

THE BOROUGH OF BLACKBURN WITH DARWEN
(VARIOUS CENTRAL STREETS, DARWEN)
(PERMIT HOLDERS ON STREET PARKING ONLY) EXPERIMENTAL ORDER
2017

The Blackburn with Darwen Borough Council (hereinafter referred to as "the Council") in exercise of the powers conferred under sections 1, 2, 4, 9, 10, 45, 46, 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), the Road Traffic Act 1991, The Traffic Management Act 2004 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, hereby makes the following Order:-

PART 1 - GENERAL

1. This Order shall come into operation on the 10TH November 2017 and may be cited as "The Borough of Blackburn with Darwen (Various Central Streets, Darwen) (Permit Holders On Street Parking Only) Experimental Order 2017.
2. This Order shall remain in force for a period of 18 months.
3. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council in accordance with Section 76 of the 2004 Act;

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

"dual-purpose vehicle" has the same meaning as defined in the Road Vehicles (Construction and Use) Regulations 1986

"Driver" in relation to a vehicle waiting in a parking place means the person who was driving the vehicle at the time it entered in the parking place or in the case of a trailer means the person who was driving the vehicle which towed the trailer into the parking place at the time it entered the parking place.

"goods" 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

"goods vehicle" means a vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer

"vehicle"	has the same meaning as "motor vehicle" in s185(1) of the Road Traffic Act 1988 and s136(1) of the Act.
"Owner"	in relation to a vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the vehicle was parked in the Parking Place in question
"parking disc"	means a disc, issued by a local authority, complying with the requirements of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000, as amended.
"passenger vehicle"	means a vehicle (other than a motor cycle or an invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver and not drawing a trailer;
"Paid Early"	means the Penalty Charge discounted by 50% when paid within 14 days from the date on which the Penalty Charge was issued.
"Penalty Charge"	is the Band 2 level of charge and means a charge imposed for contravening the parking regulations of this Order and is set out in Part III and has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 no.3483 as amended.
"Penalty Charge Notice"	has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 no. 3483 as amended.
"permit"	means a permit issued under the provision of Article 6 of this Order in pursuance of Section 4(2) of the Act
"permit holder"	means a person to whom a permit has been issued under the provisions of Article 6 of this Order
"relevant position"	means <ul style="list-style-type: none"> (i) in the case of a vehicle fitted with a front windscreen, the badge exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen; (ii) in the case of a vehicle not fitted with a front windscreen, the badge exhibited in a conspicuous position on the front or near side of the vehicle.

3. (2) A vehicle displays a disabled person's badge in the relevant position if -

- (a) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or
- (b) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle.

A vehicle displays a parking disc in the relevant position if -

- (a) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; or
 - (b) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle.
3. (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

PART II DESIGNATED PARKING PLACES

Designation of Parking Places

4. Each area on a highway which is described as a designated parking place in Schedule 1 to this Order is designated as a parking place for use, subject to the provisions of this Order, by the classes of vehicle specified in paragraph 1 of Article 6 of this Order.

Vehicles for which Parking Places are Designated

5. Each parking place may be used, subject to the provisions of this Order, for the leaving at any time of such vehicles as display in the manner specified in Article 6 of this Order a valid permit issued by the Council in respect of that vehicle and displayed in accordance with Article 11.

Application for and Issue of Permits

6. (1) Any person listed in Schedule 2 to this Order who is the Owner of a passenger vehicle, a dual purpose vehicle, a goods vehicle or a motor cycle, may apply to the Council for the issue of a permit to drive the vehicle on the streets or lengths of street specified in Schedule 1 and for the leaving of that vehicle all and any hours while attending the said premises referred to in Schedule 2, in a parking space in any parking place or street designated in Schedule 1 and any application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
- (2) The Council may at any time require an applicant for a permit to produce to an Officer of the Council such evidence in respect of an application for a permit made to it as it may reasonably require to verify any particulars or information given to it.

- (3) On receipt of an application duly made under the foregoing provisions of this Article, the Council, upon being satisfied that the applicant qualifies for a permit under paragraph (1) of this Article, shall issue to the applicant :-

one permit for the driving of the vehicle on the streets or lengths of street specified in Schedule 1, and leaving of the vehicle to which such permit relates at any time in a parking space in any parking place designated in Schedule 1 of this Order by the Owner of such vehicle or by any person using such vehicle with the consent of the Owner other than a person to whom such vehicle has been let for hire or reward.

