

Southend Borough Council
TRAFFIC MANAGEMENT ORDER

**The Southend Borough Council (Waiting, Loading, Stopping
and Parking Places) (Map Based) (Consolidation)**

Order 2021

2021 No.1

Made: 28th January 2021

Coming into force: 8th February 2021

The Council of Southend Borough, in exercise of the powers conferred by the Road Traffic Regulation Act 1984 as amended, and of all other enabling powers, and having consulted with the Chief Officer of Police, hereby make the following Order:-

Citation Commencement and Revocation

1. a) This Order may be cited as The Southend Borough Council (Waiting, Loading, Stopping and Parking Places) (Map Based) (Consolidation) Order 2021 (TT1001) (the 2021 Order) and shall come into force on 8th February 2021.

b) All traffic orders relating to waiting, loading, stopping and designated parking places, loading bays and any permit holder bays up to the date of the making of this Order will hereby consolidated within the 2021 Order.

Interpretation

2. (a) The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies to an Act of Parliament.

(b) In this Order:-

 “the 1984 Act” means the Road Traffic Regulation Act 1984;

 “the 1986 Regulations” means the Road Vehicles (Construction and Use) Regulations 1986;

 “the 1988 Act” means the Road Traffic Act 1988;

 “the 1994 Act” means the Vehicle Excise and Registration Act 1994;

 “the 2000 Regulations” means the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“the 2016 Regulations” means the Traffic Signs Regulations and General Directions 2016;

“the 2004 Act” means the Traffic Management Act 2004;

“the 2007 Regulations” means Civil Enforcement of Parking Contraventions (England) General Regulations 2007

“ambulance” has the same meaning as in section 6(2) of the 1994 Act;

“civil enforcement officer” or **“CEO”** has the same meaning as in section 76 of the 2004 Act;

“the Council” means the Southend Borough Council;

“disabled person’s badge” or **“blue badge”** has the same meaning as in Regulation 3 of the 2000 Regulations;

“disabled person’s vehicle” means a vehicle which displays a valid disabled person’s badge in accordance with the provisions of Regulation 4 and 5 of the 2000 Regulations;

“dispensation certificate” means a valid dispensation issued by the Council for the purpose of exempting a vehicle from the parking restrictions set out at the location set out in the dispensation and used in accordance with its terms and conditions;

“displaying” means displaying in the relevant position;

“driver” has the same meaning as in Schedule 1 of the 2016 Regulations;

“electric vehicle” means a vehicle in which the electrical motive power is derived from an electrical battery which is not connected to any source of power when the vehicle is in motion;

“eligible address” means a postal address included in the relevant permit terms and conditions and in Appendix 1 to this Order;

“emergency vehicle” has the same meaning as in Schedule 1 of the 2016 Regulations;

“footway” has the same meaning as in Section 329 of the Highways Act;

“goods” means goods or burden of any kind and includes postal packets of any description; and “delivering” and “collecting” in relation to any goods, include checking the goods for the purpose of their delivery or collection;

“goods vehicle” and **“maximum gross weight”** have the same meanings as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016 (as amended);

“initial charge” means the payment referred to in article 4;

“motorcycle” has the same meaning as in the Part 1 of Regulation 3 of the 1986 Regulations;

“outstanding” has the same definition as Part 1 Regulation 2 of the 2007 Regulations;

“overall height” and **“overall length”** have the same meaning as in Part 1 of Regulation 3 of the 1986 Regulations;

“owner” in relation to a vehicle, means the person is the keeper and user of that vehicle;

“parking disc” has the same meaning as in Regulation 3 of the 2000 Regulations;

“parking place” means an area of road designated under Article 3 and shall include **“parking space”** being that part of a parking place marked out individually in accordance with the 2016 Regulations and marked with a traffic sign in accordance with Schedule 1 of the 2016 Regulations or Department of Transport approved signs commensurate with the appropriate restriction and use specified in the schedule to this Order ;

“pay and display ticket” means a ticket issued by a pay and display machine;

“pay and display machine” means a parking meter as defined in the 1984 Act;

“penalty charge” and **“reduced penalty charge”** has the same meaning as section 77 and Schedule 9 of the 2004 Act;

“permit” means any valid parking permit or season ticket issued by the Council and used in accordance with its terms and conditions and, unless the contrary intention appears, includes both physical and virtual permits;

