ROAD TRAFFIC REGULATION ACT 1984 LANCASHIRE COUNTY COUNCIL (FISHERGATE AREA, PRESTON, PRESTON CITY) (REVOCATION AND INTRODUCTION OF PARKING RESTRICTIONS) ORDER 2015

The County Council of Lancashire ("the Council") in exercise of its powers under Sections 1, 2 and 4 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended ("the Act") and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

1. <u>Definitions and Interpretation</u>

For all the purposes of this Order the terms described in this Article shall have the meanings specified:

- a) "Civil Enforcement Officer" means a person authorised by or on behalf of Lancashire County Council in accordance with Section 76 of the Traffic Management Act 2004;
- b) "Disabled Person's Badge" means a badge which was
 - i) issued, or has effect as if issued, to a disabled person or an institution under The Disabled Person's (Badges for Motor Vehicles) (England) Regulations or under regulations having effect in Scotland or Wales under Section 21 of the Chronically Sick and Disabled Person's Act 1970; and
 - ii) has not ceased to be in force.
- c) "Disabled Person's Parking Place" means any area of highway described in schedule 2, indicated by a road marking approved by the Department for Transport, in which disabled person's vehicles may wait when displaying a disabled person's badge and parking disk in the relevant position.
- d) "Disabled Person's Vehicle" means a Vehicle displaying a Disabled Person's Badge in the circumstances prescribed in Regulations 13, 14, 15 or 16 of The Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000.
- e) "Goods Vehicle" means a motor Vehicle or trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description.
- **f)** "Loading Bay" means any area of highway described in schedule 3, indicated by a road marking approved by the Department for Transport, in which Vehicles may wait only if engaged in the Loading or Unloading of goods.
- "Loading" and "Unloading" means the continuous transference from (or to) a Vehicle to (or from) premises adjacent to where the Vehicle is parked of heavy or unmanageable goods that are not designed to be carried by hand other than over a very short distance.
- h) "Parking Disc" means a device which -
 - is 125 millimetres square and coloured blue, if issued on or after 1st April 2000, or orange if issued before that date;
 - ii) has been issued by a local authority and has not ceased to be valid; and
 - iii) is capable of showing the quarter hour period during which a period of

waiting has begun.

- i) "Parking Place" means any area of the highway, as described in schedules 2, 3 and 6.
- j) "Penalty Charge Notice" means a notice served by a Civil Enforcement Officer pursuant to the provisions of section 78 of the 2004 Act and supporting regulations.
- k) A Vehicle displays a Disabled Person's Badge in the "Relevant Position" if
 - i) the badge is exhibited on the dashboard or fascia of the Vehicle, or
 - ii) where the Vehicle is not fitted with a dashboard or fascia the badge is exhibited in a conspicuous position on the Vehicle, so that the front of the badge is clearly legible from the outside of the Vehicle.
- I) A Vehicle displays a Parking Disc in the "Relevant Position" if
 - i) the disc is exhibited on the dashboard or fascia of the Vehicle; or
 - ii) where the Vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the Vehicle, so that when marked to show the quarter hour period during which a period of waiting began that period is clearly legible from the outside of the Vehicle.
- **m)** "Vehicle" means a motor Vehicle, a passenger Vehicle, a dual-purpose Vehicle, a Goods Vehicle, a motorcycle or an invalid carriage or any other Vehicle of any description whether drawn or propelled along a road by animal or mechanical power:

2. Revocations

- a) Those parts of the "Lancashire County Council (Preston Area) (On Street Parking Places, Prohibition And Restriction Of Waiting) Consolidation Order 2009" set out in Schedule 1 to this Order, are hereby revoked.
- b) That part of the "Lancashire County Council (Church Street and Fishergate, Preston, Preston City) (Revocation, Prohibition of waiting, prohibition of waiting, prohibition of loading and taxi rank) Order 2013" as set out in Schedule 1 to this Order is hereby revoked.

