

**ROAD TRAFFIC REGULATION ACT 1984
LANCASHIRE COUNTY COUNCIL
(BACK SCOTLAND ROAD, CROSS STREET, STANLEY STREET, NEW BROWN
STREET AND WELLINGTON STREET, NELSON, PENDLE BOROUGH) (PART
REVOCATION, PROHIBITION OF WAITING, LIMITED WAITING AND
RESIDENTS PARKING PLACES) ORDER 2014**

The County Council of Lancashire ("the Council") in exercise of its powers under Sections 1, 2, 4 and 45 of, and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended ("the Act") and of all other enabling powers, after consultation with the Chief Officer of Police hereby make the following Order: -

1. Definitions and Interpretations

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

- a) "**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
- b) "**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;
- c) "**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.
- d) "**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.
- e) "**Parking Disc**" means a device which -
 - i) is 125 millimetres square and coloured blue, if issued on or after 1st 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.
- f) A Vehicle displays a Disabled Person's Badge or Parking Disc in the "**Relevant Position**" if -
 - i) the badge/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/disc is exhibited in a conspicuous position on the Vehicle, so that the front of the badge/disc is clearly legible from the outside of the Vehicle.

- g) **"Parking Place"** Means a place pursuant to Sections 1, 2, 4, 32 and 45 of the "1984 Act" where Vehicles, or Vehicles of a specified class may wait, and in respect of which a charge may be paid in connection with its use.
- h) **"Parking Permit"** means a valid permit issued for the Parking Place by the Council or its local agent or authority. Eligibility criteria and charging structure relating to the Parking Permits is as set out in schedule 7 to this Order.
- i) **"Permit Holder"** means a person to whom a valid Parking Permit has been issued in accordance with article 9.
- j) **"Place of Residence"** is as defined by the Issuing Authority.
- k) **"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

- a) Those parts of the "Lancashire County Council (Pendle Borough 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.
- b) Those parts of the "Lancashire County Council (Cross Street, Nelson, Pendle Borough) (Part Revocation, Restriction of Waiting and Authorised Taxi Rank) Order 2012" as set out in Schedule 2 to this Order are hereby revoked.
- c) That part of "the Borough Council of Pendle (Clayton Street, Albion Street and Wellington Street, Nelson) (Waiting Restrictions) Order 2006" as set out in Schedule 3 to this Order is hereby revoked.

3. Prohibition of Waiting

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, on any day, in the lengths of roads set out in Schedule 4 to this order.

4. Limited Waiting

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 more than 1 hour with no return within 2 hours from Monday to Saturday (inclusively) from 08:30 until 18:00 in the lengths of roads set out in Schedule 5 to this Order.

5. Parking Places

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, at any time, or during the hours specified, in schedule 6 to this Order, unless they are a holder of a valid Parking Permit in respect of the Parking Place in which the Vehicle has been left and they display such a permit in that Vehicle in accordance with Article 12.

6. General Exemptions

Nothing in Articles 3, 4 or 5 of 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 the Vehicle;
- b) goods to be loaded on to or unloaded from the Vehicle;
- c) 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 road;
 - iv) the laying, erection, alteration or repair in or near 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 engaged in the collection and/or delivery of letters 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 length of road for so long as such waiting by the Vehicle is reasonably necessary in connection with any wedding or funeral.

7. Additional Exemptions

Nothing in Articles 3, 4 or 5 of this Order shall render it unlawful to cause or permit any Vehicle to wait, in the lengths of roads referred to therein when the person in control of the Vehicle

- a) is required by law to stop;
- b) is obliged to stop in order to avoid an accident; or
- c) is prevented from proceeding along the road due to circumstances beyond his/her control

8. Exemption for Disabled Person's Vehicle

- a) Nothing in Article 3 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of roads 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 lengths of road on the same day) if the Vehicle is a Disabled Person's 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.
- b) Nothing in Article 4 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of roads referred to therein 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.