“permit holder” refers to each person or organisation to which a relevant permit has been issued by the Council;

“permit parking place” mean a parking place specified in the Schedule to this Order and includes shared use parking places;

“permitted hours” in relation to a parking place, means the period specified in the Schedule relating to that parking place;

“physical”, in relation to a permit, scratch card or dispensation, means intended to be displayed;

“police vehicle” has the same meaning as in the 2016 Regulations;

“plan” means a scaled drawing giving the relative start and end to each restriction and where necessary indicates the type of restriction that applies;

“recharging post” means a device designed for the recharging of electric vehicles;

“restricted street” means any of the sides or length of street specified within the Schedules and extends from the centreline of the carriageway to the street boundary;

“restricted parking zone” has the same meaning as in the 2016 Regulations with the extent and eligibility as outlined in Appendix 1 to this Order;

“relevant position” in respect of:-

- (i) a disabled person’s badge or a parking disc has the same meaning as section 4 of the 2000 regulations;
- (ii) a physical permit, physical dispensation, physical scratch card or pay and display ticket means it is exhibited on the nearside of the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the permit, dispensation, scratch card or ticket is clearly legible from outside the vehicle;

“road” has the same meaning as in section 142 of the 1984 Act;

“scratch card” means a prepaid permit that requires validation at the time and date of use;

“shared use” in relation to parking places means a parking place in which parking is allowed:

- by ticketless payment, or
- by purchasing a pay and display ticket, or
- through use of a permit of the type specified on the associated traffic sign;

“street” have the same meaning as in section 6(6) of the 1984 Act, the boundary to which means the building line, boundary wall, boundary hedge or fence separating land over which the public do and do not have access;

“Schedule” means a Schedule to this Order and will comprise plans showing the extent and type of restriction as required by this Order and these restriction types will be identified within an appropriate plan using an appropriate key or label;

“school entrance marking” means an area of carriageway identified in the schedule to this Order and identified using the signs and road markings as prescribed in the 2016 Regulations;

“solo motorcycle” has the same meaning as in the 2016 Regulations;

“taxi” and **“taxi rank”** has the same meaning as in the 2016 Regulations;

“teacher” has the same meaning as in the Education Act 2002;

“ticketless payment” means to make a payment for an act of parking within a pay-by-phone parking place having first registered an account with the appropriate service provider;

“**unladen weight**” has the same meaning as in the 1986 Regulations;

“**vehicle**” has the same meaning as motor vehicle in the 1988 Act and includes any part of a vehicle.

“**virtual**”, in relation to a permit, scratch card or dispensation, means not physical.

Designation of Parking Places

3. Each area of road comprising the lengths of carriageway, street and footway specified in the Schedules and indicated by a traffic sign on the carriageway that is compliant with the 2016 Regulations is designated as a parking place in accordance with the Act of 1984.

Charges for Parking Places and Permits

4. (a) The rates payable are outlined in the article 5(this needs to be clarified by SEBC as to where they want to have the fees and charges) to this Order and indicated where appropriate on the relevant pay and display machine to that bay. If payment is made using ticketless payment options (mobile phone payment) the hourly rates are confirmed through the appropriate ticketless payment method
- (b) Incremental payments for parts of an hour may be made to the maximum stay applicable to that parking place with the maximum permitted length of stay being indicated within each parking place.
- (c) The charge for parking in contravention to the restrictions described within this Order pursuant to the 2004 Act and Regulation 24 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
5. The paid for parking fees and charges for permits issued by the Council are

Fees and Charges

		Zone 1	Zone 2	Zone 3
On-Street Pay and Display	Up to 1 hour	£4.15	£3.75	£3.40
	up to 2 hours	£4.55	£4.15	£3.75
	Up to 4 hours	£5.00	£4.55	£4.15
	Up to 6 hours	£5.50	£5.00	£4.55
	7+ hours	£6.05	£5.50	£5.00
Car Park Season Ticket	Named Car Park	£100.00	£75.00	£50.00
	Single Zone	£180.00	£150.00	£90.00
	All Zones	£1,300.00		
		4 months	6 months	12 months
Business and Tradesman	Scheme	-	£135.00	£250.00

