

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES
(HOWARD WAY, NEWPORT PAGNELL)
(PROHIBITION OF WAITING)
ORDER 2008**

The Council of the Borough of Milton Keynes ("the Council") in exercise of its powers under sections 1(1), 2(1) to (3), and (4(2) of the Road Traffic Regulation Act 1984 ("the Act"), Part IV of Schedule 9 to the Act and of all other enabling powers, and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

PART 1

IMPLEMENTATION CITATION, DEFINITIONS AND REVOCATIONS

1. This Order shall come into operation on 11 April 2008 and may be cited as "The Council of the Borough of Milton Keynes (Howard Way, Newport Pagnell) (Prohibition of Waiting) Order 2008".
2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:-

"Civil Enforcement Officer" has the same meaning as in Section 76 of the Traffic Management Act of 2004;

"Council" means The Council of the Borough of Milton Keynes;

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

"disabled persons' badge" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"disabled persons' vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"enforcement authority" means the enforcement authority in relation to the alleged contravention in consequence of which the charge was incurred or the vehicle was immobilised;

"footway" has the same meaning as in Section 329 of the Highways Act 1980;

"goods" includes postal packets of any description, cash or other valuable securities;

"goods vehicle" means a motor vehicle which is constructed or adapted for the carriage of goods of any description and which does not exceed 3.5 tonnes gross laden weight;

"heavy commercial vehicle" means a vehicle which has an operating weight exceeding 7.5 tonnes;

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used;

"payment day" means the date by which payment should be made, as specified in the most recent notice received by the driver or owner of the vehicle;

"penalty charge" means a penalty charge relating to a parking contravention and payable in accordance with regulation 4 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"penalty charge notice" means a notice which was served by a Civil Enforcement Officer informing the driver of the vehicle that they are in contravention of a restriction and that a penalty charge is now owed, in accordance with Regulation 9 or 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 in relation to a parking contravention, and which complies with the requirements of the Schedule which

apply to it as well as to those of Regulation 3 of the Representations and Appeals Regulations which so apply;

"postal packets" has the same meaning as in Section 125 of the Postal Services Act 2000;

"prescribed hours" means between those hours stated in Schedules 3 and 4 to this Order;

"regulation 10 penalty charge notice" has the meaning given by regulation 8(1) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"restricted road" means a road which is subject to parking and waiting restrictions;

"road" means a highway and any other road to which the public has access;

"statutory undertaker" has the same meaning as in Section 329 of the Highways Act 1980;

"taxi" has the same meaning as in Regulation 4 of the Traffic Signs and General Directions Act 2002;

"telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984;

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the Act of 1984.

3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
4. The plans annexed to this Order identify the areas subject to this Order, provided that where there is any inconsistency between the plans and the Schedules it is the wording of the Schedules which shall prevail.

PART 2

PROHIBITION OF WAITING

5. No person shall except with the permission or under the direction of a police officer in uniform, traffic warden or Civil Enforcement Officer cause or permit any vehicle to wait at any time in any of the lengths of road specified in Schedule 1 hereto.
6. Nothing in Article 5 above shall render it a contravention of this Order to cause or permit any vehicle to wait in any of the lengths of roads specified in Schedule 1 for so long as may be necessary
 - (1) to enable goods to be loaded or unloaded from the vehicle.
 - (2) to enable a person to board or alight from the vehicle;
 - (3) when the person in control of the vehicle is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstances outside his control;
 - (4) for a vehicle to wait whilst any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is being opened or closed, if it is not reasonably practicable for the vehicle to wait outside otherwise than in a length of road specified in Schedule 1 to this Order while such gate or other barrier is being opened or closed;

(5) to enable the vehicle if it cannot reasonably be used for such purpose in any other road to be used in connection with any of the following:

- a) building, industrial or demolition operations;
- b) the removal of any obstruction to traffic;
- c) the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;
- d) use in the service of any undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
- e) any wedding or funeral;
- f) use for police, fire brigade or ambulance purposes;
- g) use for the purpose of delivering or collecting postal packets as defined by section 125 of the Postal Services Act 2000;
- h) the vehicle being specially constructed or adapted for the delivery or collection of money or valuable securities to be used for those purposes in relation to premises in the vicinity;
- i) to carry out the removal of furniture or household effects to or from a shop, office, depository of dwelling house in the vicinity;

7. No person shall except with the permission or under the direction of a police officer in uniform, traffic warden or Civil Enforcement Officer cause or permit any heavy commercial vehicle to wait at any time in any of the lengths of road specified in Schedule 2 hereto.

