

THE BOROUGH OF BLACKBURN WITH DARWEN
(SHEAR BROW AREA, BLACKBURN)
(TRAFFIC MANAGEMENT)
ORDER 2013

The Blackburn with Darwen Borough Council ("the Council") in exercise of the powers under the Road Traffic Regulation Act 1984, the Road Traffic Act 1991, the Traffic Management Act 2004 and the Road Traffic (Permitted Parking Area and Special Parking Area) Borough of Blackburn with Darwen) Order 2004 and all other enabling powers 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 17th day of February 2014 and may be cited as "The Borough of Blackburn with Darwen (Shear Brow Area, Blackburn) (Traffic Management) Order 2013"

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

"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 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.
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 drive the vehicle on the streets or lengths of street specified in Schedule 1 and for the leaving of that vehicle between the hours of 9.00am and 6.00pm on any day other than a Sunday 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 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. 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 driving on the streets or 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) 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

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 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

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 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 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 constable 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
LIMITED WAITING AND RESIDENTS PARKING
MONDAY TO SATURDAY 9.00AM – 6.00PM
1 HOUR NO RETURN WITHIN 2 HOURS

22. Save as provided by the provisions of this Order no person, other than a permit holder, shall, except on the direction of or with the permission of a Police Officer in uniform or of a civil enforcement officer, cause or permit any vehicle to wait between the hours of 9.00am and 6.00pm on any day other than a Sunday on the sides of road or in any lengths of road specified in Schedule 4:-

- (a) for a longer period than 1 hour; or
- (b) if a period of less than 2 hours has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of road or length of road

23(1) Nothing in Article 22 shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred to therein for so long as may be necessary to:-

- (a) enable a person to board or alight from the vehicle
- (b) if 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.

23(2) (a) Nothing in Article 22 shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred therein if it cannot be conveniently used for such purpose in any other road, to be used in connection with any of the following operations, namely -

- (i) building maintenance, 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 side of road; or

- (iv) the laying, erection, alteration or repair in or in land adjacent to the said lengths of road or side of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in paragraph 1(i) of the Telecommunications Code contained in Schedule 2 to the Telecommunications Act 1984.

23(2) (b) the vehicle if cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority in pursuance of statutory powers or duties.

23(2) (c) the vehicle to be used for fire brigade, ambulance or police purposes.

23(3) Nothing in Article 22 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge, and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in any of the lengths of road or on the side of the road referred to in the Article for a period not exceeding three hours (being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length or on the same side of road on the same day).

23(4) Nothing in Article 22 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait on the side of the roads or in the length of roads referred to in that Article.

23(5) Nothing in Article 22 shall render it unlawful to cause or permit a hackney carriage vehicle to wait at any place which has been appointed as a stand for hackney carriages during any period for which that stand has been appointed.

PART IV
LIMITED WAITING AND RESIDENTS PARKING
MONDAY TO SATURDAY 9.00AM – 6.00PM
3 HOURS NO RETURN WITHIN 4 HOURS

24. Save as provided by the provisions of this Order no person, other than a permit holder, shall, except on the direction of or with the permission of a Police Officer in uniform or of a civil enforcement officer, cause or permit any vehicle to wait between the hours of 9.00am and 6.00pm on any day other than a Sunday on the sides of road or in any lengths of road specified in Schedule 5:-

- (c) for a longer period than 3 hours; or
- (d) if a period of less than 4 hours has elapsed since the termination during the said hours of the last period of waiting (if any) by that vehicle on the same side of road or length of road

25(1) Nothing in Article 24 shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred to therein for so long as may be necessary to:-

- (a) enable a person to board or alight from the vehicle
- (b) if 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.

25(2) (a) Nothing in Article 24 shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred therein if it cannot be conveniently used for such purpose in any other road, to be used in connection with any of the following operations, namely -

- (i) building maintenance, 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 side of road; or
- (iv) the laying, erection, alteration or repair in or in land adjacent to the said lengths of road or side of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in paragraph 1(i) of the Telecommunications Code contained in Schedule 2 to the Telecommunications Act 1984.

