THE NORTH YORKSHIRE COUNCIL
(PROHIBITION OF WAITING AND LOADING AND PROVISION OF PARKING)
(CLARENCE DRIVE, FILEY) (AMENDMENT NO TBC) ORDER 2026

The North Yorkshire Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1), 2(1) to (3), 4(2), 32(1) and 35(1) of the Road Traffic Regulation Act 1984 ("the 1984 Act") and Part IV of Schedule 9 to the 1984 Act and under the Traffic Management Act 2004 ("the 2004 Act") 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 1984 Act, hereby make the following Order:-

1 This Order shall come into force on TBC and shall be cited as "The North Yorkshire Council (Prohibition of Waiting and Loading and Provision of Parking) (Clarence Drive, Filey) (Amendment No TBC) Order 2026 ".

2 This Order hereby amends "North Yorkshire County Council (Prohibition of Waiting and Loading and Provision of Parking) (District of Scarborough) Order 2007" in so far as it relates to the lengths of road specified in Schedule 1 to this Order.

3 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

4 (1) In this Order the following expressions have the meanings hereby respectively assigned.

"the 1984 Act" means the Road Traffic Regulation Act 1984.

"the 2004 Act" means the Traffic Management Act 2004.

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

"Ambulance" means a vehicle which—

(a) is constructed or adapted for, and used for no other purpose than, the carriage of sick, injured or disabled people to or from welfare centres or places where medical or dental treatment is given; and

(b) is readily identifiable as a vehicle used for the carriage of such people by being marked 'Ambulance' on both sides;

"Bus" means a vehicle which is constructed or adapted to carry more than eight seated passengers in addition to the driver;

"Cause" includes permit;

"Charge" means the payment for a parking ticket or Permit during the Charging Hours;

"Charge Certificate" means the statement that the penalty charge has been increased in accordance with Regulation 21 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Charging Hours" means those hours and on those days during which parking for payment is in operation;

"Civil Enforcement Officer" means any person authorised by the Council to supervise and control vehicles in the Parking Place and enforce the provisions of this Order pursuant to Section 76 of the 2004 Act and Section 63A of the Act of 1984;

"Coach" means a passenger vehicle constructed or adapted to carry more than 16 seated passengers with a maximum gross weight exceeding 7.5 tonnes and with a maximum speed exceeding 60 mph;

"Controlled Hours" means those hours and on those days during which there are limitations on parking, waiting, loading and unloading;

"Disabled person's badge" means a badge in the form prescribed by Regulation 11 of the 2000 Regulations issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person and includes a replacement badge issued in accordance with Regulation 7 of the 2000 Regulations;

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"**Disabled parking place**" means any area of carriageway designated as a Parking Place reserved for disabled persons' badge holders;

"Disc Parking Place" means a Parking Place reserved for vehicles displaying a Parking Disc;

"Enactment" means any enactment whether public general or local, and includes any order, bye law, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"Goods" includes goods or burden of any description;

"Goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods and exceeds 3050 kilograms or 3500 kilograms if the vehicle carries a container or containers for holding for the purpose of its propulsion any fuel that is wholly gaseous at 17.5 degrees Celsius under a pressure of 1.013 bar or plant and materials for producing such fuel;

"Higher Level Contraventions" are as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

"Lower Level Contraventions" means all parking contraventions which are not higher level contraventions as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

"Motorcycle" means a mechanically propelled vehicle with less than 4 wheels and an unladen weight not exceeding 410 kilograms as defined in the Road Vehicles (Construction and Use) Regulations 1986;

"Motor Vehicle" means a mechanically propelled vehicle intended or adapted for use on roads;

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

"Parking Disc" means a disc issued by a local authority capable of showing the quarter hour period during which a period of waiting begins;

"Parking Place" means an area on a highway described or designated as a parking place in Schedule 1 to this Order;

"Parking Space" means a space in a parking place that is provided for the leaving of vehicles;

"Parking Ticket" means a ticket issued by a pay and display machine on payment of the appropriate fee;

