

Essex County Council (Various Roads, Tendring District) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions & Street Parking Places) Consolidation Order 2006

Essex County Council (hereinafter referred to as "the Council") in exercise of the powers conferred on the District Council under under Sections 1(1), 2(1) to (3), 4(2), 32(1), 45, 46, 46A, 49 and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act"), as amended, and in exercise of the and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, hereby makes the following Order:-

**PART I
CITATION AND INTERPRETATION**

1. This Order shall come into operation on the 30th day of December 2006 and may be cited as "Essex County Council (Various Roads, Tendring District) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions & Street Parking Places) Consolidation Order 2006"

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

"the 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 officer" means the Head of Technical and Procurement Services for the District Council or any other officer of the District Council (to whom the District Council has delegated all relevant powers) to be designated by the District 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 Regulations;

"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 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 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;

"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;

"District Council" means the District Council of Tendring

"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 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 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 Regulations;

"layby" means an area of carriageway intended for the waiting of vehicles and bounded partly by a traffic sign of the type shown in diagram 1010 of Schedule 6 to the 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;

"loading place" means any area on a highway designated by this Order;

"machine" means a device approved in accordance with Section 35(3) of the Act, and the provisions of Section 47(5) of the Act shall apply in respect of such device;

"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 persons' vehicle which is constructed itself to carry a load or passengers and the weight of which unladen does not exceed two tons;

"motorcycle" and "invalid carriage" have the same meaning as in Section 136 of the Act;

"owner", in relation to a vehicle means a resident 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 his employment and who is entitled to use such a vehicle as though he were the registered keeper thereof;

"parking attendant" means a person authorised by or on behalf of the District 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 permit" means a device issued by the District Council showing the date up to which the said permit is valid and registration mark issued pursuant to the Vehicle Excise and Registration Act 1994 of the vehicle in respect of which the said permit was issued and parking place in respect of which the said permit is valid;

"parking place" means in respect of residents' parking places, designated disabled persons parking bays and designated goods vehicle loading bays, an area on a highway designated as a parking place by Articles 13 and 22 of this Order;

"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 exclusive 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 District 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 24, 25, 26, 27 and 28 of this Order;

"permit holder" means a person to whom a permit has been issued under the provisions of Article 24 of this Order;

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

"prohibited area" means any area of carriageway shown as 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 Regulations;

"relevant position" in respect of:

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- (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 on the nearside of and immediately behind the windscreen with the front facing forward so as to be visible and legible from the outside of the vehicle; or
 - (ii) the case of a vehicle not fitted with a front windscreen, that the badge or permit is exhibited on the front or 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;

"resident" means a person whose usual place of work or abode is at premises the postal address of which is Castle Road, Herbert Road, Meredith Road, Old Road (even numbers only between Nos 100 and 150, odd numbers only between Nos 113 and 119), Page Road, Priors Road, St Andrews Road, Stanwyn Avenue, or Wellesley Road (odd

numbers only between Nos 59 and 79) Clacton-on-Sea; or Nelson Road, Dovercourt

"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 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 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;
- (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 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 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;

"trade licence" and "trade plate" have the same meaning as in the Road Vehicles (Registration and Licensing) Regulations 1971;

"traffic 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;

"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 the residents' parking place;

"visitor's permit" means a permit issued under the provisions of Article 28 of this Order.

3. (a) Except where otherwise stated, any reference in this Order to a numbered Article is a reference to the Article 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.

PART II PROHIBITION AND RESTRICTION OF WAITING

6. Save as provided in Articles 7 to 12 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 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) on the plans attached to this Order.

7. Nothing in Article 6 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 on the roads identified and for the periods identified on the plans attached to this Order.
8. (1) Nothing in Article 6 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, excavating or demolition work whilst lawfully and actively engaged on those duties;
 - (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 telegraphic line;
 - (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 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 purpose 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.

(2) Nothing in Article 6 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 hackney stand.

9. Nothing in Article 6 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a valid and legible 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 or where loading is prohibited, for a period not exceeding three hours (not being a period separated by an interval of 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.
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10. Nothing in Article 6 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a valid and legible 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.
11. 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.
12. Nothing in Article 6 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.
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PART III
AUTHORISATION AND USE OF ON-STREET PARKING PLACES
(including Loading Bays, Limited Waiting and Disabled Persons' Parking Places)

13. (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 the Council or the District Council, 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.
14. Save as provided in Article 20 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 place:
- (a) unless it is of the specified class; or
- (b) in a position other than that specified.
15. (1) Save as provided in Article 20 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 20 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.
16. 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;
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- (b) when for preventing obstruction of the streets the Council or the District 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.

