

THE COUNCIL OF THE LONDON BOROUGH OF BARNET

TRAFFIC MANAGEMENT ORDER

2017 No. 09

**The Barnet (Goods Vehicles) (Loading Places) (Experimental)
Traffic Order 2017**

Made 9th March 2017

Coming into operation 20th March 2017

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The Council of the London Borough of Barnet, in exercise of the powers conferred by Section 9 of the Road Traffic Regulation Act 1984(a) and all other enabling powers, hereby make the following Order:

PART 1 - PRELIMINARY

Citation and commencement

1. This Order shall come into operation on 20th March 2017 and may be cited as The Barnet (Goods Vehicles) (Loading Places) (Experimental) Traffic Order 2017.

Interpretation

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

"Council" means the Council of the London Borough of Barnet;

"driver", in relation to a vehicle waiting in a loading place, means the person driving the vehicle at the time it was left in the loading place;

"enactment" means any enactment, whether public general or local, and includes any order, bylaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

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

"goods carrying vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

"loading place" means any area on a highway designated as a loading place by this Order;

"owner", in relation to a vehicle, means the person by whom such vehicle is kept and used;

"civil enforcement officer" means a person authorised by or on behalf of the Council to supervise any loading place;

"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 twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

"permitted hours" in relation to a loading place means the period between 5pm and 9.30am Monday to Sunday inclusive, any such day not being Christmas Day, Good Friday, or a Public or Bank Holiday;

"telecommunications system" has the same meaning as in the Telecommunications Act) 1984(a)

"trade licence" has the same meaning as in section 16 of the Vehicles (Excise) Act 1971(b)

"trade plates" has the same meaning as in Part V of the Road Vehicles (Registration and Licensing) Regulations 1971(c)

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

PART II - DESIGNATION OF LOADING PLACES

Designation of loading places

3. Each area of a highway comprising the length of carriageway of a street specified in column 2 of the Schedule, bounded on one side of that length by the edge of the carriageway and having a width throughout of not less than 2.7 metres, is designated as a loading place.

Vehicles for which loading places are designated

4. Each loading place may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are goods carrying vehicles or passenger vehicles, for the purpose of continuous loading and unloading.

Alteration of position of a vehicle in a loading place

5. Where any vehicle is standing in a loading place in contravention of the provisions of Article 8, a police constable, a traffic warden or a civil enforcement officer in uniform, may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of a vehicle from a loading place

6. Where a police constable, a traffic warden or a civil enforcement officer in uniform, is of the opinion that any of the provisions contained in Article 8 have been contravened or not complied with in respect of a vehicle left in a loading place he may remove or cause to be removed the vehicle from the loading place and, where it is so removed, shall provide for the safe custody of the vehicle.

Movement of a vehicle in a loading place in an emergency

7. A police constable, a traffic warden or a civil enforcement officer in uniform may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a loading place.

PART III - SUPPLEMENTARY PROVISIONS

Manner of standing in a loading place

8. Every vehicle left in a loading place in accordance with the provisions of this Order shall stand so that every part of the vehicle is within the limits of the loading place:

Power to suspend the use of a loading place

9. (1) Any police constable or civil enforcement officer or traffic warden in uniform, duly authorised by the Council or the Commissioner of Police of the Metropolis may suspend the use of a loading place or any part thereof whenever he considers such suspension reasonably necessary:
 - a) for the purpose of facilitating the movement of traffic or promoting safety;
 - b) for the purpose of any building operation, demolition or excavation adjacent to the loading place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the loading place, the laying, erection, alteration or repair in or adjacent to the loading place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication system or the placing, maintenance or removal of any traffic sign;
 - c) for the convenience of occupiers of premises adjacent to the loading place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the loading place 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 street will be thronged or obstructed; or
 - e) for the convenience of occupiers of premises adjacent to the loading place at times of weddings or funerals, or on other special occasions.
- (2) A loading place may not be suspended pursuant to paragraph (1) above for longer than twenty-four hours.
- (3) A police constable or civil enforcement officer or traffic warden in uniform suspending the use of a loading place or any part thereof in accordance with the provisions of paragraph (1) of this Article shall thereupon:
- a. shall cause to be placed over the traffic signs relating to such loading place hoods or other covers or suspend the loading place by physically cordoning off the loading place in such a way to make it obvious to the public that the use of such place is suspended and that waiting by vehicles is prohibited; and
 - b. place or cause to be placed in or adjacent to any part of that loading place a traffic sign indicating that waiting by vehicles is prohibited;
- (4) No person shall cause or permit a vehicle to wait in a loading place if there is over the traffic signs relating to that loading place a hood or other cover indicating that the use of the loading place is suspended or if there is in or adjacent to that loading place a traffic sign placed in pursuance of paragraph (1) and (2) 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 (b) or (d)
- (ii) to anything done with the permission of the police constable or civil enforcement officer or traffic warden in uniform suspending the use of the loading place or part thereof in pursuance of paragraph (1) of this Article.

