

BURY METROPOLITAN BOROUGH COUNCIL

THE METROPOLITAN BOROUGH OF BURY (ROCHDALE OLD ROAD) (RESIDENTS ONLY PARKING PHASE 1) ORDER 2011

The Council of the Metropolitan Borough of Bury in exercise of the powers under Sections 1, 2, 3, 4, 45, 46, 47, 49, 51 and 53 of the Road Traffic Regulation Act 1984 (hereinafter called "the said Act of 1984") and of all other enabling powers and after consultation with the Chief Officer of Police for the County of Greater Manchester in accordance with Part III of Schedule 9 of the said Act of 1984, hereby make the following Order:-

In 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.

"owner" in relation to a vehicle, has the same meaning as in Section 92 of the Traffic Management Act 2004

"vehicle" has the same meaning as Section 62(1) of the Vehicle Excise and Registration Act 1984;

"civil enforcement officer" has the same meaning as in the Traffic Management Act 2004

"penalty charge notice" means a penalty charge notice issued by the Council under Section 66 of the Road Traffic Act 1991, the charge amount of which is set in accordance with the guidance given by the Secretary of State as amended from time to time which is to be paid in the manner described in the penalty charge notice.

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of Section 66 of the Road Traffic Act 1991 in accordance with guidance given by the Secretary of State for Transport which is to be paid in the manner described in the penalty charge notice.

"permit" means a permit issued under the provisions of Article 3 of this Order;

"visitors permit" means a permit issued under the provisions of Article 3(4) of this Order;

"business permit" means a permit issued to a person who operates from a business within a Residents Only Parking Zone

"permit holder" means a person to whom a permit has been issued under the provisions of Article 3 of this Order;

"resident" means a person whose usual residence is at premises the postal address of which is any street or part of a street described in Schedule 1 to this Order, or a person who owns or manages a

business at premises the postal address of which is any street or part of a street described in Schedule 1 to this Order, provided that the person occupies that address for the purpose of carrying out that business during the hours of operation;

"non resident carer" means a person whose usual residence is at premises the post address of which is other than any of the streets specified in Schedule 1 to this Order, and who is providing essential care and support on a regular basis, or for a specific period of time to a resident;

"parking place" means an area on a highway designated as a parking place by Article 1 of this Order;

"goods " includes postal packets of any description;

"delivery" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

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

"traffic sign" means a sign of any size, colour, type prescribed or authorised under, or having effect as if prescribed or authorised under Section 64 of the Act of 1984;

any words importing the masculine gender shall include the feminine gender

Parking Places for Residents Vehicles

Designation of Parking Places

1. Each area on a highway which is described as a designated parking place in Schedule 1 to this Order is designated as a parking place, and shall operate 8.00 am to 8.00 pm on all days of the week

Vehicles for which parking places are designated

2. Each parking place may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as display in the manner specified in Article 8 of this Order a valid permit issued by the Council in respect of that vehicle.

Application for and issue of permits

3. (1) Any resident who is the owner of a motor vehicle or a motor cycle, may apply to the Council for the issue of a permit for the leaving of that vehicle in a parking place and any such application shall be made on a form issued by and obtainable from the Council and shall include the information required by such form.

(2) The Council may at any time require an applicant for a permit to produce to an officer of the Council such evidence in respect of an

application for a permit made to them as they may reasonably require to verify any information given to them.

- (3) On receipt of an application made under the foregoing provisions of this Article, the Council, upon being satisfied that the applicant is a resident and is the owner of the vehicle of the class specified in paragraph (1) of this Article, shall issue to that applicant one permit for the leaving during the permitted hours in a parking place of the vehicle to which such permit relates by the owner of such vehicle or by any person using such a vehicle with the consent of the owner other than a person to whom such a vehicle has been let for hire or reward.
- (4) Any resident may apply to the Council for the issue of one visitor's permit per household for the leaving of that vehicle in a parking place and application shall be made in accordance with paragraphs (1) of this Order. The same condition shall apply to visitors permits as apply to residents permits, and misuse may result in the withdrawal of the permit.
- (5) Issue of a resident's parking permit does not guarantee a parking space.

Surrender, Withdrawal and Validity of Permit

4. (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 events set out in paragraph (3) of this Article.
- (2) The Council may, by notice in writing served on 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 any one of the events set out in paragraphs (3)(a), (b) or (c) of this Article have occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of such notice.
- (3) The events referred to in the foregoing provisions of this Article are:-
 - (a) the permit holder ceasing to be a resident;
 - (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued.
 - (c) the vehicle in respect of which such permit was issued being adopted or used in such a manner that it is not a vehicle of the class specified in Article 3 of this Order.
 - (d) the issue of a duplicate permit by the Council under the provisions of Article 5 of this Order.
- (4) A permit 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) of this Article, whichever is the earlier.

- (5) 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 by the Council as they may reasonably require.