3. Disabled Parking Bay

Save as is hereinafter provided no person shall, except upon the direction or with the permission of a police constable in uniform, or a civil enforcement officer, cause or permit any vehicle to wait in the lengths of road set out in schedule 2 to this Order, unless that vehicle is a Disabled Persons Vehicle.

4. Goods Vehicle Loading Bay

Save as is hereinafter provided no person shall, except upon the direction or with the permission of a police constable in uniform, or a civil enforcement officer, cause or permit any vehicle to wait, at any time, on any day in the lengths of road set out in Schedule 3 to this Order, unless that vehicle is a Goods Vehicle which is engaged in Loading or Unloading.

5. Prohibition of Waiting

Save as is hereinafter provided, no person shall, except upon the direction or with the permission of a police constable in uniform, or a civil enforcement officer, cause or permit any vehicle to wait at any time on any day in the lengths of road set out in schedule 4 to this Order.

6. Restriction of Waiting

Save as in hereinafter provided, no person shall, except upon the direction or with the permission of a police constable in uniform, or a civil enforcement officer, cause or permit any vehicle to wait between 08:00 and 19:00, on any day, in the lengths of road set out in schedule 5 to this Order.

7. Limited Waiting

Save as is hereinafter provided, no person shall, except upon direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer cause or permit any vehicle to wait for a period exceeding one hour, with no return within two hours, from Monday to Saturday inclusively between 08:00 until 18:00, in the Parking Place set out in schedule 6 to this Order.

8. Prohibition of Loading

- a) Save as is hereinafter provided no person shall, except upon the direction or with the permission of a police constable in uniform, or a civil enforcement officer cause or permit any vehicle to Load or Unload at any time, on any day, in the lengths of road set out in Schedule 7 to this Order.
- b) Save as is hereinafter provided no person shall, except upon the direction or with the permission of a police constable in uniform, or a civil enforcement officer cause or permit any vehicle to Load or Unload from 08:15 until 09:15 and from 16:30 until 18:30, on any day, in the lengths of road set out in Schedule 8 to this Order.
- c) Save as is hereinafter provided no person shall, except upon the direction or with the permission of a police constable in uniform, or a civil enforcement officer cause or permit any vehicle to Load or Unload from 08:15 until 09:15 and from 16:30 until 18:30 between Monday and Friday inclusively, in the lengths of road set out in Schedule 9 to this Order.
- d) Save as is hereinafter provided no person shall, except upon the direction or with the permission of a police constable in uniform, or a civil enforcement officer cause or permit any vehicle to Load or Unload from 08:00 until 18:00 between Monday and Saturday inclusively, in the lengths of road set out in Schedule 10 to this Order.
- e) Save as is hereinafter provided no person shall, except upon the direction or with the permission of a police constable in uniform, or a civil enforcement officer cause or permit any vehicle to Load or Unload from 11:00 until 16:00 on any day, in the lengths of road set out in Schedule 11 to this Order.

9. General Exemptions

Nothing in Articles 3, 4, 5, 6 and 7 to this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred to 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:-
- i) building, industrial or demolition operations;

- ii) the removal of any obstruction to traffic;
- iii) the maintenance, improvement or reconstruction of the said lengths of roads;
- iv) the laying, erection, alteration or repair in or in land adjacent to the said lengths of road of any sewer or of any main, pipe or apparatus or the exercise of any other statutory power or duty for the maintenance and supply of gas, water or electricity or of any telecommunications system as defined in Section 4 of the Telecommunications Act 1984;
- c) the vehicle to be used for the purposes of a local authority in pursuance of statutory powers or duties if it cannot conveniently be used for such purpose in any other road;
- d) a Royal Mail liveried vehicle engaged in the collection and/or delivery of letters in accordance with the statutory provisions as defined in the Postal Services Act 2000;
- e) the vehicle to be used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties;
- f) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths of road for so long as such waiting by the vehicle is reasonably necessary in connection with any wedding or funeral.