Restriction on waiting by a vehicle in a loading place

10. Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a loading place if the use of that part has not been suspended and if:

- a) the vehicle is waiting for a period not exceeding two minutes, or such longer period as a police constable, a traffic warden or a civil enforcement officer, in uniform may approve, to enable a person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage;
- b) if the vehicle is being driven or used by a person suffering from any disability or injury which seriously impairs his ability to walk or who is blind, the vehicle may wait for as long as may be necessary to enable that person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage;
- c) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or where such waiting is necessary in order to avoid an accident;
- d) the vehicle is being used for fire brigade, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
- e) the vehicle 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;

Restriction on waiting by a vehicle loading in a loading place

- 11. Notwithstanding the foregoing provisions of this Order any vehicle specified in Article 4 of this Order may wait during the permitted hours in any part of a loading place if the use of that part has not been suspended but only for a period of not longer than 1 hour with the return to that loading place prohibited within 2 hours.

Placing of traffic signs etc

- 12. The Council shall;
 - a) Place and maintain in or in the vicinity of each loading place traffic signs and or carriageway markings of the size, colour and type prescribed or authorised by the Department of Transport indicating that such loading place may be used during the permitted hours;
 - b) Carry out such other work as is reasonably required for the purposes of the satisfactory operation of a loading place.

PART IV – MODIFICATION OF TRAFFIC MANAGEMENT ORDER

13. Whilst this Order continues to be in force, any restrictions, parking places or loading places provided by The Barnet (Charged-for Parking Places) Consolidation Order 2014^a and The Barnet (Free Parking Places, Loading Places and Waiting, Loading and Stopping Restrictions) Consolidation Order 2014^b, and falling within the lengths of carriageway described in the Schedules to this Order, shall be revoked.

PART V – POWER TO MODIFY OR SUSPEND

14. In pursuance of section 10(2) of the Road Traffic Regulation Act 1984, the Council's Chief Executive, or some person authorised in that behalf by him may if it appears to him or that person essential in the interest of the expeditious, convenient and safe movement of traffic, or of the provision of suitable and adequate parking facilities on the highway, or for preserving or improving the amenities of the area through which any road affected by this Order runs, modify or suspend this Order or any provisions thereof.

Dated 9th March 2017

Jamie Blake
Commissioning Director, Environment

a LBB 2014 No. 121
b LBB 2014 No. 120

LONDON BOROUGH OF BARNET

**The Barnet (Goods Vehicles) (Loading Places) (Experimental)
Traffic Order 2017**

Explanatory Note

This Order amends loading and unloading places for goods carrying vehicles and passenger vehicles on Finchley Road, St Georges Road, Hampstead Way and Hallswelle Road NW11, in the London Borough of Barnet.

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The Barnet (Goods Vehicles) (Loading Places) (Experimental) Traffic Order 2017

STATEMENT OF REASONS

In order to improve parking opportunity and encourage improved patronage of the Temple Fortune town centre, the general effect of the Orders will be to, on an experimental basis, amend the 'at any time' loading bays on Finchley Road NW11, St Georges Road and Hampstead Way, and the 7am to 7pm Monday to Saturday loading bay on Hallswelle Road NW11 so they allow loading between 5.30pm to 12midday and allow 15 minutes free parking, with no return within 1 hour, between 12midday and 5.30pm Monday to Sunday.

LONDON BOROUGH OF BARNET

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**STATEMENT OF REASONS
FOR PROCEEDING BY WAY OF EXPERIMENT
AND OF INTENTION TO MAKE PERMANENT ORDER**

Due to the nature of the amendments and their purpose it is considered appropriate that these changes shall be introduced experimentally in order to ensure adequate demand is met and to improve the parking and loading facilities and encourage patronage of the shopping parades.

If the experimental scheme proves to be a success the Council intends to promote a Traffic Order under Section 6 of the Road Traffic Regulation Act 1984 to make the scheme permanent

Schedule 1

Loading Bay

(12midday to 5.30pm Mondays to Sundays)

Loading places in which goods carrying vehicles may be left during the hours of 12midday to 5.30pm Monday to Sunday inclusive, and such day being Christmas Day, Good Friday or a Bank Holiday provided continuous loading and unloading is taking place

No. of parking places 1	Designated Parking Places 2	Special manner of standing 3
1	Finchley Road NW11, south-west side, from a point 15 metres south-east of the south-eastern kerbline of Hendon Park Row, south-eastwards for a distance of 11 metres	
2	Hallswelle Road NW11, south-east side, from a point 10 metres south-west of the western kerbline of Finchley Road, south-westwards for a distance of 11 metres	
3	Hampstead Way NW11, south-east side, from a point 25 metres north-east of the north-eastern kerbline of Finchley Road, north-eastwards for a distance of 8 metres	
4	St George's Road, south-east side, from a point 8.5 metres south-west of the south-western kerbline of Finchley Road, south-westwards for a distance of 9.5 metres	