

**CHESHIRE EAST BOROUGH COUNCIL
(CHURCH VIEW, HOLMES CHAPEL– ZONE T)
(PROHIBITION OF WAITING AND PERMIT PARKING)
ORDER 2015**

The Cheshire East Borough Council (hereinafter referred to as “the Council”) in exercise of the powers conferred by Sections 1, 2, 4, 32, 35, 45, 46, 49, 51 and 53 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the 1984 Act”) and Part III of Schedule 9 to the 1984 Act and of all other enabling powers and after consultation with the Chief Officer of Police hereby makes the following Order:-

PART I

CITATION AND INTERPRETATION

1. This Order shall come into operation on 26th January 2015 and may be cited as the ‘Cheshire East Borough Council (Church View, Holmes Chapel – Zone T) (Prohibition of Waiting and Permit Parking) Order 2015’.
2. In this Order-

“the 2004 Act” means the Traffic Management Act 2004;

“the 2007 Regulations” means The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“agent” means a person body or company appointed by the enforcement authority for the purpose of collecting payments due under a penalty charge notice;

“business” means a business whose registered office or main place of business is at premises the postal address of which is specified in Schedule 1 to this Order

“business permit” means a permit issued by the Council to a business

“carer” means any person who attends the domestic property of a resident for the purpose of providing medical or social care to the resident

“carers permit” means a permit issued by the Council to a resident for use by a carer

“civil enforcement officer” means a person employed in accordance with section 76 of the 2004 Act to enforce the prohibitions, restrictions and regulations imposed by this Order;

“disabled person” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles)(England)Regulations 2000;

“disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000;

“driver” means the person driving the vehicle at the time it was left in the parking place;

“enforcement authority” has the same meaning as in Schedule 8 to the 2004 Act;

“goods” means goods of any kind whether animate or inanimate and includes postal packets of any description and “delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection;

“hackney carriage” means a vehicle licensed under Section 37 of The Town Police Clauses Act 1847;

“motor-cycle” has the same meaning as that in Section 136 of the 1984 Act;

“owner” in relation to a vehicle includes any person who, by virtue of Regulation 5 of the 2007 Regulations, falls to be treated as the owner of the vehicle;

“parking place” means an area of a highway designated by this Order and shown hatched on the plan for the waiting of vehicles as permitted within this Order;

“passenger vehicle” means a motor vehicle (other than a motor-cycle) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

“penalty charge” means a charge payable in accordance with Regulation 4 of the 2007 Regulations and is a charge set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007;

"penalty charge notice" has the same meaning as in Regulation 8 of the 2007 Regulations;

“permit” means a valid current residents permit, business permit, carers permit or visitors permit issued by the Council under the provisions of this Order

“permit holder” means a person to whom a permit has been issued under the provisions of this Order;

“permitted days and hours” means the period specified on the plan for the parking place during which waiting by vehicles of a specific class is permitted;

“plan” means the plan attached to this Order;

“prohibited road” means any of the lengths of roads and sides of roads specified on the plan as ‘No Waiting at Any Time’ ;

“relevant position” in respect of a permit or waiver certificate means displayed continuously on the windscreen on the nearside of the windscreen or nearside of the dashboard of the vehicle so that all particulars are visible and can be read from the outside of the front or nearside of the vehicle ;

“resident” means a person whose usual place of abode is at a domestic property the postal address of which is specified in Schedule 1 to this Order;

