

**Delegated Powers of the Assistant Executive Director (Highways):- Thursday 13<sup>th</sup>,  
September 2007**



**The City of Liverpool**

**The Road Traffic Regulation Act 1984  
Sections 1(1) and (2), 2(1) to (3), 4(2), 45 to 53 and Part IV of Schedule 9**

**The City Council Of Liverpool  
(Myrtle Street And Brampton Drive)  
(Prohibition Of Waiting And Permitted Parking Area)  
Order, 2008**

**M. B. Kenworthy,  
Acting City Solicitor,  
Liverpool.**

**LS Ref N° ex-TRO 4902  
HM TRO N° TM 2703  
ECM Ref N° 1104.1562**



**The City Council Of Liverpool**  
**(Myrtle Street And Brampton Drive)**  
**(Prohibition Of Waiting And Permitted Parking Area)**  
**Order, 2008**

The City Council of Liverpool (hereinafter referred to as "**the Council**") in exercise of its powers under **Sections 1(1) and (2), 2(1) to (3), 4(2), 45 to 53 and Part IV of Schedule 9 to The Road Traffic Regulation Act 1984** (which said Act of 1984 is hereinafter referred to as "**the Act of 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 of 1984, hereby makes the following Order:-

**Section One – Commencement, Citation, Interpretations and General Articles**

1. This Order shall come into operation on the **21<sup>st</sup> day of January 2008** and may be cited as: - **The City Council Of Liverpool (Myrtle Street And Brampton Drive) (Prohibition Of Waiting And Permitted Parking Area) Order, 2008.**

2. (1) In this Order, save as otherwise defined within this Order, each and every expression shall have the meaning assigned to it by **The Traffic Signs Regulations and General Directions 2002**: -

"**authorised cab rank**" means any area of carriageway which is comprised with and indicated by a road marking complying with **diagram 1028.2 in Schedule 2 of The Traffic Signs Regulations and General Directions, 2002**;

"**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 of 1984;

"**carers parking permit**" means a parking permit issued to a carer by the City Council under the provisions of **Article 10** of this Order;

"**disabled passenger**" means a person who holds a disabled passengers badge issued in accordance with **The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000**;

"**disabled person**" means a disabled person of a description prescribed by **Regulation 2(1) of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations, 2000.**

"**Disabled Person's Badge**" has the same meaning as in **Regulation 2(1) of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations, 2000**, as amended by **Regulation 10 of The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations, 2007.**

"**disabled person's vehicle**" means a vehicle lawfully displaying in a conspicuous position a disabled person's badge and which is a vehicle, which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by **The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000** to be included in an Order under the 1984 Act, has been or is to be driven by a disabled person or, as the case maybe, has been or is to be used for carrying disabled persons as passengers.

“**driver**” in relation to a vehicle left at or waiting in a Parking Place means the person who was: - (a) driving the vehicle at the time it was left at; (b) is waiting at the Parking Place; or (c) by legal presumption may be regarded as the driver at such time.

“**dual purpose vehicle**” means any vehicle (not being a passenger vehicle) constructed or adapted for the carriage both of passengers and of goods or burden of any description being a vehicle which the unladen weight does not exceed 2 tonnes;

“**dwelling house**” means a dwelling house or part of a dwelling house used for residential occupation and shall include a flat.

“**goods**” includes a postal packet of any description;

“**goods vehicle**” means a motor vehicle (not being a passenger vehicle) constructed or adapted for use for the carriage of goods or burden of any description or a trailer so constructed or adapted.

“**hackney carriage**” means a vehicle standing or plying for hire and holding a licence for the same under **The Town Police Clauses Act, 1847**.

“**hackney carriage stand**” means any area of carriageway designated as such by the Council under **Section 63 of The Local Government (Miscellaneous Provisions) Act, 1976**.

“**invalid carriage**” means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed (and not merely adapted) for the use of a person suffering from some physical defect or disability and is solely used by such a person.

