

**THE BOROUGH OF SOUTHEND-ON-SEA  
(BEACH AVENUE LEIGH-ON-SEA)  
(PROHIBITION OF WAITING)  
EXPERIMENTAL ORDER 2019**

**ROAD TRAFFIC REGULATION ACT 1984**

The Southend-on-Sea Borough Council, in exercise of its powers under Section 9 of the Road Traffic Regulation Act 1984 (“the 1984 Act”), 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 Act, hereby makes the following Order:-

1. This Order may be cited as The Borough of Southend-on-Sea (Beach Avenue Leigh-on-Sea) (Prohibition of Waiting) Experimental Order 2019.

The following Map Tiles will be updated Map Tiles Nos. **S11, T11 & T12**

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

“civil enforcement officer” has the same meaning as in Section 76 of the Traffic Management Act 2004

“Council” means The Southend-on-Sea Borough Council;

“disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

“disabled person’s vehicle” means a vehicle displaying a disabled person’s badge in accordance with Regulations 12, 14 and 16 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 S I 682;

“dispensation certificate” means a certificate issued by or on behalf of the Council for the purpose of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited;

“hand held device” means a hand held computer used by a Civil Enforcement Officer (CEO) whilst carrying out his/her duties; including the issuing of a Penalty Charge Notice (PCN), logging of parked cars and holding information from Pay by Phone;

“Map Schedule” means a collection of Map Tiles attached to this Order which depict the waiting restrictions designated by this Order, and in conjunction with the Map Schedule Legend and/or Map Tile label, identifies the type of each particular type of restriction, and certain of its governing provisions:

Provided that the Council does not accept responsibility for inaccuracies contained in the Ordnance Survey data relied upon to create the Map Schedule and where a prohibition, restriction, parking place, loading place or parking area is depicted on the Map Schedule, that provision continue to apply irrespective of any subsequent changes that have been made to the underlying Ordnance Survey data;

“Map Tile” means an individual map with a specific tile reference, being part of the Map Schedule;

“Map Tile label”, where shown on a Map Tile forming part of the Map Schedule in relation to a restriction, , means a label which indicates the type of provision and, if appropriate, certain of its governing conditions;

“penalty charge” and “penalty charge notice” have the same meanings as in The Civil Enforcement of Parking Contraventions (England) General Regulations 2007

“restricted hours” means in relation to any restricted road the hours during which waiting is restricted as specified in Schedule 1

3. No person shall cause any vehicle, except on the direction of or with the permission of, a civil enforcement officer or a Police Constable in uniform, cause or permit any vehicle to wait in the lengths of road specified in Schedule 1 to this order during the times listed in the 3<sup>rd</sup> column of the said schedule.
4. Nothing in Article 3 of this Order, shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road or on the sides of road specified therein for so long as may be necessary to enable:-
  - (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
    - (i) building, industrial or demolition operations;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said lengths of road, or
    - (iv) the laying, erection, alteration or repair in or on 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;

- (b) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a Local Authority or of a Water Authority in pursuance of statutory powers or duties, or
  - (c) the vehicle to be used by a Universal Service Provider for the purposes of delivering or collecting postal packets as defined in the Postal Services Act 2000;
  - (d) 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 other person in charge of that vehicle, has marked the time at which the period began, to wait in the said lengths of road or side of road referred to in the said Articles for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by that same vehicle in the same length of road): or
  - (e) to enable the vehicle to be used for fire brigade, ambulance, police or coastguard/RNLI purposes.
5. Those items listed in Schedule 2 of this Order shall be temporarily suspended for the duration of the Experimental Order.
  6. The Experimental Order shall come into operation on 23<sup>rd</sup> July 2019 and shall remain in operation unless extended until 23<sup>rd</sup> January 2021.....
  7. If a vehicle is left in any road or length of road in contravention of any provision of this Order, a penalty charge shall be payable
  8. In accordance with Section 10(2) of the 1984 Act, and after consultation with the Chief Officer of Police, the Council's Deputy Chief Executive (Place) and/or Director of Planning and Transport shall be authorised to modify/suspend the operation of the Experimental Order or any provision of it.
  9. 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 1984 Act or by any other enactment.
  10. 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 July        Two Thousand and Nineteen

in the presence of:-

Proper Officer of the Council

DRAFT

### **SCHEDULE 1 – No Waiting**

<b>Road Name</b>	<b>Description</b>	<b>Side of Road</b>	<b>Hours of Restriction</b>
<b>Beach Avenue</b>	<b>Outside Nos 3 to 33 Beach Avenue</b>	<b>West</b>	<b>No Waiting Mon-Fri 10am to 4pm</b>
<b>Beach Avenue</b>	<b>Outside Nos 89 to 113 Beach Avenue</b>	<b>West</b>	<b>No Waiting Mon-Fri 10am to 4pm</b>
<b>Beach Avenue</b>	<b>From approx., 11m south of its junction with Upland Road to a point approx.. 10m north of its junction with Hillside Crescent</b>	<b>West</b>	<b>No Waiting Mon-Fri 10am to 4pm</b>

### **SCHEDULE 2 – REVOCATIONS**

**THE SOUTHEND-ON-SEA BOROUGH COUNCIL (VARIOUS ROADS)  
(STOPPING, WAITING, LOADING AND UNLOADING PROHIBITIONS AND  
RESTRICTIONS, PARKING PLACES AND PERMIT PARKING ZONES)  
(CONSOLIDATION) ORDER 2016**

**Beach Avenue - No Waiting 8am – 6pm Item Nos 113669, 113668 & 113671**