

**THE BOROUGH OF BLACKPOOL (WHITEGATE DRIVE AREA) (RESIDENTS PARKING AREA) ORDER 2011**

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The Council of the Borough of Blackpool (hereinafter called "the Council") in exercise of its powers under Sections 1, 2, 4, 45, 46, 46A, 49, 53, 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (which said Act is hereinafter referred to as "The Act of 1984"), and after consultation with the Chief Officer of Police in accordance with Section 124(1)(c) of and Part III of Schedule 9 of the Act of 1984 and the Road Traffic Act 1991 (hereafter referred to as the "1991 Act") 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:-

**PART I**  
**GENERAL**

**Commencement and Citation**

1. This Order shall come into operation on the 5<sup>th</sup> day of September 2011 and may be cited as THE BOROUGH OF BLACKPOOL (WHITEGATE DRIVE AREA) (RESIDENTS PARKING AREA) ORDER 2010.

**Interpretation**

2. (1) In this Order:-

. "the Council" means the Council of the Borough of Blackpool;

"a person authorised by the Council" means a police constable in uniform or a Civil Enforcement Officer;

"Civil Enforcement Officer" shall have the same meaning as in the Traffic Management Act 2004;

"delivering" and "collecting" in relation to any goods include 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 persons 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 a parking place or street or part of a street specified in this Order, means the person driving the vehicle at the time it was left in the parking place or street or part of a street aforesaid;

"dual purpose vehicle" has the same meaning as in Schedule 6 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 not exceeding thirty hundredweight;

"invalid carriage" means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specifically designed and constructed and not merely adapted for the use of a person suffering from physical default 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;

"off street parking place" means a space within the cartilage of a household adapted in such a manner as could accommodate a passenger vehicle or a goods vehicle and which has available access for such a vehicle from the highway.

"owner", in relation to a vehicle, means the person by whom such vehicle is kept and used;

"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 of waiting has begun

"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 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.

"parking place" means an area on a highway designated as a parking place by Article 3 and Article 4 of this Order;

"parking space" means a space in a parking place which is provided for the leaving of a vehicle and which is five decimal point five metres in length and two metres in width;

"passenger vehicle" means a motor vehicle (other than a motor cycle or 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;

"permit" means a permit issued under the provisions of Article 5 of this Order;

"permit holder" means a person to whom a permit has been issued under the provisions of Article 5 of this Order;

"resident" means a person whose usual place of abode is at premises the postal address of which is described in the Third Schedule of this Order;

"relevant position" shall have the following meanings:-

(a) the badge is exhibited on the dashboard or facia of the vehicle; and

(b) where the vehicle is not fitted with a dashboard or facia, the badge is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle.

"telecommunication apparatus" has the same meaning as in the Telecommunications Act 1984.

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the Act of 1984;

"vehicle" shall not be taken to include non-motor vehicles.

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

(2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(3) The conditions, provisions, prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any other such matter imposed by any Order or Regulation made, or having effect as if made, under the Act of 1984, or by or under any other 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 the First Schedule to this Order is designated as a parking place for use Monday – Friday inclusive between the hours of 8am and 6pm, subject to the provisions of this Order, by the classes of vehicle specified in paragraph 1 of Article 5 of this Order.

4. Each area on a highway which is described as a designated parking place in the Second Schedule to this Order is designated as a parking place for use Monday – Friday inclusive between the hours of 8am and 6pm, 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 that 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 Issue of Permits

5. (1) Any resident 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) a permit for the leaving of that vehicle Monday – Friday between 8am and 6pm in a parking space in any parking place designated by this Order and

(b) a permit for the use of visitors vehicles subject to the vehicle being a passenger vehicle, a dual purpose vehicle, a goods vehicle or a motor cycle. Each household will be entitled to a permit for each vehicle of a class referred to in paragraph 1 of this article by a resident. Any such 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 is a resident and is the owner of a vehicle of a class specified in paragraph (1) of this Article, shall issue to the applicant therefore:-

A resident's permit for a residents vehicle of a class specified in paragraph 1 of this Article and one visitor's permit for the leaving of the vehicle to which such permit relates at any time in a parking space in any parking place designated by this Order by the owner of such vehicle or by any person using such vehicle with the consent of the owner: 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 paragraphs (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;

(b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;

(c) the withdrawal of such permit by the Council under the provisions of paragraph (2) of this Article;

(d) 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;

(e) the issue of a duplicate permit by the Council under the provisions of Article 7 of this Order;

(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 and including the same day of the following year after the date of the issue of the permit or 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 visitor's permit shall be surrendered in the event of the holder ceasing to be a resident.