"Penalty Charge" means a charge set by the Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 28 days beginning with the date of service endorsed upon the Penalty Charge Notice in the manner set out in the Penalty Charge Notice;

"Penalty Charge Notice" means a notice issued or served by a Civil Enforcement Officer or posted by the Council pursuant to the provisions of Section 78 of the 2004 Act and The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Permit" means a permit issued by the Council in accordance with their rules and as detailed in Schedules 3 and 4 to this Order;

"**Post office**" and any reference to "post office vehicle" or "postal packets" shall be construed in the context of the Postal Services Act 2000 and the Consequential

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Amendments Order 2001 (No. 2001/648) and shall include therefore references to "universal service providers", as the context shall require;

"Public service vehicle" means a vehicle as defined in Section 1 of the Public Passenger Vehicles Act 1981;

"Reduced Penalty Charge" means a charge set by the Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 14 days following the date of service endorsed upon the Penalty Charge Notice in the manner set out in the Penalty Charge Notice;

"Relevant Position" means exhibited on the dashboard or fascia of the vehicle, or, where the vehicle is not fitted with a dashboard or fascia, exhibited in a conspicuous position on the vehicle, so that the front is clearly legible from the outside of the vehicle;

"Road" means any length of highway or of any other road to which the public has access, and includes any bridge over which a road passes;

"Service" in respect of a Penalty Charge Notice means the forms of service specified in regulations 9 and 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any amendment or re-enactment thereof;

"Slipway" means a narrow sloping area of road which grants access to the sea for vessels and vehicles associated with the launching or retrieval of the vessels;

"Specified days" means those days described in Schedule 1 to this Order where restrictions apply for less than the calendar year;

"Taxi" means a vehicle licensed to ply for hire within the area and does not include private hire vehicles;

"Taxi rank" means an area of carriageway reserved for use by taxis plying for hire;

"Telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984;

"Timing point" means a place where a Public Service Vehicle may wait for the purpose of synchronising its journey time with the published schedule;

"Trailer" has the meaning assigned to it by Section 136 of the Road Traffic Regulation Act 1984;

"Zone" refers to any one of the parking zones containing the roads or lengths of roads described in Schedule 1 to this Order.

(2) 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.

(3) Any reference in this Order to an enactment shall be construed as a reference to that enactment as amended, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

5 (1) Nothing in this Order shall render it unlawful to cause any vehicle to wait during the Controlled Hours for the lengths of Road, on the side of Road referred to therein, or in any part of a Parking Place, if the use of that part has not been suspended, for a period no longer than is necessary for:

(a) a person to board or alight from the vehicle or load thereon or unload therefrom his or her personal luggage;

(b) goods to be loaded on or unloaded from a vehicle, where the vehicle is necessary for the collection or delivery of those goods, (except in those

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Roads or lengths of Roads and during those hours where loading and unloading is prohibited).

(c) a vehicle directly used in connection with any of the following operations, namely:

(i) the removal of any obstruction to traffic;

(ii) the maintenance, improvement or reconstruction of any of the said lengths of Road or sides of Road; or

(iii) the laying, erection, alteration or repair in, or in land adjacent to any of the said lengths or sides of road of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any electronic communications network or electronic communications service as defined in Schedule 3A and Section 32 of the Communications Act 2003;

(d) a vehicle, not being a passenger vehicle, being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;

(e) a vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000;

(f) a vehicle to wait at or near to any premises situated on or adjacent to said side or any of the said lengths of Road or parking place for so long as such waiting by that vehicle is reasonably necessary in connection with a funeral; or

(g) a vehicle is being used for fire brigade, ambulance or police purposes;

(h) a vehicle displaying a valid dispensation.

(2) Nothing in this Order shall render it unlawful to cause any Taxi to wait upon a Taxi Rank while plying for hire.

(3) Nothing in this Order shall render it unlawful to cause a vehicle to wait in accordance with the provisions contained in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 (SI 1986 No. 178) and any amendments thereto.

(4) Nothing in this Order will make it illegal for a driver of a Public service vehicle to allow that vehicle to wait at a recognised Timing point.

