

DATED

29 JANUARY

2010

LEEDS CITY COUNCIL
(TRAFFIC REGULATION) (WAITING RESTRICTIONS)
(NO.W42) ORDER
2009

A642 WAKEFIELD ROAD (CLOSE TO M62 JUNCTION 30) OULTON LEEDS

BUSINESS PERMIT PARKING
AND
WAITING RESTRICTIONS FOR LAY-BYS

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Civic Hall
LEEDS

A76/JL/871983

LEEDS CITY COUNCIL
(TRAFFIC REGULATION) (WAITING RESTRICTIONS)
(NO.W42) ORDER
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BUSINESS PERMIT PARKING

AND

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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

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
"civil enforcement officer"	means a person employed by the Council for the enforcement of road traffic contraventions
"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
"lay-by"	means a length of road which has been set aside for vehicles to wait
"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 areas on a highway designated by Articles 2 and 33 of this Order as a parking place for the leaving of motor vehicles
"permit"	means a permit issued under the provisions of Article 26 of this Order
"permit holder"	means a person to whom a permit has been issued in accordance with Article 26 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
"universal service provider"	has the same meaning as in the Postal Services Act 2000

BUSINESS PERMIT PARKING

2. The parking places specified in Column 2 of the First Schedule to this Order are hereby authorised to be used subject to the following provisions of this Order by a business 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 First Schedule to this Order
3. Where in the said First 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:
 - 3.1 unless it is of the specified class or
 - 3.2 in a position other than that specified
4. Every vehicle using a parking place shall wait thereon in such a position as is specified in Column 3 of the First Schedule to this Order
5. 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
6. 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
7. Subject to the proviso hereto when a motor vehicle is left in a parking place in contravention of any provisions of Articles 3, 6 or 12 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:
 - 7.1 provided that when a motor vehicle is waiting in the parking place in contravention of the provisions of Article 3.2 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

7.2 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

8. Any person removing or altering the position of a motor vehicle by virtue of Article 7 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
9. 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 7 he/she shall make such arrangements as may be reasonably necessary for the safe custody of the motor vehicle and its contents
10. Should a motor vehicle parked in a parking place specified in the First 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
11. 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
12. The Council may at any time close a parking place or any part thereof temporarily
13. 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
14. 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:
 - 14.1 for the purpose of facilitating the movement of traffic or promoting its safety

- 14.2 for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions
- 14.3 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
15. A person authorised by the Council suspending the use of a parking place or any part thereof in accordance with the provisions of Article 14 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
16. 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 7 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
- 17.
- 17.1 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
- 17.2 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 18 or the subsequent notice mentioned in Article 19 of this Order

18. 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 17 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
19. If any person to whom a notice is sent in accordance with Article 18 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 18 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
20. 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
21. 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
22. 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

23. 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 22 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 7 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 18 of this Order
24. Any sums received by the Council on the sale of the motor vehicle after deducting any sum applied by virtue of Article 22 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
25. 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
26.
 - 26.1 Any person specified in Column 5 of the First Schedule to this Order who is the owner of a vehicle of the class specified in Column 4 of the said First 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
 - 26.2 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 4 of the First Schedule to this Order in the parking place

26.3 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

26.4 On receipt of an application duly made under the foregoing provisions of this Article the Council upon being satisfied that the applicant is in occupation of business premises which abut the parking place and is the owner of a vehicle of the class specified in Article 26.1 of this Order may subject to Article 26.4.1 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:

26.4.1 the issue of a permit to the 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

27.

27.1 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

27.2 A permit shall cease to be valid on the occurrence of any one of the events set out in Article 27.3 of this Order

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

27.3.1 the permit holder ceasing to be an occupier of business premises

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

27.3.3 the withdrawal of such permit by the Council under the provisions of Article 27.1 of this Order

27.3.4 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 4 of the First Schedule to this Order

28.

