

Article 11



Town Hall
Ingrave Road
Brentwood
Essex CM15 8AY

Brentwood Borough Council On-Street Parking and Waiting Restrictions Order 2002

Brentwood Borough Council (hereinafter referred to as "the Council") pursuant to arrangements made under section 101 of the Local Government Act 1972 with Essex County Council ("the County Council") in exercise of the powers of the County Council under sections 1-4, 32 and 35, 45, 46, 49, 51 and 53 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act") (as amended by the Road Traffic Regulation (Parking) Act 1986) and section 43 and schedule 3 of the Road Traffic Act 1991 ("the 1991 Act") and of all other powers them enabling in that behalf and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby make the following Order, the purpose of which is to incorporate all Residents' Parking Places Orders and Prohibition and Restriction of Waiting Orders into one Order.

PART I

GENERAL

Commencement and Citation

1. (1) This Order shall come into operation on 1st October 2002 and may be cited as the "Brentwood Borough Council (On-Street Parking and Waiting Restrictions) Order 2002" hereinafter referred to as "this Order".
- (2) The Brentwood Borough On-Street Parking and Waiting Plans ("the On-Street Plans") and the Schedules to this Order are incorporated into this Order.

Revocations

2. This Order revokes the various orders listed within Schedule 1 insofar as they relate to On-Street Residents' Parking Places and Prohibition and Restriction on Waiting.

Interpretation

3. (1) Save as otherwise defined within this Order, each and every expression shall have the meaning assigned to it by the Traffic Signs Regulations and General Directions 1994 SI 1519.

“Blue or Orange Badge” has the same meaning as disabled persons badge in the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 2000 SI 682;

“Business Permit” means a Permit issued in accordance with Article 7 of this Order;

“Care Service Worker” means a person in the service of a health authority, local authority, central government or approved private organisation whilst engaged in the provision of care or support services including any individual providing pastoral care;

“Care Service Worker’s Permit” means a Permit issued to a Care Service Worker in accordance with Article 9 of this Order;

“Council Member’s or Officer’s Permit” means a Permit issued to a Council Member or Officer in accordance with Article 10 of this Order;

“Delivering” and “Collecting” in relation to any goods include checking the goods for the purpose of their delivery or collection;

“Dispensation Ticket” means a ticket issued in accordance with Article 15 of this Order;

“Driver” means the person driving or having control or charge of the Vehicle at any given time and in particular in relation to a Vehicle waiting in a Parking Place the person driving at the time it was left in that Parking Place;

“Estate Agent’s Permit” means a Permit issued to an estate agent in accordance with Article 8 of this Order;

“General Prohibition” means the prohibition as set out in Article 11 of this Order;

“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;

“Key” means the Key attached to the On-Street Plans to be read in conjunction with those On-Street Plans;

“Local Service” has the meaning assigned to it by s.2 of the Transport Act 1985;

“Motor Cycle” means a mechanically propelled vehicle not being an invalid carriage with less than four wheels and the weight of which unladen does not exceed 410 kilograms as provided for by s.253(4) of the Road Traffic Act 1960;

“On-Street Plans” means the Brentwood Borough On-Street Parking and Waiting Plans including the Key and the Schedules, which are incorporated in to this Order pursuant to Article 1(2) hereof;

“Operative Hours” means the hours within which the Residents’ Parking Scheme is operative as particularised in the Key to the On-Street Plans;

“Owner” has the meaning assigned to it by s.82(2) and (3) of the Road Traffic Act 1991;

“Parking Attendant” has same meaning as that provided for in s.63A of the 1984 Act;

“Parking Bay” means an area contained within a Parking Place delineated by white markings to indicate the position in which a Vehicle may be parked;

“Parking Disc” means a device which is 125 millimetres square and coloured blue, if issued on or after 1st April 2000 or orange, if issued before that date, has been issued by a local authority and has not ceased to be valid and is capable of showing the quarter hour period during which a period of waiting has begun as provided for in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683;

“Parking Place” means any place where Vehicles, or Vehicles of any class, may wait as set out in s.32(4)(b) of the 1984 Act;

“Passenger Vehicle” means a motor vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than sixteen passengers exclusive of the Driver, and not drawing a trailer;

“Permit” means a Resident’s Permit, Business Permit, Visitor’s Permit, Care Service Worker’s Permit and/or a Council Visitor’s Permit;

