



BEDFORD BOROUGH COUNCIL
(PROHIBITION OF WAITING AND LOADING ON VERGES AND FOOTWAYS)
ORDER 2012

BEDFORD BOROUGH COUNCIL in exercise of the powers under section 1(1), 2(1) to (3) and 4(2) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("The Act") and all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order

Citation and Commencement

1. This Order shall come into operation on 06th July 2012 and may be cited as the Bedford Borough Council (Prohibition of Waiting and Loading on Verge and Footway) Order 2012.

Interpretation

2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them: -

Administrative Area – means the entire area of Bedford Borough Council which includes every road found with the Town and Parishes of Bedford listed in Schedule 1 to this Order

Civil Enforcement Officer – means a person authorised by or on behalf of the Council to supervise any parking place and to enforce the provisions of this Order

Council – means Bedford Borough Council

Footway - has the same meaning as in Section 329 of the Highways Act 1980

The Act - means the Road Traffic Regulation Act 1984 as amended;

Roads - means all roads including, but not limited to, carriageways, footways, verges, footpaths, lanes, bridleways and all highways maintainable at the public expense within the administrative areas of the towns and parishes referred to in Schedule 1 of this Order **but excluding** the roads referred to in Schedule 2 of this Order.

Statutory Instrument - means the principal form in which delegated or secondary legislation is made in Great Britain.

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 Road Traffic Regulation Act 1984;

Verge - means any grassed or un-grassed strip of land within any carriageway and forming part of the highway.

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. 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.

Restrictions within the said roads

5. No person shall except upon the direction or with the permission of a police constable in uniform, or of a Civil Enforcement Officer, cause or permit any motor vehicle, to wait at any time on any day on a verge or footway in any of the roads referred to in Schedule 1 to this Order
6. The restrictions imposed by this Order will only be enforceable by a Civil Enforcement Officer within those administrative areas of Bedford Borough identified within Schedule 1 to this Order, including those subsequently constructed, provided Traffic Signs are erected as required by Regulations or as authorised by the Secretary of State.

General exemption from restrictions

7. Nothing in Article 5 of this Order shall render it unlawful for any person to cause or permit a wheelchair (including a mechanically propelled wheelchair) to wait at any time on any day on a verge or footway in any of the administrative areas referred to in Schedule 1 to this Order.
8. Nothing in Article 5 of this Order shall render it unlawful for any person to cause or permit any vehicle to wait at any time on any day on a verge or footway in any of the administrative areas referred to in Schedule 1 to this Order, so far as such waiting on the footway is reasonably necessary to enable the vehicle to be used for any of the purposes specified in paragraphs (a) to (i) of this Article, provided that the vehicle should remain on the footway only for so long as may be reasonably necessary for such purpose and the vehicle is removed from the said footway as soon as practicable following the completion of such purpose:
 - a. any building operation or demolition,
 - b. the removal of any obstruction to traffic,
 - c. the maintenance, improvement or reconstruction of the road; or
 - d. the laying, erection, alteration or repair in or near the road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in the Telegraph Act 1878.
 - e. to a vehicle being used for fire brigade, ambulance, special forces or police purposes;

- f. to a vehicle, if it is in the service of or employed by a universal service provider (as defined in Section 4(3) and (4) of the Postal Services Act 2000), to be used for the purpose of delivering and/ or collecting postal packets (as defined in Section 125(1) of the Post Services Act 2000);
 - g. to a vehicle being used in the service of a local authority in pursuance of statutory powers or duties;
 - h. to a vehicle to stopping on the verges referred to in Schedule 1 to this Order while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is opened or closed, if it is not reasonably practicable for the vehicle to stop otherwise than on that verge;
 - i. to any vehicle is waiting in any case where the vehicle is required by law to stop, is obliged to stop in order to avoid an accident, or is prevented from proceeding by circumstances outside his control
9. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

Revocation of existing Orders

10. As from the date on which this Order comes into operation, the following Orders shall hereby be revoked:
- “Bedford Borough Council (Prohibition of Parking on Verge and Footway) Order 2005”
- “Bedfordshire County Council (Bedford Borough Council (Prohibition of Parking on Verge and Footway) Order 2005) (Amendment No.1) Order 2009”

THE COMMON SEAL of the
BEDFORD BOROUGH COUNCIL
was hereunto affixed this
29th day of June 2012
in the presence of



Executive Director for Environment and Sustainable Communities

Assistant Chief Executive (Governance) and Solicitor to the Council

AUTHORITY FOR EXECUTION		
COUNCIL/COMMITTEE	MINUTE No.	DATE
DELEGATED POWER	By whom executed EDESC	DATE
	OFFICERS INITIALS	DATE
ORIGINATED AND CHECKED BY	JS	26/06/12
APPROVED BY		27/6/12

