

## NORTH SOMERSET DISTRICT COUNCIL

### (PROHIBITION AND RESTRICTION OF STOPPING AND WAITING, LOADING AND UNLOADING, AND ON-STREET PARKING PLACES) (CONSOLIDATION) ORDER 2017

The District Council of North Somerset (hereinafter referred to as “the Council”) in exercise of its powers under Sections 1(1), 2(1) to (3), 4(1), 36, 45, 46, 49, 53 and 122, and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as “the Act of 1984”) and the Traffic Management Act 2004 as amended (hereinafter referred to as “the Act of 2004”), and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, does hereby make the following Order:

#### **PART 1: COMMENCEMENT AND CITATION**

1. THIS ORDER shall come into operation on the 3<sup>rd</sup> April 2017 and may be cited as the North Somerset District Council (Prohibition and Restriction of Stopping and Waiting, Loading and Unloading, and On-Street Parking Places) (Consolidation) Order 2017.

#### **PART 2: PRELIMINARY**

2. IN THIS ORDER, except where the context requires otherwise, the following expressions shall have the meanings hereby attributed to them:-
  - a) “**approved method of payment**” means Pay by Phone or by credit or debit card facilitated by on site or remote verification or by pre-payment card (at such on-street parking places as the Council may from time to time nominate);
  - b) “**charging days**” means any period specified in column (2) of Schedule 2 to this Order in respect of which a charge is specified in Article 34;
  - c) “**charging hours**” means any period specified in column (3) of Schedule 2 to this Order in respect of which a charge is specified in Article 34;
  - d) “**Civil Enforcement Officer**” shall have the same meaning as that defined in Section 76 of the Act of 2004;
  - e) “**credit card**” and “**debit card**” mean methods of payment at such on-street parking places as the Council may from time to time nominate and involve use of a valid credit or debit card which is accepted by the Council as a valid method of payment at the time of use of the on-street parking place;
  - f) “**the Council**” shall mean North Somerset District Council, and shall include any parking services contractors or agents appointed by or acting on behalf of the Council for the purposes of any function required under the provisions of this Order;
  - g) “**disabled person’s badge**” shall mean a badge issued by a local authority under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 in the form prescribed by the Secretary of State;
  - h) “**disabled person’s parking disc**” shall have the same meaning as that defined in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

- i) “**disabled person’s vehicle**” shall mean a vehicle displaying a valid disabled persons badge in the relevant position in accordance with the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
- j) “**dispensation**” shall mean a parking permit issued by or on behalf of the Council for the purposes of this Order that permits a specified vehicle to wait in specified circumstances on a road where waiting by vehicles is otherwise prohibited or restricted;
- k) “**doctor**” shall mean a fully qualified and registered medical practitioner as defined in Part II and Part III of the Medical Act 1983, as amended;
- l) “**driver**”, in respect of a vehicle parked in an on-street parking place or in a road or length of road or side of road subject to a waiting or loading restriction described by this Order, shall mean the person driving the vehicle at the time at which it was left in that Parking place or road or length of road or side of road;
- m) “**emergency services**” shall mean the Police, Ambulance Service, Fire Brigade and Coastguard;
- n) “**enactment**” shall mean any enactment whether public, general or local, and shall include any Order, Byelaw, Rule, Regulation, Scheme or Instrument having effect by virtue of an enactment;
- o) “**goods**” shall mean goods of any description, whether animate or inanimate, and shall include postal packets of any kind or description as defined in the Postal Services Act 2000;
- p) “**goods vehicle**” shall have the same meaning as that defined in the TSRGD;
- q) “**hackney carriage**” shall mean a vehicle licensed under either Section 37 of the Town Police Clauses Act 1847 or under Section 6 of the Metropolitan Public Carriage Act 1869, or under any other similar enactment;
- r) “**motor cycle**” shall have the same meaning as that defined in Section 136 of the Act of 1984;
- s) “**loading**” and “**unloading**” shall mean the delivery or collection of any goods to or from any premises, and shall include the checking of those goods for the purposes of their delivery or collection;
- t) “**no return**” shall mean that no vehicle, having once vacated a parking place, may not return to that same Parking place within the specified period;
- u) “**on-street parking place**” means an area of highway designated by this Order for the waiting of vehicles of specific classes that are subject to charges as defined by the Order;
- v) “**parking permit**” shall include a resident’s parking permit, trade’s parking permit, health worker’s parking permit, or other dispensation issued by the Council;
- w) “**parking ticket**” means a ticket issued by a ticket machine;
- x) “**pay by phone**” means a method of payment involving registration of payment by phone or electronic means and on first use registration of the relevant registration number of the vehicle, location of the on-street parking place, credit or debit card details or any other such details as the Council may from time to time require which is accepted by the Council as a valid method of

