



LAMBETH BOROUGH COUNCIL TRAFFIC MANAGEMENT ORDER

LBC 202* No. **

The Lambeth (Housing Estates) (Off-Street Parking Places) Order 202*

Made dd/mm/yyyy

Coming into force dd/mm/yyyy

The Council of the London Borough of Lambeth, having consulted the Commissioner of Police of the Metropolis, in exercise of the powers conferred by ~~section 35 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984~~, and of all other enabling powers, make the following Order:

Commencement and citation

1. This Order shall come into force on dd/mm/yyyy and may be cited as the Lambeth (Housing Estates) (Off-Street Parking Places) Order 202*.

Interpretation

2. (1) The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies to an Act of Parliament.

(2) In this Order, unless the context otherwise requires:-

“**the 1984 Act**” means the Road Traffic Regulation Act 1984;

“**the 1986 Regulations**” means the Road Vehicles (Construction and Use) Regulations 1986;

“**the 1988 Act**” means the Road Traffic Act 1988;

“**the 1994 Act**” means the Vehicle Excise and Registration Act 1994;

“**the 2000 Regulations**” means the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“**the 2004 Act**” means the Traffic Management Act 2004;

“**the 2011 Act**” means the Postal Services Act 2011

“**the 2016 Regulations**” means the Traffic Signs Regulations and General Directions 2016 (as amended);

“**civil enforcement officer**” has the same meaning as in the 2004 Act;

“**Council**” means the Council of the London Borough of Lambeth and includes their agents;

“**disabled person’s badge**” or “**Blue Badge**” has the same meaning as in the 2000 Regulations;

“**disabled person’s vehicle**” means a vehicle which displays a valid disabled persons’ badge in accordance with the provisions of the 2000 Regulations;

“**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;

“electric vehicle” means a vehicle which can be wholly or partially propelled by electrical motive power derived from an electrical storage battery and can be charged from a mains electrical source external to the vehicle;

“electronic parking permits management system” means a computerised system operated by or on behalf of the Council, for the purpose of keeping a record of the registration marks of the vehicles in respect of which permits have been granted, the parking places in which such vehicles may be left and whether such permits are valid;

“foreign registration certificate”, in relation to a vehicle imported or temporarily brought into the United Kingdom, means a current document which is the equivalent of a UK registration certificate in the country from which the vehicle is imported or in which the vehicle was previously kept and used before being temporarily brought into the United Kingdom, as the case may be;

“goods” means goods or burden of any kind and includes postal packets of any description; and “delivering” and “collecting” in relation to any goods, include checking the goods for the purpose of their delivery or collection;

“hand-held device” means a portable computing device used for verifying if permits are valid in respect of vehicles left in any parking place specified in the map-based schedule;

“health emergency badge” & “HEB” means the scheme administered by London Councils to enable people involved in the delivery of primary healthcare attending medical emergencies in patients' homes who display a valid badge to be exempt from waiting and parking restrictions while attending patients in their home.

“household” means either a single person or all the persons (whether related or not) who occupy one dwelling or housing unit on a housing estate and a “housing unit” is either a house, a flat or apartment, a mobile home, or a group of rooms or a single room that is occupied as separate living quarters;

“housing estate” means any housing estate in the London Borough of Lambeth specified in Schedule 1 and shown and identified as such on a drawing in Schedule 3;

“lapsed permit” means any permit issued by the Council which has expired for a day or more, or has been revoked by the Council pursuant to its terms and conditions;

“map based schedule” means a collection of estate maps in Schedule 3 to this Order which, in conjunction with the map schedule legend, depicts and identifies the off-street parking places designated by this Order:

Provided that the Council does not accept responsibility for any inaccuracies contained in the Ordnance Survey data relied upon to create the map based schedule and where a parking place is depicted on the map based schedule, that parking place will continue to apply irrespective of any subsequent changes that have been made to the underlying Ordnance Survey data;

“map schedule legend” means the legend presented with the map based schedule which, when used in conjunction with the Articles of this Order identifies the specific type of parking places and the waiting, loading and stopping restrictions imposed by this Order and, where appropriate, certain of their governing provisions;