6 Every vehicle left in a Parking Space in accordance with the provisions of this Order shall stand so that its wheels are wholly within the Parking Space and it does not obstruct the premises adjacent to the side of the road on which the vehicle is standing.

7 During the period of operation of a Parking Place specified in this Order no person shall without the written consent of the Council and subject to such conditions as the Council from time to time decide use any vehicle while it is in the Parking Place, in connection with any commercial activities, or the advertisement or 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 services.

8 No person shall use any part of a Parking Place or any vehicle parked in a Parking Place-

(a) for sleeping or camping or cooking; or

(b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place.

9 (1) Any person duly authorised by the Council may suspend the use of a Parking Place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of:

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(c) facilitating the movement of traffic;

(d) promoting its safety;

(e) preventing obstruction;

(f) the undertaking of works in or adjacent to the parking place; or

(g) for the convenience of occupiers of premises adjacent to the parking place.

(2) When the Parking Place or any part thereof has its operation suspended pursuant to paragraph (1) of this Article no person shall cause any vehicle to wait or load or unload in that Parking Place or part thereof for the duration of the suspension, provided that nothing in this paragraph shall render it unlawful to cause an ambulance or any vehicle being used for fire brigade or police purposes, to enter or be left in that Parking Place or part thereof during the period of suspension, or to any other vehicle so left, if that vehicle is displaying a valid dispensation issued by the Council.

10 Where a Civil Enforcement Officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle he may remove or cause to be removed the vehicle and, where it is so removed, shall provide for the safe custody of the vehicle.

11 Where a Civil Enforcement Officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle he may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

12 A Police Constable in uniform or Civil Enforcement Officer may move or cause to be moved, in case of emergency, to any place he thinks fit any vehicle left in a Parking Place.

Prohibition of Waiting, Loading and Unloading

13 Save as provided in Article 5 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer cause any vehicle to wait nor allow goods to be loaded on or unloaded from the vehicle at the times and in the lengths of Road so specified in Schedule 1 to this Order.

Parking without Payment

14 Save as provided in Article 5 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle to wait in any of the lengths of Road, and for the times specified, in Schedule 1 to this Order, and which are thereby authorised for use as Parking Places, nor may a vehicle return to any such Parking Space in the same Parking Place until the expiry of the time specified for that Parking Place in the Schedule unless it is displaying a permit valid for that Parking Place at that time.

Permit Parking

15 Save as provided in Article 5 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle to wait in any Parking Place during the times specified for that Parking Place in Schedule 1 to this Order unless it is displaying in the relevant position a permit valid for that Parking Place at that time or, being a Disc Parking Place, is displaying a parking disc as specified in Article 19. The types of permit, parking charges, entitlement and permit charges are described in Schedules 3 and 4 to this Order.

Disabled Parking

16 Save as provided in Article 5 no person shall, except upon the direction or with the permission of a Civil enforcement officer cause any vehicle to wait in any disabled parking place described in Schedule 1 to this Order unless it is displaying a Disabled Person's Badge and disc (parking clock) in the relevant position and set the disc so that it indicates the quarter of an hour period during which the vehicle arrived at the parking place in the relevant position.

Loading Bays

17 Save as provided in Article 5 no person except upon the direction or with the permission of a Civil Enforcement Officer shall cause any Goods vehicle to wait other than to allow goods to be loaded on or unloaded from the vehicle in the lengths of Road so specified in Schedule 1 to this Order.

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School Entrances

18 No person shall except upon the direction of a Civil Enforcement Officer cause any vehicle to stop or remain at rest on any of the sides of lengths of Road so specified in Schedule 1 to this Order between the hours and on the days specified therein except as may be necessary to avoid an accident or is prevented from proceeding by circumstances outside his control.

Disc Parking

19 A vehicle that is parked in a Parking Place in the lengths of Road specified in Schedule 1 to this Order as being in a Disc Parking Place and does not display a valid permit must display a Parking Disc in the Relevant Position and set the disc so that it indicates the quarter of an hour period during which the vehicle arrived at the Parking Place.

