

## BATH AND NORTH EAST SOMERSET COUNCIL

### (VARIOUS ROADS, BEAR FLAT, COMBE DOWN AND WIDCOMBE AREAS, BATH) (PROHIBITION OF WAITING) ORDER 2008

The Bath and North East Somerset Council (hereinafter referred to as "the Council") in exercise of its powers under sections 1(1), 2(1) to (3) and 4(1) of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as "the Act of 1984"), and of all other enabling powers, 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 I

##### General

1. This Order shall come into operation on the 18<sup>th</sup> August 2008 and may be cited as the Bath and North East Somerset Council (Various Roads, Bear Flat, Combe Down and Widcombe Areas, Bath) (Prohibition of Waiting) Order 2008.

2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them: -

"delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"disabled person's badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000;

"goods" includes postal packets of any description;

"hackney carriage" has the same meaning as in Section 38 of the Town Police Clauses Act 1847;

"parking disc" means a disc, issued by a local authority, coloured blue if issued on or after 1 April 2000 or orange if issued before that date, and capable of showing the quarter hour period during which a period of waiting begins;

"public service vehicle" has the same meaning as in the Section 1(1)(a) of the Public Passenger Vehicles Act 1981;

"relevant position" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"road" means any road (whether described by a single name or by a combination of names) or any length or side of a length or end of a road.

"vehicle" includes part of a vehicle.

- (2) For the purposes of this Order, a vehicle shall be regarded as displaying a disabled person's badge in the relevant position if the badge is exhibited in the manner referred to in relation to the display of a disabled person's badge in Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
  - (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) Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
3. This order shall be enforced in accordance with the provisions set out in the Bath and North East Somerset Council (Decriminalisation of Parking Enforcement) Minor Order 2003 as varied by the Bath and North East Somerset Council (Decriminalisation of Parking Enforcement) Minor (Variation) Order 2003.

## PART II

### Prohibition of Waiting

4. No person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait at any time in a road or length of road as described in the Schedule to this Order.
5. (1) Nothing in Article 4 of this Order shall render it unlawful to cause or permit any vehicle to wait in the roads or lengths of road as described in the Schedule to this Order for so long as may be reasonably necessary:-
  - (a) to enable a person to board or alight from the vehicle;
  - (b) to enable the vehicle, if it cannot conveniently be used for such purpose in any road not being a road described in the Schedule to this Order, to be used in connection with any of the following operations, namely -
    - (i) building, industrial or demolition operations;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said lengths of road or sides of road; or
    - (iv) the laying, erection, alteration or repair in or in land adjacent to the said lengths of road or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as defined in the Telecommunications Act 1984;

- (c) to enable the vehicle, if it is in the service of or employed by the Post Office, to be used for the delivery or collection of postal packets as defined in Section 125(1) Postal Services Act 2000;
- (d) to enable the vehicle to take in petrol, oil, water or air from any garage situated in or adjacent to that road;
- (e) if a person in control of the vehicle is required by law to stop, or is obliged to do so in order to avoid an accident, or is prevented from proceeding by circumstances outside his control;
- (f) to enable the vehicle to be used in connection with a wedding or funeral;
- (g) to enable the vehicle to be used in connection with the cleaning of external windows or of chimneys of premises adjacent to, or the posting or the removal of advertising material in the form of posters in or adjacent to, that road:

Provided that the exemptions conferred by this Article in relation to the uses mentioned in paragraphs (f) and (g) hereof shall not have effect in those areas of roads which are access ways or loading bays, bus stops, or hackney carriage stands.

- (2) Nothing in Article 4 of this Order shall render it unlawful for any person to cause or permit any vehicle to wait in any road or length of road as described in the Schedule to this Order for so long as may be reasonably necessary for the purpose of loading or unloading his personal luggage or to enable goods to be loaded on to or unloaded from the vehicle or to be delivered or collected at premises adjacent to that road, if in any such case the vehicle cannot conveniently be loaded or unloaded or the goods delivered or collected in any road not being a road or length of road described in the Schedule to this Order, or if the premises do not include an off-street loading area adequate for use by the vehicle.