“**loading and unloading**” means the 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.

“**motor cycle**” means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels of which the weight unladen does not exceed 410 kilograms as provided for by **Section 136 of The Road Traffic Regulation Act 1984**;

“**one-way street**” means a highway in which the driving of vehicles otherwise than in one direction is prohibited at all times;

“**owner**” in relation to a vehicle, means the registered keeper of the vehicle at the time such vehicle is kept and used as defined by **Sections 82(2) and 82(3) of The Road Traffic Act 1991**;

“**parking attendant**” means a person authorized by or on behalf of the City of Liverpool under **Section 63A** of the Act of 1984 to supervise and enforce the restrictions imposed by this Order.

“**parking place**” means any area on a highway designated as a parking place by **Articles 6-7** of this Order;

“**parking space**” means a space provided for a vehicle to park within 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 exclusively of the driver, and not drawing a trailer;

“**penalty charge**” and “**reduced penalty charge**” means a charge set by the City of Liverpool under the provisions of **Section 74 of The Road Traffic Act 1991** in accordance with guidance given by the **Secretary of State for Transport** which is to be paid in the manner described in the penalty charge notice within **28 days** of the date of the notice or **14 days** of the date of the notice in the case of a reduced penalty charge.

“**penalty charge notice**” means a notice issued by a parking attendant pursuant to the provisions of **Section 66 of The Road Traffic Act 1991**.

“**permit**” means a parking permit issued by the City Council under the provisions of **Article 12** of this Order;

“**permit holder**” means a person to whom a parking permit has been issued by the City Council under the provisions of **Article 12** of this Order;

“**permitted hours**” means the period during which parking is permitted at a parking place by this Order;

“**permitted parking area**” means any area of highway specifically described as such within **Schedule Two** to this Order.

“**postal operator**” means a person who provides the service of conveying postal packets from one place to another by post or any of the incidental services of receiving, collecting, sorting and delivering such packets.

“**postal packet**” means a letter, parcel, packet or other article transmissible by post.

“**principal place of residence**” means a place where the applicant for a residents parking permit or disabled residents parking permit stays over night for at least four nights per week during a period of at least **10 months per year**.

“**resident**” means a person whose principal place of residence is at premises the postal address of which is in any street or part of street described in **Schedule 2** to this Order;

“**residents parking permit**” means a parking permit issued to a Resident by the City Council under the provisions of **Article 9** of this Order;

“**telecommunications apparatus**” has the same meaning as in **The Telecommunications Act 1984**.

“**traffic sign**” means any object or device (whether fixed or portable) for conveying, to traffic on roads or any specified class of traffic, warnings, information, requirements, restrictions or prohibitions of any description: -

- (a) specified by regulations made by the Secretaries of State charged with general responsibility under the Act of 1984 in relation to England and Wales and Scotland respectively acting jointly; or

(b) authorised by the Secretary of State and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions.

“visitors parking permit” means a parking permit issued to a visitor by the City Council under the provisions of **Article 11** of this Order;

2. (2) 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.

3. The prohibition and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

### **Section Two – The Prohibition Of Waiting To This Order**

4. Save as provided in **Article 5** no person shall, except upon the direction or with the permission of a police officer in uniform or of a parking attendant, cause or permit any vehicle to wait at any time on **the sides of lengths of road** specified in **Column One** of **Schedule One** to this Order to the extent specified in **Column Two** of the said Schedule.