28.1 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

28.2 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)

28.3 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

29. A permit shall be in writing and shall bear the words Business Parking Permit and shall include the following particulars:

29.1 the registration mark of the vehicle in respect of which the permit has been issued or the address of the premises in question

29.2 the name of the parking place for which the permit is issued

29.3 an authentication that the permit has been issued by the Council

29.4 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

30. 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 29 of this Order are readily visible from the front or near side of the vehicle

31. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 30 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

32. Where the Council deem it so expedient all reference to a permit in this Order shall include reference to a business permit, and permit holder shall be similarly construed

ON-STREET PARKING PLACES

33. The areas of highway in Oulton in the Metropolitan District of Leeds which are described as parking places in Column 2 of the Second Schedule hereto are hereby designated as parking places for such class of vehicle for such purposes in such positions and during such hours on such days as are specified in relation thereto in the said Second Schedule

34. The limits of the parking places shall be indicated on the carriageway in accordance with road markings as indicated by the current Traffic Signs Regulations and General Directions .

35. Every vehicle left in a parking place shall stand in the position specified in Column 2 of the Second Schedule to this Order

36. Where any vehicle is standing in a parking place in contravention of the provisions of Article 35 a civil enforcement officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions

- 37 Where a civil enforcement officer is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a vehicle left in a parking place he/she may remove or cause to be removed the vehicle from the parking place
- 38 Any person removing or altering the position of a vehicle by virtue of Articles 36, 37 or 41 may do so by towing or driving the vehicle or in such other manner as he/she may think necessary and may take such measures in relation to the vehicle as he/she may think necessary to enable him/her to remove it or alter its position as the case may be
- 39 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 37 of this Order he/she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle
- 40 Any vehicle so removed from a parking place may be disposed of in accordance with Sections 101 to 103 of the 1984 Act
- 41 Any person duly authorised by the Council may in the case of emergency move or cause to be moved to any place he thinks fit a vehicle left in a parking place
- 42 Any person duly authorised by the Council may suspend the use of a parking place whenever he/she considers such suspension reasonably necessary always
- PROVIDED THAT** adequate prior notice has been received:
- 42.1 for the purpose of facilitating the movement of traffic or promoting its safety
- 42.2 for the purpose of any building engineering or construction operation demolition or excavation adjacent to or in the parking place
- 42.3 for the purpose of maintenance improvement or reconstruction of the parking place or the laying erection alteration or repair in or near the parking place of any sewer or 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

- 42.4 for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one building to another
- 42.5 on any such occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed
- 42.6 for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions
- 43 A police constable in uniform may suspend for not longer than twenty-four hours the use of a parking place whenever he/she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety
- 44 At the discretion of the Chief Officer of Police a parking place may be suspended by him whenever he considers such suspension reasonably necessary to enable the Police to discharge their duties
- 45 Subject to the proviso contained in Article 47 of this Order any person suspending the use of a parking place in accordance with the provisions of Articles 42, 43 and 44 of this Order shall thereupon place or cause to be placed upon the relevant part of the parking bay traffic cones (as described in the current Traffic Signs Regulations and General Directions) or such other traffic cones or lights as are appropriate to indicate that waiting by vehicles is prohibited
- 46 Subject to the provisions of Article 45 of this Order if the use of a parking place is suspended for any of the purposes set out in Article 42 of this Order except Article 42.1 a charge of £20.00 (or such other charge as the Council may from time to time determine) may at the discretion of the person suspending the use of the parking place be payable by the person or body requesting the suspension of use of the parking place in respect of each day or part thereof during which use of the parking place is suspended
- 47 Subject to the proviso contained herein no person shall cause or permit any vehicle to be left in a parking place during such period as there is a cover notice traffic cone sign or

light placed within the parking place in pursuance of Article 45 of this Order **PROVIDED THAT** nothing in this paragraph shall apply to:

47.1 any vehicle being used for Fire Brigade Ambulance or Police purposes or any Local Authority purposes or for any purpose specified in Article 42.1

47.2 any other vehicle if that vehicle is so left with the permission of the person who authorised the suspension of use of the parking place in accordance with the foregoing provisions of this Article or a police constable in uniform or a traffic warden

48 Unless prior written consent has been granted by the Council no person shall:

48.1 use a vehicle while it is in a parking place in connection with the sale or advertisement of anything to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services

48.2 use any part of a parking place with any building structure mechanical device or other physical feature therein or any vehicle left therein to display advertising material nor to place upon or attach to any vehicle in the parking place any advertising material to induce the public to participate in or frequent any place function or gathering for the purpose of demonstration or entertainment or to buy or hire or otherwise obtain anything or the skill or services of any person and nothing shall be displayed to induce the public to engage for gain in any lottery sweepstake raffle or competition