6. The restrictions imposed by Article 4 of this Order shall not apply to the following vehicles, that is to say:-

- (a) any vehicle when it is being used for fire brigade, ambulance or police purposes;
- (b) other local authority vehicles whilst in actual use in pursuance of statutory powers or duties;
- (c) hackney carriages whilst waiting at an authorised stand for hackney carriages;
- (d) public service vehicles operating stage carriage services whilst waiting at a bus stop;

- (e) vehicles waiting in a specified part of any road or length of road as described in the Schedule to this Order in accordance with a special authorisation so to do given by the Council or any person duly authorised by the Council;
- (f) any disabled person's vehicle which displays in the relevant position a disabled person's badge shall be exempted for a period of three hours subject to the conditions that:
  - (i) the period of exempted waiting does not begin less than one hour after a previous period of exempted waiting by the same vehicle in the same road on the same day;
  - (ii) a parking disc is displayed in the relevant position on the vehicle marked to show the quarter hour period during which the period of exempted waiting began.

### PART III

#### Variation and Revocation of Existing Orders

7. The County Council of Avon (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) Order 1988 as varied by the County Council of Avon (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) (Variation No. 1) Order 1990; the County Council of Avon (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) (Variation No.2) Order 1993; the County Council of Avon (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) (Variation No. 3) Order 1993; the County Council of Avon (Coronation Avenue and Sladebrook Avenue, City of Bath) (Outer Area) (Prohibition and Restriction of Waiting) Order 1993; the County Council of Avon (Stanhope Place, City of Bath) (One Way Traffic and Cycle Lane) Order 1994; the County Council of Avon (Various Roads, Combe Down Area, City of Bath) (Prohibition of Use by Vehicles of Over 7.5 Tonnes Maximum Gross Weight) (Prohibition of Waiting/Loading) Order 1995; the County Council of Avon (A4 London Road and A367 Wells Road, Outer Area, City of Bath) (Prohibition and Restriction of Waiting) Order 1995; the County Council of Avon (Great Stanhope Street, City of Bath) (Prohibition of Waiting) (Revocation of One Way Traffic) Order 1995; the Bath and North East Somerset District Council (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) Variation No. 6) Order 1998; the Bath and North East Somerset District Council (Various Roads, Combe Down Area, City of Bath) (Prohibition of Use by Vehicles of Over 7.5 Tonnes Maximum Gross Weight) (Prohibition of Waiting/Loading) (Variation No. 1) Order 1998; the Bath and North East Somerset District Council (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) (Variation No. 5) Order 1998; the Bath and North East Somerset District Council (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) (Variation No. 7) Order 1998; the Bath and North East Somerset District Council (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) (Variation No. 8) Order 1999; the Bath and North East Somerset District Council (Belgrave Crescent, Camden Road and Claremont Road, Bath) (Prohibition of Waiting) Order 1999; the Bath and North East Somerset District Council (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) (Variation No. 9) Order 2000; the Bath and North East Somerset District Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 1) Order 2000; the Bath