25(2) (b) the vehicle if cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority in pursuance of statutory powers or duties.

25(2) (c) the vehicle to be used for fire brigade, ambulance or police purposes.

25(3) Nothing in Article 24 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge, and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in any of the lengths of road or on the side of the road referred to in the Article for a period not exceeding three hours (being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length or on the same side of road on the same day).

25(4) Nothing in Article 24 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait on the side of the roads or in the length of roads referred to in that Article.

25(5) Nothing in Article 24 shall render it unlawful to cause or permit a hackney carriage vehicle to wait at any place which has been appointed as a stand for hackney carriages during any period for which that stand has been appointed.

PART V

PAY AND DISPLAY PARKING AND RESIDENTS' PARKING

MONDAY TO SATURDAY (EXCLUDING BANK HOLIDAYS) 10.00AM - 6.00PM

MAXIMUM STAY 2 HOURS

26. (1) The areas of highway in the Borough of Blackburn with Darwen which are described in Schedule 6 to this Order are hereby designated as parking places.
- (2) Subject to Article 28 each of the parts of the highway specified in the first, second and third columns of the Schedule to this Order is authorised to be used subject to the following provisions of this Order as a parking place for such classes of vehicles

in such positions and on such days and during such hours as are specified in relation to that part of the highway in the said Schedule 6 to this Order.

- (3) The limits of each parking place shall be indicated on the carriageway in accordance with diagram 1028.4 in Schedule 6 of the Traffic Signs Regulations and General Directions 2002.
27. Subject to Articles 28 and 42(6) the driver of a vehicle shall not permit the said vehicle to remain in the parking place for a longer period than that specified in the fifth column of the Schedule to this Order.
28. No vehicle other than a vehicle specified in the eighth column of Schedule 6 to this Order shall be left in a parking place and no vehicle shall be left in a position other than that specified in the fourth column of the said Schedule 6.
29. (1) The parking charge for a vehicle in a parking place during the charging hours shall subject as hereinafter provided be as set out in the seventh column of Schedule 6 to this Order against the name of the parking place in the said Schedule 6 provided that where in a parking place it is indicated by notice that in respect of any day or any specified part of a day no charge will be made or such lesser charge than that specified in the seventh column of the said Schedule will be made then the charge (if any) shall be such lesser charge.
- (2) The charge referred to in paragraph (1) of this Article shall be payable on the leaving of the vehicle in a parking place by the insertion in a ticket machine of coins of the denomination marked on the ticket machine to the value of the relevant parking charge or, if the ticket machine so allows, by the insertion of a smartcard, credit card or debit card which will be debited to the value of the relevant parking charge indicated by the person making payment via the automated process instructions described on the ticket machine.
- (3) Save as provided in this Order during the charging hours no person shall leave any vehicle in a parking place without having displayed a parking ticket in accordance with the provisions of Article 30 of this Order.
30. (1) Upon payment of the parking charge for a vehicle left in a parking place the parking ticket issued in accordance with the provisions of Article 29(2) shall be displayed on the inside of the vehicle in accordance with the provisions of paragraph (2) of this Article.
- (2) The ticket referred to in Article 30(1) shall be displayed in the relevant position on the vehicle in respect of which it was issued at all times during which the vehicle is left during the charging hours in the parking place.
- (3) No person shall display on a vehicle left in a parking place during the charging hours any ticket issued by a ticket machine other than the working ticket machine nearest to that space.
31. (1) A 'penalty charge' shall be payable where:
- (a) a vehicle is left in a parking place otherwise than as authorised under this Order; or where
 - (b) any charge payable under Article 29 has not been duly paid in