(7) 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.

(8) A permit will cease to be valid upon assignment.

#### Application for and Issue of Duplicate Permits

7. (1) If a permit is 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 duplicate permit and the Council, upon the receipt of the permit, if such receipt is accompanied by an application for a duplicate permit, shall issue a duplicate permit so marked and upon such issue the permit shall become invalid.

(2) If a permit is lost, accidentally destroyed or mutilated, the permit holder may apply to the Council for the issue to him of a duplicate permit, and the Council, upon being satisfied as to such loss or destruction, and upon receipt of an application for a duplicate permit together with a payment of ten pounds (or some other sum as may from time to time be determined by the Council), shall issue a duplicate permit so marked and upon such issue the permit shall become invalid.

(3) The provisions of this Order shall apply to a duplicate permit and an application therefore as if it were a permit or as the case may be an application therefore.

#### Form of Permits

8. (1) A resident's parking permit 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(4) of this Order, the permit shall

no longer be valid;

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

(d) the four letter abbreviation attributed by the Council to the parking area.

(2) A visitor's parking permit shall be in writing and shall include the following particulars:-

(a) the date after which, subject to the provisions of Article 6(4) of this Order, the permit shall no longer be valid;

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

(c) the four letter abbreviation attributed by the Council to the parking area.  
; and

(d) The address of the resident's household.

#### Amount of Charge at Parking Places

9. The charge in connection with the issue of a resident's and visitor's permit for the leaving of a vehicle in any parking place designated by this Order shall be the sum of Ten pounds or such other sum 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 for the leaving of a vehicle in any parking place shall be payable in accordance with the provisions of Article 5(1) 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. When a resident surrenders his permit because he has ceased to be the owner of the vehicle in respect of which the permit was issued he may obtain, free of charge, a replacement permit in respect of the vehicle with which he has replaced the vehicle in respect of which the



permit was issued so long as the replacement vehicle is within the classes of vehicle specified in Article 5(1) of this Order.

#### Display of Permits

12. 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 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 an appropriate traffic sign authorised by the Department for Transport to be placed and maintained on the left side of each end of each road within the scheme
- (b) carry out such other work as is reasonably required for (i) the purposes of the satisfactory operation of a parking place and (ii) the purposes of the satisfactory operation of this Order.

#### Removal of Vehicles from Parking Places

15.(1) If a vehicle (which for the avoidance of doubt includes an authorised vehicle) is left or abandoned in a parking place or in any road or specified road or street or length of highway 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 relevant information may then be issued by a Civil Enforcement Officer in accordance with Section 78 of the Traffic Management Act 2004, Parking Contraventions

(England) General Regulations 2007 and Civil Enforcement of Parking Contraventions  
(England) Representations and Appeals Regulations 2007.

(3) Where a Civil Enforcement Officer 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 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.

#### Movement of Vehicles in Parking Places in Emergencies

16. A person authorised by the Council 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

17. (1) A person authorised by the Council may suspend or cause to be suspended 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 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.

(e) for the convenience of occupiers of premises adjacent to the parking place 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 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) Whenever a parking place 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 parking place or part of a parking place 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 as long as may be necessary; (a) being used for Fire and Rescue Services, Ambulance or Police purposes or (b) left in the 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 or 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 owing to 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 (iii) in the case of vehicles waiting in the service of or employed by the Post Office while postal packets addressed to premises adjacent to the parking place 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.

#### Restriction of Use of Vehicles at Parking Places

18. (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 vehicles in or to depart from the parking place.

(3) In relation to Article 3 of this Order a parking place means an area of highway where the vehicle is left wholly on the carriageway with its wheels parallel to the kerb edge.