- (4) The cost of the permits are set out in Schedule 3.

Surrender, Withdrawal and Validity of Permits

7. (1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article.
- (2) The Council may, by notice in writing served on the permit holder by delivery by hand or by the sending of the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, withdraw a permit if it appears to the Council that any one of the events set out in paragraph 7(3)(a), 7(3)(b) or 7(3)(d) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice, such receipt, if the notice is sent by the recorded delivery service, to be deemed to have occurred in the normal course of post.
- (3) The events referred to in the foregoing provisions of this Article are:-
- (a) the permit holder ceases to qualify in accordance with Schedule 2 column 2;
 - (b) the permit holder ceasing to be the Owner of the vehicle in respect of which the permit was issued;
 - (c) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified in Article 6 of this Order;
 - (d) the issue of a replacement permit by the Council under the provisions of Article 8 of this Order;
 - (e) until such time as the Council decides to issue new permits;
 - (f) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article;
 - (g) this order ceasing to be of effect.
- (4) All permits shall be issued for a maximum period of one year and shall, whenever issued, be valid only until the occurrence of any one of the events set out in

paragraphs (3)(a) to (3)(e) inclusive or (3)(g) of this Article, whichever is the earlier.

- (5) The Council may at any time require a permit holder to produce to an officer of the Council such evidence in respect of any permit issued by it as it may reasonably require.

Application for and Issue of Replacement Permits

8. (1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and may apply to the Council for the issue to him of a replacement permit and the Council, upon the receipt of the permit, if such receipt is accompanied by an application for a replacement permit, shall issue a replacement permit so marked and upon such issue the permit shall become invalid.
- (2) If a permit is lost or accidentally destroyed, the permit holder may apply to the Council for the issue to him of a replacement permit, and the Council, upon being satisfied as to such loss or destruction, and upon receipt of an application for a replacement permit, shall issue a replacement permit so marked and upon such issue the permit shall become invalid.
- (3) The provisions of this Order shall apply to a replacement permit and an application therefor as if it were a permit or as the case may be an application therefor.

Form of Permits

9. A permit shall be in writing and shall include the following particulars:-
 - (a) the registration mark of the vehicle in respect of which the permit has been issued;
 - (b) the date after which, subject to the provisions of Article 7(3) of this Order, the permit shall no longer be valid;
 - (c) an authentication that the permit has been issued by the Council;

Replacement of Permits on Change of Vehicle

10. Replacement permits will be issued free of charge on application to the Council in respect of a change of vehicle, provided that the replacement vehicle is of a class specified in Article 6(1) of this Order.
11. At all times during which a vehicle is left in a parking place there shall be displayed in the relevant position a valid permit issued in respect of that vehicle so that all the particulars referred to in Article 9 of this Order are readily visible from the front or near side of the vehicle.

Restriction on the Removal of Permits

12. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 9 of this Order, no person, not being the driver of the vehicle, shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

Placing of Traffic Signs

13. The Council shall:-

- (a) cause the limits of each parking place and of each parking space to be indicated on the carriageway by placing and maintaining thereon the appropriate traffic signs;
- (b) place and maintain on or in the vicinity of each parking place appropriate traffic signs for indicating that such parking place may be used, subject to the provisions of this Order, for the leaving of the vehicles specified in this Order; and
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of this Order.

Manner of Standing in Parking Places

14. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand – so that every part of the vehicle is within the limits of a parking bay or space.

Alteration of Position of Vehicle in Parking Places

15. Where any vehicle is standing in a parking place in contravention of the provisions of the last preceding Article of this Order a Civil Enforcement Officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of Vehicles from Parking Places

16. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a vehicle left in a parking place following the issue of a Penalty Charge Notice, he/she may remove or cause to be removed the vehicle from the parking place, and where it is so removed, shall provide for the safe custody of the vehicle.

Movement of Vehicles in Parking Places in Emergencies

17. A police constable in uniform or a Civil Enforcement Officer may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a parking place.

