehicles and where the council elects to make an administrative charge for the issue of a permit being such sum as may be determined by the enforcement authority, payment of such administration charge shall be payable before the permit is issued.
- 5.21 The issue of a permit under the foregoing provisions of Article 5.16, 5.17, 5.17A, 5.18 and 5.18A shall not be construed as if any parking space in the parking place was reserved solely for the use of a permit holder.

PART 4

APPLICATION FOR AND ISSUE OF PERMITS

- 3.15 Any resident who is the owner of a permitted vehicle may apply to the enforcement authority for the issue of a specific residents' permit (which shall be valid for a period of twelve months from the date of issue or renewal or lesser period as the enforcement authority may determine) for the leaving of that motor vehicle in a parking place and any such application shall include the particulars and information required by such application.
- 3.16 On receipt of an application for a specific parking permit duly made under the foregoing provision of Article 3.15, the enforcement authority upon being satisfied that the applicant is a resident and is the owner of a permitted motor vehicle, may, subject to the proviso hereto, and upon payment of the administration charge, being such sum as may be determined by the enforcement authority, issue to the applicant one permit for the leaving in the parking place of the motor vehicle to which such permit relates by the owner of such motor vehicle or by any person using such motor vehicle with the consent of the owner other than a person to whom such motor vehicle has been let for hire or reward provided that subject to the provisions of Articles 3.24 and 3.25, the enforcement authority shall not issue a permit to any resident which would be valid for any period during which any other permit issued to that resident is or would be valid.
- 3.17 Any resident may apply to the enforcement authority for the issue of an Open or two Open parking permits (which will be valid for a period of twelve months from the date of issue or renewal or lesser period as the enforcement authority may determine) to enable a bona fide visitor to his premises to leave a permitted motor vehicle in a parking place and any such application shall include the particulars and information required by such application subject to Article 3.20 a maximum of two Open parking permits may be issued to the residents of premises having a separate postal address.
- 3.17A An Open or two Open parking permits will be issued by the enforcement authority only upon receipt of the administration charge being such sum as may be determined by the enforcement authority.
- 3.18 Any occupant of business premises may, after payment of such administrative charge as may be determined by the enforcement authority, apply to the enforcement authority for the issue or renewal of a business parking permit (which shall be valid for a period of twelve months from the date of issue or renewal or such lesser period as the enforcement authority may determine) for the leaving of a permitted motor vehicle in a parking place.

- 3.18A Where a vehicle is to be used in connection with works being undertaken at premises in relation to which a specific parking permits has been or could be issued under Article 3.16, use should, wherever possible, be made of any open parking permit issued in relation to those premises. Where that is not possible the driver or owner of the vehicle must apply to the enforcement authority for the grant of a business parking permit for the leaving of that motor vehicle in a parking place. The granting of such a permit by the enforcement authority may be subject to the payment of an administration charge being such sum as may be determined by the enforcement authority.
- 3.19 The enforcement authority may at any time require a holder or applicant for a permit to produce to an officer of the enforcement authority such evidence in respect of an application made to them for a permit as they may reasonably require to verify any particulars or information given to them.
- 3.20 The enforcement authority may at their discretion issue a permit with or without administrative charge to any person who in the opinion of the enforcement authority requires to park in any parking place, any permitted motor vehicles and where the council elects to make a charge for the issue of a permit being such sum as may be determined by the enforcement authority, payment of such administration charge shall be payable before the permit is issued.
- 3.21 The issue of a permit under the foregoing provisions of Article 3.16, 3.17, 3.17A, 3.18 and 3.18A shall not be construed as if any parking space in the parking place was reserved solely for the use of a permit holder.

