

The Nottinghamshire County Council (Bowbridge Road and Earp Avenue, Newark on Trent) (Prohibition of Waiting, Entrance Clearways and Residents' Controlled Zone) Traffic Regulation Order 2017 (3269)

The Nottinghamshire County Council ("the Council") in exercise of its powers under Sections 1(1) and (2), 2(1) to (3), 4(2), 9, 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act"), Traffic Management Act 2004 ("the 2004 Act"), and by virtue of The Civil Enforcement of Parking Contraventions (County of Nottinghamshire) Designation Order 2008 (SI 2008 No. 1086) and of all other enabling powers and after consultation with the Chief Officer of Police for the Nottinghamshire Police Authority in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

COMMENCEMENT

This Order shall come into force for all purposes on the ## day of ##### 2017 and may be cited as " **The Nottinghamshire County Council (Bowbridge Road and Earp Avenue, Newark on Trent) (Prohibition of Waiting, Entrance Clearways and Residents' Controlled Zone) Traffic Regulation Order 2017 (3269)**".

ARRANGEMENT OF SECTIONS

Parts and Sections Allocated:-

PART I

(Waiting Control)

Section 1: Prohibition and Restriction of Waiting (Articles 1, 2 and 3)

Section 9 : No Stopping on Entrance Clearway (Articles 14 and 15)

PART III

(Residents' Controlled Zones)

Section 1: Residents' Controlled Zones and Restricted Times (Articles 1 and 2)

Section 3: Residents' Parking Places (Articles 4 to 15 inclusive)

Section 4 : Parking Places other than Residents' Parking Places (Articles 16 to 23 inclusive)

Section 6: Residents' Visitors Parking Permits (Articles 25 to 29 inclusive)

PART V

(Revocations and Suspensions)

PERMANENT

Section 1 : Permanent Revocation in Part (Article 1)

PART VI

Definitions of Category Letters

GENERAL

- G1. All lengths of road specified in this Order are lengths of road at Newark on Trent in the District of Newark and Sherwood in the County of Nottinghamshire.
- G2. The prohibitions and 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 Act as amended aforesaid or by or under any other enactment.
- G3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- G4. In this Order, where the context requires, the singular shall be interpreted as being the plural and vice versa.
- G5. In this Order headings are included for ease of reference only and shall not affect the interpretation or construction of the Order.

Definitions:-

In this Order the following words and phrases (where used) have the meanings ascribed to them as follows:-

- D1. "At Any Time" means all days and all hours.
- D2. "Bank Holiday" has the same meaning as described in the Banking and Financial Dealings Act 1971. The first Monday of May shall be treated as if it were a Bank Holiday for the purposes of this Order.
- D3. "Bus" has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions.
- D4. "Bus Lane" means any length of road specified in this Order and bounded by delineating road markings as prescribed under Regulations for use as a Bus Lane.
- D5. "Bus Stop Area" means any area of carriageway of a road (which is specified and intended for the waiting of a local bus) which is comprised within and indicated by a road marking complying with either diagram 1025.1, 1025.3 or 1025.4 in Schedule 6 to the Traffic Signs Regulations and General Directions.

- D6. "Bus Stop Clearway Hours" means the hours specified in each relevant Schedule in relation to a length of road.
- D7. "Carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles.
- D8. "CEO" means Civil Enforcement Officer which has the same meaning as in Section 76 of the 2004 Act.
- D9. "Cycle Lane" means a length of road specified in this Order as a Cycle Lane and bounded by delineating road markings as prescribed under Regulations.
- D10. "Day Access Permit" means a vehicle in respect of which a permit has been issued under established criteria governing the issue of the aforesaid permit and as amended from time to time.
- D11. "Director" means:-
- (a) The Nottinghamshire County Council's Director of Place Department
- D12. (a) "Disabled Person's Vehicle" means a vehicle displaying a disabled persons' badge in a relevant position.
- (b) "Disabled Persons' Badge" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
- D13. "Doctor Parking Permit" means a valid permit issued for use within the relevant Doctor Parking Place.
- D14. "Doctor Parking Place" means a parking place (specified in Schedule 1 to Part II, or in Schedule 4 to Part III, or in Schedule 5 to Part IV of this Order) which may only be used by a vehicle displaying a Doctor Parking Permit.
- D15. "Driver" in relation to a vehicle waiting in a parking place means:-
- (a) The person driving the motor vehicle at the time it was left in the parking place or
 - (b) where the vehicle is a pedal cycle, the person (being a user) riding, pushing by hand or otherwise in charge of the pedal cycle at the time it was left in the parking place.
 - (c) Where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and "drive" and "driving" shall be construed accordingly and that if such person contravenes this Order, that person shall be treated as the owner.
- D16. "Dual Purpose Vehicle" has the same meaning as in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1978.
- D17. "Goods" includes postal packets of any description.