9. Application For and Issue of Permits

- a) Any resident whose Place of Residence is that mentioned in Schedule 7 of this order may apply to the Issuing Authority for the issue of a permit to leave a Vehicle within designated Parking Places within that area/zone. Any such application shall be made on a form issued by and obtainable from the Issuing Authority and shall include the particulars and information required by such a form to be supplied and shall be accompanied by a remittance for the appropriate charge (details of which are contained within schedule 7 to this Order in respect of the permit for which application is being made.
- b) The Issuing Authority may at any time require an applicant for a permit or a Permit Holder to produce to their Duly Authorised Officer such evidence in respect of an application for a permit made to them as they may reasonably require to verify any particulars or information in respect of any permit issued as they may reasonably require to verify that the permit is valid.
- c) On receipt of an application made under the forgoing provisions of this Article, and of the appropriate fee, the Issuing Authority, upon being satisfied that the applicant is a resident within the area specified in paragraph i) of this Article, shall issue to the applicant Parking Permits for the leaving of Vehicles during the permitted period in a Parking Place to which such permit relates, by the owner of such Vehicles, or by any person using such Vehicles with the consent of the

owner other than a person to whom such Vehicles has been let for hire or reward.

- d) Any resident applying for a Parking Permit who holds a valid Disabled Person's Badge shall be exempt from the fee referred to in the foregoing provisions of this article.

10. Surrender, Withdrawal and Validity of Permits

- a) A Permit Holder may surrender a permit to the Issuing Authority at any time and shall surrender a permit to the said Issuing Authority on the occurrence of any of the events set out in paragraph 'c' of this article
- b) The Issuing Authority 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 place of abode, withdraw a permit if it appears to the Issuing Authority that any of the events set out in paragraph c i, ii, or iii, of this article has occurred and the Permit Holder shall surrender the permit to the said Issuing Authority with 48 hours of the receipt of the aforementioned notice.
- c) The events referred to in the foregoing provisions of this article are:
- i. The Permit Holder ceasing to be eligible
 - ii. The withdrawal of such a permit by the Issuing Authority under provisions of paragraph 'b' of this article
 - iii. The Vehicle in respect of which such a permit was issued is used for any unlawful purpose;
 - iv. The issue of a duplicate permit by the Issuing Authority;
 - v. The permit ceasing to be valid pursuant to the provisions of paragraph 'd' of this article
- d) Without prejudice to the foregoing provisions of this article, a permit shall cease to be valid at the expiration of the period specified thereon (which period shall be that in respect of which payment has been made) or on occurrence of any one of the events set out in paragraph c) i, ii, iii, or iv, whichever is earlier.
- e) Where a permit is issued to any person upon receipt of a payment and the payment is subsequently dishonored, the permit shall cease to be of any effect and the Issuing Authority shall by notice in writing served on the person to whom such a permit was issued by sending the same 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 abode, require that person to surrender the permit to the Issuing Authority with 48 hours of receipt of the aforementioned notice.

11. Display of Parking Permit

A Parking Permit issued under the provisions of this Order shall be displayed in the Vehicle in respect of which the Parking Permit has been issued in a conspicuous position so that all details are clearly visible to a person standing at the front or kerbside of such Vehicle for the whole of the time during which the Vehicle is left.

12. 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 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.

13. Alteration of position of a Vehicle in a Parking Place

Where any Vehicle is left standing in Parking Place in contravention of the provisions of Article 12 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.

14. 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 12 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.

15. 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 he thinks 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 articles 6 or 7 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 12 so that every part of the Vehicle is within the limits of the Parking Place.

16. Power to suspend use of Parking Places

- a) The Council's Duly Authorised Officer may suspend the use of 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 Article 7; or
 - iii) left in such Parking Place with the permission of the person suspending the use of the Parking Place.

17. 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.

18. Restriction of use of a Vehicle in a Parking Place

While any Vehicle is in the lengths of road specified in the schedule to this Order 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.

19. Miscellaneous

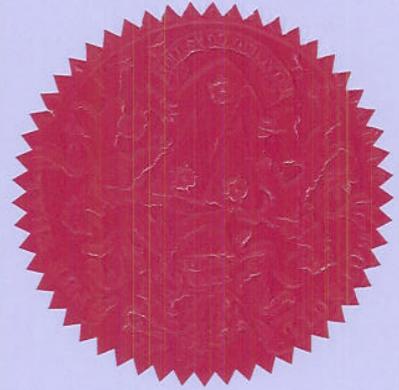
The Restriction imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any regulations made, or having effect as if made, under the Act or by or under any other enactment.