- accordance with that Article; or where
- (c) there has been a contravention or failure to comply with any part of this Order relating to the manner in which vehicles shall stand in or be driven out of the parking place.
- (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice containing the information required by Section 66 of the Act of 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 Act of 2004 may be issued by a civil enforcement officer by fixing it to the vehicle, or by giving it to the person appearing to him to be in charge of the vehicle, or may be served by the Council by post as prescribed by regulations
32. Where a notice or notices have been attached to a vehicle by a civil enforcement officer no person not being the owner or person in charge of the vehicle or person duly authorised by the Council shall remove the notice or notices from the vehicle unless authorised to do so by the owner or person in charge of the vehicle.
33. The Council may:
- (a) install in such positions on or in the vicinity of a parking place as they may think fit such ticket machines as are required for the purpose of that parking place; and
- (b) carry out other such work as is reasonably required for the purpose of the satisfactory operation of a parking place.
34. No person shall display on a vehicle left in a parking place a parking ticket for a period other than one commencing when the vehicle was first left in that parking place unless the vehicle has first been taken away from that parking place in accordance with Article 35 below.
35. No vehicle which has been taken away from a parking place shall until the expiration of the period specified in the fifth column to Schedule 6 to this Order from the time it was taken away again be left in that parking place during the charging hours, provided that nothing in this Article shall apply to a vehicle which displays a disabled person's badge in the relevant position.
36. (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 telecommunications apparatus or of any traffic sign or ticket machine;
- (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 the property of a resident to another or the removal of furniture from such premises to a depository or to such premises from a depository;

- (d) on any such 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) At the discretion of the Chief Officer of Police a parking place or any part thereof shall be suspended whenever he considers such suspension reasonably necessary to enable the police to discharge their duties.
 - (4) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1), (2), or (3) of this Article shall thereupon:
 - (a) place or cause to be placed on the ticket machine relating to the parking place a cover or notice indicating that the use of the parking place is suspended and that waiting by vehicles is prohibited; or
 - (b) place or cause to be placed upon the relevant part of the parking place traffic cones as described in Diagram 7101 of Part II of Schedule 12 to the Traffic Signs Regulations and General Directions 2002 or such other traffic signs or lights as are appropriate.
 - (5) Any person duly authorised by the Council may temporarily remove any ticket machine within that parking place or as the case may be any part thereof and any post bracket or other support on which such ticket machine is fitted and shall thereupon place or cause to be placed in or adjacent to that metered parking place a traffic sign giving the indication referred to in Article 36(4).
 - (6) Subject to the provision of Article 36(4) if the use of a parking place or any part thereof is suspended during the charging hours for any of the purposes of Article 36(1) except sub-paragraph (a) a charge shall be payable per day in respect of each five metres of the parking place affected (or part thereof if the length is not divisible by five) by such persons at whose request the suspension has been implemented the amount of such charge to be at the absolute discretion of the Council.
 - (7) Subject to the proviso contained herein no person shall cause or permit a vehicle to be left in any part of a parking place during such period as there is a cover notice or traffic sign within the parking place placed in pursuance of Article 36(4) or 36(5). Provided that nothing in this paragraph shall apply to:
 - (i) any vehicle being used for fire brigade, ambulance, police or local authority purposes or for any purpose specified in Article 36(1) (a);
 - (ii) any other vehicle if that vehicle is so left with the permission of the person who authorised suspension of use of the parking place or part thereof in accordance with the foregoing provisions of this Article or a police constable in uniform or other person duly authorised by the Council.
37. (1) Without prejudice to the foregoing provisions of this Order with respect to vehicles which are left in a parking place in accordance with those provisions any other vehicle may wait during the permitted hours 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 waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accident;
 - (c) 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;
 - (d) the vehicle is waiting to enable it to be used in connection with the removal of any obstruction to traffic;
 - (e) the vehicle is in the service of or employed by the Post Office and is waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting and being unloaded from the vehicle or having been unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting or is in use in connection with the servicing of telephone kiosks adjacent to the parking place;
 - (f) the vehicle not being a passenger vehicle is waiting to enable it to be used for any purpose specified in Article 36(1) (b);
 - (g) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjacent to the parking place;
 - (h) if goods are sold from the vehicle by any person who is licensed by the Council to sell goods from a stationary pitch situated in the parking place;
 - (i) for the convenience of occupiers of premises adjacent to the parking place for the parking of principal vehicles at times of weddings or funerals.
 - (j) a permit holder who is qualified to park in the parking place in accordance with this Order
- (2) No parking charge shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article.
- (3) Without prejudice to the generality of this Article a vehicle to which Article 37(1) applies shall so far as is reasonably practicable stand in the parking place in accordance with the provisions specified in column 4 of Schedule 6.
- (4) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any Regulations made under or having effect under Section 25 of the Act of 1984 or "The Road Vehicles Lighting Regulations 1989".

