

East Ayrshire Council
(Various Roads in the vicinity of Barony Campus, Cumnock) (Temporary Prohibition of
Waiting, Prohibition of Loading and Unloading and Provision of Designated Parking Places)
Order 2020

East Ayrshire Council in exercise of the powers conferred on it by Section 14(1) of the Road Traffic Regulation Act 1984, as amended, the Road Traffic (Permitted Parking Area and Special Parking Area) (East Ayrshire Council) Designation Order 2012, as amended, and the Road Traffic Act 1991, as amended, and of all other enabling powers, hereby makes the following Order—

PART I

GENERAL

Citation and commencement

1. This Order may be cited as “East Ayrshire Council (Various Roads in the vicinity of Barony Campus, Cumnock) (Temporary Prohibition of Waiting, Prohibition of Loading and Unloading and Provision of Designated Parking Places) Order 2020” and shall come into force at 08:00 hours on Monday 19 October 2020 and will remain in force until 17:00 hours on Sunday 17 April 2022, to prevent indiscriminate parking associated with the opening and operation of the Barony Campus.

Interpretation

2. (a) In this Order the following expressions have the meanings hereby assigned to them—

“Council” means East Ayrshire Council;

“disabled person” has the meaning given by The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended;

“disabled person’s badge” has the meaning given by The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended;

“disabled persons vehicle” means a vehicle lawfully displaying a disabled person’s badge;

“double yellow lines” means a road marking in accordance with diagram 1018.1 of the Traffic Signs Regulations and General Directions 2016, as amended;

“electronic communications apparatus” means—

- (i) any apparatus (within the meaning of the Communications Act 2003) which is designed or adapted for use in connection with the provision of an electronic communications network;

- (ii) any apparatus (within the meaning of that Act) that is designed or adapted for a use which consists of or includes the sending or receiving of communications or other signals that are transmitted by means of an electronic communications network;
- (iii) any line, any conduit, structure, pole or other thing in, on, by or from which any electronic communications apparatus is or may be installed, supported, carried or suspended; and references to the installation of electronic communications apparatus are to be construed accordingly;

“eligible address” means a dwelling or residential unit with a postal address in a road described in Schedule 3;

“eligible resident” means a person whose main place of residence is at an eligible address;

“emergency service vehicle” means a vehicle being used by the Police, Fire & Rescue or Ambulance Services;

“kerb markings” means road markings in accordance with diagram 1019.1 or 1020.1 of the Traffic Signs Regulations and General Directions 2016 as amended

“motor vehicle” unless the context otherwise requires, means a mechanically propelled vehicle intended or adapted for use on roads;

“operational hours” means in Parking Zone U: at all times from Monday 19 October 2020 until Sunday 17 April 2022.

“parking attendant” has the same meaning as in Section 63A of the Road Traffic Regulation Act 1984;

“parking place” means areas on roads designated as parking places by Article 8 of this Order;

“Parking Zone U” means the area encompassing the parking places described in Column 2 in Schedule 2;

“Schedule” means the Schedule annexed and signed as relative hereto;

“temporary no waiting signs” means a traffic cone that incorporates a sign in accordance with diagram 636 of the Traffic Signs Regulations and General Directions 2016, as amended;

“vehicle” unless the context otherwise requires, means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether or not by mechanical power.

“universal service provider” has the same meaning as in the Postal Services Act 2000;

“universal postal service” has the same meaning as in the Postal Services Act 2000;

- b) A reference in this Order to any enactment is a reference to that enactment as amended by any subsequent enactment.
- c) A reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

