

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

DENTON ROAD, ILKLEY

EXPERIMENTAL TRAFFIC REGULATION ORDER (WAITING, LOADING AND PARKING) 2021

The City of Bradford Metropolitan District Council in exercise of its powers under Sections 1, 2, 4, 32, 35, 45, 46, 47, 49 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 hereinafter referred to as "the Act of 1984" and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 and Part 6 of the Traffic Management Act 2004 "the Act of 2004" and with those persons and organisations specified in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 hereby makes the following Order:

COMMENCEMENT AND CITATION

This Order shall come into operation on the 19th day of July 2021 for a period not exceeding 18 months and may be cited as the "City of Bradford Metropolitan District Council Denton Road, Ilkley Experimental Traffic Regulation Order (Waiting, Loading and Parking) 2021".

In an attempt to address road safety issues and congestion caused by indiscriminate and long stay parking on Denton Road, Ilkley the Council is looking to introduce an experimental traffic regulation to implement waiting and parking restrictions along with a prohibition of trading, to ease the problems. The Experimental Order will be implemented for a maximum of eighteen (18) months during which time its effects will be monitored by the Council before a decision is taken to give the order Permanent effect, be varied or modified in some way (if not already varied, modified or cancelled) or allowed to lapse.

SUSPENSION OF EXISTING ORDER

In the event that any provisions of this Experimental Traffic Order should be inconsistent with any provisions of any previous order then those provisions shall be suspended for the duration of this Experimental Traffic Order.

PART I – PRELIMINARY

1. Definitions

In the following provisions of this Order:

"The 2000 Regulations" means the Disabled Persons (Badges for Motor Vehicles) Regulations 2000;

"The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002;

"Ambulance" means a vehicle which is constructed or adapted for, and used for no purpose other than, the carriage of sick, injured or disabled people and is readily identifiable as a vehicle used for the carriage of such people by being marked with the word "Ambulance";

"Bus" has the same meanings as in the 2002 Regulations;

"Business" means in relation to a parking place any person whose usual residence is at premises the postal address of which is defined in column 3 of Schedule 2 to this Order, and for which a business permit is defined as an allowed permit in column 4 of that schedule;

"Business parking permit" means a permit issued in accordance with the provisions of Article 18 (3) of this Order;

"Carriageway" has the same meaning as in section 329(1) of the Highways Act 1980;

"Charging hours" in relation to a parking place means the period specified in the label in Schedule 1 of this order, unless such a day falls on Christmas Day, Good Friday or other Public Holiday;

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council to supervise the restrictions and prohibitions imposed by this Order;

"Clearway" means that area of carriageway indicated by the relevant diagram to the 2002 Regulations;

"Coach" means a large bus with a maximum gross weight of more than 7.5 tonnes and with a maximum speed exceeding 60 mph;

"Council" means the City of Bradford Metropolitan District Council;

"Disabled person's badge" has the same meaning as in the 2000 Regulations as amended;

"Disabled persons vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 as amended;

"Doctor" means in relation to a parking place any doctor whose usual surgery is at a premises the postal address of which is defined in column 3 of Schedule 2 to this Order, and for which a doctors parking permit is defined as an allowed permit in column 4 of that schedule;

"Doctors parking permit" means a permit issued in accordance with the provisions of Article 18(5) of this Order;

"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;

"Duly authorised person" for the purposes of the supervision and enforcement of the provisions of this Order means a police officer in uniform or a civil enforcement officer or any other person acting on behalf of the Council;

"Event Days" means a day or night when an Event is taking place

"Event Times" means the time during which an Event is taking place

"Goods" includes postal packets of any description and cash over five kilograms in weight or one thousand pounds value; and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"Goods vehicle" means a motor vehicle not exceeding 7.5 tonnes (7,500 kg) gross vehicle weight

which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

"Match Days" means a day or night when a match is taking place

"Match Times" means the time during which a match is taking place

"Hackney carriage" has the same meaning as in Section 38(1) of the Vehicle Excise and Registration Act 1994;

"Heavy commercial vehicle" means any goods vehicle which has a gross plated weight exceeding 7.5 tonnes and is further defined in Section 138 of the Act of 1984;

"Invalid carriage" has the same meaning as in Section 136 of the Act of 1984;

"Label" means the text information associated with a part of a carriageway in Schedule 1;

"Legend" means the area in Schedule 1 that details the shading types used to represent restrictions to this Order;

"Limited Waiting" means the maximum time a vehicle may stay in a limited waiting bay, place or zone;

"Loading bay" means that area of carriageway indicated by the relevant diagram to the 2002 Regulations;

"Loading restriction" means that area of carriageway indicated by the relevant diagram to the 2002 Regulations;

"Motor cycle" has the same meanings as in Section 136 of the Act of 1984;

"No return within" means the minimum time a vehicle may not return to a parking bay, place or Zone once it has left;

"Owner" in relation to a vehicle, means the person by whom such a vehicle is kept and used;

"Parking charge" means the charge for parking in a parking place;

"Parking dispensation" means a dispensation issued under the provisions of Article 29;

"Parking place" means the part of road authorised by this Order to be used as a parking place of a type as defined in the legend to Schedule 1 to this order and includes all similar parking bays on any given street;

"Parking ticket" means a ticket dispensed by a ticket machine, a pre-purchased contract or purchased by phone on the payment of the parking charge;