20. Commencement of Order

This Order shall come into force on the 3rd March 2014 and may be cited as the "Lancashire County Council (Back Scotland Road, Cross Street, Stanley Street, New Brown Street and Wellington Street, Nelson, Pendle Borough) (Part Revocation, Prohibition of Waiting, Limited Waiting and Residents Parking Places) Order 2014".

Dated this 26th day of February 2014.

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



A handwritten signature in black ink, appearing to be "H. Young".

Authorised Signatory

23102

Schedule 1 – Part Revocation

- i) Schedule 3:01, Item 47 N1 (ii) - Stanley Street, Nelson, the south-west side fronting Nos 19-27 inclusive.
- ii) Schedule 10:01, Item 17 (i) – Back Scotland Road, Nelson, both sides between its junction with Pendle Street and Russell Street.
- iii) Schedule 10:01, Item 310 (i) – Stanley Street, Nelson, both sides from its junction with Manchester Road and its junction with Back Manchester Road.
- iv) Schedule 10:01, Item 310 (ii) – Stanley Street, Nelson, both sides from its junction with Back Manchester Road to its junction with Every Street except on the south-westerly side from its junction with Back Every Street to its junction with Back Manchester Road.
- v) Schedule 12:070, Item 3 – Stanley Street, Nelson, the south-west side, from its junction with Back Manchester Road for a distance of 45 metres in a north-westerly direction.

Schedule 2 – Part Revocation

Schedule 2 – Cross Street, Nelson, aforesaid on the easterly side from a point 6 metres in a southerly direction from the centre line of Russell Street, for a distance of 21 metres in a southerly direction.

Schedule 3 – Part Revocation

Wellington Street, the south side, from 5 metres in a north-westerly direction from its junction with Back Clayton Street for a distance of 10 metres in a north-westerly direction.

Schedule 4 – Prohibition of Waiting

- a) Back Scotland Road, Nelson, the east side from the centreline of Russell Street to the centreline of Market Street
- b) Back Scotland Road, Nelson, the west side from a point 35 metres south of the centreline of Russell Street to the centreline of Market Street
- c) Stanley Street, Nelson, the north-east side from the centreline Every Street to a point 74 metres south-east of the centreline of Cross Street
- d) Stanley Street, Nelson, the south-west side, from the centreline of Every Street to a point 25 metres south-east of the centreline of Every Street
- e) Stanley Street, Nelson, the south-west side from a point 136 metres south-east of the centreline of Every Street to the centreline of Manchester Road

Schedule 5 – Limited Waiting 1 hour with no return within 2 hours from Monday to Saturday (inclusively) from 08:30 until 18:00

- a) Back Scotland Road, Nelson, the west side, from a point 5 metres south of the centreline of Russell Street for a distance of 30 metres in a southerly direction
- b) Cross Street, Nelson, the east side from a point 6 metres south of the centreline Russell Street for a distance of 33 metres in a southerly direction
- c) Cross Street, Nelson, the east side from a point 42 metres south of the centreline Russell Street for a distance of 6 metres in a southerly direction
- d) Stanley Street, Nelson, the south-west side from a point 103 metres south-east of the centreline of Every Street for a distance of 33 metres in a south-easterly direction.