- D18. "Goods Vehicle" has the same meaning as in Section 104(9) of the 1991 Act.
- D19. "Junction" means (in the Schedules to this Order) for measurement purposes only: The point where the prolongation of two kerblines intersect (measurements are taken along the line of kerb for the said length of road unless otherwise stated).
- D20. "Lay-By" means any area of carriageway intended for the waiting of vehicles and lying at the side of the road and bounded partly by a traffic sign of the type shown in Diagram 1010 of the Traffic Signs Regulations and General Directions and partly by the outer edge of that carriageway on the same side of the road as that on which the sign is placed.
- D21. "Loading Vehicle" means a vehicle whilst being used in a length of road to enable goods to be loaded or unloaded provided that when the aforementioned purposes have been completed, the vehicle must immediately proceed out of that length of road.
- D22. "Local Bus" has the same meaning as that ascribed to it in the Traffic Signs Regulations and General Directions.
- D23. "Main Carriageway" means any carriageway used primarily by through traffic, includes any carriageway of a slip road, but excludes any lay-by.
- D24. "Motor Cycle" has the same meaning as in Section 136 of the Act.
- D25. "Motor Vehicle" has the same meaning as in Section 136 of the 1984 Act.
- D26. "One-Way Street" means a highway in which vehicles are prohibited at all times from proceeding in any other than one direction.
- D27. "Owner" in relation to a vehicle, means the registered keeper of that vehicle namely the person for the time being shown on the register as registered keeper in the register kept in accordance with Section 21 of the Vehicle Excise and Registration Act 1994.
- D28. "Parking Disc" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
- D29. "Parking Place" means (subject to Section 4 of Part III and Sections 4 and 5 of Part IV of this Order) any area of highway authorised by this Order to be used as a parking place.
- D30. "Passenger Vehicle" means a motor vehicle other than a motor cycle constructed solely for the carriage of passengers and their effects and adapted to carry not more than 8 passengers exclusive of the driver, and not drawing a trailer.
- D31. "Pedal Cycle" means a cycle (which has the same meaning as that ascribed to it in Section 192 of the Road Traffic Act 1988).
- D32. "Pedestrian Crossing" means a crossing for pedestrians established:-

- (a) by a local authority under Section 23 of the 1984 Act, or
- (b) by the Secretary of State in the discharge of the duty imposed on him by Section 24 of the 1984 Act.

D33. "Police Vehicle" means a vehicle being used for police purposes or operating under the instructions of a Chief Officer of Police for Nottinghamshire Police Authority.

D34. "Prescribed Hours" has the meanings ascribed in each particular Part of this Order and shall be construed accordingly.

D35. "Private Hire Vehicle" means a vehicle which has been issued a licence under The Local Government (Miscellaneous Provisions) Act 1976.

D36. "Relevant Position"

- (1) In relation to the display of Disabled Person's Badge, has the same meaning as that ascribed to it in The Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
- (2) In relation to a permit or authorisation, means the front nearside of the vehicle so that all the particulars are readily visible from the front nearside of the vehicle.

D37. "Resident"

- (1) In Part III of this Order means a person whose usual place of abode is premises the postal address of which is in any road or part of a road being a part of a controlled zone described in Schedule 1 to Part III of this Order, or any person deemed to be a resident by the Council.
- (2) In Part IV of this Order means a person whose usual place of abode is premises the postal address of which is in any road or part of a road specified in Schedule 3 to Part IV of this Order, or any person deemed to be a resident by the Council.

D38. "Residents' Permit" means a permit issued under the provisions of Article 7 of Part III or Article 7 of Part IV of this Order.

D39. "Residents' Permit Holder" means a person to whom a permit has been issued under the provisions of Article 7 of Part III or Article 7 of Part IV of this Order.

D40. "Residents' Parking Place" means any part of a road specified in Article 4 of Part III or Article 4 of Part IV of this Order.

D41. "Residents' Parking Space" means a space in a Residents' Parking Place which is provided for the leaving of a vehicle of the classes specified in Article 7 of Part III or Article 7 of Part IV of this Order.

D42. "Residents' Visitors Parking Permit" means a permit issued, under the provisions of Article 27 of Part III or Article 37 of Part IV of this Order, by the Director to a resident for the purpose specified in Article 26 of Part III or Article

36 of Part IV of this Order and under guidelines as determined from time to time by the Director.

- D43. "Residents' Visitors Parking Permit Holder" means a person to whom a permit has been issued under the provisions of Article 27 of Part III or Article 37 of Part IV of this Order.
- D44. "Residents' Visitors Parking Permit User" means a person using a permit for the purpose specified in Article 26 of Part III or Article 35 of Part IV of this Order in accordance with the provisions of Section 6 of Part III or Section 8 of Part IV of this Order as appropriate.
- D45. "Residents' and Business Visitors Parking Permit" means a permit issued under the provisions of Article 31 of Part III or Article 41 of Part IV of this Order.
- D46. "Residents' and Business Visitors Parking Permit Holder" means a person to whom a permit has been issued under the provisions of Article 31 of Part III or Article 41 of Part IV of this Order.
- D47. "Residents' and Business Visitors Parking Permit User" means a person using a permit for the purposes specified in Article 31 of Part III or Article 41 of Part IV of this Order in accordance with the provisions of Section 7 of Part III and Section 9 of Part IV of this Order.
- D48. "Restricted Access Permit Holders' Vehicles" means a vehicle in respect of which a permit has been issued under established criteria governing the issue of such permits (in respect of persons who would otherwise suffer severe and unavoidable hardship) as determined by the Director (in consultation with the appropriate Members of the Council and the appropriate Members of the Council for the wards in relation to the length of road specified in Column 2 of the relevant Schedule) and as amended from time to time.
- D49. "Restricted Road" (save as the context requires in Parts III and IV of this Order):-
- (1) In Part III of this Order means any road or part of a road specified in Schedule 1 to Part III of this Order.
 - (2) In Part IV of this Order means any road or part of a road specified in Schedule 1 to Part IV of this Order.
- D50. "Road Marking" has the same meaning as in the Traffic Signs Regulations and General Directions.
- D51. "Solo Motor Cycle" has the same meaning as in the Traffic Signs Regulations and General Directions.
- D52. "Special Access Permit Holders' Vehicles" means a vehicle in respect of which a permit has been issued under established criteria governing the issue of such permits (in respect of persons having particular mobility difficulties) as determined by the Director and as amended from time to time.
- D53. "SI" means a Statutory Instrument.