“residents permit” means a permit issued by the Council to a resident

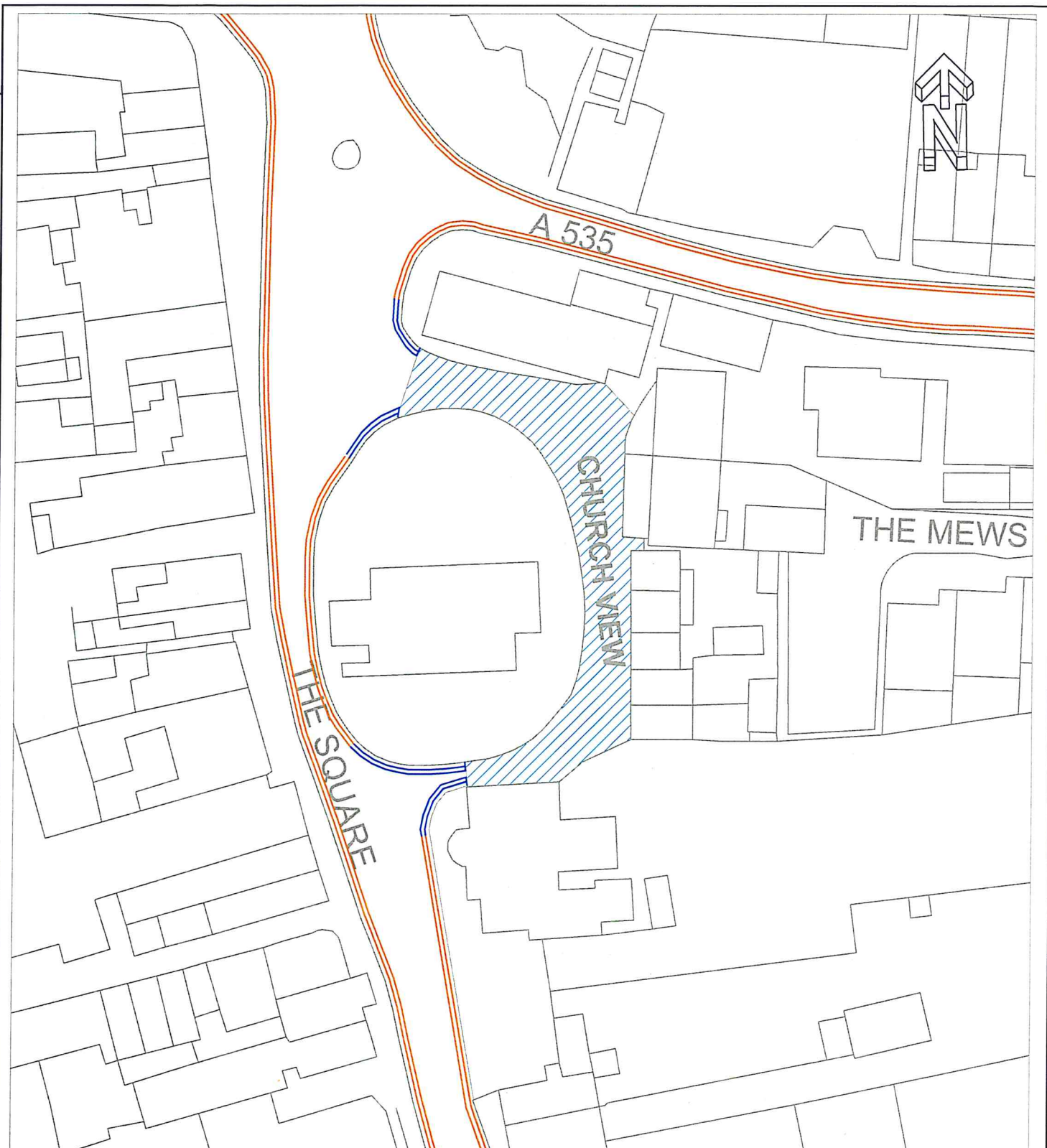
“specified class of vehicle” means a vehicle satisfying all of the criteria listed in Article 41

“universal service provider”, “provision of universal postal service” and postal packet” shall bear the same meanings as in the Postal Services Act 2000

“visitor” means any person who is visiting a resident

“visitors permit” means a scratch card issued by the Council to a resident for use by visitors

“waiver certificate” means a certificate issued by the Council permitting a named vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be prohibited or restricted or a permit would otherwise be required.



