**Notice of Making**

**Borough of Torbay**

Road Traffic Regulation Act 1984, Section 14 (1) – Temporary Parking Restrictions (The Strand: Harbour Public Realm) Order 2023

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 is to introduce temporary measures in the following specified roads in Torquay, as follows:-

No stopping at any time except for local buses – Torwood Street.

Taxi stand no stopping at any time except for taxis – Vaughan Road.

The Order is considered necessary to provide suitable locations for a temporary bus stop and taxi rank whilst works are ongoing for The Strand Harbour Public Realm.

The Order will come into force on 21st December 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 be completed by September 2024

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

|  |  |
| --- | --- |
| Date: 20th December 2023Anne-Marie BondChief ExecutiveTorbay CouncilTown Hall, Castle CircusTORQUAY TQ1 3DR | A black text on a white background  Description automatically generated |

**Dated** 14 December  **2023**

BOROUGH OF TORBAY

Road Traffic Regulation Act 1984, Section 14 (1) – Temporary Parking Restrictions (The Strand: Harbour Public Realm) Order 2023

**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 (The Strand: Harbour Public Realm) Order 2023

1. The Council of the Borough of Torbay HEREBY GIVES NOTICE that: due to the Strand being reduced to a single carriageway in both directions during the Strand Harbour Public Realm project works, the bus stops on the northern side of the road will not be accessible for the duration of the works, and the taxi rank on Cary Parade will also need to be relocated. As such they have made an Order, the effect of which will be to revoke a small section of parking bay on Torwood Street and to replace it with a temporary bus stop, and to also provide a temporary taxi rank on Vaughan Road.

2. (1) In this Order the following expressions have the meanings hereby respectively assigned to them:-

“bus” and “buses” have the same meaning as given in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

"civil enforcement officer" means a person in uniform authorised by or on behalf of the Council to enforce the provisions of this Order;

"disabled person's badge" has the same meaning as in Regulation 3(1) of the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000 and “relevant position” has the same meaning as in Regulation 4 of those Regulations;

"driver" in relation to a vehicle waiting in a length of road specified in a Schedule to this Order means the person driving the vehicle at the time it was left in that length of road;

“local bus” means a public service vehicle used for the provision of a local service not being an excursion or tour;

“local service” has the meaning given in section 2 of the Transport Act 1985;

"parking disc" means a disc which has been issued by a local authority and has not ceased to be valid, is 125mm square and coloured blue and is capable of showing the quarter hour period during which a period of waiting has begun;

“parking place” means any area of a length of road referred to in Article 5 provided for the leaving of a vehicle or vehicles and “parking space” means any individual area within a parking place provided for the leaving of one vehicle only, and which is either -

 (a) bounded on one side or more than one side by the edge of the carriageway of that length of road and on the other side or sides by a traffic sign indicating the limits of the area of carriageway within which a vehicle may be parked; or

 (b) bounded on all sides by a traffic sign indicating the limits of the area of carriageway or the area of footway or the area of both footway and carriageway, as the case may be, within which a vehicle may be parked,

and the boundaries referred to in paragraphs (a) and (b) above shall be taken to be the limits of a parking place or the limits of a parking space, as the case may be, for the purposes of Article 8;

“penalty charge” means the charge set under the provisions of the Traffic Management Act 2004, with the approval of the Secretary of State for Transport, which is to be paid to the Council following the issue of a penalty charge notice;

“penalty charge notice” means a notice issued or served by a parking attendant pursuant to the provisions of the Traffic Management Act 2004;

"postal packet" has the same meaning as in the Postal Services Act 2000;

“road” means the carriageway and any footway, pavement, verge or grass verge comprising a road;

“taxi” has the same meaning as in the Traffic Signs Regulations and General Directions 2016;

"taxi rank" has the same meaning as in the Traffic Signs Regulations and General Directions 2016 comprising an area of carriageway within and indicated by a traffic sign complying with Schedule 7 of those Regulations;

“traffic sign” means a traffic sign of the size, colour or type prescribed or authorised under section 64 of the Road Traffic Regulation Act 1984, including any line or marking on a road;

“vehicle” includes any part of a vehicle.

3. Without prejudice to the validity of anything done before or to any liability incurred before the coming into force of this Order, the Orders specified in Schedule 1 are hereby temporarily revoked whist this temporary Order is in effect.

