

THE COUNCIL OF THE LONDON BOROUGH OF BARNET

TRAFFIC MANAGEMENT ORDER

2017 No.3

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**The Barnet (Waiting and Loading Restriction) (Civil Enforcement Area)  
(Experimental) (No.1) Traffic Order 2017**

Made: 2<sup>nd</sup> February 2017

Coming into operation: 13<sup>th</sup> February 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 I - PRELIMINARY

### 1. Commencement and citation

This Order shall come into operation on 13<sup>th</sup> February 2017 and may be cited as The Barnet (Waiting and Loading Restriction) (Civil Enforcement Area) (Experimental) (No.1) Traffic Order 2017.

### 2. Interpretation

(1) In this order, except where the context otherwise requires:-

"Authorised Agent" means the parking services contractor appointed by and acting on behalf of the Council for the purposes of the supervision and enforcement of the provisions of this Order;

"civil enforcement officer " has the same meaning as in the Traffic Management Act 2004 and means a person authorised by or on behalf of the Council to supervise any parking place;

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

"disabled person's badge" and "disabled person's vehicle" have the same meanings as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000(d);

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, 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, include checking the goods for the purpose of their delivery or collection;

"licensed taxi" and "London Bus Service" have the same meanings as in the Transport Act 1985(e);

"public service vehicle" has the same meaning as in the Public Passenger Vehicles Act 1981(f);

"prescribed hours", in relation to a restricted street, means the time specified in column 2 of Schedule 3 in relation to the letter set out in column 1 of that Schedule and which letter is set out in column 3 of Schedule 1 in relation to that Street;

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(a) 1984 c. 27 (b) 1985 c. 51 (c) 1991 c.40 (d) S.I. 2000 c. 683 (e) 1985 c.67 (f) 1981 c.14

"restricted hours", in relation to any street specified in Schedule 2 means the time specified in column 2 of Schedule 3 in relation to the number set out in column 3 of Schedule 3 and which number is the number set out in column 3 of Schedule 2 in relation to that street;

"restricted street" means any street within the London Borough of Barnet specified in Schedule 1 (hereinafter referred to as a "scheduled street") and includes, except where the context otherwise requires, so much of every other street within that London Borough which is not a scheduled street or a street specified in Schedule 4 and which joins any scheduled street as lies between the kerb- line of the scheduled street and a point 10.00 metres distant therefrom, and any reference in this Order to any restricted street shall be construed accordingly;

Provided that the expression "restricted street" shall not for the purpose of this Order include:-

- (i) any area on a highway or any place within the London Borough of Barnet for the time being designated or described as a parking place by any Order made or having effect as if made under Section 6, 9 or Section 45 of the Road Traffic Regulation Act 1984; or
- (ii) In its application to a street specified in column 1 of Schedule 6, that length of street which extends 10.00 metres measured in the direction specified in column 2 of that Schedule from the kerb-line of the scheduled street specified in column 3 of that Schedule, and in this definition the expression "kerb-line" in relation to a scheduled street shall mean that imaginary line which is the projection of the line formed by the edge of the main carriageway of the scheduled street adjacent to its junction with the side in question of any other street";

"Schedule" means a Schedule to this Order;

"Street" includes any part of a street;

"telecommunication system" has the same meaning as in the Telecommunications Act 1984;

- (2) For the purpose of this Order a vehicle shall be deemed to wait:
  - (a) in a restricted street if any point in that street is below the vehicle or its load (if any) and the vehicle is stationary; or
  - (b) for more than a specified period in the same place in a restricted street if any one point in that street is below the vehicle or its load (if any) throughout a period exceeding the specified period whether or not the vehicle is moved during that period.
- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

- (4) Any reference in this Order to a length of street shall, unless otherwise specified, be construed as a reference to the whole width of that length of street.
- (5) For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when it is so regarded for the purposes of Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000;
- (6) The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order are without prejudice to the provisions of any other enactment or Order.
- (7) Notwithstanding the provisions of paragraph (6) above, whilst this Order continues to be in force, the restrictions, prohibitions and requirements imposed by this Order inasmuch as they relate to the lengths of road described in the Schedule(s) to this Order shall suspend the provisions of any other Order inasmuch as they relate to restrictions of waiting and restrictions on loading applied to the same length of road.

