

CASTLE POINT BOROUGH COUNCIL

THE BOROUGH OF CASTLE POINT (VARIOUS ROADS, CASTLE POINT) (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (WAITING RESTRICTIONS AND STREET PARKING PLACES) CONSOLIDATION ORDER 2004

The Castle Point Borough Council (hereinafter referred to as “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 of the said County Council under Sections 1(1), 2(1), 2(2), 4(2), 32(1), 35(1), 45, 46, 46A, 49 and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

PART I CITATION AND INTERPRETATION

1. This Order shall come into operation on 1st October 2004 and may be cited as the Borough of Castle Point (Various Roads, Castle Point) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, and Street Parking Places) Consolidation Order 2004.
2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :-

“Act” means the Road Traffic Regulation Act 1984;

“2002 Regulations” means the Traffic Signs Regulations and General Directions 2002;

“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 the Order.

“authorised officer” means the Director of Technical Services for the Council or any other officer of the Council (to whom the Council has delegated all relevant powers) to be designated by the Council.

“authorised taxi rank” means any area of carriageway which is comprised within and indicated by a road marking complying with Diagram 1028.2 in Schedule 6 to the 2002 Regulations, and has been advertised in accordance with Section 63 of the Miscellaneous Provisions Act 1976;

“authorised parking place” means any parking place on a road authorised or designated by an Order made or having effect as if made under the Act;

“bus” has the same meaning as in Regulation 22 of the 2002 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 either Diagram 1025.1, 1025.3, or 1025.4 and incorporating the words “Bus Stop” in Schedule 6 to the 2002 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 Diagram 1025.1 in Schedule 6 and a sign complying with Diagram 974 in Schedule 5 to the 2002 Regulations;

“business user’s permit” means a permit issued under the provisions of Article 33 of this Order;

“business user” means a person calling at a residential address within any residents’ parking zone for business purposes only and not purely for the purpose of parking a vehicle within a residents’ parking zone;

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

“Council” means the Borough Council of Castle Point;

“delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection;

“disabled person’s badge”, “disabled person’s vehicle” and “parking disc” have the same meanings as in the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

“doctor” means a “fully registered person” as defined in Section 55 of the Medical Act 1983;

“dual purpose vehicle” has the same meaning as in Schedule 6 to the Act;

“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, which does not exceed 2 tonnes unladen weight but shall not include a trailer so constructed or adapted;

“hackney carriage” means a hackney carriage as defined in Section 38 of the Town Police Clauses Act 1847;

“hackney carriage stand” means an area of carriageway which is comprised within and indicated by road markings complying with Diagram 1028.2 in Schedule 6 to the 2002 Regulations;

“layby” means an area of carriageway intended for the waiting of vehicles and bounded partly by a road marking of the type shown in Diagram 1010 of Schedule 6 to the 2002 Regulations, and partly by the outer edge of that carriageway on the same side of the road as that on which the sign is placed;

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

“main carriageway” means any carriageway used primarily by through traffic and includes any carriageway of a slip road but excludes any layby;

“motor car” means a mechanically propelled vehicle not being a motor cycle or a disabled person’s vehicle which is constructed itself to carry a load or passengers and the weight of which unladen does not exceed 2 tonnes;

“motor cycle” and “invalid carriage” have the same meaning as in Section 136 of the Act;

“owner”, in relation to a vehicle means the person or organisation who is named in the vehicle registration document as the registered keeper of a goods or passenger vehicle or who has the use of such a vehicle in the course of their employment and who is entitled to use such a vehicle as though they were the registered keeper thereof;

“parking attendant” means a person authorised by or on behalf of the Council to supervise and carry out enforcement in respect of any parking area;

“parking bay” means an area within a parking place marked out for the leaving of a vehicle;

“parking disc” means a device issued by the Council showing the date up to which the said disc is valid and registration mark issued pursuant to the Vehicle Excise and Registration Act 1994 of the vehicle in respect of which the said parking disc was issued and parking place in respect of which the said disc is valid;

“parking place” means:

- (a) in respect of residents' parking places, designated disabled parking bays and designated disabled residents' parking places, an area on a highway designated as a parking place by Article 21 of this Order;
- (b) in respect of off-street parking places, any area of land specified by name in Column 1 of Schedule 1 to this Order provided by the Council under Section 32(1) or by agreement under Section 33 of the Act for use as a parking place;