- D54. "Taxi" means in England and Wales, a vehicle licensed under Section 37 of the Town Police Clauses Act 1847.
- D55. "Taxi Clearway Hours" means the hours specified in each relevant Schedule in relation to a length of road and where days are specified they are inclusive days.
- D56. "Taxi Rank" means an area of carriageway reserved for use by taxis waiting to pick up passengers.
- D57. "Telegraphic Line" has the same meaning as the expression "electronic communications apparatus" (which expression has the same meaning as that ascribed to it in the Telecommunications Act 1984).
- D58. "Traffic Sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act.
- D59. "Traffic Signs Regulations and General Directions" means the Traffic Signs Regulations and General Directions
- D60. "Vehicle" (in Sections 2, 3, 4, 5 and 7 of Part I of this Order) means:-
- (a) a pedal cycle in actual use for the purpose of cycling;
 - (b) any vehicle (other than a pedal cycle).
- D61. "Verge" means any part of a road which is not a carriageway or a footway.

Notes:-

- N1. In this Order all times and days are inclusive.
- N2. In the Schedules to this Order, each length of road specified in Column 2 and itemised by number in Column 1 shall be related only to the specified instructions, times and exemptions (given under Columns 3, 4, 5 and 6) relating to that number.

PART I

PART I OF SECTION 1 : PROHIBITION OF WAITING

1. (1) Save as provided in this Article, no person shall, except with the permission of a Police Constable in uniform or a CEO, cause or permit any vehicle to wait in any of the lengths of road specified in Column 2 of Schedule 1 to Part I of this Order during the times specified in relation to each length of road, in Column 3.
- (2) Nothing in paragraph (1) of this Article shall apply to any vehicle which is of one or more of the categories specified, in Column 4 of Schedule 1 to Part I of this Order, in relation to each length of road specified in Column 2 of the said Schedule.

(3) Nothing in paragraph (1) of this Article shall apply to:-

- (i) An authorised Hackney Carriage Stand, or
- (ii) A Taxi Rank during the Taxi Clearway Hours, or
- (iii) A Disabled Persons Parking Place, or
- (iv) A Doctor Parking Place, or
- (v) A Pedal Cycle Parking Place, or
- (vi) Any other Parking Place provided under the provisions of the Act, or
- (vii) A Bus Stop Area during the Bus Stop Clearway Hours, or
- (viii) The area of road within the limits of a Pedestrian Crossing (including its road markings)

whilst the particular Place, Stand, Rank or Area (a) is delineated by the appropriate traffic signs and road markings, or (b) has current written authorisation.

(4) Nothing in this paragraph (1) of this Article shall apply to any Local Bus waiting at any of the following points, being sites which have current written authorisation, in this respect, given by the Director:-

- (i) Crew relief points;
- (ii) Bus timing points;
- (iii) Bus Stands;
- (iv) Bus turning points; and
- (v) Bus termination points.

2. In Column 4 of Schedule 1 to Part I of this Order, the reference letters categorise and have the meanings hereunder ascribed to them in Part VI of this Order.

3. In Article 2 of Part I of this Order "Authorised Vehicle" means:- Not allocated.

PART I OF SECTION 9 :- NO STOPPING ON ENTRANCE CLEARWAY

Interpretation

In this Section of this Order—

(a) "carriageway" has the same meaning as in section 329(1) of the Highways Act 1980;

- (b) "causing" includes permitting;
- (c) "during school term times" has the same meaning as determined by Nottinghamshire County Council under Section 32 of the Education Act 2002.
- (d) "the clearway" means the lengths of road specified in Column 2 of Schedule 9 to Part I of this Order;
- (e) "vehicle" includes part of a vehicle;

General prohibition of stopping

- 14. No person shall cause or permit any vehicle to stop, during school term times, in the clearway

Exemptions

- 15. (1) Nothing in Article 14 of this Article shall render it unlawful for a person to cause or permit a vehicle to stop on entrance clearway marking:-
 - (a) in any case where the person in control of the vehicle
 - (i) is required by law to stop or not to proceed;
 - (ii) obliged to stop the vehicle so as to avoid an accident;
 - (iii) prevented from proceeding in the vehicle by circumstances beyond the person's control;
 - (iv) getting or giving help in consequence of an accident or an emergency, or otherwise taking action for public safety;
 - (v) opening or closing a gate or other barrier at the entrance to premises to which the vehicle is being driven or from which it has emerged if it is not reasonably practicable to cause the vehicle to stop elsewhere for the purpose;
 - (vi) using the vehicle for fire brigade, ambulance or police purposes;
 - (vii) using the vehicle in connection with the removal of any obstruction to traffic;
 - (viii) using the vehicle in connection with the maintenance, improvement or reconstruction of any length of road specified in Column 2 of Schedule 9 to Part I of this Order.
- (3) The prohibition specified on Article 14 of this Section do not apply in respect of a vehicle which is waiting at the edge of a carriageway for as long as may be necessary for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000.

