

THE BOROUGH COUNCIL OF CALDERDALE
(HAWORTH OLD ROAD, HEBDEN BRIDGE)
EXPERIMENTAL TRAFFIC REGULATION ORDER 2022

The Borough Council of Calderdale in exercise of its powers under Sections 9 and 10 of the Road Traffic Regulation Act 1984 (the "Act") and of all other enabling powers and after consultation with the Chief of Police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

PART 1
GENERAL

Citation and commencement

1. This Order is made on the 14th day of September 2022, shall come into operation on the 26th day of September 2022 and shall be cited as "The Borough Council of Calderdale (Haworth Old Road, Hebden Bridge) Experimental Traffic Regulation Order 2022".
2. This Order is made on an experimental basis and will remain in force for a maximum period of eighteen months.

Interpretation

3. The Interpretation Act 1978 shall apply to this Order as it applies to an Act of Parliament.
4. Where a provision of this Order is in conflict with a provision contained in a previous order, the provisions of this Order shall prevail for the period that this Order is in force.
5. Where a statute, statutory instrument, specification or regulation is referred to such reference shall include an amendment to or replacement thereof.
6. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction, regulation or other requirement imposed by law.
7. For the avoidance of doubt any reference in this Order to a length of Road shall be deemed to be a reference to more than one length of Road where the context requires it. The lengths of Road specified in Schedule 1 to this Order are shown for illustrative purposes only on drawing number:- 72/1267/100/02 annexed hereto.

Definitions

8. In this Order, the following expressions have the meaning hereby respectively assigned to them:-

"Agricultural Vehicle" means a Motor Vehicle which:

- (a) has two or more axles; and

(b) is designed and used as:

- i. a tractor,
- ii. an agricultural material handler; or
- iii. a combine harvester, crop sprayer, forage harvester, pea spray or other similar purpose built agricultural engine;

primarily off the Road for agriculture, horticulture or forestry work.

"Approved App" means a computer programme or software application designed to run on a mobile device such as a smart phone, tablet or watch that has been approved by the Council for the purpose of monitoring parking activity and accepting payment for the issuing and use of a Virtual Permit;

"Authorised Officer" means an individual duly authorised by the Council in writing to exercise any power in this Order;

"Authorised Supplier" means a provider of an Approved App for the purpose of facilitating a cashless transaction to include payment for and issuing of a Virtual Permit;

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council in accordance with Section 76 of the Traffic Management Act 2004;

"Council" means the Borough Council of Calderdale and includes any contractors or authorised agents appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

"Driver" means the person who was driving the Vehicle at the time it was left in the Parking Place and where a separate person acts as steersman of a Vehicle, includes that person as well as any other person engaged in driving the Vehicle;

"Livered Vehicle" means a Vehicle having a distinctive design and colour scheme used to distinguish a police, fire brigade, ambulance, statutory undertaker, Royal Mail or other Universal Service Provider, a Security Company Vehicle, or a Council highway maintenance vehicle;

"Loading or Unloading" means to put something(s) in or take something(s) out of a vehicle on a continuous basis and "Load or Unload" shall be construed accordingly;

"Loading or Unloading of Goods" means the waiting of a Vehicle for the commercial purpose of the delivery of goods to or the receipt of goods from adjacent premises, the volume, weight or bulk of the goods being such that it would not be reasonable to expect the goods to be otherwise delivered or received and such loading or unloading is continuous;

"Motor Vehicle" means a mechanically propelled Vehicle intended or adapted for use on

Roads;

"Parking Place" means any Road or part of a Road designated or authorised for use as a parking place by this Order in accordance with Sections 32, 35, 45 or 46 of the Act;

"Postal Packet" has the same meaning as in the Postal Services Act 2000;

"Permit" means any valid permit issued by the Council or Authorised Supplier for the purpose of authorising a user to wait in a Parking Place in accordance with the terms and conditions of that permit and includes a "Virtual Permit";

