

## ROAD TRAFFIC REGULATION ACT 1984

### LANCASHIRE COUNTY COUNCIL (ROUGH LEA ROAD AND DERBY ROAD, THORNTON CLEVELEYS, WYRE BOROUGH) (PART REVOCATION, PROHIBITION OF WAITING, PROHIBITION OF LOADING AND LIMITED WAITING) ORDER 2014

The County Council of Lancashire ("the Council") in exercise of its powers under Sections 1, 2, 4 of and Part IV of Schedule 9 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

In this Order where the context requires, the masculine includes the feminine and the neuter and vice versa, the singular includes the plural and vice versa.

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

- a. "**Bus**" means
  - (i) A motor vehicle constructed or adapted to carry more than eight passengers (exclusive of the driver) or;
  - (ii) Any local bus not so constructed or adapted.
- b. "**Centre Line**" means the centre line of a highway as shown on Ordnance Survey graphical information systems at the time that the Order was prepared.
- c. "**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;
- d. "**Council's Duly Authorised Officer**" means a person appointed by the Council or its local agent, or authority to administer the powers conferred on the said Council by the 1984 Act with respect to this and other Traffic Regulations.
- e. "**Disabled Person's Badge**" means a badge which was –
  - i) issued, or has effect as if issued, to a disabled person or an institution under The Disabled Persons (Badges for Motor Vehicles) (England) Regulations or under regulations having effect in Scotland or Wales under Section 21 of the Chronically Sick and Disabled Persons Act 1970; and
  - ii) has not ceased to be in force.
- f. "**Disabled Person's Vehicle**" means a Vehicle displaying a Disabled Person's Badge in the circumstances prescribed in Regulations 13, 14, 15 or 16 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
- g. "**Loading**" and "**Unloading**" means the continuous 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.
- h. "**Parking Disc**" means a device which -

- i) is 125 millimetres square and coloured blue, if issued on or after 1<sup>st</sup> April 2000, or orange if issued before that date;
  - ii) has been issued by a local authority and has not ceased to be valid; and
  - iii) is capable of showing the quarter hour period during which a period of waiting has begun.
- i. **"Parking Place"** means the areas of the highway authorised by this Order to be used as a Parking Place, bay or space.
- j. **"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.
- k. A Vehicle displays a Disabled Person's Badge or Parking Disc in the **"Relevant Position"** if -
- i) the badge or disc is exhibited on the dashboard or fascia of the Vehicle, or
  - ii) where the Vehicle is not fitted with a dashboard or fascia the badge or disc is exhibited in a conspicuous position on the Vehicle, so that the front of the badge or disc is clearly legible from the outside of the Vehicle.
- l. **"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 Road Traffic Regulation Act 1984.
- m. **"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. Part Revocation

Those parts of the "Lancashire County Council (Wyre Area) (On Street Parking Places, Prohibition And Restriction Of Waiting) Consolidation Order 2009" as set out in Schedule 1 to this Order are hereby revoked.

## 3. Prohibition of Waiting

- a. Save as is 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 wait, at any time, in any of the lengths of road set out in schedule 2 to this order.
- b. Save as is 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 wait, from Monday to Saturday inclusively, from 16:00 until 00:00 and from 00:00 until 10:00, or at any time on Sunday, in the length of road set out in schedule 3 to this order.

## 4. Prohibition of Loading

Save as is 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 wait for the purposes of Loading or Unloading, from Monday to Saturday inclusively, between the hours of 10:00 and 16:00 in any of the lengths of road set out in schedule 4 to this order.

**5. Parking Places**

- a. Save as is hereinafter provided, no person shall except upon direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer, cause or permit any Vehicle to wait between the hours of 10:00 and 16:00, from Monday to Saturday inclusively, in the length of road set out in schedule 5 to this Order, unless that vehicle is a Bus, in which case that Bus may wait for a maximum period of 30 minutes, not to return within 1 hour.
- b. Save as is hereinafter provided, no person shall except upon direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer cause or permit any Vehicle to wait, for a period exceeding 1 hour and/or return within a period of 1 hour, from Monday to Saturday inclusively, between the hours of 08:00 and 18:00 in the length of road specified in Schedule 6 to this order.

**6. Exemptions for Disabled Person's Vehicles**

- a) Nothing in Articles 3(a) and (b) of this Order shall render it unlawful to cause or permit any vehicle to wait in the length of road referred to therein for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road on the same day) if the vehicle is a vehicle which displays in the relevant position both a disabled person's badge and a parking disc marked to show the quarter hour period during which the period of waiting began.
- a. Nothing in Article 5(b) of this order shall render it unlawful to cause or permit any Vehicle to wait at any time, or during the hours specified for limited waiting, in any of the lengths of road referred to therein if that Vehicle is a Disabled Person's Vehicle which displays a Disabled Person's Badge in the Relevant Position.