Schedule 6 - Residents Parking Places

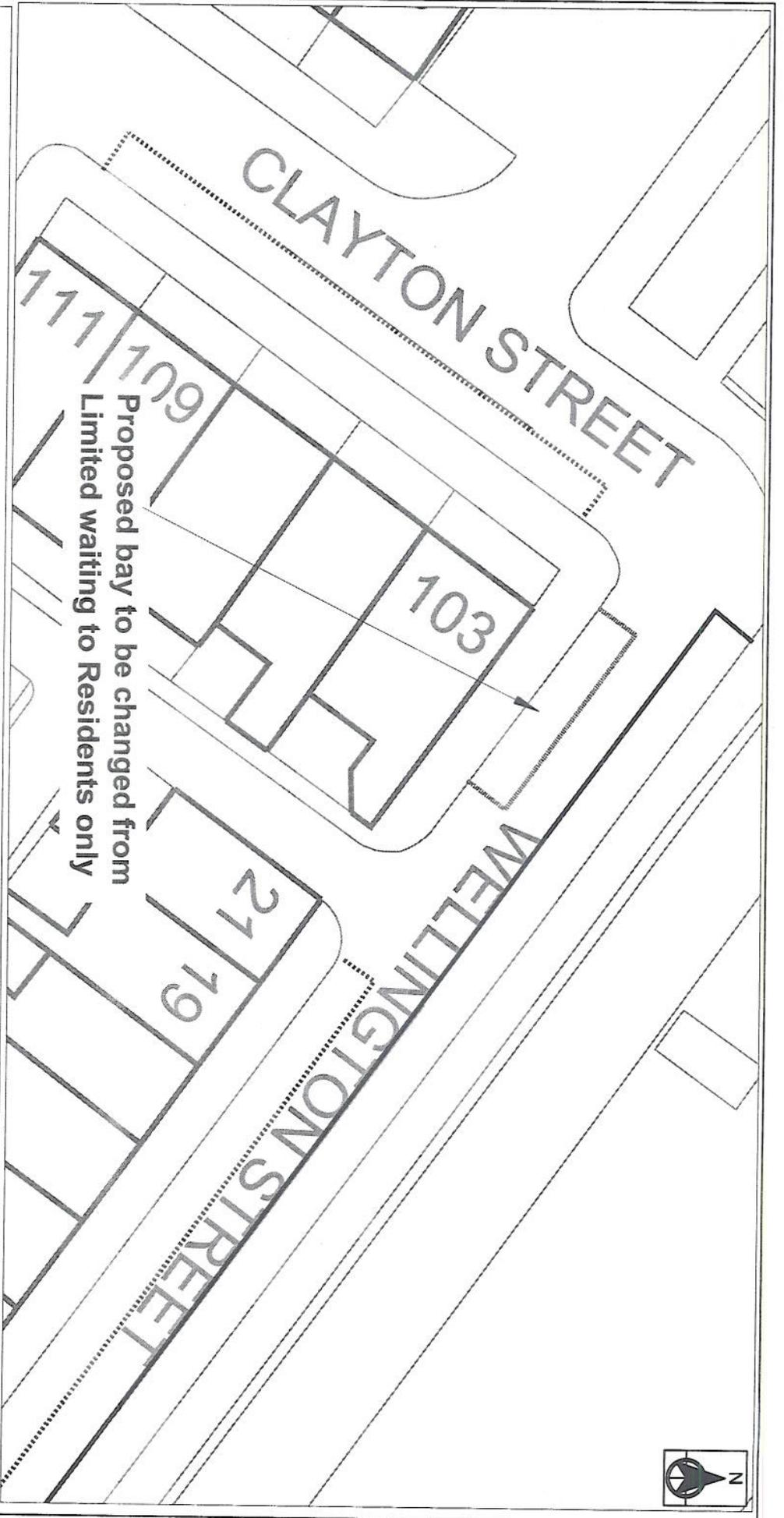
- a) New Brown Street, Nelson, the south-west side from a point 6 metres north-west of the Centre Line of Every Street for a distance of 15 metres in a north-westerly direction. **Please note** this parking bay will be for use by vehicles displaying an 'N2' or 'N13' zone residents parking permit.
- b) Stanley Street, Nelson, the south-west side from a point 30 metres south-east of the Centre Line of Every Street for a distance of 67 metres in a south-easterly direction. **Please note** this parking bay will be for use by vehicles displaying an 'N1' zone residents parking permit.
- c) Wellington Street, Nelson, the south-west side from a point 6 metres south-east of the Centre Line of Clayton Street for a distance of 10 metres in a south-easterly direction. **Please note** this parking bay will be for use by vehicles displaying an 'N2' or 'N13' zone residents parking permit.