"Passenger vehicle" means a motor vehicle constructed or adapted solely for the carriage of not more

than eight passengers (exclusive of the driver) and their effects and not drawing a trailer;

"Pedal cycle" has the same meaning as in Regulation 4 of the 2002 Regulations;

"Penalty charge" has the same meaning as in Section 92 of the Act of 2004;

"Penalty charge notice" means a notice issued or served by a civil enforcement officer pursuant to the provisions of Sections 72 and 92 of the Act of 2004;

"Permit" without more means a parking permit issued under the provisions of Article 18 of this Order;

"Permit holder" without more means a person to whom a parking permit has been issued under the provisions of Article 18 of this Order;

"Permitted hours" in relation to a parking place means the period specified in the label in Schedule 1 of this order for the type of parking place defined unless such hours are at any time;

"Police vehicle" has the same meaning as in Section 1 of the 2002 Regulations;

"Prescribed hours" in relation to a restriction means the period specified in the label in Schedule 1 of this order unless such hours are at any time;

"Provision of a universal postal service", "universal service provider" and "postal packet" have the same meanings as in the Postal Services Act 2000;

"Public holiday" means Christmas Day, Good Friday or any day which is a bank holiday in England under The Banking and Financial Dealings Act 1971;

"Qualifying vehicle" means for the purposes of authorisation to use a parking place a passenger vehicle, a goods vehicle, an invalid carriage or a motor cycle;

"Resident" means in relation to a parking place any person whose usual residence is at premises the postal address of which is defined in column 3 of Schedule 2 to this Order, and for which a resident permit is defined as an allowed permit in column 4 of that schedule;

"Residents parking permit" means a permit issued in accordance with the provisions of Article 18 (1) of this Order;

"Road" has the same meaning as in the Act of 1984;

"Road marking" has the same meaning assigned to it in Regulation 25 of the 2002 Regulations;

"Schedule" means a schedule to this Order;

"School entrance marking" means the part of the carriageway indicated by the relevant diagram to the 2002 Regulations;

"Solo motorcycle" has the same meaning as in the 2002 Regulations;

"Special parking permit" means a permit issued in accordance with the provisions of Article 18(4) of this Order;

"Taxi" has the same meanings as in the 2002 Regulations;

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

"Ticket machine" means an apparatus or device of a type approved in accordance with Section 35(3) of the Act of 1984;

"Traffic sign" means a sign of any size colour and type prescribed or authorised under or having effect as though prescribed or authorised under Section 64 of the Act of 1984;

"Visitors parking permit" means a permit issued in accordance with the provisions of Article 18(2) of this Order;

"Waiting restriction" means that area of carriageway indicated by the relevant diagram to the 2002 Regulations.

PART II - WAITING AND LOADING RESTRICTIONS

Section 1 – Restrictions

2. Designation of waiting and loading restrictions

Any length of road defined in Schedule 1 by the legend to Schedule 1 as a waiting restriction, loading restriction, clearway, school entrance marking or a loading bay is hereby designated as awaiting restriction, loading restriction, clearway, school entrance marking or a loading bay.

3. Waiting

Save as provided in Articles 35 and 36 of this Order, no person shall, except upon the direction of or with the permission of a police officer in uniform or a civil enforcement officer, cause or permit any vehicle to wait on any length of road in Schedule 1 defined by the legend to Schedule 1 as either no waiting at any time or no waiting times apply during the prescribed hours.

4. Loading

Save as provided in Article 35 of this Order, no person shall, except upon the direction of or with the permission of a police officer in uniform or a civil enforcement officer, cause or permit any vehicle to stop on the length of road in Schedule 1 defined by the legend to Schedule 1 as no loading at any time or no loading times apply during the prescribed hours.

5. Clearways

Save as provided in Article 35 of this Order, no person shall, except upon the direction of or with the permission of a police officer in uniform or a civil enforcement officer, cause or permit any vehicle to stop on the length of road in Schedule 1 defined by the legend to Schedule 1 as a clearway at any time.

6. School Entrance Markings

Save as provided in Article 35 of this Order, no person shall, except upon the direction of or with the permission of a police officer in uniform or a civil enforcement officer, cause or permit any vehicle to stop on the length of road in Schedule 1 defined by the legend to Schedule 1 as a school entrance marking during the prescribed hours.

7. Loading Bays

Save as provided in Article 35 of this Order, no person shall, except upon the direction of or with the permission of a police officer in uniform or a civil enforcement officer, cause or permit any vehicle to wait on the length of road in Schedule 1 defined by the legend to Schedule 1 as a loading bay during the permitted hours except for a goods vehicle or heavy commercial vehicle whilst goods are being

continuously loaded or unloaded from the vehicle or are being delivered or collected from premises adjacent to the vehicle.

Section 2 - Use of a Loading Bay

8. Manner of standing in a loading bay.

The driver of a vehicle stopping in a loading bay in accordance with the foregoing provisions of this Order shall cause it so to stand that every part of the vehicle is within the limits of a loading bay.