8. Nothing in Article 7 above shall render it a contravention of this Order to cause or permit any vehicle to wait in any of the lengths of roads specified in Schedule 2 for so long as may be necessary

(1) when the person in control of the vehicle is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstances outside his control;

(2) for a vehicle to wait whilst any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is being opened or closed, if it is not reasonably practicable for the vehicle to wait outside otherwise than in a length of road specified in Schedule 2 to this Order while such gate or other barrier is being opened or closed;

(3) to enable the vehicle if it cannot reasonably be used for such purpose in any other road to be used in connection with any of the following:

- a) building, industrial or demolition operations;
- b) the removal of any obstruction to traffic;

- c) the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;
 - d) use in the service of any undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
 - e) use for police, fire brigade or ambulance purposes;
9. In accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000, nothing in Article 5 shall render it a contravention of this Order to cause or permit a disabled person's vehicle which displays a disabled person's badge and parking disc in the relevant position in accordance with Articles 8. and 9. hereof to wait for a period not exceeding 3 hours in any of the lengths of road specified in Schedule 1 hereto (provided the period of exempted waiting does not begin less than one hour after a previous period of exempted waiting by the same vehicle in the same length of road on the same day).
10. For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 if:
- (1) the badge is exhibited on the dashboard or fascia of the vehicle so that the front of the badge is clearly legible from the outside of the vehicle; or
 - (2) 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.
11. For the purposes of this Order a vehicle shall be regarded as displaying a parking disc in the relevant position under the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 if:
- (1) the disc is exhibited on the dashboard or fascia of 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; or
 - (2) 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.

PART 3

ENFORCEMENT OF RESTRICTIONS

12. The Council shall, on or in the vicinity of a restricted road:
- (1) Highlight each restricted area with notices, signs and road surface markings in accordance with the Traffic Signs Regulations and General Directions Act 2002;

- (2) Maintain and from time to time alter the said notices, signs and road-surface markings;
 - (3) Carry out such other work as is reasonably required for the purpose of the satisfactory operation of a restricted road.
13. The Council shall appoint Civil Enforcement Officers whose duty it shall be to patrol and enforce the waiting restrictions imposed by the Articles of this Order.
14. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a restricted road, he or she may attach to the vehicle in a conspicuous position or, at his or her discretion, hand the notice to a person whom he or she has reason to believe has incurred a penalty charge under this Order a Penalty Charge Notice ("PCN") in accordance with Section 66 of the Road Traffic Act 1991 (as amended).
15. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a civil enforcement area, an enforcement authority may serve a regulation 10 penalty charge notice ("regulation 10 PCN") by post in accordance with Part 6 of the Traffic Management Act 2004.
16. Upon issue of a PCN or regulation 10 PCN, the procedure by which enforcement will be carried out will be:
 - (1) If payment is made within fourteen days of issue of the PCN or regulation 10 PCN, the fee shall be one half of the amount stated on the PCN.
 - (2) For fourteen days thereafter, the charge incurred will be the whole of the amount stated on the PCN or regulation 10 PCN.
 - (3) Twenty-eight days after issue of the PCN or regulation 10 PCN, the Council will serve a Notice to Owner stating that the Penalty Charge remains unpaid and that, if payment is not received within a further thirty-five days, it may be increased to one and one half times the amount stated on the PCN or regulation 10 PCN.
 - (4) After the said thirty-five days, the Council will serve on the owner of the vehicle a Charge Certificate, increasing the charge to one and one half times the amount stated on the PCN or regulation 10 PCN.
 - (5) Fourteen days later, the Council will register the debt with the Traffic Enforcement Centre at Northampton County Court, an Order for Recovery will be sent to the owner of the vehicle and the charge will be increased to include any fees incurred during registration.
 - (6) After a further twenty-one days, the Council will obtain from the Traffic Enforcement Centre a Warrant allowing bailiffs to recover the debt. The warrant will be enforceable for twelve months from issue and any expenses incurred by the bailiffs, as set out in the Enforcement of Road Traffic Debts (Certified Bailiffs) Regulations 1993, will be added to the amount owed.
17. The penalty charge shall be paid to the Council either by cheque or postal order which shall be delivered or sent by post to the Council's authorised agent, by cash, credit or debit