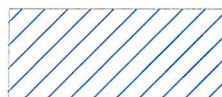
Proposed alteration to Double Yellow Lines



Existing Double Yellow Lines



**Proposed Permit Only Parking Zone
Mon - Sat 8am - 8pm.**



Contact Name: James Howard

Tel: 01625 378193

Drawn by: James Howard

Checked by: James Howard 27 Jan 14

Email: james.howard@cheshireeast.gov.uk

Scales at A3: scale

Sheet 1 of 1

Drawing No:

Phase/Rev:



Project:

**(CHURCH VIEW, HOLMES CHAPEL - ZONE T)
(PROHIBITION OF WAITING AND PERMIT
PARKING)
ORDER 2015**

THIS IS A COLOUR PLAN.

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

CHESHIRE EAST COUNCIL LA100049045 2014

Cheshire East Council Highways

6th Floor, Delamere House, Delamere Street, Crewe, Cheshire, CW1 2LL

“zone” means all those parking places bearing the same zonal alphabetical letter

3. Except where otherwise stated, any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference to a plan is a reference to a plan attached to this Order.
4. The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the 1984 Act, or by or under any other enactment.
5. Save where the contrary is indicated, any reference in this Order to:
 - (a) this Order or another order shall be construed as such a reference to this Order or, as the case may be, such other order, as the same may have been or may from time to time be amended, varied or supplemented;
 - (b) a statute or regulation shall be construed as reference to such statute or regulations as the same may have been, or may from time to time be amended or re-enacted.
6. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting the persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
7. Headings of any articles, parts or schedules of this Order are for information only and do not form part of the Order and are not to be taken into account in its construction or interpretation.

8. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and any orders revoked were Acts of Parliament thereby repealed.

PART II

PROHIBITION OF WAITING

PROHIBITION OF WAITING

9. Save as provided in Article 10 and 11 to this Order no person shall, except upon the direction of or with the permission of a civil enforcement officer or a police constable in uniform, cause or permit any vehicle to wait at any time in a prohibited road.

PART III

EXEMPTIONS

-
10. Nothing in Article 9 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable:
- (a) a person to board or alight from the vehicle;
 - (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
-

- (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
 - (iv) the laying, erection, alteration or repair in or on land adjacent to 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 line of telecommunications apparatus (as defined in the Telecommunications Act 1984) kept installed for the purpose of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position;
- (c) the vehicle to be used in the service of a local authority, water undertaker, sewerage undertaker or the Environment Agency in pursuance of statutory powers or duties;
 - (d) a marked vehicle, whilst used by a universal service provider in the course of the provision of a universal postal service, to deliver and/or collect postal packets;
 - (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths or sides of road;
 - (f) the vehicle to wait at or near to any premises situated on or adjacent to the said lengths or sides of road for so long as may be necessary in connection with any funeral;
 - (g) a marked vehicle to be used by the fire brigade, ambulance service or police in the course of their dealing with an emergency;
 - (h) the vehicle to wait for as long as may be necessary for the

purpose of enabling goods to be loaded on or unloaded from the vehicle in the said lengths or road or sides of road; or

- (i) the vehicle, being a hackney carriage, to wait upon a hackney carriage stand.

- 11. Nothing in Article 9 of this Order shall render it unlawful to cause or permit a vehicle which lawfully displays in the relevant position a disabled person's badge and a parking disc, on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began, to wait in any of the roads, lengths of road or on any of the sides of road referred to in the said Articles 7 and 8 for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day).