Section 3 – Waivers

9. Application for and issue of a yellow line waiver

(1) A person who intends to use a vehicle:

(a) For the purposes of loading or unloading of any vehicle while the vehicle is in actual use in any street in connection with the removal of furniture to or from one office, dwelling house or depository adjacent to that street from or to another office, dwelling-house or depository;
or

(b) For the purposes of loading or unloading of any vehicle while the vehicle is in actual use in any 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 unloaded outside the prescribed hours or within the time (if any) allowed in relation to that street; or

(c) In connection with any building operation, demolition or excavation in or adjacent to any such 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, or other operations or works to premises or land adjacent to a waiting or loading restriction, or their agent or the person commissioning the works, may apply to the Council for the issue of a yellow line waiver which may be valid for use with one of that person's vehicles 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 yellow line waiver to produce to an officer of the Council such evidence in respect of an application for a yellow line waiver made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any yellow line waiver issued by them as they may reasonably call for to verify that the yellow line waiver is valid. Upon receipt of an application duly made under the foregoing provisions of this Article and upon receipt of the charge specified in paragraph (3) of this Article, the Council upon being satisfied that in all the circumstances it is reasonably necessary for the vehicle to wait on a waiting or loading restriction, shall issue to the applicant therefore one yellow line waiver valid during the prescribed hours.

(3) The charge referred to in paragraph (3) of this Article shall be in respect of each yellow line waiver and shall be as specified in Article 5 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009. A yellow line waiver shall be valid on any restriction as may be specified on the yellow line waiver.

10. Surrender, withdrawal and validity of a yellow line waiver

(1) A yellow line waiver holder may surrender a waiver to the Council at any time and shall surrender a waiver to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article or in accordance with the provision of paragraph (4) of this Article.

(2) The Council may, by notice in writing served on the yellow line waiver holder by sending the same by the recorded delivery service to the yellow line waiver holder at the address shown on the application for the yellow line waiver, withdraw a yellow line waiver if it appears to the Council that any of the events set out in paragraph (3)(a) or (3)(c) of this Article have occurred and the yellow line

waiver holder shall surrender the yellow line waiver 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 yellow line waiver holder ceasing to be the user of the vehicle in respect of which the yellow line waiver was issued;(b) The withdrawal of such a yellow line waiver by the Council under the provisions of paragraph (2) of this Article;

(c) The yellow line waiver ceasing to be valid pursuant to the provisions of paragraph (4) of this Article. Without prejudice to the foregoing provisions of this Article, a yellow line waiver shall cease to be valid at the expiration of the period specified thereon, or on the occurrence of any one of the events set out in paragraph (3)(a), (3)(b) or (3)(c) of this Article, whichever is the earlier.

(4) Where a yellow line waiver is issued to any person upon receipt of a cheque, or payment made by a credit or debit card, and the cheque or payment by credit or debit card is subsequently dishonoured, the waiver shall cease to be of any effect and the Council shall, by notice served on the person to whom such waiver was issued, by sending the same by the recorded delivery service to him at the address shown by that person on the application for the yellow line waiver, or at any other address believed to be that person's place of abode, require that person to surrender the yellow line waiver to the Council within 48 hours of the receipt of the aforementioned notice.

11. Restriction on the removal of a yellow line waiver

Where a yellow line waiver has been displayed on the front or nearside of the vehicle so that all the particulars on that waiver are readily visible from the front or nearside of that vehicle, no person not being the driver of the vehicle shall remove the yellow line waiver unless authorised to do so by the driver of the vehicle.

12. Form of yellow line waiver

A yellow line waiver shall be in writing and shall include the following particulars:

(a) The registration mark of the vehicle in respect of which the yellow line waiver has been issued;

(b) The period during which, subject to the provisions of Article 10(4), the yellow line waiver is valid;

(c) An indication that the yellow line waiver has been issued by the Council;

(d) An indication of the street or part of street within which the yellow line waiver is valid;

(e) The reason for which the vehicle is necessary; and f)

Any other conditions of use that the Council may impose.

PART III - PARKING PLACES

Section 1 – Designation

13. Designation of parking places

Any length of road defined in Schedule 1 by the legend to Schedule 1 as a parking place is hereby designated as a parking place.

14. Vehicles for which parking places are designated

(1) Each parking place may be used, subject to the provisions of this Order, for the leaving during the permitted hours of:

(a) In the case of a parking place defined in the legend to Schedule 1 as residents, permit, pay and display, doctors, disabled persons or limited waiting such vehicles as are passenger vehicles, goods vehicles, motor cycles or invalid carriages;

(b) In the case of a parking place defined in the legend to Schedule 1 as police, a police vehicle.

(c) In the case of a parking place defined in the legend to Schedule 1 as a taxi rank, a taxi;

(d) In the case of a parking place defined in the legend to Schedule 1 as bus, a bus;

(e) In the case of a parking place defined in the legend to Schedule 1 as coach, a coach;

(f) In the case of a parking place defined in the legend to Schedule 1 as ambulance, an ambulance; and

(g) In the case of a parking place defined in the legend to Schedule 1 as motorcycle, a solo motorcycle.

(2) Provided that the use of that parking place or part of the parking place in which the vehicle is left has not been suspended.

15. Tickets, permits and vouchers, to be displayed on vehicles left in certain parking places

(1) Residents Parking Places

At all times during which a vehicle is left in a residents parking place during the permitted hours, there shall be displayed in a conspicuous manner on the said vehicle a valid residents parking permit, a valid business parking permit, a valid special parking permit, a valid visitors parking permit or a valid parking dispensation issued in accordance with the provisions of this Order so that all the particulars referred to in Articles 18 and 29 of this Order are readily visible from the front or near side of the vehicle.