Schedule 7 - Eligibility and Pricing

ZONE	NAME OF STREET	ELIGIBLE PROPERTIES
ZONE N2 AND N13	Albion Street	52-70 evens 27-57 odds
	Carr Road	64-70 evens
	Clayton Street	96-106 evens 103-113 odds
	Cross Street	Prospect Buildings Flat 1, Flat 2
	Every Street	45-63 odds 65-75 odds 60-80 evens 84-94 evens 108
	Raglan Street	5-15 odds
	Wellington Street	3-21 odds
	ZONE N1	Clayton Street
Cross Street		2-12 evens 5-11 odds
Scott Street		1-15 inclusive
Stanley Street		11-37 odds 43-69 odds

Permit Parking Fees

Up to 4 residents permits may be purchased per property, at a cost of £17 per permit. In addition, 1 visitors permit per property may also be purchased at a cost of £17.



KEY

Propose bay Alteration from Limited Waiting to Residents Only

Existing Residents Parking Bay

Existing Limited Waiting Bay

Lancashire County Council 	Environment Directorate Jo Tutton Executive Director of Environment P.O. Box 100, County Hall, Preston PR1 0LD	PROJECT TITLE Proposed Change of Limited Waiting Bay to residents only Parking	DRAWN BY Chris Nolan	CLIENT NO. BNN1-2013-B	NO Date Amendment Details Drawn by Checked by
	Environment And Public Protection Services	DRAWING TITLE Wellington Street Neison	CHECKED BY Chris Nolan	SCHEME NO. BNN1-2013-B	REVISIONS
DATE 10th May 2013		SCALE 1:250 @ A4	SHEET NO. 1 of 1		