“owner” in relation to a vehicle, means the person by whom such a vehicle is kept and used;

“parking bay” means an area within an off-street parking place which is provided for the leaving of one vehicle at a time and is indicated as such by parking bay markings;

“parking bay markings” means lines, paving, coloured surfacing or other similar markings placed to indicate the limits of a parking bay;

“parking place” means an area designated as an off-street parking place by this Order, being either a housing estate permit holder parking place, or a disabled persons parking place, or an electric vehicle charging point parking place and in each case being identified as such on the map based schedule, by reference to the map schedule legend;

“permit” means any valid housing estate parking permit issued by the Council and used in accordance with its terms and conditions;

“postal packet” has the same meaning as in the 2011 Act;

“relevant position” in respect of:

- (a) a disabled person's badge has the same meaning as in the 2000 Regulations;
- (b) in relation to the display of a valid health emergency badge hanging it on/from the rear view mirror in the windscreen and the address of the patient being visited must be clearly shown on the inside of the windscreen of the vehicle.

“resident” means a person whose usual place of abode is at premises the postal address of which is on a housing estate;

“restricted area” means any area of an off-street parking place which is either a footpath, footway, a paved area intended for pedestrians or a grassed area, or which is indicated by no waiting at any time restrictions, or no stopping yellow cross hatched markings, or markings with the words 'keep clear' on the surface of the off-street parking place.

“motorcycle” has the same meaning as in the 1986 Regulations;

“universal service provider” and **“provision of a universal postal service”** have the same meanings as in the 2011 Act;

“valid” means in relation to a permit:

- (a) that the permit has been issued by the Council under its terms and conditions;
 - (b) the registration mark of that vehicle is the same as the registration mark recorded on the electronic parking permits management system as being the registration mark of a vehicle in respect of which such a permit has been granted;
 - (c) the expiry date of that permit, as indicated on a hand-held device, has not elapsed;
 - (d) where a hand-held device indicates that there is an estate code relating to such a permit, that it is the same as the estate code on the traffic signs at the entry to the housing estate and/or in or adjacent to the parking place in which the vehicle is left;
- (3) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.

Designation and charges for off-street parking places and permits

3. (1) Each area specified by name in Schedule 1 and indicated by a plan in Schedule 3 is designated as an off-street parking place in accordance with the 1984 Act.
- (2) The permit charges applicable for the use of housing estate parking places in line with the terms and conditions issued by the Council are indicated in Schedule 2 to this Order.

General prohibitions applying to parking places

4. Save as provided in Article 6 of this Order no person shall cause a vehicle to stop or remain in a parking place during permitted hours:

- (1) If the vehicle does not have a valid permit to park in the off-street parking place;
- (2) if the vehicle is not an electric vehicle being left in a parking space for recharging from an appropriate recharging post and being in the act of recharging;
- (3) if the vehicle is not a disabled persons vehicle being left in a parking space for disabled vehicles;
- (4) if the vehicle is not parked wholly within a parking space;
- (5) if the vehicle obstructs any vehicular means of ingress to or egress from any premises within or adjacent to the parking place or obstructs other vehicles ingress or egress to a parking space or place;
- (6) If the vehicle is parked in a restricted area;
- (7) if the vehicle;-
 - (a) has an unladen weight exceeding 3500kg;
 - (bi) exceeds 2m (6' 7") in overall height;

- (c) exceeds 1.83m (6') in overall width;
- (d) exceeds 4.8m (15' 9") in overall length.
- (8) If the vehicle is parked in an area designated for a specific use or type of vehicle and does not conform with the type or use of the parking area;
- (9) if the vehicle has three or more outstanding PCNs from the Council;
- (10) if the vehicle displaying a health emergency badge and does not also display an address of the patient visited or the address is not on or within the housing estate;
- (11) with the engine running except when changing the position of the vehicle into or away from the parking place;
- (12) in connection with the sale or offering or exposing for sale goods (including the vehicle), skills, services or handicrafts in any capacity;
- (13) if the parking place or space is suspended or closed;
- (14) if a permit or badge displayed in the relevant position is considered to be used or have been obtained by fraud.