(2) Permit Holder Parking Places

At all times during which a vehicle is left in a permit holder parking place during the permitted hours, there shall be displayed in a conspicuous manner on the said vehicle a valid residents parking permit, a valid business parking permit, a valid special parking permit, a valid visitors parking permit or a valid parking dispensation issued in accordance with the provisions of this Order so that all the particulars referred to in Articles 18 and 29 of this Order are readily visible from the front or near side of the vehicle.

(3) Limited Waiting Parking Places

At all times during which a vehicle is left in a limited waiting parking place during the permitted hours and for more than the maximum permitted stay, there shall be displayed in a conspicuous manner on the said vehicle a valid residents parking permit, a valid special parking permit, a valid visitors parking permit, a valid business parking permit or a valid parking dispensation issued in accordance with the provisions of this Order so that all the particulars referred to in Articles 18 and 29 of this Order are readily visible from the front or near side of the vehicle.

(4) Pay and Display Parking Places

At all times during which a vehicle is left in a pay and display parking place during the permitted hours, there shall be displayed in a conspicuous manner on the said vehicle a valid ticket or a valid parking dispensation issued in accordance with the provisions of this Order so that all the particulars referred to in Articles 25 and 29 of this Order are readily visible from the front or near side of the vehicle.

(5) Disabled Person's Parking Places

At all times during which a vehicle is left in a disabled person's parking place, there shall be displayed in a conspicuous manner on the said vehicle a valid disabled person's badge issued in accordance with the 2000 Regulations so that all the particulars are readily visible from the front or nearside of that vehicle.

(6) Doctors Parking Places

At all times during which a vehicle is left in a doctors parking place there shall be displayed in a conspicuous manner on the said vehicle a valid doctors parking permit issued in accordance with the provisions of this Order so that all the particulars referred to in Article 18 of this Order are readily visible from the front or nearside of that vehicle.

Section 2 - Use of a Parking Place

16. Manner of standing and waiting in a parking place

Every vehicle using a parking place shall stand:

(1) so that every part of the vehicle is within the limits of the parking place.

(2) For a Controlled Zone so:

(a) It is parked in a position in a single line with the whole nearside or offside of the vehicle adjacent to the kerb;

(b) Every part of the vehicle is on the carriageway;

(c) The distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50 centimetres; and

(d) No part of the vehicle remains at rest on a road in such a position or in such condition or in such circumstances as to be likely to obstruct free passage along a road or cause danger to other persons using the road.

17. Restriction on the use of a parking place

No person shall use a vehicle while it is in the parking place in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or the skills or services of any other person.

Section 3 – Permits

18. Application for and issue of permits

(1) Residents Parking Permits

Any resident who is the owner of a vehicle of the class specified in Article 14(1)(a) may apply to the Council for the issue of a residents parking permit to facilitate the leaving of that vehicle in the parking place.

(2) Visitors Parking Permits

Any resident may apply to the Council for the issue of a visitors parking permit (which will be limited to one such permit per household) to facilitate the leaving of a vehicle of the class specified in Article 14(1)(a) in a parking place by a bona fide visitor to premises occupied by such resident.

(3) Business Parking Permits

Any occupant of business premises in a street in which a parking place is situated may apply to the Council for the issue of a business parking permit to facilitate the leaving of a vehicle of the class specified in Article 14(1)(a) in a parking place provided that such vehicle is being used for purposes connected with the operation of that business and any such permit shall be issued at the absolute discretion of the Council.

(4) Special Parking Permits

Any owner of a vehicle may apply to the Council for the issue of a special parking permit to facilitate the leaving of a vehicle of the class specified in Article 14(1)(a) in a parking place and any such permit shall be issued at the absolute discretion of the Council.

(5) Doctors Parking Permits

Any Doctor who is the owner of a vehicle of the class specified Article 14(1)(a) may apply to the Council for the issue of a permit for the leaving of that vehicle in the parking place 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.

(a) All applications made in accordance with the provisions of paragraphs (1), (2), (3), (4) or (5) of this Article shall be made on a form issued by and obtainable from the Council and shall include the particulars information and evidence required by such form.

(b) The Council may at any time require a permit holder or applicant for a permit to produce to an Officer of the Council such evidence in respect of an application for a permit or duplicate permit as it may reasonably require so as to verify any particulars or information given by

the applicant.

(c) On receipt of an application made under the foregoing provisions of this Article and upon being satisfied that the applicant is:

- (i) A resident (and where appropriate is the owner of a qualifying vehicle); or
- (ii) The occupant of business premises in a street in which the parking place is situated; or
- (iii) A doctor.

the Council may issue to the applicant a parking permit of the requisite type to facilitate the leaving of a qualifying vehicle in the parking place by the owner (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), provided that the issue of a parking permit shall not be construed as if any parking space in the parking place was reserved solely for the use of the permit holder.

(d) The annual charge of a parking permit is:

- (i) For a residents parking permit is as specified in Article 7 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009;
- (ii) For a visitors parking permit is as specified in Article 10 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009;
- (iii) For a business parking permit is as specified in Article 13 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009;
- (iv) For a special parking permit is as specified in Article 16 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009; and
- (v) For a doctors parking permit is as specified in Article 19 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009.

