

**LEEDS CITY COUNCIL
(TRAFFIC REGULATION) (WAITING RESTRICTIONS)
(NO.W27) ORDER
2009**

**THEAKER LANE
ARMLEY
LEEDS**

Leeds City Council (hereinafter referred to as "the Council") in exercise of the powers contained in Sections 1, 2, 32 and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the 1984 Act") and in pursuance of the powers contained in Section 73 and Schedule 7 of the Traffic Management Act 2004 and of all other powers so enabling and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act and with those persons and organisations specified in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 hereby makes the following Order

DEFINITIONS

1. **For the purposes of this Order:**

"a person authorised by the Council"	means a police constable in uniform a traffic warden or civil enforcement officer
"annual charge"	in relation to a business permit means a sum of £50 (or such other sum as the Council may from time to time determine) payable by a business permit holder to facilitate the issue or renewal of such permit by the Council
"business permit holder"	means any occupant of business premises which abut a parking space who at the discretion of the Council has been issued with a permit for use on his/her or any other vehicle
"disabled persons badge"	has the same meaning as in Regulation 2 of the Disabled Persons (Badges for Motor Vehicles (England) Regulations 2000
"dual purpose vehicle"	has the same meaning as in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1978

"invalid carriage"	has the same meaning as in Section 136 of the 1984 Act
"motor cycle"	has the same meaning as in Section 136 of the 1984 Act
"motor vehicle"	has the same meaning as in Section 136 of the 1984 Act
"owner"	in relation to a vehicle means the person by whom such vehicle is kept and used
"parking disc"	means a valid disc issued by a local authority 125 millimetres square, coloured blue and capable of showing the quarter hour period during which a period of waiting began
"parking place"	means the area on a highway designated by Article 6 of this Order as a parking place for the leaving of motor vehicles
"permit"	means a permit issued under the provisions of Article 30 of this Order
"permit holder"	means a person to whom a permit has been issued in accordance with Article 30 of this Order
"relevant position"	has the same meaning as given in Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000
"resident"	means in relation to the parking place any person whose usual residence is as specified in Column 4 of the Second Schedule to this Order
"universal service provider"	has the same meaning as in the Postal Services Act 2000
"visitor's permit"	means a permit issued to a resident of the premises the postal address of which is as defined in Column 4 of the Second Schedule to this Order which permit is to be displayed on a vehicle of a class specified in Column 3 of the said Second Schedule to this Order being used by a bona fide visitor

NO WAITING AT ANY TIME

- 2 Save as provided in Articles 3, 4 and 5 of this Order no person shall except upon the direction or with the permission of a police constable in uniform or of a traffic warden cause or permit any vehicle to wait in the lengths of road specified in the First Schedule to this Order
- 3 Nothing in Article 2 of this Order shall prohibit any person from causing or permitting any vehicle to wait in the lengths of road specified therein so long as may be necessary:-
 - 3.1 to enable a person to board or alight from the vehicle
 - 3.2 to enable a vehicle if it cannot be conveniently used for such purpose in any other road to be used in connection with any wedding funeral building operation or demolition the removal of any obstruction in the length of road so specified or the laying erection alteration or repair in or near the said length of road of any main pipe or apparatus for the supply of gas water or electricity or of any telecommunications apparatus as defined in section 4(3) of the Telecommunications Act 1984
 - 3.3 to enable a vehicle to wait in the said lengths of road if it is a vehicle bearing a livery which is used by a universal service provider engaged in the collection and/or delivery of letters in accordance with statutory duties for the provision of services for the conveyance of letters
 - 3.4 to enable a vehicle to be used in the said lengths of road for police ambulance fire brigade local authority sewerage or water undertakers purposes when used in pursuance of statutory powers or duties.
 - 3.5 if a vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or for such waiting as is necessary to prevent an accident

3.6 for the purpose of loading or unloading the vehicle while it is in actual use in connection with the delivery or removal of furniture to or from any premises fronting on to the said lengths of road **PROVIDED THAT** notice is given 24 hours in advance to the police and their consent obtained

4. Nothing in Article 2 of this Order shall prohibit any person from causing or permitting any vehicle to wait in the lengths of road specified therein for so long as may be necessary to deliver to or collect from or load or unload goods at any premises fronting onto the said lengths of road **PROVIDED THAT** no vehicle so engaged shall wait for longer than 30 minutes outside the same premises without the permission of police constable in uniform or a traffic warden and provided always that a police constable in uniform or a traffic warden may at any time require the driver of the vehicle to move it if it is reasonably necessary for the purpose of preventing obstruction