### **Section Three – The Exemptions From The Prohibition Of Waiting**

5. (1) Nothing in **Article 4** shall render it unlawful to cause or permit any vehicle to wait in **the sides of lengths of road** referred to in that Article, 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, industrial or demolition operations; (ii) the removal of any obstruction to traffic; (iii) the maintenance, improvement or reconstruction of **the sides of lengths of road**; (iv) the laying, erection, alteration or repair in, or in land adjacent to **the sides of lengths of road** of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in **Section 4** of **The Telecommunications Act, 1984**, including telephone kiosks; (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority in pursuance of statutory powers or duties; (d) the vehicle to be used by a postal operator for the purpose of delivering or collecting postal packets from premises or postal boxes adjacent to **the sides of lengths of road**; (e) the vehicle to take in petrol, oil, water or air from any garage situated in or adjacent to **the sides of lengths of road**; (f) the vehicle to be used in connection with any wedding or funeral; (g) the vehicle to be used for fire brigade, ambulance or police purposes; or (h) the vehicle being a disabled person's vehicle displaying a disabled person's badge to be used by a disabled person.

5. (2) Nothing in **Article 4** shall render it unlawful to cause or permit any vehicle to wait in **the sides of lengths of road** referred to in that Article, for so long as may be necessary to enable goods to be loaded on to or unloaded from the vehicle.

5. (3) Nothing in **Article 4** 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 carriage stand.

## Section Four – The Permitted Parking Area To This Order

### Designation Of Parking Place

6. Each area on a highway which is described as a designated parking place in **Schedule 2** of this Order is designated as a Permitted Parking Area.

7. Except as provided in this Order, the driver of a vehicle shall not cause or permit a vehicle to wait in or be parked in a parking place.

### Permitted Parking Area

8. No person shall leave a vehicle at a designated Permitted Parking Area specifically described as such within **Schedule 2** to this Order during the Permitted Hours unless he is the holder of a valid Residents Parking Permit, Carers Parking Permit or Visitors Parking Permit for that vehicle in respect of the Permitted Parking Area at which the vehicle is left and he displays such Permit on that vehicle in accordance with **Article 18**.

9. The Council may issue a Residents Parking Permit permitting a specified vehicle to park during the Permitted Hours in a Permitted Parking Area to an applicant who satisfies the Council that he: -

(a) uses as his principle place of residence a dwelling house fronting or sufficiently proximate to a Permitted Parking Area or is a Minister of Religion in whose parish is located a Permitted Parking Area; and

(b) has no suitable parking facility within a reasonable distance of such dwelling house.

10. The Council may issue a Carers Parking Permit permitting a vehicle to park during the Permitted Hours in a Permitted Parking Area to an applicant who satisfies the Council that he:-

(a) is elderly, registered disabled or chronically sick; and

(b) uses as his Principal Place of Residence a Dwellinghouse fronting or sufficiently proximate to a Permitted Parking Area; and

(c) is regularly visited by a person who is a medical practitioner, nurse, midwife or other carer for the purpose of administering care to the applicant; and

(d) has no suitable parking facility within a reasonable distance of such Dwellinghouse.

11. The Council may issue one Visitors Parking Permit per Dwelling house, permitting a vehicle to park during the Permitted Hours in a Permitted Parking Area as specified in **Schedule 2** to this Order for a period of **12 months** to an applicant who satisfies the Council that:-

(a) his Principle Place of Residence is a Dwellinghouse fronting or sufficiently proximate to a Permitted Parking Area;

(b) he has no suitable parking facility within a reasonable distance of such Dwellinghouse; and

(c) he is regularly visited by a non-resident who is the owner of a Passenger Vehicle, Goods Vehicle, Invalid Carriage or a Motor Cycle.

### **Application For And Issue Of Permits**

12. (1) Any resident, carer or visitor who is the owner of a passenger vehicle, a dual purpose vehicle, a goods vehicle, an invalid carriage or a motor cycle, or if he is not the owner of such a vehicle can satisfy the Council that he has the permission of the owner of such vehicle to use it from the premises referred to in **Article 9(a)**, **Article 10(b)** or **Article 11(a)** respectively may apply to the Council for the issue of a permit for the leaving of that vehicle and any such application shall be made on a form issued by and obtainable from the Council and shall include the information required by such form and, in respect of a resident's parking permit, shall be accompanied by a remittance for the charge specified in **Article 16** of this Order.

12. (2) The Council may at any time require an applicant for a 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 reasonably require to verify any information given to them.

