

THE SURREY COUNTY COUNCIL
(VARIOUS ROADS IN ELMBRIDGE) (CONSOLIDATION OF GOODS
VEHICLES' FREE ON-STREET LOADING BAYS)
ORDER 2014

**THE SURREY COUNTY COUNCIL
(VARIOUS ROADS IN ELMBRIDGE)
(CONSOLIDATION OF GOODS VEHICLES' FREE ON-STREET LOADING BAYS)
ORDER 2014**

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ARRANGEMENT OF THE SCHEDULES

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THE SURREY COUNTY COUNCIL in exercise of their powers under Sections 32 35 and 36 of the Road Traffic Regulation Act 1984 (“the Act”) and 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 make the following Order: -

PART I

GENERAL

Citation and commencement

- 1 THIS Order may be cited as “The Surrey County Council (Various Roads in Elmbridge) (Consolidation of Goods Vehicles’ Free On-Street Loading Bays) Order 2014“ and shall come into force on 11 August 2014

Interpretation

- 2 (1) In this Order except where the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them -
 - “agents” means any person or persons authorised by or on behalf of the Council to supervise and/or enforce the loading bay
 - “Borough Council” means Elmbridge Borough Council of Civic Centre High Street Esher Surrey KT10 9SD
 - “carriageway” has the same meaning as in Section 329 of the Highways Act 1980
 - “civil enforcement officer” has the same meaning as in Section 76 of the Traffic Management Act 2004
 - “controlled parking zone” means Walton Controlled Parking Zone or Hersham Controlled Parking Zone or Weybridge Controlled Parking Zone or East Molesey Controlled Parking Zone or Esher Green Controlled Parking Zone or Cedar Road Cedar Avenue and Spencer Road Cobham (Cobham CPZ) Controlled Parking Zone or Tilt Road Cobham Controlled Parking Zone
 - “Council” means the Surrey County Council or its appointed agents
 - “credit card” has the same meaning as in paragraph (6) of Section 35A of the Act
 - “debit card” has the same meaning as in paragraph (6) of Section 35A of the Act
 - “driver” in relation to a vehicle waiting in a loading bay means the person driving the vehicle at the time it was left in the loading bay

“electronic communications apparatus” has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984 and Sections 106 and 151 of the Communications Act 2003

“enactment” means any enactment whether public general or local and includes any order bye-law rule regulation scheme or other instrument having effect by virtue of an enactment

“goods” means goods of any kind whether animate or inanimate and “delivering” and “collecting” in relation to any goods or postal packets includes checking the goods or postal packets for the purpose of their delivery or collection

“goods vehicle” means a motor vehicle or trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description

“loading bay” means the part of a road authorised by this Order to be used as a goods vehicles’ free on-street loading bay

“motor cycle” “motor vehicle” and “invalid carriage” have the same meanings as in Section 136 of the Act

"one-way road" means a highway in which the driving of vehicles otherwise than in one direction is prohibited

"Owner" has the same meaning as defined in sub-section (1) of Section 92 of the Traffic Management Act 2004

“passenger vehicle” means a motor vehicle (other than a motor-cycle or invalid carriage) constructed or adapted solely for the carriage of not more than eight passengers (exclusive of the driver) and their effects and not drawing a trailer

“Penalty Charge” has the same meaning as defined in Section 92 of the Traffic Management Act 2004

“Penalty Charge Notice” has the same meaning as in the General Regulations

“permitted hours” means the hours identified as such in the key relating to the plans

“plans” means the drawings listed in the First Schedule the drawing number of each of those drawings being given in the first column of that Schedule and which drawings are attached to this Order

“postal packets” has the same meaning as in Sub-section (1) of Section 125 of the Postal Services Act 2000

“road” includes part of a road and has the same meaning as in Section 142 of the Act

“the General Regulations” means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S. I. 2007 No. 3483)

“the 1986 Regulations” means The Removal and Disposal of Vehicles Regulations 1986 (S. I. 1986 No. 183)

“traffic signs” 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 Act

“trailer” has the same meaning as in Section 136 of the Act and includes a trailer any part of which is superimposed on the drawing vehicle

“Waiver Certificate” means a certificate issued on behalf of the Council for the purposes of paragraph (1)(g) of Article 10 of this Order permitting a specified vehicle to wait in special circumstances on a length or lengths of a road or roads where the waiting of that vehicle would otherwise be restricted or prohibited

- (2) Any reference in this Order to a numbered Article or to the First Schedule shall unless the context otherwise requires be construed as a reference to the Article bearing that number in this Order or to the First Schedule to this Order
- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended applied consolidated re-enactment by or as having effect by virtue of any subsequent enactment