“Permit Holder” means a person to whom a Resident’s Permit, Business Permit Visitor’s Permit, Care Service Worker’s Permit or a Council Visitor’s Permit has been issued;

“Public Service Vehicle” has the same meaning as assigned to it by s.1 of the Public Passenger Vehicles Act 1981;

“Relevant Position” means on the dashboard or fascia of the Vehicle or where the Vehicle is not fitted with a dashboard or fascia in a conspicuous position on the Vehicle as described in the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 2000 SI 682;

“Resident” means a person whose principal home is a dwelling in one of the resident parking zone addresses as stipulated in Schedule 3 to this Order;

“Resident’s Permit” means a Permit issued to a Resident in accordance with Article 5 of this Order;

“Road” means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes as set out in s.142(1) of the 1984 Act ;

“Timing Point” means a recognised Timing Point which is the location where a Public Service Vehicle may wait to ensure adherence to a published timetable or local service registration, and includes departure and terminal points, provided that the location has been approved in writing by the Chief Constable and the Highway Authority;

“Traffic Sign” means a device or object as prescribed or authorised under, or having effect as though prescribed or authorised under section 64 of the Act of 1984;

“Universal Service Provider” has the same meaning as that assigned to it in s.4(3) of the Postal Services Act 2000;

“Vehicle” has the same meaning as that assigned to “motor vehicle” in s.136(1) of the 1984 Act;

“Visitor’s Permit” means a permit issued under the provisions of Article 6 of this Order;

“Zone” refers to any one of the resident parking zones shown on the On-Street Plans and identified by Code R in the Key;

- (2) 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

RESIDENTS’ PARKING

General Provision applicable to all Permits

4. (1) A Vehicle displaying a valid Permit will only be validly displaying that Permit where:
- (a) that Vehicle does not exceed the dimensions of 6 metres by 2.3 metres;
 - (b) the registration number identified on the Permit accords with the registration number of the Vehicle displaying the Permit;
 - (c) it has been issued in respect of that Vehicle and is displayed in the front near side corner of the windscreen of the Vehicle, so that all the particulars are visible and can be read in their entirety from the front or near side of the Vehicle at all times during which a Vehicle is left in a Parking Place during the Operative Hours;
 - (d) the Permit Holder complies with the specific requirements for display of that particular type of Permit as stipulated in the following relevant Articles;
 - (e) all the boxes on the face of the Permit have been completed as required by the instructions on the reverse of the Permit or by the application form for the Permit.
- (2) If a Permit is lost or destroyed, the Permit Holder may apply to the Council for a duplicate Permit. Upon the Council being satisfied as to such loss or destruction, it may issue a duplicate Permit so marked and upon such issue the original Permit shall become invalid.
- (3) The charge for the issue of a Permit will be payable in accordance with the provisions of Article 5(1)(b) of this Order and the amount of charge for a Permit will be as set out in Schedule 2 of this Order.

- (4) Upon the surrender of a Permit to the Council, that Permit will become invalid.
- (5) The Council may withdraw a Permit at any time before the expiration of it. In order to withdraw a Permit the Council must serve a notice in writing on the Permit Holder. The Council will serve the notice on the Permit Holder and the Permit shall thereupon immediately become invalid. The Council will serve the notice on the Permit Holder by leaving the notice at the address shown on the application for the Permit or at any other address believed to be that person's place of abode. The Permit Holder must surrender the Permit to the Council within 48 hours of the receipt of the notice.
- (6) A Permit shall cease to be valid at the expiration of the period specified thereon.
- (7) Where the writing on the face of a Permit has been interfered with or altered, that Permit shall cease to be a valid Permit.
- (8) A Permit remains the property of the Council at all times and is not transferable.
- (9) Permit Holders may use the Parking Places contained within the Zone, in accordance with the terms of the Permit issued to them, subject to the provisions of this Order and the On-Street Plans, to leave Vehicles during Operative Hours as stipulated in the Key to the On-Street Plans provided that a valid Permit is displayed in the manner specified herein.
- (10) The validity of a Permit is confined to the Parking Places contained within the Zone to which the Permit applies.