49 Without prejudice to the foregoing provisions of this Order with respect to vehicles which are left in the parking place in accordance with those provisions any other vehicle may wait in a parking place if:

49.1 the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle

- 49.2 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
- 49.3 the vehicle is a vehicle used for Fire Brigade purposes or an Ambulance or a vehicle in the service of a Local Authority or a vehicle in the service of a police force being used in pursuance of statutory powers or duties
- 49.4 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
- 49.5 the vehicle is in the service of a universal service provider 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 post boxes adjacent to the parking place in which the vehicle is waiting or is in use in connection with the servicing of telephone kiosks adjacent to the parking place
- 49.6 the vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for any of the purposes specified in Articles 42.2 to 42.6 and the use of the vehicle for any such purpose or the amount of time during which the vehicle will remain in the parking place for that purpose does not in the opinion of the Council warrant the suspension of use of the parking place
- 49.7 the vehicle is waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for more than thirty minutes or such longer period as a police constable in uniform a traffic warden or a person authorised by the Council may authorise

- 50 Nothing in Article 49 shall be taken as authorising anything which would be a contravention of the Road Vehicles Lighting Regulations 1989 or any amendment or variations thereto
- 51 A person causing or permitting a vehicle to wait in the parking place by virtue of Article 49 shall take all necessary steps to ensure that the vehicle is left in accordance with Article 35
- 52 The Council may carry out such other work as is reasonably required for the purpose of the satisfactory operation of the parking place

GENERAL

53. 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
54. 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
55. This Order is made on the 29 day of January 2010 and shall come into effect on the 1 day of February 2010 and may be cited as the "Leeds City Council (Traffic Regulation) (Waiting Restrictions) (No.W42) Order 2009

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

N. Jackson

Assistant Chief Executive (Corporate Governance)

Seal No. 26256



**LEEDS CITY COUNCIL
(TRAFFIC REGULATION) (WAITING RESTRICTIONS)
(NO.W42) ORDER
2009**

A642 WAKEFIELD ROAD (CLOSE TO M62 JUNCTION 30) OULTON LEEDS

**BUSINESS PERMIT PARKING
AND
WAITING RESTRICTIONS FOR LAY-BYS**

FIRST SCHEDULE

BUSINESS PERMIT PARKING

Lengths of road in the Metropolitan District of Leeds

Column 1 Item No.	Column 2 Part of road authorised to be used as street parking place	Column 3 Position in which vehicles may wait	Column 4 Classes of vehicles	Column 5 Persons authorised to use such parking place	Column 6 Days and hours of operation of parking place
1	<p>A642 Wakefield Road (Lay-bys only). Both sides from a point 650 metres south of the projected southern Highway boundary of Pennington Lane in a southerly direction for a distance of 110 metres.</p>	<p>Wholly within the limits of parking place marked on the carriageway in accordance with the current of the Traffic Signs Regulations and General Directions and in such a position as not to obstruct the movement of other vehicles.</p>	All vehicles.	<p>Any person who has been issued a business permit authorised by the Council for use within the part of the street named in Column1 of the schedule.</p>	<p>All days All hours</p>