### 3. Application of Order

The restrictions imposed by Part II of this Order are subject to the exceptions and exemptions set out in Part III of this Order, and any such exceptions or exemptions are subject to the provisions of Part IV of this Order.

## PART II - RESTRICTIONS

### 4. Restrictions applicable to streets specified in Schedule 1 or Schedule 2 or Schedule 5

- (1) No person shall cause or permit any vehicle to wait during the prescribed hours in any restricted street except, subject to the provisions of the next paragraph, for so long as may be necessary for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the street.
  - (a) without prejudice to the provisions of the foregoing last paragraph the provisions of this Order in so much as they apply to a road or length of road designated as a restricted street indicated by a \* appended to the Item No. as appropriate in column 1 of Schedule 1 to this Order shall have effect only at such times at which the appropriate traffic signs indicating those provisions are displayed in accordance with The Traffic Signs Regulations and General Directions 2002.
- (2) No person shall cause or permit any vehicle to wait for the purpose of

delivering or collecting goods or loading or unloading the vehicle -

- (a) in any of the streets specified in Schedule 2 (which consist of restricted streets or parts thereof) during the restricted hours, or
- (b) without prejudice to the provisions of the last foregoing subparagraph
  - (i) for a period of more than forty minutes in the same place during the prescribed hours in any part of any street in the London Borough of Barnet specified in Schedule 5 which is a restricted street,
  - or
  - (ii) for a period of more than forty minutes in the same place during the prescribed hours in any other restricted street.

5. Restrictions applicable to streets specified in Schedule 4

No person shall cause or permit any vehicle to stop or remain at rest on the carriageway of any street in the London Borough of Barnet specified in Schedule 4.

### PART III

#### EXCEPTIONS AND EXEMPTIONS FROM RESTRICTIONS

6. Persons boarding or alighting from vehicle

Nothing in Article 5 of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted street for so long as may be necessary for the purpose of enabling any person to board or alight from the vehicle or to load thereon or unload therefrom his personal luggage.

Provided that, except where the said person is suffering from any disability or injury which seriously impairs his ability to walk, or who is blind, no vehicle may so wait in the same place for a period of more than two minutes in any part of any street in the London Borough of Barnet specified in Schedule 5 which is a restricted street and is also a street specified in Schedule 2 during the restricted hours relating to that street in so far as the same fall between the hours of 7am and 10am and between the hours of 4pm and 7pm.

7. Disabled Persons' vehicles

The restrictions imposed by Article 4(1) of this Order shall not apply in relation to a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority;

Provided that, where the prescribed hours are of a period of more than three hours duration, that vehicle may wait for a period of no more than three hours (being a period not separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same street on the same day).

8. Excepted Vehicles

The restrictions imposed by Part II of this Order shall not apply in relation to the following vehicles :

- (a) public service vehicles operated by London Regional Transport, any subsidiary body of theirs, and any vehicle being used to provide a London Local Service under a London Local Service licence or to provide a London Bus Service, whilst waiting at an authorised stopping place or at a terminal or turning point; or
- (b) vehicles when used for fire brigade, ambulance or police purposes;
- (c) vehicles when 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 the performance of such duties for the vehicle to wait in the place in which it is waiting;
- (d) licensed taxis whilst waiting upon any duly authorised cab rank.
- (e) vehicles whilst waiting in any restricted street for so long as may be necessary in connection with the taking in of petrol, oil, water or air, if such taking in cannot be effected unless the vehicle waits in the place where it is waiting.
- (f) vehicles constructed or adapted for the carriage of the deceased, when carrying out any necessary procedure in the vicinity of a funeral premises for a maximum period of 40 minutes.

9. Furniture removals and other exceptional loading or unloading

- (1) Nothing in Article 4 of this Order shall apply so as to restrict the loading or unloading of any vehicle while the vehicle is in actual use in any restricted street in connection with the removal of furniture to or from one office, dwelling-house or depository adjacent to that restricted street from or to another office, dwelling-house or depository

Provided that this paragraph shall not apply to a vehicle waiting in any restricted street to which the provisions of Article 4(2)(a) of this Order apply unless notice is given twenty-four hours in advance to the Council or authorised agent, their consent is obtained, and such reasonable conditions as they may impose are complied with.