“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 inclusive of the driver, and not drawing a trailer;

“penalty charge” and “reduced penalty charge” mean a charge set by the Council under the provisions of Section 66 of the Road Traffic Act 1991 and with the approval of the Secretary of 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 Road Traffic Act 1991;

“permit” means a permit issued under the provisions of Articles 23, 24, 26, 27, and 29 of this Order;

“permit holder” means a person to whom a permit has been issued under the provisions of Article 23 of this Order;

“permitted hours” means the hours identified on the plans attached to this Order;

“prohibited area” means any area of carriageway shown or intended for the waiting of public service vehicles on the plans attached to this Order which is comprised within and indicated by a road marking complying with either Diagram 1025.1, 1025.3 or 1025.4 in Schedule 6 of the 2002 Regulations;

“registered keeper” in relation to a vehicle shall mean the person in whose name the vehicle was or is at the time registered under the Vehicle (Excise) Act 1971 (or any statutory replacement thereof) and references to the address of such person shall be taken to refer to the address recorded in the record kept under the Act with respect to that vehicle as being that person's address;

“relevant position” in respect of:

- (a) a disabled person's badge or a parking permit, means:
 - (i) in the case of a vehicle fitted with a front windscreen, that the badge or permit is exhibited thereon with the front facing forward on the nearside of and immediately behind the windscreen; or

- (ii) the case of a vehicle not fitted with a front windscreen, that the badge or permit is exhibited on the front nearside of the vehicle;
- (b) a disabled person's parking disc, means that the side showing the time is facing forward or outward and immediately behind the windscreen or side window nearest to the kerb;
- (c) in all cases in (a) and (b) of this Article, the relevant details shall be legible from outside the vehicle and shall continue to be displayed during the whole of the time that the vehicle remains in the parking place;

“resident” means a person whose usual place of abode is at premises the postal address of which is in a road or part of a road identified as a residents' parking zone on the plans attached to this Order;

“road” and “side of road” in respect of waiting restrictions means a length of carriageway intended for the passage of vehicles marked on one or both sides by a road marking of the type shown in Diagram 1017, Diagram 1018.1, or Diagram 1028.4 of the 2002 Regulations, showing the length and side or sides of road on which the restrictions apply.

“specified position” means 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 a parking place:
 - (i) if the parking place is not in a one-way street, that the left or nearside 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;
- (b) so that every part of the vehicle is within the limits of a parking place;
- (c) 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 for parking or unloading places on the plans attached to this Order;

“telegraphic line” has the same meaning as in the Telecommunications Act 1984;

“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 a local service registration, and includes departures and terminal points, provided

that the location has been approved in writing by the Chief Constable and the Highway Authority;

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

“vehicle” means a mechanically propelled vehicle intended or adapted for use on roads (motor vehicle as defined in Section 136(1) of the Act) and a vehicle drawn by a motor vehicle (trailer as defined in Section 136(1) of the Act);

“verge” means any part of a road which is not a carriageway;

“visitor” means a person calling at the address of a resident for social or business purposes only and not purely for the purpose of parking a vehicle within a residents’ parking zone;

“visitor’s ticket” means a permit issued under the provisions of Article 32 of this Order;

“visitor’s permit” means a permit issued under the provisions of Article 32 of this Order;

3. (a) 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.
- (b) Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act and existing at the time when this Order comes into operation and which imposes a restriction or prohibition on waiting by vehicles other than buses in a bus stop clearway or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.
4. The prohibitions 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, 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 for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II
PROHIBITION AND RESTRICTION OF WAITING

7. Save as provided in Articles 8 to 13 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or parking attendant, cause or permit any vehicle to wait on the roads or sides of 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) on the plans 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 vehicle on the roads identified and for the periods identified on the plans 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 in the opinion of a parking attendant, it is not practical to be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - (i) building, excavating or demolition work whilst lawfully and actively engaged in those duties;
 - (ii) the removal of obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths and 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 telegraphic line;
 - (c) the vehicle, if in the opinion of a parking attendant, it is not practical to be used for such purpose in any other road, to be used in the service of a local authority or of a water 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 purposes of delivering and/or collecting mail;