card, cheque or postal order in person at the said agent's office, or by credit or debit card over the telephone to the said agent's office so as to reach the agent during office hours on or before the payment day, provided that if the said payment day falls upon a day on which the said agent's office is closed, the period within which payment of the said charge shall be made to the Council shall be extended to the next full day on which the said agent's office is open.

18. The recipient of a PCN or regulation 10 PCN may make representations against the enforcement of the penalty at any time until the registration of the debt at the Traffic Enforcement Centre. Such action may alter the progression of the process set out above.

SCHEDULE 1

NO WAITING AT ANY TIME FOR ALL VEHICLES

Howard Way

NW1 West and South West

From the southern kerbline of North Crawley Road to a point approximately 30 metres south-east of the centre line of Plover Close, a distance of approximately 90 metres in a south-easterly direction.

NW2 West

From a point approximately 49 metres south-east of the centre line of Plover Close in a south-easterly direction for a distance of approximately 36 metres.

NW3 West

From a point approximately 160 metres south-east of the centre line of Plover Close in a south-easterly direction for a distance of approximately 52 metres.

NW4 West

From a point approximately 221 metres south-east of the centre line of Plover Close in a south-easterly direction to the end of Howard Way, a distance of approximately 37 metres.

NW5 East

From the southern kerbline of North Crawley Road to a point approximately 88 metres south-east of the centre line of Plover Close for a distance of approximately 148 metres in a south and south-easterly direction.

NW6 East and North East

From a point approximately 160 metres south-east of the centre line of Plover Close in a south-easterly direction to the end of Howard Way, a distance of approximately 97 metres.

NW7 South

The whole length of the south-eastern kerbline of Howard Way, a distance of approximately 7 metres.

SCHEDULE 2

NO WAITING AT ANY TIME FOR HEAVY COMMERCIAL VEHICLES

HOWARD WAY

LW1 **West**

From a point approximately 30 metres south-east of the centre line of Plover Close in a south-easterly direction for a distance of approximately 23 metres.

LW2 **West**

From a point approximately 89 metres south-east of the centre line of Plover Close in a south-easterly direction for a distance of approximately 71 metres.

LW3 **West**

From a point approximately 212 metres from the centre line of Plover Close in a south-easterly direction for a distance of approximately 9 metres.