**7. Exemptions to Articles 3 and 5(b)**

Nothing in Articles 3(a), 3(b) and 5(b) to this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable:-

- a) a person to board or alight from the Vehicle;
- b) goods to be loaded on to or unloaded from the Vehicle;
- c) 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:-
  - 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 roads;
  - iv. the laying, erection, alteration or repair in or in 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;
- d) 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;

- e) a Royal Mail liveried Vehicle to be used for delivering or collecting postal packets in accordance with the statutory provisions as defined in the Postal Services Act 2000;
- f) the Vehicle to be used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties.
- g) the Vehicle to wait at or near to any premises situated on or adjacent to the said lengths of road for so long as such waiting by the Vehicle is reasonably necessary in connection with any wedding or funeral.
- h) When the person in control of the Vehicle
  - i. is required by law to stop;
  - ii. is obliged to stop in order to avoid an accident; or
  - iii. is prevented from proceeding along the road due to circumstances beyond their control;

## **8. Exemptions to Articles 4 and 5(a)**

Nothing in Articles 4 and 5(a) to this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein 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 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 roads;
  - iv. the laying, erection, alteration or repair in or in 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;
- c) 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;
- d) the Vehicle to be used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties.
- e) When the person in control of the Vehicle
  - i. is required by law to stop;
  - ii. is obliged to stop in order to avoid an accident; or
  - iii. is prevented from proceeding along the road due to circumstances beyond their control;

## **9. 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.
- d) While any Vehicle is in a Parking Place 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.

**10. 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 9 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.

**11. 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 9 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.

**12. 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 they think 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 9 so that every part of the Vehicle is within the limits of the Parking Place.

**13. 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 Articles 7(h) and 8(e); or
- iii) left in such Parking Place with the permission of the person suspending the use of the Parking Place.

**14. 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 the Council and/or its Agents of a Penalty Charge Notice which shall be payable by such persons in accordance with the legislation.

**15. Miscellaneous**

The prohibitions 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.

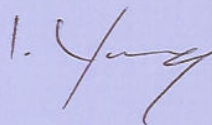
**16. Commencement of Order**

This Order shall come into force on the 14<sup>th</sup> day of April 2014 and may be cited as the "Lancashire County Council (Rough Lea Road And Derby Road, Thornton Cleveleys, Wyre Borough) (Part Revocation, Prohibition Of Waiting, Prohibition Of Loading And Limited Waiting) Order 2014".

Dated this 9<sup>th</sup> day of April 2014.

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

Authorised Signatory



23241

### **Schedule 1**

Items to be revoked from the "Lancashire County Council (Wyre Area) (On Street Parking Places, Prohibition And Restriction Of Waiting) Consolidation Order 2009":

#### **No Waiting At Any Time**

(i) Derby Road, the west side, from a point 20 metres north of the northerly kerblines of Rough Lea Road for a distance of 27 metres in a northerly direction

(ii) Rough Lea Road, the north side, from the easterly kerblines of Promenade North to the westerly kerblines of Rossall Road

#### **Limited Waiting 1 Hour No Return Within 1 Hour Mon-Sat 8am-6pm**

Derby Road, the west side, from a point 45 metres south of the southerly kerblines of Beach Road to a point 47 metres north of the northerly kerblines of Rough Lea Road

#### **No Loading Mon-Sat 10am-4pm**

Rough Lea Road, the north side, from the easterly kerblines of Promenade North to the westerly kerblines of Rossall Road

### **Schedule 2 – Prohibition of waiting at any time**

- a) Derby Road, Thornton Cleveleys, the west side, from a point 25 metres north of the centreline with Rough Lea Road for a distance of 47 metres in a northerly direction.
- b) Rough Lea Road, Thornton Cleveleys, the north side, from a point 57.5 metres east of the centreline of North Promenade to the centreline of Rossall Road.
- c) Rough Lea Road, Thornton Cleveleys, the north side, from the centreline of North Promenade for a distance of 23.5 metres in an easterly direction.

### **Schedule 3 – Prohibition of waiting from Monday to Saturday, 4pm until midnight and midnight until 10am and All Day Sunday**

Rough Lea Road, Thornton Cleveleys, the north side, from a point 23.5 metres east of the centreline of North Promenade for a distance of 34 metres in an easterly direction.

