

ROAD TRAFFIC REGULATION ACT 1984
LANCASHIRE COUNTY COUNCIL
(COASTAL ROAD, HEST BANK, LANCASTER CITY) (POLICE VEHICLE PARKING PLACE) ORDER 2023

The County Council of Lancashire ("the Council") in exercise of its powers under Sections 1, 2 and 4 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. Definitions and Interpretation

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

- a) "**Centreline**" means the centre line of a highway as shown on Ordnance Survey graphical information systems at the time that the Order was prepared;
- b) "**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;
- c) "**Parking Place**" means any length of road subject to restriction in accordance with Article 2;
- d) "**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;
- e) "**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. Police Vehicle Parking Place

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 stop or wait in the Police Vehicle Parking Place set out in the Schedule to this Order, unless that Vehicle is a Police Vehicle.

3. General Exemptions

Nothing in Article 2 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the length of road referred to therein for so long as may be necessary to enable:-

- a) 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 road;
 - iv) the laying, erection, alteration or repair in or near 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.
- b) 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;

- c) the Vehicle to be used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties.

4. Emergency Exemptions

Nothing in Article 2 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:-

- a) Is required by law to stop;
- b) Is obliged to stop in order to avoid an accident; or
- c) Is prevented from proceeding along the road due to circumstances beyond his/her control.

5. 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.

6. 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 5 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.

7. 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 5 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.

8. 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 this Order 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 5 so that every part of the Vehicle is within the limits of the Parking Place.

9. 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 4; or
 - iii) left in such Parking Place with the permission of the person suspending the use of the Parking Place.

10. Restriction of use of a Vehicle in a Parking Place

While any Vehicle is in the lengths of road specified in Article 2 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.

11. Miscellaneous

The prohibition 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.

12. 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 its agents of a Penalty Charge Notice which shall be payable by such persons in accordance with the legislation.

13. Commencement of Order

This Order shall come into force on the 28th day of July 2023 and may be cited as the "Lancashire County Council (Coastal Road, Hest Bank, Lancaster City) (Police Vehicle Parking Place) Order 2023".

Dated this 19th day of July 2023.

THE COMMON SEAL of the Lancashire County Council was hereunto affixed pursuant to the Scheme of Delegation to Chief Officers.



Authorised Signatory

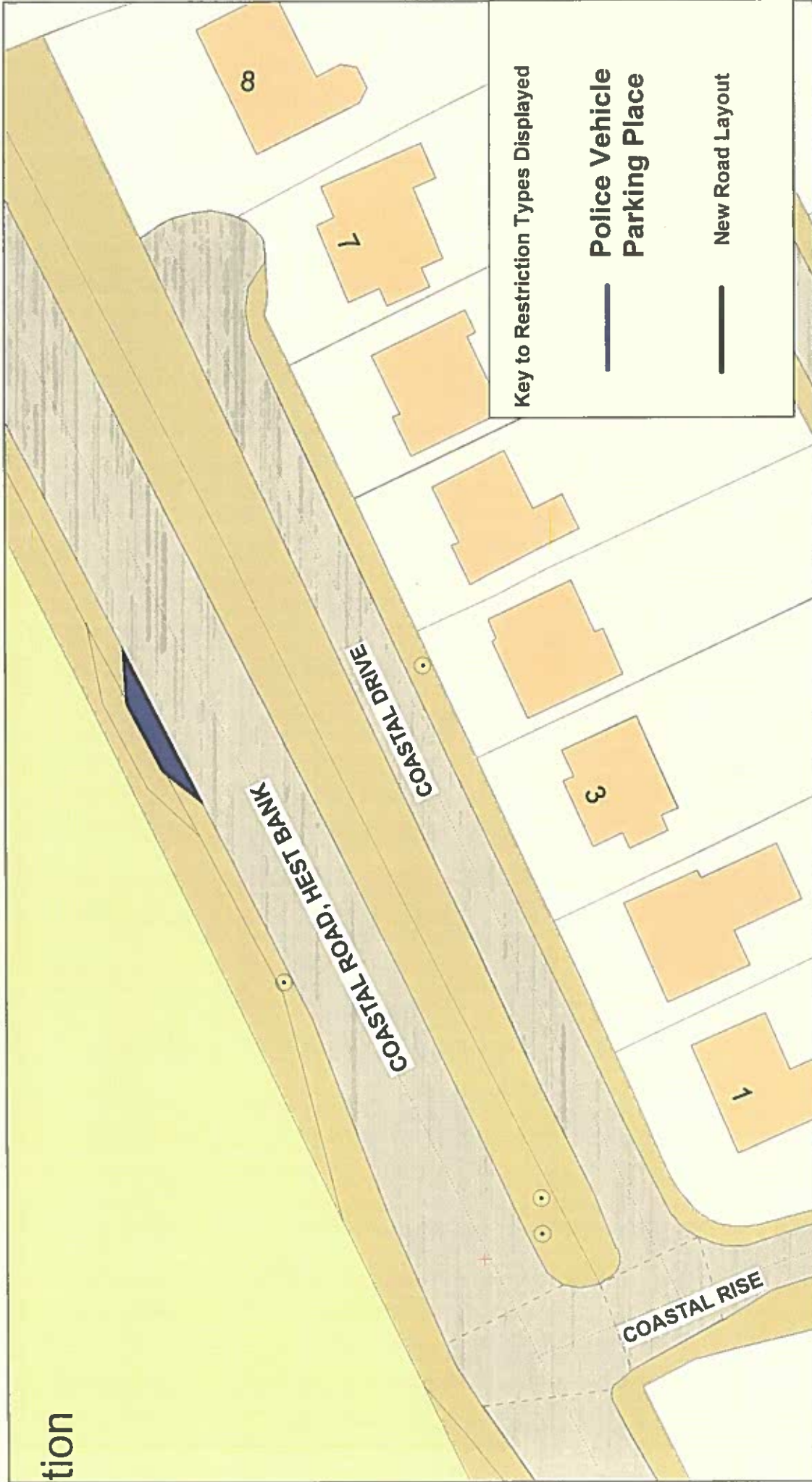


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Schedule – Police Vehicle Parking Place

Coastal Road, Hest Bank, the north west side, from a point 61 metres north east of its junction with the centreline of coastal rise for a distance of 16 metres in a north easterly direction.

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Key to Restriction Types Displayed

— Police Vehicle
 — Parking Place
 - - - New Road Layout

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 Director of Highways
 and Transportation
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 PRESTON PR1 0LD

Coastal Road, Hest Bank



SCALE 1 : 500

DATE 05/04/2022

DRAWING No. C/22/23(1)/IM-2

DRAWN BY JC

Scale with care as distortion may occur