Contravention of the general prohibitions

5. Where a person contravenes the general prohibition set out in Article 4 of this Order and does not fall into any one of the exemptions in Article 6 of this Order, the registered keeper and driver shall be jointly and severally liable to pay the penalty charge and the Council may remove the vehicle.

Exemptions to the general prohibition

6. Nothing in Article 4 of this Order shall apply in relation to:-

- (1) a vehicle being used for ambulance, fire brigade or police purposes;
- (2) a solo motorcycle;
- (3) a vehicle left in a designated disabled person's parking bay that is a disabled persons vehicle;
- (4) a vehicle being used in the service of the Council in pursuance of their statutory powers or other duties provided that it is reasonably necessary in the exercise of such powers or the performance of such duties for the vehicle to be left in an off-street parking place;
- (5) a vehicle waiting for so long as is necessary:
 - (a) to enable a person to board or alight from the vehicle and/or active load or unload luggage, goods or burden from the vehicle;
 - (b) to enable it to be used in connection with the enforcement of this Order or the removal of any obstruction from an off-street parking place;
- (6) a hearse or cortege vehicle that is waiting immediately before or after a funeral for the convenience of the residents at an address on the housing estate where the off-street parking place in which the vehicle is left is situated;
- (7) a vehicle that displays a valid health emergency badge, provided that the holder of the badge also indicates in the relevant position the address of the patient they are visiting for the purposes of giving medical assistance on the housing estate where the off-street parking place is situated;
- (8) a vehicle is being used by a universal service provider in the course of the provision of a universal postal service and the vehicle is waiting only for so long as may be reasonably necessary for postal packets to be collected or delivered at premises or posting boxes adjacent to the off-street parking place in which the vehicle is waiting;
- (9) a vehicle parked in an off-street parking place with the written consent of the Council provided that any conditions or requirements that they may impose are being complied with;
- (10) a vehicle parked with the permission or at the direction of a civil enforcement officer or police constable in uniform.
- (11) a vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident.

Removal or the alteration of the position of a vehicle in a parking place

7. A police constable in uniform or a civil enforcement officer in the case of an emergency or if a civil enforcement officer is of the opinion that a contravention has occurred may:-

- (1) move or cause to be moved any such vehicle to any place or space they see fit; or
- (2) remove or cause to be removed any such vehicle to a place of safe custody.

Closure or suspension of parking places

8 (1) The Council or the Commissioner of Police of the Metropolis may by notice or sign displayed in or near to an off-street parking place close, suspend or reserve for particular vehicles the use of that off-street parking place or part thereof for any purpose.

(2) No vehicle shall be left in an off-street parking place or any part thereof when a notice or sign is displayed in accordance with paragraph (1) of this Article, unless done so by the person authorising the suspension or a police officer in uniform or a civil enforcement officer.

Revocation

9. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into force of this Order, item 11 in Schedule 1 of the Lambeth (Housing Estates) (Off-Street Parking Places) (No. 2) Order 2020(a) is revoked and substituted by item 7 in Schedule 1 of this Order.

Dated this ninth day of August 2023.

Ben Stevens
Highway Network Manager

SCHEDULE 1

HOUSING ESTATES

1. Bournevale Road Estate
2. Calidore Close Estate
3. Cherry Laurel Estate
4. Fitch Court
5. Glebe Estate
6. Gleneldon Road Estate
7. Lanercost Road Estate
8. Lairdale Estate
9. Nuneham Estate
10. Palace Road Estate
11. Stanhope Close Estate
12. Virginia Walk.

SCHEDULE 2

HOUSING ESTATES PARKING CHARGES

Resident permit	£31.79 each per year
Resident Visitor permit	£1.50 per day
Contractor permit	£1.50 per day
Estate health care permit	£100 each per year
Estate staff permit	Free

SCHEDULE 3

ESTATE MAPS

The drawings included in Schedule 3 to this Order follow on the subsequent pages