

THE SURREY COUNTY COUNCIL
THE BOROUGH OF ELMBRIDGE
(SOLO MOTOR CYCLE PARKING PLACES)
ORDER 2014

THE SURREY COUNTY COUNCIL
(CHURCH ROAD ASHFORD)
(SOLO MOTOR CYCLE PARKING PLACE)

ORDER 2014

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SURREY COUNTY COUNCIL in exercise of their powers under Sections 32 35 and 36 of the Road Traffic Regulation Act 1984 ("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 of the Act hereby make the following Order: -

PART 1

GENERAL

Citation and commencement

- 1 THIS Order may be cited as "The Surrey County Council Borough of Elmbridge (Solo Motor Cycle Parking Places) Order 2014" and shall come into operation on 3 February 2014

Interpretation

2. (1) In this Order unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them: -
 - "agents" means any person or persons authorised by or on behalf of the Council to supervise and/or enforce any parking place or loading bay
 - "Borough Council" means the Elmbridge Borough Council, Civic Centre, High Street, Esher, Surrey KT10 9SD
 - "bus" has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions 2002 (S. I. 2002 No. 3113)
 - "bus stop clearway" has the same meaning as in sub-paragraph (a) of paragraph 1 of Schedule 19 of the Traffic Signs Regulations and General Directions 2002 (S. I. 2002 No. 3113)
 - "carriageway" has the same meaning as in Section 329 of the Highways Act 1980
 - "civil enforcement officer" has the same meaning as in Section 76 of the Traffic Management Act 2004

“Council” means Surrey County Council or its appointed agents

“credit card” has the same meaning as in paragraph (6) of Section 35A of the Act

“debit card” has the same meaning as in paragraph (6) of Section 35A of the Act

“driver” in relation to a vehicle waiting in the parking place means the person driving/riding the vehicle at the time it was left in the parking place

“electronic communications apparatus” has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984 and Sections 106 and 151 of the Communications Act 2003

“enactment” means any enactment whether public general or local and includes any order bylaw rule regulation scheme or other instrument having effect by virtue of an enactment

“goods” means goods of any kind whether animate or inanimate and

“delivering” and “collecting” in relation to any goods or postal packets includes checking the goods or postal packets for the purpose of their delivery or collection

“invalid carriage” and “motor vehicle” have the same meanings as in Section 136 of the Act

“solo motor cycle” has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002

“owner” has the same meaning as defined in sub-section (1) of Section 92 of the Traffic Management Act 2004

“parking place” means an area on a highway authorised as a solo motor cycle parking place by this Order

“parking space” means a space in the parking place that is provided for the leaving of vehicles

“passenger vehicle” means a motor vehicle (other than a motor cycle or

invalid carriage) constructed or adapted solely for the carriage of not more than eight passengers (exclusive of the driver) and their effects and not drawing a trailer

“penalty charge” has the same meaning as defined in Section 92 of the Traffic Management Act 2004

“penalty charge notice” has the same meaning as in the General Regulations

“permitted hours” means the hours identified as such in the key relating to the plans

“plans” means the drawings listed in the Schedule the drawing number of each of those drawings being given in the first column of that Schedule and which drawings are attached to this Order

“postal packets” has the same meaning as in Section 125(1) of the Postal Services Act 2000

“road” includes part of a road and has the same meaning as in Section 142 of the Act

“solo motor cycle parking place” means an area of highway authorised to be used as a solo motor cycle parking place by this Order

“street parking place” has the same meaning as in Section 142 of the Act and authorised to be used as such a street parking place by this Order

“the General Regulations” means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S. I. 2007 No. 3483)

“the 1986 Regulations” means The Removal and Disposal of Vehicles Regulations 1986 (S. I. 1986 No. 183)

“traffic sign” means a sign of any size colour and type prescribed or authorised under Section 64 of the Act

(2) Any reference in this Order to an enactment shall be construed as a reference to that enactment as amended applied consolidated re-enacted by or as having effect by virtue of any subsequent enactment

(3) Any reference in this Order to a length of road shall unless otherwise specified be construed as a reference to the whole width of that length of road