- (e) to enable the vehicle to be used for fire brigade, ambulance or police purposes;
 - (f) 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.
 - (g) to enable the vehicle, if in the opinion of a parking attendant, it is not practical to be used for such purpose in any other road, to be loaded or unloaded while it 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;
- (2) Nothing in Article 7 to this Order shall apply to vehicles waiting in the layby on the north side of High Street, Hadleigh alongside the Church of St. James the Less if the vehicles are being used in connection with church services.
- (3) Nothing in Article 7 to this Order shall apply to any vehicle waiting on the north side of Grove Road, Benfleet, between a point 35 metres east of its junction with High Road and a point 50 metres east of that junction if the vehicle is waiting for the purpose of delivering timber to the premises of A. J. Smith and Son (Benfleet) Limited in Grove Road.
10. Nothing in Article 7 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which is in use at that time by the disabled person and which displays in the relevant position a valid disabled person's badge and a parking disc, on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began, to wait in any of the roads, lengths of road or on any of the sides of road identified on the plans attached to this Order, except designated clearways, for a period not exceeding three hours (not being a period separated by an interval of at less than one hour from a previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day). Provided that in respect of the roads identified in the plans attached to this Order when loading is permitted at all times or limited to certain times such period lies entirely within the period during which loading is permitted.
11. Nothing in Article 7 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which is in use at that time by the disabled person and which displays in the relevant position a valid disabled person's badge to wait at the sides of the roads identified on the plans attached to this Order where limited waiting is permitted.

12. Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act and existing at the time when this Order comes into operation, and which imposes a restriction or prohibition on waiting by vehicles other than a public service vehicle in a bus stop clearway area or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.
13. 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 timing point.

PART III
AUTHORISATION AND USE OF STREET PARKING PLACES

14. (1) The parts of the roads identified on the plans attached to this Order are authorised to be used, subject to the following provisions of this Order, as parking places for such classes of vehicles, in such positions and on such days and during such hours as identified on the plans attached to this Order.

(2) Nothing in paragraph (1) of this Article shall restrict the power of this Council, for preventing obstruction of the streets, by Order on the occasion of any procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.
15. Save as provided in Article 21 of this Order, and identified in the plans attached 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 space:
 - (a) unless it is of the specified class; or
 - (b) in a position other than that specified.
16. (1) Save as provided in Article 21 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 on the plans attached to this Order.

(2) Save as provided in Article 21 of this Order, when a vehicle has left a parking place after waiting thereon the driver thereof shall not, within the period specified in relation to that parking place and as identified on the plans attached to this Order after its leaving, permit it to wait again upon that parking place.
17. 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.
- 18. 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.
- 19. Save as provided in Article 21 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 skills or services.
- 20. A disabled person's vehicle which is in use at that time by the disabled person and which displays in the relevant position a valid disabled person's badge and a parking disc set to the time the vehicle is parked in the parking place, shall be exempt from any limitation on times in a parking place.
- 21. The provisions contained in Articles 15, 16 and 19 of this Order and the restrictions imposed by Article 7 of this Order shall not apply to any hackney carriage while waiting upon an authorised taxi rank.

**PART IV
PERMITTED PARKING PLACES**

DESIGNATION OF PARKING PLACES

- 22. (a) Each area on a highway which is identified as a designated residents' parking place, and for the periods identified on the plans attached to this Order.
- (b) Each area on a highway which is identified as a designated disabled parking bay on the plans attached to this Order shall be marked out according to Schedule 6, Diagram 1028.3 of the 2002 Regulations, together with an upright sign to Diagram 661A, Schedule 2, of the 2002 Regulations.

VEHICLES FOR WHICH PARKING PLACES ARE DESIGNATED:

- 23. Each resident's parking place identified on the plans attached to this Order may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as displayed in the manner specified in Article 30 of this Order a valid resident's, visitor's, or business user's permit issued by the Council in respect of that vehicle.

APPLICATION FOR AND ISSUE OF PERMITS

24. (1) Any resident who is the owner of a passenger vehicle, a goods vehicle, or a motor cycle, may apply to the Council for the issue of a resident's permit for the leaving of that vehicle and any such application shall be made on a form issued by and obtainable from the Council.
- (2) The Council may at any time require an applicant for a residents' permit, including a business users permit, to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they may require to verify any particulars or information given to them or in respect of any permit issued by them or to verify that the permit is valid.
- (3) On receipt of an application duly made under the foregoing provisions of this Article, and of the appropriate fee specified on this Order where applicable, the Council, upon being satisfied that the applicant is a resident and is the owner of the vehicle of the class specified in paragraph (1) of this Article, shall issue to the applicant one permit for the leaving, during the permitted hours where applicable in a parking place of the vehicle to which such permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner and any such permit so issued shall remain the property of the Council at all times and shall on no account be transferable.