9A. General Exemptions

Nothing in Articles 3, 5, 6 and 7 to this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable goods to be loaded on to or unloaded from the vehicle;

10. Exemptions to Article 8

Nothing in Article 8 to this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred to 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:
 - i) building, industrial or demolition operations;
 - ii) the removal of any obstruction to traffic;
 - iii) the maintenance, improvement or reconstruction of the said lengths of roads;
 - iv) the laying, erection, alteration or repair in or in land adjacent to the said lengths of road of any sewer or of any main, pipe or apparatus or the exercise of any other statutory power or duty for the maintenance and supply of gas, water or electricity or of any telecommunications system as defined in Section 4 of the Telecommunications Act 1984;
- c) the vehicle to be used for the purposes of a local authority in pursuance of statutory powers or duties if it cannot conveniently be used for such purpose in any other road;
- d) the vehicle to be used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties;

11. Exemptions for disabled person's vehicles

- a. Nothing in Articles 5 and 6 of this Order shall render it unlawful to cause or permit any vehicle to wait in the length of road referred to therein, 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 on the same day) if the vehicle is a disabled person's vehicle which displays in the relevant position both a disabled person's badge and a parking disc marked to show the quarter hour period during which the period of waiting began.
- b. Nothing in Articles 3 and 7 of this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of roads referred to therein if the vehicle is a vehicle which displays in the relevant position both a disabled person's badge and a parking disc marked to show the quarter hour period during which the period of waiting began.

12. Additional Exemptions

Nothing in Articles 3, 4, 5, 6, 7 or 8 of this Order shall render it unlawful to cause or permit any vehicle to wait, in the length of road referred to therein When the person in control of the vehicle

- i. is required by law to stop;
- ii. is obliged to stop in order to avoid an accident; or
- iii. is prevented from proceeding along the road due to circumstances beyond his/her control

13. Manner of standing in a Parking Place

- a) 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, or depart from, the parking place.
- b) Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall be left so that every part of the vehicle is within the limits of the parking place.
- c) A driver of a vehicle shall not use a parking place so as unreasonably to prevent access to any premises adjoining a road or the use of a road by other persons or so as to be a nuisance.

14. Alteration of position of a vehicle in a Parking Place

Where any vehicle is left standing in a parking place in contravention of the provisions of Article 13 of this Order, a police constable in uniform or a civil enforcement officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

15. Removal of a Vehicle from a Parking Place

Where a police constable in uniform or a civil enforcement officer is of the opinion that any of the provisions contained in Article 13 of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he/she may remove or cause to be removed the vehicle from the said parking place, and where it is so removed, shall provide for the safe custody of the said vehicle.

16. Movement of a Vehicle in a Parking Place in an Emergency

- a) A police constable in uniform or a civil enforcement officer may in case of emergency move or cause to be moved any vehicle left in a Parking Place to any place he thinks fit and shall provide for the safe custody of the vehicle.
- b) A person causing or permitting a vehicle to wait in a Parking Place by virtue of the provisions of paragraph a) of this Article shall take all such steps as are necessary to ensure that in the

case of a Parking Place it shall stand in accordance with Article 13 so that every part of the vehicle is within the limits of the Parking Place.

17. Power to suspend use of Parking Places

- a) The Council's duly authorised officer may suspend the use of a Parking Place or any part thereof whenever he/she considers such suspensions reasonably necessary and make such charge for the administration of this service, as may from time to time be determined by the Council.
- b) A police constable in uniform may suspend for not longer than 7 days the use of a Parking Place or any part thereof whenever he/she considers such suspension reasonably necessary for the purpose of mitigating congestion or obstruction of traffic or a danger to or from traffic in consequence of extraordinary circumstances.
- c) Any persons suspending the use of a Parking Place or any part thereof in accordance with the provisions of paragraph a) or b) of this Article shall thereupon place or cause to be placed in or adjacent to any part of that Parking Place the use of which is suspended, an authorised Traffic Sign or cone indicating that waiting by Vehicles is prohibited.
- d) No person shall cause or permit a Vehicle to be left in any part of a Parking Place during such period when an authorised Traffic Sign or cone is placed in or adjacent to that part of the Parking Place pursuant to paragraph c) of this Article provided that this paragraph shall not apply to a Vehicle:
 - i) being used by the respective Fire or Police Authority or Ambulance Health Trust to deal with an emergency; or
 - ii) being used for any purpose specified in Article 12; or
 - iii) left in such Parking Place with the permission of the person suspending the use of the Parking Place.