(4) Any reference in this Order to a numbered Part or Article shall unless the context otherwise requires be construed as a reference to the Part or Article bearing that number in this Order

PART II

AUTHORISATION AND USE OF SOLO MOTOR CYCLE PARKING PLACE

Authorisation of solo motor cycle parking place

3. THE area on a highway comprising the length of carriageway of Station Avenue Walton-On-Thames identified on the key relating to the plans and unless otherwise so specified bounded on one side of that length by the edge of the carriageway and having a width throughout of no less than 1.83 metres is authorised to be used subject to the following provisions of this Order as a solo motor cycle parking place

Vehicles for which such parking place is authorised to be used

4. THE solo motor cycle parking place may be used subject to the provisions of this Order for the leaving during the permitted hours free of charge and without time limit of such vehicles as only are solo motor cycles

Manner of standing in such a parking place

5. THE driver of a vehicle waiting in the solo motor cycle parking place during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand that every part of the vehicle is within the limits of the solo motor cycle parking place

Alteration of position of a vehicle in the solo motor cycle parking place

6. WHERE any vehicle is standing in the solo motor cycle parking place in contravention of Article 5 or Article 11 a police constable in uniform or a person duly authorised by the Council may alter of cause to be altered the position of the vehicle in order that its position shall comply with these provisions

Power to suspend the use of such a parking place

7. (1) Subject to the following persons or organisations being able to exercise the function described below by virtue of legislation a civil enforcement officer a police constable in uniform a person acting under the instructions (whether general or specific) of the Chief Officer of Police or a person duly authorised by the Council or the Borough 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 adjacent to the parking place the maintenance improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place the laying erection alteration 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 electronic communications apparatus or the placing maintenance or removal of any traffic sign
- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depository another office or dwelling-house
- (d) on any occasion on which it is likely by reason of some special attraction that any road 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

(2) Subject to the provision set out in paragraph (1) of this Article 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

(3) On the suspension of the use of a parking place or any part thereof in accordance with the provisions of this Article the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that parking place or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting by vehicles is prohibited

(4) No person shall cause or permit any vehicle to wait in a parking place or part thereof during such period as there is in or adjacent to that parking place or that part thereof a traffic sign or traffic signs placed in pursuance of paragraph (3) of this Article:

PROVIDED THAT nothing in this paragraph shall apply -

- (i) in respect of any vehicle being used for fire brigade ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 12(1)(b) (d) or (e) or
- (ii) to anything done with the permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article or a police constable in uniform or a civil enforcement officer acting in the exercise of lawful authority

Restriction on waiting by a vehicle in such a parking place

8. DURING the permitted hours no person shall use the solo motor cycle parking place or any vehicle while it is in that parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near that parking place or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity

9. THE driver of a solo motor cycle using the solo motor cycle parking place shall stop the engine as soon as the vehicle is in position in that parking place and shall not start the engine except when about to change position of the vehicle in or to depart from that parking place

Restriction on waiting in a solo motor cycle parking place

10. (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours anywhere in any part of the solo motor cycle parking place if the use of that part has not been suspended and if:

- (a) the vehicle is waiting for a period not exceeding two minutes or such longer period as a police constable in uniform or a civil enforcement officer may approve to enable a person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage:

PROVIDED THAT if the said person is a person suffering from any disability or injury which seriously impairs his ability to walk or who is blind the vehicle may wait for as long as may be necessary to enable that person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage

- (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 being used for fire brigade or ambulance purposes or not being a passenger vehicle a motor cycle or an invalid carriage is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting
- (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic

- (e) the vehicle is waiting:
 - (i) while postal packets addressed to premises adjacent to the solo motor cycle parking place in which the vehicle is waiting are being unloaded from the vehicle or having been unloaded therefrom are being delivered or
 - (ii) while postal packets are being collected for loading on the vehicle from premises or posting boxes adjacent to the solo motor cycle parking place in which the vehicle is waiting or having been so collected are being loaded thereon
- (f) the vehicle not being a passenger vehicle a motor cycle or an invalid carriage is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 7 (1)(b)
- (g) the vehicle is in actual use in connection with the removal of furniture to or from one office or dwelling-house adjacent to the solo motor cycle parking place in which the vehicle is waiting from or to a depository another office or dwelling-house
- (h) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the solo motor cycle parking place in which the vehicle is waiting and the vehicle does not wait for such purpose for more than twenty minutes or for such longer period as a police constable in uniform or a civil enforcement officer may approve
- (i) the vehicle is displaying in a prominent position behind the windscreen so that it is facing forwards and can be entirely and easily seen from the front of the vehicle a valid waiver certificate issued by a person duly authorised by the Council to wait in accordance with the terms and conditions prescribed by the said certificate