SURRENDER, WITHDRAWAL AND VALIDITY OF RESIDENTS' PERMITS:

25. (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 sending the same by first class post to the permit holder at the address shown by that person on the application for the permit or at any other address, withdraw a permit if it appears to the Council that any one of the events set out in paragraph 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 above-mentioned notice.
- (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 vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the Class specified in Article 24 of this Order;

- (d) The issue of a duplicate permit by the Council under the provisions of Article 26 of this Order;
 - (e) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article; and
 - (f) the permit holder contravenes Article 33 of this Order.
- (4) Without prejudice to the foregoing provisions of this Article, a permit shall cease to be valid at the expiration of the period thereon (which period shall be that in respect of which payment has been made) or on the occurrence of any one of the events set out in paragraphs (3)(a), (b), (c), or (d) of this Article, whichever is the earlier.
- (5) Where a resident's permit or a block of ten visitors' tickets 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 has been issued by sending the same by first class post 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.

APPLICATION FOR AN ISSUE OF DUPLICATE RESIDENTS' PERMITS:

26. (1) If a permit is mutilated or accidentally defaced or the figures or particulars there have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall either surrender it to the Council or apply to the Council for the issue to him of a duplicate permit and the Council upon receipt of the permit, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.
- (2) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to them 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 provision 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.
- (4) There shall be a charge of £5.00 for the issue of a duplicate permit under the provisions of this Article.

FORM OF RESIDENTS' PERMITS

27. A permit shall be in writing and include the following particulars:

- (a) the registration mark of the vehicle in respect of which the permit has been issued;
- (b) the period during which, subject to the provisions of Article 25(4) of this Order, the permit shall remain valid;
- (c) an indication that the permit has been issued by the Council;
- (d) a letter identifying the zone within which this permit is valid, except in the case of a business user's permit which shall not be restricted to any one zone.

AMOUNT OF CHARGE:

28. (i) Resident's Permit

The charge in connection with the issue of a resident's permit for the leaving of a vehicle in any parking place during the permitted hours shall, subject as hereinafter provided, be £25.00 for the period of one year to commence on the same date as is specified in Article 24(3) of this Order and annually thereafter, or a lesser amount as may be determined by the Council in the event of the permit applying for a period of less than twelve months.

(ii) Visitor's Permit:

The charge in connection with the issue of a visitor's permit for the leaving of a vehicle in any parking place during the permitted hours shall, subject as hereinafter provided, be £25.00 for the period of one year to commence on the same date as is specified in Article 24(3) of this Order and annually thereafter, or a lesser amount as may be determined by the Council in the event of the permit applying for a period of less than twelve months.

(iii) Visitors' Tickets:

The charge in connection with the issue of a book of visitors' tickets pursuant to Article 32 shall be £5.00 for multiples of 10 tickets.

(iv) Business User's Permit:

The charge in connection with a business user's permit, for the leaving of a vehicle in any parking place during the permitted hours shall, subject as hereinafter provided, be £250.00, plus Value Added Tax if applicable, for the period of one year or a lesser amount as may be determined by the Council in the event of the permit applying for a period of less than twelve months.

PAYMENT OF THE CHARGE IN CONNECTION WITH THE ISSUE OF RESIDENTS' PERMITS:

29. The charge in respect of the issue of a permit for the leaving of a vehicle in a parking place shall be payable in accordance with the provisions of Articles 24 or 33 of this Order, as appropriate.

DISPLAY OF PERMITS:

30. At all times during which a resident's, or business user's vehicle is left in a parking place during the permitted hours there shall be displayed during the whole of the period that the vehicle is parked, in the front nearside corner of the windscreen of the vehicle, a valid resident's or business user's permit issued in respect of that vehicle, or a valid visitor's permit or visitor's ticket issued and displayed under Article 32 of this Order, so that all the particulars referred to in Articles 27, 32 and 33 of this Order are readily visible from the side of the vehicle nearest the kerb.