- (2) Without prejudice to the provisions of the last foregoing paragraph, nothing in Article 4 of this Order shall apply so as to restrict the loading or unloading of any vehicle while the vehicle is in actual use in any restricted street in connection with the collection or delivery of goods from or to premises in or adjacent to that street if those goods cannot reasonably be loaded or unloading outside the prescribed hours or within the time (if any) allowed in relation to that street, as the case may be, if notice is given twenty-four hours in advance to the Council or authorised agent, their consent is obtained, and such reasonable conditions as they may impose are complied with.

#### 10. Miscellaneous exemptions

- (1) Nothing in Part II of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted street or remain at rest on any main carriageway of any street specified in Schedule 4.
  - (a) while postal packets addressed to premises adjacent to any such street in which the vehicle is waiting are being unloaded from the vehicle or, having been unloading therefrom, are being delivered;
  - (b) while postal packets are being collected for loading on the vehicle from premises or posting boxes in or adjacent to any such street in which the vehicle is waiting or, having been so collected, are being loaded thereon;
  - (c) while the vehicle is being used in connection with any building operation, demolition or excavation in or adjacent to any such street, the removal of any obstruction to traffic in any street, the maintenance, improvement, reconstruction, cleansing or lighting of any street, the laying, erection, alteration or repair in or adjacent to any street 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, if the vehicle cannot conveniently and lawfully be used for that purpose in any street not being a street specified in Schedule 4 or a restricted street or outside the prescribed hours;
  - (d) while any gate or other barrier at the entrance to premises, to which the vehicle requires access or from which it has emerged is being opened or closed, if it is not reasonably practicable for the vehicle to wait in any other place while such gate or barrier is being opened or closed.

- (2) Nothing in Part II of this Order shall apply to anything done with the permission or at the direction of a police constable or parking attendant in uniform, or where the person in control of the vehicle is required by law to stop or wait or remain at rest or is obliged to do so in order to avoid an accident.
- (3) Nothing in Article 4 of this Order shall render it unlawful for a person who is licensed by the Council of the London Borough of Barnet to sell goods from a stationary vehicle on a pitch in any restricted street to cause or permit a vehicle to wait on that pitch for that purpose.
- (4) Nothing in Article 5 of this Order shall render it unlawful to cause or permit a vehicle to stop on any main carriageway of any street specified in Schedule 4 if that vehicle thereupon remains at rest for any reason specified in paragraph (1) of this Article.

#### PART IV

#### ADDITIONAL PROVISIONS

##### 11. Duty to move on

Notwithstanding any exception or exemption contained in this Order, the person in control of a vehicle waiting during the prescribed hours in any restricted street or in any street specified in Schedule 4 shall move the vehicle on the instructions of a police constable in uniform whenever such moving may be reasonably necessary for the purpose of preventing or removing obstruction.

##### 12. Restrictions on methods of loading or unloading vehicles

- (1) No person shall cause any goods to be loaded on to or unloaded from any vehicle in any street in the London borough of Barnet otherwise than in accordance with the following conditions, that is to say
  - (a) no such goods shall be deposited on any carriageway or footway except on the carriageway immediately at the rear of the vehicle and no goods shall remain on any carriageway before the arrival of or after the departure of the vehicle;
  - (b) no part of any rope, chain, wire, apparatus or machinery used in connection with such loading or unloading, and no load suspended therefrom, shall be less than 5.0 metres above a carriageway, except when over any vehicle being loaded or unloaded, or less than 2.75 metres above the footway;
  - (c) no such goods shall be passed from hand to hand across any part of any carriageway or footway:

Provided that nothing in this Article shall apply in relation to-

- (i) any vehicle specified in sub-paragraph (b) or sub-paragraph (c) of Article 8 of this Order or any vehicle while it is being used as

mentioned in paragraph (1)(c) of Article 10 of this Order; or

(ii) anything done with the permission or at the direction of a police constable or parking attendant in uniform.