PART II

WAITING RESTRICTIONS

Prohibition of Waiting and Loading

- 3. Save as provided in Articles 4, 5, 6 and 7 no person shall, except upon the direction or with the permission of a parking attendant in uniform, cause or permit any vehicle to wait or load/unload in any of the lengths of roads on the days and during the times specified in Schedule 1.
- 4. The provisions in Articles 3, 5, 6 and 7 shall apply only when—
 - (a) double yellow lines and kerb markings are marked along the side of the affected lengths of roads
- 5. Nothing in Article 3 shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of roads referred to in that Article—
 - (a) if the vehicle is in the service of or employed by East Ayrshire Council and is waiting in any of the lengths of roads so referred to while in actual use in connection with implementing, maintaining or removing the traffic management associated with the restrictions imposed by this Order;
 - (b) for so long as is necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom their personal luggage;
 - (c) for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of roads so referred to, or the laying, erection, alteration or repair in or near to any of the said lengths of roads, of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus;
 - (d) to enable the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in pursuance of statutory powers and duties and in particular, but without prejudice to the generality of the foregoing, to enable the vehicle to be used in connection with police, fire & rescue and ambulance purposes;

- (e) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid injury or damage to persons or property;
 - (f) if a marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be collected or delivered to or from adjacent premises or posting boxes;
 - (g) for the purpose of loading or unloading the vehicle while the vehicle is standing at the kerb and is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (h) to enable the vehicle to be used in connection with wedding or funeral operations.
- 6 Nothing in Article 3 shall apply to any disabled person's vehicle which is not causing an obstruction or danger to others and which displays a valid disabled person's badge, provided that no such vehicle shall wait in any of the lengths of roads on the days and during the times which no loading is specified in Schedule 1
- 7 Notwithstanding anything in Articles 5 and 6, the driver of a vehicle waiting shall move the said vehicle on the instruction of a police officer in uniform or a parking attendant in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.

PART III

PERMIT PARKING AREA

Designation of a parking place within a permit parking area.

- 8 Each area on a road described in Column 2 of Schedule 2 is hereby designated as a parking place.

Vehicles for which the use of parking places is permitted.

- 9 Subject to Articles 10, 11 and 21 each parking place designated in this Order may be used during the operational hours for the leaving of a permitted vehicle that is displaying a valid residents parking permit issued by the Council in accordance with Article 12.

Manner of standing in a parking place

- 10 Subject to Article 11, the manner of standing of a permitted vehicle in a parking place shall be as specified in column 3 of Schedule 2, opposite the description of the parking place in column 2 of the said Schedule and within 300 mm of the kerb on that side of the road specified in said Schedule.

Alteration of position of a vehicle in a parking place

- 11 Where any vehicle is standing in a parking place in contravention of the provisions of Article 10, a police constable in uniform, a parking attendant in uniform, or a person duly authorised by the Council may alter, or cause to be altered, the position of the vehicle in order that the manner of standing of the said vehicle shall comply with the aforementioned provisions.

Provision of residents parking permits for eligible vehicles

12. Subject to Articles 13 to 20 inclusive, the Council shall issue a residents parking permit to an eligible resident who makes application, subject to the following conditions—
- (a) the applicant shall have as their main place of residence an eligible address;
 - (b) the applicant shall apply in writing in a manner determined by the Council and shall provide such information as the Council may require in order to verify that the application is valid;
 - (c) the applicant shall provide documentation to prove to the Council's satisfaction that the requirements of the foregoing parts of this Article have been met; or
 - (d) the Council is satisfied that a residents parking permit should be issued;

Display of residents parking permits

13. A residents parking permit issued by the Council in accordance with Article 12 shall be displayed on the vehicle in a conspicuous position so that the indications on the front of the permit are clearly visible to a person standing outside the vehicle and at its front nearside.

Validity of residents parking permits

14. Residents parking permits shall be valid as follows—
- (a) a residents parking permit issued to an eligible address within Parking Zone U, having a postal address within a road or part thereof described in Schedule 3, shall be valid only—
 - (i) when used in a parking place described in Schedule 2 and deemed as being within Parking Zone U;
 - (ii) during the operational hours pertaining to Parking Zone U;

Information to be included on a residents parking permit

15. A residents parking permit issued by the Council shall carry the following information—
- (a) the Parking Zone in which the permit is valid;
 - (b) registration mark of the vehicle to which it applies or the eligible address;
 - (c) a unique number or other such identifying mark;
 - (d) the date upon which the permit shall expire;
 - (e) any other information deemed to be necessary by the Council.

