ROAD TRAFFIC REGULATION ACT 1984
LANCASHIRE COUNTY COUNCIL
(GARDEN STREET, LYTHAM ST ANNES, FYLDE BOROUGH) (REVOCATION AND VARIOUS PARKING RESTRICTIONS) ORDER 202*

The County Council of Lancashire ("the Council") in exercise of its powers under Sections 1, 2 and 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

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

a) **"Centreline"** 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) **"Goods Vehicle"** has the same meaning as in section 192 (1) of the Road Traffic Act 1988;

f) **"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;

g) **"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.

h) **"Parking Place"** means any length of road subject to restriction in accordance with Article 6;

i) **"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;

j) 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.

k) **"The 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;

l) **"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. Revocation

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

b) Those parts of the "Lancashire County Council (Garden Street, Lytham St Annes, Fylde Borough) (Part Revocation, Prohibition and Restriction of Waiting, Prohibition of Loading/Unloading and Loading/Unloading only Bay) Order 2011", as set out in Schedule 1b to this Order, are 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 road set out in Schedule 2 to this Order.

4. Prohibition of Loading/Unloading

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, for the purposes of Loading or Unloading, in the lengths of road set out in Schedule 3 to this Order.

5. Restriction of Loading/Unloading 9am – 5pm

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 on any day, between 9am and 5pm, for the purposes of Loading or Unloading, in the length of road set out in Schedule 4 to this Order.

6. Goods Vehicle Loading Bay

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 in the Parking Places set out in Schedule 5 to this Order, on any day at any time, unless that Vehicle is a Goods Vehicle and it is engaged in Loading or Unloading.

7. General Exemptions

Nothing in Articles 3, 4, 5, and 6 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) 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;

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.

8. Exemptions to Article 3

Nothing in Article 3 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) goods to be loaded on to or unloaded from the Vehicle;

b) 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;

c) 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.

9. Exemption for Disabled Person's Vehicle

Nothing in Article 3 of this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths 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 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.

10. Emergency Exemptions

Nothing in this Order shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road 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.

11. Manner of standing in a Parking Place

a) The driver of a 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.

12. 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 11 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.

13. 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 11 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.

14. 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 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 11 so that every part of the Vehicle is within the limits of the Parking Place.

15. 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 Article 10; or

iii) left in such Parking Place with the permission of the person suspending the use of the Parking Place.

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

While any Vehicle is in the Parking Places referred to herein 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.

17. Miscellaneous

The prohibition 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.

18. 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 Lancashire County Council and/or its agents of a Penalty Charge Notice which shall be payable by such persons in accordance with the legislation.

19. Commencement of Order

This Order shall come into force on the ******** and may be cited as the “Lancashire County Council (Garden Street, Lytham St Annes, Fylde Borough) (Revocation And Various Parking Restrictions) Order 202*”.

Dated this ** day of ***.

THE COMMON SEAL of the Lancashire County Council was hereunto affixed pursuant to the Scheme of Delegation to Officers OR following a decision made on **/**/**** by The Cabinet

Authorised Signatory

Schedule 1a – Revocation

a) Items (104)a), (104)b)(i) and (104)b)(ii) of Schedule 10.01
b) Items (2)a) and (2)b) of Schedule 14.08.

Schedule 1b – Revocation

a) Item 2. of Schedule 2.
b) Item 1. of Schedule 3.
c) Schedule 4.

Schedule 2 – Prohibition of Waiting

a) Garden Street, Lytham St Annes, the north east side, from a point 47.5 metres north west of its junction with the Centreline of St Annes Road West to its junction with the Centreline of St Georges Lane.
b) Garden Street, Lytham St Annes, the north east side, from its junction with the Centreline of St Annes Road West for a distance of 31 metres in a north westerly direction.
c) Garden Street, Lytham St Annes, the south west side, from a point 5 metres south east of its junction with the centreline of St Georges Lane in a north westerly direction to its junction with the centreline of St Georges Road.
d) Garden Street, Lytham St Annes, the south west side, from its junction with the Centreline of St Annes Road West for a distance of 38.5 metres in a north westerly direction.

Schedule 3 - Prohibition of Loading/Unloading

a) Garden Street, Lytham St Annes, the north east side, from its junction with the Centreline of St Annes Road West for a distance of 31 metres in a north westerly direction.
b) Garden Street, Lytham St Anne, the north east side, from a point 47.5 metres north west of its junction with the Centreline of St Annes Road West to its junction with the Centreline of St Georges Lane.
c) Garden Street, Lytham St Annes, the south west side, from its junction with the Centreline of St Annes Road West for a distance of 38.5 metres in a north westerly direction.
d) Garden Street, Lytham St Annes, the south west side, from a point 55 metres north west of its junction with the centreline of St Annes Road West to its junction with the centreline of St Georges Lane.

Schedule 4 - Restriction of Loading/Unloading 9am – 5pm

Garden Street, Lytham At Annes, the south west side, from its junction with the centreline of St Georges Lane to its junction with the centreline of St Georges Road in a north westerly direction.

Schedule 5 – Goods Vehicle Loading Bay

a) Garden Street, Lytham St Annes, the north east side, from a point 31 metres north west of its junction with the Centreline of St Annes Road West for a distance of 16.5 metres in a north westerly direction.
b) Garden Street, Lytham St Annes, the south west side, from a point 38.5 metres north west of its junction with the Centreline of St Annes Road West for a distance of 16.5 metres in a north westerly direction.