

SOUTHEND-ON-SEA BOROUGH COUNCIL

The Borough of Southend-on-Sea (Pantile Avenue) (Various Prohibitions and Restrictions of Waiting) Experimental Order 2009

The Southend-on-Sea Borough Council, in exercise of its powers under Section 9 of the Road Traffic Regulation Act 1984 ("the 1984 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:-

1. This Order may be cited as The Borough of Southend-on-Sea (Pantile Avenue) (Various Prohibitions and Restrictions of Waiting) Experimental Order 2009 shall, if made permanent, amend The Borough of Southend-on-Sea (Various Roads) (Consolidation of Waiting Restrictions) Order 2006 (as amended).

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

"the Council" means the Parking Authority as defined in the 1991 Act as modified by The Road Traffic (Permitted Area and Special Parking Area) (Borough of Southend-on-Sea) Order 2001;

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council to supervise any parking place and undertake enforcement in any parking place in accordance with the provisions of the Traffic Management Act 2004;

"driver", in relation to a vehicle left in a parking place, means the person driving the vehicle at the time it was left in the parking place or the person deemed to be the driver under the terms of this Order;

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

"parking bay" means a space in the parking place which is marked out for the leaving of a vehicle

"valid permit" means a permit issued to residents of eligible properties.

3. Save as provided in Article 7 to this Order, no person shall, except on the direction of or with the permission of a Civil Enforcement Officer or Police Constable in uniform, cause or permit any vehicle to wait, in the lengths of road specified in Schedule 1.
4. Save as provided in Article 7 to this Order, no person shall, except on the direction of or with the permission of a Civil Enforcement Officer or Police Constable in uniform, cause or permit any vehicle to wait, including for the purposes of loading and unloading, on the lengths of verges specified in Schedule 2.
5. Save as provided in Article 7 to this Order, no person shall, except on the direction of or with the permission of a Civil Enforcement Officer or Police

Constable in uniform, cause or permit any vehicle to wait, on the lengths of verges specified in Schedule 3.

6. Save as provided in Article 7 to this Order, no person shall, except on the direction of or with the permission of a Civil Enforcement Officer or Police Constable in uniform, cause or permit any vehicle to wait, including for the purposes of loading and unloading, in the marked bay specified in Schedule 4 without displaying a valid permit.
7. Nothing in Articles 3, 4, 5 or 6 of this Order shall render it unlawful to cause or permit any vehicle to wait in the roads, on any sides of the road or in any lengths of road referred to in that Article, as the case may be, for as long as may be necessary to enable:
 - (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of road; or
 - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths of road, or any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line;
 - (b) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or of a Water Authority in pursuance of statutory powers or duties; or
 - (c) the vehicle, if it cannot be used by a universal service provider for the purposes of delivering or collecting postal packets as defined in the Postal Services Act 2000; or
 - (d) to enable the vehicle to be used for fire service, ambulance or police purposes; or
 - (e) the vehicle to wait at or near any premises situated on or adjacent to the said lengths of road for as long as such waiting by that vehicle as is reasonably necessary in connection with any funeral.
 - (f) The vehicle to wait on the said lengths of roads for the purpose of loading and unloading
8. If a vehicle is left in any road or length of road in contravention of any provision of this Order, a penalty charge shall be payable and/or the vehicle may be removed from that location.
9. 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 be issued by a civil enforcement officer in uniform in accordance with Section 66 of that said Act and of provisions in accordance with the Traffic Management Act 2004.
10. If a vehicle is left after a penalty charge has been incurred, civil enforcement officer in uniform or a person acting under his direction may attach to that vehicle an immobilisation device and a notice in accordance with the requirements of Sections 69 of the Road Traffic Act 1991 and that vehicle

shall only be released from that device on payment of the penalty charge, or as the case may be, a reduced penalty charge, along with such release fee as may be required by the Council.

11. Where a civil enforcement officer has removed, or has caused to be removed, a vehicle in accordance with Article 8 of this Order:
 - (a) he/she shall provide for the safe custody of the vehicle;
 - (b) the Council shall be entitled to recover from the person responsible, such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
 - (c) the provisions of the 1984 Act as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.
12. The Order shall come into operation on 1st August 2009 and shall remain in operation unless extended until 1st February 2011.
13. In accordance with Section 10(2) of the Act, and after consultation with the Chief Officer of Police, the Council's Corporate Director of Enterprise, Tourism and the Environment shall be authorised to modify/suspend the operation of the Experimental Order or any provision of it.
14. The prohibitions 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 1984 Act or by any other enactment.
15. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

THE COMMON SEAL of the SOUTHEND-ON-SEA

BOROUGH COUNCIL was pursuant to a resolution

of the Council hereunto affixed this 24th day

of July, Two Thousand and Nine

in the presence of:-



Proper Officer of the Council



148/09

SCHEDULE 1
No Waiting at Any Time

Road	Description	Side of Road	Hours of Prohibition
Pantile Avenue	From a point 6.5 metres west of the eastern flank wall of nos. 7-24 Grahame House eastwards for a distance of 25 metres.	North	24 Hours Daily
Pantile Avenue	From a point 15 metres southwest of the common boundary of nos. 72 & 74 Cokefield Avenue northeastwards to its end point with Cokefield Avenue.	Southeast	24 Hours Daily
Cokefield Avenue	From a point 6 metres west of the common boundary of nos. 68 & 70 Pantile Avenue to its end point with Pantile Avenue	South	24 Hours Daily
Cokefield Avenue	From a point on the east kerb of Lewes Road eastwards for a distance of 14.5 metres.	North	24 Hours Daily
Pantile Avenue	From a point on the west kerblines of Lewes Road southwestwards for a distance of 17.0 metres.	Northwest	24 Hours Daily
Lewes Road	From a point on the extended north kerblines of Cokefield Avenue northwards for a distance of 15 metres.	Both	24 Hours Daily

SCHEDULE 2
No parking on the grassed verge

Road	Description	Side of Road	Hours of Prohibition
Pantile Avenue	From a point 11.0 metres east of the east kerblines of Norwich Avenue eastwards for a distance of 108.0 metres.	South	24 Hours Daily
Pantile Avenue	From a point 4.5 metres east of the common boundary of nos. 11 & 12 Pantile Avenue eastwards for a distance of 4.0 metres.	South	24 Hours Daily
Pantile Avenue	From a point 15 metres southwest of the common boundary of nos. 72 & 74 Cokefield Avenue southwestwards for a distance of 43.0 metres.	Southeast	24 Hours Daily

**SCHEDULE 3
Part Week Restrictions**

Road	Description	Side of Road	Hours of Prohibition
Pantile Avenue	From a point 6.5 metres west of the eastern flank wall of nos. 7 to 24 Grahame House westwards for a distance of 86.5 metres.	North	8am - 8pm Monday to Saturday
Pantile Avenue	From a point 18.5 metres east of the eastern flank wall of nos. 7-24 Grahame House eastwards for a distance of 17.5 metres.	North	8am - 8pm Monday to Saturday
Pantile Avenue	From a point 17.0 metres southwest of the extended west kerbline of Lewes Road southwestwards for a distance of 22.5 metres.	Northwest	8am - 8pm Monday to Saturday

**SCHEDULE 4
"Resident Permit Holder Only" Bays**

Road	Description	Side of Road	Hours of Operation
Cokefield Avenue	From a point 0.5 metres east of the western flank of no.5 Pantile Avenue eastwards for a distance of 53.0 metres.	South	24 Hours Daily