PART II

AUTHORISATION AND USE OF GOODS VEHICLES’ FREE ON-STREET LOADING BAYS

Authorisation of loading bays

- 3 EACH area on a highway comprising the length of carriageway of a road identified on the plans as a goods vehicles’ free on-street loading bay (excluding the areas marked by a black broken line and labelled as a Controlled Parking Zone) and bounded on one side of that length by the edge of the carriageway and having a minimum width throughout of 1.8 metres is authorised to be used subject to the following provisions of this Order as a goods vehicles’ free on-street loading bay for use on such days and during such hours as identified on the plans

Vehicles for which the loading bay is authorised

4 THE loading bays may be used free of charge subject to the provisions of this Order for the leaving during the permitted hours of such vehicles only as are goods vehicles and includes any trailer which is being drawn by such a vehicle

PROVIDED THAT the vehicle left in the loading bay is actually in the process of being used for the purpose of collecting goods or burden of any description from or delivering goods or burden of any description to any premises situated adjacent to or in the vicinity of that loading bay

FOR the avoidance of doubt it is hereby stated by the Council that the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (S.I. 2000/683) shall not apply to this Order

Manner of standing in the loading bay

5 THE driver of a vehicle waiting in the loading bay during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand -

- (a) (i) if the loading bay is not in a one-way road that the left or near-side or right or off-side of the vehicle is parallel to the edge of the carriageway nearest to the vehicle or
 - (ii) if the loading bay is in a one-way road that the left or near-side of the vehicle is adjacent to the left-hand edge of the carriageway or that the right or off-side of the vehicle is adjacent to the right-hand edge of the carriageway and
 - (iii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres and
- (b) that every part of the vehicle is within the limits of the loading bay and
- (c) that no part of the vehicle obstructs any vehicular means of ingress to egress from any premises adjacent to the side of the road on which the vehicle is waiting

Alteration of position of a vehicle in the loading bay

6 WHERE any vehicle is standing in the loading bay in contravention of the provisions of Article 5 or of the provisions of Article 11 a police constable in uniform or a civil enforcement officer or a person duly authorised by the Council may alter or cause to be altered the position of the vehicle in order that its

position shall comply with those provisions

Restriction on the use of a loading bay

7 DURING the permitted hours no person shall use the loading bay or any vehicle while it is in the loading bay in connection with the sale or offering or exposing for sale of any goods to any person in or near the loading bay or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity

PROVIDED THAT nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is one which may wait in the loading bay in accordance with Article 4 and the goods are immediately delivered and taken into premises adjacent to the vehicle from which the sale is effected

8 THE driver of a motor vehicle using the loading bay shall stop the engine as soon as the vehicle is in position in the loading bay and shall not start the engine except when about to change the position of the vehicle in or to depart from the loading bay

Power to suspend the use of the loading bay

- 9 (1) Subject to the following persons or organisations being able to exercise the function described below by virtue of legislation a civil enforcement officer a police constable in uniform a person acting under the instructions (whether general or specific) of the Chief Officer of Police or a person duly authorised by the Council or the Borough Council may suspend the use of a parking place or any 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 adjacent to the loading bay the maintenance improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the loading bay the laying erection alteration or repair in or adjacent to the loading bay of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any electronic communications apparatus or the placing maintenance or removal of any traffic sign
 - (c) for the convenience of occupiers of premises adjacent to the loading bay on any occasion of the removal of furniture to or from

- one office or dwelling-house adjacent to the loading bay from or to a depository another office or dwelling-house
- (d) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed or
 - (e) for the convenience of occupiers of premises adjacent to the loading bay at times of weddings or funerals or on any other special occasions
- (2) Subject to the provision set out in paragraph (1) of this Article a police constable in uniform may suspend for not longer than twenty-four hours the use of the loading bay or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety
 - (3) On suspension of the use of the loading bay or any part thereof in accordance with the provisions of this Article the person authorising or causing such suspension shall place or cause to be placed in or adjacent to the loading bay or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting by vehicles is prohibited
 - (4) No person shall cause or permit any vehicle to wait in the loading bay or any part thereof at any time during the permitted hours during which there is displayed or adjacent to the loading bay or that part thereof as the case may be a traffic sign or traffic signs placed in pursuance of paragraph (3) of this Article:-

PROVIDED THAT nothing in this paragraph shall apply -

- (i) in respect of any vehicle being used for fire brigade ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 10 (1) (b) (d) or (e) or
- (ii) to anything done with the permission of the person suspending the use of the loading bay or part thereof in pursuance of paragraph (1) of this Article or a police constable in uniform or a civil enforcement officer acting in the exercise of lawful authority

Restriction on waiting by a vehicle in the loading bay

- 10 (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours anywhere in any part of the loading bay if the use of that part has not been suspended and if:

- (a) 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
- (b) the vehicle is being used for fire brigade ambulance or police purposes or not being a passenger vehicle a motor-cycle or an invalid carriage is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties of the vehicle to wait in the place in which it is waiting
- (c) 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
- (d) the vehicle is waiting -
 - (i) while postal packets addressed to premises adjacent to the loading bay in which the vehicle is waiting are being unloaded from the vehicle or having been unloaded therefrom are being delivered or
 - (ii) while postal packets are being collected for loading on the vehicle from premises or posting boxes adjacent to the loading bay in which the vehicle is waiting or having been so collected are being loaded thereon
- (e) the vehicle not being a passenger vehicle a motor-cycle or an invalid carriage is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 9 (1) (b)
- (f) the vehicle is in actual use in connection with the removal of furniture to or from one office or dwelling-house adjacent to the loading bay in which the vehicle is waiting from or to a depository another office or dwelling-house
- (g) the vehicle is displaying in a prominent position behind the windscreen so that it is facing forwards and can be entirely and easily seen from the front of the vehicle a valid waiver certificate issued by a person duly authorised by the Council to wait in accordance with the terms and conditions prescribed by the said certificate

PROVIDED THAT a waiver certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately

cease to be valid and that a notification of such cancellation shall be sent by post to the holder of the certificate at any address which the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council

- (2) Except as provided by this Order the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in the loading bay during the permitted hours

Manner of waiting in the loading bay

11 NO person shall cause or permit a vehicle to wait in the loading bay by virtue of the provisions of sub-paragraph (1) (d) (e) (f) and (g) of the last preceding Article otherwise than so that:

- (a) the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and
- (b) the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres and
- (c) no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting

For the purposes of the last foregoing paragraph the expression "premises" shall not include any premises to or from which any furniture is being removed by virtue of the provisions of sub-paragraph (1) (f) of the last preceding Article

Movement of a vehicle in the loading bay in an emergency

12 ANY person duly authorised by the Council a police constable in uniform or a civil enforcement officer may move or cause to be moved in case of emergency to any place he thinks fit any vehicle left unattended in the loading bay

Removal of vehicles from the loading bay

13 (1) When a vehicle is left in the loading bay in contravention of any of the provisions contained in this Order a person authorised in that behalf by the Council or a police constable in uniform or a civil enforcement officer may remove the vehicle or arrange for it to be moved from the loading bay

BUT PROVIDED THAT civil enforcement officers shall not exercise the powers in this Article other than in accordance with the 1986 Regulations

- (2) Where it appears to the Borough Council or a police constable in uniform that a vehicle left in the loading bay has been abandoned a

civil enforcement officer or a police constable in uniform may in such manner as they consider necessary for the purpose remove the vehicle or arrange for it to be moved from the loading bay

PROVIDED THAT where the Borough Council or a police constable in uniform propose to move such a vehicle which in the opinion of the Council or the Chief Constable is in such a condition that it ought to be destroyed then they shall not less than twenty-four hours before removing it cause to be affixed to the vehicle a notice stating that they propose to remove it for destruction at the end of that period

- 14 WHEN a person authorised by the Council or a police constable in uniform removes or makes arrangements for the removal of a vehicle from the loading bay by authority of Article 13 he shall except in the case of a vehicle which in the opinion of the Council or the Chief Constable is in such condition that it ought to be destroyed make such arrangements as may be deemed reasonably necessary for the safe custody of the vehicle

Charges for the removal and storage of vehicles

- 15 WHERE a vehicle is removed by the Council or a police constable in uniform from the loading bay in pursuance of Article 13 there shall be payable to the Council or the Chief Constable pursuant to Section 102 of the Act and the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc) Regulations 1989 charges for the removal storing and disposal of the said vehicle in accordance with the provisions of the said Regulations

Placing of traffic signs etc

- 16 THE Council shall -
- (a) place and maintain a traffic sign or traffic signs indicating the limits of each loading bay and
 - (b) place and maintain in or in the vicinity of each loading bay referred to in the plans a traffic sign or traffic signs indicating that such loading bay may be used during the permitted hours for the leaving only of the vehicles specified in Article 4 and
 - (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a loading bay

PART III

SUPPLEMENTARY PROVISIONS

Saving with respect of pedestrian crossings

- 17 NOTHING in the foregoing provisions of this Order shall be taken as authorising anything which would be a contravention of any Regulations made or having effect as if made under Section 25 of the Act

Saving with respect of bus stop clearways

- 18 INSOFAR as any provision contained in PART II of this Order conflicts with a provision which is contained in paragraphs 2 or 3 or 4 of Schedule 19 to the Traffic Signs Regulations and General Directions 2002 (S.I. 2002 No. 3113) then the provision contained in the said paragraphs of the said Regulations shall prevail