Restrictions on the use of residents permits

16. A residents parking permit issued under Article 12 shall—
- (a) be used only on the vehicle for which it was issued and which bears the same registration mark as the permit or be used only on a vehicle which is visiting an eligible address for that Parking Zone U permit;
 - (c) be used only in designated parking places within the Parking Zone stated on the permit;
 - (d) not be altered or defaced in any way;
 - (e) remain the property of East Ayrshire Council.

Surrender of residents parking permits

17. An eligible resident who is in receipt of a residents parking permit may surrender their permit to the Council at any time.

Withdrawal of residents parking permits

18. The Council may, by giving 14 days notice in writing served on the permit holder at the address shown on the application for the permit, or at such other address believed to be the permit holder's residence at the time, withdraw a permit if—
- (a) the resident parking permit holder ceases to be a resident at the eligible address for which the permit was issued;
 - (b) the Council issues a duplicate or replacement permit under the provisions of Article 19.

Applications for duplicate or replacement permits

19. An eligible resident may make an application for a duplicate or replacement residents parking permit if—
- (a) the original residents parking permit is mutilated or defaced or faded so that the identifying mark as referred to in Article 15 is illegible; or
 - (b) the eligible vehicle for which the permit was issued is no longer kept and used by the permit holder and has been replaced by another eligible vehicle;

In both the aforementioned cases the residents permit shall be surrendered to the Council at which time it shall be rendered invalid,

- (c) a permit is lost, stolen or destroyed.

In all cases the duplicate or replacement permit shall be issued only where the conditions stated in Article 12 are met and upon the payment of an administration fee of an amount to be decided by the Council from time to time.

Application of Order equally to original and replacement permits

20. The provisions contained in Articles 13 to 19 as they pertain to residents parking permits shall apply equally to duplicate or replacement permits as to the residents parking permit originally issued.

Exceptions to application of the parking period.

21. Nothing in Article 9 shall apply in respect of a vehicle left during the operational hours in a parking place, if—
- (a) the vehicle is waiting in the parking place only for so long as is necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom their personal luggage;
 - (b) the vehicle is being used in connection with any building operation or demolition, the maintenance, improvement or reconstruction of any part of the road in which the parking place referred to is located, or the laying, erection, alteration or repair in or near to the said parking place, of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus, and the vehicle cannot conveniently be used for such purposes in any other road;
 - (c) the vehicle is being used in pursuance of statutory powers and duties and in particular, but without prejudice to the generality of the foregoing, to enable the vehicle to be used in connection with police, fire brigade and ambulance purposes and the vehicle cannot conveniently be used for such purposes in any other road;

- (d) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid injury or damage to persons or property;
- (e) if the vehicle bearing the livery of a provider of a universal postal service which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be collected or delivered to or from adjacent premises or posting boxes;
- (f) the vehicle is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- (g) the vehicle is being used in connection with wedding or funeral operations;
- (h) the vehicle is displaying a valid disabled persons badge;
- (i) the vehicle is displaying a valid permit issued by the Council in accordance with Article 12;

Removal of a vehicle from a parking place

- 22 Where a police constable in uniform, a parking attendant in uniform, or a person duly authorised by the Council is of the opinion that any of the provisions contained in Articles 9, 10, 24 or 25 have been contravened or have not been complied with in respect of a vehicle left in a parking place designated by this Order, he or she may remove the vehicle, or cause the vehicle to be removed from the parking place and, where it is so removed, shall provide for the safe custody of the vehicle.

Movement of a vehicle in a parking place in an emergency

23. A police constable in uniform or a parking attendant in uniform or any person duly authorised by the Council may move, or cause to be moved, in case of an emergency to any place they think fit, any vehicle left in a parking place.