5 Nothing in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to wait for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same road or a part of the same road on the same day) in the lengths of road specified therein if the vehicle displays in the relevant position a disabled persons badge and a parking disc issued by any local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or a badge having effect under those Regulations as if it were a disabled persons badge and the driver or other persons in charge of the vehicle marks on the said parking disc the time at which the period of waiting began

RESIDENTS PERMIT PARKING

6. The parking places specified in Column 1 of the Second Schedule to this Order are hereby authorised to be used subject to the following provisions of this Order by a resident business or visitor permit holder only as parking places for such classes of motor vehicles in such position and on such days and during such hours as are specified in the said Second Schedule to this Order
7. Where in the said Second Schedule a parking place is described as available for permit holders of motor vehicles of a specified class or in a specified position the driver of a motor vehicle shall not permit it to wait in that parking place:
 - 7.1 unless it is of the specified class or
 - 7.2 in a position other than that specified
8. Every vehicle using a parking place shall wait thereon in such a position as is specified in Column 2 of the Second Schedule to this Order
9. The driver of a motor vehicle using a parking place shall stop the engine as soon as the motor vehicle is in position in the parking place and shall not start the engine except for the purposes of changing the position of the motor vehicle or of departing from the parking place such operations not to be unreasonably delayed
10. The driver of a motor vehicle shall not permit the motor vehicle to wait in a parking place in such a position as to obstruct or prevent any other motor vehicle from entering or departing from the parking place
11. Subject to the proviso hereto when a motor vehicle is left in a parking place in contravention of any provisions of Articles 7, 10 or 16 of this Order a person authorised in that behalf by the Council may remove the motor vehicle or arrange for it to be removed from the parking place:
 - 11.1 provided that when a motor vehicle is waiting in the parking place in contravention of the provisions of Article 7.2 a person authorised in that behalf

by the Council may alter or cause to be altered the position of the motor vehicle in order that its position shall comply with that provision

11.2 a person authorised by the Council may in case of emergency move or cause to be moved to any place he/she thinks fit any vehicle left in the parking place

12. Any person removing or altering the position of a motor vehicle by virtue of Article 11 may do so by towing or driving the motor vehicle or in such other manner as may be reasonably necessary to enable him to remove it or alter its position as the case may be
13. When a person authorised by the Council removes or makes arrangements for the removal of a motor vehicle from a parking place by virtue of Article 11 he/she shall make such arrangements as may be reasonably necessary for the safe custody of the motor vehicle and its contents
14. Should a motor vehicle parked in a parking place specified in the Second Schedule to this Order in contravention of this Order be removed by a person authorised by the Council a reasonable charge to cover the cost of removal in addition to any other accrued charges shall be payable before the motor vehicle is released
15. The driver of a motor vehicle or any other occupant of a motor vehicle using a parking place shall not sound any horn or similar instrument except for purposes of warning or emergency
16. The Council may at any time close a parking place or any part thereof temporarily
17. The Council shall not be liable in respect of loss or damage to any motor vehicle or the fittings or contents of any motor vehicle waiting or moving in or entering or leaving or otherwise using a parking place
18. A person authorised by the Council may suspend the use of a parking place or any part thereof whenever he/she considers such suspension reasonably necessary:
 - 18.1 for the purpose of facilitating the movement of traffic or promoting its safety

- 18.2 for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions
- 18.3 for the purpose of any building operation demolition or excavation adjacent to the parking place or the maintenance or reconstruction of the parking place of any sewer or any main pipe or apparatus for the supply of gas water or electricity or any telecommunications apparatus as defined in Section 4(3) of the Telecommunications Act 1984
19. A person authorised by the Council suspending the use of a parking place or any part thereof in accordance with the provisions of Article 18 of this Order shall thereupon place or cause to be placed in or adjacent to the parking place or part thereof the use of which is suspended a notice indicating that waiting by vehicles is prohibited
20. The Council may as respects a motor vehicle which has been or could be at any time removed from a parking place in pursuance of Article 11 of this Order if it appears to them to have been abandoned sell or otherwise dispose of the motor vehicle PROVIDED THAT the power of disposal conferred by this Article shall not be exercisable in the case of a motor vehicle unless there have been taken by the Council such of the following steps as are applicable to the motor vehicle and there has elapsed a period of six weeks beginning with the taking of the first of those steps
- 21.
- 21.1 Where a motor vehicle carries a registration mark issued under the Vehicles (Excise) Act 1971 the Council shall apply in writing to the Driver Vehicle Licensing Centre or Local Vehicle Licensing Office enquiring who it appears may be the owner of the motor vehicle and the address of that person
- 21.2 Where the Council act under this part of this Order the first step for the purpose of the last and next succeeding Articles shall be taken to be the sending of the notice mentioned in Article 22 or the subsequent notice mentioned in Article 23 of this Order