- (c) for sleeping or camping purposes;
 - (d) for cooking purposes; or
 - (e) for the purpose of repairing, servicing or washing any vehicle part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
17. 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.
18. Save as provided in Article 20 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.
19. The following vehicle left in a parking place shall be exempt from any limitation on times, namely a vehicle left by the driver thereof, being a disabled person's vehicle which displays in the relevant position a legible and valid disabled person's badge and a parking disc.
20. The provisions contained in Article 14, 15 and 18 of this Order and the restrictions imposed by Article 6 of this Order shall not apply to any hackney carriage while waiting upon a hackney stand.

EXEMPTIONS FOR DISABLED PARKING BAYS:

21. 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 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) to enable the vehicle to be used for fire brigade, ambulance or police purposes.

PART IV PERMITTED PARKING AREAS

DESIGNATION OF PARKING PLACES:

22. 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, shall be marked out according to Schedule 6, Diagram 1028.3 of the Regulations.

VEHICLES FOR WHICH PARKING PLACES ARE DESIGNATED:

23. Each residents' 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 31 of this Order a legible and valid residents' or visitors' permit issued by the District Council in respect of that vehicle.

APPLICATION FOR AND ISSUE OF PERMITS:

24. (1) Any resident who is the owner of a vehicle of the following class, that is to say a passenger vehicle, a goods vehicle, or a motor cycle, may apply to the District Council for the issue of a residents' permit for the leaving of that vehicle and any such application shall be made on a form issued by and obtainable from the District Council.
- (2) The District Council may at any time require an applicant for a residents' permit or such a permit holder to produce to an officer of the District 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 District Council, upon being satisfied that the applicant is a resident and is the owner of a 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 District 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 District Council at any time and shall surrender a permit to the District Council on the occurrence of any one of the events set out in paragraph (3) of this Article.
- (2) The District 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 District 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 District 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 withdrawal of such permit by the District Council under the provisions of paragraph (2) of this Article;
 - (d) 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;
 - (e) the issue of a duplicate permit by the District Council under the provisions of Article 26 of this Order;
 - (f) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article; and
 - (g) the permit holder contravenes Article 36 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), (d) or (e) of this Article, whichever is the earlier.

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 District Council or apply to the District Council for the issue to him of a duplicate permit and the District 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 District Council for the issue to him of a duplicate permit and the District 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.

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 the permit shall remain valid;
 - (c) the parking place to which the permit relates; and
 - (d) an indication that the permit has been issued by the District Council.

VISITORS' PERMITS:

28. (1) For the purpose of facilitating parking by visitors to any resident of a length of street subject to a permit scheme the District Council may issue a set of twenty visitors permits to any resident for the parking place on payment of the charge specified in Article 29 of this Order. The resident may then issue all or any such permits on a daily basis at a charge not exceeding 50p per day to bona fide visitors to any resident provided that the remaining Articles of this Order shall apply to visitors' permits as they apply to permits.
- (2) A visitor's permit shall be valid only on the day it becomes valid.

- (3) A visitor's permit shall not be transferred from the vehicle on which it was first displayed to any other vehicle.

AMOUNT OF CHARGE:

29. (1) Residents' Permits:

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 £35.00 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 District Council in the event of the permit applying for a period of less than twelve months.

(2) Visitors' Permits:

The charge in connection with the issue of a visitor's permit pursuant to Article 28 shall be 50pence.

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

30. 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 Article 24 of this Order, as appropriate.

DISPLAY OF PERMITS:

31. At all times during which a resident's vehicle is left in a parking place during the permitted hours there shall be displayed in the front near side corner of the windscreen of the vehicle, a valid and legible residents' permit issued in respect of that vehicle, so that all the particulars referred to in Article 27 of this Order are readily visible from the side of the vehicle nearest the kerb.

RESTRICTION ON THE REMOVAL OF PERMITS:

32. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 31 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 of the vehicle.

EXEMPTIONS FOR DISABLED PERSONS' VEHICLES:

33. (1) Any disabled person's vehicle which displays in the relevant position a valid and legible disabled person's badge issued by any local authority, shall be exempt from the provisions of

Articles 23, 24(1) to (3), 25, 26, 27, 28, 29, 30 and 31 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(1), (2) and (3) of this Order, and wholly within the limits of that place.

IMPROPER USE OF RESIDENTS' OR VISITORS' PERMITS:

34. The selling of any permit is not allowed nor are any permits transferable. The District Council reserves the right to revoke existing permits and refuse to supply any further permits to:
 - (i) 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 in this Order; or
 - (ii) permits to disabled residents who abuse the disabled residents' parking scheme by fraudulent use of permits or by any other means persistently infringing any of the Articles of this Order.

PLACING OF TRAFFIC SIGNS:

35. The Council shall:
 - (1) 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 Act;
 - (2) place and maintain on or in the vicinity of each residents' parking place traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Act 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
 - (3) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a residents' parking place.