Power to Suspend Use of Parking Places

18. (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;

- (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus or traffic sign;
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed.
- (2) A police constable in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
 - (3) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or the part thereof the use of which is suspended, a traffic sign indicating that waiting by vehicles is prohibited.
 - (4) No person shall cause or permit a vehicle to be left in any parking place or part of a parking place during such period as there is in or adjacent to that parking place or part of a parking place a traffic sign placed in pursuance of paragraph (3) of this Article:

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in Article 20(1)(b) or (d) of this Order to be left in a parking place or part of a parking place during any such period, or to cause or permit any other vehicle to be so left if that vehicle is left with the permission (i) of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (1) of this Article, (ii) of a police constable in uniform or (iii) of a Civil Enforcement Officer.

Restriction of Use of Vehicles at Parking Places

- 19. (1) No person shall use any vehicle, while it is in a parking place, in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of his skill or his services in any other capacity:

Provided that nothing in this paragraph shall prevent the sale of goods from a vehicle if the vehicle is a passenger vehicle, a dual purpose vehicle, a goods vehicle or a motor cycle and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

- (2) The driver of a vehicle using a parking place shall stop the engine of the vehicle as soon as the vehicle is in the proper position in the parking place and shall not

start the engine except when about to change the position of the vehicle in or to depart from the parking place.

Waiting of Other Vehicles in Parking Places

20. (1) Notwithstanding the foregoing provisions of this Order, any vehicle may wait anywhere on the carriageway in a parking place (other than a parking place or part of a parking place the use of which has been suspended, under Article 18 of this Order) for so long as may be necessary if:-
- (a) The vehicle is waiting to enable a person to board or alight from the vehicle;
 - (b) the vehicle is being used for the purpose of collecting or delivering of postal packets as defined by Section 87 of the Post Office Act 1953;
 - (c) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or waiting in order to avoid an accident;
 - (d) the vehicle is a vehicle used for fire brigade purposes or an ambulance, or a vehicle (other than a passenger vehicle) in the service of a local authority or a vehicle in the service of a police force in either case being used in pursuance of statutory powers or duties;
 - (e) the vehicle is waiting to enable it to be used in connection with the removal of any obstruction to traffic;
 - (f) the vehicle, not being a passenger vehicle, is waiting to enable it to be used for any purpose specified in paragraph (1)(b) of Article 18 of this Order;
 - (g) the vehicle, not being a passenger vehicle, is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (h) the vehicle is in actual use at premises adjacent to a parking place in connection with a wedding or a funeral.
 - (j) The vehicle is being used by visiting medical practitioners, nurses, midwives or home helps in connection with bona-fide business at properties within the zone.
- (2) Any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article shall be exempt from the payment of any charge specified or the acquisition and the display of a permit referred to in this Order.
- (3) Except as provided in the foregoing provisions of this Article the driver of a vehicle in respect of which a valid permit is not in force shall not cause or permit the vehicle to wait in a parking place at any time.
- (4) Without prejudice to the generality of this Article, a vehicle to which paragraphs (1) and (2) of this Article apply shall so far as is reasonably practicable stand in

the parking place in accordance with the provisions of Article 14 of this Order and wholly within the limits of that place.

- (5) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be in contravention of any regulations made or having effect as if made under Section 25 of the Act.