"Relevant Position" in respect of a:-

- (a) Permit (other than a Virtual Permit) it means exhibited on the windscreen, dashboard or fascia of the Vehicle or, where the Vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the Vehicle so that the whole of the information on the front of the Permit is clearly legible from outside the Vehicle;
- (d) Virtual Permit it means visible to a Civil Enforcement Officer checking the Vehicle using hand-held electronic equipment or equivalent means for the purpose of checking for a valid Virtual Permit;

"Road" has the same meaning as that in Section 142 of the Act and "Roads" shall be construed accordingly;

"Security Company Vehicle" means a Vehicle used by a person for the primary purpose of carrying out an activity that is licenced or capable of being licensed in accordance with the Private Security Industry Act 2001;

"Traffic Sign" has the same meaning as that in Section 64(1) of the Act and "Traffic Signs" shall be construed accordingly;

"Universal Service Provider" has the same meaning as that in Section 65 of the Postal Services Act 2011;

"Vehicle" has the same meaning as that in Section 136 of the Act;

"Virtual Permit" means a Permit issued electronically via the Council or an Authorised Supplier.

PART 1

CONTRAVENTION

9. Where a contravention of this Order constitutes a parking contravention within the meaning of the Traffic Management Act 2004, the contravention shall be subject to the penalties and procedures provided for by that Act, including the imposition of a penalty

charge in accordance with Schedule 7 of that Act and Regulation 5 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

10. A contravention shall occur for each and every day during which a vehicle is left in contravention of any prohibition or restriction imposed by this Order.

PART 2

PERMIT PARKING

11. The length of Roads specified in Column 1 of Schedule 1 to this Order are authorised for the use as a Parking Place, subject to the following provisions of this Order, for the parking of such classes of Vehicles during such hours on such days and in such positions as are specified in this Order.
12. The limit of the Parking Place shall be indicated by the Council by appropriate Traffic Signs.
13. Subject to Part 4 of this Order, the Driver of a Vehicle shall not permit it to wait in the Parking Place unless it is of the class and in the position of specified in Columns 2 and 3 of Schedule 1 to this Order.
14. Subject to Part 4 of this Order, the Driver of a Vehicle shall not permit it to wait in the Parking Place unless the Vehicle displays in the Relevant Position a valid Permit issued by the Council in respect of that Vehicle
15. Any resident whose usual residence is at premises specified in Column 4 of Schedule 1 to this Order may apply to the Council for a Permit for the leaving of a Vehicle in the Parking Place of the class specified in Column 3 of the said Schedule and any such Permit will only be issued to persons meeting the current eligibility criteria from time to time provided by the Council.
16. No person shall use a Permit or allow a Permit to be used other than in accordance with the terms and conditions issued for that Permit.
17. No person shall cause or permit any Vehicle to be used in the Parking Place in connection with the sale or offering or exposing for sale of goods.

PART 3

SUSPENSION OF PARKING PLACES

18. An Authorised Officer may suspend the use of the Parking Place or any part thereof whenever they consider such suspension reasonably necessary.
19. Where the Parking Place or part of the Parking Place is suspended, the Council shall display a sign at or near to that Parking Place to convey that the Parking Place has been suspended.

20. No person shall cause or permit a Vehicle to wait or Load or Unload in any part of the parking place during such period that the Council has suspended the Parking Place or part thereof.
21. Nothing in the preceding Article shall render it a contravention to cause or permit any Vehicle to wait in the Parking Place or part thereof which has been suspended provided it displays in the Relevant Position a valid Permit issued by the Council for use in the Parking Place whilst suspended and the Vehicle is waiting in accordance with the terms and conditions of the said Permit.

