

2

THE BOROUGH OF BLACKBURN WITH DARWEN
(SHEAR BROW AREA, BLACKBURN)
(TRAFFIC MANAGEMENT) ORDER 2011

The Blackburn with Darwen Borough Council in exercise of the powers under the Road Traffic Regulation Act 1984, the Road Traffic Act 1991 and 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 to the Act of 1984, hereby makes the following Order:-

PART 1 - GENERAL

1. This Order shall come into operation on the 3rd day of October 2011 and may be cited as "The Borough of Blackburn with Darwen (Shear Brow Area, Blackburn)(Traffic Management) Order 2011"

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;

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

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.

- (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:

- (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 1 HOUR

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 1 hour¹ 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

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 IV GENERAL

26. 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.

(Businesses)	
Transfers / Replacements	Free
Refunds	Not available

SCHEDULE 4

Residents' Parking / Limited Waiting 1 Hour, No Return within 2 Hour

Mon-Sat 9am-6pm

Street	Side	Location
Limbrick	West	From a point 10 metres south of its junction with St Andrew's Street for a distance of 52.5 metres in a southerly direction
Randal Street	South	From a point 24 metres east of its junction with Limbrick for distance of 33 metres in an easterly direction
	South	From a point 74 metres east of its junction with Bold Street to its junction with Oswald Street


SCHEDULE 5

Limited Waiting 2 Hour, No Return 3 Hour


Mon-Sat 9am-6pm

Street	Side	Location
Lime Street	South	From a point 29.5 metres west of its junction with Oswald Street for a distance of 15 metres in a westerly direction

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DRAWING TITLE	
Shear Brow area, Blackburn	
SCALE	1 : 850
DATE	24/03/2011
DRAWING NO.	
DRAWN BY	