22. The Council shall where they are aware of the name and address of a person who it appears may be the owner of the motor vehicle send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the motor vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than six weeks from the date of the first step taken by the Council under Article 21 of this Order) unless it is in the meantime removed by or on behalf of the person from such place as is specified by the Council in the said notice or from such place as may be subsequently notified in writing by the Council to that person
23. If any person to whom a notice is sent in accordance with Article 22 of this Order informs the Council of the name and address of some other person whom he alleges may be the owner of the motor vehicle a notice mentioning the particulars mentioned in Article 22 of this Order shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the owner of the motor vehicle
24. Where a motor vehicle does not carry a registration mark issued under the Vehicles (Excise) Act 1971 the Council shall apply in writing to the Chief Officer of Police in whose area is the parking place from which the motor vehicle has been or could at any time be removed in pursuance of this Order enquiring who that Officer considers is the owner of the motor vehicle and the address of that person
25. If after steps have been taken under the foregoing provisions of this Order a motor vehicle is not claimed the Council shall make such further enquiries (if any) as they consider reasonable as to who may be the owner of the motor vehicle and the address of that person
26. Upon the sale of a motor vehicle by the Council the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by them in connection with

the disposal thereof and of any charge or payment to which they are entitled as regards the motor vehicle under Section 102 of the 1984 Act

27. In the event of any such costs incurred by them in connection with the disposal of the motor vehicle not being satisfied by virtue of Article 26 of this Order the Council may recoup those costs as far as not satisfied from the person who was the last owner of the motor vehicle before it was removed from the parking place in pursuance of Article 11 of this Order if that person was sent by the Council a notice under the foregoing provisions of this Order stating the particulars mentioned in Article 22 of this Order
28. Any sums received by the Council on the sale of the motor vehicle after deducting any sum applied by virtue of Article 26 of this Order shall be payable within a period of one year from the date of the sale of the motor vehicle to any person to whom but for such sale the motor vehicle would have belonged and insofar as any such sums are not claimed within the period they shall be paid into the rate fund of the Council
29. Where under the foregoing provisions of this Order a Notice is required to be or may be sent to a person the notice shall be sent by the recorded delivery service
30.
 - 30.1 Any person specified in Column 4 of the Second Schedule to this Order who is the owner of a vehicle of the class specified in Column 3 of the said Second Schedule may apply to the Council for the issue of a permit for the leaving of that vehicle in the parking place and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such a form
 - 30.2 Any occupant of business premises which abut the parking place may upon payment of the annual charge apply to the Council for the issue or renewal of a business permit (which shall be valid for a period of 12 months from the date of

- issue or renewal as the case may be) for the leaving of a vehicle of a class specified in Column 3 of the Second Schedule to this Order in the parking place
- 30.3 The Council may at any time require a permit holder or applicant for a permit to produce to an Officer of the Council such evidence in respect of an application made to them for a permit as they may reasonably require to verify any particulars or information given to them .
- 30.4 On receipt of an application duly made under the foregoing provisions of this Article the Council upon being satisfied that the applicant is a resident or in occupation of business premises which abut the parking place and is the owner of a vehicle of the class specified in Article 30.1 of this Order may subject to Articles 30.4.1 and 30.4.2 hereto issue to the applicant one permit for the leaving in the parking place of the vehicle to which such permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward

PROVIDED THAT:

- 30.4.1 subject to the provisions of Article 32 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 resident is or would be valid and
- 30.4.2 **PROVIDED ALWAYS** that the issue of a permit to a resident or occupier of business premises shall not be construed as if any parking space in the parking place was reserved solely for the use of a permit holder .
- 31.
- 31.1 The Council may by notice in writing served on the permit holder by sending the same by 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 entirely at its own discretion and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice

31.2 A permit shall cease to be valid on the occurrence of any one of the events set out in Article 31.3 of this Order

31.3 The events referred to in the foregoing provisions of this Article are:

31.3.1 the permit holder ceasing to be a resident or occupier of business premises

31.3.2 the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued

31.3.3 the withdrawal of such permit by the Council under the provisions of Article 31.1 of this Order

31.3.4 the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Column 3 of the Second Schedule to this Order

32.