PROVIDED THAT a waiver certificate may be cancelled at any time at

the sole discretion of the Council and shall thereupon immediately cease to be valid and that a notification of such cancellation shall be sent by post to the holder of the certificate at any address which the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council

- (2) Except as provided by this Order the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in the solo motor cycle parking place during the permitted hours

11. FOR THE AVOIDANCE OF DOUBT it is hereby stated by the Council that the provisions of the local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (S. I. 2000 No. 683) shall not apply to this Order

Manner of waiting in a solo motor cycle parking place

12. NO person shall cause or permit a vehicle to wait in the solo motor cycle parking place by virtue of the provisions of sub-paragraph (1)(e) (f) (g) or (h) of the last preceding Article otherwise than so that:

- (a) the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and
- (b) the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres and
- (c) no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting

For the purposes of the last foregoing paragraph the expression "premises" shall not include any premises to or from which any furniture is being removed by virtue of the provisions of sub-paragraph (1)(g) of the last preceding Article or to or from which goods are being delivered or collected by virtue of the provisions of sub-paragraph (1)(h) of that Article

Movement of a vehicle in the solo motor cycle parking place in an emergency

13. ANY person duly authorised by the Council a police constable in uniform or a civil enforcement officer may move or cause to be moved in case of emergency to any place he thinks fit any vehicle left unattended in a solo motor cycle parking place

Removal of vehicles from the solo motor cycle parking place

14. (1) When a vehicle is left in a solo motor cycle parking place in contravention of any of the provisions contained in this Order a person authorised in that behalf by the Council or a police constable in uniform or a Civil Enforcement Officer may remove the vehicle or arrange for it to be moved from that parking place BUT PROVIDED THAT Civil Enforcement Officers shall not exercise the powers in this Article other than in accordance with the 1986 Regulations
- (2) Where it appears to the Borough Council or a police constable in uniform that a vehicle left in a solo motor parking place has been abandoned a Civil Enforcement Officer or a police constable in uniform may in such manner as they consider necessary for the purpose remove the vehicle or arrange for it to be moved from that parking place

PROVIDED THAT where the Borough Council or a police constable in uniform propose to move such a vehicle which in the opinion of the Borough Council or a police constable in uniform is in such a condition that it ought to be destroyed then they shall not less than twenty four hours before removing it cause to be affixed to the vehicle a notice stating that they propose to remove it for destruction at the end of that period

15. WHEN a person duly authorised by the Council or a police constable in uniform or a Civil Enforcement Officer removes or makes arrangements for the removal of a vehicle from a parking place by authority of Article 14 he shall except in the case of a vehicle which in the opinion of the Council the Borough Council or the Chief Constable is in such condition that it ought to be destroyed make such arrangements as may be deemed reasonably necessary for the safe custody of the vehicle

Charges for the removal and storage of vehicles from a solo motorcycle parking place

16. WHERE a vehicle is removed by the Council or a police constable in uniform from the solo motor cycle parking place in pursuance of Article 14 there shall be payable to the Council or the Chief Constable pursuant to Section 102 of the Act and the Removal Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) Regulations 1989 charges for the removal storing and disposal of the said vehicle in accordance with the provisions of the said Regulations

Placing of traffic signs etc

17. THE Council shall -

- (a) place and maintain a traffic sign or traffic signs indicating the limits of the solo motor cycle parking place and/or of each parking space and
- (b) place and maintain in or in the vicinity of the solo motor cycle parking place identified in the plans attached to this Order a traffic sign or traffic signs indicating that such parking place may be used for the leaving only of the vehicles specified in Article 4 and
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of the solo motor cycle parking place