38. Unless prior written consent has been granted by the Council no person shall:

- (a) use a vehicle while it is in the parking place in connection with the sale or advertisement of any thing to any person in or near the parking place or in connection with the selling or offering for hire of his skill or his services or the skill or services of any person; nor
- (b) use any part of the parking place or any building structure mechanical device or other physical feature therein or any vehicle left therein to display advertising material nor to place upon or attach to any vehicle in the parking place any advertising material to induce the public to participate in or frequent any place

function or gathering for the purpose of demonstration or entertainment or to buy or hire or otherwise obtain any thing or skill or services of any person and nothing shall be displayed to induce the public to engage for gain in any lottery, sweepstake, raffle or competition.

39. Where a vehicle is abandoned or left in a parking place in contravention of or non-compliance with any of the provisions of this Order a civil enforcement officer may remove the vehicle or arrange for it to be removed from that parking place provided that:
- (a) Where a vehicle is left in the parking place in contravention of Article 29 any person duly authorised by the Council may alter or cause to be altered the position of the vehicle in order that the vehicle position shall comply therewith; or
 - (b) In case of an emergency any person duly authorised by the Council or a police constable in uniform may remove the vehicle or arrange for it to be removed from that parking place to any place he thinks fit.
40. Any person altering the position of a vehicle in or removing a vehicle from a parking place by virtue of Article 39 may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.
41. When a person duly authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 39 he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle. Following such removal Sections 101 and 102 of the Act of 1984 shall be applicable by the Council in respect of the vehicle insofar as the Council shall desire.
42. (1) If there is displayed within any parking place a notice placed by a civil enforcement officer to indicate that the ticket machine relating to that parking place is out of order that notice shall state the maximum length of time (defined in Article 42(2)) during charging hours for which a vehicle may be left in the parking place without payment of any charge and if any vehicle is left for longer than that time then a Penalty Charge shall become payable and the provisions of Articles 31 and 32 shall apply.
- (2) The "maximum length of time" for the purposes of Article 42 (1) shall be the maximum stay for the parking place stated in the fifth column of Schedule 6 to this Order.
- (3) If a ticket machine which was out of order is repaired during the charging hours then any vehicle left before the repair shall be exempt from charge so long as it is not left for longer than the maximum length of time defined in Article 42 (2).
- (4) If a ticket machine is out of order then a civil enforcement officer may instead of placing a notice in accordance with Article 42 (1) place a notice nominating another ticket machine or machines in the locality at which a parking ticket may be obtained and that parking ticket shall be valid for the purposes of Article 30.
- (5) No parking charge shall be payable and no limitation on time shall apply in respect of any vehicle left in a parking place during the charging hours if that vehicle displays a disabled person's badge in the relevant position.

- (6) No parking charge shall be payable and no limitation on time shall apply to the following classes of vehicles:
- (a) pedal cycles;
 - (b) motorcycles having two wheels
- provided that in either case the vehicle is not parked so as to occupy a parking place or obstruct a parking place or an access aisle.
- (7) Without prejudice to the generality of the foregoing provisions of this Article nothing in this Article shall be taken to exempt the vehicle or the driver of any vehicle left in any parking place from any other provisions of this Order.

PART VI
GENERAL

43. 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.

