

# THE COUNCIL OF THE LONDON OF BARNET

## TRAFFIC MANAGEMENT ORDER

2016 No. 15

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### **The Barnet (Disabled Persons Parking Places) (Experimental) Traffic Order 2016**

Made: 9<sup>th</sup> June 2016

Coming into operation: 16<sup>th</sup> June 2016

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The Council of the London Borough of Barnet, after consulting the Commissioner of the Police of the Metropolis in exercise of the powers conferred by Section 6 and 124 and Part IV of Schedule 9 to the Road Traffic Act 1984<sup>a</sup>, and of all other enabling powers hereby make the following Order:

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<sup>a</sup> 1984 c.27

## Citation and Commencement

1. This Order shall come into operation on 16<sup>th</sup> June 2016 and may be cited as The Barnet (Disabled Persons Parking Places) (Experimental) Traffic Order 2016.

## Interpretation

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

“the Act of 1984” means the Road Traffic Regulation Act 1984<sup>a</sup>;

“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 provision 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 meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000<sup>b</sup>, and the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000<sup>c</sup>;

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

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<sup>a</sup> 1984 c. 27

<sup>b</sup> SI 2000/682

<sup>c</sup> SI 2000/683

“invalid carriage” has the same meaning respectively as in Section 136 of the Act of 1984;

“one-way street” means a street in which the driving of vehicles otherwise than in one direction is prohibited;

“owner” in relation to a vehicle, means a 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 parking 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;

“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;

“penalty charge notice” means a notice issued or served by a civil enforcement officer pursuant to the provisions of the Traffic Management Act 2004 in respect of a contravention of a provision of this Order;

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

“street” includes part of a street;

“telecommunication system” has the same meaning as in the Telecommunication Act 1984<sup>a</sup>.

- (2) 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.
- (3) 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.
- (4) 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 as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000<sup>b</sup>, and the Local

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<sup>a</sup> 1984 c.12

<sup>b</sup> SI 2000/682



Authorities' Traffic Orders (Exemption for Disabled Persons)  
(England) Regulations 2000<sup>a</sup>.

Designation of Parking Places

3. Each area on a street comprising the length of carriageway of a street specified in column 2 of any Schedule to this Order and, unless otherwise so specified, bounded on one side of that length by the edge of the carriageway and having a width throughout of no less than 1.8 metres is designated as a parking place.

Vehicles for which parking places are designated

4. Each parking place referred to the Schedules to this Order may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such disabled person's vehicles displaying in the relevant position a disabled person's badge.

Penalty charge at parking places

5. If a vehicle is left in a parking place without displaying in the relevant position a disabled persons badge a penalty charge shall be payable.

Alteration of the position of a vehicle in a parking place.

6. Where any vehicle is standing in a parking place in contravention of the provisions of Article 10, a civil enforcement officer 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 parking place

7. Where a civil enforcement officer is of the opinion that any of the provisions contained in Articles 4 or 11(4) have been contravened or not complied with in 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 a parking place in an emergency

8. A police constable, a traffic warden 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 in a parking place.

Restriction on the removal of disabled persons badge, tickets and notices

9. Where a disabled persons badge has been displayed on a vehicle in accordance with the provisions of Article 4, no person not being the

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<sup>a</sup> SI 2000/683

driver of the vehicle, shall remove the disabled persons badge from the vehicle unless authorised to do so by the driver of the vehicle.

#### Manner of standing in a parking place

10. The driver of a vehicle waiting in a parking place during the permitted hours in accordance with the foregoing provision of this Order shall cause it so to stand:
  - (a) in the case of a parking place in relation to which special provision as to the manner of standing of a vehicle in that parking place is specified in column 3 of any Schedule to this Order, in accordance with that provision;
  - (b) in the case of any other parking place –
    - (i) if the parking place is not in a one-way street, so that the left or near-side of the vehicle is adjacent to the left-hand edge of the carriageway;
    - (ii) so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres;
  - (c) so that every part of the vehicle is within the limits of a parking place; and
  - (d) so that no part of the vehicle obstructs any vehicular means of ingress to or egress to from any premises adjacent to the side of the road on which the vehicle is waiting.

#### Power to suspend the use of a parking place

11. (1) Any person duly authorised by the Council or the Commissioner of Police of the Metropolis may suspend the use during the permitted hours 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 parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place of any sewer or 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 the premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depository, another office or dwelling-house;
  - (d) on any occasion when 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 parking place at times of weddings or funerals.
- (2) A police constable in uniform may suspend for not more than twenty-four hours the use of a parking place 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 the suspension of the use of a parking place 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 that parking place or that part thereof, as the case may be, a traffic sign indicating that the waiting by vehicles is prohibited.
- (4) No person shall cause or permit any vehicle to wait in a parking place or any part thereof at any time during the permitted hours and during which there is displayed in or adjacent to that parking place or that part thereof, as the case may be, a traffic sign 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 Articles 13(1)(b), (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, a police constable in uniform or traffic warden.

#### Restriction on the use of a parking place

12. During the permitted hours no person shall use any parking place or any vehicle while it is in a parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with the selling or offering for sale of his skill 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:

- (a) if the vehicle is a passenger vehicle, goods carrying vehicle, a motor cycle or an invalid carriage and the goods are immediately delivering at or taken into premises adjacent to the vehicle from the vehicle from what the sale is effected; or
- (b) if the vehicle is one to which the provision of Article 13 (1) (h) or (i) apply.

Restriction on waiting by a vehicle in parking place

13. (1) Notwithstanding the foregoing provision of this Order, any vehicle may wait during the permitted hours in any part of parking 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 in uniform, a traffic warden or a traffic attendant may approve to enable a person to board or alight from vehicle or load thereon or unload therefrom his personal luggage.