12. (3) On receipt of an application made under the foregoing provisions of this Article, and of the fee specified in **Article 16** of this Order, the Council, upon being satisfied that the applicant satisfies the relevant conditions for the issue of such Permit, shall issue to that applicant: -

(a) one permit for the leaving during the permitted hours in any parking place to which such Permit relates 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 other than a person to whom such vehicle has been let for hire or reward, provided that, subject to the provisions of **Article 14** of this Order, the Council shall not issue a permit to any resident, carer or visitor which would be valid for any period during which any other permit issued to that resident, carer or visitor extends;

(b) one protective cover for the display of the permit.

12. (4) Should a Permit be lost damaged or defaced a charge of **£25.00** will be levied for a replacement Permit.

### **Surrender, Withdrawal And Validity Of Permits**

13. (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 of the events set out in **paragraph (3)** of this Article.

13. (2) The Council may, by notice in writing served on 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 residence, withdraw a permit if it appears to the Council that any one of the events set out in **paragraphs 3(a)**, **3(b)** or **3(c)** of this Article has occurred and the

permit holder shall surrender the permit to the Council with forty-eight hours of the receipt of such notice.

13. (3) The events referred to in the foregoing provisions of this Article are: -

(a) the permit holder ceasing to be a resident, carer or visitor;

(b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued (or permission of the owner to use the vehicle is revoked);

(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 12** of this Order;

(d) the issue of a duplicate permit by the Council under the provisions of **Article 14** of this Order.

13. (4) A permit shall cease to be valid without notice at the expiration of the period specified thereon (which period shall be that in respect of which payment has been made) or immediately on the occurrence of any one of the events set out in paragraph (3) of this Article, which ever is the earlier.

13. (5) Where a permit 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 was issued by sending the same by the recorded delivery service 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 **forty-eight hours** of receipt of the afore-mentioned notice.

13. (6) The Council may at any time require a permit holder to produce to the officer of the Council such evidence in respect of any permit issued by them as they may reasonably require.

13. (7) A Permit remains at all times the property of the Council and is not for sale or resale.

#### **Application For And Issue Of Duplicate Permits**

14. (1) If a permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and may then apply to the Council for the issue to him of a duplicate permit and the Council upon receipt of the permit if such receipt is accompanied by an application for a duplicate permit shall issue a duplicate permit so marked.

14. (2) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a duplicate permit at a cost of **£25.00** and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked.



14. (3) Any duplicate Permit issued under the provisions of **paragraph 14(1)** or **14(2)** of this Article shall be marked as a duplicate, and upon the issue of a duplicate Permit the original Permit which it duplicates shall become invalid.

14. (4) The provisions of this Order relating to Permits and Duplicate Permits generally shall apply to applications for Permits and duplicate Permits generally and an application for a duplicate Permit as if it were a Permit or, as the case may be, an application therefore.

14. (5) If a Visitors Parking Permit issued under the provisions of **Article 11** of this Order is lost or sold on, the Council shall not issue a duplicate permit for a period of **two years**.

### **Form Of Permits**

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

- (a) the registration mark of the vehicle in respect of which the permit has been issued (except in the case of Visitors Parking Permits);
- (b) the period during which, subject to the provisions of **Article 13(4)** of this Order, the permit shall remain valid;
- (c) an authentication that the permit has been issued by the Council;
- (d) the hours during which the vehicle in respect of which the permit has been issued may be left in a parking place;
- (e) an indication that the charge appropriate to the period during which the permit shall remain valid has been paid to the Council;
- (f) in the case of a Visitors Parking Permit, the name of the street or the road in which the visitor is permitted to park.

### **Amount Of Charge At Parking Places**

16. The charge in connection with the issue of a residents parking permit for the leaving of a vehicle in a Permitted Parking Area during the permitted hours shall be either: -

- (a) for any period during the permitted hours in any period of **six months** running from the beginning of the month in which the permit first becomes valid; or
- (b) for any period during the permitted hours in any period of **twelve months** running from the beginning of the month in which the permit first becomes valid.

