

**The Borough Southend on Sea (Strand Wharf, Leigh on Sea)
(Prohibition of Entry) Order 2018**

Road Traffic Regulation Act 1984 (as amended)
Traffic Management Act 2004

The Southend-on-Sea Borough Council, in exercise of the powers conferred by sections 1, 2, 4, 32, 35, 45, 46, 47, 49, 53 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended and part 6 of the Traffic Management Act 2004 and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Road Traffic Regulation Act 1984, hereby makes the following Order:

1. This Order may be cited as The Borough Southend on Sea (Strand Wharf, Leigh on Sea) (Prohibition of Entry) Order 2018 and shall come into operation on

2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

“authorised vehicle” means any vehicle authorised to park by the persons operating the business at 3 Plumbs Yard;

“authorised parking spaces” means those parking places designated and marked on the area of land commonly known as Strand Wharf;

“Civil Enforcement Officer” means a person authorised by or on behalf of the Council to supervise any parking place and undertake enforcement in any parking place in accordance with the provisions of the Traffic Management Act 2004.

3. No person shall, except on the direction of a Civil Enforcement Officer or Police Officer in uniform, cause any vehicle to enter the section of highway on the south side of the High Street, Leigh-on-Sea commonly known as Strand Wharf as illustrated on the plan attached to this order, except in connection with:
 - a. the launching and recovery of boats from the slip way or for the purposes of loading or unloading such craft;
 - b. the loading or unloading of vehicles serving premises immediately adjoining Strand Wharf;
 - c. the loading or unloading of vehicles in connection with the events permitted by the Highway Authority; or
 - d. obtaining access to and from 3 Plumbs Yard and/or that premises’ authorised parking spaces.

4. No person shall, except on the direction of a Civil Enforcement Officer or Police Officer in uniform, cause any vehicle to wait in the section of highway on the south side of the High Street, Leigh-on-Sea commonly known as Strand Wharf as illustrated on the plan attached to this order, except in connection with:
 - a. the launching and recovery of boats from the slip way or for the purposes of loading or unloading such craft;
 - b. the loading or unloading of vehicles serving premises immediately adjoining Strand Wharf
 - c. the loading or unloading of vehicles in connection with the events permitted by the Highway Authority; or
 - d. any authorised vehicles using the authorised parking spaces for 3 Plumbs Yard.

5. Nothing in this Order shall apply to:
 - a. an officer of the emergency services on official duty;
 - b. an officer of the RNLI on official duty;
 - c. a person authorised by the Council or Water Authority in pursuance of statutory powers or duties
 - d. a person in connection with any of the following operations, namely:-
 - (i) building, industrial or demolition operations;
 - (ii) the maintenance, improvement or reconstruction of the said lengths of road or slipway, or
 - (iii) the laying, erection, alteration or repair in, on or above the land adjacent to the said 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.

6. If a vehicle is left in a parking place in contravention of paragraph 4 above, a penalty charge as described in paragraph 7 below shall be payable.

7. In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position a notice of the penalty charge which shall include the following particulars:-
 - a. the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - b. a statement that a penalty charge and the level of penalty charge is required to be paid but that the penalty charge is reduced by 50% if payment is made to the Council by the fourteenth day following the day on which the penalty charge was incurred;
 - c. the manner in which, and the time within which, the penalty charge should be paid;

- d. the grounds on which the Civil Enforcement Officer believes that the penalty charge is payable with respect to that vehicle; and
- e. the address to which the payment must be made.

8 Every vehicle left in the authorised parking spaces shall stand so that every part of the vehicle is within the limits of the parking spaces.

Provided that, in the case of the authorised parking spaces referred to above where the length of any vehicle, being a authorised vehicle, precludes it from standing wholly within the limits of the authorised parking spaces, such authorised vehicle may so stand in the authorised parking spaces and shall be deemed for the purposes of this Article to be wholly within the limits of a parking bay if the extreme front portion or the extreme rear portion, as the case may be, of the vehicle is within 30 cms of the limits of the authorised parking spaces, which are indicated on the ground or otherwise.

- 9. The restrictions imposed by paragraph 3 of this Order shall be effected by the use of removable bollards which shall be removed by the lessees of Strand Wharf upon request and by prior arrangement. This management of the vehicular access shall be set out in a scheme of operation appended to this Order.
- 10. The prohibitions imposed by the Order shall be regulated by signage and/or physical measures.
- 11. The prohibitions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by any other enactment.
- 12. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

THE COMMON SEAL of the **SOUTHEND-ON-SEA**

BOROUGH COUNCIL was pursuant to a resolution

of the Council hereunto affixed this day

of Two Thousand and Eighteen

in the presence of:-

Proper Officer of the Council

SCHEME OF MANAGEMENT OF VEHICULAR ACCESS TO STRAND WHARF, LEIGH ON SEA

Introduction

This scheme of management sets out the arrangements for controlling vehicular access to the area known as Strand Wharf, Leigh on Sea as illustrated on the plan attached hereto and leased by Southend on Sea Borough Council (“the Council”) to Leigh Town Council in accordance with the restrictions imposed by The Borough Southend on Sea (Strand Wharf, Leigh on Sea) (Prohibition of Entry) Order 2018 (“the Order”).

Operation

1. Keys to the lockable bollard(s) preventing unauthorised vehicular access to Strand Wharf will be issued to Leigh Town Council and the owners/occupiers of 3 Plumbs Yard
2. Vehicular access to and from 3 Plumbs Yard and/or their authorised parking spaces will be maintained by the owners/occupiers of that premises.
3. Any person requiring vehicular access to and from any other part of Strand Wharf may obtain the necessary key(s) having given prior notice to Leigh Town Council from the Leigh Community Centre between the hours of. 9.00 a.m. to 4.30 p.m. daily. The keys must be returned to the Leigh Community Centre immediately after use. Responsibility of the keys shall remain with Leigh Town Council.
4. Access outside of the hours referred to in paragraph 3 above may be obtained following prior approval from Leigh Town Council.
5. This scheme of management may be amended by the Council at any time, as may be required or necessary, following consultation with the Leigh Town Council.