

**(VARIOUS ROADS, RADSTOCK) (PROHIBITION OF WAITING)
(AUTHORISED PARKING PLACES) ORDER 201-**

The Bath and North East Somerset Council (hereinafter referred to as “the Council”) in exercise of its powers under sections 1(1), 2(1) to (3), 4(1) to 4(3), 32 and 122A of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as “the Act of 1984”) 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 of 1984, hereby makes the following Order: -

PART I

General

1. This Order shall come into operation on the ** ***** 201* and may be cited as the Bath and North East Somerset Council (Various Roads, Radstock) (Prohibition of Waiting) (Authorised Parking Places) Order 201-.
2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them: -
 - “delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection;
 - "disabled person's badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
 - "disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000;
 - “goods” includes postal packets of any description;
 - "hackney carriage" has the same meaning as in Section 38 of the Town Police Clauses Act 1847;
 - "parking disc" means a disc, issued by a local authority and capable of showing the quarter hour period during which a period of waiting begins;
 - "public service vehicle" has the same meaning as in the Section 1(1)(a) of the Public Passenger Vehicles Act 1981;
 - "relevant position" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - “road” means any road (whether described by a single name or by a combination of names) or any length or side of a length or end of a road.

"vehicle" includes part of a vehicle.

- (2) For the purposes of this Order, a vehicle shall be regarded as displaying a disabled person's badge in the relevant position if the badge is exhibited in the manner referred to in relation to the display of a disabled person's badge in Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- (4) Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

PART II

Prohibition of Waiting

3. Save as provided in Article 4, no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait at any time in any of the lengths of road as specified in Schedule 1.
4. (1) Nothing in Article 3 shall render it unlawful to cause or permit any vehicle to wait in the lengths of road as described in Schedule 1 for so long as may be reasonably necessary:-
 - (a) to enable a person to board or alight from the vehicle;
 - (b) to enable the vehicle, if it cannot conveniently be used for such purpose in any road not being a road described in Schedule 1, 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 sides of road; or
 - (iv) the laying, erection, alteration or repair in or in land adjacent to the said lengths of road or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as defined in the Telecommunications Act 1984;
 - (c) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority, the Environment Agency, a water undertaker or sewerage undertaker in pursuance of statutory powers or duties;

- (d) to enable the vehicle, if it is a universal service provider, to be used for the delivery or collection of postal packets as defined in Section 125(1) Postal Services Act 2000;
 - (e) if a person in control of the vehicle is required by law to stop, or is obliged to do so in order to avoid an accident, or is prevented from proceeding by circumstances outside his control; or
 - (f) to enable 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 that vehicle is reasonably necessary in connection with a wedding or funeral.
- (2) Nothing in Article 3 shall render it unlawful for any person to cause or permit any vehicle to wait in any length of road as specified in Schedule 1 for so long as may be reasonably necessary for the purpose of loading or unloading his personal luggage on to or from the vehicle or to enable goods to be loaded on to or unloaded from the vehicle or to be delivered or collected at premises adjacent to that road, if in any such case the vehicle cannot conveniently be loaded or unloaded or the goods delivered or collected in any road not being a length of road described in Schedule 1, or if the premises do not include an off-street loading area adequate for use by the vehicle.
5. The restrictions imposed by Article 3 shall not apply to the following vehicles, that is to say:-
- (a) any vehicle when it is being used for fire brigade, ambulance or police purposes;
 - (b) hackney carriages whilst waiting at an authorised stand for hackney carriages;
 - (c) public service vehicles operating stage carriage services whilst waiting at a bus stop;
 - (d) vehicles waiting in a specified part of any length of road as described in Schedule 1 in accordance with a special authorisation so to do given by the Council or any person duly authorised by the Council;
 - (e) any disabled person's vehicle which lawfully displays in the relevant position a valid disabled person's badge shall be exempted for a period of three hours subject to the conditions that:
 - (i) the period of exempted waiting does not begin less than one hour after a previous period of exempted waiting by the same vehicle in the same road on the same day;
 - (ii) a parking disc is displayed in the relevant position on the vehicle marked to show the quarter hour period during which the period of exempted waiting began.