### **Refund Of Charge Paid In Connection With The Issue Of A Permit**

17. (1) A permit holder who surrenders a permit to the Council before the permit becomes valid shall be entitled to a refund of the charge paid in respect of the issue thereof.

17. (2) A permit holder who surrenders a permit to the Council after the permit has become valid shall be entitled to a refund of that part of the charge paid in respect of the issue of the permit as is attributable to the period from the receipt by the Council of the surrendered permit to the expiry of the period for which the permit was issued.

### Display Of Permits

18. At all times during which a vehicle is left in a parking place during the permitted hours there shall be displayed in the protective cover referred to in **Article 12(3)(b)** of this Order on the front or near side of the vehicle a valid permit issued in respect of that vehicle so that all the particulars referred to in **Article 15** of this Order are readily visible from the front or near side of the vehicle.

### Restriction On The Removal Of Permits And Disabled Persons Badges

19. Where a permit or disabled persons badge is displayed on a vehicle in accordance with **Article 18** or **20(1)(d)** of this Order, no person, not being the driver of the vehicle, shall remove the permit or disabled persons badge from the vehicle unless authorised to do so by the driver of the vehicle.

### Exemptions For Disabled Drivers

20. (1) Notwithstanding the provisions of **Article 8** of this Order the following vehicles may be left during the permitted hours in a parking place and any such vehicle shall be exempt from the payment of any charge specified in this Order: -

- (a) an invalid carriage;
- (b) a vehicle issued to a disabled person by the Department Of Health And Social Security in lieu of an invalid carriage;
- (c) a vehicle of which the driver is a person who on account of his severe physical disability has been given notice by the Council that he is exempt from any such charge, if the notice is displayed in a conspicuous position;
- (d) a disabled person's vehicle which displays in the manner prescribed in the **Department of Transport Leaflet (T/INF/1214) "The Blue Badge Scheme: Rights And Responsibilities In England"** a disabled person's badge issued by any local authority in accordance with the provisions of **The Disabled Persons (Badges for Motor Vehicles) (England) Regulations, 2000**, as amended by **Regulation 10 of The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations, 2007**, and for the purposes of this sub-paragraph a badge shall be in the relevant position:-
  - (i) in the case of a vehicle fitted with a dashboard or fascia panel on such dash-board or fascia panel so that the front face of the badge is legible from outside the vehicle; or
  - (ii) in the case of a vehicle not fitted with a dashboard or fascia panel in a conspicuous position on the vehicle so that the front face of the badge is legible from outside the vehicle.

20. (2) A vehicle which is so exempted from payment of any charge shall stand in the parking place in accordance with the provisions of **Articles 22(a)** and **22(b)** of this Order and wholly within the limits of that parking place.

### Placing Of Traffic Signs

21. The Council shall: -

- (a) cause the limits of each parking place to be indicated on the carriageway by placing and maintaining thereon the appropriate traffic signs;
- (b) place and maintain on or in the vicinity of each parking place appropriate traffic signs for indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in **Article 8** 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

22. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand: -

- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of vehicles in that place are specified in **Column 2** of **Schedule 2** of this Order, so as to be in accordance with those provisions;
- (b) in the case of any other parking place: -
  - (i) if the parking place is not in a one-way street, that the left or near side of the vehicle is adjacent to the left hand edge of the carriageway;
  - (ii) if the parking place is in a one-way street, that the left or near side of the vehicle is adjacent to the left hand edge of the carriageway or that the right or off side of the vehicle is adjacent to the right hand edge of the carriageway; and
  - (iii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than **300 millimetres**;
- (c) that every part of the vehicle is within the limits of a parking space.

