

**BLACKPOOL BOROUGH COUNCIL
THE BOROUGH OF BLACKPOOL (VARIOUS ROADS) (VARIOUS RESTRICTIONS) AND
(REVOCATION) No. 3 ORDER 2006**

The Council of the Borough of Blackpool (hereinafter referred to as "the Council") in exercise of its powers under sections 1, 2, 4, 45, 46, 46A, 47, 49, 53, 124 and the Ninth Schedule of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act"), and after consultation with the Chief Officer of Police in accordance with section 124(1)(c) of and Part III of the Ninth Schedule of the Act of 1984 and the Road Traffic Act 1991 (hereinafter referred to as the "1991 Act") and the Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Blackpool) Order 2003 and of all other powers them enabling hereby make the following Order:-

1). IN this Order, except where the context otherwise requires, the following expressions shall

have the meanings hereby assigned to them respectively, that is to say:-

"2003" Order means the Borough of Blackpool (Various Roads) (Consolidation of Waiting Restrictions, On Street Parking Places, Residents' Parking Places and Protection of Bus Stops) Order 2003 shall have effect as though the provisions contained in the Schedule to this Order were contained in and formed part of Part 1 of the Second Schedule to the said Order of 2003.

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

"disabled person's badge" shall have the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended by the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2000 and has not ceased to be in force;

"disabled person's vehicle" means a vehicle displaying a disabled person's badge in accordance with the circumstances prescribed in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"driver" in relation to a vehicle waiting in any parking place or in a road or length of road or specified road or street or highway means the person driving the vehicle at the time that it was left in that location;

"dual purpose vehicle" has the same meaning as in the Sixth Schedule of the Act of 1984;

"goods" includes postal packets of any description;

"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 and has an unladen weight of not exceeding 30 cwt;

"invalid carriage" means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specially designed and constructed and not merely adapted for the use of a person suffering from physical defect or disability and is used solely by such a person;

"motor cycle" has the same meaning as in section 136 of the Act of 1984;

"owner" has the same meaning as in the Act of 1984 and in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement includes the person

entitled to possession of the vehicle under the agreement;

“parking attendant” means a parking attendant as defined in section 63A of the Act of 1984 (which is inserted by section 44(1) of the 1991 Act);

“parking disc” means a device which:-

- a) is 125 millimetres square and coloured blue;
- b) has been issued by a local authority and has not ceased to be valid; and
- a) is capable of showing the quarter hour period during which a period of waiting has begun;

“parking place” means an area on a highway designated as a parking place by Article 3 of this Order;

“parking space” means a space in a parking place which is provided for the leaving of a vehicle and which is 5.5 metres in length and 2 metres in width;

“passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers of their effects and adapted to carry not more than 12 passengers exclusive of the driver and not drawing a trailer;

“penalty charge” and “reduced penalty charge” means a charge set by the Council under the provisions of section 66 of the 1991 Act and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice or 14 days in the case of a reduced penalty charge following the issue of a penalty charge notice;

“penalty charge notice” means a notice issued or served by a parking attendant pursuant to the provisions of section 66 of the 1991 Act containing the particulars therein required;

“permit” means a permit issued under the provisions of Article 89 of the 2003 Order in respect of the George Street Area

“permit holder” means a person to whom a permit has been issued under the provisions of Article 89 of the 2003 Order in respect of the George Street Area

“relevant position” means,

- a) on the dashboard or facia of the vehicle so that the front of the badge is clearly legible from the outside of the vehicle; or
 - b) where the vehicle is not fitted with a dashboard or facia in a conspicuous position on the vehicle so that the front of the badge is clearly legible from the outside of the vehicle; or
 - c) on the windscreen so that the front of the badge is clearly legible from the outside of the vehicle;
- and in each case for the avoidance of doubt so that no letter, numeral or symbol on the front of the badge is obscured;

“telecommunication apparatus” has the same meaning as in the Telecommunications Act 1984;

“traffic sign” means a sign of any size, colour, prescribed or authorised, under or having effect as if, prescribed or authorised under section 64 of the Act of 1984;

"visitor" means a person who calls at or visits the premises of a resident described above;

"waiting limited" shall mean no person shall cause or permit any vehicle (i) to wait for a period longer than one hour or (ii) to return for a further period of waiting if less than two hours has elapsed since the termination of the last period of waiting of the vehicle on the appropriate side or length of road.

The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Road Traffic Regulation Act 1984 as amended or by or under any other enactment.

The masculine includes the feminine and vice versa.

Any reference in this Order to a statute or regulation shall be construed to such statute or regulation as the same may have been or may from time to time be amended or re-enacted.