EVERY STREET

Gibbusia Girls' High School

STANLEY STREET

Municipal Office



Car Park

Club

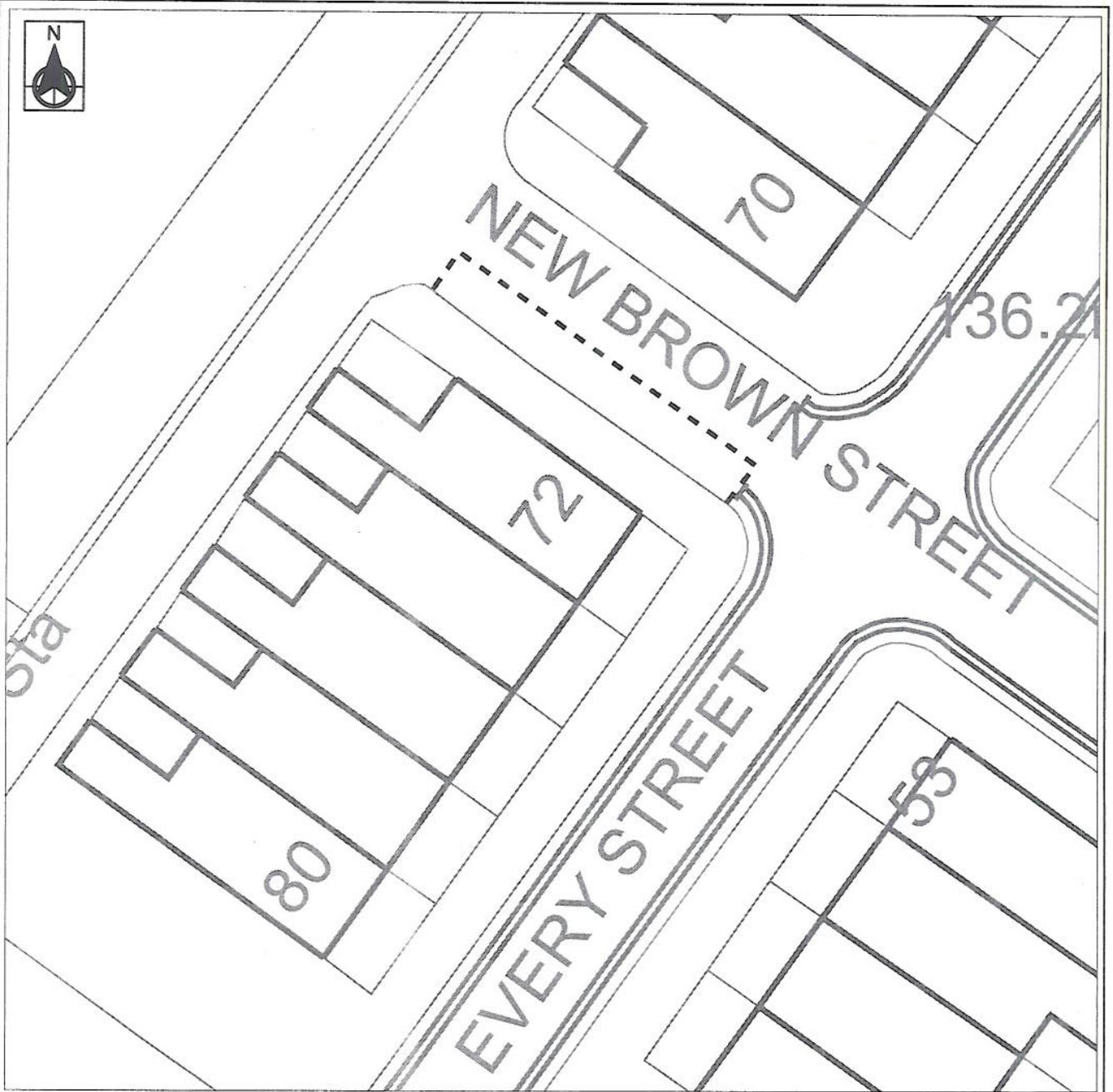
KEY

Mixed Bay to become all Residents Parking

No Waiting at any time to be redefined

Existing Limited Waiting to be redefined

No. Date		Amendment Details		Drawn by:		Checked by:		PROJECT TITLE		SHEET NO.	
REVISIONS								Proposed Revised Waiting Restrictions Stanley Street, Nelson		1 of 1	
Lancashire County Council		Environment Directorate		Jo Turton Executive Director of Environment P.O. Box 100, County Hall, PRESTON PR1 0LD		Stanley Street Nelson		DRAWING NO. BNN1-2013 - C			
Environment And Public Protection Services				DRAWN BY Chris Nolan		CHECKED BY SB		SCALE 1:500 @ A4		DATE 14 May 2013	
										CLIENT NO.	



