

BLACKPOOL BOROUGH COUNCIL
THE BOROUGH OF BLACKPOOL (LEAFORD AVENUE) (PERMIT PARKING)
ORDER 2018

THE COUNCIL OF THE BOROUGH OF BLACKPOOL (hereafter referred to as “the Council”) under Section 1, 2, 3, 4, 45, 46, 53 and 124 of the Road Traffic Regulation Act 1984 (hereafter referred to as the ‘Act of 1984), the Traffic Management Act 2004 and The Road Traffic (permitted Parking Area and Special Parking Area) (Borough of Blackpool) Order 2003 (Statutory Instrument No 2677) and after consultation with the Chief Officer of Police pursuant to Part III of Schedule 9 of the Act of 1984 and all other enabling powers hereby propose to make the following Order.

COMMENCEMENT AND CITATION

1. THIS Order shall come into operation on the **XX^{xx} XXXXXXXX 2018** and may be cited as “THE BOROUGH OF BLACKPOOL (LEAFORD AVENUE) (PERMIT PARKING) ORDER 2018

INTERPRETATIONS

2. IN this Order except where the content otherwise expressly requires the following words or expressions shall have these meanings assigned to them;-

“**a person authorised by the Council**” means a police constable in uniform or a Civil Enforcement Officer in uniform;

“**car-derived van**” has the same meaning as in the Act of 1984;

“**Civil Enforcement Officer**” means a person in uniform authorised by the Council to supervise any parking place;

“**disabled person’s badge**” shall have the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended by the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2000 that has not ceased to be in force;

“**disabled persons parking disc**” means a device which:-

- a) is 125 millimetres square and coloured blue;
- b) has been issued by a local authority and has not ceased to be valid; and

c) is capable of showing the quarter hour period during which a period has begun as described in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“disabled persons vehicle” means a vehicle which displays in the relevant position a disabled person’s badge in accordance with the circumstances prescribed in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended;

“dual purpose vehicle” has the same meaning as The Motor Vehicles (Type Approval) (Great Britain) Regulations 1984;

“goods” includes postal packets of any description;

“household” means:

- (a) a house which has its own address listed within Schedule 5 and Schedule 6 to this order and
- (b) a self-contained flat which has its own address listed within Schedule 5 and Schedule 6 to this order and which has planning permission for such use.

“invalid carriage” has the same meaning as in Section 136 (5) of the Road Traffic Regulation Act 1984;

“light commercial vehicle” means a vehicle with a gross vehicle weight of not more than 3.5 tonnes, designed for the commercial carriage of goods including materials and tools;

“large goods vehicle” means a vehicle with a gross vehicle weight over 3.5 tonnes;

“motor caravan” has the same meaning as The Motor Vehicles (Type Approval) (Great Britain) Regulations 1984;

“motor cycle” has the same meaning as in Section 136 of the Act of 1984;

“permit parking place” means an area on a highway designated as a parking place by Article 10 to this Order;

“passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers or their effects and adapted to carry not more than 12 passengers exclusive of the driver and not drawing a trailer;

“penalty charge notice” means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions Part 6 of the Traffic Management Act 2004 containing the provisions therein required;

“permit” means a permit issued by the Council under the provisions of Article 13 to Article 21 of this Order;

“permit holder” means a person to whom a permit has been issued under the provisions of Article 13 to Article 19 of this Order;

“permitted vehicle” means a passenger vehicle, car-derived van, dual purpose vehicle, invalid carriage or motor cycle. For the avoidance of doubt “permitted vehicle” does not include the following motor caravan, light commercial vehicles and large commercial vehicle.

“premises” includes land and building;

“relevant position” shall have the following meanings:-

1. on the dashboard or fascia of the vehicle so that the font of the badge is clearly legible from the outside of the vehicle; or
2. where the vehicle is not fitted with a dashboard or fascia in a conspicuous position on the vehicle so that the front of the badge is clearly legible from the outside of the vehicle; or
3. on the windscreen so that the front of the badge is clearly legible from the outside of the vehicle; and
4. in each case for the avoidance of doubt so that no letter, numeral or symbol on the front of the badge is obscured.