payment at the time of use of the on-street parking place;

- y) “**pre-payment card**” means a card which records an advance payment at such on-street parking places as the Council may from time to time nominate which is accepted by the Council as a valid method of payment at the time of use of the on-street parking place;
  - z) “**plans**” means those plans numbered AA104 to Y89 attached to this Order which indicate the sides or lengths of roads on which the provisions of this Order apply and specify further particulars of the restrictions that are referred to in this Order;
  - aa) “**postal packet**” shall have the same meaning as defined in the Postal Services Act 2000;
  - bb) For the purpose of this Order, a vehicle shall be regarded as displaying a disabled person's badge, disabled person's disc, parking permit or a parking ticket in the “**relevant position**” when:-
    - (i) the badge, disc, parking permit or parking ticket 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, parking permit or parking ticket is exhibited in a conspicuous position on the vehicle, so that the front of the badge or ticket is clearly legible from the outside of the vehicle, or
    - (iii) the badge, disc, parking permit or parking ticket is attached to the windscreen such that the badge or ticket is clearly legible from the outside of the vehicle.
  - cc) “**specified period**” shall mean those hours or that period of time during which the restriction or restrictions applicable to those roads or lengths of road or sides of road shall apply;
  - dd) “**taxi**” shall have the same meaning as “hackney carriage”;
  - ee) “**ticket machine**” means an apparatus designed to indicate the time by a clock and to issue tickets indicating the payment of charge (if any) and which specify the date and either the time that such payment was made or the time by which the vehicle must leave the on-street parking place;
  - ff) “**TSRGD**” shall mean the Traffic Signs Regulations and General Directions 2016, as amended;
  - gg) “**universal postal service**” shall have the same meaning as that defined in Sections 30-33 and 65(3) of the Postal Services Act 2011;
  - hh) “**vehicle**”, unless the context otherwise requires, shall mean a vehicle of any description, and shall include a machine or implement of any kind, either drawn or propelled along roads whether or not by mechanical power;
3. 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 and any reference to the plans is a reference to the plans attached to this Order.
4. ANY REFERENCE in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
5. THE INTERPRETATION ACT 1978 shall apply for the interpretation of this Order as it applies for

the interpretation of an Act of Parliament unless otherwise stated.

### **PART 3: PROHIBITION AND RESTRICTION OF WAITING, STOPPING, LOADING AND UNLOADING**

#### **WAITING AND STOPPING**

##### **No Waiting at Any Time**

6. SAVE AS provided in Articles 21-27 of this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle to wait in the roads or lengths of road or sides of road specified as “No Waiting At Any Time” on the plans attached to this Order.

##### **No Waiting during Specified Periods**

7. SAVE AS provided in Articles 21-27 of this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle to wait in the roads or lengths of road or sides of road specified as “No Waiting” during the specified periods stipulated in the plans attached to this Order.

##### **No Waiting Except By Specified Vehicles**

8. SAVE AS provided in Articles 21-23 and 27 of this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle to wait in the roads or lengths of road or sides of road specified as “No Waiting” during the specified periods stipulated in the plans attached to this Order except by the classes of vehicle indicated on those plans.

##### **No Waiting By Goods Vehicles**

9. SAVE AS provided in Part 4 of this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit a Goods Vehicle to wait in the roads or lengths of road or sides of road indicated on the plans attached to this Order, during the specified periods stipulated on those plans, if their Maximum Gross Weight exceeds that specified on those plans.