Application for and issue of duplicate permits

5. (1) If a permit is mutilated or defaced or the figures or particulars on it have become illegible the permit holder shall surrender it to the Council and re-apply to the Council for the issue to him/her of a duplicate permit, and the Council, upon the receipt of the permit if such a receipt is accompanied by an application for a duplicate 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/her of a duplicate permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked.
- (3) The provisions of this Order shall apply to a duplicate permit and an application for a duplicate permit as if it were a permit or, as the case may be, an application therefore.
- (4) The provisions of this Order shall apply to a duplicate permit and an application for a duplicate permit as if it were a permit or, as the case may be, an application therefore.
- (5) The foregoing provisions of this Article shall apply to the issue of duplicate visitor's permits.

Form of permits

6. A permit shall be in writing and may include the following particulars:
- (a) the registration mark of the vehicle in respect of which the permit has been issued;
- (b) the parking place to which it relates;
- (c) the period during which, subject to the provisions of Article 4(4) of this Order, the permit shall remain valid;
- (d) an authentication that the permit has been issued by the Council.

Charge for Permits

7. (a) The Council shall charge annually for the issue of permits as set out in Schedule 2 to this Order and that charge may be varied from time to time.
- (b) The Council shall charge annually for the issue of duplicate permits as set out in Schedule 2 to this Order and that charge may be varied from time to time.
- (c) Permits following change of vehicle shall at present be issued free of charge as set out in Schedule 2 to this Order and that charge may be varied from time to time.

- (d) Visitors Permits shall at present be issued free of charge, and the Council shall charge for issue of duplicate visitors permits as set out in Schedule 2 to this Order and that charge may be varied from time to time.

Display of Permits

8. At all times during which a vehicle is left in a parking place during the hours of operation there shall be displayed on the front or nearside of the vehicle a valid permit issued in respect of that vehicle so that all the particulars referred to in Article 6 of this Order are readily visible from the front or nearside of the vehicle.

Restriction of the removal of Permits

9. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 8 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.

Non- resident Carers

10. A non-resident carer who is the owner of a motor vehicle or motor cycle may leave that vehicle in a residents parking place for such time as may be necessary to provide essential care and support to a resident provided that there shall be displayed in a conspicuous position on the vehicle, some identification that the vehicle is being used in connection with the provision of essential care and support to a resident.

Placing of Traffic Signs

11. The Council shall:-
- (a) cause the limits of each parking place to be indicated on the carriageway by placing and maintaining thereon the appropriate lines or other indications in accordance with the Traffic Signs and General Directions 2002.
 - (b) place and maintain on or in the vicinity of each parking place appropriate traffic signs for indicating that such parking place may be used during the hours of operation for the leaving only of the vehicles specified in Article 2 of this Order; and
 - (c) Carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

Manner of Standing in parking places

12. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall stand so as the vehicle is parked parallel to the kerb.

Alteration of position of vehicle in parking place

13. Where any vehicle is standing in a parking place in contravention of the provisions of this Order a civil enforcement officer or a person authorised in that behalf by the Council, or a police constable in uniform, or a traffic warden may alter or cause to be altered the position of the vehicle in order that the position shall comply with those provisions.

Removal of Vehicles from parking places

14. Where a civil enforcement officer or a person authorised in that behalf by the Council, or a police constable in uniform or a traffic warden is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he/she may remove or cause to be removed the vehicle from the parking place and where it is so removed, shall provide for the safe custody of the vehicle.

Movement of vehicles in parking places in emergencies

15. A civil enforcement officer or a person authorised in that behalf by the Council, or a police constable in uniform or a traffic warden may in case of emergency move or cause to be moved any vehicles left in a parking place to any place he thinks fit.

Power to suspend use of parking places

16. (1) Any person authorised by the Council or a constable in uniform may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition 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 any main pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or traffic sign;
 - (c) 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;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or

- (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.
- (2) Any person suspending the use of a parking place 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 the parking place or the part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.
- (3) No person shall cause or permit a vehicle to be left in any parking place or part of a parking place during such period as there is in or adjacent to that parking place or part of a parking place a traffic sign placed in pursuance of paragraph (2) of this Article.

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in Article 18 (1)(b), (d) or (e) of this Order to be left in a parking place or part of a parking place during any such period, or to any other vehicle so left if that vehicle is left with the permission (i) of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (1) of this Article, of a civil enforcement officer.

Restriction of use of vehicles at parking places

17. While any vehicle is in a parking place during the permitted hours, no person shall use the vehicle in connection with the sale of any article to any person in or near the parking place or in connection with the selling or offering for sale of his/her skill or services:

provided that nothing in this Article shall prevent the sale of goods from a vehicle:-

- (a) if the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is affected; or
- (b) if the vehicle is one to which the provisions of Article 18 (1) of this Order applies.