PART 4 **EXEMPTIONS**

22. Notwithstanding Articles 13 and 14 of this Order, any Vehicle may wait in the Parking Place for so long as may be necessary if:-
- a) it is a Livery Vehicle being used for at least one of the following purposes:
 - i. fire and rescue authority;
 - ii. Civil Enforcement Officer;
 - iii. ambulance;
 - iv. providing a response to an emergency at the request of an NHS ambulance service;
 - v. bomb or explosive disposal;
 - vi. special forces;
 - vii. police; and
 - viii. National Crime Agency;
 - b) it is in the service of a local authority which is being used in pursuance of statutory powers or duties;
 - c) it has stopped with the permission or at the direction of:
 - i. a police constable in uniform; or
 - ii. a Civil Enforcement Officer;
 - d) it is prevented from proceeding by circumstances beyond the Driver's control or which has to be stopped in order to avoid injury or damage to persons or property;
 - e) it is a Livery Vehicle which, whilst used by a Universal Service Provider in the

course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for Postal Packets to be collected or delivered;

- f) it is a Livery Vehicle which is stationary in order that it may be used for one or more of the purposes specified below and which cannot be used for such a purpose without stopping:
- i. any operation involving building, demolition or excavation;
 - ii. the removal of any obstruction to traffic;
 - iii. the maintenance, improvement or reconstruction of a Road;
 - iv. constructing, improving, maintaining or cleaning any street furniture;
 - v. the laying, erection, alteration, repair or cleaning of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus kept installed for the purposes of an electronic communications code network or of any other electronic communications apparatus lawfully kept installed in any position; or
 - vi. a Security Company Vehicle being used for the delivery and collection of money or securities to or from any bank of commercial premises
- g) it is waiting for so long as may be necessary to:-
- i. enable a person to board or alight from the Vehicle;
 - ii. open or close a gate or barrier at the entrance to premises to which the Vehicle is being driven or from which it emerged if it is not reasonably practicable to cause the Vehicle to wait elsewhere for the purpose;
 - iii. enable the Loading or Unloading while the Vehicle is in actual use in connection with the removal or delivery of furniture to or from premises adjacent to the Parking Place provided permission is sought and given 24 hours in advance by an Authorised Officer for this purpose;
 - iv. enable the official wedding car(s) or an official hearse and any other Motor Vehicle provided by the funeral director to wait at or near to any premises situated on or adjacent to any length of Road for the purpose of a wedding or funeral;
 - v. in any other case to enable the delivery or Loading or Unloading of Goods to or from premises adjacent to the Parking Place provided the Vehicle does not wait for longer than 30 minutes and subject to any direction to move by a Civil Enforcement Officer or police constable in uniform if reasonably necessary to remove an obstruction to traffic;

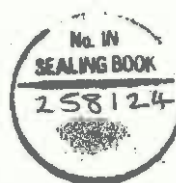
- vi. it is an Agricultural Vehicle being used for agricultural, horticultural or forestry purposes in property adjacent to the Parking Place.

PART 5
MODIFICATIONS

23. This Order includes provision for the Council's Assistant Director, Strategic Infrastructure, or person authorised by the aforementioned officer, to modify or suspend this Order or any provision of it if it appears to him essential:
- a) in the interests of the expeditious, convenient and safe movement of traffic,
 - b) in the interests of providing suitable and adequate on-street parking facilities, or
 - c) for preserving or improving the amenities of the area through which any Road affected by this Order runs.
24. The power in Article 23 shall not include making additions to the Order and shall be exercised only after consulting the appropriate chief officer of police and giving such notice as the Secretary of State may direct.

THE CORPORATE COMMON SEAL
of **THE BOROUGH COUNCIL OF**
CALDERDALE was hereunto affixed
on the 14th day of September 2022 in
the presence of:-