SCHEDULE 1

The extent of the area covered by the Bedford Borough Council (Prohibition of Waiting and Loading on Verge and Footway) Order 2012 shall be the entire administrative area of Bedford Borough Council which includes the following:-

The Towns of:
Bedford Kempston

The Parishes of:		
Biddenham Bletsoe Bolnhurst & Keysoe Brickhill Bromham Cardington Carlton & Chellington Chawston and Colesden Clapham Colmworth Cople Dean & Shelton Eastcotts Elstow Felmersham And Radwell Great Barford	Great Denham Harrold Kempston Rural Kempston Town Knotting & Souldrop Little Barford Little Staughton Melchbourne & Yelden Milton Ernest Oakley Odell Pavenham Pertenhall & Swineshead Podington Ravensden Renhold	Riseley Roxton Sharnbrook Stagsden Staploe Stevington Stewartby Thurleigh Turvey Wilden Willington Wilshamstead Wootton Wyboston Wymington

All roads within the area identified above, including those roads subsequently constructed but excluding those roads listed in Schedule 2, are included within the provisions of Article 5 of the Bedford Borough Council (Prohibition of Parking on Verge and Footway) Order 2012, provided that appropriate signs are erected as referenced in Article 6.

SCHEDULE 2

Roads excluded from Schedule 1 to this Order:-

STREET	DESCRIPTION
A1 (London - Edinburgh -Thurso Trunk Road)	The entire length of the A1, including its slip roads, within the Borough
A421 (A1 to Milton Keynes)	The entire length of the A421, including its slip roads, within the district.
A428 (A1 to Cambridge)	The A428 from its roundabout junction with the A1 at St. Neots to the eastern boundary of the district.
Any Other Road	Any road classified as a Trunk Road which is not maintained by Bedford Borough Council, but by the Highways Agency or any other Authority



BEDFORD

BOROUGH COUNCIL

STATEMENT OF

REASONS

BEDFORD BOROUGH COUNCIL
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ORDER 2012

The Department for Transport has recently issued new Traffic Signs to indicate 'prohibition of parking on verges and footways'.

Bedford Borough Council made a Traffic Regulation Order in 2005, which prohibited verge and footway parking Borough wide. This Traffic Order has been made to incorporate the use of the new authorised signs in roads where verge and footway parking is causing concern.

Vehicles parked on the footway cause obstruction for pedestrians, especially those with a mobility difficulty. Vehicles parked on the verge cause damage to the verge, and detract from the amenity of the area.

The Council therefore considers it necessary to make this Order prohibiting the parking of vehicles on the verges or footways of any road within the administrative area of Bedford Borough Council, by erecting the new approved signs.

Supplementary Information

It should be noted that parking enforcement in the entire administrative area of Bedford Borough Council decriminalised under the provisions of the Road Traffic Act 1991.

Failure to comply with the provisions of this Order may result in a Penalty Charge Notice being issued. At the time of making the order the penalty charges are at the rate of £70, with a statutory discount of 50% if paid within 14 days, but these are subject to change and charges will be made at the prevailing rates

The Bedford Joint Parking Board has established a procedure, reproduced on the following pages, which sets out the sequence of events that will result in the provision of the necessary signs to enable this Order to be enforced. The Bedford Joint Parking Board reserves the right to amend their procedure and such amendment will not negate the provisions of this Order.

OPERATIONAL MATTERS

The Bedford Joint Parking Board, on 10th March 2005, approved a procedure to be followed in enforcement of the Bedford Borough Council (Prohibition of Parking on Verge and Footway) Order 2005. This procedure shall continue to be followed for the purposes of this Order. This procedure is reproduced below.

Stage 1

For a street to be considered for verge and footway enforcement either of the following three criteria are met; (streets meeting more than one criteria will be given a higher priority)

1. All local Ward and Division Councillors support the introduction of verge enforcement at this location or;
2. There is a recommendation from the Police, Fire Service or Ambulance Service that the street be subject to unlawful verge parking enforcement or;
3. Where there is clear evidence to the Councils that verge parking is affecting the safety of pedestrians

Stage 2

1. Leaflet householders and vehicles parking on the verge/footway to advise of the Board's intention to introduce enforcement of unlawful verge parking in the street.
2. Monitor over three-week period to identify if the leaflet sustains an absolute reduction in unlawful verge parking.
3. If the problem has been removed, take no further action. If the problem is not resolved or any previous notices have failed to maintain a sustained reduction in unlawful verge parking proceed to Stage 3.

Stage 3

1. Erect signs to enable enforcement to take place
2. Undertake ad-hoc enforcement