PART III

Authorisation of Parking Places

6. (1) Each of the parts of a carriageway of a road specified in column 2 of Schedule 2, and unless stated otherwise, bounded on one side of that length by the edge of the carriageway of that road and having a width throughout of 1.8 metres, is authorised as a parking place.
- (2) The Council shall indicate the limits of each parking place by appropriate carriageway markings and appropriate traffic signs.
- (3) The permitted hours for any parking place specified in Schedule 2 is between 8 a.m. and 6 p.m., from Monday to Saturday inclusive.
7. (1) Each parking place referred to in column 2 of Schedule 2 may be used, subject to the provisions of this order, for waiting during the permitted hours by such vehicles as are passenger vehicles, car derived vans, goods vehicles, motor cycles or invalid carriages.
- (2) Save as provided in paragraph (4) of this Article, the driver of a vehicle shall not permit it to wait in a parking place specified in Schedule 2 during the permitted hours continuously for more than the period stated in column 5 of that Schedule, in relation to that parking place.
- (3) Save as provided in paragraph (4) of this Article, when a vehicle has been taken away from a parking place specified in Schedule 2, within the permitted hours, the driver shall not permit the vehicle to return to wait again in that parking place within the time limit specified in column 4 of that Schedule, in relation to that parking place.
- (4) Nothing in Paragraph (2) or Paragraph (3) shall apply to a vehicle waiting in a parking place during the permitted hours -
 - (a) if it is a disabled person's vehicle which displays in the relevant position a disabled person's badge; or
 - (b) at a time when any public transport facilities are not available or of emergency and the parking place is a parking place which the Council or any person duly authorised by them may have decided can be used without limitation of time.
8. Save as provided in Article 11 every vehicle left in a parking place in accordance with the provisions of this Order shall so stand so that:
 - (i) every part of the vehicle is within the markings of the parking place

- (ii) according to any special measures specified for that parking place in column 3 of Schedule 2.

Power to Suspend use of Parking Places

9. (1) When parking place may be suspended

A police constable in uniform, a civil enforcement officer or any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary.

(2) Duties of person suspending parking place

Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) of this Article shall place or cause to be placed in or adjacent to that part or those parts of the parking place a traffic sign or traffic signs indicating that waiting is prohibited.

(3) Prohibition of use of suspended parking places

Save as provided in Article 11 no person shall cause or permit a vehicle to be left in any part of a parking place during such period as either there is a hood or cover indicating that the use of the parking place is suspended or there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of paragraph (2) of this Article:-

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in Article 12(1)(b), (d) or (e) to be left in that part of the parking place during such period as is referred to in the above paragraph, and this paragraph shall also not apply to any other vehicle left as stated in this proviso if that vehicle is left with the permission (i) of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (1) of this Article, or (ii) of a police constable in uniform, or (iii) of a civil enforcement officer.

Restriction of Use of Vehicles at Parking Places

10. (1) Sales of goods and services

Save as provided in Article 11 no person shall use any vehicle, while it is in a parking place during the permitted hours, in connection with the sale of the vehicle or of any other article to any person in or near the parking place or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity:

Provided that nothing in this Article shall prevent the sale of goods from a vehicle

- (a) if the vehicle is one which may be left in a parking place in accordance with Article 7 or Article 8 and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
- (b) if the vehicle is one to which the provisions of Article 12(1) (h) or (j) apply.

(2) Running of vehicle engines

Save as provided in Article 11 the driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

Suspension of Parking Places

11. (1) General provisions

Nothing in Article 7, Article 8, paragraph (3) of Article 9 or Article 10 shall apply to any vehicle, builders skip or receptacle, building materials or any scaffolding which may overhang the parking place or part thereof which has been suspended, provided that the vehicle, builders skip or receptacle, building materials or scaffolding is or are left in accordance with a prior agreement entered into with the Council for that period and further provided that the provisions of that agreement with regard to the manner of standing and position of the vehicle, builders skip or receptacle, building materials or scaffolding have been adhered to.

(2) Charge payable

An hourly charge may be paid for any agreement made under paragraph (1). The hourly charge shall be specified by the Council at the time that the agreement referred to in this Article is entered into and will be imposed at the discretion of the Council but in any case will not exceed the notional hourly charge normally payable at that parking place plus an appropriate administration fee.