Application for and Issue of Resident's Permits

5. (1) (a) The maximum number of Resident's Permits per household is two, but that will be reduced by the number of the off-street parking spaces available to the applicant. The Council may, in the exercise of its unfettered discretion, issue an additional or lesser number of Resident's Permits per household.
- (b) A Resident who is the main user of a Vehicle which falls into one of the following categories may apply to the Council for a Resident's Permit:
 - (i) a Passenger Vehicle, or
 - (ii) a Goods Vehicle;

and any such application shall be made on an application form issued by the Council and shall include the information requested on the application form. The appropriate fee as referred to in Article 4 and specified in Schedule 2 to this Order must be paid when a Resident submits an application form for a Resident's Permit.
- (2) The Council may at any time before or after the issue of a Resident's Permit require an applicant for a Resident's Permit or a Resident's Permit Holder to produce to an officer of the Council such evidence as they may reasonably require to verify any information given to them or obtained by them in respect of the application for a Resident's Permit.

- (3) On receipt of an application made in accordance with this Article and where the Council is satisfied that the applicant is:
 - (a) a Resident in respect of the Zone for which he applies for a Resident's Permit;
 - (b) and is the main user of a Vehicle

the Council may issue to the applicant a Resident's Permit which shall allow the applicant to leave his Vehicle during the Operative Hours in a Parking Place in such Zone as may be specified.

- (4) Notwithstanding the foregoing, the Council may, in the exercise of its unfettered discretion, issue a Resident's Permit to any given Resident, who appears to the Council to be the main user of a Vehicle falling into one of the categories as specified in Article 5(1)(b) above.
- (5) A Resident's Permit must be displayed in accordance with Article 4 of this Order.

Visitor's Permits

6. (1) Any Resident may purchase from the Council Visitor's Permits for the fee as described in Schedule 2 to this Order.
- (2) Visitor's Permits will only be validly displayed if in accordance with the provisions of Article 4 of this Order and provided that the Driver of the Vehicle displaying the Visitor's Permit is physically present at the dwelling in respect of which the Visitor's Permit has been issued.
- (3) When so displayed the Visitor's Permit will remain valid for the maximum duration printed thereon. It is permissible to cover longer visits by displaying several completed and valid Visitor's Permits in advance.
- (4) Only two Visitor's Permits shall be used or displayed at any one time in respect of one dwelling. The Director of Environmental Services (or such other officer appointed by the Council) may, in the exercise of his unfettered discretion, permit an additional number of Visitor's Permits to be displayed at any given time in respect of one dwelling.
- (5) Before displaying a Visitor's Permit the person in control of the Vehicle to which it is to be affixed shall ensure that the Visitor's Permit has been completed in the manner specified on the Visitor's Permit to show the date and time when the Vehicle was left within the Parking Place.
- (6) The Council may at any time before or after the issue of a Visitor's Permit require an applicant for a Visitor's Permit or a Visitor's Permit Holder to produce to an officer of the Council such evidence as they may reasonably require to verify any information given to them or obtained by them in respect of the application for a Visitor's Permit.
- (7) Where a Vehicle is:
 - (a) under the control of a person undertaking works of repair, a building

operation, demolition, excavation, maintenance, improvement or reconstruction to or at a dwelling in one of the resident parking zone addresses as stipulated in Schedule 3 to this Order; or

(b) under the control of the landlord of a dwelling in one of the resident parking zone addresses as stipulated in Schedule 3 to this Order

that person may apply for a Visitor's Permit in respect of that dwelling in the manner outlined in this Article.

Business Permits

7. (1) The Council may, in the exercise of its unfettered discretion, issue a Business Permit to any individual employing other persons, a company or a firm at an address specified in Zones D or E of Schedule 3. If the application is approved by the Council, the Business Permit shall relate to a specific Vehicle and will not be issued for the business in general. With the exception of Article 6, all the provisions of this Order will apply to the Business Permit and Business Permit Holder.
- (2) The Business Permit will specify the address of the premises of the applicant and will only be used by persons employed at that address.
- (3) The Council may at any time before or after the issue of a Business Permit require an applicant for a Business Permit or a Business Permit Holder to produce to an officer of the Council such evidence as they may reasonably require to verify any information given to them or obtained by them in respect of the application for a Business Permit.
- (4) Business Permits will be displayed in accordance with the provisions of Article 4 of this Order.