### **Schedule 4 Prohibition of Loading from Monday to Saturday, from 10am until 4pm**

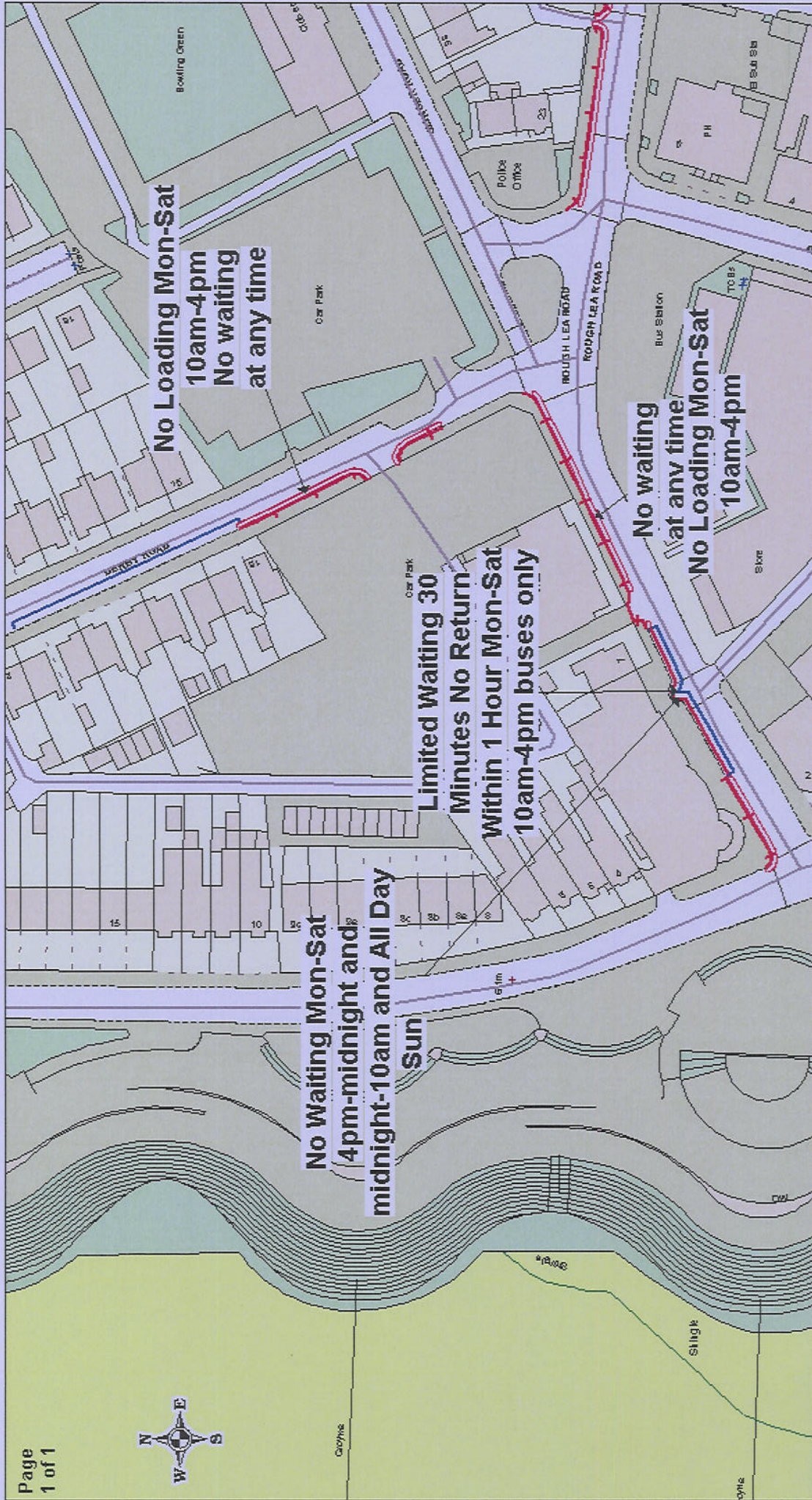
- a) Derby Road, Thornton Cleveleys, the west side, from a point 25 metres north of the centreline of Rough Lead Road for a distance of 47 metres in a northerly direction.
- b) Rough Lea Road, Thornton Cleveleys, the north side from a point 57.5 metres east of the centreline of North Promenade to the centreline of Rossall Road
- c) Rough Lea Road, Thornton Cleveleys, the north side from the centreline of North Promenade for a distance of 23.5 metres in an easterly direction

### **Schedule 5 Limited Waiting (buses only), 30 Minutes No Return Within 1 Hour from Monday to Saturday between 10am and 4pm**

Rough Lea Road, Thornton Cleveleys, the north side, from a point 23.5 metres east of the centreline of North Promenade for a distance of 34 metres in an easterly direction.

### **Schedule 6 Limited Waiting 1 Hour No Return Within 1 Hour from Monday to Saturday between 8am and 6pm**

Derby Road, Thornton Cleveleys, the west side, from a point 49 metres south of the centreline of Beach Road for a distance of 53 metres in a southerly direction.



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DATE	09/08/2013
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**Environment Directorate**  
**Jo Turton**  
 Executive Director, Environment Directorate  
 P.O. Box 100, County Hall,  
 PRESTON PR1 0LD

**Rough Lea Rd Bus Stop (Coach)**  
**Derby Rd NWAAT**  
**Cleveleys Town Centre**