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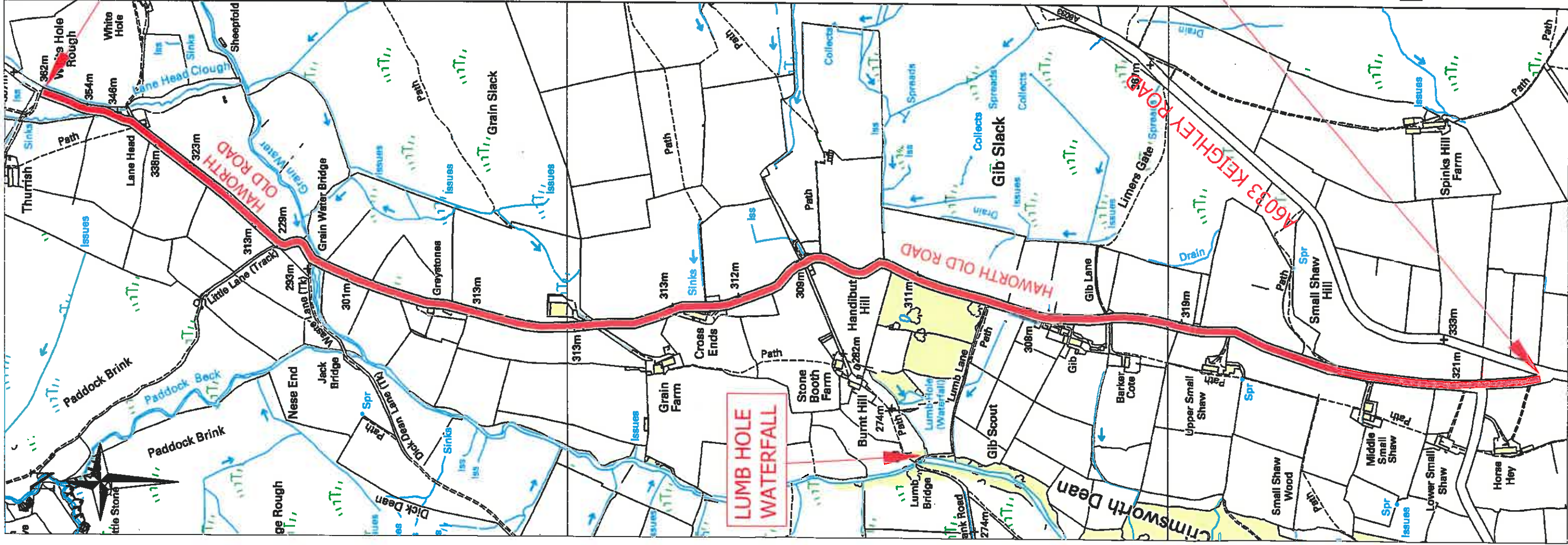


G. S. Sanyal
GURPREET SANYAL
PRINCIPAL SOLICITOR

SCHEDULE 1

RESIDENT PARKING ALL DAYS, ALL HOURS

ITEM	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Part of Road Authorised to be used as a Street Parking Place	Position in which a vehicle may wait	Classes of vehicles permitted to use Parking Places	Persons authorised to use Parking Place	Days of operation of Parking Place	Hours of operation of Parking Place	Maximum period for which vehicles may wait
1	The whole length of the adopted highway of Howarth Old Road which runs from its junction with Keighley Road to a point just past the access road to Thurrish farm. A distance of approx. 1.67 miles (2.68km)	Wholly within the limits of the adopted highway as signed and indicated in Schedule 5, Part 3, Item 5 of the Traffic Signs Regulations and General Directions 2016	All classes of motor vehicles other than vehicles in excess of 3.5 tonnes gross weight	A person whose usual residence is at premises, the postal address of which is Haworth Old Road or Small Shaw Lane, Pecket Well, Hebden Bridge or any other person to whom a special parking permit has been issued by the Council for use on their behalf	All days	All hours	Not applicable



End of the adopted highway and
extent of the proposed restrictions

Proposed length of
Permit Parking only



Erect permit
holders only signs
at junction with
Keighley Road



Provide BUS STOP
marking to
prevent parking

PROJECT TITLE	DATE	CHG.	APPROV.
Proposed Permit Holders Only Parking - Haworth Old Road, Hebden Bridge			
Consultation plan			
Calderdale Council			
STEVEN LEE Assistant Director Strategic Infrastructure and Planning 10/10/2021			
OFFICE PROJECT NUMBER			
CONSULTATION			
DESCRIPTION	FILE SIZE	DATE	DATE
NTS	A3	TZ	6/22
SCALE	NTS	72/1267/100/02	REGION