Restriction of Waiting of Special Category of Vehicles in Parking Places

12. (1) Without prejudice to the foregoing provisions of this order with respect to vehicles which are left in a parking place in accordance with those provisions, any other vehicle may wait during the permitted hours anywhere on the carriageway in a parking place, other than a parking place or part of a parking place the use of which has been suspended, if -

- (a) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;

- (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 a vehicle used for fire brigade purposes or an ambulance, a vehicle (other than a passenger vehicle) in the service of a local authority being used in pursuance of statutory powers or duties, or the vehicle is a vehicle owned by a police authority and is being used for police purposes;
- (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 not being a passenger vehicle is in the service of or employed by the Royal Mail and is waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle, or, having been unloaded therefrom, are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting;
- (f) the vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose of any building operation, demolition or excavation in or adjacent to the parking place, or the maintenance, improvement or reconstruction of the road or the cleansing of gullies in or adjacent to the parking place, or the laying, erection, alteration, removal 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 telecommunication apparatus as defined in the Telecommunications Act 1984 or the placing, maintenance or removal of any traffic sign or pay and display machine.
- (g) the vehicle not being a passenger vehicle is in actual use in connection with the removal of furniture from one office, dwelling house or other premises to another, or the removal of furniture from such premises to a depository or to such premises from a depository;
- (h) the vehicle is waiting in a parking place otherwise than in a loading bay and goods are being sold or offered for sale from the vehicle by a person who is licensed by the Council to sell goods from a stationary pitch situated in the parking place;
- (i) the vehicle is waiting only for so long as is necessary to enable it to be used in connection with posting or removing advertising material in the form of posters on or from, or cleaning windows or chimneys in, premises adjacent to the parking place in which the vehicle is waiting;
or

- (j) in any other case the vehicle is waiting only for so long as is necessary for the purpose of delivering or collecting goods or merchandise, including so far as a Bank is concerned, cash which cannot reasonably be carried by hand, or other valuables or valuable securities which cannot reasonably be carried by hand, or loading or unloading goods from the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle not being a goods vehicle does not wait for such purpose for more than thirty minutes or such longer period a police constable in uniform or a civil enforcement officer may authorise, or being a goods vehicle does not wait for more than thirty minutes or such longer period as aforesaid if it is in any part of a parking place not being a loading bay.
- (2) Except as provided by this order, the driver of a vehicle shall not cause or permit the vehicle to wait in a parking place during the permitted hours.
- (3) Nothing in the foregoing provisions of this Article 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 of 1984.

Manner of Waiting by Special Categories of Vehicle in Parking Places

- 13. A person causing or permitting a vehicle to wait in a parking place by virtue of the provisions of sub-paragraph Article (e), (f), (g), (h), (i) or (j) in paragraph (1) of the last preceding Article shall take all such steps as are necessary to ensure -
 - (a) in the case of a parking place in relation to which special provisions as to the manner of standing of vehicles in that place are specified in column 4 of Schedule 2 to this order that vehicle shall so stand -
 - (i) unless the length of the vehicle precludes compliance with this sub-paragraph, in accordance with those provisions and so that every part of the vehicle is within the limits of the parking place, or
 - (ii) if the length of the vehicle does preclude compliance with the last preceding sub-paragraph that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than three hundred millimetres; and
 - (b) in the case of any other parking place, that the longitudinal axis of the vehicle is to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than three hundred millimetres.

Installation of traffic signs

- 14. The Council may -
 - (a) place and maintain traffic signs indicating the limits of each parking place;

- (b) place and maintain in or in the vicinity of each parking place traffic signs indicating that such parking places may be used during the permitted hours for the leaving only of the vehicles referred to in Article 7; and
- (c) carry out such other work as is authorised by this Part of this order or is reasonably required for the purposes of the satisfactory operation of a parking place.

PART IV

Variation and Revocation of Existing Orders

10. The County Council of Avon (Wells Road Area, Radstock, District of Wansdyke) (Prohibition and Restriction of Waiting) Order 1983 is varied and shall have effect as though:

- (i) The following items are removed from Schedule 2 to that Order:

SCHEDULE 2

No Waiting at any Time

Fortescue Road

East side	-	from its junction with Wells Road to a point 16 metres south-east of its junction with Wells Road.
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Frome Road

South and West side	-	from its junction with Wells Road to a point 140 metres west of the junction with Mill Road.
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The Street