Power to suspend parking places

24. Save as provided in Article 25—

- (a) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever such suspension is considered reasonably necessary—
 - (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the purpose of any building operation or demolition, the removal of any obstruction to traffic, 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 electronic communications apparatus, traffic sign or parking meter;

- (iii) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (iv) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (v) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions.
- (b) A police constable in uniform may suspend for not longer than twenty four hours the use of a parking place or part thereof whenever such suspension is considered reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (c) Any person suspending the use of a parking place or any part thereof in accordance with paragraphs (a) or (b) of this Article shall thereupon place, or cause to be placed, in or adjacent to any part of that parking place the use of which is suspended, temporary no waiting signs in accordance with diagram 636 of the Traffic Signs Regulations and General Directions 2016, as amended, and remove or cover the sign that relates to that parking place, indicating that waiting by vehicles is prohibited.
- (d) No person shall cause or permit a vehicle to be left in a parking space during such period as there is in or adjacent to that space a traffic sign placed in pursuance of paragraph (c) of this Article.

Exception to the suspension of a parking place

25. Nothing in Article 24 shall prevent any person from causing or permitting a vehicle to be used in any suspended parking place, or part thereof, so long as—
- (a) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid injury or damage to persons or property;
 - (b) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (c) the vehicle is being used in connection with any building operation or demolition, the maintenance, improvement or reconstruction of any part of the road in which the parking place referred to is located, or the laying, erection, alteration or repair in or near to the said parking place, of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus, and the vehicle cannot conveniently be used for such purpose in any other road;

- (d) the vehicle bearing the livery of a provider of a universal postal service which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be collected or delivered to or from adjacent premises or posting boxes;
- (e) the vehicle is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;

provided that in paragraphs (a) and (b) of this Article, the vehicle is left with the permission of the person suspending the use of the parking place or part thereof, a police constable in uniform, or a parking attendant in uniform; or

- (f) the vehicle is an emergency service vehicle being used in pursuance of statutory powers and duties.

Power to dispose of abandoned vehicles

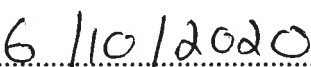
- 26. Subject to Article 27, the Council may as respects a vehicle which has been removed from a parking place in pursuance of Article 22, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain the name and address of the owner of the vehicle and to inform the owner of their intention.

Definition of reasonable enquiry

- 27. The Council will be deemed to have made reasonable enquiry to ascertain the name and address of the owner of any vehicle to which Article 26 applies provided that they have taken such steps in relation to that vehicle that may be prescribed by any Regulations for the time being in force under Section 99 and 101 of the 1984 Act, for authorising the Council to sell or otherwise dispose of the vehicle if it had been left on a road and if it appeared to the Council that it had been abandoned.

Sealed with the Common Seal of East Ayrshire Council and subscribed for it and on its behalf by David John Mitchell, Chief Governance Officer to the Council at Kilmarnock on the 6th day of October 2020.

Signed 

Dated..... 

This is Schedule 1 referred to in the foregoing East Ayrshire Council (Various Roads in the vicinity of Barony Campus, Cumnock) (Temporary Prohibition of Waiting, Prohibition of Loading and Unloading and Provision of Designated Parking Places) Order 2020

SCHEDULE 1

PROHIBITION OF WAITING AND LOADING

Part I

NO WAITING AT ANY TIME **NO LOADING/UNLOADING AT ANY TIME**

From 08:00 hours on Monday 19 October 2020 until
17:00 hours on Sunday 17 April 2022

Length of Road in the local authority **Area of East Ayrshire within the** **Town of Cumnock**

Side of Road to which **Restrictions Apply**

Access Road to leisure centre from its junction with Auchinleck Road westwards for a distance of 38 metres.