and North East Somerset District Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 7) Order 2000; the Bath and North East Somerset District Council (Residents' and Controlled Parking) (Zone 6) Order 2000; the Bath and North East Somerset District Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 5) Order 2000; the Bath and North East Somerset District Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 4) Order 2000; The Bath and North East Somerset District Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 2) Order 2001; the Bath and North East Somerset District Council (Locksbrook Road, Bath) (One Way Traffic) Order 2001; the Bath and North East Somerset District Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 3B) Order 2001; the Bath and North East Somerset District Council (Royal Avenue, Bath) (Controlled Parking) (Pay and Display) Order 2001 (this order was revoked by the Bath and North East Somerset Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 6) (Variation No. 2) Order 2003); the Bath and North East Somerset District Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 3B) (Variation) Order 2002; the Bath and North East Somerset Council (Decriminalisation of Parking Enforcement) Minor Order 2003; the Bath and North East Somerset Council (Decriminalisation of Parking Enforcement) Minor (Variation) Order 2003; the Bath and North East Somerset Council (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) (Variation no 5) Order 2003; the Bath and North East Somerset Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 3B) (Variation No. 2) 2003; the Bath and North East Somerset Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 4) (Variation No 2) Orders 2003; the Bath and North East Somerset Council (City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) (Variation No. 10) Order 2003; the Bath and North East Somerset Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 1) (Variation No. 3) Order 2003; the Bath and North East Somerset Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 5) (Variation No. 2) Order 2003; the Bath and North East Somerset Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 6) (Variation No. 2) Order 2003; The Bath and North East Somerset Council(Outer Area, Bath) (Residents' and Controlled Parking) (Zone 7) (Variation no 3) Order 2003; the Bath and North East Somerset Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 2) (Variation) Order 2003; the Bath and North East Somerset Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone1) (Variation No. 3) Order 2003; the Bath and North East Somerset Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 8) Order 2003; the Bath and North East Somerset Council (Various Roads, Bath) (Prohibition and Restriction of Waiting) Order 2004; the Bath and North East Somerset Council (Various Roads, Bath) (Prohibition of and Restriction of Waiting) Order 2004; The Bath and North East Somerset Council(City of Bath) (Outer Area) (General Traffic Regulation) (Consolidation) (Variation No 11) Order 2005; The Bath and North East Somerset Council (Various Roads, Outer Area, Bath) (Prohibition and Restriction of Waiting) Order 2005; The Bath and North East Somerset Council (Various Roads, Batheaston, Bathampton and Swainswick) (Prohibition and Restriction of Waiting) Order 2005; The Bath and North East Somerset Council (London Road and London Street, Bath) (Parking Places and Waiting Restrictions) Order 2006; The Bath and North East Somerset Council (Various Roads, Outer Area. Bath) (Prohibition and Restriction of Waiting) (Permit Parking B) Order 2006; The Bath and North East Somerset Council (Various Roads, Snow Hill Area, Bath) (Prohibition and Restriction of Waiting) Order 2006; The Bath and North East Somerset Council (Various Roads, Weston, Bath) (Prohibition of Waiting) (Restriction of Waiting) Order 2007; The Bath and North

East Somerset Council (Outer Area, Bath) (Residents' and Controlled Parking) (Zone 11) Order 2007 and the Bath and North East Somerset Council (Various Roads, Bath) (Prohibition and Restriction of Waiting) Order 2008 is further varied and shall have effect as though the following items are deleted from Schedule 5:

**SCHEDULE 5**

**Restricted roads and restricted hours**

(All measurements stated in this Schedule as being to or from a specified kerb-line of a road are taken from or to a point which is the point of intersection of a projection of that kerb-line and, unless otherwise stated, a projection of the kerb-line of the restricted road).

Restricted roads in respect of which, save as otherwise specified in respect of lengths, sides of lengths, or ends of such roads in column 2 of this Schedule, the restricted hours are the period between 8 a.m. and 6 p.m. on any day not being a Sunday, Christmas Day, Good Friday or a bank holiday.

Lengths, sides of lengths, or ends of restricted roads in respect of which the restricted hours are the whole twenty four hours of every day.

1.

2.

**HAWTHORN GROVE**

(ii) The north side only, from a point in line with the common boundary of Nos. 21 and 23 Hawthorn Grove westwards for 14 metres.