19. Refund of charge paid in respect of permits

A permit holder who surrenders a permit to the Council when it is no longer required shall be entitled to a refund of part of the charge paid in respect thereof:

- (i) For a residents parking permit is as specified in Article 9 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009;
- (ii) For a visitors parking permit is as specified in Article 12 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009;
- (iii) For a business parking permit is as specified in Article 15 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009; and
- (iv) For a special parking permit is as specified in Article 18 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009.

In respect to each complete day specified thereon which remains unexpired at the time when the permit is surrendered to the Council.

20. Surrender, withdrawal and validity of permits

(1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the following events:

- (a) In the case of a residents, visitors or business permit holder, the permit holder ceasing to be a resident or occupant of business premises;
- (b) In the case of a business permit holder, the permit holder or occupant of business premises ceasing to be the owner of the vehicle in respect of which the permit was issued;
- (c) The withdrawal of such permit by the Council under the provisions of paragraph (2) of this Article;
- (d) The vehicle in respect of which such permit was issued being adapted or used in such a manner that it is no longer a vehicle of the class specified in Article 14(1)(a).

(2) The Council may by notice in writing served on the permit holder by sending the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode

withdraw a permit entirely at its own discretion and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice. A permit shall cease to be valid on the occurrence of any one of the events set out in paragraph (1)(a), (b), (c) or(d) of this Article.

21. Application for and issue of duplicate permits

(1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise the permit holder shall surrender it to the Council and the Council upon receipt of the permit shall issue a duplicate permit so marked.

(2) If a permit is lost or destroyed the permit holder may apply to the Council for the issue to him of a duplicate permit and the Council upon being satisfied as to such loss or destruction shall issue a duplicate permit so marked and upon such issue the permit which it duplicates shall become valid.

(3) The charge for a duplicate permit is:

(i) For a residents parking permit as specified in Article 8 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009;

(ii) For a visitors parking permit as specified in Article 11 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009;

(iii) For a business parking permit as specified in Article 14 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009;

(iv) For a special parking permit as specified in Article 17 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009; and

(v) For a doctors parking permit as specified in Article 20 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009.

(4) The provisions of this Order shall apply to a duplicate permit and an application therefore as if it were a permit or as the case may be an application therefore.

22. Restriction on the removal of permits

Where a permit has been displayed on a vehicle in accordance with the provisions of Article 16 of this Order no person not being the driver of the vehicle shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

23. Form of permits

A permit shall be in writing and shall bear the words "Residents Parking Permit", "Visitors Parking Permit", "Business Parking Permit", "Special Parking Permit" or "Doctors Parking Permit" as the case may be and shall include the following particulars:

(a) The name of the zone in which the parking place is situated and for which the permit is issued;

(b) In the case of:

(1) A residents parking permit, the registration mark of the vehicle in respect of which the permit has been issued;

(2) A business parking permit, the name of the business; and

(c) An authentication that the permit has been issued by the Council.

Section 4 - Pay and Display Operation

24. Amount of parking charge, maximum stay and return time

(1) The Parking Charge for a vehicle in a pay and display parking place during the charging hours shall, subject as hereinafter provided, be as set out in Schedule 1 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009 for the corresponding charge code in the parking place label of Schedule 1.

(2) The maximum length of time for the purposes of paragraph (1) of this Article shall be the maximum stay for the parking place defined in the parking place label in Schedule 1 of this

order.

(3) No vehicle shall be parked with payment made to extend the stay beyond the initial time.

(4) No vehicle which, having displayed a ticket, has been taken away from a parking place during the permitted hours shall, until the 'no return' period as defined in the parking place label, again be left in that parking place during the permitted hours.

25. Payment of the Parking Charge

(1) The parking charge payable in a parking place where a ticket machine is installed shall be payable on the leaving of a vehicle by the insertion into the ticket machine of coins of the denomination marked on the ticket machine or a pre-purchased contract or purchased by phone to the value of the relevant parking charge for the parking period for which payment is being made.

(2) Upon payment of the parking charge, the driver shall display or cause to be displayed on the vehicle the ticket issued by the ticket machine or a contract permit following payment of the parking charge in accordance with the provisions of the last preceding paragraph where payments are made by phone no ticket will be required to be displayed.

(3) Any parking ticket shall be displayed in the relevant position on the vehicle for which it was issued and the said ticket shall be so displayed on the vehicle so that the time shown on the front of the said ticket is clearly visible from the front of the vehicle.

(4) If there is displayed within any parking place a notice placed by a civil enforcement officer to indicate that the ticket machine relating to that parking place is out of order, that notice shall state the maximum length of time defined in paragraph (2) of this Article during the charging hours for which a vehicle may be left in the parking place without payment of any parking charge.

(5) If a ticket machine which was out of order is repaired during the charging hours then any vehicle left before the repair shall be exempt from charge so long as it is not left for longer than the maximum length for that parking place.

(6) If a ticket machine is out of order then a civil enforcement officer may instead of placing a notice in accordance with paragraph (4) of this Article place a notice nominating another ticket machine or machines in the locality at which a parking ticket may be obtained and that parking ticket shall be valid for the purposes of this Article.

26. Indications by ticket machine tickets

(1) Subject to Article 38, payment of the parking charge specified in Article 25(1) shall be indicated by the issue, by a ticket machine relating to that parking place, of a parking ticket indicating the payment of that parking charge has been paid, and the day and time by which the parking period for which payment was made by the parking charge will expire, and by the display of that parking ticket on the vehicle in accordance with the provisions of Article 25(2).