##### **Seasonal No Waiting**

10. SAVE AS provided in Articles 21-23 and 25-27 of this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle to wait in the roads or lengths of road or sides of road specified as “Seasonal No Waiting” during the specified periods stipulated in the plans attached to this Order.

##### **No Stopping On School Entrance Markings**

11. SAVE AS provided in Article 21 of this Order, no person shall except upon the direction of or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle to stop in the roads or lengths of road or sides of road specified as “School Keep Clear” during the specified periods stipulated on the plans attached to this Order.

## **LOADING AND UNLOADING**

### **No Loading or Unloading at Any Time**

12. SAVE AS provided in Articles 21 and 22 of this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle to wait for the purposes of loading or unloading of goods in the roads or lengths of road or sides of road specified as “No Loading or Unloading At Any Time” on the plans attached to this Order.

### **No Loading or Unloading during the Restricted Hours Stipulated**

13. SAVE AS provided in Articles 21 and 22 of this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle to wait for the purposes of loading or unloading of goods in the roads or lengths of road or sides of road specified as No Loading during the specified periods stipulated on the plans attached to this Order.

## **LOADING BAYS**

### **Loading or Unloading Only**

14. SAVE AS provided in Articles 21-23 to this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform of a Civil Enforcement Officer cause or permit any vehicle to wait in the roads or lengths of road or sides of road indicated for “Loading / Unloading Only” on the plans attached to this Order except expressly for the purposes of loading or unloading of goods.

### **Loading or Unloading Only during the Restricted Hours Stipulated**

15. SAVE AS provided in Articles 21-23 to this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform of a Civil Enforcement Officer cause or permit any vehicle to wait in the roads or lengths of road or sides of road specified as “Loading / Unloading Only” and during the specified periods stipulated on the plans attached to this Order except expressly for the purposes of loading or unloading of goods.

## **TAXI RANKS**

16. SAVE AS provided in Articles 21 and 22 of this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle not being a licensed Hackney Carriage or Taxi to wait in the roads or lengths of road or sides of road indicated as “No waiting except for Hackney Carriages” or “No waiting except for taxis” during the specified periods stipulated on the plans attached to this Order.

## **MOTORCYCLE PARKING PLACES**

17. SAVE AS provided in Articles 21 and 22 of this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle not being a motor cycle to wait in the roads or lengths of road or sides of road indicated as “Motorcycle Parking Places” on the plans attached to this Order.

## **DISABLED PERSON’S PARKING PLACES**

18. SAVE AS provided in Articles 21 and 27 of this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle not being a Disabled Person's Vehicle that displays a Disabled Person's Badge and has been or is about to be used by the person in respect of whom the Disabled Person's Badge has been issued to wait in the roads or lengths of road or sides of road specified as "Disabled Badge Holders Only" on the plans attached to this Order. The restrictions shall apply at any time except where specified periods are stipulated in the plans.

#### **LIMITED WAITING PARKING PLACES**

19. SAVE AS provided in Articles 21-23 and 26-27 of this Order, no person shall except upon the direction of or with the permission of a Police Constable in uniform or a Civil Enforcement Officer cause or permit any vehicle to wait in the roads or lengths of road or sides of road specified as "Limited Waiting" on the plans attached to this Order during the specified periods for a period longer than the maximum specified period of waiting specified on the plans in relation to those Parking Places; and
20. SAVE AS provided in Articles 21-23 and 26-27 of this Order, no person shall except upon the direction of or with the permission of a Police Constable in uniform or a Civil Enforcement Officer cause or permit any vehicle, once it has departed a limited waiting parking place, to return to a limited waiting parking place in the same street after the expiry of the no return period specified on the plans attached to this Order.