SECOND SCHEDULE

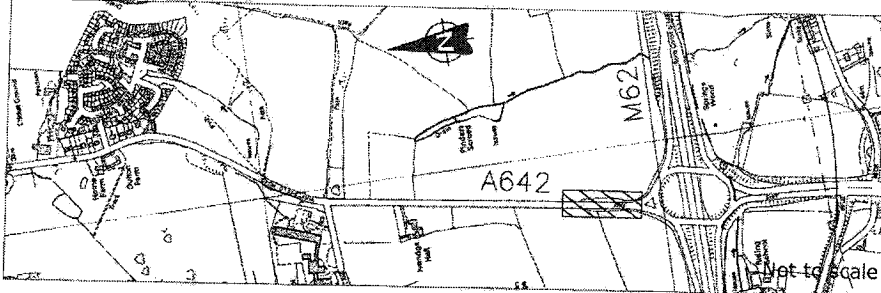
ON STREET PARKING PLACES

Lengths of road in the Metropolitan District of Leeds

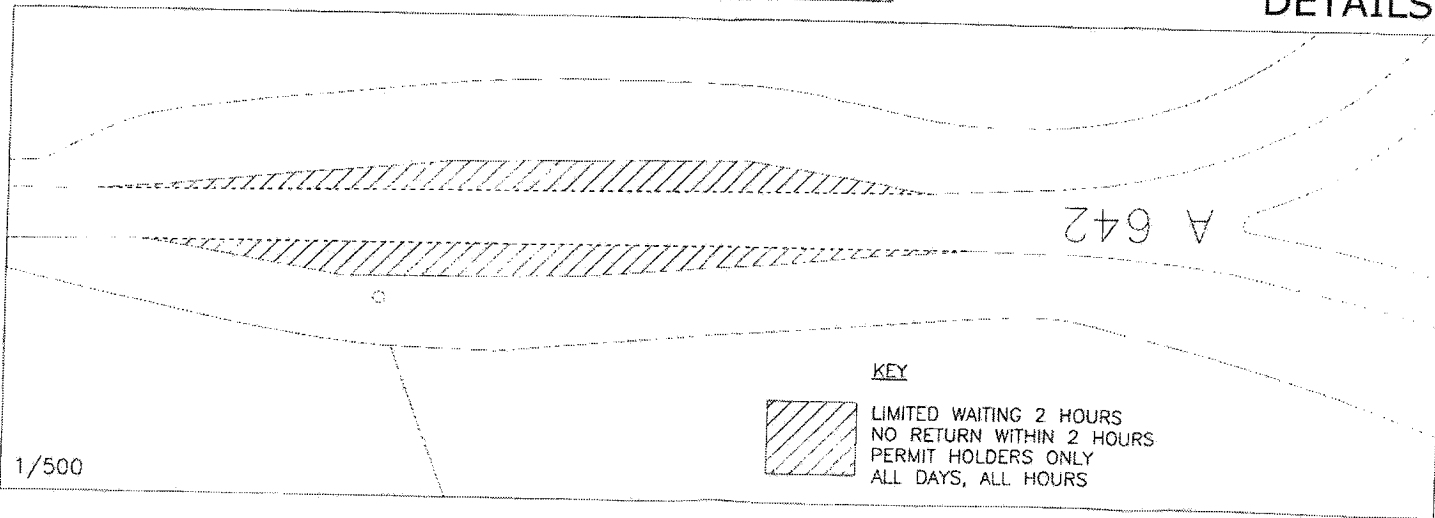
Column 1 Item No	Column 2 Part of road authorised to be used as street parking place	Column 3 Position in which vehicles may wait	Column 4 Classes of vehicles	Column 5 Days and times of operation of parking place	Column 6 Max period for which vehicles may wait
1	A642 Wakefield Road (Lay-bys only). Both sides from a point 650 metres south of the projected southern Highway boundary of Pennington Lane in a southerly direction for a distance of 110 metres.	Wholly within the limits of designed parking place as indicated by signs for which special authorisation has been granted by the Department for Transport and in such position as not to obstruct the movement of other vehicles.	All vehicles.	All days All hours	2 hours – no return within 2 hours <u>With the exception of any person issued with a Business Permit under the provisions of Article 26 of the Order.</u>

LEEDS CITY COUNCIL

LOCATION



DETAILS



KEY



LIMITED WAITING 2 HOURS
NO RETURN WITHIN 2 HOURS
PERMIT HOLDERS ONLY
ALL DAYS, ALL HOURS

LEEDS CITY COUNCIL (TRAFFIC REGULATION (No. W42) ORDER 2009

A642 WAKEFIELD ROAD, NR J/W M62
PROPOSED WAITING RESTRICTIONS & PERMIT PARKING
ROTHWELL WARD
T.R.O. Drawing

This drawing is the property of Leeds City Council. It is not to be used for any other purpose without the written permission of the Council. It is not to be used for any other purpose without the written permission of the Council. It is not to be used for any other purpose without the written permission of the Council.

INITIALS	DATE	SCALE
DRAWN BY: RAC	11/08	OS SHOW
CHECKED BY: RAC	11/09	
APPROVED BY: SB	11/09	



APPROVED	DATE	SCALE
DRAWING NUMBER:	TMS/29.1/46.03	
DATE:	Nov 2009	