Permit	specific			
	All zones	-	£350.00	£650.00
Carer Permit	Scheme specific	-	-	£15.00
Operational Permit	All Permit Zones	-	£300.00	-
Resident Permit	Scheme specific	-	-	£15.00
Resident Season Ticket				£50.00
Southend Pass	-	-	-	£100.00
SBC Associate Permit	Blue	£35.00	-	£90.00
	Green	£40.00	-	£120.00
	Blue	£35.00	-	£90.00
	Orange	£30.00	-	£80.00
	Yellow	£25.00	-	£70.00
Temporary Permit	7 days		£15.00	
Visitors Vouchers (Book of 5)	4 hours		£5.00	
Yellow Line Dispensation	Daily		£19.00	
Replacement permit	Vehicle changes		£5.00	
Replacement permit	Loss		£30.00	

General Conditions for Permits

6.
 - (a) 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.
 - (b) Upon receipt of a successful application and upon receipt of the specified charge in Article 4 to this Order, the Council shall issue to the applicant one permit or register the applicant with a virtual permit.
 - (c) Eligibility to permits will be reduced commensurate to the availability of parking within the curtilage of the applicant's address.
 - (d) A permit holder shall surrender a permit to the Council at any time upon request if one of the following circumstances prevails.
 - (i) The permit holder ceases to be a resident, business or other permit holder as listed in this Order.
 - (ii) The permit holder ceases to be the owner or keeper of the relevant vehicle.
 - (iii) The Council have withdrawn the permit.
 - (iv) The vehicle has been adapted so as not to comply with the conditions on application.
 - (v) The permit has been faded, mutilated or defaced to leave it invalid.
 - (vi) A duplicate permit has been issued by the Council.
 - (e) The Council may by notice in writing withdraw a permit and cause it to be invalid, if it appears to the Council that any of the issues listed in item (c) to this Article has occurred.
 - (f) Any applicant for a permit returned to the Council before the valid from date will be entitled to a full refund.
 - (g) Any permit holder who surrenders a valid permit to the Council after the permit has become active shall be entitled to a refund to the value of one twelfth of the value in relation to each remaining complete month left on the appropriate permit.
 - (h) Any holder of residents' visitors permits who surrenders them to the Council shall be entitled to a refund to the value of those residents' visitor permits that have not been activated in any way.
 - (i) The Council on receipt of a mutilated, defaced or faded permit will issue a duplicate permit for the appropriate fee in Article 4.
 - (j) The Council will issue a duplicate permit to any permit holder if the permit has been lost, destroyed or stolen and for the appropriate fee in Article 4.

Application for and issue of resident or business user permit

7. Any resident or business being the owner of a vehicle of the class specified in Article 26(h) to this Order and occupiers of an eligible address may apply to the Council for a permit in respect to that vehicle under the conditions in Article 6 to this Order and at a cost as specified in Article 5 to this Order.

Application for and use of essential service permits

8. (a) Details of the qualifying criteria to apply for an essential service permit can be obtained from the Council's Parking Service and applications may be made for 'essential service permits' or 'short stay essential service permits' under the conditions in Article 6 to this Order and at a cost as specified in Article 5 to this Order.
(b) Essential service permits will allow parking within all controlled parking places within the borough.
(c) Short stay essential service permits will also be able to park within permit parking places within all controlled parking but will be limited to a maximum stay of 3 hours per day.
9. Any organisation being the owner of a vehicle of a class specified in Article 23(h) may apply for an essential service.
10. Applicants will be limited to one essential service permit at the discretion of the appropriate delegated authority.

Application for and use of resident's visitor vouchers

11. Any resident over the age of 18 may apply to the Council for a residents' visitors permit in respect to a vehicle of the class specified in Article 23(h) under the conditions in Article 6 to this Order and at a cost as specified in Article 5 to this Order.

The Council reserve the right to limit the number of residents' visitors permits issued at one time

12. A resident's visitors permit shall cease to be valid after a period of 3 years from the date of issue.
13. Residents' visitor permits are only valid in the parking zone to which they apply.

Application for and use of special parking permits

14. (a) Any resident or person acting on their behalf may apply to the Council for a special parking permit in respect to a vehicle of the class specified in Article 23(h) under the conditions in Article 6 to this Order and at a cost as specified in Article 5 to this Order.
(b) The decision to issue a special parking permit is at the discretion of the appropriate delegated authority of the Council with the following issues to be considered:
 - (i) The applicant's exceptional medical needs.
 - (ii) The applicant's exceptional social needs.

- (iii) The exceptional difficulty experienced by an applicant who is carer for any other person or persons.