44. 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 12th day of February 2014

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' Parking
Mon-Sat 9am-6pm

Street	Side	Location
Balaclava Street	Both	From a point 14 metres south east of its junction with Altom Street to a point 8 metres north west of its junction with Randal Street
Bicknell Street	Both	From a point 2 metres south east of its junction with Altom Street to its junction with Lime Street

Charlotte Street	Both	From a point 2 metres south east of its junction with Altom Street to a point 7.5 metres north west of its junction with Randal Street
Inkerman Street	Both	From a point 2 metres south east of its junction with Altom Street to a point 8 metres north west of its junction with Randal Street
Kendal Street	South west	From a point 2 metres south east of its junction with Altom Street for a distance of 45.5 metres in a south easterly direction
Oswald Street	North east	From a point 14 metres south east of its junction with Altom Street to a point 8 metres north west of its junction with Randal Street
	South west	From a point 2 metres south east of its junction with Altom Street to a point 8 metres north west of its junction with Randal Street

SCHEDULE 2
Eligibility for Permits

Street	Properties
Bold Street	35
Bicknell Street	1-29 (odd), 14-32 (even)
Oswald Street	13-49 (odd), 12-52 (even)
Balaclava Street	1- 45 (odd), 2-42 (even)
Charlotte Street	1-47 (odd), 2-46 (even)
Inkerman Street	1-35 (odd), 2-30 (even)
Kendal Street	1-15 (odd), 2
Altom Street	1-69 (odd), 4-86 (even)
Shear Brow	1- 37 (odd), 2-22a (even)
Willoughby Street	2-14 (even)
St Andrew's Street	1-15 (odd), 4-8 (even)
St Andrew's Place	4-8 (even)
Wellington Street St John	1-37(odd), 2-42(even)
Strawberry Bank	1-5 (odd), 2-22 (even)
Randal Street	15--61 (odds) and 74-116 (evens)
Victoria Street	63-145 odds

SCHEDULE 3
Charges

Type of Permit	Charge
Resident's Permit	£30.00 per annum
Visitor's Permit	£30.00 per annum
Non-Resident's Permit (Businesses)	£50.00 per annum
Non-Resident's Permit Additional Permits (Businesses)	£50.00 per annum

Transfers / Replacements	Free
Refunds	Not available

SCHEDULE 4
Residents' Parking Bay/Limited Waiting
Monday to Saturday 9am to 6pm
(1 hour, no return within 2 hours)

Street	Side	Location
Altom Street	Both	From a point 4 metres north east of its junction with Bicknell Street for a distance of 31.5 metres in a north easterly direction
	Both	From a point 4 metres north east of its junction with Balaclava Street for a distance of 30 metres in a north easterly direction
	Both	From a point 5.5 metres north east of its junction with Charlotte Street for a distance of 28 metres in a north easterly direction
	Both	From a point 5 metres north east of its junction with Inkerman Street for a distance of 28 metres in a north easterly direction
	Both	From a point 4.5 metres north east of its junction with Kendal Street for a distance of 32 metres in a north easterly direction
	Both	From its junction with Shear Brow for a distance of 38 metres in a north easterly direction
	North west	From a point 5 metres north east of its junction with Bold Street for a distance of 17 metres in a north easterly direction
	North west	From a point 6 metres north east of its junction with Oswald Street for a distance of 7.5 metres in a north easterly direction
	South east	From a point 5 metres north east of its junction with Bold Street for a distance of 22 metres in a north easterly direction
	South east	From a point 6 metres north east of its junction with

		Oswald Street for a distance of 13 metres in a north easterly direction
Balaclava Street	Both	From a point 2 metres south east of its junction with Altom Street for a distance of 14 metres in a south easterly direction
Kendal Street	North east	From a point 2 metres south east of its junction with Altom Street for a distance of 45.5 metres in a south easterly direction
Randal Street	South	From a point 72.5 metres east of its junction with Limbrick for a distance of 42 metres in an easterly direction
Shear Brow	North east	From a point 10 metres north west of its junction with Willoughby Street for a distance of 40 metres in a north westerly direction
	North east	From a point 8.5 metres south east of its junction with Willoughby Street for a distance of 11.5 metres in a south easterly direction
	South west	From a point 25 metres south east of its junction with Willoughby Street for a distance of 76 metres in a north westerly direction
Willoughby Street	Both	From a point 5.5 metres north east of its junction with Shear Brow for a distance of 38 metres in a north easterly direction