#### **PART 4: EXCEPTIONS TO PROHIBITION AND RESTRICTION OF WAITING, STOPPING, LOADING AND UNLOADING**

##### **General Exceptions**

21. NOTHING in Articles 6-20 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road or on any of the sides of road referred to for so long as may be necessary to enable:
- (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely-
    - (i) the removal of any obstruction to traffic;
    - (ii) the maintenance, improvement or reconstruction of the said lengths of road or sides of road;
    - (iii) 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;
  - (c) 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) the vehicle of a universal service provider (as defined in Section 65 of the Postal Services Act 2011) to be used for the purpose of delivering and/or collecting mail;
  - (e) the vehicle to be used in the service of one of the emergency services in the execution of their duties;

- (e) by a doctor responding to an emergency call, provided that the vehicle is displaying a flashing green light;
- (f) where the driver of the vehicle,
  - (i) is required by law to stop;
  - (ii) is obliged to stop so as to prevent an accident; or
  - (iii) is prevented from proceeding by circumstances outside his/her control; or
- (g) any security company armoured vehicle to be used for the purpose of delivering or collecting money.

#### **Exception for Stopping to Board/Alight**

22. NOTHING in Articles 6-8, 10, and 12-20 of this Order shall render it unlawful to cause or permit any vehicle to wait in the roads or lengths of road or sides of road specified on the plans attached to this Order for so long as may be necessary to enable a person to board or alight from that vehicle.

#### **Exception for Loading**

23. NOTHING in Articles 6-10, 14-15, and 19-20 of this Order shall render it unlawful to cause or permit any vehicle to wait in the roads or lengths of road or sides of road specified on the plans attached to this Order for so long as may be necessary to enable goods to be loaded onto or unloaded from the vehicle.

#### **Exception for Ambulances**

24. NOTHING in Article 6 of this Order shall render it unlawful to cause or permit an Ambulance to wait in the roads or lengths of road or sides of road where that exemption is indicated on the plans attached to this Order.

#### **Exception for Weddings and Funerals**

25. NOTHING in Articles 6-7 and 10 of this Order shall render it unlawful to cause or permit any vehicle to wait in the roads or lengths of road or sides of road specified on the plans attached to this Order, if it cannot safely and conveniently do so in any other road, for so long as may be reasonably necessary to enable the vehicle to be used in connection with any wedding procession or funeral cortège.

#### **Exception for a Vehicle Displaying a Parking Permit**

26. NOTHING in Article 6-7, 10 and 19 of this Order shall render it unlawful to cause or permit any vehicle to wait in the roads or lengths of road or sides of road specified on the plans attached to this Order for so long as may be necessary when that vehicle is correctly displaying a valid parking permit.

#### **Exception for Disabled Persons Vehicles**

27. NOTHING in Articles 6- 8, 10 and 20 of this Order shall render it unlawful to cause or permit any vehicle that displays a Disabled Person's Badge and a Disabled Person's Parking Disc and has been or is about to be used by the person in respect of whom the Disabled Person's Badge has been issued to wait in the roads or lengths of road or sides of road specified on the plans attached to this Order in accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

## **PART 5: DESIGNATION AND USE OF ON-STREET PARKING PLACES**

### **GENERAL PROVISIONS OF USE**

28. The areas of highway specified by name in Column 1 of Schedule 1 and identified in the plans referred to in column 2 of Schedule 1 and attached to this Order may be used, subject to the following provisions of this Order, as On Street Parking Places for such classes of vehicles in such positions on such days, during such hours and on payment of such charges as are specified in relation to the area in Schedule 2 to this Order.
29. Where in column (1) of Schedule 2 to this Order an on-street parking place is described as available for vehicles of a specified class, the driver of a vehicle shall not permit it to wait in the parking place unless it is of the class so specified.
30. Save as provided in Articles 38, 39, 41 and 45 of this Order, insofar as a vehicle is left in the on-street parking place during the charging days and hours described in columns (2) and (3) of Schedule 2 to this Order, the driver thereof shall pay such charge as is specified in the following provisions of the Order.
31. Save as provided in Articles 37, 38 and 45 of this Order, insofar as a vehicle is left in the on-street parking place during the charging days and hours the driver thereof shall cause to be displayed a parking ticket, parking permit or disabled persons badge in the relevant position.
32. Save as provided in Articles 38, 40, 43-44 and 46 of this Order, insofar as a vehicle is left in the on-street parking place it shall only be permitted to wait for the maximum period described in column (4) of Schedule 2 to this Order.
33. Save as provided in Articles 38, 40, 43-44 and 46 of this Order, insofar as a vehicle is moved from an on-street parking place it shall only be permitted to return to an on-street parking place in the same street after the expiry of the period described in column (5) of Schedule 2 to this Order.