(2) Subject to Article 38, the expiry of the parking period for which the parking charge has been paid in respect of a vehicle left in a parking place referred to in Schedule 1 shall be indicated when there is displayed on the vehicle a ticket issued by a ticket machine showing the day and time by which the parking period for which payment was made by the parking charge will expire, and the day so shown on the clock of the said ticket machine is later than the time shown on the ticket.

27. Ticket parking machine ticket indications as evidence

(1) If at any time while a vehicle is left in a parking place no parking ticket indicating that the relevant parking charge has been paid in respect of the day on which the vehicle is so left, is displayed on that vehicle in accordance with the provisions of Article 25(2) it shall be presumed unless the contrary is proved that the relevant parking charge has not been paid.

(2) Subject to Article 38, if, at any time while a vehicle is left in a parking place referred to in Schedule 1 during the permitted hours, the ticket issued by a ticket parking machine and displayed on the vehicle in accordance with the provisions of Article 25(2) and the clock on the ticket parking machine by which such ticket was issued gives the indication mentioned in Article 26(2), it shall be presumed,

unless the contrary is proved, that the parking charge has been duly paid in respect of that vehicle, and that the parking period for which payment was made by the parking charge has already expired.

(3) If it is presumed, unless the contrary is proved, in accordance with the provisions of paragraph (1) of this Article that the parking charge has not been duly paid, or in accordance with paragraph (2) of this Article that the parking period for which payment was made by the parking charge has already expired, then these indications shall be evidence that a contravention has occurred for the purposes of Article 44.

(4) Any ticket issued by a ticket parking machine relating to a parking place referred to in Schedule 1 shall be presumed, unless the contrary is proved, to have been issued on the day shown thereon.

28. Restriction on the removal of tickets

Where a ticket has been displayed on a vehicle in accordance with the provisions of Article 25(2), no person not being the driver of the vehicle shall remove the ticket from the vehicle unless authorised to do so by the driver of the vehicle.

Section 5 - Parking Dispensation

29. Application for and issue of a parking dispensation

(1) A person who intends to use a vehicle:

(a) In connection with building, construction, demolition, repair or maintenance or other operations or works to premises or land adjacent to a parking place, or their agent or the person commissioning the works; or

(b) Who is a professional health carer on duty at premises or land adjacent to a parking place; may apply to the Council for the issue of a parking dispensation which may be valid for use with one of that business user's vehicles 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 parking dispensation to produce to an officer of the Council such evidence in respect of an application for parking dispensation made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any parking dispensation issued by them as they may reasonably call for to verify that parking dispensation is valid.

(3) Upon receipt of an application duly made under the foregoing provisions of this Article and upon receipt of the charge specified in paragraph (4) of this Article, the Council upon being satisfied that in all the circumstances it is reasonably necessary for the vehicle to wait in a parking place, shall issue to the applicant therefore:

(a) One parking dispensation valid during the permitted hours; and

(b) One protective cover for the display therein of the dispensation.

(4) The charge referred to in paragraph (3) of this Article shall be in respect of each parking dispensation as specified in Article 21 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009.

30. Refund of charge paid in respect of a parking dispensation

A parking dispensation holder who surrenders a parking dispensation to the Council when it is no longer required shall be entitled to a refund of part of the charge paid in respect thereof calculated as specified in Article 22 of the City of Bradford Metropolitan District Council (Tariffs) Order 2009 in respect to each complete day specified thereon which remains unexpired at the time when the parking dispensation is surrendered to the Council.

31. Surrender, withdrawal and validity of a parking dispensation

(1) A parking dispensation holder may surrender a dispensation to the Council at any time and shall surrender a dispensation to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article or in accordance with the provision of paragraph (5) of this Article.

(2) The Council may, by notice in writing served on the parking dispensation holder by sending the same by the recorded delivery service to the parking dispensation holder at the address shown on the application for the parking dispensation, withdraw a parking dispensation if it appears to the Council that any of the events set out in paragraph (3)(a) or (3)(c) of this Article have occurred and the parking dispensation holder shall surrender the parking dispensation 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 parking dispensation holder ceasing to be the user of the vehicle in respect of which the parking dispensation was issued;

(b) the withdrawal of such a parking dispensation by the Council under the provisions of paragraph (2) of this Article;

(c) a vehicle in respect of which such parking dispensation was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 15(1);

(d) the issue of a duplicate parking dispensation by the Council under the provisions of Article 32;

(e) the parking dispensation ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.

(4) Without prejudice to the foregoing provisions of this Article, a parking dispensation shall cease to be valid at the expiration of the period specified thereon, or on the occurrence of any one of the events set out in paragraph (3)(a), (3)(b), (3)(c), (3)(d) or (3)(e) of this Article, whichever is the earlier.

(5) Where a parking dispensation is issued to any person upon receipt of a cheque, or payment made by a credit or debit card, and the cheque or payment by credit or debit card is subsequently dishonoured, the dispensation shall cease to be of any effect and the Council shall, by notice served on the person to whom such dispensation was issued, by sending the same by the recorded delivery service to him at the address shown by that person on the application for the parking dispensation, or at any other address believed to be that person's place of abode, require that person to surrender the parking dispensation to the Council within 48 hours of the receipt of the aforementioned notice.