SCHEDULE 5

**Proposed residents' parking / Limited Waiting
3 Hours, No Return Within 4 Hours Mon-Sat 9am-6pm**

Street	Side	Location
St Andrew's Street	South east	From a point 7 metres north east of its junction with Wellington Street St Johns to a point 8 metres south west of its junction with Limbrick
Strawberry Bank	South east	From a point 3.5 metres south west of its junction with Wellington Street St Johns for a distance of 14 metres in a south westerly direction
	South east	From a point 38 metres north east of its junction with Wellington Street St Johns for a distance of 31.5 metres in a south westerly direction
Wellington Street St John	North east	From a point 7 metres south east of its junction with St Andrew's Street for a distance of 46.5 metres in a south easterly direction

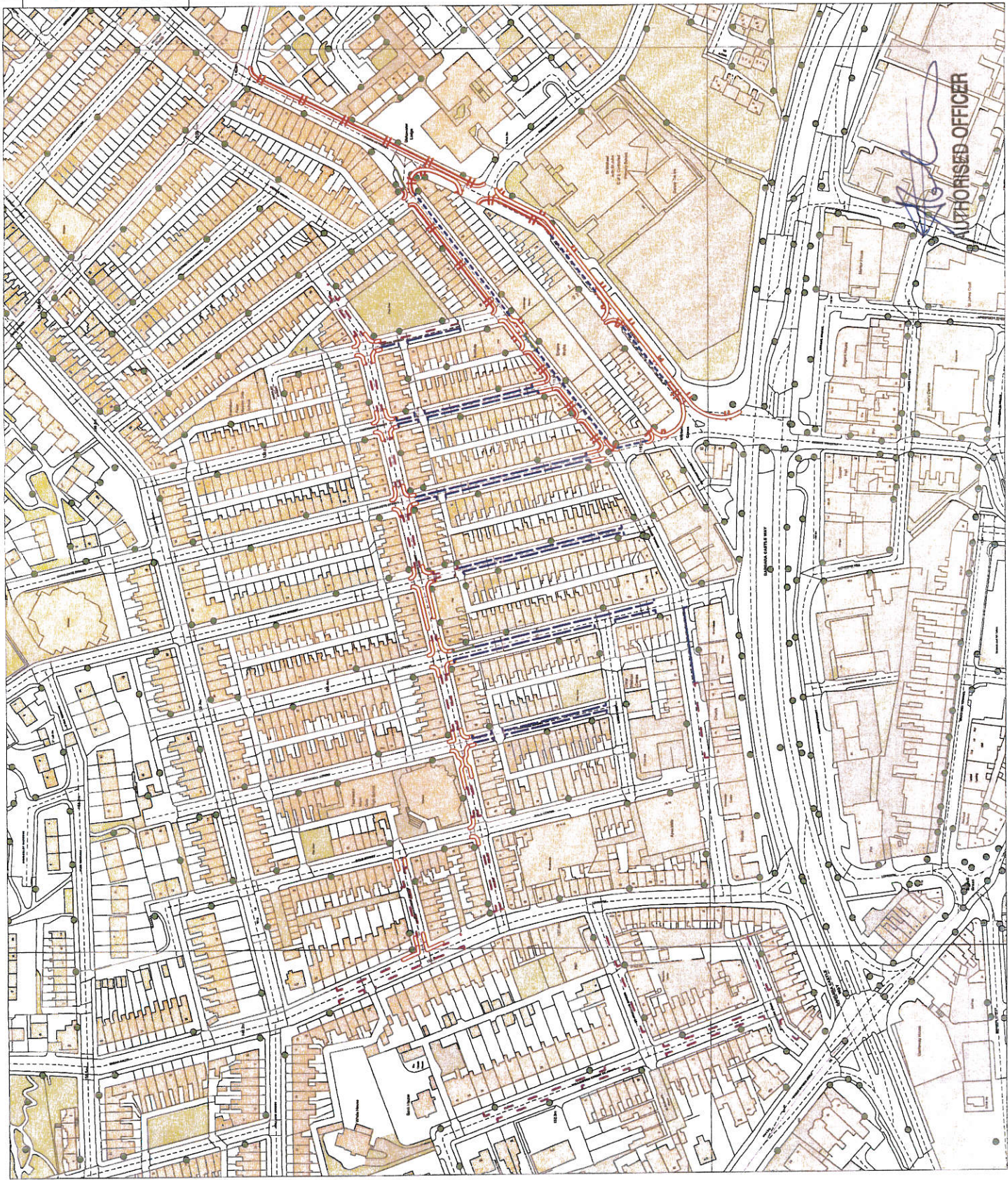
	North east	From a point 22 metres north west of its junction with St Andrew's Street for a distance of 72.5 metres in a north westerly direction
	South west	From a point 7 metres south east of its junction with St Andrew's Street for a distance of 58.5 metres in a south easterly direction
	South west	From a point 9.5 metres north west of its junction with St Andrew's Street for a distance of 28.5 metres in a north westerly direction
	South west	From a point 58.5 metres north west of junction with St Andrew's Street for a distance of 30 metres in a north westerly direction