Provided that if the said person is a person suffering from any disability or injury which seriously impairs his ability to walk, or who is blind the vehicle may wait for so 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;

- (b) 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;
- (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 circumstances it is reasonably necessary in the exercise of such powers or the performance of such duties for the vehicle to wait in the parking 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 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 parking place in which the vehicle is waiting or, having been so collected, are being loaded thereon;
  - (f) the vehicle not being a passenger vehicle is waiting only for so long as may be necessary to enable it to be used for purpose specified in Article 13 (1) (b);
  - (g) the vehicle is in actual use in connection with the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depository or other office or dwelling-house; or
  - (h) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for a period exceeding twenty minutes or for such longer period as a police constable in uniform, a traffic warden or a traffic attendant may approve;
  - (i) the vehicle is waiting otherwise than in a parking place 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 stationary vehicle on a pitch situated in the parking place.
- (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 a parking place during the permitted hours.

#### Manner of waiting in a parking place

14. No person shall cause or permit a vehicle to wait in a parking place by virtue of the provisions in paragraph 1(e), (f), (g), (h) or (i) of the last preceding article otherwise than:
- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are specified in column 3 of any schedule to this Order so that the vehicle shall stand:



- (i) unless the length of the vehicle precludes compliance with this sub-paragraph, in accordance with those provisions and so that every part of the vehicle is within the limits of the parking place;
  - (ii) if the length of the vehicle does preclude compliance with the last preceding sub-paragraph so that the longitudinal carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres; and
- (b) in the case of any other parking place so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres; and
- (c) so that 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 sub-paragraph, the expression “premises” shall not include any premises to or from which any furniture is being removed by virtue of the provisions of paragraph (1) (g) of the last preceding Article or to or from which goods are being delivered or collected by virtue of the provisions of paragraph (1) (h) of that Article.

#### Placement of traffic signs

15. The Council shall:

- (a) place and maintain traffic signs indicating the limits of each parking place and that each parking place may only be used by vehicles referred to in Article 4.
- (b) carry out such other work as is reasonably required for the purpose of the satisfactory operation of a parking place.

#### Modification of Traffic Management Order

- 16 Whilst this Order continues to be in force, any restrictions provided by The Barnet (Charged-for Parking Places) Consolidation Order 2014<sup>a</sup> and The Barnet (Free Parking Places, Loading Places and Waiting, Loading and Stopping Restrictions) Consolidation Order 2014<sup>b</sup>, and falling within the lengths of carriageway described in the Schedules to this Order, shall be temporarily revoked.

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

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

Power to modify or suspend

- 17 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 this 9<sup>th</sup> June 2016

A handwritten signature in black ink, appearing to be 'JB', written over the date line.

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



## **LONDON BOROUGH OF BARNET**

### **The Barnet (Parking Places) (Electric Vehicle Recharging Points) (Experimental) Traffic Order 2016**

### **The Barnet (Disabled Persons Parking Places) (Experimental) Traffic Order 2016**

#### **STATEMENT OF REASONS**

The general effect of the Electric Vehicle Recharging Points Order will be to, on an experimental basis, introduce four Electric Vehicle Parking Places on-street for the purpose of allowing electric vehicles registered with the nominated provider, to be connected to an adjacent recharging point for a maximum period of four hours, with no return to that Parking Place within a time period of another two hours.

The Electric Vehicle Parking Places will operate at all times and will be provided by converting three existing Charged-For Pay by Phone Parking spaces and a Disabled Parking Place as follows:

<b>Location</b>	<b>No. Electric Vehicle Parking Places</b>	<b>Conversion of Parking Places</b>
High Road N2 (outside Nos. 118 and 120)	2	1 no. Charged-for Pay by Phone 1 no. Disabled Persons' Parking Place
Finchley Road NW11 (outside No. 832)	2	2 no. Charged-for Pay by Phone

The general effect of the Disabled Persons Parking Places Order will be to provide, on an experimental basis, a disabled persons' parking place outside No. 122 High Road N2, to replace the disabled persons parking place outside No. 118 High Road which will be converted to an Electric Vehicle Parking Place.

The Disabled Parking Place will operate between the hours of 8am and 6.30pm, Mondays to Saturdays, and 12pm and 4pm on Sundays, and will allow a maximum stay of 30 minutes, and will provide a continued parking facility for disabled badge holders visiting East Finchley Town Centre.

## **LONDON BOROUGH OF BARNET**

### **The Barnet (Disabled Persons Parking Places) (Experimental) Traffic Order 2016**

#### **EXPLANATORY NOTE**

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

The above Order provides a disabled parking bay with certain conditions pertaining to its use in the London Borough of Barnet.



**LONDON BOROUGH OF BARNET**

**The Barnet (Disabled Persons Parking Places) (Experimental) Traffic Order  
2016**

**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 due to conflicting concerns, and in order allow the Council to monitor the effects of the measures.

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

## SCHEDULE

### DISABLED PERSONS PARKING PLACES

In relation to the parking place referred to in this schedule, the expression permitted hours' means between 8am and 6.30pm, Mondays to Saturdays inclusive, and between 12midday and 4pm on Sundays. Parking places in which a vehicle may be left during the permitted hours for a maximum stay of 30 minutes, if it displays a valid disabled person badge

Parking Place Reference 1	Designated Parking Place 2	Special Manner of Standing 3
1	High Road N2, north-east side, from a point 3.0 metres south-east of a point opposite the common boundary of Nos. 120 and 122 High Road, north-westwards for a distance of 5.5 metres.	