(4) The prohibition specified in Article 14 of this Section does not apply to anything done with the permission or at the direction of a police constable in uniform or a CEO in uniform.

(5) The prohibition specified in Article 14 of this Section does not apply to any Bank Holiday.

(6) If the Council are satisfied that, for facilitating the passage of vehicular traffic on the roads specified in Schedule 9 to Part 1 of this Order, it is requisite that Section 3(1) of the Act should not apply in relation to this Article of this Order.

PART III

PART III OF SECTION 1 : RESIDENTS' CONTROLLED ZONE AND PRESCRIBED HOURS

Nothing in the following provisions of this Part of this Order shall apply to:-

- (i) An authorised Hackney Carriage Stand, or
- (ii) A Taxi Rank during the Taxi Clearway Hours, or
- (iii) A Bus Stop Area during the Bus Stop Clearway Hours, or
- (iv) The area of road within the limits of a Pedestrian Crossing (including its road markings)

whilst the particular Stand, Rank or Area (a) is delineated by the appropriate traffic signs and road markings, or (b) has current written authorisation.

In this Part of this Order, each road or length of road specified in Column 2 of Schedule 1 to Part III of this Order is a Restricted Road, within the Zone titled in Column 3 (numbered in Column 1) in relation to the length or lengths of road, during the prescribed hours specified in Column 4 in relation to that Zone number provided that: where a length of road is specified in Schedule 2 to Part III of this Order, that length of road shall not be a Restricted Road.

In this Part of this Order, "Prescribed Hours" means the hours (in relation to a particular road or roads) specified in Column 4 of Schedule 1 to Part III of this Order.

In this Part of this Order, each Permit shall only be valid for use in the Zone or part of a Zone specified in respect of the Permit.

Waiting:-

1. Subject to the provisions of Article 2 and Sections 2, 3, 4, 5, 6 and 7 of Part III of this Order no person shall cause or permit any vehicle to wait during the prescribed hours in any restricted road.

2. (1) Subject to Section 2 of this Part of this Order, nothing in Article 1 of this Part of this Order shall apply to any vehicle which is waiting with the permission of a Police Constable in uniform or a CEO or is of one or more of the categories A, B, C, E, F or G specified in Part VI of this Order.
- (2) Nothing in Article 1 of this Part of this Order shall apply to an authorised Hackney Carriage Stand and Taxi Rank whilst the particular Stand or Rank is delineated by the appropriate traffic signs and road markings.
- (3) Nothing in Article 1 of this Part of this Order shall apply to any Local Bus waiting at any of the following points, being sites which have current written authorisation, in this respect, given by the Director:-
 - (i) Crew Relief Points;
 - (ii) Bus Timing Points;
 - (iii) Bus Stands;
 - (iv) Bus Turning Points; and
 - (v) Bus Termination Points.

PART III OF SECTION 3 : AUTHORISATION AND USE OF RESIDENTS PARKING PLACES

4. (1) Subject to Sections 5 and 6 of Part III of this Order, each area of highway described in Schedule 3 to Part III of this Order shall be Residents' Parking Place.
- (2) Where a figure is specified in Column 3 of Schedule 3 to Part III of this Order there shall, at all times, be a part or parts of the said area, of a total length in metres not less than that figure, in which there shall be no Residents' Parking Space or part of a Residents' Parking Space.
5. Nothing in Article 1 of Part III of this Order shall apply so as to prevent any vehicle displaying a valid permit (for a residents' parking place), issued by the Council, in the manner specified in Article 8 of Part III of this Order, from waiting in a Residents' Parking Space in a Residents' Parking Place.
6. Each Resident's Parking Space may be used, subject to the provisions of this Part of this Order, for the leaving during the prescribed hours of any such vehicles displaying in the manner specified in Article 8 of Part III of this Order, a valid permit (for a residents' parking place) issued by the Council in respect of that vehicle.
7. (1) Any resident who is either the owner or the primary user of a passenger vehicle, a dual purpose vehicle, goods vehicle, or a motor cycle, may apply to the Council for the issue of a residents' permit for the leaving of that vehicle and any such application shall be made on a form issued by and obtainable from the Council and shall include the information required by such form.