(4) In relation to Article 4 of this Order a parking place means an area of highway where the vehicle is left partially on the carriageway with two of its wheels between the two white 'edge of carriageway' markings on either side of the road.

#### Waiting of Other Vehicles in Parking Places

19. (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 17 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 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;

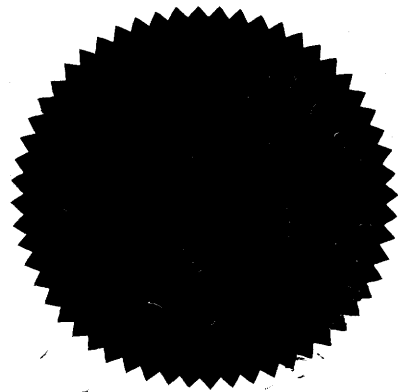
- (e) the vehicle not being a passenger vehicle is waiting to enable it to be used for any purpose specified in paragraph (1)(b) of Article 17 of this Order;
  - (f) the vehicle not being a passenger vehicle is in actual use in connection with the removal of furniture from one office or dwelling house 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 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) 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 II**  
**REPEALED ORDERS**

Any provisions contained in The Borough of Blackpool (Various Roads) (Consolidation of Waiting Restrictions, On Street Parking Places, One-Way Traffic, Prohibition of Through Traffic, Pedestrian Areas, Weight Restrictions, Width Restrictions and Protection of Bus Stops) Order 2003 and any other Order which is inconsistent with the provisions of this Order are hereby revoked.

THE COMMON SEAL of Blackpool )  
Borough Council was hereunto )  
affixed on the 30<sup>th</sup> day of August )  
2011 in the presence of:- )

  
Senior Solicitor



~~Head of Legal Services~~

### FIRST SCHEDULE

#### AREAS ON HIGHWAYS OR PARTS HIGHWAYS DESIGNATED AS PARKING PLACES WITH PERMITS 8AM – 6PM MONDAY-FRIDAY

(All roads referred to are inclusive of their full length unless otherwise stated)

Breck Road, Cumberland Avenue, Gorse Road, Harley Road, Kensington Road  
Kenwyn Avenue, Lever Street, Lyceum Avenue, Marlboro Road, Newcastle Avenue  
Somerset Avenue, Tyne Avenue, Westmorland Avenue, Westwood Avenue  
Wilkinson Avenue, Woodland Grove

### SECOND SCHEDULE

#### AREAS ON HIGHWAYS OR PARTS HIGHWAYS DESIGNATED AS PARKING PLACES WITH PERMITS 8AM – 6PM MONDAY-FRIDAY

(All roads referred to are inclusive of their full length unless otherwise stated)

Glen Street, Gloucester Avenue, Salisbury Road, St Albans Road

### THIRD SCHEDULE

#### STREETS OR PARTS OF STREETS FOR THE PURPOSE OF THE ISSUE OF RESIDENTS AND VISITORS PERMITS

All residential properties on:

Belle Vue Place, Breck Road, Cumberland Avenue, Glen Street, Gloucester Avenue, Gorse Road, Harley Road, Kensington Road, Kenwyn Avenue, Lever Street, Lyceum Avenue, Marlboro Road, Newcastle Avenue, Salisbury Road, Somerset Avenue, St Albans Road, Tyne Avenue, Westmorland Avenue, Weest Park Drive (between Westwood Avenue, Whitegate Drive between Breck Road and Woodland Grove, Newcastle Avenue and Somerset Avenue, Wilkinson Avenue, Woodland Grove.

#### STREETS OR PARTS OF STREETS FOR THE PURPOSE OF THE ISSUE OF VISITORS PERMITS ONLY

All business properties on:

Breck Road, Cumberland Avenue, Glen Street, Gloucester Avenue, Gorse Road, Harley Road, Kensington Road, Kenwyn Avenue, Lever Street, Lyceum Avenue  
Marlboro Road, Newcastle Avenue, Salisbury Road, Somerset Avenue, St Albans Road  
Tyne Avenue, Westmorland Avenue, Westwood Avenue, Wilkinson Avenue, Woodland Grove.