

BLACKPOOL BOROUGH COUNCIL (SCARSDALE AVENUE & LYTHAM ROAD)
(NO WAITING AT ANY TIME) ORDER 2007

The Council of the Borough of Blackpool (hereinafter called "the Council") in exercise of its powers under Sections 1, 2, 3, 4, and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the said Act of 1984 and in exercise of its powers under the Road Traffic Act 1991 and the Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Blackpool) Order 2003 (Statutory Instrument No 2677) and of all other enabling powers hereby make the following Order:-

1. IN this order, except where the content otherwise requires, the following expressions shall have the meanings hereby assigned to them, respectfully, that is to say:-

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

"disabled driver" means:-

- a) any persons driving an invalid carriage;
- b) any persons driving an authorised vehicle fitted with a badge issued in accordance with 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 that has not ceased to be in force;

"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 that has not ceased to be in force.

"disabled persons 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
- c) is capable of showing the quarter hour period during which a period
has begun

“disabled persons vehicle” means a vehicle which displays in the Relevant Position a disabled person’s badge in accordance with the circumstances prescribed in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended;

“front of the badge” means the side of the disabled person’s badge that contains the wheelchair user symbol and expiry date;

“goods” includes postal packets of any description;

“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 Road Traffic Act 1991 (“the 1991 Act”))

“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.

“Relevant Position” shall have the following meanings:-

- (a) on the dashboard or fascia of the vehicle so that the font of the badge is clearly legible from the outside of the vehicle; or
- (b) where the vehicle is not fitted with a dashboard or fascia 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

- (d) in each case for the avoidance of doubt so that no letter, numeral or symbol on the front of the badge is obscured.

“vehicle” shall not be taken to include non-motor vehicles

2. SAVE as provided in Articles 3 and 4 of this Order no person shall cause or permit any vehicle to wait in a length of road referred to in the Schedule of this Order at any time.

3. NOTHING in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road referred to in the Schedule for so long as may be necessary:-

- (a) If the waiting is only for so long as may be reasonably necessary to enable a person to board or alight from the vehicle or load thereon or unload therefrom their personal luggage;
- (b) If the vehicle is being used for emergency Fire and Rescue Service, Ambulance or Police purposes;
- (c) If the vehicle, not being a passenger carrying vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
- (d) 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 roads or any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraph apparatus as defined in paragraph 1(1) of the Telecommunications Code contained in the Second Schedule to the Telecommunications Act 1984;
- (e) if the vehicle is in the service of or employed by the Post Office and is waiting in any affected length or road whilst postal packets, as defined in Section 87 of the Post Office Act 1953, addressed to premises adjacent to that length or road are being unloaded from any vehicle or having been

unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent to that length or road;

- (f) if the vehicle is waiting only for so long as may be reasonably necessary while a gate or barrier is opened or closed to allow access or departure to or from adjacent premises;
- (g) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control, or the driver has been told to wait by a police constable in uniform, or such waiting is necessary in order to avoid an accident;

4. NOTHING in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road referred to in the Schedule if it is a disabled persons vehicle which displays in the Relevant Position a disabled persons badge and a disabled persons 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 for a period not exceeding **three hours** and not 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 of road on the same day.

5. (1) IF a vehicle is left or abandoned in a 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);

- (a) he shall provide for the safe custody of the vehicle;
- (b) 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;

(c) 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.

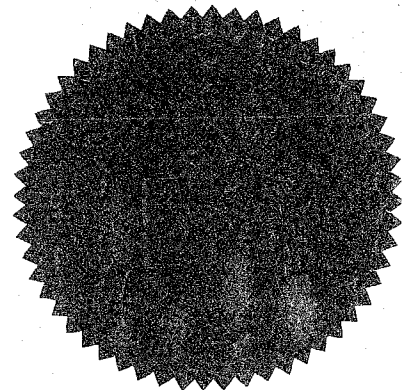
6. NOTWITHSTANDING any of the foregoing provisions of this Order the Council may at its discretion (including requiring an administration fee) issue a dispensation allowing a specific vehicle to wait in a length of road or any other location whatsoever to which any provision of this Order applies during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

7. THIS Order shall come into operation on the 15th day of October 2007 and may be cited as

"THE BOROUGH OF BLACKPOOL (SCARSDALE AVENUE & LYTHAM ROAD) (NO WAITING AT ANY TIME) ORDER 2007"

Given under the Common Seal of the Council of the Borough of Blackpool on the 13th day of September 2007.

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



A. Barnes

Head of Legal and Democratic Services

CHIEF SOLICITOR

SCHEDULE

Scarsdale Avenue – both sides – from the easterly kerbline of Lytham Road for a distance of 10m east.

Lytham Road – east side – from the northerly kerbline of Scarsdale Avenue for a distance of 10m north.