KEY



Proposed Residents Only Parking Bay

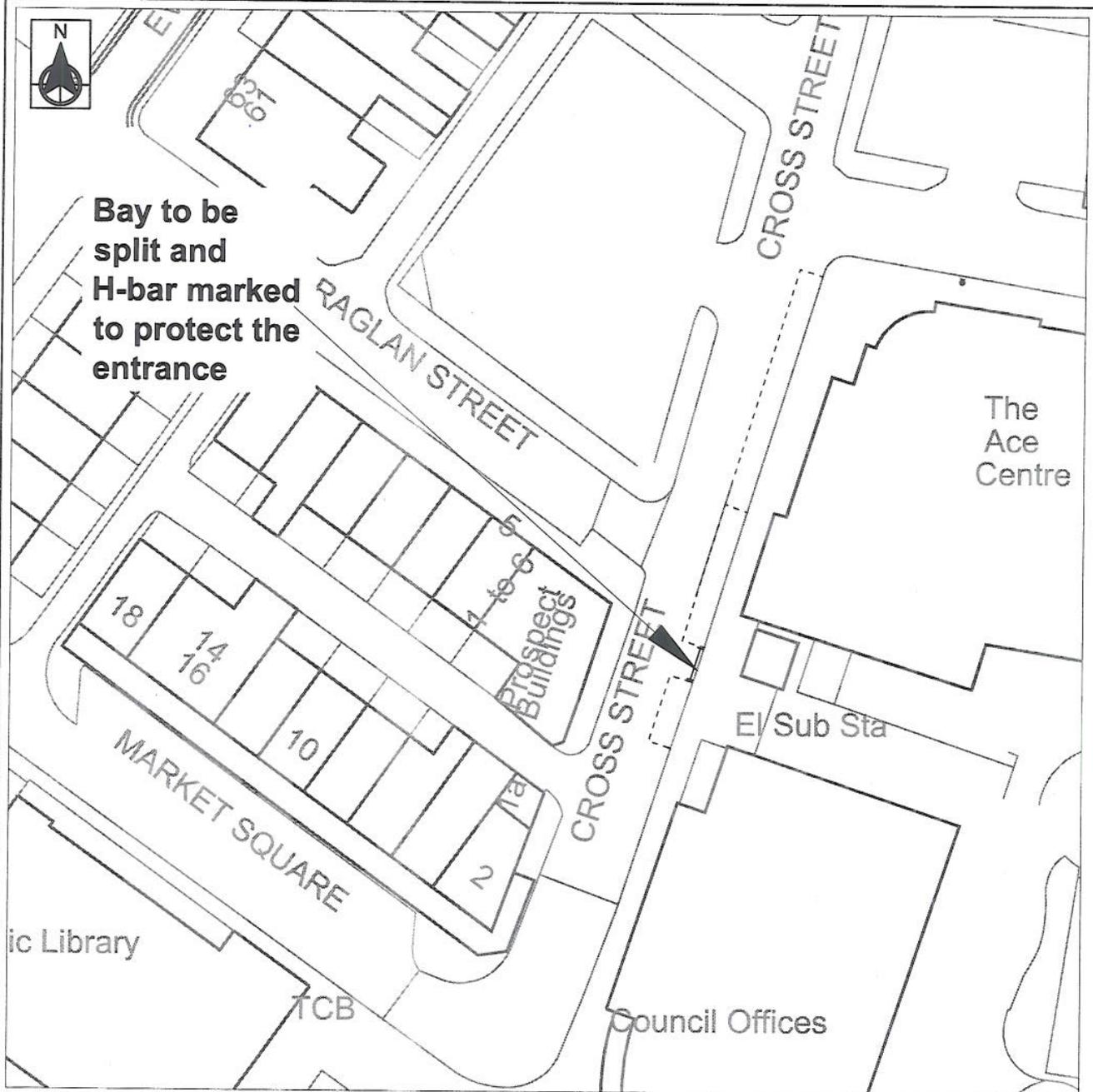


Existing No Waiting at any Time

No. Date Amendment Details		Drawn by:	Checked by:	PROJECT TITLE Proposed Residents Only Parking Bay	SHEET NO. 1 of 1
REVISIONS				DRAWING TITLE New Brown Street Nelson	DRAWING NO. BNN1-2013 - A
Lancashire County Council		Environment Directorate Jo Turton Executive Director of Environment P.O. Box 100, County Hall, PRESTON PR1 0LD		DRAWN BY Chris Nolan	CHECKED BY
Environment And Public Protection Services				SCALE 1:250 @ A4	DATE 10 th May 2013
				SCHEME NO.	CLIENT NO.