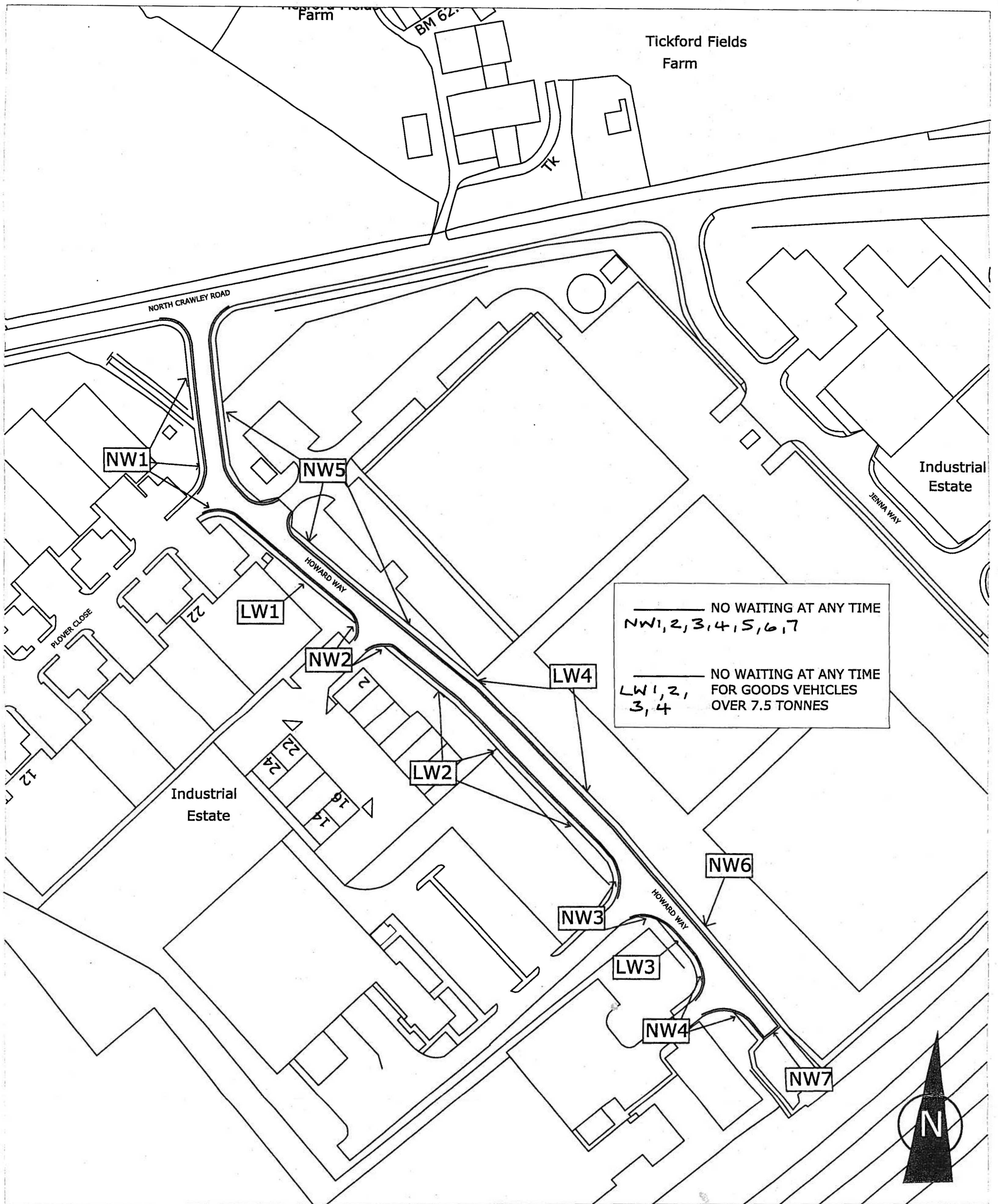
LW4 **East**

From a point approximately 89 metres from the centre line of Plover Close in a south-easterly direction for a distance of approximately 71 metres.

THE COMMON SEAL of the COUNCIL OF THE
BOROUGH OF MILTON KEYNES was hereunto
affixed this 10th day of April 2008
in the presence of:



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HEAD OF LEGAL SERVICES AND MONITORING OFFICER



D.Hackforth BA. DMS. MRTPI
Head of Planning and Transport

Project: Howard Way, Newport Pagnell

Drawing: Proposed Waiting Restrictions

Drawing No: TM 9608

Drawn By: PJ

Date: Sep 2007

Scale: NTS

Map referred to in the Council of the Borough of Milton Keynes
(Howard Way, Newport Pagnell) (Prohibition of Waiting) Order 2008

The common seal of the Council of the Borough of Milton Keynes
was hereunto affixed in the presence of:

HEAD OF LEGAL SERVICES AND MONITORING OFFICER