EXEMPTIONS FOR DISABLED PERSONS' VEHICLES AND MOTOR CYCLES:

31. (1) Any disabled person's vehicle which displays in the relevant position a valid disabled person's badge issued by any local authority, and any motor cycle, shall be exempt from the provisions of Articles 23, 24, 25, 26, 27, 28 and 30 of this Order.
- (2) Without prejudice to the generality of this Article, a vehicle to which this Article applies shall stand in the parking place in accordance with the provisions of Article 36 of this Order, and wholly within the limits of that place.

VISITOR PARKING:

32. (1) Any resident may obtain a visitor's permit from the Council.
- (2) Any resident may initially obtain up to 6 blocks of 10 visitors' tickets and a further block of tickets may be obtained from the Council only upon the surrender of a completed permit card.
- (3) Visitors' permits obtained shall, when used, be displayed in the manner described on the permit.
- (4) In using a visitor's permit the person in control of the vehicle, to which it is to be affixed, shall ensure that the permit has been completed and displayed in the manner described on the permit.

APPLICATION FOR THE ISSUE OF BUSINESS USERS' PERMITS

33. (1) A business trader may apply to the Council for the issue of an annual

business user's permit for the leaving of a vehicle within a specified residents' parking zone and any such application shall be made on a form issued by and obtainable from the Council.

- (2) The provisions of Articles 24(2), 26(1), (2), (3) and (4), 30, and 34 shall apply in respect of business users' permits.
- (3) Upon receipt of an application duly made under the foregoing provisions of this Article, and of the appropriate fee specified in this Order, the Council, upon being satisfied that the applicant is a bona-fide business applicant, shall issue to the applicant a business user's permit for the leaving of a vehicle during the permitted hours in a parking place, and any parking zone, by the business user of such vehicle and any such permit so issued shall remain the property of the Council at all times and shall on no account be transferable.
- (4) A permit shall cease to be valid at the expiration of the period thereon.
- (5) A business permit shall be in writing and include the following particulars:-
 - (a) the registration mark of the vehicle in respect of which the business permit has been issued;
 - (b) an indication that the permit has been issued by the Council;
 - (c) the reference letter of the zone within which the permit is valid;
and
 - (d) the date on which the validity of the permit expires.

IMPROPER USE OF RESIDENTS', VISITORS', OR BUSINESS USERS' PERMITS:

34. The selling of any permit is not allowed nor are any permits transferable. The Council reserves the right to revoke existing permits and refuse to supply any further permits to residents who abuse the residents' parking scheme, either by fraudulent use of permits or by allowing persons, other than bona-fide visitors, to use visitors' permits, or by any other means persistently infringing any of the Articles of this Order.

PLACING OF TRAFFIC SIGNS:

35. The Council shall:
 - (a) cause the limits of each residents' parking place to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Road Traffic Regulation Act 1984;

- (b) place and maintain on or in the vicinity of each parking place traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Road Traffic Regulation Act 1984 indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 23 of this Order; and
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

MANNER OF STANDING IN PARKING PLACES:

36. Every vehicle left in a parking place, disabled parking bay in accordance with the foregoing provisions of this Order shall stand so that:
- (1) (a) where the parking bay, or disabled parking bay is parallel to the edge of the carriageway:
 - (i) it is parallel to the edge of the carriageway;
 - (ii) the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres; or
 - (b) where the parking bay or parking place is not parallel to the edge of the carriageway, the vehicle is parked in accordance with 36(2) below;
- (2) every part of the vehicle is within the limits of the parking place or disabled parking bay; and
- (3) no obstruction is caused to access to land or property adjacent to the parking areas or disabled parking bay or obstruction to the free flow of traffic.

REMOVAL AND DISPOSAL OF VEHICLES AND OTHER THINGS FROM PARKING PLACES:

37. (a) Where the parking attendant is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a vehicle or other thing left in a parking place, the parking attendant or an authorised officer may remove or cause to be removed the vehicle or other thing from the parking place, and where it is so removed, shall provide for the safe custody of the vehicle or other thing.
- (b) Where a vehicle or other thing has been removed from a parking place in accordance with paragraph (a) of this Article the driver, owner of the vehicle or other thing or person authorised by the owner in writing in that behalf shall be required to pay to the Council up to the maximum sum set out in The Removal, Storage and Disposal of Vehicles (Prescribed Sums

and Charges etc.) Regulations 1989 and furnish satisfactory proof of identity.