18. Restriction of use of a vehicle in a parking place

While any vehicle is in the lengths of road set out in the schedules to this Order, no person shall use the said vehicle in connection with the sale of any article to any person in or near the parking place or in connection with the selling of or offering for sale of his/her skills or services.

19. Effect of Contravention

Failure by a person to comply with any prohibition or restriction contained within this order or any subsequent orders shall constitute a contravention of the same and shall result in the issue by Lancashire County Council and/or it's Agents of a Penalty Charge Notice which shall be payable by such persons in accordance with the legislation.

20. Miscellaneous

The prohibitions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any regulations made, or having effect as if made, under the Act or by or under any other enactment.

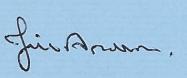
21. Commencement of Order

This Order shall come into force on the 14th September 2015 and may be cited as the "Lancashire County Council (Fishergate Area, Preston, Preston City) (Revocation And Introduction Of Parking Restrictions) Order 2015."

Dated this 4th day of September 2015.

THE COMMON SEAL of the Lancashire County Council was hereunto affixed following a decision made on the 26th day of May 2015 by the Cabinet Member for Highways and Transport

Authorised Signatory





Schedule 1 - Revocations

- a) Schedule 1.02 item 2, 3a and 3b
- b) Schedule 2.04 items 2 and 3
- c) Schedule 3.01 items 32 (i) and 32 (ii)
- d) Schedule 8.08 Items 1 (i) and 1 (ii)
- e) Schedule 10.01 items 86, 109 a(i), 109 a(iii), 153a(i), 153a(ii), 153a(iv), 153a(v), 153a(vi), 156, 160, 270, 271, 419a and 440a(i)
- f) the whole of Schedule 10.04
- g) Schedule 11.008 item 3
- h) Schedule 11.009 item 7
- i) Schedule 11.075 item 88
- j) Schedule 11.076 item 3
- i) Schedule 13.01 items 11a(i), 15, 25 and 34a(i)
- m) Schedule 14.04 item 2
- n) Schedule 14.10 items 1, 2, 3 and 5
- o) Schedule 14.20 items 3a and 4
- p) the whole of Schedule 14.30

Schedule 4, Item I to the "Lancashire County Council (Church Street and Fishergate, Preston, Preston City) (Revocation, Prohibition of waiting, prohibition of waiting, prohibition of loading and taxi rank) Order 2013"

Schedule 2 - Disabled Parking Places

- a) Charnley Street, all sides, from a point 14 metres north of the centreline of Fishergate for a distance of 6 metres in a northerly direction covering the entire carriageway.
- b) Lune Street, from a point 82 metres north of the centreline of Fishergate to a point 97 metres north of the centreline of Fishergate.

<u>Schedule 3 – Goods Vehicle Loading Bays</u>

- a) Charnley Street, the west side, from a point 30 metres north of the centreline of Fishergate for a distance of 15 metres in a northerly direction.
- b) Corporation Street, the north-west side, from a point 70 metres north-east of the centreline of Falkland Street for a distance of 15 metres in a north-easterly direction.
- c) Fishergate, the north side, from a point 41 metres west of the centreline of Fox Street for a distance of 21 metres in a westerly direction.
- d) Fishergate, the south side, from the centreline of Lune Street for a distance of 20 metres in a westerly direction.
- e) Fox Street, the east side, from a point 86.5 metres north of the centreline of Fishergate to a point 101.5 metres north of the centreline of Fishergate.
- f) Fox Street, the east side, from a point 115.5 metres north of the centreline of Fishergate to a point 125.5 metres north of the centreline of Fishergate.
- g) Lune Street, the west side, from a point 14 metres north of the centreline of Fishergate to a point 30 metres north of the centreline of Fishergate.
- h) Lune Street, the west side, from a point 97 metres north of the centreline of Fishergate to a point 112 metres north of the centreline of Fishergate.