“resident” means a person whose usual place of residence is a household;

“servicing” means the conveyance of equipment, goods or merchandise to or from a premise or for carrying out maintenance works to a premise;

“**Universal Service Provider**” shall have the same meaning as in the Postal Services Act 2000;

“**vehicle**” shall not be taken to include non-motor vehicles;

“**visitor**” means a person who calls at or visits the premises of a resident;

The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Road Traffic Regulations Act 1984 as amended or by or under any other enactment;

The masculine includes the feminine and vice versa.

Any reference in this Order to a statute or regulation shall be construed to such stature or regulation as the same may have been or may from time to time be amended or re-enacted.

AUTHORISATION AND USE OF STREET PARKING PLACES

DESIGNATION OF PARKING PLACES

3. EACH area on a highway which is described in Schedule 1 to this Order is designated as a permit parking place subject to the following provisions of this Order for use at any time (hereafter referred to as “the days and hours of operation”) other than those lengths or roads where waiting is not permitted as indicated by a traffic sign placed in pursuance of Article 26 of this Order and in all cases subject to the provisions of this Order, by permitted vehicles and light commercial vehicles only.

4. SAVE as provided in Article 26 to this Order, no person shall leave or cause any vehicle to wait within a permit parking place during the days and hours of operation unless there is displayed on that vehicle a valid permit and the permit is displayed in accordance with Article 21 hereof.

5. THE use of a permit parking place otherwise than in accordance with the provisions of this Order is a parking contravention.

VEHICLES FOR WHICH PARKING PLACES ARE DESIGNATED

6. A permit parking place may be used, subject to the provisions of this Order, for the leaving during the days and hours of operation of such vehicles specified in Article 7 to Article 12 of this Order that display in the manner specified in Article 21 of this Order a valid permit issued by the Council in respect of that vehicle.

PERMITS

RESIDENT PERMIT

7. ANY resident, who is the owner of a permitted vehicle, may apply to the Council for the issue of a permit for the leaving of that permitted vehicle during the days and hours of operation in a permit parking place provided that only one such permit will be issued per household.

VISITOR PERMIT

8. ANY household may apply to the Council for the issue of a visitor permit for the use by a visitor's vehicle subject to that vehicle being a permitted vehicle, for the leaving of that permitted vehicle during the days and hours of operation in a permit parking place provided that only one such permit will be issued per household.

CARER PERMIT

9. ANY resident subject to the conditions approved from time to time by the Council may apply to the Council for the issue of a permit for the leaving of a permitted vehicle during the days and hours of operation in a permit parking place designated by this Order, provided that the permit is being used by a Carer who is attending that resident and that only one such permit will be issued per household.

MEDICAL PROFESSIONAL AND PASTORAL PERMITS

10. ANY person who satisfies the Council that he or she is:-

- (a) A fully registered doctor as defined in section 55 of the Medical Act 1983;
- (b) A registered medical practitioner who provides medically associated services;
- (c) A health care professional providing professional service within a list of professions approved from time to time by the Council; or
- (d) A minister of religion providing pastoral services to residents.

may apply to the Council for the issue of a permit for the leaving during days and hours of operation a vehicle in a permit parking place designated by this Order.

BUSINESS PERMITS

11. ANY person who satisfies the Council that he or she:-

- (a) Occupies or runs a business from a business premises which is located at a postal address specified in Schedule 1 and Schedule 2 to this order; and
- (b) Does not have sufficient off street parking facilities; and
- (c) Can demonstrate that it is necessary for the efficient operation of the business for a vehicle to be parked within the permit parking place;

may apply to the Council for the issue of a permit for the leaving of a permitted vehicle or light commercial vehicle during the days and hours of operation in a permit parking place and any such application shall be made in the form issued by and obtained from the Council and shall include such particulars and information required by the Council, provided that no more than two permits shall be issued to one business or business premises at any one time.

TRADE PERMITS

12. ANY person who satisfies the Council that:-

- (a) he or she is carrying out work at a premises which is located at a postal address specified in Schedule 1 and Schedule 2 to this order;
- (b) can demonstrate that the vehicle is needed at the address for the efficient conduct of trade or service;

may apply to the Council for the issue of a trade permit for the leaving of that vehicle during the days and hours of operation in a permit parking place designated by this Order; provided that the permit shall be valid for a period not exceeding 14 days.