32. Application for and issue of duplicate parking dispensation

(1) If a parking dispensation is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the dispensation has become altered by fading or otherwise, the parking dispensation holder shall either surrender it to the Council or apply to the Council for the issue to them of a duplicate parking dispensation and the Council, upon receipt of the dispensation, shall issue a duplicate dispensation, so marked, and upon such issue the original parking dispensation shall become invalid.

(2) If a parking dispensation is lost or destroyed, the parking dispensation holder may apply to the Council for the issue to them of a duplicate parking dispensation and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate parking dispensation, so marked, and upon such issue the original parking dispensation shall become invalid.

(3) The provisions of this Order shall apply to a duplicate parking dispensation and an application therefore as if it were a parking dispensation or, as the case may, an application therefore.

33. Restriction on the removal of a parking dispensation

Where a parking dispensation has been displayed in accordance with the provisions of Article 16 (1), (2), or (3) no person not being the driver of the vehicle shall remove the parking dispensation unless authorised to do so by the driver of the vehicle.

34. Form of parking dispensation

A parking dispensation shall be in writing and shall include the following particulars:

- (a) The registration mark of the vehicle in respect of which the parking dispensation has been issued;
- (b) The period during which, subject to the provisions of Article 31(4), parking dispensation is valid;
- (c) An indication that the parking dispensation has been issued by the Council;
- (d) An indication of the zone, street, part of street, parking place, parking bay or parking space within which the parking dispensation is valid;
- (e) The reason for which the vehicle is necessary; and
- (f) Any other conditions of use that the Council may impose.

PART IV - EXCEPTIONS, MOVEMENTS AND SUSPENSIONS

Section 1 - Exceptions and Exemptions

35. General Exceptions

Nothing in Article 2, 3, 4, 5, 6, 15 and 16 of this Order shall prohibit any person from causing or permitting any vehicle to stop or wait for so long as may be necessary:

- (1) To enable a vehicle if it cannot conveniently be used for such purpose in any other road to be used in connection with any building operation, demolition or excavation, the removal of any obstruction to traffic, the maintenance, improvement, or reconstruction of the parking place or length of road or any part thereof or the laying, erection, alteration or repair in or near the parking place or length of road of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Section 4(3) of the Telecommunications Act 1984;
- (2) To enable a vehicle not being a passenger vehicle to wait:
 - (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 there from, 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;
- (3) To enable a vehicle to be used for Police, Ambulance, Fire Brigade, Local Authority or Water or Sewerage Undertaker purposes when used in pursuance of statutory powers or duties;
- (4) If a vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond the control of the driver or to such waiting as is necessary to prevent an accident;
- (5) To enable a vehicle to wait in the street for so long as may be necessary in the taking in of petrol, oil, water or air, if such taking in cannot be effective unless the vehicle waits where it is waiting;
- (6) Where the driver is required by law to stop;
- (7) For preventing obstruction of the street by Order made on the occasion of any public procession rejoicing or illumination or where the street is thronged or liable to be obstructed to close or partially close the parking place.

36. Waiting exemptions

Nothing in Article 2 of this Order shall prohibit any person from causing or permitting any vehicle to wait:

- (1) To enable a person to board or alight from the vehicle;
- (2) For the purpose of loading or unloading the vehicle while the vehicle is in actual use in connection with the removal or delivery of furniture to or from any premises fronting onto the said length of road;
- (3) to deliver or to collect from or load or unload goods at any premises fronting onto or adjacent to

the parking place or length of road provided that no vehicle so engaged shall wait for longer than 30 minutes outside the same premises without the permission of a police officer in uniform or of a civil enforcement officer.

37. Parking exemptions

Nothing in Articles 15 and 16 of this Order shall apply:

- (1) to enable a person to board or alight from the vehicle;
- (3) if the vehicle is being used by a legally qualified general medical practitioner, district nurse, midwife or similar person when visiting a patient at premises adjacent to the parking place.

38. Parking charge exemptions

No parking charge shall be payable and nothing in Article 25 of this Order shall apply:

- (1) if the vehicle is being used by a legally qualified general medical practitioner, district nurse, midwife or similar person when visiting a patient at premises adjacent to the parking place;
- (2) in respect of any vehicle left in a parking place during the charging hours if that vehicle is a motor cycle;
- (3) in respect of any vehicle left in a parking place during the charging hours if that vehicle is a disabled person's vehicle which displays in the relevant position a disabled person's badge;
- (4) Without prejudice to the generality of the foregoing provision of this Article nothing in this Article shall be taken to exempt the vehicle or the driver of any vehicle left in any parking place from any other provisions of this Order.

39. Disabled blue badge exemptions

Nothing in Articles 3, 15 and 16 of this Order shall render it unlawful to cause or permit any vehicle to wait 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 road or part of road on the same day) in the length of road specified in Schedule 1, if the vehicle is a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by a local authority in accordance with the provisions of the Disabled Persons' (Badges for Motor Vehicles) (England) Regulations 2000, or a badge having effect under those regulations as if it were a Disabled Person's Badge and a parking disc as described in Regulation 8(5) of the 2000 Regulations and the driver or other person in charge of the vehicle marks on the parking disc the time at which the period of waiting began.