MANNER OF STANDING IN PARKING PLACES:

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36. Every vehicle left in a residents' parking place in accordance with the foregoing provisions of this Order shall stand so that:
 - (1) (a) where the residents' parking place 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 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; and
- (3) no obstruction is caused to access to land or property adjacent to the residents parking place 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 District 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 District 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 District 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 or 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 District 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 of 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 District 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 residents' parking space.

POWER TO SUSPEND USE OF PARKING PLACES:

40. (1) A parking attendant or any other person duly authorised by the District Council may suspend the use of a residents' parking place 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 43 of this Order.

MANNER OF WAITING IN RESIDENTS' PARKING PLACES:

- 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, shall take all such steps as are necessary to ensure that the vehicle stands in accordance with the requirements of Article 36 of this Order.

POWER TO MAKE EXEMPTIONS OR WITHDRAW EXEMPTIONS:

- 42. (1) The District 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 District Council may determine from time to time to withdraw an exemption from any category of person or class of vehicle if it is satisfied that there are reasonable grounds for so doing 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 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 telegraphic line;
- (d) 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 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 or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000; or
- (f) the vehicle to be used for fire brigade purposes, an ambulance, a vehicle under the control of a Doctor on duty for so long as may be necessary for him/her to visit a patient, or a vehicle in the service of a health authority or an NHS Trust or a vehicle in the service of a police force;
- (g) the vehicle not being a passenger vehicle 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 depository or to such premises from a depository;
- (h) the vehicle is under the control of a person undertaking works or repairs to or at premises adjacent to the parking place;

44. Nothing in Article 41 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a valid and legible 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 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 or prohibition of waiting by vehicles other

than public service vehicles in a bus stop area or grants an exemption from such restriction or prohibition, that provision of that Order shall prevail.

PART V

PROHIBITION OF LOADING AND UNLOADING

46. Save as provided in Article 47 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.
47. Nothing in Article 46 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) a person to board or alight from the vehicle;
 - (b) the vehicle, if it cannot conveniently be used for such purposes 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;
 - (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 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 purpose of delivering and/or collecting mail;
 - (e) to enable the vehicle to be used for fire brigade, ambulance or police purposes.
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PART VI CLEARWAYS

48. Save as provided in Article 49 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform, traffic warden, or a parking attendant, 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.

49. Nothing in Article 48 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 any 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 being used for the purpose of delivering or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000;

(e) 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;

(f) to a vehicle waiting when 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;

50. 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 Schedule 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 CONTRAVENTION OF ORDER

51. If a vehicle is left in contravention of any provisions of this Order, a 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 of the alleged offence.
- (2) The vehicle registration number.
- (3) The make and colour of the vehicle.
- (4) The location of the vehicle.
- (5) Details of the alleged offence.
- (6) Details of the penalty payable.
- (7) Instructions on how and where to pay.
- (8) Instructions on how and when an enquiry and/or a formal representation against the issue of the penalty may be made.
- (9) The reference number of the penalty charge notice.

52. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 51 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.

53. The penalty charge shall be paid to the District Council in accordance with the instructions contained on the penalty charge notice.

PART VIII REVOCATIONS

54. The following orders are revoked:-

Tendring District Council (Various Roads, Tendring District) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Street Parking Places And Off Street Parking Places) Consolidation Order 2005

District of Tendring (Off Street Parking Places) Consolidation Order 2005

The District of Tendring (Various Roads, Tendring District) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Street Parking Places And Off Street Parking Places) Amendment Order (No.1) 2006

The District of Tendring (Various Roads, Tendring District) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Street Parking Places And Off Street Parking Places) Amendment Order (No.) 2006

The District of Tendring (Various Roads, Tendring District) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Street Parking Places And Off Street Parking Places) Amendment Order (No.1) 2005

The District of Tendring (Various Roads, Tendring District) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Street Parking Places And Off Street Parking Places) Amendment Order (No.2) 2005

The Essex County Council (Cavendish Drive And Long Road, Lawford) (Prohibition And Restriction Of Waiting) Order 2004

The Essex County Council (Various Roads, St Osyth) (Prohibition And Restriction Of Waiting) Order 2001

Essex County Council (Brightlingsea) (Prohibition And Restriction Of Waiting, Prohibition Of Loading and Unloading And On Street Parking Places) Order 2003

The Essex County Council (A133 Little Clacton And Weeley Heath Bypass) (Clearway) Order 1995

The Essex County Council (A133 Little Clacton And Weeley Heath Bypass – Stage 2B) (Clearway) Order 1995

The Essex County Council (Weeley) (Clearway) Order 2004

The Essex County Council (A120 Dovercourt Bypass) (Clearway) (Variation) Order 1995

Sealed with the Common Seal of the Essex County Council this Twenty-second day of December Two Thousand and Six.

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

David E. Thomas

Attesting Officer

