THE BOROUGH OF BLACKBURN WITH DARWEN
(EWOOD AREA, BLACKBURN)
(RESIDENTS' PERMIT HOLDERS ONLY PARKING SCHEME) ORDER 2008

The Blackburn with Darwen Borough Council in exercise of the powers under Sections 45, 46, 49 and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984; the Road Traffic Act 1991 and the Traffic Management Act 2004 and of all other enabling powers and with the consent of the Secretary of State for Transport under Sections 64 and 65 of the Road Traffic Regulation Act 1984 and 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 1 - GENERAL

1. This Order shall come into operation on the 1st day of September 2008 and may be cited as "The Borough of Blackburn with Darwen (Ewood Area, Blackburn) (Residents' Permit Holders Only Parking Scheme) Order 2008"

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

"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 motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer
"passenger vehicle"	means a motor 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;
"owner"	in relation to a vehicle, means the person by whom such vehicle is kept and used
"permit"	means a permit issued under the provision of Article 5 of this Order in pursuance of Section 4(2) of the Road Traffic Regulation Act 1984
"permit holder"	means a person to whom a permit has been issued under the provisions of Article 5 of this Order
"Civil Enforcement Officer"	has the same meaning as in Section 76 of the Traffic Management Act 2004

"relevant position" means

(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.

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

"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.

2 (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 facia 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.

2. (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

3. 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 5 of this Order.

Vehicles for which Parking Places are Designated

4. 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 12 of this Order a valid permit issued by the Council in respect of that vehicle.

Application for and Issue of Permits

5. (1) Any resident in any of the properties, or the owner of any non-residential property, 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 leave that vehicle at any time 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 and shall be accompanied by a remittance for such charge specified in Article 9 of this Order as is appropriate in respect of the permit for which application is being made.

(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, and of the fee specified in Article 9 of this Order, 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 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. Provided that, subject to the provisions of Article 7 of this Order, the Council 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;

Surrender, Withdrawal and Validity of Permits

6. (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 (3)(a), (3)(b) or (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 ceasing to be a resident or the owner of a non-residential property;

(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 5 of this Order;

(d) the issue of a replacement permit by the Council under the provisions of Article 7 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.

(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), (3)(b), (3)(c), (3)(d) or (3)(e) of this Article, whichever is the earlier.

(5) Where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such permit was issued 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, require that person to 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.

(6) 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

7. (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

8. 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 6(3) of this Order, the permit shall no longer be valid;

(c) an authentication that the permit has been issued by the Council;

Amount of Charge for a Permit

9. The charge in connection with the issue of a permit for the leaving of a vehicle in any parking place designated by this Order shall be in accordance with the sums specified in Schedule 3 to this Order or such other sums as may from time to time be determined by the Council.

Payment of the Charge in connection with the Issue of Permits

10. (1) The charge in respect of the issue of a permit shall be payable in accordance with the provisions of Articles 5(1) and 9 of this Order.

(2) No person shall be entitled to a refund of the charge paid in respect of the issue of a permit in any circumstances whatsoever.

Replacement of Permits on Change of Vehicle

11. 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 5(1) of this Order.

12. 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 8 of this Order are readily visible from the front or near side of the vehicle.

Restriction on the Removal of Permits

13. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 12 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

14. The Council shall:-

(a) 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

(b) 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

15. 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

16. 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

17. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in Article 21(3) of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he 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

18. A police officer 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

19. (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 officer 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 21(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 officer in uniform or (iii) of a Civil Enforcement Officer.

Restriction of Use of Vehicles at Parking Places

20. (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

21. (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 19 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 19 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 15 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 of 1984.

PART III

REVOCATIONS

22. The Orders specified in Schedule 4 to this Order are hereby revoked to the extent specified in Column 2 thereof

PART IV

GENERAL

23. 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 of 1984, 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.

24. 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 of 1984 or by or under any other enactment.

Given under the Common Seal of the Blackburn with Darwen Borough Council
this 26th day of August 2008

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

SCHEDULE 1

Residents Permit Holders Parking Only

Zone A

Street	Description
Tiverton Drive	For its entire length.
Crediton Close	For its entire length.
Honiton Avenue	For its entire length.
Rewe Close	For its entire length.
Dawlish Close	For its entire length.