APPLICATION FOR ISSUE OF PERMITS

13. THE Council may at any time require an applicant for a permit to produce to an Officer of the Council such evidence in respect of an application for a permit made to it as it may reasonably require to verify any particulars of information given to it.

ISSUE OF PERMITS

14. ON receipt of an application duly made under the foregoing provisions of Article 7 to Article 13 of this order, and of the fee specified in Article 18 of this Order, the Council, upon being satisfied that the applicant meets the criteria set out herein for issue of a permit, shall issue the appropriate permit by post, provided that, subject to the provisions of Article 16 of this Order, the Council shall not issue a permit to any resident which would be valid for any period during which any other permit issued to that household is or would be valid.

SURRENDER, WITHDRAWAL AND VALIDITY OF PERMITS

15. (1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article.

(2) THE Council may, by notice in writing served on the permit holder by delivery by hand or by the sending of the same by the recorded delivery service 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 place of abode, withdraw a permit if it appears to the Council that any one of the events set out in paragraphs (3)(a), (3)(b) or (3)(d) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice, such receipt, if the notice is sent by the recorded delivery service, to be deemed to have occurred in the normal course of post.

(3) THE events referred to in the foregoing provisions of this Article are:-

- (a) the permit holder ceasing to be a resident;
- (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
- (c) the withdrawal of such permit by the Council under the provisions of paragraph (2) of this Article;
- (d) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is no longer a permitted vehicle;
- (e) the issue of a duplicate permit by the Council under the provisions of Article 16 of this Order;
- (f) the permit ceasing to be valid pursuant to the provisions or paragraph (4) of this Article.

(4) ALL permits issued in accordance with Article 7 to Article 13 shall be issued for a maximum period of one year and shall, whenever issued, be valid only until and including the next 1st day of May or until the occurrence of any one of the events set out in paragraphs (3)(a), (3)(b), (3)(c), (3)(d) or (3)(e) of this Article, whichever is the earlier.

(5) WHERE a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such permit was issued by delivery by hand or by the sending of the same by the recorded delivery service 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 place of abode, require that person to surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice, such receipt, if the notice

is sent by the recorded delivery service, to be deemed to have occurred in the normal course of post.

(6) THE visitor's permit shall be surrendered in the event of the permit holder ceasing to be a resident.

(7) THE Council may at any time require a permit holder to produce to an Officer of the Council such evidence in respect of any permit issued by it as it may reasonably require.

(8) A permit will cease to be valid upon assignment.

APPLICATION FOR AN ISSUE OF A DUPLICATE PERMIT

16. (1) IF a permit is accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and may apply to the Council for the issue of a duplicate permit and the Council, upon the receipt of the permit, if such receipt is accompanied by an application for a duplicate permit, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.

(2) IF a permit is lost, accidentally destroyed or mutilated, the permit holder may apply to the Council for the issue of a duplicate permit, and the Council, upon being satisfied as to such loss or destruction, and upon receipt of an application for a duplicate together with a payment of the fee specified in Article 18 of this Order, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.

(3) THE provisions of this Order shall apply to a duplicate permit and an application therefor as if it were a permit.

FORM OF PERMITS

17. (1) A permit shall be in writing and shall include the following particulars:-

- (a) with reference to a permit issued under the provisions of Article 7, and Article 10 to Article 12 the registration mark of the vehicle in respect of which the permit has been issued (provided that in exceptional circumstances and at the discretion of the Council the vehicle registration mark may be omitted).
- (b) the date after which, subject to the provisions of Article 15 (4) of this Order, the permit shall no longer be valid;
- (c) an authentication that the permit has been issued by the Council; and
- (d) the identifying abbreviation '**LEAFORD**'.

AMOUNT OF CHARGE AT PARKING PLACE

18. THE charge in connection with the issue of a permit for the leaving of a vehicle in a parking place designated by this Order shall be the sum of £12.50 (Twelve pounds and Fifty pence) or such other sum as may from time to time be determined by the Council.

