**Notice of Making**

**Borough of Torbay**

Road Traffic Regulation Act 1984, Section 14 (1) – Temporary Parking Restrictions (Brixham Road Diversion Route) Order 2022

Notice is hereby given that Torbay Council has made a temporary order under the provisions of Section 14 of the Road Traffic Regulation Act 1984, the effect of which will be to introduce temporary measures in the following specified lengths of road in Paignton, as follows:-

No Waiting At Any Time

Goodrington Road – Both sides from its junction with Dartmouth Road in a westerly direction for a distance of 150 metres.

The Order is considered necessary as part of a temporary diversion route whilst highway improvement works are carried out on Brixham Road, Paignton.

The proposed Order will come into force on 3rd January 2023 and will continue in force until for a period not exceeding 18 months, or until such time that the works are completed. It is anticipated that the works will take four months to complete.

Documents giving more detailed particulars of the order, which includes plans illustrating the lengths of road affected, may be inspected between 9:00am and 5:00pm each working day at the Torbay Council Connections Office, Paignton Library and Information Centre, Great Western Road, Paignton, TQ3 3HZ. The documentation may also be viewed online at the following web address: [www.torbay.gov.uk/proposedtros](http://www.torbay.gov.uk/proposedtros)

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| Date: 21st December 2022  Anne-Marie Bond  Chief Executive  Torbay Council  Town Hall, Castle Circus  TORQUAY    TQ1 3DR | A black and white sign  Description automatically generated with low confidence |

**Dated 14 December 2022**

BOROUGH OF TORBAY

Road Traffic Regulation Act 1984, Section 14 (1) – Temporary Parking Restrictions (Brixham Road Diversion Route) Order 2022

**Anne Marie-Bond**

**Chief Executive**

**Torbay Council**

**Town Hall**

**Torquay**

**TQ1 3DR.**

**Temporary On Street Order.**

BOROUGH OF TORBAY

Road Traffic Regulation Act 1984, Section 14 (1) – Temporary Parking Restriction (Brixham Road Diversion Route) Order 2022

1. The Council of the Borough of Torbay HEREBY GIVES NOTICE that: whilst highway improvement works are being carried out on Brixham Road, Paignton, between Windy Corner and its junction with Long Road, they have made an Order the effect of which will introduce temporary parking restrictions as part of a temporary diversion route along Goodrington Road, Paignton.
2. Whilst the works are occurring, no vehicles are permitted to wait at any time in the lengths of road specified in Schedules 1 of this Order. Authorised road markings will be placed out on street where the restrictions are to be enforced.

3. Save as provided in Articles 4 no person shall except upon the direction or with the permission of a police constable in uniform, a traffic warden or a parking attendant cause or permit any vehicle to -

(a) wait at any time in any length of road specified in Schedule 1;

4. Nothing in Article 3 shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of roads referred to in those Articles for a period of not more than 20 minutes in the same place to enable goods to be loaded on or unloaded from the vehicle.

5. Nothing in Article 3 shall render it unlawful to cause or permit any vehicle to wait in any of the lengths of road referred to in that Article for so long as may be necessary to enable-

(a) a person to board or alight from the vehicle;

(b) the vehicle if it cannot conveniently be used for such purpose in any other road to be used in connection with any of the following operations namely:-

(i) building, industrial or demolition operations;

(ii) the removal of any obstruction to traffic;

(iii) the maintenance, improvement or reconstruction of the said lengths of road; or

(iv) the laying, erection, alteration or repair in or in land adjacent to the said lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications network within the meaning of the Communications Act 2003;

(c) the vehicle if it cannot conveniently be used for such purposes in any other road to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;

(d) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of road;

(e) the vehicle to be used for fire, ambulance or police purposes;

(g) any vehicle belonging to the Post Office and other companies engaged for the purpose of collecting or delivering postal packets, cash or valuable securities to banks, building society, post offices or post boxes and business premises;

(h) in any case where the person in control of the vehicle –

1. is required by law to stop;
2. is obliged to stop so as to prevent any accident; or
3. is prevented from proceeding by circumstances beyond their control.

(2) Nothing in Article 3 shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person’s badge and a parking disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait in any length of road referred to in the said Articles for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road on the same day).

