

DENBIGHSHIRE COUNTY COUNCIL
(HIGH STREET AND ADJOINING ROADS, PRESTATYN)
(PROHIBITION AND RESTRICTION OF WAITING
LOADING AND UNLOADING
AND STREET PARKING PLACES) ORDER 2016
ROAD TRAFFIC REGULATION ACT 1984

Denbighshire County Council (hereinafter referred to as "the Council") in exercise of the powers conferred by Sections 1(1) and (2), 2(1) to (3), 4(2), 32 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act of 1984"), as amended and of all other powers them enabling and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order:-

PART I
CITATION AND INTERPRETATION

1. This Order shall come into operation on the 28th day of November 2016 and may be cited as the Denbighshire County Council (High Street and Adjoining Roads Prestatyn) (Prohibition and Restriction of Waiting Loading and Unloading and Street Parking Places) Order 2016

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

"ambulance" has the same meaning as in the Vehicle Excise and Registration Act 1994;

"authorised agent" means the parking services contractor appointed by or duly authorised to act on behalf of the Council for the purposes of the supervision and enforcement of this Order;

"authorised officer" means the Head of Highways and Environmental Services for the Council or any other officer of the Council to be designated by the Council;

"bus" has the same meaning as in Schedule 1 of the 2016 Regulations;

"bus stop" means any area of carriageway, intended for the waiting by buses, which is comprised within and indicated by road markings complying with Schedule 7 Part 4 Item 9 incorporating the words "bus stop" and a sign complying with Schedule 4 Part 3 Item 2 of the 2016 Regulations;

"bus stand" means any area of carriageway, intended for the waiting by buses, which is comprised within and indicated by road markings

complying with Schedule 7 Part 4 Item 9 incorporating the words "Bus Stand" and a sign complying with Schedule 4 Part 3 Item 2 of the 2016 Regulations;

"bus stop clearway" means any area of carriageway intended for the waiting by buses, which is comprised within and indicated by road markings complying with Schedule 7 Part 4 Item 9 and a sign complying with Schedule 4 Part 3 Item 2 of the 2016 Regulations;

"carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

"civil enforcement officer" shall have the same meaning as in Section 76 of the Traffic Management Act 2004

"disabled person's vehicle" has the same meanings as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (Wales) Regulations 2000;

"disabled person's badge" and "parking disc" mean the badge and disc issued by a local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 as amended by The Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2013 or being a badge having effect under these regulations as if it were a disabled person's badge;

"driver", in relation to a vehicle waiting in a parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;

"goods" means goods or burden of any description and 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;

"hackney carriage" means a vehicle licensed under Section 38 of the Vehicle (Excise) Act, 1971;

"immobilisation device" has the same meaning as in Section 104(9) of the Act of 1984;

"institution" means an institution concerned with the care of disabled persons to which a disabled persons badge may be issued in accordance with Section 21(4) of the Chronically Sick and Disabled Persons Act, 1970;

"institutional badge" means a disabled persons badge issued to an institution;

"loading" means the loading or unloading of goods to or from a vehicle;

"motor cycle" and "invalid carriage" have the same meanings as in Section 136 of the Act of 1984;

"motor vehicle" has the same meaning as in Section 136 of the Act of 1984;

"owner", in relation to a vehicle means the person by whom the vehicle is kept. In determining who was the owner of the vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

"parking place" means any parking place indicated on a carriageway by markings in accordance with the 2016 Regulations, on a road designated by an order made or having effect as if made under the Act of 1984;

"penalty charge" shall have the same meaning as in Sections 72, 77 and 78 of the Traffic Management Act 2004

"permitted hours" means the hours identified in the Schedules to this Order;

"relevant position" in respect of: -

- (a) a disabled person's badge, means
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that part 1 of the badge is legible from the outside of the vehicle; or
 - (ii) the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that part 1 of the badge is legible from the outside of the vehicle;

- (b) a disabled person's parking disc, means that the side showing the quarter hour during which the period of waiting began is legible from outside the vehicle;
- (c) a waiver certificate, means
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the permit is exhibited thereon so that the certificate is legible from the outside of the vehicle; or
 - (ii) the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that the certificate is legible from the outside of the vehicle;

"specified position" a vehicle left in a parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand:-

- (a) in the case of the parking place in relation to which special provisions as to the manner of standing of a vehicle in that place are specified so as to be in accordance with those provisions;
- (b) in the case of any other parking place -
 - (i) if the parking place is not in a one-way street, that the left or near-side of the vehicle is adjacent to the left-hand edge of the carriageway;
 - (ii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres;
- (c) so that every part of a vehicle is within the limits of a parking place;
- (d) that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

"specified hours" means the hours identified as referred to in this Order;

"taxi rank" means an area of carriageway which is comprised within and indicated by road markings complying with Schedule 7 Part 4 Items 5 or 7 and a sign complying with Schedule 4 Part 3 Item 1 or 2 of the 2016 Regulations;

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

“The 2016 Regulations” means the Traffic Signs Regulations and General Directions 2016;

“The Act of 1984” means the Road Traffic Regulation Act 1984;

“sign” means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act of 1984.