- (2) 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 require to verify any information given to it.
 - (3) On receipt of an application made under the foregoing provisions of this Article, the Council upon being satisfied that the applicant is a resident and is the owner of a vehicle of one of the classes specified in paragraph (1) of this Article, may issue to that applicant a permit for the leaving during the prescribed hours in a Residents' Parking Space in any Residents' 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.
8. At all times during which the vehicle is left in a Residents' Parking Space during the prescribed hours pursuant to this Part of this Order there shall be displayed in a relevant position a valid permit (for a residents' parking place) issued in respect of that vehicle so that all the particulars referred to in Article 12 of Part III of this Order are readily visible from the front nearside of the vehicle.
9. Every vehicle left in a Residents' Parking Place in accordance with Article 6 of Part III of this Order shall so stand:-
 - (a) if the Residents' Parking Place is not in a one-way street, that the left or nearside of the vehicle is adjacent to the left or nearside kerb;
 - (b) if the Residents' Parking Place is in a one-way street, that the left or nearside of the vehicle is adjacent to the left or nearside kerb or that the right or off side of the vehicle is adjacent to the right-hand kerb;
 - (c) that every part of the vehicle is within the limits of a Residents' Parking Space.
10.
 - (1) A permit holder may surrender the permit to the Council at any time and shall surrender the permit to the Council on the occurrence of any of the events set out in paragraph (3) of this Article.
 - (2) The Council may, by notice in writing delivered to the permit holder by leaving it at or by sending it by recorded delivery post to the address shown by that person on the application for the permit or at any other address believed to be that person's residence (i) withdraw a permit if it appears to the Council that any one of the events set out in paragraph (3)(i), (ii) or (iii) of this Article has occurred and the permit holder shall surrender the permit to the Council within one week of the delivery of such notice; (ii) deem a permit to cease to be valid.
 - (3) The events referred to in the foregoing provisions of this Article are:-
 - (i) the permit holder ceasing to be a resident;
 - (ii) the permit holder ceasing to be either the owner or the primary user of the vehicle in respect of which the permit was issued;

- (iii) 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 any of the classes specified in Article 7 of this Order;
 - (iv) the issue of a duplicate permit by the Council under the provisions of Article 11 of Part III of this Order;
 - (v) failure by a permit holder to supply any evidence required of him pursuant to paragraph (5) of this Article.
- (4) A permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events set out in paragraph (3) of this Article, whichever is the earlier.
- (5) The Council may at any time require a permit holder to supply to an Officer of the Council such evidence in respect of any permit issued by it as it may require.
11. (1) If a permit is mutilated or defaced or the figures or particulars on it 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 to him of a duplicate permit and the Council, upon receipt of the permit if such receipt is accompanied by an application for a duplicate permit, shall issue a duplicate permit so marked.
- (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.
- (3) The provisions of Article 7 of Part III of this Order shall apply to a duplicate permit and an application for a duplicate permit as if it were a permit, or as the case may be, an application therefor.
12. A permit shall be in writing and shall include the following particulars:-
- (a) the registration mark of the vehicle in respect of which the permit has been issued;
 - (b) the period during which, subject to the provisions of Article 10(3) of Part III of this Order, the permit shall remain valid;
 - (c) an authentication that the permit has been issued by the Council.
13. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 8 of Part III of this Order, no person, not being the owner of the vehicle, shall remove the permit from the vehicle unless authorised to do so by the owner of the vehicle.
14. A Police Constable in uniform or a CEO may, in the case of an emergency, move or cause to be moved any vehicle left in a Residents' Parking Place to any place he thinks fit.

15. (1) Any person authorised by the Council, a Police Constable or a CEO may suspend the use of a Residents' Parking Place or part thereof whenever he considers such suspension reasonably necessary:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place or the laying, erection, alteration, removal or repair in or adjacent to the Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line or traffic sign;
 - (c) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of 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;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals or on other special occasions.
- (2) Any person suspending the use of Residents' Parking Place or any part thereof in accordance with the provisions of paragraph (1) of this Article shall thereupon place or cause to be placed, in or adjacent to that Parking Place or the part thereof the use of which is suspended, a Traffic Sign indicating that waiting by vehicles is prohibited.
- (3) For so long as a Traffic Sign prohibiting waiting is displayed in accordance with paragraph (2) of this Article no person shall cause or permit a vehicle to be left in that Residents' Parking Place or that part of a Residents' Parking Place.

PART III OF SECTION 4 : PARKING PLACES OTHER THAN RESIDENTS' PARKING PLACES

In this Section of Part III of this Order, the expressions "Parking Place" and "Parking Space" refer only to those areas of highway authorised under Article 16 of Part III of this Order.

16. (1) The areas of highway specified in Column 2 of Schedule 4 to Part III of this Order are authorised to be used, subject to the following provisions of this Order, as parking places for such classes of vehicles, on such days and during such hours as are specified in relation to each part of road in the said Schedule.
- (2) The driver of a pedal cycle shall position that pedal cycle such that it is appropriately attached to the stand provided.