- (c) Following payment of the sum mentioned in paragraph (b) above and upon production of satisfactory proof of identity the Council shall issue a receipt, together with details of the place where the vehicle or other thing has been impounded.
- (d) Upon production of the receipt given in accordance with paragraph (c) of this Article to an authorised person at the place of impound the vehicle or other thing shall be released to the person producing the receipt.
- (e) any vehicle or other thing removed from the parking place in accordance with paragraph (a) of this Article which appears to the Council to be abandoned shall be disposed of in accordance with the provisions of the Refuse Disposal (Amenity) Act 1978 and its related Regulations.

METHOD OF REMOVING VEHICLES:

38. Any person removing or altering the position of a vehicle or other thing in pursuance of Article 37 of this Order may do so by towing or driving the vehicle or other thing by moving it in such other manner as he may think necessary and may take such measures in relation to the vehicle or other thing as he may think necessary to enable him to remove it or alter its position as the case may be; neither such person nor the Council shall be responsible for any loss or damage to the vehicle or other thing or to anything contained therein or thereon arising from or in consequence of the exercise or the powers contained in this Article and Articles 37 and 39 other than such loss or damage occasioned by the negligence of such person or of the Council.

MOVEMENT OF VEHICLES OR OTHER THING IN PARKING PLACES IN EMERGENCIES:

39. A police constable in uniform or a parking attendant may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle or other thing left in a parking space or disabled parking bay.

POWER TO SUSPEND USE OF PARKING PLACES

40. (1) The parking attendant or any persons duly authorised by the Council may suspend the use of a parking place or disabled parking bay 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 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; or

- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion such as 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.
- (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) 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 or part of a parking place a traffic sign placed in pursuance of paragraph (3) of this Article.

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for any purpose specified in Article 37 of this Order.

MANNER OF WAITING IN PARKING PLACES OR DISABLED PARKING BAYS:

- 41. A person causing or permitting a vehicle to wait in a parking space by virtue of the provisions of Article 43 to this Order, or a disabled parking bay by virtue of the provisions of Article 46 to this Order shall take all such steps as are necessary to ensure that a vehicle stands in accordance with the requirements of Article 36 to this Order.

POWER TO MAKE EXEMPTIONS OR WITHDRAW EXEMPTIONS:

- 42. (1) The Council may determine from time to time to exempt any category of person or class of vehicle from any or all of the provisions of this Order.
- (2) The Council may determine from time to time to withdraw an exemption from any category of person or class of vehicle if it is satisfied there are reasonable grounds for doing so or if the person or vehicle concerned has been guilty of an infringement of this Order.

EXEMPTIONS FOR RESIDENTS' PARKING PLACES:

43. Nothing in this Order shall render it unlawful to cause or permit any vehicle to wait in a parking place or in the lengths of road identified on the plans attached to this Order for so long as may be necessary to enable:
- (a) a person to board or alight from the vehicle;
 - (b) goods to be loaded onto or unloaded from the vehicle;
 - (c) the vehicle, if in the opinion of a parking attendant, it is not practical to 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 of 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;
 - (d) the vehicle, if in the opinion of a parking attendant, it is not practical to be used for such purpose in any other road, to be used in the service of a local authority or of a water authority in pursuance of statutory powers or duties;
 - (e) the vehicle of a universal service provider to be used for the purposes of delivering postal packets as defined in Section 125(1) of the Postal Services Act 2000; or
 - (f) to enable the vehicle to be used for fire brigade, ambulance or police purposes.
44. Nothing in Article 41 of this Order shall render it unlawful to cause or permit a disabled persons' vehicle which displays in the relevant position a valid disabled person's badge, and a parking disc, on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began, to wait on the lengths of road or sides of road referred to in Article 22(a) of this Order.
45. Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act, and existing at the time when this Order comes into operation, and which imposes a restriction of prohibition of waiting by vehicles other than public service vehicles in a bus stop area or grants an exemption from such restriction or prohibition, the provisions of that Order shall prevail.

EXEMPTIONS FOR DISABLED PARKING BAYS:

46. Nothing in this Order shall render it unlawful to cause or permit any vehicle to wait in a disabled parking bay identified on the plans attached to this Order 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) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
 - (ii) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides or road of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line;
 - (c) to enable the vehicle to be used for fire brigade, ambulance or police purposes.

