

**The Essex County Council (Culver Street East, Culver Street West & Long Wyre Street,
Colchester) (Prohibition of Motor Vehicles) Order 2011**

The Essex County Council ("the Council") in exercise of its powers under Sections 1(1), 2(1) to (3), 3(2) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III to Schedule 9 to the Act, hereby makes the following Order:-

1. In this Order

"2002 Regulations" means The Traffic Signs Regulations and General Directions 2002.

"motor cycle" has the same meaning as in Section 136(4) of the Act.

"motor vehicle" has the same meaning as in Section 136 of the Act.

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description, or a trailer so constructed or adapted, or an "articulated vehicle" within the meaning of Section 138 of the Act

"business employee or owner" means an employee or owner of any business located at premises in the roads specified in Schedule 2 to this Order

"goods" includes postal packets of any description

"dual purpose vehicle" has the same meaning as in Schedule 6 to the Act

"market or street trader" means any market or street trader who has an allocated pitch in the lengths of road specified in Schedule 2 to this Order.

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriageway) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer

"permit" means a permit issued under the provisions of Article 6 of this Order

"permit holder" means a person to whom a permit has been issued under the provisions of Article 6 of this Order

"resident" means a person whose usual place of abode is at premises the postal address of which is in the lengths of road specified in Schedule 2 to this Order

"Council" means Colchester Borough Council

2. Save as provided in Articles 3, 4 and 5 of this Order, no person shall cause any motor vehicle to be in the said length of Culver Street East, Culver Street West & Long Wyre Street in the Borough of Colchester specified in Schedule 1 of this order (hereinafter referred to as the said length of roads) between the hours specified in the aforementioned Schedule.
3. Nothing in Articles 2 of this Order shall apply so as to prevent any person from causing any motor vehicle to be in the said length of roads between the times specified in Schedule 1 for the purpose of access to property or premises in or adjacent to the length of roads specified in Schedule 2 if the vehicle:-

(a) is a pedestrian-controlled electrically-driven parcel truck;

(b) is being used for fire and rescue, police or ambulance purposes;

(c) is being used in connection with any of the following operations to or from any premises situated on or adjacent to the said length of road, namely:-

(i) building or demolition;

(ii) the removal of any obstruction to traffic;

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

- (iv) the laying, erection, alteration or repair in or on land adjacent to the said length of road, of any sewer, or any main, pipe or apparatus for the supply of water, gas or electricity, or any telegraphic line; or
 - (d) is being used in the service of or contracted to a local authority or water authority in pursuance of statutory powers or duties.
 - (e) in any case where the person in control of the vehicle is required by law to stop, or is obliged to do so to avoid an accident, or is prevented from proceeding by circumstances beyond his/her control.
- 4. Nothing in Articles 2 of this Order shall apply so as to prevent any person from causing or permitting a goods vehicle to enter or leave the said lengths of roads for the purpose of the conveyance of goods or merchandise in or adjacent to the lengths of roads specified in Schedule 2 of this order between the hours of 8am-10am and 5pm-6pm Fridays and Saturdays.
- 5. Nothing in Articles 2 of this Order shall apply so as to prevent such vehicles as are specified in Article 6 of this Order and which display a valid permit issued by the Council in accordance with Article 6 of this Order from entering said lengths of roads between the hours of 8am-10am and 5pm-6pm Fridays and Saturdays.
- 6.
 - (a) Any resident, business employee or owner, or any market or street trader who requires access to their property, premises, usual place of abode or market stall located in the length of roads specified in Schedule 2 to this Order, and who is the owner of a passenger vehicle, a dual purpose vehicle, or a motor cycle, may apply to the Council for the issue of a permit free of charge for the purpose of entering or leaving the said lengths of roads between the hours of 8am-10am and 5pm-6pm Fridays and Saturdays.
 - (b) On receipt of an application duly made under the provisions of paragraph (a) of this Article, the Council, upon being satisfied that the applicant is a resident or business employee/owner or market or street trader and is the owner or driver of a vehicle of the class specified in paragraph (a) of this Article, shall issue to that applicant:-
 - (i) one permit, or with the express approval of the Council more than one permit, for entering or leaving the said length of roads during the hours specified in Article 5;
 - (ii) one protective cover per permit for the display therein of a permit.
- 7.
 - (a) 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 events set out in paragraph (c) of this Article.
 - (b) 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 residence, withdraw a permit if it appears to the Council that anyone of the events set out in paragraphs c(i), (ii), (iii) or (iv) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of such notice.
 - (c) The events referred to in the foregoing provisions of this Article are:-

- (i) the permit holder ceasing to be a resident, business employee or owner, or market or street trader;
- (ii) the vehicle in respect of which such a permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 6 of this Order;
- (iii) the issue of a duplicate permit by the Council under the provisions of Article 8 of this Order;
- (iv) the permit holder has sold, leased or otherwise licensed the permit for use by persons other than himself/herself.