### Alteration Of Position Of Vehicle In Parking Places

23. Where any vehicle is standing in a parking place in contravention of the provisions of **Articles 22** and **29** of this Order a parking attendant may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

### Removal Of Vehicles From Parking Places

24. (a) Where a parking attendant is of the opinion that **Article 28(3)** of this Order has been contravened or not complied with in respect of a vehicle left in a parking place, he may remove or cause to be removed the vehicle from the parking place, and where it is so removed, shall provide for the safe custody of the vehicle.

24. (b) The Council may as respects a vehicle which has been removed from a Parking Place in pursuance of **Article 24(a)** of this Order, if it appears to them to have been

abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain the name and address of the owner of the vehicle in accordance with the procedure set out in **The Refuse Disposal (Amenity) Act, 1978**, or regulations made there under.

### **Movement Of Vehicles In Parking Places In Emergencies**

25. A police constable in uniform or a parking attendant may in case of emergency move or cause to be moved any vehicle left in a parking place to any place he thinks fit.

### **Power To Suspend Use Of Parking Places**

26. (1) Any person authorised by the Council may suspend the use of a 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 the 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;
- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of 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;
- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.

26. (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.

26. (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 caused 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 vehicle is prohibited.

26. (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 paragraph (4) of this Article shall render it unlawful to cause or permit any vehicle being used for any purpose specified in **Article 28(1)(b), 28(1)(c), 28(1)(d)** or **28(1)(e)** of this Order to be left in the parking place

or part of a parking place during any such period, or to any other vehicle so left if that vehicle is left with the permission: -

- (i) of the person suspending the use of the parking place or the part thereof in pursuance of **paragraph (1)** of this Article;
- (ii) of a police constable in uniform; or
- (iii) of a parking attendant.

### **Restriction Of Use Of Vehicles At Parking Places**

27. While any vehicle is left in a parking place during the permitted hours, no person shall use the vehicle in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of his skill or services.

Provided that nothing in this Article shall prevent the sale of goods from a vehicle: -

- (a) if the vehicle is a passenger vehicle, a dual purpose vehicle, a goods vehicle or a motor cycle (or an invalid carriage) and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is affected; or
- (b) if the vehicle is one to which the provisions of **Article 28(1)(h)** or **28(1)(j)** of this Order apply.

### **Restriction Of Waiting Of Vehicles In Parking Places**

28. (1) Notwithstanding the foregoing provisions of this Order, any vehicle may wait during the permitted hours anywhere on the carriageway in a parking place (other than a parking place or part of a parking place the use of which has been suspended under **Article 26** of this Order) for so long as may be necessary if: -

- (a) the vehicle is waiting to enable a person to board or alight from the vehicle;
- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
- (c) the vehicle is a vehicle used for police, fire brigade or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority which is being used in pursuance of statutory powers or duties;
- (d) 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, industrial or demolition operations; (ii) The removal of any obstruction to traffic; (iii) The maintenance, improvement or reconstruction of the said roads, lengths of roads or sides of lengths of roads; (iv) The laying, erection, alteration or repair in, or in land adjacent to, the said roads, lengths of roads or sides of lengths of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in **Section 4** of **The Telecommunications Act, 1984**, including telephone kiosks.

(e) The vehicle to be used by a postal operator for the purpose of delivering or collecting postal packets from premises or postal boxes adjacent to the road;

(f) the vehicle (not being a passenger vehicle) is waiting to enable it to be used for any purpose specified in **Article 26(1)(b)** of this Order;

(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 a depository or to such premises from a depository;

(h) the vehicle is waiting if goods are being sold or offered for sale from the vehicle by a person who is licensed by the Council to sell goods from a stationary pitch situated in the parking place;

(i) the vehicle is waiting to enable it to be used in connection with lawfully posting or removing advertising material in the form of posters on or from, or cleaning windows or chimneys in, premises adjacent to the parking place in which the vehicle is waiting; or

(j) in any other case the vehicle is waiting for the purpose of delivering or collecting goods including, so far as a Bank is concerned, cash or other valuables or valuable securities, or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle (not being a goods vehicle) does not wait for such purposes for more than thirty minutes or for such longer period as a police constable in uniform, or a parking attendant may authorise, or, being a goods vehicle, does not so wait for more than thirty minutes or such longer period as aforesaid if it is in any part of a parking place.