(2) Nothing in sub-paragraph (b) of paragraph (1) of this Article shall apply to any pipe, apparatus or machinery being used in connection with the loading or unloading of any petrol, water, oil or liquid fuel on to or from any vehicle in any street or from any premises adjacent to any street, provided that all necessary means are taken to give adequate warning of any possible obstruction.

### 13. Restriction on street trading

No person shall sell, offer or expose for sale goods from a vehicle which is in any restricted street unless -

- (a) that person is licensed by the Council of the London Borough of Barnet to sell goods from a stationary vehicle on a pitch in that street and sells goods from that pitch; or
- (b) the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.

### 14. Restriction on advertising

No person shall, in any restricted street or in any street specified in Schedule 4, either wholly or mainly for the purpose of advertisement, ride, drive, conduct, use or employ or cause to be ridden, drive, conducted, used or employed any animal or vehicle of any kind, or wear or cause to be worn any fancy dress or other costume.

## PART V

### MODIFICATION OF TRAFFIC MANAGEMENT ORDER

15. 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<sup>1</sup> and The Barnet (Free Parking Places, Loading Places and Waiting, Loading and Stopping Restrictions) Consolidation Order 2014<sup>2</sup>, and falling within the lengths of carriageway described in the Schedules to this Order, shall be revoked.

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<sup>1</sup> LBB 2014 No. 121

<sup>2</sup> LBB 2014 No. 120

## PART VI

### POWER TO MODIFY AND SUSPEND

16. 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: 2<sup>nd</sup> February 2017.



**Jamie Blake**  
**Commissioning Director, Environment**

## **LONDON BOROUGH OF BARNET**

### **The Barnet (Waiting and Loading Restriction) (Civil Enforcement Area) (Experimental) (No.1) Traffic Order 2017**

#### **STATEMENT OF REASONS**

In order to improve opportunity for loading and unloading activity near local businesses, and to reduce the likelihood of obstructive parking in other lengths of Golders Way NW11 the general effect of the Order will be to, on an experimental basis, remove the existing Monday to Saturday 8.00am to 6.30pm and Sunday 9.30am to 6.30pm resident permit holders only parking bay situated outside Nos. 2A to 14B Golders Way and replace it with a Monday to Saturday 8.00am to 6.30pm and Sunday 9.30am to 6.30pm waiting restriction.

## **LONDON BOROUGH OF BARNET**

### **The Barnet (Waiting and Loading Restriction) (Civil Enforcement Area) (Experimental) (No.1) Traffic Order 2017**

#### **EXPLANATORY NOTE**

(This note is not part of the Order, but it is intended to indicate its general purpose).

The above Order converts a resident permit holder parking bay to yellow line waiting restrictions in Golders Way NW11 in the London Borough of Barnet, on an experimental basis.

**LONDON BOROUGH OF BARNET**

**The Barnet (Waiting and Loading Restriction) (Civil Enforcement Area)  
(Experimental) (No.1) Traffic Order 2017**

**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 monitor and review the impact of the measures on the local community.

If the experimental schemes prove 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

### Waiting Restrictions

| 1<br>Item No. |   |   | 2<br>Street   | 3<br>Prescribed<br>Hours |
|---------------|---|---|---|--------------------------|
| 1             | a | 1 | <b>Golders Way NW11</b><br><br>south-west side<br><br>between a point opposite the common boundary of<br>Nos. 3a/3b Golders Way and 4a/4b Golders Way<br>and a point 60 metres north-west of that point | A                        |

## Schedule 2

### Loading Restrictions

| 1<br>Item No. |  |  | 2<br>Street | 3<br>Prescribed<br>Hours |
|---------------|--|--|-------------|--------------------------|
|               |  |  |             |                          |

### SCHEDULE 3

#### PREScribed/RESTRICTED HOURS

| 1<br>Prescribed<br>Hours see<br>Schedule 1 | 2<br><br>Time   | 3<br>Restricted<br>Hours see<br>Schedule 2 |
|--|---|--|
| A  | 8am to 6.30pm Monday to Saturday and 9.30am to 6.30pm<br>Sunday | 1  |