PART 5

4. AMENDMENT TO EXISTING ORDERS

- 4.1 The Articles listed in the Third and Fourth Schedules to this Order, in the Orders listed in the said Third and Fourth Schedules shall be deleted and replaced respectively with the following:

Form of Permit

5.29.1 If physically issued by the Council a permit shall be in writing and shall be described and if appropriate shall bear the words "Specific Resident Permit", "Open Permit" or "Business Permit" or such other title as may be determined by the enforcement authority as the case may be and shall include the following particulars:-

5.29.1.1 the registration mark of the motor vehicle in respect of which the permit has been issued;

5.29.1.2 the name of the road or roads or district in which the parking place is situated and for which the permit has been issued;

5.29.1.3 an authentication that the permit has been issued by the enforcement authority

5.29.2 a permit shall be valid until any date specified on the face of the permit but in any case where no date is so specified until such time as one of the following events occurs;

5.29.2.1 the permit holder ceases to be the resident:

5.29.2.2 the permit holder ceases to be the owner or the motor vehicle for which the permit has been issued;

5.29.2.3 the permit holder makes a Statutory Off Road Notification (SORN) to the DVLA;

5.29.2.4 any required payment for the permit has been cancelled by the payer;

5.29.2.5 any other event at the discretion of the enforcement authority such as misuse of the permit in which case the enforcement authority shall write to the permit holder informing them of the cancellation of the permit.

- 5.29.3 If the permit issued by the Council is a virtual permit then it shall be deemed to include the particulars of and be subject to the conditions of use expressed or implied by Articles 5.29.1 and 5.29.2 of this Order

Display of Permits

- 5.30.1 At all times during which a motor vehicle is left in a parking place, if there is a valid permit available for display and if a virtual permit is not applicable for the motor vehicle, there shall be displayed on the front or near side of the motor vehicle a valid permit issued in respect of that motor vehicle so that all particulars referred to in Article 5.29 are readily visible from the front or near side of the motor vehicle.
- 5.30.2 If a valid virtual permit has been issued for use of the vehicle to be left in a parking place, then the requirement to display a permit as detailed in Article 5.30.1 is voided.

Form of Permit

- 3.29.1 If physically issued by the Council a permit shall be in writing and shall be described and if appropriate bear the words "Specific Resident Permit", "Open Permit" or "Business Permit" or such other title as may be determined by the enforcement authority" as the case may be and shall include the following particulars:-
- 3.29.1.1 the registration mark of the motor vehicle in respect of which the permit has been issued;
- 3.29.1.2 the name of the road or roads or district in which the parking place is situated and for which the permit has been issued;
- 3.29.1.3 an authentication that the permit has been issued by the enforcement authority;

3.29.2 a permit shall be valid until any date specified on the face of the permit but in any case where no date is so specified until such time as one of the following events occurs;

3.29.2.1 the permit holder ceases to be a resident;

3.29.2.2 the permit holder ceases to be the owner of the motor vehicle for which the permit has been issued;

3.29.2.3 the permit holder makes a Statutory Off Road Notification (SORN) to the DVLA;

3.29.2.4 any required payment for the permit has been cancelled by the payer;

3.29.2.5 any other event at the discretion of the enforcement authority such as mis-use of the permit in which case the enforcement authority shall write to the permit holder informing them of the cancellation of the permit.

3.29.3 If the permit issued by the council is a virtual permit then it shall be deemed to include the particulars of and be subject to the conditions of use expressed or implied by Article 3.29.1 and 3.29.2 of the Order.

Display of Permits

3.30.1 At all times during which a motor vehicle is left in a parking place if there is a valid permit available for display and if a virtual permit is not applicable for the motor vehicle, there shall be displayed on the front or near side of the motor vehicle a valid permit issued in respect of that motor vehicle so that all of the particulars referred to in Article 3.29 are readily visible from the front or near side of the motor vehicle.

3.30.2 If a valid virtual permit has been issued for use for the vehicle to be left in a parking place the requirement to display a permit as detailed in Article 3.30.1 is voided.