PART IV

DESIGNATED PARKING PLACES

- 12. Subject to the provisions of this Order the parking place is authorised to be used by permit holders as a parking place for waiting by vehicles of such classes, in such positions, on such days and during such hours as provided within this Order.
- 13. No person shall cause or permit a vehicle to wait in the parking place referred to in Article 12 during the permitted days and hours unless
 - a. the vehicle is of the specified class of vehicle;

- b. the person causing or permitting the vehicle to wait in that parking place is a permit holder;
- c. the permit relates to the zone in which the said vehicle is waiting;
- d. the permit is displayed in its protective cover in the relevant position; and
- e. the permit is valid in accordance with the provisions of this Order.

PART V
GENERAL

- 14. Nothing in Articles 12 and 13 shall render it unlawful to cause or permit a vehicle to wait in the parking place outside of the permitted days and hours.
- 15. Any vehicle left in the parking place in accordance with the provisions of this Order shall stand:
 - (a) so that the vehicle is parallel to the edge of the carriageway;
 - (b) so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300mm; and
 - (c) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting.
- 16. Without prejudice to Article 60, where any vehicle is standing in the parking place in contravention of the provisions of Article 12 to this Order, a civil enforcement officer or police officer in uniform may alter

or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

17. A police officer in uniform or civil enforcement officer may move or cause to be moved or remove or cause to be removed, in case of emergency, to any place he / she thinks fit, any vehicle left in the parking place and shall provide for the safe custody of the vehicle.
18. Any person duly authorised by the Council may suspend the use of the parking place or any part thereof whenever they consider 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 adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place or any sewer or of any main, pipe, or apparatus for the supply of gas, water or electricity or of any telecommunications system or the placing, maintenance or removal of any traffic sign;
 - (c) for the convenience or occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depositary, another office or dwelling-house;
 - (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.
19. A police officer in uniform or civil enforcement officer may suspend for not longer than twenty-four hours the use of the parking place or any part thereof whenever he / she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
20. Any person or police officer suspending the use of the parking place or any part thereof in accordance with the provisions of Article 18 or Article 19 to this Order shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.
21. No person shall cause or permit a vehicle to wait in the parking place or any part thereof during which such period as the Council or a police officer has suspended that parking place or part thereof and exhibits notice of such suspension, whether or not such notice is comprised within a traffic sign referred to in Article 20 on or near that parking place.
22. No person shall use a vehicle while it is in the parking place in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his/her skills or services.

PART VI

PROVISIONS RELATING TO RESIDENTS PERMITS, BUSINESS PERMITS, CARERS PERMITS AND VISITORS PERMITS

Application issue and display of residents permit.

23. A resident may apply for the issue of a maximum of two residents permits per annum for the zone to which their property is located as shown on Schedule 1 by completing the appropriate form and submitting it to the Council together with the appropriate fee as prescribed in Schedule 2 or such other fee as otherwise varied by notice.
24. A residents permit shall only be used in vehicles waiting in the parking place or zone specified on the permit.
25. The Council may at any time before an application is processed or after a residents permit has been issued require the applicant or permit holder to produce such evidence as they may reasonably require to verify any particulars or information received by them to confirm the validity of the person applying as that of a resident, validate the application or validate the existing residents permit.
26. Upon receipt by the Council of the correct fee, the completed application form and any other documents requested in accordance with Article 25 to this Order, the Council being satisfied that the applicant is a resident and is the owner of the vehicle, or regular driver where the vehicle is a car registered at the DVLA to the driver's employer, may, in its absolute discretion, issue to the applicant:-
- (a) a maximum of two permits permitting the permit holder to park the vehicle during the permitted hours in any zone identified on the parking permit; and
 - (b) one protective cover for each permit issued.

Form of residents permit.

27. A residents permit shall not be valid unless it is in writing and includes the following particulars:-

- (a) the registration mark of the vehicle unless the residents permit holder drives a variety of company vehicles in which case this section may have a non-specific entry;
- (b) the period of time for which it is valid;
- (c) an indication it has been issued by or on behalf of the Council;
- (d) details of the zone in which the vehicle may be left; and
- (e) permit number.

Business permits.