Both

Auchinleck Road from a point 157 metres northwest of the extended northern kerbline of Holmhead Road southeastwards to a point 28 metres south east of the extended southern kerbline of Holmhead Road.

Northeast Side

Auchinleck Road from a point 54 metres northwest of the extended northern kerbline of Underwood Road southeastwards to a point 54 metres southeast of the extended southern kerbline of Terringzean View.

Southeast Side

Holmhead Road from its junction with Auchinleck Road generally eastwards to a point 9 metres west of the extended western kerbline of the access road to No's 5-13 Holmhead Road.

North Side

Holmhead Road from its junction with Auchinleck Road generally eastwards to a point inline with the property boundary line between No 6 and No 8 Holmhead Road.

South Side

Kyle Court from its junction with Holmhead Road southeastwards for a distance of 27 metres.

Both

Lorimer Crescent from its junction with Holmhead Road northwards for a distance of 18 metres.

West Side

Lorimer Crescent from its junction with Holmhead Road northwards for a distance of 24 metres.

East Side

Terringzean View from its junction with Auchinleck Road southwestwards for a distance of 28 metres.

Both

Underwood Road from its junction with Auchinleck westwards for distance of 225 metres.

South Side

Underwood Road from its junction with Auchinleck Road westwards for 46 metres.

North Side

Underwood Road from a point 73 metres west of its junction with Auchinleck Road west for a distance of 152 metres.

North Side

This is Schedule 1 referred to in the foregoing East Ayrshire Council (Various Roads in the vicinity of Barony Campus, Cumnock) (Temporary Prohibition of Waiting, Prohibition of Loading and Unloading and Provision of Designated Parking Places) Order 2020

SCHEDULE 1

PROHIBITION OF WAITING AND LOADING

Part II

NO WAITING AT ANY TIME

NO LOADING/UNLOADING 0800 - 0930 and 1430 – 1530

**From 08:00 hours on Monday 19 October 2020 until
17:00 hours on Sunday 17 April 2022**

**Length of Road in the local authority
Area of East Ayrshire within the
Town of Cumnock**

**Side of Road to which
Restrictions Apply**

Auchinleck Road from a point 22 metres northwest of the extended northwest kerb line of the Access Road to the Leisure Centre southeastwards and eastwards for a distance of 192 metres

Both

This is Schedule 2 referred to in the foregoing East Ayrshire Council (Various Roads in the vicinity of Barony Campus, Cumnock) (Temporary Prohibition of Waiting, Prohibition of Loading and Unloading and Provision of Designated Parking Places) Order 2020

SCHEDULE 2
PERMIT PARKING AREA

At All Times

From 08:00 hours on Monday 19 October 2020 until
17:00 hours on Sunday 17 April 2022

Parking Zone U – Designated Parking Places

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<i>Plan Ref</i>
Parking Place Ref. No.	Areas of Roads Designated as Parking Places within the town of Cumnock	Special Manner of Standing in Parking Place	
<u>Underwood Road</u>			
1.	North side of the road from a point 46 metres west of its junction with Auchinleck Road, to a point 73 metres west of that junction	Parallel to the kerb line	1

This is Schedule 3 referred to in the foregoing East Ayrshire Council (Various Roads in the vicinity of Barony Campus, Cumnock) (Temporary Prohibition of Waiting, Prohibition of Loading and Unloading and Provision of Designated Parking Places) Order 2020