SCHEDULE 6

Proposed Pay & Display Parking / Residents' parking Mon-Sat excl Bank Hols 10am-6pm, Max Stay 2 Hours

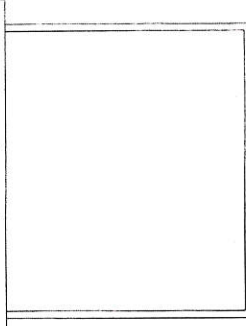
Street	Side	Location	Position in which vehicle may wait	Days and hours of operation	Charging Hours	Scale of charges	Class of vehicle
Charlotte Street	East	From a point 3 metres north its junction with Victoria Cross to its junction with Randal Street	Parallel with the kerbline and wholly within the limits of the parking place as marked on the carriageway by broken lines and so that no part of the vehicle over hangs the carriageway	All days and all hours, excluding Bank Holidays, waiting limited to 2 hours (return limited within 2 hours) between 10.00am and 6.00pm on Monday to Saturday	10.00am to 6.00pm Monday to Saturday, excluding Bank Holidays	During the charging hours: Up to 15 mins: 30p Up to 30 mins: 60p Up to 45 mins: 90p Up to 1 hour: £1.20 Up to 1 hour 15 mins £1.50 Up to 1 hour 30 mins £1.80 Up to 1 hour 45 mins £2.10 Up to 2 hours £2.20 After which time the penalty charge shall apply	All vehicles except:- good vehicles exceeding 30cwt unladen weight; passenger vehicles to carry more than twelve passengers exclusive of the driver; caravans and trailers.
Randal Street	South east	From a point 2 metres north east of its junction with Charlotte Street for a distance of 64 metres in a north easterly direction					
	South east	From a point 43 metres north east of its junction with Inkerman Street for a distance of 86.5 metres in a north easterly direction					
Victoria Street	North west	From a point 79 metres north east of its junction with Victoria Cross for a distance of 40 metres in a north easterly direction					
	North	From a point 14 metres north east					

	west	of its junction with Victoria Cross for a distance of 41 metres in a north easterly direction					
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Key to Restriction Types Displayed

	No waiting at any time
	No Loading At Any Time
	Limited Waiting 30 minutes Mon-Sat 8am-6pm
	Pay & Display Parking / Residents' Parking Mon-Sat 8am-6pm
	Loading Bay
	Residents' Parking
	Residents' Parking - Limited Waiting



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DRAWING TITLE
Shear Brow
Residents' Parking Scheme

SCALE	1 : 2000
DATE	29/08/2012
DRAWING No	
DRAWN BY	

AUTHORISED OFFICER