4. Save as provided in Article 6 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 -

1. be loaded or unloaded at any time in any length of road specified in Schedule 2;

5. Save as provided in Articles 7 and 8 no person shall except upon the direction or with the permission of a police constable in uniform, a traffic warden or a civil enforcement officer cause or permit any vehicle to -

1. other than a local bus only, to stop at any time in any length of road specified in Schedule 3;
2. other than a taxi waiting, to stop at any time in a taxi stand in any length of road specified in Schedule 4;

6. Nothing in Article 4 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.

7. Nothing in Article 5 shall render it unlawful for a person to cause or permit a vehicle to wait in bus bay specified in Schedule 3, or a taxi rank or stand specified in Schedule 4:

(a) if the vehicle is being used for the removal of any obstruction to traffic; or

(b) if the vehicle is being used in the service of a local authority or a water authority in exercise of statutory powers or duties and whilst being so used in such service it is necessary for the vehicle to wait in that length of road;

(c) if the vehicle is being used for police, fire or ambulance purposes; or

(d) in any case where the person in control of the vehicle -

(i) is required by law to stop;

(ii) is obliged to stop so as to prevent any accident; or

1. is prevented from proceeding by circumstances beyond their control.
2. any vehicle being used by dignitaries in pursuance of ceremonial duties on behalf of the local authority.

8. The driver of a vehicle waiting in a parking place during the prescribed hours shall cause it so to stand:

(a) so that every part of the vehicle is wholly within the limits of the parking place or the authorised loading bay, as the case may be, or where the parking place is comprised of parking spaces, wholly within the limits of a parking space;

1. 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.
2. 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 30 centimetres.

9. The Order will come into effect on 21st December 2023 and may be cited as” Borough Of Torbay, Temporary Parking Restrictions (The Strand: Harbour Public Realm) Order 2023”, and will continue in force for a period not exceeding eighteen months, or until such time that the works are completed, whichever is sooner.

10. 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.

11. 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.

12. When a notice has been attached to a vehicle in accordance with the provisions of Article 11 no person not being the driver of the vehicle or a person duly authorised by the Council shall remove the notice from the vehicle.

13. (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.

14. (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.

15. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 4 – 8 and 14 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 4 – 8 and 14 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.

16. 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.

17. 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.

18. 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 14 and 17 of this order, he/she shall make such arrangements as may be necessary for the safe custody of the vehicle.

Dated this 14th. December 2023.

THE COMMON SEAL of ]

THE COUNCIL OF THE ]

BOROUGH OF TORBAY ]

Was hereunto affixed in ]

The presence of:- ]



Proper Officer & Authorised

Signatory.

S./No.: 9200

**Schedule 1: Orders revoked whilst this Temporary Order is in effect**

**Borough of Torbay (Various Streets, Torquay) (Control of Waiting, Loading and Unloading and Prohibition of Driving) Order 2020 –**

Schedule 5.0 No Loading At Any Time

Vaughan Road

(i) The north-east side for its whole length including the turning area at Palk Street.

Schedule 13.0 Taxi stand no stopping at any time except for taxis

Cary Parade

The south east side from a point 70 metres north east of the centre of the roundabout at its junction with Vaughan Road and Torbay Road south west for a distance of 44 metres.

**Borough of Torbay (Various Streets, Torquay) (Control of Waiting, Loaidng and Unloading) Amendment Order No.7 2021 –**

Schedule 4: Loading Only, Midnight to 11am

Torwood Street

The north side from a point 57 metres west of its junction with The Terrace in a westerly direction for a distance of 15 metres.

**Brough of Torbay (Street Parking Places {Pay and Display}) Amendment Order No3 2021 –**

Schedule 2: Pay & Display Parking 11am to 6pm

Torwood Street

The north side from a point 57 metres west of its junction with The Terrace in a westerly direction for a distance of 15 metres.

**Schedule 2: No Loading At Any Time**

Vaughan Road

i) the north-east side from its junction with Cary Parade in a south-easterly direction for a distance of 23 metres.

ii) the north-east side from a point 42.35 metres south-east of its junction with Cary Parade in a south-easterly direction to its junction with Vaughan Parade.

**Schedule 3: No Stopping At Any Time Except Local Buses**

Torwood Street

The north side from a point 57 metres west of its junction with The Terrace in a westerly direction for a distance of 15 metres.

**Schedule 4: Taxi Stand No Stopping At Any Time Except For Taxis**

Vaughan Road

The north-east side from a point 23 metres south-east of its junction with Cary Parade in a south-easterly direction for a distance of 19.35 metres.