(ii) -

8. The County Council of Avon (Various Roads, Combe Down Area, City of Bath) (Prohibition of Use by Vehicles of Over 7.5 Tonnes Maximum Gross Weight) (Prohibition of Waiting/Loading) Order 1995 as varied by The Bath and North East Somerset District Council (Various Roads, Combe Down Area, City of Bath) (Prohibition of Use by Vehicles of Over 7.5 Tonnes Maximum Gross Weight) (Prohibition of Waiting/Loading) (Variation No 1) Order 1998 is further varied and shall have effect as though the following items are deleted from Schedule 2:

**SCHEDULE 1**

**Restricted roads and restricted hours**

1

Restricted roads in respect of which, save as otherwise specified in respect of lengths, sides of lengths, or ends of such roads in column 2 to this Schedule, the restricted hours are the period between 8 a.m. and 6 p.m. on any day not being a Sunday, Christmas Day, Good

2

Lengths, sides of lengths, or ends of restricted roads in respect of which the restricted hours are the whole twenty four hours of every day.

Friday or a bank holiday.

**THE AVENUE**

- |  |  |
|--|--|
| (i) The east side only, between its junction with North Road and a point in line with the common boundary of No. 2 Clifton Villas and Baroda, The Avenue | (i) The east side, for the whole of the length specified in column 1 |
|--|--|

**SCHEDULE 2**  
**Restricted roads and restricted hours**

1	2
Restricted roads in respect of which, save as otherwise specified in respect of lengths, sides of lengths, or ends of such roads in column 2 to this Schedule, the restricted hours are the period between 8 a.m. and 6 p.m. on any day not being a Sunday, Christmas Day, Good Friday or a bank holiday.	Lengths, sides of lengths, or ends of restricted roads in respect of which the restricted hours are the whole twenty four hours of every day.

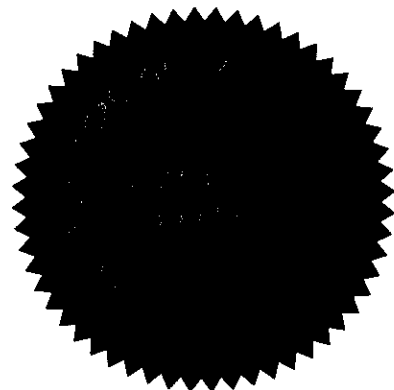
**WESTERLEIGH ROAD**

between a point 35 metres south east of its junction with North Road and a point 60 metres south east of its junction with North Road.	both sides, for the whole of the length specified in column 1.
--	--

Given under the Common Seal of the Bath and North East Somerset Council the 13<sup>th</sup> day of August 2008.

THE COMMON SEAL of  
BATH AND NORTH EAST  
SOMERSET COUNCIL  
was hereunto affixed in the  
presence of:-

*AK Brooks*  
Authorised signatory



*Authority for Sealing  
Cabinet member for Transportation and Highways  
Councillor Charles Gerrish  
Date of Decision: 30/06/08  
Date confirmed no call in: 14/07/08.*

## SCHEDULE 1

### No Waiting at Any Time

#### **Bear Flat**

##### **Road at the Rear of Devonshire Buildings**

North side

From a point 44 metres east of its junction with Old Wells Road for a distance of 12 metres in an easterly direction.

#### **Combe Down**

##### **Church Road**

South side

From its junction with Summer Lane for a distance of 19 metres in an easterly direction.

##### **Hawthorn Grove**

North side

From a point 49 metres east of its junction with The Avenue for a distance of 15 metres in an easterly direction.

##### **North Road**

South side

From a point 10 metres west of its junction with Westerleigh Road for a distance of 20 metres in an easterly direction.

##### **The Avenue**

East side

From its junction with North Road for a distance of 23 metres in a southerly direction.

##### **Westerleigh Road**

Both sides

From its junction with North Road for a distance of 8.5 metres in a southerly direction.

West side

From a point 18.5 metres south of its junction with North Road for a distance of 49.5 metres in a southerly direction.

#### **Widcombe**

##### **Church Street**

North side

From its junction with Church Lane for a distance of 35 metres in a north westerly direction.

South west side

From a point 16 metres south of its junction with Church Lane for a distance of 28 metres in a north westerly direction.