PAYMENT OF THE CHARGE IN CONNECTION WITH THE ISSUE OF PERMITS

19. (1) THE charge in respect of the issue of a permit for the leaving of a vehicle in the permit parking place shall be payable in accordance with the provisions of Article 7 to Article 12 and Article 14 of this Order.

(2) NO person shall be entitled to a refund of the charge paid in respect of the issue of a permit in any circumstances whatsoever.

REPLACEMENT OF PERMITS ON CHANGE OF VEHICLE

20. WHEN a resident surrenders his permit because he has ceased to be the owner of the vehicle in respect of which the permit was issued he may obtain, free of charge, a replacement permit in respect of the vehicle with which he has replaced the vehicle in respect of which the permit was issued so long as the replacement vehicle is a permitted vehicle.

DISPLAY OF PERMITS

21. A permit issued under the provisions of this Order shall be displayed:-

- (a) In the case of a vehicle fitted with a front windscreen on the near side thereon and immediately behind the windscreen and with its front facing forwards so that the particulars referred to in Article 17 of this Order are legible from the outside of the vehicle; or
- (b) In the case of a vehicle not fitted with a front windscreen, in a conspicuous position on the vehicle so that the particulars referred to in Article 17 of this Order are legible from the outside of the vehicle.

RESTRICTION ON THE REMOVAL OF A PERMIT

22. WHERE a permit has been displayed on a vehicle in accordance with the provisions of Article 17 and Article 20 of this Order, no person, not being the driver of the vehicle, shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

PLACING OF TRAFFIC SIGNS

23. **THE** Council shall:-

- (a) cause an appropriate traffic sign to be placed and maintained to indicate the permit parking restrictions.
- (b) carry out such other work as is reasonably required for:-
 - i. the purpose of the satisfactory operation of the permit parking place and
 - ii. the purposes of the satisfactory operation of this Order.

CONTROLS AND MOVEMENT OF VEHICLES IN PARKING PLACES

24. **(1) IF** a vehicle is left or abandoned in an area of highway or in any location whatsoever to which any provision of this Order applies in contravention of any of the provisions of this Order a penalty charge notice shall be issued and a charge made payable and/or the vehicle may be removed from that location.

(2) IN the case of a vehicle in respect of which a penalty charge is payable notice showing the relevant information may then be issued by a Civil Enforcement Officer in accordance with Section 78 of the Traffic Management Act 2004, Parking Contraventions (England) (General regulations 2007 and Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

(3) Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article (or any other provisions of this Order:-

- (a) He shall provide for the safe custody of the vehicle;
- (b) The Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
- (c) The provisions of the Road Traffic Act 1984 as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

25. **A** Police Constable in uniform, a Civil Enforcement Officer, or any person duly authorised by the Council may in case of emergency move or cause to be moved to any place he thinks fit, any vehicle left in a permit parking place.

POWER TO SUSPEND USE OF PARKING PLACES

26. (1) NOTWITHSTANDING the preceding provisions of this Order the Council's authorised office may suspend or cause to be suspended the use of a permit parking place or any part thereof whenever he considers such suspensions reasonably necessary:-

- (a) the purposes of facilitating the safe movement of traffic or promoting its safety;
- (b) for the purpose of any building operation demolition or excavation in or adjacent to a parking place howsoever defined in this Order or the maintenance improvement or reconstruction of a permit parking place or the laying, erection, alteration, removal or repair in or adjacent to a parking place of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or traffic sign;
- (c) for the convenience of occupiers of premises adjacent to a permit parking place on any occasion of the removal of furniture from one office or dwelling-house to another or the removal of furniture from one such premises to a depository or to such premises from a depository;
- (d) on any occasion on which it is likely by reason of filming or some special attraction that any street will be thronged or obstructed; or
- (e) for the convenience of occupiers of premises adjacent to a permit parking place at times of weddings or funerals or other special occasions.

(2) A Police Constable in uniform may suspend for not longer than twenty four hours the use of the permit parking place or any part thereof whenever he or she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

(3) ANY person suspending the use of a permit parking place or any part thereof in accordance with the provisions of paragraph (1) or (2) of this Article shall thereupon place or cause to be placed in or adjacent to any part of that permit parking place the use of which is suspended by a traffic sign indicating that waiting by vehicles is prohibited.