- 28. Applications for business permits shall be made by a business on the appropriate forms and submitted with the appropriate fee as prescribed in Schedule 2 or such other fee as otherwise varied by notice.
- 29. The issuing by the Council of permits to a business will be considered on a case by case basis in its absolute discretion.
- 30. A business permit issued by the Council may only be used in the parking places or zone specified on the permit.
- 31. The Council may at any time before an application is processed or after a business permit has been issued require the applicant or permit holder to produce such evidence as they may reasonably require to verify any particulars or information received by them to validate the application, the existence of the business or the existing business permit.
- 32. Upon receipt by the Council of the correct fee, the completed application form and any other documents requested in accordance with Article 31 to this Order, the Council being satisfied that the application is valid and the applicant is a business may issue to the applicant one or more business permits.

Form of business permit.

33. A business permit shall not be valid unless it is in writing and includes the following particulars:-

- (a) the period of time for which it is valid;
- (b) the name of the business to whom the permit has been issued;
- (c) an indication it has been issued by or on behalf of the Council;
- (d) details of the zone in which the vehicle may be left; and
- (e) permit number.

Carers permits

34. Applications for a carers permit shall be made by a resident on the appropriate forms and submitted with the appropriate fee as prescribed in Schedule 2 or such other fee as otherwise varied by notice and with such evidence as the Council may reasonably require to verify any particulars or information received by them to validate the application and the resident's need for a carer.

35. The issue of carers permits by the Council shall be determined solely on the Council being satisfied that the applicant is a resident and in need of a carer and not subject to or affected by the additional holding or not of any residents permits.

36. A carers permit shall only be used in vehicles waiting in the parking places or zone specified on the permit.

Form of carers permit.

37. A carers permit shall not be valid unless it is in writing and includes the following particulars:-

- (a) the period of time for which it is valid;
- (b) an indication it has been issued by or on behalf of the Council;

- (c) details of the zone in which the vehicle may be left; and
- (d) permit number.

Visitors permits - rights to purchase.

38. A resident may apply for the issue by the Council of permits for visitors for the zone in which the resident's property is located as shown on Schedule 1 by completing the appropriate form and submitting it to the Council together with the appropriate fee as prescribed in Schedule 2 or such other fee as otherwise varied by notice.
39. Any resident may apply to the Council for permits for visitors regardless of whether or not they are entitled to or apply for a residents permit.

Format of visitors permits.

40. Visitors permits shall be issued in the form of scratch cards in no fewer than books of ten and residents will be entitled to a 50% discount of the fee referred to in Article 38 on the first 40 permits (four books of ten) issued per annum.
41. Each scratch card shall clearly show:-
- (a) A space where the zone for which it will be used must be entered.
 - (b) An indication it has been issued by or on behalf of the Council.
 - (c) A space where the registration number of the vehicle using the permit must be entered.
 - (d) Panels representing the day of the week, the date, the month and the year, which must be scratched off as a method of validating the visitors permit.

Display

42. A visitors permit shall be displayed at all times on the nearside of the windscreen or dashboard of the vehicle so that all particulars are visible and can be read from the front or nearside of the vehicle at all times.

43. One or more valid visitors permits may be displayed simultaneously alongside each other.

44. A visitors permit shall only be valid if it is:-

- (a) displayed correctly as stated in Articles 42 and 43 to this Order;
- (b) has the registration mark of the vehicle in which it is being used correctly entered in ink;
- (c) has the zone in which the permit is being used correctly entered in ink;
- (d) has the correct day of the week exposed by scratching off the appropriate removable surface;
- (e) has the correct date exposed by scratching off the appropriate removable surface;
- (f) has the correct month exposed by scratching off the appropriate removable surface;
- (g) has the correct year exposed by scratching off the appropriate removable surface and
- (h) is used within the zone(s) or road(s) for which it is valid and with the vehicle parked in the correct manner and position in accordance with Article 15.