PART III

SUPPLEMENTARY PROVISIONS

Saving in respect of pedestrian crossings

18. NOTHING in the foregoing provisions of this Order 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

Saving in respect of bus stop clearways

19. INsofar as any provision contained in PART II conflicts with a provision which is contained in paragraphs 2 3 or 4 of Schedule 19 to the Traffic Signs Regulations and General Directions 2002 (S.I. 2002 No. 3113) then the provision contained in the said paragraphs of the said Regulations shall prevail

Saving with respect to a solo motor cycle parking places

20. INsofar as any provision contained in PART II conflicts with a provision which is contained in any other enactment existing at the time when this Order comes into operation and which imposes or has the effect of imposing any restriction or prohibition on -

- (a) the waiting loading and/or unloading by vehicles and/or
- (b) the delivering or collecting of goods by vehicles

or grants an exemption from any such restriction or prohibition then the provisions contained in PART II shall prevail

Saving with respect to other enactments

21. SUBJECT to the provisions contained in Articles 18 19 and 20 the prohibitions restrictions and requirements imposed by this Order are in addition to and not in derogation of any prohibition restriction or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment

PART IV

ENFORCEMENT

Contraventions

22. IF a vehicle is left without complying with any of the requirements of this Order then a contravention will have occurred and a penalty charge shall be payable.

A Penalty Charge Notice showing the information required by Section 78 of the Traffic Management Act 2004 or any regulations made thereunder may then be issued by a civil enforcement officer in accordance with the requirements of Section 78 of the Traffic Management Act 2004 or any regulations made thereunder

Notice of penalty charge

23. IN the case of a vehicle in respect of which the penalty charge may have been incurred a civil enforcement officer may serve a penalty charge notice in accordance with the requirements of Regulation 9 or Regulation 10 of the General Regulations and which penalty charge notice shall comply respectively with the requirements of paragraph 1 or paragraph 2 of the Schedule to the General Regulations

Restriction on removal of penalty charge notices

24. WHERE a penalty charge notice has been attached to a vehicle in accordance with the provisions of this Order no person not being the driver of the vehicle a police constable in uniform or a civil enforcement officer shall remove that Notice from the vehicle unless authorised to do so by the driver

Manner of payment of penalty charge

25. (1) The owner of a vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Borough Council EITHER by cheque or postal order which shall be delivered or sent by post so as to reach the Cash Office of Elmbridge Borough Council Civic Centre High Street Esher Surrey KT10 9SD or the office of any agents thereof not later than as aforesaid OR by credit card or debit card

- (2) If the penalty charge is paid before the end of the period of fourteen days beginning with the date of the Notice the amount of the penalty charge will be reduced by the specified proportion

PROVIDED THAT in this paragraph "specified proportion" means such proportion as may be determined by the Council

- (3) If the owner fails to pay the penalty charge by the end of the twenty-eight day period a Notice to Owner may be served and if the charge is then not paid within a further period of twenty-eight days it may be increased by fifty per cent

If the fourteen or twenty-eight day periods referred to above fall on a day when the said Council Offices are closed the period within which payment shall be made shall be extended until 4.30 p.m. on the next full day on which the said Council Offices are open

SCHEDULE

LIST OF DRAWINGS

[illegible]

[illegible]

[illegible]

[illegible]

Executed as a Deed by Surrey County Council on 29 January 2014

EXECUTED AS A DEED by)
affixing THE COMMON SEAL of)
SURREY COUNTY COUNCIL)
in the presence of and attested by:)



Carol McLoggill

Authorised Signatory

SURREY COUNTY COUNCIL

DATE: 29 JANUARY 2014

No. IN SEALING 9466
REGISTER
ELMBRIDGE LOCAL COMMITTEE
ORDERED TO 25/2/13-72/12 ITEM 13
BE SEALED 24/6/13-17/13 ITEM 15

ROAD TRAFFIC REGULATION ACT 1984

SECTIONS 32 35 AND 36

THE SURREY COUNTY COUNCIL
BOROUGH OF ELMBRIDGE
(SOLO MOTOR CYCLE PARKING PLACES)

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