Application for and use of car club permits

- 15. Any car club organisation registered with the Council may apply to the Council for a car club permit in respect to a vehicle of the class specified in Article 23(h) under the conditions in Article 6 to this Order and at a cost as specified in Article 5 to this Order.

Application for and use of Tradesman's Permits

- 16. Traders permits available to trades people carrying out work in properties in the borough and will be issued to the specific roads where the work is being undertaken.
- 17. Those permits are not refundable.

Application for and use of Temporary Permits

- 18. Residents who do not have the required documentation for a yearly permit can apply for a temporary permit.

Application for and use of Southend Pass

- 19. Residents may apply for a Southend Pass for use within any of the 4 zones. Southend Pass can be used in any zone for up to 3 hours in each zone.

Application for and use of Yellow Line Dispensation

- 20. Any person may apply for a dispensation for parking on yellow lines if no suitable alternative parking is available and the vehicle is required to be very close to the premises. This dispensation only applies to single yellow lines.

General Prohibitions Applying to Waiting, Loading, Stopping

NO WAITING

- 21. Save as provided in Articles 26 of this Order no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle to wait on the roads subject to restrictions identified as No Waiting during a specified time limit, for the periods identified on the plans attached in Schedule 1 to this Order.

NO LOADING

- 22. Save as provided in Articles 26 of this Order no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer cause or permit any vehicle to load or unload on the roads or sides of the roads subject to restrictions identified as No loading during a specified time limit, for the periods identified on the plans attached in Schedule 1 to this Order.

NO STOPPING

- 23. Save as provided in Articles 25 of this Order no person shall, except upon the direction or with the permission of a Police Constable in

uniform or of a Civil Enforcement Officer cause or permit any vehicle to stop on the roads or sides of the roads subject to restrictions identified as No Stopping during a specified time limit, for the periods identified on the plans attached in Schedule 1 to this Order.

General prohibitions applying to parking and loading bays

24. Save as provided in Article 27 of this Order no person shall cause a vehicle to stop or remain in a parking place during permitted hours: -

- (a) for longer than the maximum period permitted for waiting in relation to that parking place and indicated by traffic signs adjacent to the parking place.
- (b) before the expiration of the time shown on the traffic sign adjacent to the parking when a vehicle is permitted to return to the same parking place.
- (c) if the vehicle is not parked wholly within a parking place.
- (d) if the vehicle is parked in a disabled person's bay and is not displaying a disabled person's badge and a parking disc.
- (e) If the vehicle is waiting in a loading parking place and continuous loading is not taking place.
- (f) if the vehicle is not a goods vehicle and is waiting in a loading parking place designated for goods vehicles only.
- (g) if the vehicle is using a parking place and goods are being sold or offered for sale from a vehicle without an appropriate licence for that parking space from the Council.
- (h) if the vehicle; -
 - (i) has an unladen weight exceeding 3500kg.
 - (ii) exceeds 2.3m in overall height.
 - (iii) exceeds 5.25m in overall length.
- (i) in relation to a permit parking place, if the vehicle parked has not been registered with a virtual permit or is not displaying a valid physical permit that relates to and is valid within that parking place.
- (j) if the parking place is suspended.
- (k) if the vehicle is a motorcycle parked in any bay not being a motorcycle parking place.
- (l) if the vehicle has three or more outstanding PCNs from the Council.
- (m) if a permit or badge or ticket displayed in the relevant position is used or have been obtained by fraud.
- (n) To wait or remain during permitted hours in a parking place if the vehicle parked: -
 - (i) is not displaying in the relevant position a valid pay and display ticket applicable for the time and parking place or space.

- (ii) has not used and confirmed the alternative ticketless payment options provided by the Council and indicated on signs adjacent to the parking place.
- (iii) is displaying a pay and display ticket transferred from another vehicle.
- (iv) in relation to shared use parking place if both paragraphs (i) and (j) apply.
- (v) is an electric vehicle parked within an electric vehicle charging parking place as indicated in the Schedule to this Order shall cause that vehicle to be connected and be actively recharging via the recharging lead attached to the recharging post relating to that parking place.