North-East side	-	from its junction with Fortescue Road in a north-westerly direction for a distance of 14 metres.
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South-West side	-	from its junction with Wells Road in a south-easterly direction for a distance of 90 metres.
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- (ii) The following item is removed from Schedule 3 to that Order:

SCHEDULE 3

No Waiting 8:00 a.m. to 6:00 p.m. Monday to Saturday (inclusive)

Fortescue Road

East side - from a point 74 metres south-east of its junction with Wells Road to its junction with Victoria Square.

and

(iii) The following items are removed from Schedule 4 to that Order:

SCHEDULE 4

Limited Waiting (30 minutes in any one hourly period)
8:00 a.m. to 6:00 p.m. Monday to Saturday (inclusive)

Fortescue Road

West side - from a point 16 metres south-east of its junction with Wells Road to a point 74 metres south east of its junction with Wells Road.

The Street

North-East side - from its junction with Wells Road to a point 14 metres north-west of its junction with Fortescue Road.

Victoria Square

North side - from its junction with Fortescue Road in an easterly direction for a distance of 20 metres.

South side - from its junction with The Street in an easterly direction for a distance of 24 metres.

Given under the Common Seal of the Bath and North East Somerset Council the **** day of ***** 201-.

THE COMMON SEAL of
BATH AND NORTH EAST
SOMERSET COUNCIL
was hereunto affixed in the
presence of:-

Authorised signatory

SCHEDULE 1

No Waiting at Any Time

Fortescue Road

North East side

- (i) From its junction with Victoria Square, for a distance of 25 metres in a generally northerly direction
- (ii) From a point approximately 81 metres north of its junction with Victoria Square, for a distance of 7 metres in a generally north westerly direction
- (iii) From a point approximately 122 metres north of its junction with Victoria Square to its junction with A367 Wells Road

A362 Frome Road

North side

From the extended kerb line of its junction with County Bridge for a distance of 20 metres in an easterly direction

West side

From its junction with Wells Road to its junction with Victoria Square

South side

From its junction with the un-named road to the south of A362 Frome Road and Victoria Square to a point 140 metres west of its junction with Mill Road

The Street

South side

From its junction with Wells Road to its junction with Church Street

North side

- (i) From its junction with Fortescue Road for a distance of approximately 40 metres in a generally north westerly direction
- (ii) From a point approximately 73 metres from its junction with Fortescue Road to its junction with A367 Wells Road

Victoria Square

North side

- (i) From its junction with Fortescue Road for a distance of 23 metres in a generally easterly direction
- (ii) From a point 73 metres east of the projected eastern kerblines of Fortescue Road to its junction with A362 Frome Road

South side

- (i) From its junction with Church Street for a distance of 24 metres in a generally easterly direction

- (ii) From a point 73 metres east of the projected eastern kerblines of Fortescue Road to its junction with A362 Frome Road

Un-named Road to south of junction between A362 Frome Road and Victoria Square

West side From its junction with Victoria Square for a distance of approximately 15 metres in a generally southerly direction

East side From its junction with A362 Frome Road for a distance of approximately 12 metres in a generally southerly direction

SCHEDULE 2
Parking Places on Roads (Limited Waiting)

In relation to a parking place referred to in this Schedule the expression ‘permitted hours’ means the period between 8.00 am and 6.00 pm Monday to Saturday.

Number of parking place	Designated parking place	Special manner of standing of vehicle	No return within	Maximum Waiting Period
1	2	3	4	5
	All that part of the north east side of Fortescue Road which extends from a point approximately 25 metres from its junction with The Street, for a distance of 56 metres in a generally northerly direction		4 hours	2 hours
	All that part of the north east side of Fortescue Road which extends from a point approximately 88 metres from its junction with The Street, for a distance of 34 metres in a generally north westerly direction		4 hours	2 hours
	All that part of the north east side of The Street which extends from a point approximately 40 metres from its junction with Fortescue Road, for a distance of 33 metres in a generally north westerly direction		4 hours	2 hours
	All that part of the northern side of Victoria Square which extends from a point approximately 17 metres east of the projected eastern kerblines of Fortescue Road, for a distance of 14 metres in a generally easterly direction		4 hours	2 hours

	All that part of the southern side of Victoria Square which extends from a point approximately 55 metres east of the projected eastern kerblines of Fortescue Road, for a distance of 14 metres in a generally easterly direction		4 hours	2 hours
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