

DATED

23 January

2009

LEEDS CITY COUNCIL
(TRAFFIC REGULATION) (WAITING RESTRICTIONS)
(NO.W37) ORDER
2008

ELMFIELD WAY
BRAMLEY
LEEDS

NO WAITING AT ANY TIME
AND
PROVISION OF ON-STREET PARKING PLACE

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**LEEDS CITY COUNCIL
(TRAFFIC REGULATION) (WAITING RESTRICTIONS)
(NO.W37) ORDER
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**ELMFIELD WAY
BRAMLEY
LEEDS**

Leeds City 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 a civil enforcement officer
"civil enforcement officer"	means a person authorised by the Council to supervise any parking place
"disabled persons badge"	has the same meaning as in Regulation 2 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000
"goods vehicle"	has the same meaning as in Section 138(1) of the 1984 Act
"heavy commercial vehicle"	means any goods vehicle which has an operating weight exceeding 7.5 tonnes as defined in Section 138(1) of the 1984 Act
"motor vehicle"	has the same meaning as in Section 136 of the 1984 Act

“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 any area of a highway designated by Article 6 as a parking place for the leaving of motor vehicles
“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

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 length 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 length 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 length 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 length 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 length 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 length 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 a 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

PROVISION OF ON-STREET PARKING PLACE

6. The area of highway in Armley in the Metropolitan District of Leeds which is described as a parking place in Column 1 of the Second Schedule hereto is hereby designated as a parking place
7. The limits of the parking place shall be indicated on the carriageway in accordance with the current Traffic Signs Regulations and General Directions
8. Every vehicle left in the parking place shall stand in the position specified in relation to the parking place in Column 2 of the Second Schedule to this Order
9. Where any vehicle is standing in the parking place in contravention of the provisions of Article 8 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
10. 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 the parking place he/she may remove or cause to be removed the vehicle from the parking place
11. Any person removing or altering the position of a vehicle by virtue of Articles 9, 10 or 14 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

12. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 10 of this Order he/she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle
13. Any vehicle so removed from the parking place may be disposed of in accordance with Sections 101 to 103 of the 1984 Act
14. 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 the parking place
15. Any person duly authorised by the Council may suspend the use of the parking place whenever he/she considers such suspension reasonably necessary always
- PROVIDED THAT** adequate prior notice has been received:
- 15.1 for the purpose of facilitating the movement of traffic or promoting its safety
- 15.2 for the purpose of any building engineering or construction operation
demolition or excavation adjacent to or in the parking bay
- 15.3 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
- 15.4 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
- 15.5 on any such occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed
- 15.6 for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions
16. A police constable in uniform may suspend for not longer than twenty-four hours the use of the parking place whenever he/she considers such suspension reasonably

necessary for the purpose of facilitating the movement of traffic or promoting its safety

17. At the discretion of the Chief Officer of Police the parking place may be suspended by him whenever he considers such suspension reasonably necessary to enable the Police to discharge their duties

18. Subject to the proviso contained in Article 20 of this Order any person suspending the use of the parking place in accordance with the provisions of Articles 15, 16 and 17 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

19. Subject to the provisions of Article 18 of this Order if the use of the parking place is suspended for any of the purposes set out in Article 15 of this Order except Article 15.1 a charge of £10.00 (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

20. Subject to the proviso contained herein no person shall cause or permit any vehicle to be left in the 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 18 of this Order **PROVIDED THAT** nothing in this paragraph shall apply to:

20.1 any vehicle being used for Fire Brigade Ambulance or Police purposes or any Local Authority purposes or for any purpose specified in Article 15.1

20.2 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

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

21.1 use a vehicle while it is in the 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

21.2 use any part of the 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

22. 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 the parking place if:

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

22.2 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

22.3 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 in such cases being used in pursuance of statutory powers or duties

- 22.4 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
- 22.5 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 there from 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
- 22.6 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 15.2 to 15.6 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
- 22.7 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 twenty minutes or such longer period as a police constable in uniform or a traffic warden or duly authorised officer of the Council may authorise

23. Nothing in Article 22 shall be taken as authorising anything which would be a contravention of the Road Vehicles Lighting Regulations 1989 or any amendment or variations thereto

24. A person causing or permitting a vehicle to wait in the parking place by virtue of Article 22 shall take all necessary steps to ensure that the vehicle is left in accordance with Article 8

25. The Council may carry out such other work as is reasonably required for the purpose of the satisfactory operation of the parking place

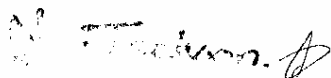
GENERAL

26 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

27 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 where the context requires it

28 This Order is made on the 23rd day of January 2009 and shall come into operation on the 26th day of January 2009 and may be cited as the "Leeds City Council (Traffic Regulation) (Waiting Restrictions) (No.W37) Order 2008"

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



Assistant Chief Executive (Corporate Governance)

**LEEDS CITY COUNCIL
(TRAFFIC REGULATION) (WAITING RESTRICTION)
(NO.37) ORDER
2008**

**ELMFIELD WAY
BRAMLEY
LEEDS**

FIRST SCHEDULE

NO WAITING AT ANY TIME

Length of road in Bramley in the Metropolitan District of Leeds

ITEM NUMBER	COLUMN 1 NAME OF ROAD	COLUMN 2 LENGTH OF ROAD
1	ELMFIELD WAY BRAMLEY LEEDS	The whole, excluding that part specified in the Second Schedule to this Order

SECOND SCHEDULE

PROVISION OF ON-STREET PARKING PLACE

Length of road in Bramley in the Metropolitan District of Leeds

	Column 1	Column 2	Column 3	Column 4	Column 5
Item No	Part of road authorised to be used as a parking place	Position in which vehicles may wait	Classes of vehicles	Days and times of operation of parking place	Maximum period for which vehicles may wait
1	ELMFIELD WAY – From a point 90 metres from the southern end of Elmfield Way in a north- easterly direction for a distance of 18 metres	Wholly within the limits of the parking place in accordance with the current Traffic Signs Regulations and General Directions an in such a position as to not obstruct the movement of other vehicles	Heavy Commercial Vehicles	All days – All hours	60 minutes - no return within 60 minutes