45. A visitors permit shall not be valid if:-

- (a) Article 44 to this Order is not fully adhered to;
- (b) more than one panel in any section is scratched off revealing more than one day, date, month or year; or

- (c) the visitors permit is defaced, damaged, altered or obscured in any way as to make it unclear or any part unreadable.

Terms and conditions of use.

- 46. No refund shall be payable by the Council in respect of any visitors parking permits surrendered to them.
- 47. The Council may at any time require an applicant or permit holder to produce such evidence as they reasonably require to verify any particulars or information given to them in the applicant's application form.
- 48. If a resident ceases to be a resident any visitors permits in the possession of that resident shall be surrendered to the Council and shall be deemed to be cancelled.

Rules concerning vehicles using residents permits, business permits, carers permits and visitors permits.

- 49. Any vehicles using residents, business, carers or visitors permits must satisfy all of the following criteria:-
 - (a) have a gross vehicle weight of not more than 3.5 tonnes;
 - (b) be a vehicle that can carry no more than 13 people including the driver;
 - (c) must not exceed 6 metres in length;
 - (d) must be no more than 2.44 metres (8 ft) high; and
 - (e) be a motor vehicle as defined by Section 136(1) of the Road Traffic Regulations Act 1984.
- 50. Permits are not required for solo motorcycles or mopeds.

as prescribed in Schedule 2 or such other fee as otherwise varied by notice the Council shall issue a replacement permit and the lost or destroyed permit shall then become invalid.

Validity.

57. Without prejudice to the proceeding paragraphs a permit shall cease to be valid upon the expiration of the period specified in the permit (this being the period for which payment has been made) or if the permit has been interfered with or altered.

Waiver

58. Nothing in Part II and Part IV of this Order shall prevent any person from causing or permitting a vehicle which displays in the relevant position a valid waiver certificate issued by the Council to wait in any prohibited road or in any restricted road or parking place, in accordance with the days, location and time period specified on the waiver certificate.
59. A waiver certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the waiver certificate at any address that the Council believes to be that person's address and the waiver certificate shall forthwith be surrendered to the Council.

PART VII

CONTRAVENTION OF ORDER

Contravention

60. If a vehicle is left in any road or length of road in contravention or without complying with the requirements of this Order a contravention shall have occurred and the penalty charge shall be payable.

Penalty Charge Notice

61. In the case of a vehicle in respect of which a penalty charge is payable, it shall be the duty of
- a) a civil enforcement officer to serve a penalty charge notice in accordance with Regulation 9 of the 2007 Regulations; or
 - b) the enforcement authority to serve a penalty charge notice in accordance with Regulation 10 of the 2007 Regulations.

Manner of Payment of Penalty Charge

62. The owner of the vehicle shall pay the penalty charge as indicated on the penalty charge notice to the enforcement authority or its agent.

Indications as evidence

63. The particulars given in the penalty charge notice served in accordance with Article 61 to this Order shall be treated as evidence in any proceedings relating to failure to pay such a penalty charge.

Restriction on removal of notices

64. A penalty charge notice attached to a vehicle in accordance with the provisions of Article 61 to this Order and Regulation 9(a) of the 2007 Regulations shall not be removed or interfered with except by or under the authority of the owner or person in charge of the vehicle or by some other person duly authorised by the enforcement authority.

SCHEDULE 1

Zone T

Church View - all properties

SCHEDULE 2
Charges for permits

Permit for residents	£50.00 per permit per annum
Permit for visitors	£10.00 per book of ten (with first four books per year costing £5.00)
Permit for businesses	£80.00 per permit per annum
Permit for carers	£nil per permit per annum
Administration charge for permit replacement	£10.00 per permit

THE COMMON SEAL OF)
CHESHIRE EAST BOROUGH COUNCIL)
was hereunto affixed on the fourteenth day)
of January in the year two thousand and)
fifteen in the presence of)

AUTHORISED SIGNATORY



5903