- 2). THE 2003 Order shall have effect as though the provisions contained in the First and Second Schedules to this Order were contained in and formed part of Part 1 of the Second Schedule to the said Order of 2003.
- 3). EACH area on a highway which is designated as a designated parking place in the Third Schedule to this Order is designated as a parking place for use at all times, subject to the provisions of this Order, by the classes of vehicle specified in paragraph 1 of Article 89 of the 2003 Order.
- 4). EACH parking place may be used subject to the provisions of this Order, for the leaving at any time of such vehicles specified in Article 89 of the 2003 Order that display in the manner specified in Article 96 of the 2003 Order a valid permit issued by the Council in respect of that vehicle.
- 5). AT all times during which a vehicle is left in a parking place there shall be displayed behind the windscreen on the left or near side of the vehicle, a valid permit issued in respect of that vehicle so that all the particulars referred to in Article 92 of the 2003 Order are readily visible from the front or near side of the vehicle, unless the vehicle is waiting for a limited period under Article 10 of this Order.
- 6). WHERE a permit has been displayed on a vehicle in accordance with the provisions of Article 5 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.
- 7). 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 (i) the purpose of the satisfactory operation of a parking place and (ii) the purpose of the satisfactory operation of this Order

8). (1) A Police Constable in uniform or a Parking Attendant may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a parking place.

(2) 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 (Article 8(2)) 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.

(3) 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 vehicles in or to depart from the parking place.

9). (1) NOTWITHSTANDING the 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 13 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 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 and Rescue Service 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 not being a passenger vehicle is waiting to enable it to be used for any purpose specified in paragraph (1)(b) of Article 13 of this Order;
- (f) 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;
- (g) the vehicle is in actual use at premises adjacent to a parking place in connection with a wedding or a funeral.

(2) Any vehicle waiting in a parking place to 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 no person shall cause or permit a vehicle in respect of which a valid permit is not in force (i) to wait in a parking place between the hours of 6pm and 8am on any day or (ii) to wait in a parking place between the hours of 8am and 6pm on any Sunday.

(4) 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 1984.

10). SAVE as is hereinafter provided NO person shall except upon the direction of a Police Constable in uniform cause or permit any vehicle without a valid permit displayed to wait for a period longer than one hour on a day when waiting between the hours of

8am and 6pm is not prohibited by Article 9(3) hereof, in the length of road described in the Fourth Schedule to this Order, or to return for a further period of waiting if a period of less than two hours has elapsed since the termination of the last period of waiting of the vehicle on the said length of road.

11). NOTHING in Article 10 of this Order shall render it unlawful to cause or permit, any vehicle displaying a valid permit to wait for any length of time on the length of road described in the Fourth Schedule to this Order.

12). NOTHING in Article 10 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road referred to therein for so long as may be necessary to enable:-

- (a) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building or demolition operations, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of road so referred to or the laying, erection or alteration or repair in or near to any of the said lengths of road or any sewer or of any main pipe or apparatus as defined in paragraph 1(1) of the Telecommunications Code contained in the Second Schedule to the Telecommunications Act 1984;
- (b) in the case of any vehicle owned by a funeral director or owner of the funeral vehicles when in use as part of a funeral cortege;
- (c) for the purpose of loading or unloading the vehicle while the 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;
- (d) if the vehicle is a Fire Engine or Ambulance or any vehicle in the service of a Local Authority or Police Force and the vehicle is being used in pursuance of statutory powers or duties;
- (e) if the vehicle is a duly authorised licensed Hackney Carriage waiting upon any duly authorised Hackney Carriage Stand;
- (f) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or owing to such waiting being necessary in order to avoid accident;
- (g) if the vehicle is:-
 - (i) an invalid carriage;
 - (ii) a vehicle issued to a disabled person by a Government Department;
 - (iii) a vehicle left by the driver thereof who is a person who on account of his severe physical disability has been given notice in writing by the Council that he is exempt from the restrictions contained in Article 16 of this Order, if the notice is displayed on the vehicle in a conspicuous position;
 - (iv) a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any Local Authority.

PROVIDED THAT nothing in this Article shall render it lawful to cause or permit any vehicle to wait in the length of roads referred to in this Article on any occasion when a Police Constable in uniform or, in cases falling within paragraph (g) above, a parking attendant, otherwise directs.

GENERAL

13). (1) THE Council's authorised officer may suspend or cause to be suspended the use of a parking place or any part thereof whenever he considers such suspensions reasonably necessary (a) for the purposes of facilitating the safe 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 howsoever defined in this Order 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 any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or traffic sign (c) for the convenience of occupiers of premises adjacent to a parking place howsoever defined in this Order on any occasion of the removal of furniture from one office or dwelling-house to another or the removal of furniture from one such premises to a depository or to such premises from a depository (d) on any occasion on which it is likely by reason of filming or some special attraction that any street will be thronged or obstructed (e) for the convenience of occupiers of premises adjacent to the parking place (howsoever defined in this Order) at times of weddings or funerals or other special occasions.

(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 (2) of this Article shall thereupon place or cause to be placed in or adjacent to any part of that parking place the use of which is suspended by a traffic sign indicating that waiting by vehicles is prohibited.

(4) Whenever a parking place or any part thereof is suspended in accordance with paragraph (1) of this Article then the Council may charge an administration fee to the person or body requesting the suspension in respect of that parking place or part thereof suspended from use.