17. (1) Subject to paragraph (2) of this Article, where in Schedule 4 to Part III of this Order a parking place specified in Column 2, is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place:-
- (a) unless it is of the class specified in Column 3;
 - (b) in a position other than that specified; or
 - (c) for longer than the period of time, if any, specified in Column 5 (not being a period separated by an interval of less than the period of time, if any, specified in Column 6 in relation to a parking place, from a previous period of waiting by the same vehicle on the same part of highway on the same day).
- (2) Where a period of time is specified in Columns 5 and 6 of Schedule 4 to Part III of this Order, any Disabled Person's Vehicle may wait in the parking place and, whilst so waiting, will not be subject to the provisions of sub-paragraphs (a) and (c) of paragraph (1) of this Article.
- (3) In Schedule 4 to Part III of this Order "Authorised Vehicle" means as follows:- Not allocated.
18. A driver of a vehicle shall not use a parking place so as to unreasonably prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance.
19. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Article 17 or Article 18 of Part III of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place : provided that when a vehicle is waiting in a parking place in contravention of the provision of Article 17(1)(b) of Part III of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
20. Any person removing a vehicle or altering its position by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position, as the case may be.
21. 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 19 of Part III of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
22. The Council in exercise of their powers under Section 32 of the Act, with respect to the use as a parking place of any of the areas of highway specified in Column 2 of Schedule 4 to Part III of this Order, shall not be rendered subject to any liability in respect of:-

- (a) the loss of or damage to any pedal cycle;
 - (b) the loss of or damage to the fittings or articles carried on any pedal cycle; or
 - (c) any accident, injury or incident howsoever occasioned in connection with the provision of the stands for pedal cycles within the areas of highway specified in Column 2 of Schedule 4 to Part III of this Order.
23. Articles 9, 14 and 15 of Part III of this Order shall be incorporated into this Part of this Order but each expression listed below in Column 1 shall be replaced by the expression appearing opposite it in Column 2.

Column 1

Residents' Parking Place
Residents' Parking Space
Article 6

Column 2

Parking Place
Parking Space
Article 16

PART III OF SECTION 6 : RESIDENTS' VISITORS' PARKING PERMITS

25. Nothing in this Order shall make it unlawful for any person to leave a vehicle in a Residents' Parking Space provided that:-
- (1) an appropriate and valid Residents' Visitors Parking Permit (hereinafter also referred to as "Permit") is displayed, by a Residents' Visitors Parking Permit User on the front nearside of the vehicle;
 - (2) the use of the Residents' Parking Space has not been suspended.
26. A Permit shall only be issued for the purpose of allowing a visitor (being a Residents' Visitors Parking Permit User) to leave a vehicle in a Residents' Parking Space whilst visiting a resident within the Controlled Parking Zone to which the Permit relates. Each Permit shall only be valid for use in the Zone specified in respect of the Permit.
27. A Residents' Visitors Parking Permit shall be issued by the Director (under Guidelines determined by the Director from time to time) to a Resident.
28. Whilst a vehicle is in a Residents' Parking Space, that vehicle shall be subject to the provisions (as to the position in which vehicles are to wait in a Residents' Parking Space) contained in this Order and the Residents' Visitors Parking Permit User shall ensure that the vehicle complies with those provisions.
29. A Residents' Visitors Parking Permit Holder shall be subject to like provisions contained in this Part of this Order relating to:-
- (1) Surrender of a Permit;

- (2) Revocation of a Permit;
 - (3) Issue of a duplicate Permit.
-

PART VI

Definitions of Category Letters

In this Order, where specified in a Column of a Schedule to a Part to this Order the following reference letters categorise (where used) and have the meanings ascribed to them as follows:-

"A" - Means a vehicle which is being used to enable persons to board or alight from that vehicle.

"B" - Means any vehicle which is, if it cannot be used for such purposes in any other length of road, being used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of road so referred to or the laying, erection, alteration or repair in or near any of the lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line.

"B1" - Means:-

(1) any vehicle which is (if it cannot be conveniently used for such purposes in any other length of road) to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of road so referred to or the laying, erection, alteration or repair in or near any of the lengths of road of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or any telegraphic line and

(2) means any vehicle which is (if it cannot be used for such purposes in any other length of road) to be used in connection with the maintenance or other works of any railway level crossing which crosses the length of road referred to and

(3) means a vehicle which is being used for the purpose of delivering or collecting postal packets as defined in Postal Services Act 2000.

"B2" - Means:-

(1) any vehicle which is (if it cannot be conveniently used for such purposes in any other length of road) to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of road so referred to or the laying, erection, alteration or repair in or near any of the lengths of road of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or any telegraphic line and

(2) means any vehicle which is (if it cannot be used for such purposes in any other length of road) to be used in connection with the maintenance or other works of any railway level crossing which crosses the length of road referred to

"C" - Means any vehicle which is, if it cannot conveniently be used for such purposes in any other road, being used or is to be used in the service of a Local Authority in pursuance of statutory powers or duties.

"D" - Means a bus.

"D1" - Means a bus in a bus lane

"E" - Means any vehicle being used for Police, Fire Brigade or Ambulance purposes.

"E1" Means:-

(1) any Police vehicle, which is being used for a Police purpose where the restriction would be likely to hinder the use of that vehicle in fulfilling that purpose, and which is taking all reasonable precautions;

(2) any Fire Brigade or Ambulance service vehicle, which is being used for an emergency purpose where the restriction would be likely to hinder the use of that vehicle in fulfilling that emergency purpose, and is making use of visual and/or audible warning devices.