## **CHARGES**

34. The charge for a vehicle left in the on-street parking place during the charging days and charging hours shall be the amount specified in column (6) of Schedule 2 to this Order.
35. The charge referred to in Article 34 shall be payable;
  - (a) by purchasing a parking ticket from a ticket machine; or
  - (c) by making arrangements to pay through an approved method of payment
36. Any parking ticket issued on payment of the charge referred to in Article 34 shall be displayed on the vehicle in respect of which it was issued in the relevant position in accordance with Article 2 of this Order.
37. Where arrangement to pay the charge has been made through an approved method of payment and no parking ticket is produced following that process the driver of a vehicle shall be exempt from the requirement to display a parking ticket.

## **PART 6: EXCEPTIONS TO USE OF ON-STREET PARKING PLACES**

### **General Exceptions**

38. Nothing in Articles 30-33 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road or on any of the sides of road referred to for so long as may be necessary, without payment and without displaying a parking ticket to enable:
  - (a) a person to board or alight from the vehicle;
  - (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely-
    - i) the removal of any obstruction to traffic;
    - ii) the maintenance, improvement or reconstruction of the said lengths of road or sides of road;
    - iii) 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;
  - (c) 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) the vehicle of a universal service provider (as defined in Section 65 of the Postal Services Act 2011) to be used for the purpose of delivering and/or collecting mail;
  - (e) the vehicle to be used in the service of one of the emergency services in the execution of their duties;
  - (f) where the driver of the vehicle,

- (i) is required by law to stop;
  - (ii) is obliged to stop so as to prevent an accident; or
  - (iii) is prevented from proceeding by circumstances outside his/her control; or
- (g) any security company armoured vehicle to be used for the purpose of delivering or collecting money.

**Exceptions for Disabled Persons Vehicles**

39. No charge shall be payable by the driver of a vehicle displaying a disabled person's badge and has been or is about to be used by the person in respect of whom the Disabled Person's Badge has been issued.
40. Nothing in Articles 32 and 33 of this Order shall render it unlawful for a vehicle displaying a valid disabled person's badge and has been or is about to be used by the person in respect of whom the Disabled Person's Badge has been issued to wait for so long as may be necessary.

**Exceptions for Vehicles displaying a Parking Permit**

41. No charge shall be payable by the driver of a vehicle displaying a parking permit.
42. Drivers of vehicles displaying parking permits shall comply with such terms and conditions of use as determined by the Council from time to time.
43. Nothing in Articles 32 and 33 of this Order shall render it unlawful for a vehicle displaying a Trade's Parking Permit to wait for so long as may be necessary.
44. Nothing in Articles 32 and 33 of this Order shall render it unlawful for a vehicle displaying a Health Worker's Parking Permit to wait for so long as may be necessary.

**Exceptions for Motorcyclists**

45. No charge shall be payable by the driver of a motorcycle.
46. Nothing in Articles 32 and 33 of this Order shall render it unlawful to cause or permit a motor cycle to wait in any of the lengths of road or on any of the sides of road specified in Article 28 for so long as may be necessary.

**PART 7: REVOCATION**

47. THE North Somerset District Council (Various Roads, North Somerset Area) (Waiting and Loading Restrictions and Parking Places) (Consolidation) Order 2009 and the North Somerset District Council (Various Roads, North Somerset Area) (On-Street Parking Places) Designation Order 2012, together with all amendments and variations, are hereby revoked insofar as they relate to the restrictions described by this Order.

GIVEN under the Common Seal of the District Council of North Somerset this

The COMMON SEAL of     )  
the DISTRICT COUNCIL     )

of NORTH SOMERSET )  
was hereunto affixed )  
in the presence of :- )

Head of Legal and Democratic Services