Estate Agent's Permit

8. (1) The Council may, in the exercise of its unfettered discretion, issue an Estate Agent's Permit to an estate agent. With the exception of Article 6, all the provisions of this Order will apply to the Estate Agent Permit and Estate Agent Permit Holder.
- (2) The Estate Agent's Permit will specify the address of the premises of the applicant and will only be used by persons employed at that address.
- (3) The Council may at any time before or after the issue of a Estate Agent Permit require an applicant for a Estate Agent's Permit or a Estate Agent Permit Holder to produce to an officer of the Council such evidence as they may reasonably require to verify any information given to them or obtained by them in respect of the application for a Estate Agent's Permit.
- (4) Estate Agent's Permits will be displayed in accordance with the provisions of Article 4 of this Order and in order to be displayed validly, will specify the address being visited by the Estate Agent Permit Holder on each visit.

Care Service Worker's Permits

9. (1) Upon written application by a Care Service Worker on a form approved by the Council and payment of the appropriate fee (as described in Schedule 2 to this Order) the Council may issue the applicant with a Care Service Worker's Permit in respect of the use of a Residents' Parking Place contained in any one or more Zones whenever it considers it reasonably necessary for the exercise of a Care Service Worker's duties.
- (2) The information which the Council deems necessary will be recorded on the Care Service Worker's Permit which will be issued upon the application and payment of the appropriate fee as specified in Schedule 2 being accepted by the Council.
- (3) The Care Service Worker's Permit will be displayed in accordance with the provisions of Article 4 of this Order and in order to be displayed validly, will specify the address being visited by the Care Service Worker Permit Holder on each visit.
- (4) The Council may at any time before or after the issue of a Care Service Worker's Permit require an applicant for a Care Service Worker's Permit or a Care Service Worker's Permit Holder to produce to an officer of the Council such evidence as they may reasonably require to verify any information given to them or obtained by them in respect of the application for a Care Service Worker's Permit.

Council Member's or Officer's Permits

10. (1) Upon written application by a Council Member or Officer on a form approved by the Council, the Council may issue the applicant with a Council Member's or Officer's Permit in respect of the use of Parking Places contained in any one or more Zones whenever it considers it reasonably necessary for the exercise of a Council Member's or Officer's job.
- (2) The information which the Council deems necessary will be recorded on the Council Member's or Officer's Permit which will be issued upon the application in Article 10(1) being accepted by the Council.
- (3) The Council Member's or Officer's Permit will be displayed in accordance with the provisions of Article 4 of this Order.
- (4) The Council may at any time before or after the issue of a Council Member's or Officer's Permit require an applicant for a Council Member's or Officer's Permit or a Council Member's or Officer's Permit Holder to produce to an officer of the Council such evidence as they may reasonably require to verify any information given to them or obtained by them in respect of the application for a Council Member's or Officer's Permit.

PART III

PROVISIONS APPLYING BOTH TO PARKING PLACES AND TO PROHIBITIONS AND RESTRICTIONS ON WAITING

General Prohibition on Stopping or Waiting of Vehicles

11. Save as provided in Article 13 of this Order no person shall cause or permit any Vehicle to stop or wait on areas of Road or sides of the Road as shown on the On-Street Plans where stopping or waiting is not allowed as identified and defined in the Key to the On-Street Plans.

Contravention of the General Prohibition

12. Where a person contravenes the General prohibition set out in Article 11 of this Order, and does not fall into any one of the exemptions in Article 13 of this Order, the Owner of the Vehicle in question shall incur a charge as stipulated in Schedule 2 to this Order but only if the contravention falls into one of the categories contained within the Contravention Codes as set out in Schedule 4 to this Order.

Exemptions to the General Prohibition

13. (1) The following Vehicles are exempt from the General Prohibition as set out in Article 11:
- (a) a Vehicle, necessarily required for use in connection with any of the following operations, namely:-
 - (i) the removal of any obstruction to traffic,
 - (ii) the maintenance, improvement or reconstruction on the areas of Road or sides of Road, and
 - (iii) the laying, erection, alteration or repair in or on land adjacent to the Roads, lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line by a utility organisation while attending to their apparatus;
 - (b) a Vehicle in the service of the Council or any other Local Authority whilst necessarily required for use in connection with highway works, highways and parking enforcement, waste collection or street cleansing activities;
 - (c) a Vehicle which is:
 - (i) required by law to stop; or
 - (ii) obliged to stop so as to prevent an accident; or
 - (iii) prevented from proceeding by circumstances outside his control; or
 - (iv) caused or permitted to stop or wait upon the direction or with the permission of a police constable in uniform.
 - (d) a Public Service Vehicle whilst waiting at an authorised stopping place, terminal or Timing Point;
 - (e) a Vehicle being used for:
 - (i) fire brigade, ambulance or police purposes; or
 - (ii) attending an emergency by a Doctor, a District Nurse or Midwife.
The Council may require evidence to show that there was a genuine

emergency.