PART III PENALTY CHARGES

21. If a vehicle is parked in a parking place without complying with the requirements of this Order or any conditions attached to any Permit issued by the Council a contravention shall have occurred and a Penalty Charge Notice shall be issued.
22. In the case of a vehicle in respect of which a Penalty Charge may become payable, a Civil Enforcement Officer shall attach to the vehicle in a conspicuous position or give to the person who appears to be in charge of the vehicle, Section 66 of the Road Traffic Act 1991 as applied and modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Blackburn with Darwen) Order 2004 and the Traffic Management Act 2004, a Penalty Charge Notice which shall include the particulars as required by these regulations.
23. A Penalty Charge Notice may be served by first class post in accordance with the Civil Enforcement of Parking Contravention (England) General Regulations 2007 and Civil Enforcement of Parking Contravention (England) Representations and Appeals Regulations 2007 if:
- a) a Civil Enforcement Officer attempted to serve a Penalty Charge Notice in accordance with Article 27 but was prevented from doing so by some person; or
 - b) a Civil Enforcement Officer had begun to prepare a Penalty Charge Notice for service in accordance with Article 27 but the vehicle concerned was driven away from the Parking Place before the Civil Enforcement Officer had finished preparing the Penalty Charge Notice.
24. The Penalty Charge shall be paid to the Council within 28 days of the day on which the Penalty Charge Notice was served.
25. In the event that the Penalty Charge is paid to the Council within 14 days of the date of the Penalty Charge Notice having been served, it shall be treated as being Paid Early and a reduced sum shall be accepted in full settlement of the Penalty Charge at the discounted rate of 50%.
26. If the Penalty Charge remains unpaid after 28 days from the date the Penalty Charge Notice was served and a Charge Certificate is issued, the Penalty Charge shall increase by 50%.
27. When a Penalty Charge Notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order, no person other than a person authorised by the Council in that behalf or the Driver or a person authorised by the Driver on their behalf shall remove the notice from the vehicle.
28. In the case of any contravention in respect of which a vehicle is in a parking place and a Penalty Charge is payable, a separate Penalty Charge shall be payable on each day that the vehicle remains in the parking place.

29. The Owner of the vehicle shall be deemed to be the person responsible for any contravention or non-compliance with the provisions of this Order and shall be responsible for the payment of the Penalty Charge unless he or she can show that the vehicle was being used on the relevant date without his or her consent and provided that the Council shall be entitled to recover any charge from and proceed against any other person who is shown to the Council's satisfaction to have been the Driver of the vehicle on the relevant date.

PART IV
GENERAL

30. In so far as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act, and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles other than those engaged in the provision of a local service, as defined in Section 2 of the Transport Act, 1985 in a bus stop area or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

31. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

32. The Orders mentioned in column 1 of Schedule 4 to this Order are hereby revoked to the extent mentioned in column 2 of Schedule 4.

Given under the Common Seal of the Blackburn with Darwen Borough Council

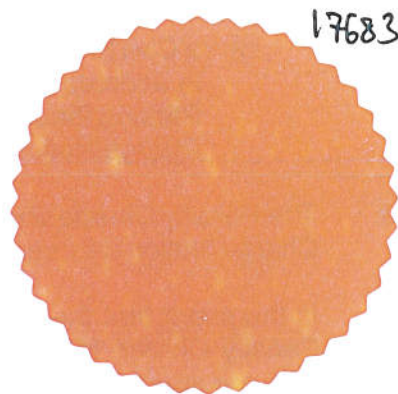
This 2nd day of November 2017

THE COMMON SEAL of Blackburn with Darwen)
Borough Council was hereunto affixed in)
pursuance of a resolution of the Council)
held on the 15th November 2001)



Authorised Officer

15/11/01



SCHEDULE 1
Permit Holders Only Parking

Street	Side	Location
South Street, Darwen	Both	Entire length
Higher South Street, Darwen	Both	Entire Length
Green Street East, Darwen	Both	From a point 37 metres east of the centre line of Railway Road to its junction with Entwistle Street
Entwistle Street, Darwen	Both	From its junction with Green Street East for a distance of 83 metres in a northerly direction.