Exemptions to the General Prohibitions

25. Nothing in this Order shall apply to the following: -

- (a) a vehicle where the person in control of the vehicle is.
 - (i) required by law to stop; or
 - (ii) obliged to stop to prevent an accident; or
 - (iii) prevented from proceeding by circumstances outside their control; or
 - (iv) caused or permitted to stop or wait upon the direction or with the permission of a police constable in uniform.
- (b) a vehicle in the service of the Council being necessarily used in connection with highway maintenance, parking enforcement, waste collection or street cleansing activities in pursuance of statutory powers and duties.
- (c) a vehicle: -
 - (i) being used by the fire brigade, ambulance service or police for emergency purposes; or
 - (ii) attending an emergency and being used by a doctor, district nurse or midwife where evidence is provided to show a genuine emergency; or
 - (iii) being used by naval, military or air force visiting forces if at any time they are being used or appropriated by such forces.
- (a) a vehicle validly displaying a dispensation in accordance with the Council's terms and conditions of use.
- (b) a vehicle in the service of a universal service provider as defined in section 4 of the Postal Services Act 2000 being used for delivering or collecting postal packets from an adjacent property.

26. Nothing in Article 5, 6 and 7 in this Order shall apply to the following: -

- (a) a vehicle taking in fuel, oil or water at the kerbside if such action cannot be achieved unless the vehicle waits in the parking place where it is waiting.

- (b) a vehicle that is waiting only for so long as is necessary to enable a person and their personal luggage to actively board or alight from that vehicle.

27. Nothing in Article 24 in this Order shall apply to the following: -

- (a) a vehicle that is waiting other than in an electric vehicle charging parking place, only for so long as to enable goods to be actively loaded on or unloaded from the vehicle.
- (b) a vehicle which is waiting in any charged for parking place which is not suspended with blue badge holder availability and the vehicle is displaying a valid blue badge and where required a parking disc.
- (c) an electric vehicle left in a charged for parking place and that the use of that pay and display parking place in which the vehicle is left has not been suspended
- (d) a motorcycle without a sidecar that is parked perpendicular and with the rear wheel nearest the kerb in any parking place where residents or business permit holders can park.
- (e) if goods are being sold or offered or exposed for sale from the vehicle by a person who is licensed by the Council to sell goods from a stationery vehicle on a pitch situated in the parking place.
- (f) a vehicle being loaded or unloaded so long as the parking place has not been suspended as per Article 28, or that the period of loading does not exceed 20 minutes.
- (g) a police vehicle waiting in a police vehicle parking place.
- (h) a Hackney carriage waiting in a parking place for taxis only.
- (i) an ambulance waiting in an ambulance parking place.

Suspension of Parking Places and Removal of Vehicles

- 28.(a) Any person duly authorised by the Council, may suspend the use of a parking place whenever they consider such a suspension is reasonably necessary for: -
- (i) the purpose of facilitating the movement of traffic or promoting its safety.
 - (ii) the purpose of any works adjacent to the parking place.
 - (iii) the convenience of occupiers of premises adjacent to the parking place.
 - (iv) any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed.
 - (v) the convenience of occupiers of premises adjacent to the parking place at times of wedding or funeral or on other special occasions.
 - (vi) the occasion that film crews require the place under the 2008 Act or otherwise.
- (b) A police officer in uniform may direct the suspension of the use of a parking place or any part of the parking place for a period not greater than 7 days to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic in consequence of extraordinary circumstances
- (c) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (a) or (b) of this Article shall place or cause to be placed sign(s) indicating that the use of all or part of the parking place is suspended and that stopping or waiting by vehicles is prohibited.
- (d) No person shall cause a vehicle to stop or wait in any part of a parking place which has been suspended except if the vehicle is being used in an emergency by the fire brigade, ambulance service or police or a vehicle in the service of the Council undertaking statutory works to the street or if it displays a dispensation allowing the vehicle to park in that place.

Removal or the alteration of the position of vehicles in a parking place.

29. A police officer in uniform or a civil enforcement officer in the case of an emergency or if they reasonably believe a vehicle parked in the parking place may: -
- (a) move or cause to be moved any such vehicle to any place they see fit; or
 - (b) remove or cause to be removed any such vehicle to a place of safe custody.

Dated this 28th day of January 2021

A Griffin
Chief Executive & Town Clerk
(The officer appointed for this purpose)

SCHEDULE 1

Maps showing the locations of all Parking Places are part of joint Schedule 1 with The Southend Borough Council (Waiting, Loading, Stopping and Parking Places) (Map Based) (Consolidation) Order 2021 (PTO1001) and show the locations and restriction types as indicated within each plan