(d) A permit issued under the provisions of Article 6 of this Order shall cease to be valid at the expiration of the period specified thereon or on the occurrence of anyone of the events set out in paragraph (c) of this Article, whichever is the earlier.

(e) Where a permit is used by anyone other than the permit holder or a person otherwise authorised to use such permit pursuant to this Order then such permit shall be invalid and the user liable to prosecution under the provisions hereof.

(f) The Council may at any time require a permit holder to produce to an Officer of the Council such evidence in respect of any permit issued to them as they may reasonably require.

8.

(a) If a permit is mutilated or defaced or the figures or particulars on it 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 may apply to the Council for the issue to him/her of a duplicate permit and the Council, upon receipt of the permit if such receipt is accompanied by an application for a duplicate permit, shall issue a duplicate permit so marked.

(b) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue 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 original permit shall become invalid.

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

9. A permit issued under the provisions of Article 6 of this Order shall be in writing and shall include the following particulars:-

(a) the index number of the vehicle to which the permit relates;

(b) the period during which the permit shall remain valid;

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

10. When a vehicle has entered the said length of roads in accordance with the provisions of Article 5 of this Order there shall be displayed in the protective cover referred to in Article 6 of this Order on the front or near side of the vehicle a valid permit so that all the particulars

referred to in Article 9 of this Order are readily visible from the front or near side of the vehicle.

11. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 10 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.
12. The Council are satisfied that for avoiding danger to persons or other traffic using the roads to which this Order relates and for preventing the likelihood of such danger arising, it is requisite that Section 3(1) of the 1984 Act should not apply in relation to this Order.
13. 'The Colchester Borough (Culver Street West, Colchester) (Prohibition of Entry) Order 2003', 'The Culver Street East, Colchester) (Prohibition of Entry) Order 2003' and 'The Colchester Borough (Long Wyre Street, Colchester) (Prohibition of Entry) Order 2003' are hereby revoked.
14. This Order shall come into operation on 28 March 2011 and may be cited as The Essex County Council (Culver Street East, Culver Street West & Long Wyre Street, Colchester) (Prohibition of Motor Vehicles) Order 2011.

Sealed with the Common Seal of the Essex County Council this
day of *March* Two thousand and *Eleven*

Twenty first

THE COMMON SEAL of the
ESSEX COUNTY COUNCIL was
hereunto affixed in the presence of:-

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)
)
[Signature]
Chairman
of the Council



Schedule 1

Prohibition of Motor Vehicles between the hours of 8am and 6pm Fridays and Saturdays other than on Bank Holidays

Road	Description
Culver Street East, Colchester	No motor vehicles to enter or leave the western section of Culver Street East at a point 17 metres west of its junction with Long Wyre Street.

Prohibition of Motor Vehicles between the hours of 11am and 4pm Mondays to Thursdays inclusive other than on Bank Holidays, and between the hours of 8am and 6pm Fridays and Saturdays other than on Bank Holidays.

Road	Description
Culver Street West, Colchester	No motor vehicles to enter or leave Culver Street West at its junction with Head Street.

Prohibition of Motor Vehicles between the hours of 10am and 6pm Mondays to Thursdays inclusive other than on Bank Holidays, and between the hours of 8am and 6pm Fridays and Saturdays other than on Bank Holidays

Road	Description
Long Wyre Street, Colchester	No motor vehicles to enter or leave Long Wyre Street at a point 6 metres south of its junction with Culver Street East.

Schedule 2

Road	Description
Culver Street East, Colchester	No motor vehicles to enter or leave the western section of Culver Street East at a point 17 metres west of its junction with Long Wyre Street. Any other road or length of road which can be accessed via the western section of Culver Street East.
Culver Street West, Colchester	Entire Length
Trinity Street, Colchester	Entire Length
Sir Isaac's Walk, Colchester	Entire Length
Trinity Square, Colchester	Entire Length
Long Wyre Street, Colchester	Entire Length
Short Wyre Street, Colchester	Entire Length
Victoria Place, Colchester	Entire Length
Eld Lane, Colchester	Entire Length

ESSEX COUNTY COUNCIL	
Ordered to be Sealed	4 January 2011
Number in Seal Book	28706