28. (2) No charge specified in the foregoing provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article.

28. (3) Except as provided in the foregoing provisions of this Order, the driver of a vehicle shall not cause or permit the vehicle to wait in a parking place.

28. (4) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under **Section 25** of the Act of 1984.

### **Manner Of Waiting In Parking Places**

29. (1) A person causing or permitting a vehicle to wait in a parking place by virtue of the provisions of **Article 28(1)(e), 28(1)(f), 28(1)(g), 28(1)(h), 28(1)(i)** or **28(1)(j)** of this Order shall take all steps as are necessary to ensure (subject to paragraph (2) below): -

(a) in the case of a parking place in relation to which special provisions as to the manner of standing of vehicles in that place are specified in **Column 2** of **Schedule 2** of this Order, that the vehicle shall so stand; and

(b) in the case of any other parking place, that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance

between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres.

29. (2) Where the length of a vehicle is such that if it stood in a parking place referred to in **paragraph (1) (a)** of this Article in the special manner of standing prescribed for that parking place, some part or parts of the vehicle would be outside the limits of the parking place, that vehicle may stand in that parking place in the manner indicated in **paragraph (1) (b)** of this Article.

### **30. Evidential Matters - Permits**

(a) The absence of a valid Permit on a vehicle in respect of the Parking Place at which the vehicle was left shall be treated as evidence that no valid Permit was held by the Driver to park in that Parking Place.

(b) An indication on a Permit of any date shall be treated as evidence of the date on which the Permit ceases to be valid.

(c) An indication on a Permit as to any date, month and year shall be treated as evidence of the date, month and year on which the Permit expires.

(d) An indication on a Permit as to a vehicle registration mark shall be treated as evidence of the vehicle in respect of which the Permit applies.

### **Section Five – Contravention Of The Order, Penalty Charge And Penalty Charge Notice**

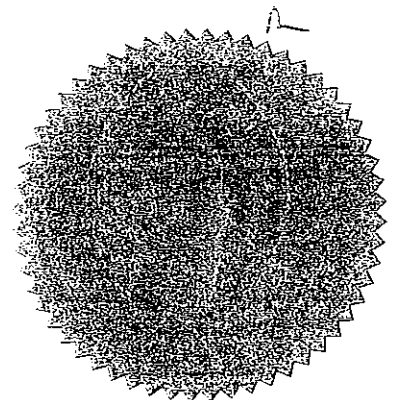
31. If a vehicle is left at any time in contravention of a provision **Articles 4 or 8** of this Order a penalty charge shall be payable.

32. In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by **Section 66 of The Road Traffic Act 1991** may then be issued by a parking attendant in accordance with the requirements of **Section 66** of that Act.

**GIVEN under the Common Seal of the Council of the City of Liverpool this 15<sup>th</sup> day of January 2008.**

*J. G. Magh*  
ASSISTANT CITY SOLICITOR

PP M. B. KENWORTHY  
ACTING CITY SOLICITOR



05108

**Schedule One  
Prohibition Of Waiting At Any Time**

Column One	Column Two
Myrtle Street (both sides)	From its junction with Melville Place to its junction with Brampton Drive

**Schedule Two  
Permitted Parking Area**

Column 1	Column 2	Column 3
<b>Length of Carriageway Of A Road Forming Both Sides Of The Area Of Carriageway Of That Road Which Is Designated As A Permitted Parking Area</b>	<b>Special Manner Of Standing Of Vehicle In Parking Place</b>	<b>Permitted Days &amp; Hours</b>
Brampton Drive (both sides), from its junction with Myrtle Street for its full length.	Wholly within the limits of the parking place and parallel to the edge of the carriageway.	Twenty-four Hours A Day Monday to Sunday.