Restriction of Waiting of vehicles in parking places

18. (1) Notwithstanding the foregoing provisions of this Order, any vehicle may wait during the permitted hours anywhere on the carriageway in a parking place (other than a parking place or part of a parking place the use of which has been suspended, under Article 16 of this Order) for so long as may be necessary if:-
- (a) the vehicle is waiting to enable a person to board or alight from the vehicle;

- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his/her control or to such waiting being necessary in order to avoid accident;
 - (c) the vehicle is a vehicle used or police, fire brigade or ambulance purposes, or a vehicle in the service of a local authority which is being used in pursuance of statutory power or duties;
 - (d) the vehicle is waiting to enable it to be used in connection with the removal of any obstruction to traffic.
 - (e) the vehicle is in the service of or employed by the Post Office including a universal service provider and is waiting 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 therefrom, are being delivered or while postal packets are being collected from premises or post boxes adjacent to the parking place in which the vehicle is waiting;
 - (f) the vehicle is waiting to enable it to be used for any purpose specified in Article 16 (1)(b) of this Order;
 - (g) the vehicle is in actual use in connection with the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (h) the vehicle is waiting to enable it to be used in connection with cleaning windows or chimneys in premises adjacent to the parking place in which the vehicle is waiting; or
 - (i) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place at which the vehicle is waiting and the vehicle does not wait for such purpose for more than 30 minutes or for such longer period as a civil enforcement officer may authorise.
- (2) Except as provided in the foregoing provisions in this Article and Article 2 herein, the driver of a vehicle shall not cause or permit the vehicle to wait in a parking place during the permitted hours.
- (3) Nothing in the foregoing provisions of this Article shall be taken to authorising anything which would be a contravention of any regulation made or having effect as if made under Section 25 of the Act of 1984.

Penalty Charges in parking places

19. (1) If a vehicle is left or allowed to wait in a residents parking place or any part thereof, during the hours of operation without displaying a residents or visitors permit in the

manner described in Article 8 to this Order the penalty charge shall be payable by the driver.

- (2) If a person causes or permits a vehicle to wait in a residents parking place or any part thereof during the hours of operation in any other manner of standing other than that described in Article 12 to this Order the penalty charge shall be payable by the driver.
- (3) In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a civil enforcement officer to attach to the vehicle in a conspicuous position a penalty charge notice as specified in Section 66 of the Road Traffic Act 1991, or give such a Notice to the person appearing to him to be in charge of the vehicle, or to issue by post in accordance with the Traffic Management Act 2004.

Restriction on Removal of Notices

- 20. When a Notice has been attached to a vehicle in accordance with any of the foregoing provisions of this order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the Notice from the vehicle or until the vehicle is moved from the parking place.

Duty to Give Information

- 21. (a) Where a person is alleged to have contravened any provisions of this Order, the owner of the vehicle shall give information as he may be required to give by or on behalf of the Council; and

(b) Any other person shall if required as aforesaid give any information which it is in his power to give and may lead to the identification of the driver.
- 22. This Order shall come into operation on 3 October 2011 and may be cited as The Metropolitan Borough of Bury (Rochdale Old Road Area, Bury) (Residents Only Parking Phase 1) Order 2011.

SCHEDULE

**Parking Places for Resident Permit Holders Only – 8.00 am – 8.00 pm
All days of the week.**

Rochdale Old Road

North side from a point 15.0 metres east of the easterly kerbline of Holden Avenue to a point 15.0 metres west of the westerly kerbline of Broadbent Drive.

Newhall Road

Both sides, from a point 10.0 metres north of the northerly kerbline of Rochdale Old Road for the remainder of its length in a northerly and westerly direction including its cul-de-sac end.

Holden Avenue

Both sides, from a point 10.0 metres north of the northerly kerbline of Rochdale Old Road for the remainder of its length in a northerly direction including its cul-de-sac end.

Rectory Lane

Both sides, from a point 3.0 metres south of the southerly kerbline of Back Rochdale Old Road for a distance of 10.0 metres in a southerly direction.

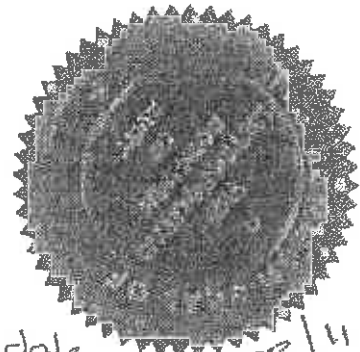
West side, from a point 3.0 metres north of the northerly kerbline of Back Rochdale Old Road for a distance of 4.2 metres in a northerly direction.

East side, from a point 3.0 metres north of the northerly kerbline of Back Rochdale Old Road for a distance of 55.0 metres in a northerly direction.

THE COMMON SEAL of THE COUNCIL OF THE
METROPOLITAN BOROUGH OF BURY was

hereunto affixed on 29 day of September 2011

In the presence of:-



J. Bakendole
for Council Solicitor

533/11