- (f) a Vehicle validly displaying a Blue or Orange Badge in the circumstances prescribed in regulations 7, 8 or 9 but subject to the limitation set out in regulation 6(2) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683 .
 - (g) a Vehicle validly displaying in the Relevant Position a Blue or Orange Badge parked in any Resident's Parking Bay at any time.
 - (h) a Vehicle that is waiting only for so long (and in any event no longer than 20 minutes) as to enable Goods to be loaded on or unloaded from the Vehicle save on the areas of Road or sides of the Road where loading or unloading are specifically regulated, as identified and defined and for the periods stipulated in the Key to the On-Street Plans.
 - (i) a Vehicle that is waiting only for so long as is necessary to enable a person to board or alight from that Vehicle, save for the areas of Road and sides of the Road as identified and defined by Code C in the Key to the On-Street Plans.
 - (j) a Vehicle validly displaying a Dispensation Ticket in accordance with the provisions of Article 15 of this Order.
 - (k) a Vehicle in the service of a Universal Service Provider being used for the purpose of Delivering or Collecting postal packets, save for the areas of Road and sides of the Road as identified and defined by Code C in the Key to the On-Street Plans.
 - (l) a Vehicle validly displaying a valid Permit.
 - (m) a Motor Cycle parked in any Residents' Parking Bay at any time.
- (2) If and insofar as a Vehicle described in Articles 13(1)(h)-(m) is parked in a Parking Bay, that Vehicle must be wholly parked within that Parking Bay.

Power to Suspend use of Parking Places

14. (1) Upon written application on a form approved by the Council and upon payment of the appropriate fee (as described in Schedule 2 to this Order) the Council may direct that the use of a Parking Place or any part thereof be suspended whenever it considers such suspension reasonably necessary.
- (2) For the avoidance of doubt, nothing in this Article restricts in any way the discretion afforded to the Council to stipulate such conditions to or grant such exemptions for any suspension directed in accordance with Article 14(1) hereof as it considers reasonably necessary. Notwithstanding the foregoing the exemptions provided for in Articles 13(f) and (g) will apply in respect of a suspended Parking Place.
- (3) A Police Constable in uniform may direct the suspension of 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.

- (4) Where the Council directs that the use of a Parking Place or any part thereof be suspended in accordance with the provisions of paragraph (1) of this Article, the Council will place or cause to be placed in or adjacent to that Parking Place or part thereof, Traffic Signs indicating that Vehicles are prohibited from parking or waiting thereon.
- (5) No person shall cause or permit a Vehicle to be left in any suspended Parking Place or any part thereof:
 - (a) during such period as any suspension directed in accordance with this Article is in force in respect of that Parking Place or any part thereof; and
 - (b) whilst there are in or adjacent to that Parking Place or part thereof Traffic Signs placed in accordance with paragraph (4) of this Article or placed by the police.
- (6) Where a person contravenes Article 14(5), that person shall incur a penalty charge as set out in Schedule 2 to this Order.

Power to Dispense with the General Prohibition in respect of a Parking Place

15. (1) Upon written application on a form approved by the Council and payment of the appropriate fee (as described in Schedule 2 to this Order) the Council may grant a Dispensation Ticket or Dispensation Tickets to the applicant, restricted to a specified Parking Place or places and for a specified period upon a specified date, whenever it consider such grant reasonably necessary for:
 - (a) a wedding or a funeral or similar religious or civil ceremony; or
 - (b) the erection of scaffolding, works of repair, a building operation, demolition, excavation, maintenance, improvement or reconstruction to or at a dwelling-house or business premises; or
 - (c) the convenience of occupiers of premises adjacent to the Parking Place on any occasion for the removal of furniture to or from such premises.
 - (2) A Vehicle displaying a Dispensation Ticket is exempted from the General Prohibition as set out in Article 11 hereof in respect of the Parking Place or places specified therein for the period and date specified thereon.
16. The prohibitions and restrictions imposed by the 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 1984 Act or by or under any other enactment.