Bay to be split and H-bar marked to protect the entrance

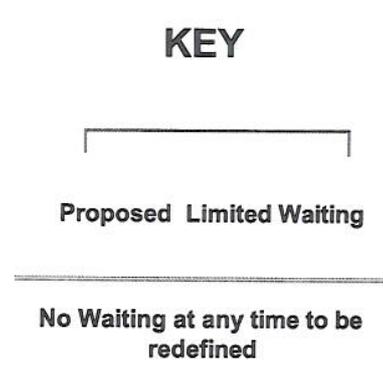
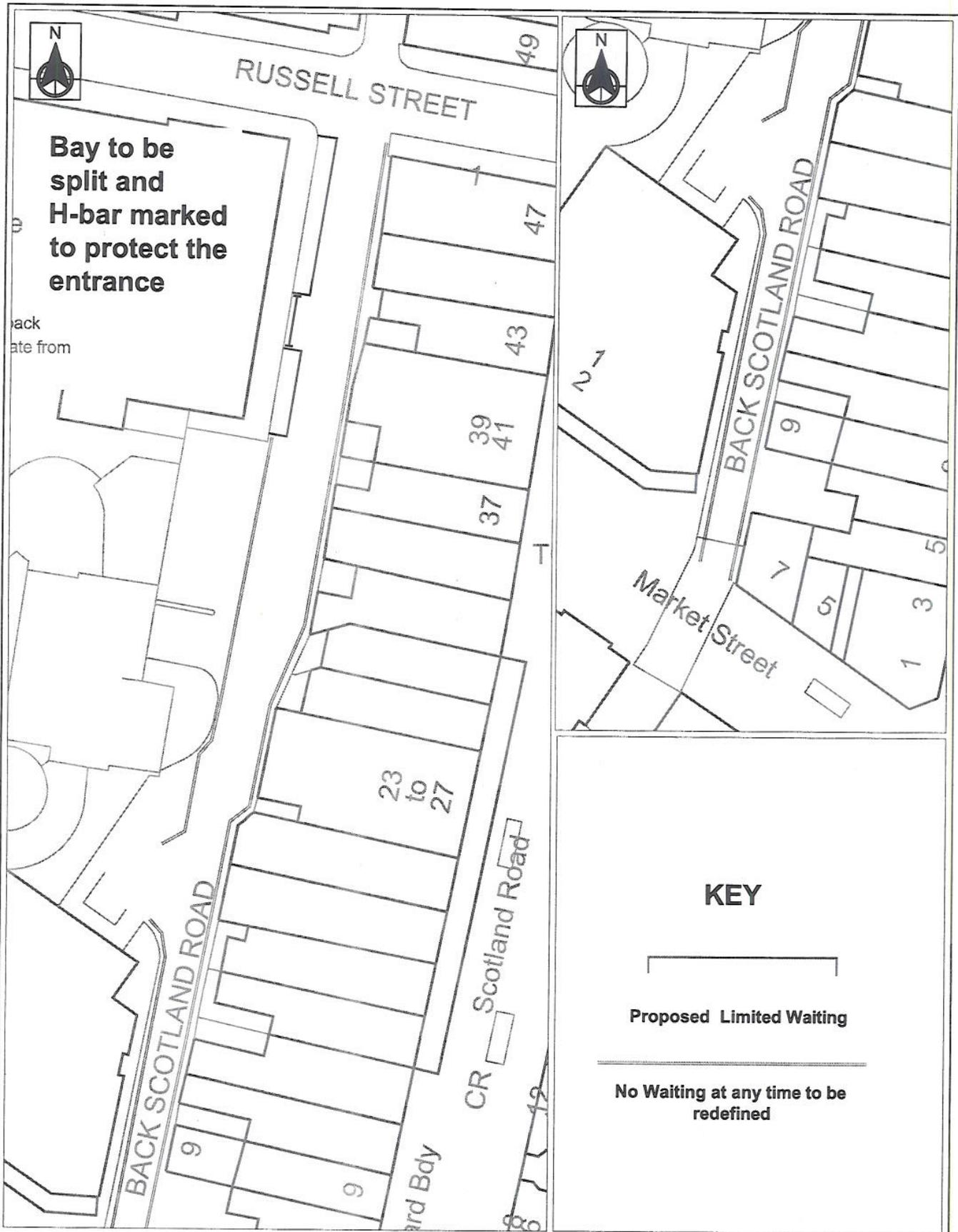


KEY

Limited waiting 1 hour no return in 2hours

Mixed use Bay - Daytime Limited Waiting
1 hour no return in 2hours
Night Time Taxi Bay

No. Date Amendment Details		Drawn by:	Checked by:	PROJECT TITLE	SHEET NO.
REVISIONS				Proposed Changes to Limited Waiting and Taxi Bays to Duel Use	1 of 1
		Environment Directorate Jo Turton Executive Director of Environment P.O. Box 100, County Hall, PRESTON PR1 0LD		DRAWING TITLE	DRAWING NO.
Environment And Public Protection Services		Environment Directorate		Cross Street Nelson	BNN1-2013 - E
SCALE		DRAWN BY		CHECKED BY	SCHEME NO.
1:500 @ A4		Chris Nolan			
				DATE	CLIENT NO.
				21st May 2013	



No. Date Amendment Details		Drawn by: Checked by:		PROJECT TITLE Proposed Limited Waiting Bay Back Scotland Road		SHEET NO. 1 of 1	
REVISIONS				DRAWING TITLE Back Scotland Road Nelson		DRAWING NO. BNN1-2013-D	
Lancashire County Council		Environment Directorate Jo Turton Executive Director of Environment P.O. Box 100, County Hall, PRESTON PR1 0LD		DRAWN BY Chris Nolan		CHECKED BY SB	
Environment And Public Protection Services				SCALE 1:500 @ A4		DATE 14th May 2013	
						SCHEME NO.	
						CLIENT NO.	