

THE COUNCIL OF THE LONDON BOROUGH OF BARNET

TRAFFIC MANAGEMENT ORDER

2017 No. 24

The Barnet (East Finchley) (Controlled Parking Zone) (Parking Places) (Experimental) Traffic Order 2017

Made: 22nd June 2017

Coming into Operation: 3rd July 2017

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"the Act of 2004" means the Traffic Management Act 2004^b

"business" means a sole trader, a partnership incorporated company or a registered charity which is retail trading from premises, the postal address of which is within a street or part of street as listed as eligible for a permit with a business code of "Q" in Schedule 5 of The Barnet (Charged-For Parking Places) Consolidation Order 2014^c.

"business code" has the same meaning as in The Barnet (Charged-For Parking Places) Consolidation Order 2014;

"business permit" has the same meaning as in The Barnet (Charged-For Parking Places) Consolidation Order 2014;

"civil enforcement officer " has the same meaning as in Section 76 of the Act of 2004, being a person authorised by or on behalf of the Council to supervise any parking place or parking area and enforce the provisions of this Order;

"controlled parking zone" has the same meaning as in The Barnet (Charged-For Parking Places) Consolidation Order 2014 ;

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

"disabled person" has the same meaning as in Section 6 of the Equality Act 2010^d

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

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

"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 includes checking the goods for the purpose of their delivery or collection;

^b 2004 c. 18

^c LBB 2014 No. 121

^d 2010 c.15

^e S.I. 2000 c.683

"penalty charge" has the same meaning as that given in section 92 of the Traffic Management Act 2004 in respect of a penalty issued in contravention of the provisions of this Order;

"permit identifier" means the business code or other indication on the permit, or as indicated on a hand held device or other approved electronic means in respect of a motorcycle business ePermit, that indicates the parking places for which the motorcycle business ePermit is valid subject to the provisions of this Order;

"permitted hours", in relation to a parking place, means the period specified at the beginning of the Schedule relating to that parking place;

"postal service" means the method correspondence shall be served, and shall be via first class post, recorded delivery or personal delivery;

"relevant position" means the position in which a disabled persons' blue badge is displayed in a vehicle so that it is displayed in accordance with the provisions of the Disabled (Badges for Motor Vehicles) (England) Regulations 2000^(h) and the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000⁽ⁱ⁾.

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

"valid permit" shall mean any permit or voucher issued under the provisions of this Order and identified as such under column 2 of Schedule 2 to this Order that is required to be displayed in a vehicle left in any parking place or parking area identified under column 1 of that Schedule where that permit complies with the provisions of this Order and the conditions stated in column 4 of that Schedule;

"valid permit holder" means a person to whom a valid permit has been issued under the provisions of this Order;

"workplace" means the premises from which a business operates

"year" means any continuous 12 month period.

- (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 construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

^h S.I. 2000/682

ⁱ S.I. 2000/683

^j 1984 C.12

respect of a vehicle left in a parking place he may remove or cause to be removed the vehicle from the parking place and, where it is so removed, shall provide for the safe custody of the vehicle.

Movement of a vehicle in parking place in an emergency

9. 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 parking place.

PART III - SUPPLEMENTARY PROVISIONS

Section 1 General

Period for which a vehicle may be left after the penalty charge has been incurred before incurring a further penalty charge notice

10. Any vehicle left in a parking place in contravention of the provisions of this Order during the permitted hours may incur a penalty charge issued by a civil enforcement officer. The period for which a vehicle may be left in a parking place referred to in a Schedule to this Order during the permitted hours after the penalty charge has been incurred shall not exceed one hour. After the issue of the initial penalty charge on a vehicle, a further penalty charge in respect of the same offence may be incurred for each 24 hour period thereafter during which the same vehicle remains in the same parking place in contravention of the provisions of this Order.

Restrictions on the removal of notices

11. (1) Where a notice has been attached to a vehicle in accordance with the provisions of Article 8, no person, not being the driver of the vehicle, shall remove the notice from the vehicle unless authorised to do so by the driver of the vehicle. Provided that nothing herein shall apply to a civil enforcement officer or a police constable in uniform or a person removing the vehicle in pursuance of an arrangement made by a police constable by or under regulations in pursuance of powers contained in sections 99, 100, 101 and 102 of the Act of 1984, as amended.

Manner of standing in a parking place

12. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand:
 - (a) in that parking place as identified by means of appropriate road markings and/or the placing of an appropriate sign nearby, as to be in accordance with that identification and/or sign; and
 - (b) that every part of the vehicle is within the limits of a parking place or parking space, as the case may be.

- (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 14(1)(b), (c), (d) or (e); or
- (ii) to anything done with the permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article or a police constable in uniform or a civil enforcement officer.