**Sealed with the Common Seal of the Brentwood Borough Council this
day of Two Thousand and Two**

MAYOR

ASSISTANT TOWN CLERK

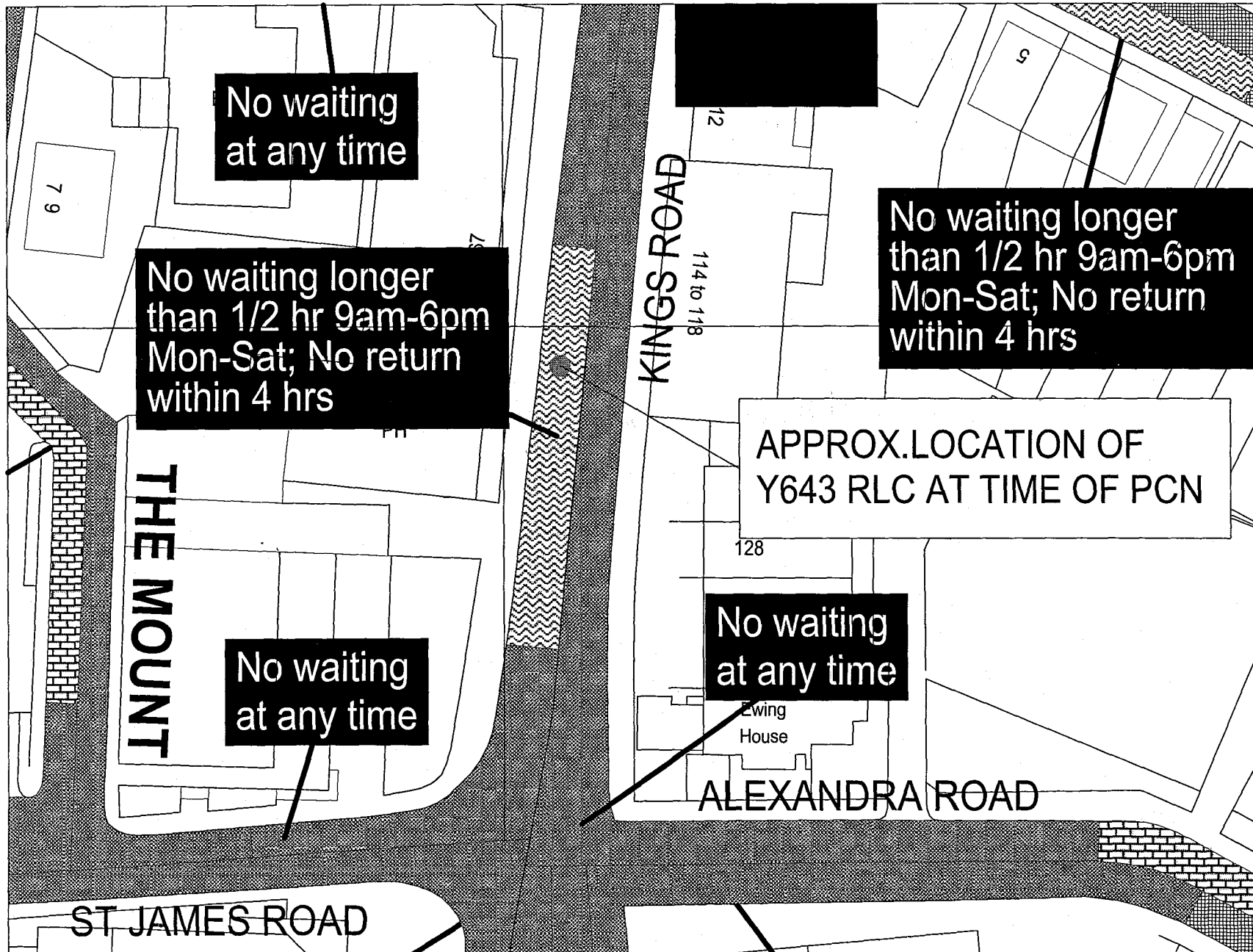


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