PART V LOADING AND UNLOADING

47. Save as provided in Article 48 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or a parking attendant, cause or permit any vehicle to be loaded or unloaded in the roads or sides of road identified and for the periods identified on the plans attached to this Order.
48. Nothing in Article 47 of this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of road for so long as may be necessary to enable :-
- (a) the vehicle, if in the opinion of a parking attendant, it is not practical to be used for such purpose in any other road, to be used in connection with any of the following operations, namely :-
 - (i) building, excavating or demolition work;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; or
 - (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 telegraphic line;

- (b) the vehicle, if in the opinion of a parking attendant, it is not practical to be used for such purpose in any other road to be used in the service of a local authority or of a water authority in pursuance of statutory powers or duties;
- (c) 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;
- (d) to enable the vehicle to be used for fire brigade, ambulance or police purposes.

PART VI CLEARWAYS

49. Save as provided in Article 50 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a parking attendant in uniform, cause or permit any vehicle to wait on any of the main carriageways and verges comprised in the roads identified and for the periods identified on the plans attached to this Order.
50. Nothing in Article 51 of this Order shall apply:
- (a) so as to prevent a vehicle waiting on any main carriageway or verge referred to in that Article for so long as may be necessary to enable the vehicle to be used in connection with:
 - (i) any building or demolition operation;
 - (ii) the removal of obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the road comprising or including that carriageway; or
 - (iv) the laying, erection, alteration or repair in or near such road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line;
 - (b) to a vehicle being used for fire brigade, ambulance or police purposes;
 - (c) to a vehicle being used in the service of a local authority or of a water authority in pursuance of statutory powers or duties;
 - (d) to a vehicle waiting on any main carriageway referred to in that Article while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is opened or closed,

if it is not reasonably practicable for the vehicle to wait otherwise than on that carriageway;

- (e) to a vehicle waiting when the person is in control of the vehicle :-
 - (i) is required by law to stop;
 - (ii) is obliged to stop to avoid an accident; or
 - (iii) is prevented from proceeding by circumstances outside his control;
 - (f) to prevent a bus stopping at an official bus stop to enable a passenger to board or alight from the bus.
51. No person shall cause or permit any vehicle to wait on any verge immediately adjacent to any of the main carriageways comprised in the roads specified in the Plans attached to this Order for the purpose of selling goods from that vehicle unless the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

PART VII BUS STOP CLEARWAYS

52. Save as provided in Article 53 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a parking attendant in uniform, cause or permit any vehicle other than a public service vehicle to wait in a prohibited area between the hours of 7.00 a.m. and 7.00 p.m. inclusive on any day in the roads identified on the plans attached to this Order.
53. Nothing in Article 52 of this Order shall render it unlawful for a person to cause or permit a vehicle to wait in any of the roads specified therein –
- (a) if the vehicle is being used for the removal of any obstruction to traffic;
 - (b) if the vehicle is being used in the service of a local authority or of a water authority in exercise of statutory powers or duties and whilst being so used in such service it is necessary for the vehicle to wait in that prohibited area;
 - (c) if the vehicle is being used for police, fire brigade or ambulance purposes; or
 - (d) in any case where the person in control of the vehicle :-
 - (i) is required by law to stop;
 - (ii) is obliged to stop to avoid an accident; or

(iii) is prevented from proceeding by circumstances outside his control.

54. In so far as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act and existing at the time when this Order comes into operation, and which imposes a restriction of prohibition on waiting by vehicles other than public service vehicles in any of the roads specified therein or grants an exemption from such restriction of prohibition, that provision of that Order shall prevail.

PART VIII CONTRAVENTION OF ORDER

55. If a vehicle is left in contravention of any provisions of this Order, a penalty charge of £60.00, discounted to £30.00 if paid within fourteen days (the reduced penalty charge), shall become payable in respect of each day or part thereof that the vehicle is left and in the case of a vehicle in respect of which a penalty charge has been incurred, the parking attendant shall attach to the vehicle in a conspicuous position a penalty charge notice which shall indicate the following particulars :-

- (1) The date and time that the parking contravention occurred;
- (2) the vehicle registration number;
- (3) the make and colour of the vehicle;
- (4) the location of the vehicle;
- (5) details of the alleged parking contravention;
- (6) details of the penalty charge payable;
- (7) instructions on how and when to pay the penalty charge.
- (8) instructions on how and when an enquiry or formal representation against the issue of the penalty charge may be made;
- (9) the penalty charge number.

56. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 78 of this Order, no person shall remove the notice from the vehicle other than the driver of the vehicle or a person duly authorised to do so by the driver.