"F" - Means any vehicle being used

(1) to take on petrol at a petrol station or

- (2) to enable goods to be loaded on to or unloaded from the vehicle during times specified in Column 3 of the Schedule provided that this paragraph shall not apply during any times specified (in Column 5 of the Schedule) in relation to that length of road, unless the vehicle is being used (in a length of road which is not a cycle track) for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000.
- "F1" - Means any vehicle which is being used to
- (1) enable goods to be loaded or unloaded at premises to which access may only be gained by proceeding in that length of road provided that when the aforementioned purposes have been completed the vehicle must immediately proceed out of that length of road or
- (2) gain access to off-street garaging.
- "G" - Means any vehicle which is a disabled person's vehicle which displays, in the relevant position, a disabled person's badge and a parking disc (on which the driver or person in charge of the vehicle has marked the time at which the period of waiting began) provided that the vehicle does not wait for a period 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 on the same length of road) provided that where, in relation to the length of road, times are specified in Column 5 of the relevant Schedule, the vehicle does not wait in that length of road during those times.
- "H" - Not Allocated.
- "J" - Means any vehicle, other than a privately owned vehicle, which is being used as an official vehicle for the purpose of a wedding or funeral at a Church or place of worship provided that where, in relation to a length of road, times are specified in Column 5 of the relevant Schedule, the vehicle does not wait in that length of road during those times.
- "K" - Means a disabled persons' vehicle.
- "L" - Means a pedal cycle.
- "L1" - Means a pedal cycle in a bus lane or cycle lane.
- "M" - Not allocated
- "N" - Means a licensed hackney carriage or a taxi in a bus lane.

- "N1" - Means a licensed hackney carriage or a taxi.
- "N2" - Means a licensed hackney carriage or a taxi used to pick up or set down at a place or position defined (in relation to each particular item in the relevant Schedule) in Article 8(2).
- "O" - Not allocated.
- "P" - Means an Authorised Vehicle. Authorised Vehicle has the same meaning ascribed to it (in relation to each particular item in the relevant Schedule) in Article 3 of Part I of this Order.
- "Q" - Means any vehicle which is being used to gain access to or egress from premises and land adjacent to that road (which access can only be gained by proceeding in the said length of road) provided that when the purposes, for which the aforementioned access has been required, have been completed the vehicle must immediately proceed out of that length of road.
- "R" - Means a Restricted Access Permit.
- "S" - Means a Special Access Permit.
- "T" - Means any vehicle displaying a day access permit authorised and issued by the Council or the Nottinghamshire Constabulary.
- "U" - Means a Local Bus.
- "U1" - Means a Local Bus in a bus lane.
- "V" - Means any vehicle, being a purpose built or specially adapted security vehicle which by distinctive external markings and/or trade signs may be easily identified as a security vehicle, operated by uniformed security personnel and which is being used for the purpose of delivery or collection of:
- (i) bullion or
 - (ii) substantial quantities of money in the form of cash or
 - (iii) high value commodities.
- "W" - Not allocated.
- "X1" to "X6" - Mean mechanical road cleansing vehicles being used for road cleansing purposes in accordance with the conditions specified in the table hereunder where Column 1 of the table shows the lettered

category and Column 2 of the table shows the time period or periods when the vehicles may be used for road cleansing purposes.

TABLE

<u>Column 1</u> <u>Category</u>	<u>Column 2</u> <u>Period of Exemption</u>
"X1"	(a) 10.00 p.m. to 6.00 a.m. on Mondays to Fridays inclusive or (b) 7.30 a.m. to 12.30 p.m. on any Sunday, Christmas Day or Bank Holiday.
"X2"	10.00 p.m. to 6.00 a.m.
"X3"	7.00 a.m. to 9.00 a.m.
"X4"	At any time.
"X5"	6.00 a.m. to 8.00 a.m.
"X6"	
"Y"	- Means a Private Hire Vehicle.
"Y1"	- Means a Private Hire Vehicle in a bus lane.
"Y2"	- Means a Private Hire Vehicle hired to pick up or set down at a place or position defined (in relation each particular item in the relevant Schedule) in Article 8(3).
"Z1"	- Means any vehicle which is being used to cross over a "bus lane" or "cycle lane" in order to gain access to or egress from premises adjacent to that length of road over which the lane passes.
"Z2"	- Means any vehicle proceeding so as to avoid an accident.

SCHEDULES

Schedules Allocated:-

- Schedule 1 to Part I
 - Schedule 9 to Part I
 - Schedule 1 to Part III
 - Schedule 3 to Part III
 - Schedule 4 to Part III
- of this Order

PART I SCHEDULE 1

PROHIBITIONS OF WAITING

In this Schedule (for measurement purposes only) 'junction' means: the point where the prolongation of two kerblines intersect. Measurements are taken along the line of the kerb for the said length unless otherwise stated.