Restriction on waiting by a vehicle in a parking place

14. (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking place or parking area 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 in uniform or a civil enforcement officer may approve, to enable a person to board or alight from the vehicle or load thereon or unload therefrom their personal luggage. Provided that if the said person is a person suffering from any disability or injury which seriously impairs their 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 their personal luggage;
 - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
 - (c) the vehicle is being used for fire brigade, ambulance, police or medical practitioner 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 all the circumstances it is reasonably necessary for such duties for the vehicle to wait in the place in which it is waiting;
 - (d) 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;
 - (e) the vehicle is waiting:
 - (i) while postal packets addressed to premises adjacent to the parking place or parking area in which the vehicle is waiting are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered; or

- (a) place and maintain traffic signs indicating the limits of each parking place, each parking space; and
- (b) place and maintain in or in the vicinity of each parking place referred to in Schedule 1 traffic signs indicating that such parking place may be used during the permitted hours for the leaving of the vehicles specified in Article 4;
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

Section 2 - Motorcycle business ePermits

Application for and issue of Motorcycle business ePermits for the use of parking places referred to in Schedule 1

17. (1) Any business or any person whose workplace is within a street or part of street set out as eligible for a permit with a business code of "Q" in Schedule 5 of The Barnet (Charged-For Parking Places) Consolidation Order 2014 and who is the owner of a vehicle of the class as specified in Article 4 of this Order, may apply to the Council for the issue of a motorcycle business ePermit in respect of that vehicle and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
- (2) The Council may at any time require an applicant for a motorcycle business ePermit or a motorcycle business permit holder to produce to an officer of the Council such evidence as they may reasonably call for to verify any particulars or information given to them or in respect of any motorcycle business permit issued or to be issued by them as they may reasonably call for to verify that the permit is or will be valid
- (3) On receipt of an application duly made under the foregoing provisions of this Article and upon receipt of the appropriate charge specified in paragraph (5) of this Article, the Council, upon being satisfied that the applicant is employed at a workplace within the controlled parking zone and is the owner of a vehicle of the class specified in paragraph (1) of this Article, shall issue to the applicant thereof -
 - (a) a set of four motorcycle business ePermits for the leaving of the vehicle to which such Business Permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward during the permitted hours in a parking space in any parking place referred to in the Schedule to this Order;

withdraw a motorcycle business ePermit if it appears to the Council that any of the events set out in paragraph (3)(a), (b), (d) or (g) of this Article has occurred and the motorcycle business ePermit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.

- (3) The events referred to in the foregoing provisions of this Article are -
- (a) the motorcycle business ePermit holder vacating the retail premises or ceasing to work at a business address within the controlled parking zone;
 - (b) the motorcycle business ePermit holder ceasing to be the owner of the vehicle in respect of which the motorcycle business ePermit was issued;
 - (c) the withdrawal of such motorcycle business ePermit by the Council under the provisions of paragraph (2) of this Article;
 - (d) the vehicle in respect of which such motorcycle business ePermit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 17(1);
 - (e) the issue of a duplicate motorcycle business ePermit by the Council under the provisions of Article 20;
 - (f) the motorcycle business ePermit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article;
 - (g) the maximum number of permits issued to any one business address exceeds three sets of four permits under the provisions of Article 17(4).
- (4) Without prejudice to the foregoing provisions of this Article and the provisions of the next following paragraph, a motorcycle business ePermit shall cease to be valid at the expiration of the period specified in column 4 of Schedule 2 to this Order in relation to that motorcycle business ePermit, or on the occurrence of any one of the events set out in paragraph (3)(a), (b), (c), (d) or (e) of this Article, whichever is the earlier.
- (5) Where a motorcycle business ePermit is issued to any person upon receipt of a payment and the payment is subsequently dishonoured the motorcycle business ePermit shall cease to be of any effect and the Council shall by notice in writing served on the person to which such motorcycle business ePermit was issued by sending the same by the postal service to the motorcycle business ePermit holder at the address shown by that person on the application for the motorcycle business ePermit or at any other address believed to be that person's place of abode, require that person to surrender the motorcycle business ePermit to the Council within 48 hours of the receipt of the aforementioned notice.

Places) Consolidation Order 2014^k, in respect of those payment parking places which fall within the lengths of carriageway described in the Schedule 3 to this Order, shall be suspended.

- (b) the motorcycle parking place provided by The Barnet (Free Parking Places, Loading Places and Waiting, Loading and Stopping Restrictions) Consolidation Order 2014^l and falling within the lengths of carriageway described in the Schedule 4 to this Order, shall be revoked.

PART V

POWER TO MODIFY AND SUSPEND

23. 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 22nd June 2017



Jamie Blake
Commissioning Director - Environment

^k LBB 2014 No. 121

^l LBB 2014 No. 120

LONDON BOROUGH OF BARNET

**The Barnet (East Finchley) (Controlled Parking Zone) (Parking Places)
(Experimental) 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

Motorcycle Business Permit Places

(8am to 6.30pm Mondays to Saturdays)

In relation to the parking places referred to in the Schedule, the expression "permitted hours" means the period between 8am and 6.30pm Mondays to Saturdays inclusive, any such day not being Christmas Day, Good Friday, a Public Holiday or a Bank Holiday. Parking places in which a vehicle may be left during the permitted hours if a valid motorcycle business permit in respect of that vehicle is indicated on a hand held device or other approved electronic device.

No. of parking places 1	Designated Parking Places 2	Special manner of standing 3
1	High Road N2, south-west side, from a point 5 metres north-west of the south-eastern flank wall of No. 87 High Road N2 north-westwards for a distance 12.7 metres.	

Schedule 4

**Lengths of road where revocation of motorcycle parking place provided by
The Barnet (Free Parking Places, Loading Places and Waiting, Loading and
Stopping Restrictions) Consolidation Order 2014 applies**

	Length of road where motorcycle parking place is situated
1	High Road N2, south-west side, from a point 5 metres north-west of the south-eastern flank wall of No. 87 High Road N2 north-westwards for a distance 7.7 metres.