“waiver certificate” means a certificate duly issued on behalf of the Council permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted;

3. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order. Any reference in this Order to a road or side of road identified in the Schedules to this Order is a reference to all those so identified
4. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.
5. Save where the contrary is indicated, any reference in this Order to:
 - (a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;
 - (b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted.
6. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by Article 29 were Acts of Parliament thereby repealed.

PART II
PROHIBITION AND RESTRICTION OF WAITING

7. Save as provided in Articles 8 to 11 of this Order no person shall, except upon the direction or with the permission of a police constable cause or permit any vehicle to wait on the roads or sides of the roads identified and for the periods identified (or, in the case of a road or side of road where limited waiting is permitted, otherwise than during the period identified) in the Schedules attached to this Order
8. Nothing in Article 7 of this Order shall render it unlawful to cause or permit any vehicle to wait so long as it may be necessary for the purpose of enabling goods to be loaded on or unloaded from the vehicles as stated in the Schedules attached to this Order and for the periods identified therein: Provided that unless notice is given twenty-four hours in advance to the Council and a waiver certificate is obtained, no vehicle shall wait in any road or side of road where loading is restricted during the periods of restriction as identified in the Schedules attached to this Order:
9. (1) Nothing in Article 7 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable:
 - (a) a person to board or alight from the vehicle;
 - (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
 - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths 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 line of telecommunications apparatus as defined in the Telecommunications Act 1984;

- (c) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority, water undertaker, sewerage undertaker or the National Rivers Authority in pursuance of statutory powers or duties;
 - (d) the vehicle of a universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
 - (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths or sides of road;
 - (f) to enable the vehicle to be used for fire brigade, ambulance or police purposes;
 - (g) in any case where the person in control of the vehicle,
 - (i) is required by law to stop;
 - (ii) is obliged to stop so as to prevent an accident, or
 - (iii) is prevented from proceeding by circumstances outside his control;
 - (h) if the vehicle is displaying in the relevant position a valid waiver certificate and is waiting in accordance with the terms and conditions prescribed by the said certificate.
- (2) Nothing in Article 7 of this Order shall render it unlawful to cause or permit any vehicle
- (a) to wait upon an authorised parking place, or
 - (b) being a hackney carriage, to wait upon a taxi rank.
10. Nothing in Article 7 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a Disabled Person's Badge to wait at the sides of the roads identified on the lengths of road referred to in the Schedules to this Order where limited waiting is permitted Provided that if use of the parking place is restricted to a specified class of vehicle the vehicle displaying a Disabled Person's Badge is also of the class specified.
11. Nothing in Article 7 to this Order shall render it unlawful for the driver of a public service vehicle to cause that vehicle to wait at a recognised bus stop or bus stand.

PART III
AUTHORISATION AND USE OF STREET PARKING PLACES

12. (1) The parts of the roads identified in the Schedules to this Order are authorised to be used, subject to the following provisions of this Order, as parking places for such purposes and classes of vehicles, in such positions and on such days and during such hours as identified in the said Schedules.
- (2) Nothing in paragraph (1) of this Article shall restrict the power of this Council or a police constable in uniform, for preventing obstruction of the streets, by Order on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.
- (3) Nothing in paragraph (1) of this article shall restrict the power of the Council or a person designated by the Council to suspend the use of permitted parking places on a length of road or any part thereof whenever he/she considers such suspension reasonably necessary.
13. Save as provided in Article 23 and identified in the Schedules to this Order a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place -
- (a) unless it is of the specified class; or
 - (b) in a position other than that specified.
 - (c) for longer than may be necessary to enable goods to be loaded or unloaded from the vehicle where the parking place is specified in the Schedules as being for loading only
14. (1) Save as provided in Article 23 of this Order the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in relation to that parking place and as identified in the Schedules to this Order
- (2) Save as provided in Article 23 of this Order when a vehicle has left a parking place after waiting thereon the driver thereof shall not permit it to wait again upon that parking place within the time period after its leaving specified for that parking place in the Schedules to this Order
15. A driver of a vehicle shall not use a parking place -

(a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any other persons, or so as to be a nuisance;

(b) when for preventing obstruction of the streets the Council shall by Order made on the occasion of any public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed have closed that parking place and exhibited notice of such closing on or near the parking place.

16. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in a position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
17. Save as provided in Article 23 of this Order no person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
18. (1) No person shall use a vehicle while it is in a parking place in connection with the maintenance or repair of the vehicle other than in the event of a breakdown to enable the vehicle to be removed from the parking place.
- (2) No person shall use any part of a parking place or any vehicle left in a parking place:-
- (a) for sleeping or camping purposes
- (b) for cooking purposes
- (c) for the purpose of servicing or washing or carrying out any work of maintenance or repair to any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place
19. A vehicle being used in the transport of a disabled person which displays in the relevant positions a disabled person's badge and a parking disc left in a parking place shall be exempt from any limitation on time: Provided that if use of the parking place is restricted to a specified class of vehicle the vehicle displaying a disabled person's badge is also of the class specified.
20. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 13 14 or 15 of

this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place.

Provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 13(b) of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

21. Any person removing a vehicle or altering its position by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.
22. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 20 of this Order, he/she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
23. The provisions contained in Articles 13, 14, 16 and 17 of this Order and the restrictions imposed by Article 7 of this Order shall not apply to any hackney carriage while waiting upon a taxi rank or public service vehicle waiting upon a recognised bus stop or bus stand.
24. Notwithstanding the foregoing provisions of this Order, the Council may at its discretion issue a waiver certificate allowing a specific vehicle to wait in a road or a parking place during the hours of operation of any restriction or prohibition to the contrary.
25. A waiver certificate may be cancelled at any time at the sole discretion of the council and shall thereupon immediately cease to be valid.
26. Notification of such cancellation shall be sent by post to the holder of the certificate at any address, which the Council believes to be that person's address, and the certificate shall forthwith be surrendered to the Council.

PART IV PENALTY CHARGE

27. If a person contravenes any provision(s) of this Order they will be liable to pay a penalty charge
28. The penalty charge shall be paid in the manner specified on the penalty charge notice

PART V
REVOCATIONS

29. The following road traffic Orders previously made by Denbighshire County Council are hereby revoked in so far as they relate to the prohibitions and restrictions of waiting and street parking places on the said lengths of road in the Schedules hereto

Denbighshire County Council (Prohibition and Restriction of Waiting and street parking places) (Consolidation) Order 2004

Denbighshire County Council (Various Streets, Prestatyn) (Prohibition of Waiting Loading and Unloading and Street Parking Places) Order 2012

HIGH STREET AND ADJOINING ROADS, PRESTATYN

SCHEDULE 1

No Waiting At Any Time / No Loading At Any Time

Church Lane

Both Sides :-

- 1.1 From the projected northerly kerbline of Nant Hall Road for a distance of 9m in a northerly direction.

SCHEDULE 2

Limited Waiting, 8am – 6pm
1 hour, No return within 1 hour

High Street

East Side :-

- 2.1 From a point 84m north of the projected northerly kerbline of Lon Alwen for a distance of 24m in a southerly direction.
- 2.2 From a point 47m north of the projected northerly kerbline of Lon Alwen for a distance of 18m in a southerly direction.
- 2.3 From a point 2m south of the projected southerly kerbline of Lon Alwen for a distance of 10m in a southerly direction.

Penisardre Road

South Side :-

- 2.4 From a point 14m west of the projected westerly kerbline of High Street for a distance of 15m in a westerly direction.

SCHEDULE 3

Limited Waiting, Mon – Sat, 8am – 6pm
1 hour, No return within 1 hour

High Street

East Side :-

- 3.1 From a point 33m south of the projected southerly kerbline of Nant Hall Road for a distance of 27m in a southerly direction.

- 3.2 From a point 80m south of the projected southerly kerblines of Nant Hall Road for a distance of 258m in a southerly direction.

SCHEDULE 4

**Loading for Goods Vehicles Only 8am – 10am and 4pm – 6pm,
Disabled Holders Only 10am – 4pm, 2 hours, No return within 2 hours**

High Street

West Side :-

- 4.1 From a point 10m south of the projected southerly kerblines of Bridge Road for a distance of 20m in a southerly direction.
- 4.2 From a point 59m south of the projected southerly kerblines of Bridge Road for a distance of 18m in a southerly direction.

Class of vehicle permitted to park

8am to 10am and 4pm to 6pm – Goods vehicles

10am to 4pm - Vehicles displaying a Disabled Persons Badge

Position in which vehicle may park

Wholly within the parking place as marked on the surface of the carriageway by broken white lines.

Times of operation

8am to 6pm

THE COMMON SEAL of DENBIGHSHIRE)
COUNTY COUNCIL was hereunto)
affixed in the presence of:-)

Authorised Signatory

J Cordner



Dated this *21st* day of *November* 2016

SBH/H.14/163