57. The penalty charge shall be paid to the Council within 28 days in accordance with the instructions contained on the penalty charge notice.

**PART IX
DISPENSATIONS AND SUSPENSIONS**

58. The Council may issue a dispensation permitting a vehicle or vehicles to park lawfully in what otherwise would be a contravention of this Order.
59. The fee for a dispensation is £15 for 7 days.
60. The Council may suspend a parking place which includes resident , disabled or other permit bays, where circumstances require. A suspension does not remove the legal status of the parking place but removes it temporarily for a specific section of road and duration.

**PART X
REVOCATIONS**

61. The following Orders are hereby revoked. Their provisions relating to waiting restrictions and street parking places are re-enacted in this Order. Their provisions relating to one-way traffic, prohibition of turning movements and prohibition of driving are re-enacted in the The Borough of Castle Point (Various Roads, Castle Point) (One-Way Traffic, Prohibition of Turning Movements, and Prohibition of Driving) Consolidation Order 2004

COMPLETE REVOCATIONS

- (1) The District of Castle Point (Grove Road, Benfleet) (Restriction of Waiting) Order, 1976.
- (2) The District of Castle Point (Ferry Road Area, Benfleet) (Regulation of Traffic) Order, 1980.
- (3) The District of Castle Point (Layby outside 131-141 Eversley Road, Thundersley) (Disabled Persons Vehicles) (Street Parking Place) Order 1981.
- (4) The District of Castle Point (Grove Road and Crescent Road, Benfleet) (Restriction of Waiting) Order, 1982.
- (5) The District of Castle Point (Kiln Road (A13), Hermitage Avenue and Netherfield, Thundersley) (Prohibition and Restriction of Waiting) Order, 1982.
- (6) The District of Castle Point (Various Roads, South Benfleet) (Consolidation of Waiting Restrictions and One-Way Traffic) Order, 1983.
- (7) The District of Castle Point (Various Roads, South Benfleet) (Consolidation of Waiting Restrictions and One-Way Traffic Order, 1983) (Amendment No.1) Order, 1984.

- (8) The District of Castle Point (Ferry Road Area, Benfleet) (Regulation of Traffic Order, 1980) (Amendment No.1) Order 1985.
- (9) The District of Castle Point (Hadleigh Central Area) (Prohibition and Restriction of Waiting and Regulation of Turning Movements) Order, 1989.
- (10) The District of Castle Point (Hadleigh Central Area) (Prohibition and Restriction of Waiting and Regulation of Turning Movements Order, 1989) (Amendment No.1) Order 1989.
- (11) The District of Castle Point (Hadleigh Central Area) (Prohibition and Restriction of Waiting and Regulation of Turning Movements Order, 1989) (Amendment No.2) Order 1991.
- (12) The District of Castle Point (Various Roads, South Benfleet) (Consolidation of Waiting Restrictions and One-Way Traffic Order, 1983) (Amendment No.2) Order, 1991.
- (13) The District of Castle Point (Ferry Road Area, Benfleet) (Regulation of Traffic Order, 1980) (Amendment No.2) Order 1991.
- (14) Castle Point Borough Council, The District of Castle Point (Various Roads, South Benfleet) (Consolidation of Waiting Restrictions and One-Way Traffic Order, 1983) (Amendment No.3) Order, 1992.
- (15) Castle Point Borough Council, The District of Castle Point (Hadleigh Central Area) (Prohibition and Restriction of Waiting and Regulation of Turning Movements Order, 1989) (Amendment No.3) Order 1993.
- (16) Castle Point Borough Council, The District of Castle Point (Hadleigh Central Area) (Prohibition and Restriction of Waiting and Regulation of Turning Movements Order, 1989) (Amendment No.4) Order 1994.
- (17) Castle Point Borough Council, The Classified A13 (Sadlers Farm Roundabout to Boundary with Southend-on-Sea) (Urban Clearway) Order 1996.
- (18) The Borough of Castle Point (Various Roads, Castle Point) (Control of Parking) Order 2000.
- (19) The Borough of Castle Point (Consolidation) Order 2000.
- (20) Castle Point Borough Council, The District of Castle Point (Hadleigh Central Area) (Prohibition and Restriction of Waiting and Regulation of Turning Movements Order, 1989) (Amendment No.5) Order 2000.
- (21) The Borough of Castle Point (Consolidation Order 2000) (Amendment No.1) Order 2001.