Col. 1	Column 2	Column 3	Column 4	Column 5
Item No.	Length of Road	Duration	Exemptions	No Loading
1	<u>BOWBRIDGE ROAD (NEWARK ON TRENT)</u> (the east side)			
(i)	from a point 10 metres south of its junction with Earp Avenue in a northerly direction to a point 10 metres north of the same junction.	At Any Time	ABCEFG	
2	<u>EARP AVENUE (NEWARK ON TRENT)</u> (the north-west side)			
(i)	from its junction with Bowbridge Road in a north-easterly direction for a distance of 10 metres.	At Any Time	ABCEFG	
3	<u>EARP AVENUE (NEWARK ON TRENT)</u> (the south side)			
(i)	from a point 3 metres west of a point opposite the western kerb line of Hatton Gardens in an easterly direction to its junction with Milner Street.	Mon – Fri 8am- 9.30am and 2.30pm- 4pm.	ABCEFG	
4	<u>EARP AVENUE (NEWARK ON TRENT)</u> (the south-east side)			
(i)	from its junction with Bowbridge Road in a north-easterly direction for a distance of 10 metres.	At Any Time	ABCEFG	

**PART 1 SCHEDULE 9
ENTRANCE CLEARWAYS**

Col. 1	Column 2	Column 3
Item No.	Length of Road (containing entrance clearway)	Days and Hours of Operation
1	<u>EARP AVENUE (NEWARK ON TRENT)</u> (the south side)	
(i)	from a point 25 metres west of a point opposite the western kerb line of Hatton Gardens in an easterly direction for a distance of 46 metres.	Mon - Fri 8 am – 4.30 pm
(ii)	from a point 10 metres west of a point opposite the western kerb line of Winchilsea Avenue in a westerly direction for a distance of 43 metres	Mon - Fri 8 am – 4.30 pm

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PART III SCHEDULE 1

RESIDENTS CONTROLLED ZONES AND PRESCRIBED HOURS

Col. 1	Column 2	Column 3	Column 4
Item No.	Road or length of Road	Zone Title	Prescribed Hours
1	<p><u>EARP AVENUE (NEWARK ON TRENT)</u></p> <p>from a point 10 metres north-east of its junction with Bowbridge Road in a north-easterly and then an easterly direction to a point 3 metres west of its junction with Hatton Gardens.</p>	EARP AVENUE, NEWARK ON TRENT	Mon - Fri 8 am – 4.30 pm except Public holidays.

DRAFT

PART III SCHEDULE 3

RESIDENTS' PARKING PLACES

In this Schedule (for measurement purposes only) 'junction' means: the point where the prolongation of two kerblines intersect. Measurements are taken along the line of the kerb for the said length unless otherwise stated.

Col. 1	Column 2	Column 3
Item No.	Length of Road	Minimum Distance
1	<p><u>EARP AVENUE (NEWARK ON TRENT)</u> (the north-west side)</p> <p>(i) from a point 10 metres north-east of its junction with Bowbridge Road in a north-easterly direction for a distance of 41 metres</p> <p>(ii) from a point 65 metres north-east of its junction with Bowbridge Road in a north-easterly direction for a distance of 39 metres.</p>	
2	<p><u>EARP AVENUE (NEWARK ON TRENT)</u> (the north side)</p> <p>(i) from a point 3 metres west of its junction with Hatton Gardens in a westerly direction for a distance of 21 metres.</p>	
3	<p><u>EARP AVENUE (NEWARK ON TRENT)</u> (the south-east side)</p> <p>(i) from a point 10 metres north-east of its junction with Bowbridge Road in a north-easterly direction for a distance of 87 metres.</p>	

PART III SCHEDULE 4

PARKING PLACES OTHER THAN RESIDENTS' PARKING PLACES

In this Schedule (for measurement purposes only) 'junction' means: the point where the prolongation of two kerblines intersect. Measurements are taken along the line of the kerb for the said length unless otherwise stated.

Col. 1	Column 2	Column 3	Column 4	Column 5	Column 6
Item No.	Part of Length of Road	Classes of Vehicle	Days and Hours of Operation	Maximum Period of Waiting	No Return Within
1	<u>EARP AVENUE</u> <u>(NEWARK ON TRENT</u> (the north side)				
(i)	from a point 3 metres west of its junction with Hatton Gardens in a westerly direction for a distance of 21 metres.	All vehicles	Monday to Friday 8 am – 4.30 pm	2 hours	1 hour
2	<u>EARP AVENUE</u> <u>(NEWARK ON TRENT</u> (the north-west side)				
(i)	from a point 10 metres north-east of its junction with Bowbridge Road in a north-easterly direction for a distance 28 metres.	All vehicles	Monday to Friday 8 am – 4.30 pm	2 hours	1 hour
3	<u>EARP AVENUE</u> <u>(NEWARK ON TRENT)</u> (the south-east side)				
(i)	from a point 10 metres north-east of its junction with Bowbridge Road in a north-easterly direction for a distance of 87 metres.	All vehicles	Monday to Friday 8 am – 4.30 pm	2 hours	1 hour

PART V Section 1

(Revocations and Suspensions)

Permanent Revocation in Part

The following Order is revoked in Part:

“The Nottinghamshire County Council (Newark and Sherwood District Consolidation)(Static Restrictions and Prohibitions) Traffic Regulation Order 2016 (3243)”

Part 1 Schedule 2

Items 118 (i)

Part 1 Schedule 8

Items 15 (i) and (ii)

DRAFT

<p><u>THE COMMON SEAL</u> of <u>THE</u>))) <u>NOTTINGHAMSHIRE COUNTY COUNCIL</u>))) was hereunto affixed this <i>(Insert) day</i>))) of <i>(Insert month/2017)</i> in the presence of:-)</p>	<p>Affix Seal:</p>
<p>SEAL REGISTER NO:</p>	
<p>Authorised Signatory:</p>	<p>Sign: Authorised Signatory</p>

DRAFT