

COLCHESTER BOROUGH COUNCIL

The Colchester Borough (Culver Street East, Colchester) (Prohibition of Entry) Order 2003

The Colchester Borough Council ("the Council") pursuant to arrangements made under Section 19 of the Local Government Act 2000 with the Essex County Council in exercise of the powers conferred on that County Council under Sections 1(1), 2(1) to (3), 3(2) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

1. This Order may be cited as "The Colchester Borough (Culver Street East, Colchester) (Prohibition of Entry) Order 2003 and shall come into operation on 19 October 2003.

2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description, or a trailer so constructed or adapted, or an "articulated vehicle" within the meaning of Section 138 of the Act

"business employee or owner" means an employee or owner of any business located at premises in the lengths of road specified in Schedule 1 to this Order.

"goods" includes postal packets of any description

"dual purpose vehicle" has the same meaning as in Schedule 6 to the Act

"market or street trader" means any market or street trader who has an allocated pitch in the lengths of road specified in Schedule 1 to this Order

"motor cycle" and "invalid carriageway" have the same meaning respectively as in Section 136 of the Act

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriageway) 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 7 of this Order

"permit holder" means a person to whom a permit has been issued under the provisions of Article 7 of this Order

"resident" means a person whose usual place of abode is at premises the postal address of which is in the lengths of road specified in Schedule 1 to this Order.

3. Save as provided in Articles 4, 5, and 6 of this Order, no person shall except upon the direction of or with the permission of a Police Officer in uniform or a Traffic Warden cause or permit any vehicle to enter or leave the western section of Culver Street East at a point 17 metres west of its junction with Long Wyre Street (hereinafter referred to as the said length of road) between the hours of 8am and 6pm Fridays and Saturdays other than on Bank Holidays.
4. Nothing in Article 3 of this Order shall apply so as to prevent any person from causing or permitting any vehicle to enter or leave the said length of road between the times specified in Article 3 of this Order for the purpose of access to property or premises in or adjacent to the lengths of road specified in Schedule 1 to this Order if the vehicle is a pedestrian-controlled electrically-driven parcel truck, or if it cannot conveniently be used for such purpose in any other road, the vehicle is to be used in the service of the Police, Ambulance Service, Fire Brigade or Colchester Borough Council or in connection with the laying, erection, alteration or repair in, or in land adjacent to the lengths of road specified in Schedule 1 to this Order of any sewer or of any main pipe, telecommunication apparatus or apparatus for the supply of gas, water or electricity.
5. Nothing in Article 3 of this Order shall apply so as to prevent any person from causing or permitting a goods vehicle to enter or leave the said length of road for the purpose of the conveyance of goods or merchandise in or adjacent to the lengths of road specified in Schedule 1 to this Order between the hours of 8am-10am and 5pm-6pm Fridays and Saturdays.
6. Nothing in Article 3 of this Order shall apply so as to prevent such vehicles as are specified in Article 7 of this Order and which display a valid permit issued by the Council in accordance with Article 7 of this Order from entering or leaving the said length of road between the hours of 8am-10am and 5pm-6pm Fridays and Saturdays.
7. (1) Any resident, business employee or owner, or market or street trader who requires access to their property, premises, usual place of abode or market stall located in the lengths of road specified in Schedule 1 to this Order, and who is the owner of a passenger vehicle, a dual purpose vehicle, or a motor cycle, may apply to the Council for the issue of a permit free of charge for the purpose of entering or leaving the said length of road between the hours of 8am-10am and 5pm -6pm Fridays and Saturdays.

(2) On receipt of an application duly made under the provisions of paragraph (1) of this Article, the Council, upon being satisfied that the applicant is a resident or business employee/owner or market or street trader and is the owner or driver of a vehicle of the class specified in paragraph (1) of this Article, shall issue to that applicant:-
 - (a) one permit, or with the express approval of the Council more than one permit, for entering or leaving the said length of road during the hours specified in Article 6;
 - (b) one protective cover per permit for the display therein of a permit.

8. (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 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 sending 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 residence, withdraw a permit if it appears to the Council that any one of the events set out in paragraphs 3(a), (b), (c) or (d) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of such notice.

(3) The events referred to in the foregoing provisions of this Article are:-

- (a) the permit holder ceasing to be a resident, business employee or owner, or market or street trader;
- (b) the vehicle in respect of which such a permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 7 of this Order;
- (c) the issue of a duplicate permit by the Council under the provisions of Article 9 of this Order;
- (d) the permit holder has sold, leased or otherwise licensed the permit for use by persons other than himself/herself.

(4) A permit issued under the provisions of Article 7 of this Order shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events set out in paragraph (3) of this Article, whichever is the earlier.

(5) Where a permit is used by anyone other than the permit holder or a person otherwise authorised to use such permit pursuant to this Order then such permit shall be invalid and the user liable to prosecution under the provisions hereof.

(6) 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 to them as they may reasonably require.

9. (1) If a permit is mutilated or defaced or the figures or particulars on it 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/her of a duplicate permit and the Council, upon receipt of the permit if such receipt is accompanied by an application for a duplicate permit, shall issue a duplicate permit so marked.

(2) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a duplicate permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.

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

10. A permit issued under the provisions of Article 7 of this Order shall be in writing and shall include the following particulars:-

- (1) the index number of the vehicle to which the permit relates;
- (2) the period during which the permit shall remain valid;
- (3) an authentication that the permit has been issued by the Council.

11. When a vehicle has entered the said length of road in accordance with the provisions of Article 6 of this Order there shall be displayed in the protective cover referred to in Article 7 of this Order on the front or near side of the vehicle a valid permit so that all the particulars referred to in Article 10 of this Order are readily visible from the front or near side of the vehicle.

12. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 11 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.

13. The Council are satisfied that for avoiding danger to persons or other traffic using the roads to which this Order relates and for preventing the likelihood of such danger arising, it is requisite that Section 3(1) of the 1984 Act should not apply in relation to this Order.

14. The Orders specified in Column 1 of Schedule 2 to this Order are hereby revoked to the extent specified in Column 2 of Schedule 2.

DATED this 15th day of October 2003.

THE COMMON SEAL OF COLCHESTER)
BOROUGH COUNCIL was hereunto
Affixed in the presence of:-


Mayor


Proper Officer

EMPOWERED BY LOCAL GOVERNMENT NO. 448/03

SCHEDULE 1

Culver Street East, Colchester – the western section, from a point 17 metres west of its junction with Long Wyre Street.

Any other road or length of road which can only be accessed via the western section of Culver Street East.

SCHEDULE 2

1. Title of Order

The Borough of Colchester (Culver Street East, Colchester) (Prohibition of Entry) Order 1984

The Colchester Borough (Various Roads, Colchester Borough) (Special Parking Places) (Waiting Restrictions and Parking Places) Order 2003

2. Extent of revocation

The entire Order

Loading
Places – Culver
Street East -
Following loading
Bays to be
revoked from
8am – 6pm
Fridays and
Saturdays:-

South side from its
Junction with Long
Wyre Street
Westwards for 32m

North side from its
Junction with
St Nicholas Street
Westwards for 35m