Zone B

Street	Description
New Wellington Street	From its junction with Moorgate Street for a distance of 280 metres in a south easterly direction.
New Wellington Gardens	For its entire length.
New Wellington Close	For its entire length.
Elim Place	For its entire length.
Elim Gardens	For its entire length.
Unnamed streets	At the rear of 51 – 133 New Wellington Street for its entire length. At the gable of 81 New Wellington Street for its entire length. At the rear of 48 – 114 New Wellington Street for its entire length. At the rear of Elim Place from its junction with New Wellington Street to its junction with Elim Place. At the gable of 38 New Wellington Street for its entire length. At the gable of 133 New Wellington Street for its entire length. At the rear of 21 – 33 Moorgate Street for its entire length.

Zone C

Street	Description
Catterall Street	For its entire length.
Fernhurst Street	For its entire length.
Carrington Avenue	For its entire length.
Myrtle Bank Road	For its entire length.
Unnamed streets	Service road fronting 43 – 57 Livesey Branch Road for its entire length. At the rear of Fernhurst Street from its junction with Fernhurst Street to its junction with Myrtle Bank Road.

Zone D

Street	Description
Arkwright Fold	For its entire length.

Zone E

Street	Description
Scotland Bank Terrace	For its entire length.
Andrew Close	For its entire length.
Heys Court	For its entire length.
Unnamed streets	At rear of 1 – 23 Scotland Bank Terrace for its entire length.

Zone F

Street	Description
Dale View	For its entire length.

Zone G

Street	Description
Peel Close	For its entire length.
Crosby Road	For its entire length.

Zone H

Street	Description
Dorothy Street	For its entire length.
St. Helier Close	For its entire length.

SCHEDULE 2

Eligibility for Permits

Street	Properties
Tiverton Drive	1 – 77 & 2 – 64
Crediton Close	1 – 47 & 2 – 24
Honiton Avenue	1 – 15 & 2 – 24
Rewe Close	1 – 19 & 2 – 6
Dawlish Close	1 – 27 & 2 – 56
New Wellington Street	51 – 133 & 36 – 114
New Wellington Gardens	1 – 19 & 2 – 38
New Wellington Close	1 – 23 & 2 – 36
Elim Place	2 – 10
Elim Gardens	1 – 11 & 2 – 12
Moorgate Street	21 – 33 & 37 – 43
Catterall Street	2 – 32
Fernhurst Street	7 – 55 & 2

Carrington Avenue	1 – 19 & 2 – 20
Myrtle Bank Road	1
Livesey Branch Road	43 – 59a
Arkwright Fold	1 – 87 & 2 – 44
Scotland Bank Terrace	1 – 125 & 2 – 120
Andrew Close	1 – 53 & 2 – 8
Heys Court	1 – 17 & 2 – 32
Leyburn Road	26 – 30
Dale View	1 – 39 & 2 – 36
Crosby Road	1 – 23
Peel Close	1 – 71 & 2 –74
Dorothy Street	2
St. Helier Close	1 – 39 & 2 – 32
Moorgate Street	132 & 136

SCHEDULE 3

Charges

Type of Permit	Charge
Resident's Permit	£10 per annum
Visitor's Permit	£10 per annum
Non-Resident's Permit	£35 per annum
Additional Permits	£35 per annum
Transfers / Replacements	Free
Refunds	Not Available

SCHEDULE 4

Revocations

Name of Order	Extent of Revocation
The Borough of Blackburn (Various Streets) (Prohibition of Driving) Order 1993	The whole of Schedule 1. Blackburn Bor
The Borough of Blackburn (Various Streets) (Prohibition of Driving) Order 1996	The whole of Schedule 2. Blackburn Bor
The Borough of Blackburn (Various Streets) (Prohibition of Driving) Order 1997	The whole of Schedule 2. Blackburn Bor
The Borough of Blackburn with Darwen (Crosby Road Area, Blackburn) (Traffic Management) Order 2005	The whole of 05/09