Schedule 4 - Prohibition of Waiting At Any Time

- a) Chapel Street, the east side, from its junction with Fishergate to its junction with Winckley Square North.
- b) Chapel Street, the west side, from its junction with Fishergate to a point 39 metres south of the centreline of Fishergate.
- c) Charnley Street, the east side, from a point 20 metres north of the centreline of Fishergate to its junction with Corporation Street.
- d) Charnley Street, the west side, from a point 20 metres north of the centreline of Fishergate for a distance of 10 metres in a northerly direction.
- e) Corporation Street, the north west side, from a point 85 metres north-east of the centreline of Falkland Street to its junction with Ring Way.
- f) Corporation Street, the north west side, from the centreline of Falkland Street to a point 70 metres north-east of the centreline of Falkland Street.
- g) Corporation Street, the south east side, from its junction with Fishergate to its junction with Ring Way.
- h) Fishergate, the north side, from a point 98 metres west of the centreline of Fox Street for a distance of 20 metres in a westerly direction.
- i) Fishergate, the north side, from a point 41 metres west of the centreline of Fox Street to its junction with Chapel Walks.
- j) Fishergate, the north side, from a point 62 metres west of the centreline of Fox Street to a point 98 metres west of the centreline of Fox Street.
- k) Fishergate, the north side, from a point 118 metres west of the centreline of Fox Street to the centreline of Pitt Street.
- I) Fishergate, the south side, from its junction with Pitt Street to a point 20 metres west of the centreline of Lune Street.
- m) Fishergate, the south side, from the centreline of Lune Street to the centreline of Winckley Street.
- n) Fishergate, the south side, Glovers Court to its junction with Winckley Street.
- o) Fleet Street, both sides, for its entire length.

- p) Fox Street, the east side, from its junction with Fishergate to its junction with Surgeon's Court.
- q) Fox Street, the east side, from a point 58 metres north of the centreline of Fishergate to a point 69 metres north of the centreline of Fishergate.
- r) Fox Street, the east side, from a point 101.5 metres north of the centreline of Fishergate to a point 115.5 metres north of the centreline of Fishergate.
- s) Fox Street, the east side, from a point 125.5 metres north of the centreline of Fishergate to its northern extent.
- t) Fox Street, the west side, for its entire length.
- u) Lune Street Link, both sides, for the entire length of the link road providing access to the off street car park off the Lune Street/Fleet Street junction.
- v) Lune Street, the east side, from its junction with Chapel Walks to its junction with Fleet Street.
- w) Lune Street, the east side, from its junction with Chapel Walks to its junction with Fishergate.
- x)Lune Street, the west side, from a point 30 metres north of the centreline of Fishergate to a point 42 metres north of the centreline of Fishergate.
- y) Lune Street, the west side, from its junction with Fishergate to a point 14 metres north of the centreline of Fishergate.
- z) Lune Street, the west side, from a point 72 metres north of the centreline of Fishergate to a point 82 metres north of the centreline of Fishergate.
- aa) Lune Street, the west side, from a point 112 metres north of the centreline of Fishergate to its junction with Fleet Street.
- ab) St Wilfrid Street, the north side, from its junction with Fox Street to a point 61 metres east of the centreline of Charnley Street.
- ac) Theatre Street, the east side, from the centreline of Fishergate for a distance of 18 metres in a southerly direction.

Schedule 5 - Restriction of Waiting 08:00 until 19:00

Chapel Street, the west side from a point 39 metres south of the centreline of Fishergate to the southern limit of Winckley Square North.