Penalty Charge and Payment

20 Where a Motor vehicle parks in contravention of the provisions of Sections 19 or 21 of the Road Traffic Act 1988 (prohibition of parking of HGVs on Verges, central reservations and footways and driving or parking on Cycle Tracks) a Penalty Charge shall be payable by the Owner for each day of the said contravention or non-compliance.

Parking for Payment

21 Save as provided in Article 5 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle to wait in any Parking Place in the lengths of Road, and for the times so specified, in Schedule 1 to this Order, and which are thereby designated as Parking Places, unless it is displaying in the Relevant Position a Parking Ticket valid for that Parking Place at that time or a Permit valid for that Parking Place at that time.

22 No vehicle which has been taken away from a Parking Place, after the initial charge has been incurred, shall until the expiration of 1 hour from the time it was taken away again be left in that Parking Place during the Charging Hours.

23 The amount of charge for a vehicle left in a Parking Place during the Charging Hours shall be as detailed in Schedule 2 to this Order.

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SCHEDULE 1

PROHIBITION OF WAITING AND LOADING AND PROVISION OF PARKING

Location	Road	Side	From	To	Nature of Restriction
FILEY	Clarence Drive	Southeast	A point 15 metres southeast of its junction with U388 Grange Avenue.	A point 22 metres southeast of its junction with U388 Grange Avenue.	Disabled Parking Bay.

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SCHEDULE 2

PARKING CHARGES

Not applicable in this Order

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SCHEDULE 3

(TYPES OF PERMITS, PARKING PLACES AND ENTITLEMENTS)

Column 1 (Type)	Column 2 (Persons Entitled)	Column 3 (Max Entitlements)	Column 4 (Parking Places)	Column 5 (Circumstances Where Permit is not Valid)
Household Permit	A person whose place of residence is situated wholly within a zone.		Any parking place situated within the zone(s) which are identified on the permit.	(a) The permit is displayed on a class of vehicle not permitted to park in the parking place. (b) The permit holder has ceased to qualify under the provisions of Column 2. (c) The permit is displayed otherwise than on a vehicle kept and used by a member of the permit holder's household or visitor to the household.
Residents' Guests' Permits (Scratch Card)		A maximum of 50 per year per qualified person within the zone. Save officers have discretion to allow an additional 50 subjet to justification.	Any parking place in the zone(s) which are identified on the scratch card	(a) The permit is displayed otherwise than on a vehicle the driver of which is a visitor to the scratch card holders household. (b) The permit holder has ceased to qualify under the provisions of Column 2. (c) The permit is displayed on a class of vehicle not permitted to park in the parking place. (d) The permit has not been correctly validated by the permit holder in accordance with the conditions on the reverse thereof. (e) The permit has not come into effect or has expired.

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Column 1 (Type)	**Column 2 (Persons Entitled)**	**Column 3 (Max Entitlements)**	**Column 4 (Parking Places)**	**Column 5 (Circumstances Where Permit is not Valid)**
Holiday Accommodation Permit (Scratch Cards)		The number of permits available is restricted to three 4 day permits for each bedroom per week.	Any parking place situated within the zone which is identified on the scratch card	(a) The permit is displayed on a vehicle which is not used or kept by a visitor to the hotel or Guest House. (b) The permit holder has ceased to qualify under the provisions of Column 2. (c) The permit is displayed on a class of vehicle not permitted to park in the parking place. (d) The permit has not been correctly validated by the permit holder in accordance with the conditions on the reverse thereof. (e) The permit has not come into effect or has expired.
Business Permit	A person, not being a person who is eligible for a Household, permit, for a zone, who is the occupier of business premises which are located wholly within that zone which premises do not have a parking space available within the curtilage ("the Permit Premises").	One per qualified applicant.	Any parking place situated within the zone which is identified on the permit.	(a) The permit is displayed on a class of vehicle not permitted to park in the parking place. (b) The permit holder has ceased to qualify under the provisions of Column 2. (c) The permit is not displayed on a vehicle being used by: i. a permit holder for the purposes of the permit holder's business at the permit premises; ii. an employee of the permit holder working at the permit premises; iii. a visitor to the permit premises.