Saving with respect of loading bays

- 19 INSOFAR as any provision contained in PART II of this Order conflicts with a provision imposed by any other enactment existing at the time when this Order comes into operation and which imposes or has the effect of imposing any restriction or prohibition on -
- (a) the waiting loading and/or unloading by vehicles and/or
 - (b) the delivering or collecting of goods by vehicles
- or grants an exemption from any such restriction or prohibition then the provisions contained in PART II of this Order shall prevail

Saving with respect to other enactments

- 20 SUBJECT to the provisions contained in Articles 17 or 18 or 19 the prohibitions restrictions and requirements imposed by this Order are in addition to and not in derogation of any prohibition restriction or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment

PART IV
ENFORCEMENT

Contraventions

- 21 IF a vehicle is left without complying with any of the requirements of this Order then a contravention will have occurred and a penalty charge shall be payable. A Penalty Charge Notice showing the information required by Section 78 of the Traffic Management Act 2004 or any regulations made thereunder may then be issued by a civil enforcement officer in accordance with the requirements of Section 78 of the Traffic Management Act 2004 or any regulations made thereunder

Notice of penalty charge

- 22 IN the case of a vehicle in respect of which the penalty charge may have been incurred a civil enforcement officer may serve a penalty charge notice in accordance with the requirements of Regulation 9 or Regulation 10 of the General Regulations and which penalty charge notice shall comply respectively with the requirements of paragraph 1 or paragraph 2 of the Schedule to the General Regulations

Restriction on removal of Penalty Charge Notices

- 23 WHERE a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of this Order no person not being the driver of the vehicle a police constable in uniform or a civil enforcement officer shall remove that Notice from the vehicle unless authorised to do so by the driver

Manner of payment of penalty charge

- 24 (1) The owner of a vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Council EITHER by cheque or postal order which shall be delivered or sent by post so as to reach the Cash Office of the Elmbridge Borough Council situated at Civic Centre High Street Esher Surrey KT12 2XA or the office of any agents thereof not later than as aforesaid OR by credit card or debit card
- (2) If the penalty charge is paid before the end of the period of fourteen days beginning with the date of the Notice the amount of the penalty charge will be reduced by the specified proportion

PROVIDED THAT in this paragraph "specified proportion" means such proportion as may be determined by the local authorities acting through the Joint Committee

- (3) If the owner fails to pay the penalty charge by the end of the twenty-eight day period a Notice to Owner may be served and if the charge is then not paid within a further period of twenty-eight days it may be increased by fifty per cent

If the fourteen or twenty-eight day periods referred to above fall on a day when the said Council Offices are closed the period within which payment shall be made shall be extended until 4.30 p.m. on the next full day on which the said Council Offices are open

PART V

REVOCATION

Revocation

- 25 WITHOUT prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into force of this Order the Orders specified in the Second Schedule to this Order are hereby revoked in their entirety

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3282/ELM/13147	06/14								

SECOND SCHEDULE

LIST OF REVOCATIONS

- 1 The Surrey County Council (Various Roads in Elmbridge) (Goods Vehicles' Free On-Street Loading Bays) Order 2010
- 2 The Surrey County Council (Various Roads in Elmbridge) (Goods Vehicles' Free On-Street Loading Bays) Order 2010 (Amendment No. 1) Order 2011
- 3 The Surrey County Council (Various Roads in Elmbridge) (Goods Vehicles' Free On-Street Loading Bays) Order 2010 (Amendment No. 2) Order 2011
- 4 The Surrey County Council (Various Roads in Elmbridge) (Goods Vehicles' Free On-Street Loading Bays) Order 2010 (Amendment No. 3) Order 2011
- 5 The Surrey County Council (Various Roads in Elmbridge) (Goods Vehicles' Free On-Street Loading Bays) Order 2010 (Amendment No. 4) Order 2013
- 6 The Surrey County Council (Various Roads in Elmbridge) (Goods Vehicles' Free On-Street Loading Bays) Order 2010 (Amendment No. 5) Order 2014

EXECUTED as a Deed by Surrey County Council on 6 August 2014

EXECUTED AS A DEED by)
affixing THE COMMON SEAL of)
SURREY COUNTY COUNCIL)
in the presence of and attested by:)



Carol Hodgson

Authorised Signatory

SURREY COUNTY COUNCIL

DATED 6 AUGUST 2014

No. IN SEALING
REGISTER 10744
ELMBRIDGE LOCAL
ORDERED TO COMMITTEE
BE SEALED 28/11/11

ROAD TRAFFIC REGULATION ACT 1984
SECTIONS 32 35 AND 36

THE SURREY COUNTY COUNCIL
(VARIOUS ROADS IN ELMBRIDGE)
(CONSOLIDATION OF GOODS
VEHICLES' FREE ON-STREET
LOADING BAYS)
ORDER 2014