Schedule 6 – Limited Waiting, 1 hour, no return within 2 hours, Monday to Saturday between 08:00 and 18:00

Lune Street, the west side, from a point 42 metres north of the centreline of Fishergate to a point 72 metres north of the centreline of Fishergate.

Schedule 7 - Prohibition of Loading at Any Time

- a) Chapel Street, both sides, from its junction with Fishergate to a point 39 metres south of the centreline of Fishergate.
- b) Charnley, the east side, from a point 20 metres north of the centreline of Fishergate to its junction with Corporation Street.
- c) Charnley Street, the west side, from a point 20 metres north of the centreline of Fishergate for a distance of 10 metres in a northerly direction.
- d) Corporation Street, the north-west side, from a point 85 metres north-east of the centreline of Falkland Street to its junction with Ring Way.
- e) Corporation Street, the north-west side, from the centreline of Falkland Street to a point 70 metres north-east of the centreline of Falkland Street.
- f) Corporation Street, the south-east side, from its junction with Fishergate to its junction with Ring Way.
- g) Fishergate, the north side, from a point 98 metres west of the centreline of Fox Street for a distance of 20 metres in a westerly direction.
- h) Fishergate, the north side, from a point 41 metres west of the centreline of Fox Street to its junction with Chapel Walks.
- i) Fishergate, the north side, from a point 118 metres west of the centreline of Fox Street to the centreline of Pitt Street

- j) Fishergate, the north side, from a point 62 metres west of the centreline of Fox Street to a point 98 metres west of the centreline of Fox Street.
- k) Fishergate, the south side, from the centreline of Pitt Street to a point 20 metres west of the centreline of Lune Street.
- I) Fishergate, the south side, from the centreline of Lune Street to the centreline of Winckley Street.
- m) Fleet Street, the north side, for its entire length.
- n) Fox Street, both sides, from its junction with Fishergate to its junction with Surgeon's Court
- o) Fox Street, the east side, from a point 125.5 metres north of the centreline of Fishergate to its northern extent
- p) Fox Street, the west side, from a point 130 metres north of the centreline of Fishergate to its northern extent.
- q) Lune Street, the east side, from its junction with Chapel Walks to its junction with Fleet Street.
- r) Lune Street, the east side, from its junction with Chapel Walks to its junction with Fishergate.
- s) Lune Street, the west side, from a point 112 metres north of the centreline of Fishergate to its junction with Fleet Street.
- t) Mount Street, both sides, from the centreline of Fishergate for a distance of 17 metres in a southerly direction.
- u) Theatre Street, the east side, from the centreline of Fishergate for a distance of 18 metres in a southerly direction.

<u>Schedule 8 – prohibition of loading from 8:15am until 9:15am and from 4:30pm until 6:30pm</u>

- a) Chapel Street, the east side, from a point 39 metres south of the centreline of Fishergate to its junction with Winckley Square North.
- b) Chapel Street, the west side, from a point 39 metres south of the centreline of Fishergate to the southern limit of Winckley Square North.
- c) Fishergate, the north side, from its junction with Cheapside to its junction with Winckley Street.
- d) Fishergate, the south side, from its junction with Church Street to its junction with Winckley Street.
- e) Fleet Street, the south side, for its entire length.

<u>Schedule 9 - Prohibition of Loading from Monday to Friday from 8:15am until 9:15am and from 4:30pm until 6:30pm</u>

Fishergate/Fishergate Hill, both sides, from the centreline of Pitt Street to its junction with Strand Road.

Schedule 10 - Prohibition of Loading from Monday to Saturday between 8am and 6pm Fox Street, the west side, from its junction with Surgeon's Court to a point 130 metres north of the centreline of Fishergate.

Schedule 11 - Prohibition of Loading between 11am and 4pm

Lune Street Link, both sides for the entire length of the link road providing access to the off street car park off the Lune Street/Fleet Street junction.