PART 6

GENERAL

- 5.1 The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any Regulations made or having effect as if made under the Act or by or under any other enactment.
- 5.2 Any reference in this Order to a Statute or Statutory instrument shall include reference to any re-enactment or replacement there of.
- 5.3 For the avoidance of doubt, any reference in this Order to a length of road shall be deemed to be a reference to more than one length of road or more than one parking place where the context requires it.
- 5.4 This Order shall come into operation of the day of 2024 and may be cited as the “Kirklees Council (Traffic Regulation) (No 18) Order 2023.”

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this first day of Two Thousand and twenty three.

THE CORPORATE COMMON SEAL OF)
THE COUNCIL OF THE BOROUGH OF)
KIRKLEES was hereunto affixed)
In the presence of:-)

Service Director – Legal, Governance and Commissioning/Authorised Signatory

FIRST SCHEDULE TO THE ORDER

	Order title	Articles affected
1.	Kirklees Council (Traffic Regulation) (Huddersfield Area) (Consolidation) Order 2017	5.15 – 5.21 inclusive
2.	Kirklees Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2017	5.15 – 5.21 inclusive
3.	Kirklees Council (Traffic Regulation) (Cleckheaton Area) (Consolidation) Order 2017	5.15 – 5.21 inclusive
4.	Kirklees Council (Traffic Regulation) (Holme Valley Area) (Consolidation) Order 2017	5.15 – 5.21 inclusive
5.	Kirklees Council (Traffic Regulation) (Denby Dale Area) (Consolidation) Order 2017	5.15 – 5.21 inclusive
6.	Kirklees Council (Traffic Regulation) (Batley Area) (Consolidation) Order 2017	5.15 – 5.21 inclusive

SECOND SCHEDULE TO THE ORDER

	Order title	Articles affected
1.	Kirklees Council (Traffic Regulation) (No 6) Order 2018	3.15 – 3.21 inclusive
2.	Kirklees Council (Traffic Regulation) (No 17) Order 2019	3.15 – 3.21 inclusive
3.	Kirklees Council (Traffic Regulation) (No 20) Order 2019	3.15 – 3.21 inclusive
4.	Kirklees Council (Traffic Regulation) (No 4) Order 2022	3.15 – 3.21 inclusive
5.	Kirklees Council (Traffic Regulation) (No 7) Order 2022	3.15 – 3.21 inclusive
6.	Kirklees Council (Traffic Regulation) (No 13) Order 2022	3.15 – 3.21 inclusive

THIRD SCHEDULE

List of Orders affected	Articles affected
1. Kirklees Council (Traffic Regulation) (Batley Area) (Consolidation) Order 2017	5.29 & 5.30
2. Kirklees Council (Traffic Regulation) (Cleckheaton Area) (Consolidation) Order 2017	5.29 & 5.30
3. Kirklees Council (Traffic Regulation) (Colne Valley and Denby Dale) (Consolidation) Order 2017	5.29 & 5.30
4. Kirklees Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2017	5.29 & 5.30
5. Kirklees Council (Traffic Regulation) (Holme Valley Area) (Consolidation) Order 2017	5.29 & 5.30
6. Kirklees Council (Traffic Regulation) (Huddersfield Area) (Consolidation) Order 2017	5.29 & 5.30

FOURTH SCHEDULE

List of Orders affected

Articles affected

1. Kirklees Council (Traffic Regulation) (No 6) Order 2018 3.29 & 3.30
2. Kirklees Council (Traffic Regulation) (No 17) Order 2019 3.29 & 3.30
3. Kirklees Council (Traffic Regulation) (No 20) Order 2019 3.29 & 3.30
4. Kirklees Council (Traffic Regulation) (No 4) Order 2022 3.29 & 3.30
5. Kirklees Council (Traffic Regulation) (No 7) Order 2022 3.29 & 3.30
6. Kirklees Council (Traffic Regulation) (No 13) Order 2022 3.29 & 3.30