32.1 If a permit is mutilated or 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 the Council upon receipt of the permit shall issue a duplicate permit so marked

32.2 If a permit is lost or destroyed the permit holder may apply to the Council for the issue to him of a duplicate permit and the Council upon being satisfied as to such loss or destruction shall issue a duplicate permit so marked and upon such issue the permit which it duplicates shall become invalid **PROVIDED THAT** a replacement will only be issued upon payment of a charge of £10.00 (or such other sum as the Council may from time to time determine)

- 32.3 The provisions of this Order shall apply to a duplicate permit and an application therefore as if it were a permit or as the case may be an application therefore
33. A permit shall be in writing and shall bear the words Residents Parking Permit, Business Parking Permit or Visitors Parking Permit as the case may be and shall include the following particulars:
- 33.1 the registration mark of the vehicle in respect of which the permit has been issued or the address of the premises in question
- 33.2 the name of the parking place for which the permit is issued
- 33.3 an authentication that the permit has been issued by the Council
- 33.4 in relation to a business permit the period during which the permit shall remain valid and an indication that the annual charge has been paid
34. At all times during which a vehicle is left in a parking place there shall be displayed on the front or near side of the vehicle a valid permit issued in respect of that vehicle so that all the particulars referred to in Article 33 of this Order are readily visible from the front or near side of the vehicle
35. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 34 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
36. Where the Council deem it so expedient all reference to a permit in this Order shall include reference to a business permit, visitor's permit and a resident's permit and permit holder shall be similarly construed

GENERAL

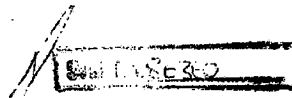
37. The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any Regulations made or having effect as if made under the 1984 Act or by or under any other enactment

38. For the avoidance of doubt any reference in this Order to a length of road or a parking place shall be deemed to be a reference to more than one length of road or parking place where the context requires it
39. This Order is made on the 5 day of March 2010 and shall come into effect on the 8 day of March 2010 and may be cited as the "Leeds City Council (Traffic Regulation) (Waiting Restrictions) (No.W27) Order 2009

**THE COMMON SEAL of
LEEDS CITY COUNCIL**
was hereunto affixed in the presence of:

Jackson

Assistant Chief Executive (Corporate Governance)



**LEEDS CITY COUNCIL
(TRAFFIC REGULATION) (WAITING RESTRICTION)
(NO. W 27) ORDER
2009**

**THEAKER LANE
ARMLEY
LEEDS**

**FIRST SCHEDULE
NO WAITING AT ANY TIME**

Lengths of road in Armley in the Metropolitan District of Leeds

COLUMN 1 NAME OF ROAD	COLUMN 2 LENGTH OF ROAD
1. THEAKER LANE ARMLEY LEEDS	BOTH SIDES - From a point 29 metres from its junction with the southern kerbline of Moorfield Road in a generally south-easterly direction for a distance of 68 metres
2. BEECH AVENUE ARMLEY LEEDS	BOTH SIDES - From a point 31 metres from its junction with the eastern kerbline of Theaker Lane in a generally easterly direction for a distance of 37 metres
3. EYRES AVENUE ARMLEY LEEDS	WESTERN SIDE - From its junction with the northern kerbline of Beech Avenue in a generally northerly direction for a distance of 26 metres
4. EYRES AVENUE ARMLEY LEEDS	EASTERN SIDE - From its junction with the northern kerbline of Beech Avenue in a generally northerly direction for a distance of 11 metres
5. EYRES AVENUE ARMLEY LEEDS	EASTERN SIDE - From its junction with the southern kerbline of Stanningley Road in a generally southerly direction for a distance of 12 metres
6. EYRES TERRACE ARMLEY LEEDS	WESTERN SIDE - From its junction with the southern kerbline of Stanningley Road in a generally southerly direction for a distance of 6 metres