(4) WHENEVER a permit parking place is suspended in accordance with paragraph (1) of this Article then the Council may charge an administration fee to the person or body requesting the suspension in respect of that parking place or part thereof suspended from use.

(5) NO person shall cause or permit a vehicle to be left in any part of a permit parking place during such period as there is in or adjacent to that parking place a traffic sign placed in pursuance of paragraph (3) of this Article provided that this paragraph shall not apply to a vehicle for so long as may be necessary:-

- (a) being used for Fire and Rescue Services, Ambulance or Police purposes; or

- (b) being used for the removal of any obstruction to traffic; or
- (c) 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; or
- (d) waiting only for so long as is necessary to enable a person to board or alight from the vehicle; or
- (e) left in such permit parking place 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;
 - ii. of a police constable in uniform;
 - iii. of a Civil Enforcement Officer.

RESTRICTION OF USE OF VEHICLES AT PARKING PLACES

27. (1) NO person shall use any vehicle, while it is in a permit parking place, in connection with the sale of any article to any person in or near a permit parking place or in connection with the selling or offering for sale of his skill or his services in any other capacity, provided that nothing in this paragraph shall prevent the sale of goods from a vehicle if the vehicle is a permitted vehicle or light commercial vehicle and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected and the vehicle immediately leaves the permit parking place.

(2) THE driver of a vehicle using a permit parking place shall stop the engine of the vehicle as soon as the vehicle is in the proper position in the parking place and shall not start the engine except when about to change the position of the vehicles in or to depart from the parking place.

WAITING OF OTHER VEHICLES IN PERMIT PARKING PLACES

28. (1) NOTWITHSTANDING the provisions of this Order, any vehicle may wait in any part of a permit parking place if the use has not been suspended for so long as may be necessary if:-

- (a) the vehicle is waiting 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 accident;
- (c) the vehicle is a vehicle used for Fire and Rescue Service purposes or an Ambulance, or a vehicle (other than a passenger vehicle) in the service of a Local

Authority or a vehicle in the service of a Police Force in either case being used in pursuance of statutory powers or duties;

- (d) the vehicle is waiting 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 waiting to enable it to be used for any purpose specified in paragraph (1)(b) of Article 25 of this Order;
- (f) the vehicle not being a passenger vehicle is in actual use in connection with the removal of furniture from one office or dwelling-house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- (g) the vehicle is in actual use at premises adjacent to the permit parking place in connection with a wedding or a funeral.

(2) ANY vehicle waiting in a permit parking place in accordance with the foregoing provisions of this Article shall be exempt from the acquisition and the display of a permit referred to in this Order.

(3) EXCEPT as provided in the foregoing provisions of this Article and in Article 26 to this Order no person shall cause or permit a vehicle in respect of which a valid permit is not in force in relation to that vehicle to wait in a permit parking place during the days and hours of operation.

(4) NOTHING in the foregoing provisions of this Article shall be taken as authorising anything which would be in contravention of any regulations made or having effect as if made under Section 25 of the Act 1984.

PERMIT PARKING PLACE – DISPENSATION CERTIFICATE

29. NOTWITHSTANDING any of the foregoing provisions of this Order, the Council may at its discretion (including requiring an administration fee) issue a dispensation allowing a specific vehicle to wait in a permit parking place including a suspended permit parking place during the days and hours of operation of any restriction or prohibition to the contrary.

Given under the Common Seal of the Council of the Borough of Blackpool on the XXth
Xxxxxxxx 2018.

THE COMMON SEAL of The Blackpool)
Borough Council was hereunto affixed in)
the presence of:-)

Authorised Signatory (Carmel White
Chief Corporate Solicitor)

SCHEDULE 1

AREAS ON HIGHWAY OR PARTS OF HIGHWAY DESIGNATED AS PARKING PLACES WITH PERMITS AT ANY TIME

Leaford Avenue

Both sides for the full length

SCHEDULE 2

PROPERTIES ELIGIBLE FOR ISSUE OF PARKING PERMITS

*All road referred to are inclusive of their full length unless otherwise stated

Leaford Avenue - both sides for the full length