(5) No person shall cause or permit a vehicle to be left in any part of a parking place or any part thereof during such period as there is in or adjacent to that parking place a traffic sign placed in pursuance of paragraph (3) of this Article provided that this paragraph shall not apply to a vehicle for so long as may be necessary, (a) being used for Fire and Rescue Services, Ambulance or Police purposes or (b) left in such parking place 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 (iii) of a Parking Attendant and in relation to a parking place as defined in Article 1 of this Order or any part thereof, this paragraph shall additionally not apply to a vehicle for so long as may be necessary; (i) waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident or (ii) waiting to enable it to be used in connection with the removal of any obstruction to traffic and in relation to a parking space as defined in Article 1 of this Order this paragraph shall additionally not apply to a vehicle for so long as may be necessary waiting in the service of or employed by the Post Office while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are unloaded from the vehicle or having been unloaded therefrom, are being delivered, or while postal packets are being collected from premises or post boxes adjacent to that parking place in which the vehicle is waiting.

14. (1) IF a vehicle (which for the avoidance of doubt includes an authorised vehicle) is left or abandoned in any parking place or any part thereof or length of road or specified road or street or length of road or in any other location whatsoever to which any provision of this Order applies in contravention of any of the provisions of this Order a penalty charge shall be payable and/or the vehicle may be removed from that location.

(2) In the case of a vehicle in respect of which a penalty charge is payable a penalty charge notice showing the information required by section 66(3) of the 1991 Act may then be issued by a Parking Attendant in accordance with section 66(1) of the 1991

Act.

(3) Where a Parking Attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article (or any other provisions of this Order).

(h) he shall provide for the safe custody of the vehicle, the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;

(i) the provisions of the Road Traffic Regulation Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

15). NOTWITHSTANDING any of the foregoing provisions of this Order, the Council may at its discretion (including requiring an administration fee) issue a dispensation allowing a specific vehicle to wait in a parking place or any part thereof including a suspended parking place or in a road, length of road, street or specified road, highway or any other location whatsoever to which any provision of this Order applies during the hours of operation of any restriction or prohibition to the contrary.

16). ANY provisions contained in the 2003 Order and inconsistent with the provisions of this Order are hereby revoked and the said Order of 2003 shall be in full force and effect as if the provisions contained in Article 19 of this Order had originally formed part thereof.

17). THE First Schedule listing the Areas on Highways (or Parts) of Highways Designated as Parking Places with Permits of the Borough of Blackpool (Various Residents Parking Schemes) Variation Order 2004 is revoked so far as the length of road referred to in the Fifth Schedule to this Order is concerned.

18. THE 2003 Order shall be in full force and effect as if the provisions of Article 2 hereof had originally formed part thereof.

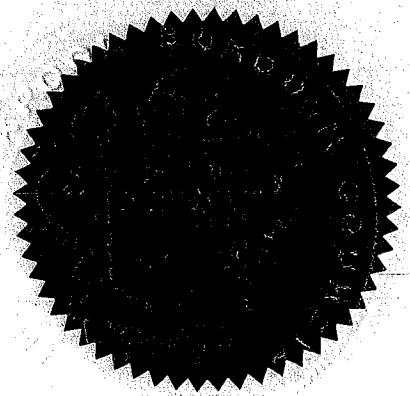
19. ANY provisions contained in the 2003 Order and inconsistent with the provisions of this Order are hereby revoked.

20. THIS Order shall come into operation on 2nd day of January 2007 and may be cited as "THE BOROUGH OF BLACKPOOL (VARIOUS ROADS) (VARIOUS RESTRICTIONS) AND (REVOCATION) No.3 ORDER 2006."

GIVEN under the Common Seal of the Council of the Borough of Blackpool on the 14th day of December 2006.

THE COMMON SEAL of The Blackpool)
Borough Council was hereunto affixed in)
the presence of:-)


Head of Legal and Democratic Services



FIRST SCHEDULE

NO WAITING AT ANY TIME

GORTON STREET – Back Caunce / Milbourne Street to Milbourne Street – West side

SECOND SCHEDULE

NO WAITING, 8 AM TO 6PM

NEWTON DRIVE – South side – From a point 56m west of the westerly kerb line of Albion Avenue for a distance of 23m in a westerly direction

THIRD SCHEDULE

GEORGE STREET AREA

AREAS ON HIGHWAYS (OR PARTS) OF HIGHWAY DESIGNATED AS PARKING PLACES WITH PERMITS (24 HOURS)

GORTON STREET, From a point 5m north of Caunce Street to the northerly kerblines of Milbourne Street - East side

FOURTH SCHEDULE

GEORGE STREET AREA

AREAS ON HIGHWAYS (OR PARTS) OF HIGHWAY FOR WAITING LIMITED 8AM TO 6PM MONDAY TO SATURDAY (INCLUSIVE) 1 HOUR (NO RETURN WITHIN 2 HOURS) FOR NON PERMIT HOLDERS

GORTON STREET, From a point 5m north of Caunce Street to the northerly kerblines of Milbourne Street - East side

FIFTH SCHEDULE

GEORGE STREET AREA

REVOCATION OF AREAS ON HIGHWAYS (OR PARTS) OF HIGHWAY DESIGNATED AS PARKING PLACES WITH PERMITS

GORTON STREET, From a point 5m south of Milbourne Street to a point 5m north of Back Caunce / Milbourne Street, West side – 2 spaces