Section 2 - Movement of Vehicles

40. Duty to move on

Notwithstanding any exception or exemption contained in this Order, the driver of a vehicle waiting during the prescribed hours in any street shall move the vehicle on the instructions of a police officer in uniform or civil enforcement officer whenever such moving may be reasonably necessary for the purpose of preventing or removing obstruction.

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

When a vehicle is waiting in a parking place in contravention of the provisions of Article 17 of this Order a duly authorised person may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

42. Movement of a vehicle in a parking place

In accordance with the Removal and Disposal of Vehicles Regulations 1986 as amended:

- (1) A duly authorised person may in case of an emergency move or cause to be moved to any place he thinks fit any vehicle left in the parking place.
- (2) Where a duly authorised person is of the opinion that a contravention has taken place as contained in Article 44 they may remove or cause to be removed the vehicle from the parking place.

Section 3 – Suspensions

43. Power to suspend the use of a parking place or loading bay

(1) A person authorised by the Council may suspend the use of a parking place or loading bay or any part thereof whenever it is considered such suspension is reasonably necessary:

- (a) For the purpose of facilitating the movement of traffic or promoting its safety;
- (b) for the convenience of the occupiers of premises adjacent to the parking place or loading bay on any occasion of the removal of furniture from such premises to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- (c) For the convenience of occupiers of premises adjacent to the parking place or loading bay at times of weddings or funerals or on other such occasions;
- (d) For the purpose of any building operation demolition or excavation adjacent to the parking place or the maintenance or reconstruction of the parking place or loading bay or the laying erection alteration or repair in or adjacent to the parking place or loading bay of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any telecommunications apparatus as defined in Section 4(3) of the Telecommunications Act 1984;
- (e) On any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed.

(2) A duly authorised person suspending the use of a parking place, loading bay or any part thereof in accordance with the provisions of paragraph (1) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place, loading bay or the part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.

(3) A police officer in uniform may suspend the use of a loading bay or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

(4) Save as provided in Articles 35 of this Order, no person shall cause or permit a vehicle to be left in the parking place, loading bay or part thereof as the case may be during such period as there is in or adjacent to that parking place, loading bay or part thereof a traffic sign placed in pursuance of paragraph (2) of this Article.

PART V – OPERATIONS

44. Contravention of restrictions and parking places

Save as provided in Articles 35, 36, 37, 38 and 39 of this Order, if a vehicle is left in a length of road defined in the legend to Schedule 1 during the permitted or prescribed hours without complying with the provisions of this Order, a contravention shall be deemed to have occurred and a penalty charge shall be payable. A penalty charge notice may then be issued by a civil enforcement officer.

45. Installation of ticket machines, placing of traffic signs, etc.

The Council shall:

- (1) Place and maintain traffic signs indicating the limits of each restriction and parking place referred to in Schedule 1;
- (2) Install and maintain in proper working order at least one ticket machine in such position as they think fit in the vicinity of each parking place referred to in Schedule 1;
- (3) Place and maintain in or in the vicinity of each parking place referred to in Schedule 1 traffic signs indicating that such parking places may be used during the permitted hours for the leaving only of the vehicles specified in Article 15(1);
- (4) Carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

PART VI – GENERAL

46. General

(1) The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any Regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

(2) Where an Act of Parliament referred to in this Order or any Regulation Direction or Order made under it is repealed and new provisions enacted (with or without modifications) then the new provisions shall be substituted in this Order where relevant.

(3) The Interpretation Act 1978 shall apply to this Order as it applies to an Act of Parliament.

(4) For the avoidance of doubt any reference in the Order to a length of road shall be deemed to be a reference to more than one length of road where the context so requires it. The lengths of road specified in the Schedule to this Order are shown for illustrative purposes only on drawing number: - P/HS/THN/105084/ETRO/1A annexed hereto.

PART VII – REVOCATION

47. The Orders specified in Column 1 of the Third Schedule to the Waiting Loading & Parking, Consolidation Order 2015 are hereby revoked to the extent specified in relation thereto in Column 2 of the said Schedule.

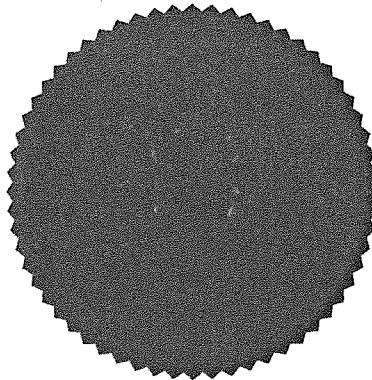
PART VIII - COMMENCEMENT AND CITATION

48. Commencement and citation

This Order shall come into operation on the 19th day of July 2021 for a period not exceeding 18 months and may be cited as the "City of Bradford Metropolitan District Council Denton Road, Ilkley Experimental Traffic Regulation Order (Waiting, Loading & Parking) 2021".

THE COMMON SEAL of
CITY OF BRADFORD METROPOLITAN
DISTRICT COUNCIL was hereunto
affixed in the presence of:

Authorised by
Assistant City Solicitor



100999A.

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

EXPERIMENTAL TRAFFIC REGULATION ORDER
(WAITING, LOADING & PARKING) 2021

DENTON ROAD, ILKLEY

SEALED: 1st July 2021

OPERATIVE: 19th July 2021

REFERENCE: CORP/PCD/AK/409137

City Solicitor
City of Bradford Metropolitan District
Council, City Hall
Bradford
West Yorkshire
BD1 1HY