SCHEDULE 3
PERMIT PARKING AREA

At All Times

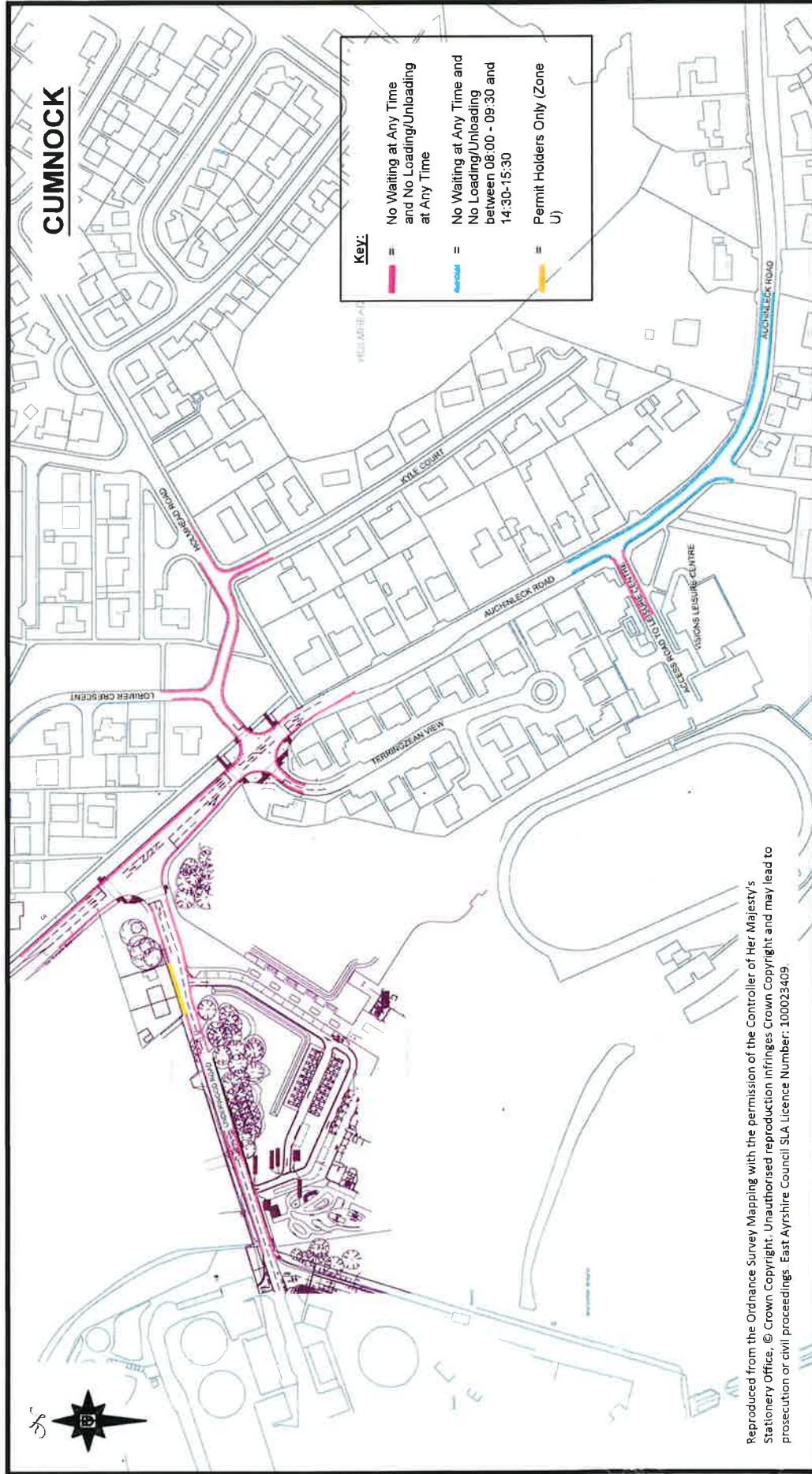
From 08:00 hours on Monday 19 October 2020 until
17:00 hours on Sunday 17 April 2022

Parking Zone U – Designated Parking Places

Eligible addresses for permits in Cumnock—

Underwood Road

**Plan 1 illustrating restriction in East Ayrshire Council (Various Roads in the vicinity of Barony Campus, Cumnock) (Temporary Prohibition of Waiting, Prohibition of Loading and Unloading and Provision of Designated Parking Places) Order 2020
ARA-EAC 2020 Order No. 51**



D. Mitchell

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