SCHEDULE 2
Eligibility for Permits

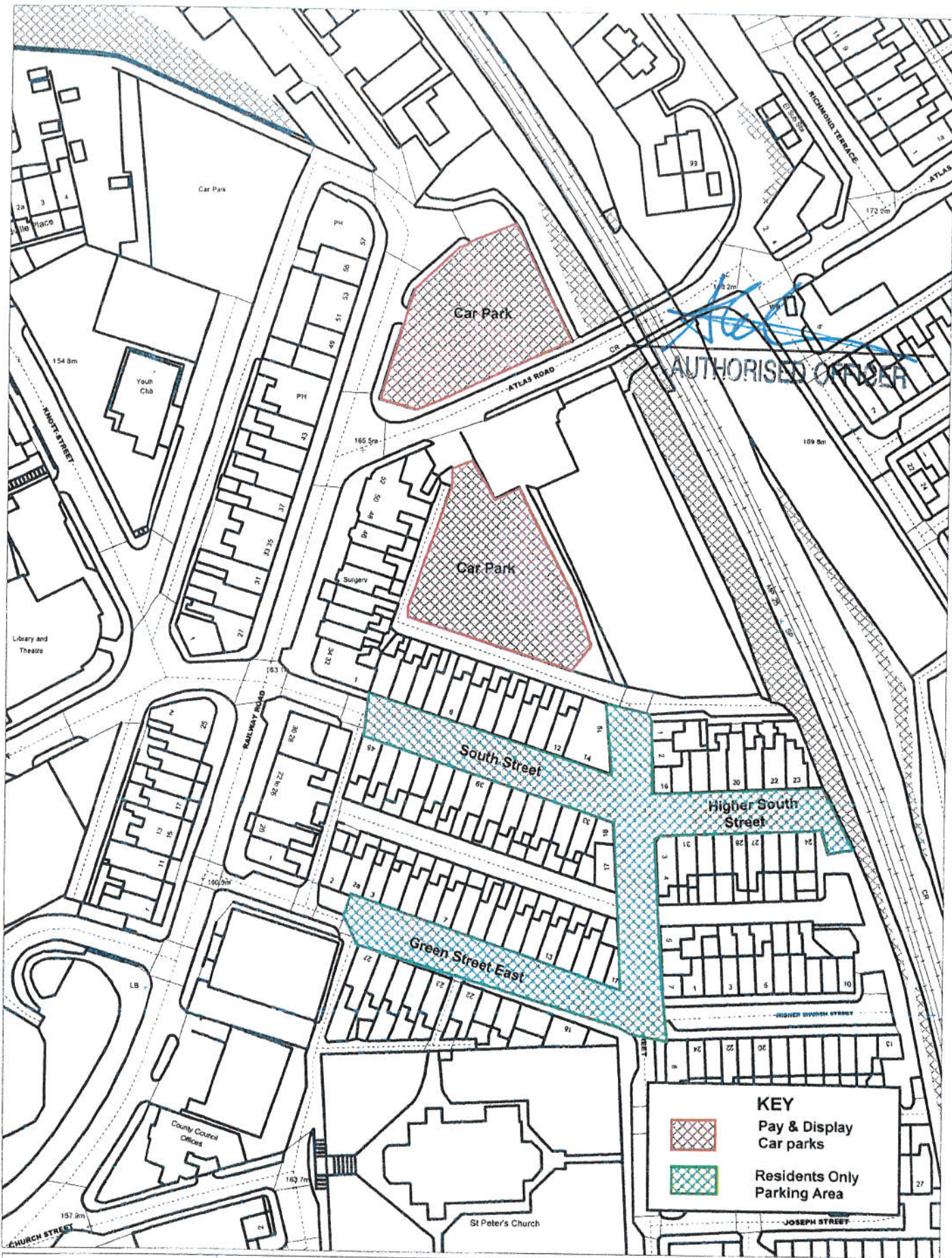
Street	Properties
South Street, Darwen	1-14 and 33-45 and South St garage
Higher South Street, Darwen	16-31
Green Street East, Darwen	1-27
Entwistle Street, Darwen	1-8 and 17-19
Railway Road, Darwen	28/30

SCHEDULE 3
Charges

Type of permit	Charge
Resident's Permit	Free
Visitor's Permit	Free
Transfers / Replacements	£10.00 per permit

SCHEDULE 4
Revocations

Order	Reference
The Borough of Blackburn with Darwen (Shear Brow Area, Blackburn) (Traffic Management) Order 2011	<ul style="list-style-type: none"> • All Schedule 1 • All Schedule 2 • All Schedule 3 • All Schedule 4
The Borough of Blackburn with Darwen (Shear Brow Area, Blackburn) (Traffic Management) Order 2013	<ul style="list-style-type: none"> • The entire order
The Borough of Blackburn with Darwen (Randal Street, Blackburn) (Residents Only Parking and Restriction of Waiting) Order 2017	<ul style="list-style-type: none"> • The entire order



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Proposed Experimental TRO Residents Permit Parking Various Streets Darwen

SCALE	1 : 1250
DATE	11/09/2017
DRAWING No	
DRAWN BY	