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Column 1 (Type)	Column 2 (Persons Entitled)	Column 3 (Max Entitlements)	Column 4 (Parking Places)	Column 5 (Circumstances Where Permit is not Valid)
Special Carer permit		One per qualified applicant	Any parking place situated within the zone(s) indicated on the letter accompanying permit.	(a) The permit holder has ceased to qualify under the provisions of colum 2 (b) The vehicle is not of a class permitted to park in the parking place
Discretionary Permit	A person in a case where the Council considers there is an exceptional case	At the discretion of an Officer.	In any parking place authorised in writing by an Officer.	The permit holder failing to comply with any written condition of issue.
Health Emergency Badge	A qualified medical practitioner from the medical practice situation within a zone, which is recognised by the authority	A maximum of one per qualified applicant.	The parking place within the zone which is identified on the permit.	(a) The permit holder has ceased to qualify under the provisions of Column 2. (b) The vehicle is not of a class permitted to park in the parking place.
Attendance Permit	A person who is either: (a) certified in writing by a qualified medical practitioner as being in need of substantial and regular care or; (b) is in receipt of an Attendance Allowance.	A maximum of one per qualified applicant.	Any parking place situated within the zone which is identified on the permit.	(a) The permit is displayed on a class of vehicle not permitted to park in the parking place. (b) The permit holder has ceased to qualify under the provisions of Column 2. (c) The permit is displayed on a vehicle other than one being used for the supply of care to the permit holder.
Tradesmans Permit	A qualified tradesman carrying out works within a zone with a qualification recognised by the local authority.	At the discretion of an Officer.	Any parking place situated within the zone(s) indicated on the letter accompanying permit.	(a) The permit holder has ceased to qualify under the provisions of Column 2. (b) The vehicle is not of a class permitted to park in the parking place.

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Column 1 (Type)	**Column 2 (Persons Entitled)**	**Column 3 (Max Entitlements)**	**Column 4 (Parking Places)**	**Column 5 (Circumstances Where Permit is not Valid)**
Tradesmans Exemption	A qualified tradesman carrying out works within a zone with a qualification recognised by the local authority.	A maximum of one per qualified applicant.	The parking place within the zone which is identified on the permit.	(a) The permit holder has ceased to qualify under the provisions of Column 2. (b) The vehicle is not of a class permitted to park in the parking place.
Garages	A garage within a parking zone that need to park a class of vehicle permitted to park in a parking place, which does not have sufficient parking places available within the curtilage ("The Permit Premises")	At the discretion of an Officer.	The parking place within the zone which is identified on the permit.	(a) The permit is displayed on a class of vehicle not permitted to park in the parking place. (b) The permit holder has ceased to qualify under the provisions of Column 2. (c) The permit is not displayed on a vehicle being used by: i. a permit holder for the purposes of the permit holder's business at the permit premises; ii. an employee of the permit holder working at the permit premises; iii. a visitor to the permit premises.

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SCHEDULE 4
PERMIT CHARGES

Residents Priority ('Disc' or 'Permit Holders Only') Parking Scheme Zone

Type of Permit or Authorisation Card	Charges
Household Permit Additional Household Permits	£30.00 per year Free to disabled badge holders, persons receiving disability benefit, guaranteed pension credit, persons receiving Universal Credit (unless in receipt of take home pay)
Residents' Guests' Permit (Scratch Card)	£0.20 per day
Holiday Accommodation Permit (Scratch Card)	2 day £1.00 4 day £2.00
Business Permit	£125 per year
Special carer permit	Nil
Discretionary permit	Nil
Health Emergency Badge	Nil
Attendance Permit	Nil
Tradespersons' Permit	£45 per year
Tradesman's Exemption	Residents Zone £1.50 per day £9.00 per week
Garage	£30 per annum each
Duplicate Permits	£20.00*

- *Reduced for concessions and for Nil priced permits.

EXECUTED as a DEED by affixing the Common Seal)
of **THE NORTH YORKSHIRE COUNCIL** on the)
day of 2026 in the presence of:)

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Authorised signatory

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