6. The Order will come into effect on Tuesday 3rd January 2023 and may be cited as” Borough Of Torbay, Temporary Parking Restrictions (Brixham Road Diversion Route) Order 2022”, and will continue in force for a period not exceeding eighteen months, or until such time that the works are completed, whichever is sooner.

7. The prohibitions or restrictions specified in this Order will apply only during such times and to such extent as indicated by traffic signs prescribed by the Traffic Signs Regulations and General Directions 2016.

8. If a vehicle is left or parked without complying with the provisions of this Order, then a contravention shall be deemed to have occurred and a penalty charge shall be payable. A penalty charge notice showing the information required by the Traffic Management Act 2004 may then be issued by a civil enforcement officer in accordance with the requirements of that Act.

9. When 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 or a person duly authorised by the Council shall remove the notice from the vehicle.

10. (1) The penalty charge shall be paid to the Council in accordance with the instructions indicated on the penalty charge notice, either –

(a) by cheque or postal order, which shall be delivered or sent by post to the address indicated in the penalty charge notice; or

(b) by any other accepted means which is agreed by the Council or authorised agent and the person or persons paying the penalty charge.

(2) The penalty charge must be paid to the Council before the end of twenty-eight days beginning with the date of the penalty charge notice.

(3) If the penalty charge is paid to the Council before the end of a period of fourteen days beginning with the date of the penalty charge notice, the amount of the penalty charge shall be reduced in accordance with the provisions of the Traffic Management Act 2004.

(4) For the purposes of this Article the penalty charge shall be taken to be paid when it is received at the office at the address indicated on the penalty charge notice and if the end of the period of twenty-eight days specified in paragraph (2) of this Article or the end of the period of fourteen days specified in paragraph (3) of this Article falls upon a day on which the said office is closed, the period within which payment of the penalty charge shall be made shall be extended until the time at which the said office closes on the next full day on which that office is open.

Suspension of Parking Places.

11. (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever he/she considers such suspension reasonably necessary:-

1. for the purpose of facilitating the movement of traffic or promoting its safety;
2. for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line, traffic sign or parking meter;

(c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from the premises to another or the delivery of furniture to the adjacent premises from another;

(d) on any occasion on which it is likely to by reason of some special attraction or sporting event that any street will be thronged or obstructed; or

(e) for the convenience of occupiers of the premises adjacent to the parking place at times of weddings or funerals, or on other special or commemorative occasions.

(2) A Police Constable in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he/she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

* + - 1. (3) At the discretion of the Chief Officer of Police a parking place or any part thereof shall be suspended whenever he/she considers such suspension reasonably necessary to enable the police to discharge their duties.
      2. (4) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraphs (1) or (2) above shall thereupon place or cause to be placed in or adjacent to that part or those parts a traffic sign or signs indicating that waiting is prohibited.
    1. (5) No person shall cause or permit a vehicle to be left in any part of a parking place during such period that there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of paragraph 4 above provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any other vehicle duly authorised or directed by a police constable in uniform, a civil enforcement officer or by any person duly authorised by the Council.

Authority To Move & Remove Vehicles In Parking Places.

12. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 3 – 5 and 11 of this order, a civil enforcement officer or other person authorised in that behalf by the Council, or a police constable in uniform, may remove the vehicle or arrange for it to be removed from the parking place, Provided that when a vehicle is waiting in the parking place in contravention of the provisions of Articles 3 – 5 and 11 of this order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

13. Any person removing a vehicle or altering its position by virtue of the last preceding Article of this order may do so by towing or driving the vehicle or in such other manner as he/she may think necessary and may take such measures in relation to the vehicle as he/she may think necessary to enable him/her to remove or alter its position, as the case may be.

14. Any person duly authorised by the Council, or police constable in uniform may move or cause to be moved, in case of emergency, to any place he/she thinks fit, any vehicle left in a parking place.

15. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Articles 11 and 14 of this order, he/she shall make such arrangements as may be necessary for the safe custody of the vehicle.

A picture containing diagram

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**Schedule 1: No Waiting At Any Time**

Goodrington Road

Both sides from its junction with Dartmouth Road in a westerly direction for a distance of 150 metres.

Diagram, engineering drawing

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