

## **Shropshire Council (School Streets Initiative – School Lane, Gobowen) (No. 1)**

### **(Experimental Prohibition of Motorised Vehicles) Order 2024.**

The Shropshire Council (“the Council”) in exercise of its powers under Sections 9 and 10(2) of the Road Traffic Regulation Act 1984 as amended (“the 1984 Act”) and with Part 6 of the Traffic Management Act 2004 (“2004 Act”) 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 makes the following Order.

#### **1) Commencement**

1.1 This Order may be cited as “*Shropshire Council (School Streets Initiative – School Lane, Gobowen) (Experimental Prohibition of Motorised Vehicles) Order 2024*”, and shall come into operation on the **4 JUNE 2024**, and will remain in force for a maximum period of 18 months.

#### **2) Citation**

2.1 The Prohibition of Motorised Vehicles imposed by this Order shall be in addition to, and not in derogation of any restrictions or requirement imposed by any regulations made under the 1984 Act or by and under any other enactment.

2.2 Save as provided in Article 2.3 of this Order no person shall use, cause or permit any motorised vehicle to enter those specified lengths of road during the prohibited times listed in Schedule 1 of this Order during the school’s term time. The Council will carry out civil enforcement of any contravention of the prohibition detailed in this Order by permitting the imposition of a Penalty Charge only on the basis of a record produced by the means of an Approved Device.

2.3 Nothing in Article 2.2 of this Order shall render it unlawful to cause or permit any motorised vehicle to proceed in those lengths of roads during the prohibited times as specified in Schedule 1 of this Order:

- To enable the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a Local Authority in pursuance of statutory powers or duties;
- To enable access for the Fire Brigade, Police or Ambulance services in pursuance of their duties;
- To enable 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: -
  - a. Actively engaged in building or industrial operation or demolition,
  - b. the removal or any obstruction to traffic;
  - c. the maintenance, improvement or re-construction of that length of road;
  - d. the laying, erection, alteration or repair on or on land adjacent to the length of road or any sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in the Telegraph Act 1878.

- e. To enable the vehicles of statutory undertakers in the pursuance of maintaining, installing or responding to emergencies of their assets situated in the public highway;
- f. To enable the vehicles of the Royal Mail or other universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) actively in pursuance of delivering and/or collecting packets as defined in Section 125(1) of the Postal Services Act 2000;
- g. To enable a vehicle displaying a School Streets permit issued by the Council or in electronic form recorded on a database maintained by the Council for the specified roads listed in Schedule 1 in which the vehicle is being driven. The permit shall include the following particulars:
  - i. An authentication that the permit has been issued by the Council;
  - ii. The expiry date of the permit;
  - iii. The street in which the permit is valid;
  - iv. To enable a vehicle being driven by any persons working on behalf of the school, or requesting access to the school as nominated by the Head Teacher;
- h. To enable a vehicle being driven by a registered medical practitioner, nurse, carer or support worker undertaking duties at any property within the specified lengths of road;
- i. To enable a licenced Hackney Carriage, Private Hire Vehicles Proprietors or Dial-a-Ride to access the roads specified in Schedule 1 of this Order to collect or drop-off passengers;
- j. To enable a public service vehicle while being used as part of a scheduled school bus service or otherwise engaged in commercial operations;
- k. To enable a funeral procession undertaking from any premises within the specified roads;
- l. To allow a wedding vehicle undertaking from any premises located within the specified roads;
- m. To enable access for users of Motorised Wheelchairs (class 2 & 3).

### **3) Interpretation**

3.1 In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

- “1984 Act” means the Road Traffic Regulation Act 1984;
- “2000 Act” means the Transport Act 2000;
- “2004 Act” means the Traffic Management Act 2004;
- “Approved Device” means a device of a description specified in an Order made by the Relevant National Authority in line with Section 144 of the 2000 Act;
- “Authorised Officer” means an employee or agent of the Council authorised to record, detect and act on contraventions to this Order by the means of an Approved Device;
- “Bank Holiday” includes any standard or specially declared Bank Holidays applying to England;
- “Bus” has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions 2016;

- “Business Premises” means premises where commercial business operate;
- “Civil Enforcement Officer” means a person authorised by or on behalf of the Council to supervise the parking places and enforce the restrictions imposed by this Order;
- “Council” means Shropshire Council;
- “Contravention” in relation to a condition, restriction or requirement, includes failure to comply with that condition, restriction or requirement;
- “Detection Date” means the date on which a motorised vehicle was detected as contravening this Order, according to the record produced by an Approved Device;
- “Disabled Person’s Blue Badge” has the same meaning as in the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;
- “Driver” means an individual authorised to drive a motorised vehicle who has allegedly contravened this Order that may not necessarily be the owner or keeper of that vehicle and therefore, when identified, shall be responsible for payment of the Penalty Charge;
- “Licenced Hackney Carriage” shall have the same meaning as Section 38(1) of the Vehicles (Excise) Act 1971;
- “Manual Wheelchair” means wheelchairs that are manually propelled by their users;
- “Motor Vehicle” has the same meaning as stated in Sections 136(1) and 140 of the 1984 Act;
- “Motorcycle” has the same meanings as in Section 136 of the 1984 Act;
- “Motorised Vehicle” means a mechanically propelled vehicle, intended or adapted for use on the road;
- “Motorised Wheelchair (Class 2)” means mechanically propelled wheelchairs that have a maximum speed of 4mph and are designed to be used on pavements;
- “Motorised Wheelchair (Class 3)” means mechanically-propelled wheelchairs and scooters that have a maximum speed limit of 8mph and must not weigh over 150kg;
- “Owner” in relation to a vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the motorised vehicle was observed contravening the prohibition;
- “Penalty Charge Notice” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;
- “Penalty Charge” means a charge imposed by legislation in respect of parking contraventions that are subject to civil enforcement and which has the same meaning as the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;
- “Permit” means a permit issued by the Council to relevant permit holders to exempt them from any enforcement action;
- “Premises” includes land and buildings;
- “Principal Place of Residence” means a residential premises where the driver and/or owner of the vehicle reside over night for at least four nights per week during a period of at least 10 months per year;
- “Private Hire Vehicle” has the same meaning as Section 48 of the Local Government (Miscellaneous Provisions) Act 1976;
- “Prohibited Hours” in respect of any length of road during those times and days specified in Schedule 1 when the Prohibition will be enforceable;
- “Public Highway” means the carriageway, footway, footpaths & bridlepaths where the public have the right to travel over and which are maintainable at public expense;
- “Public Service Vehicle” means a motor vehicle (other than a tramcar) which is:
- “Relevant National Authority” means the Secretary of State in respect to England;
- “Resident Permit” means a permit issued by the Council detailed in the Order;

- “Resident” means a person whose principal place of residence is at premises the postal address of which is in any road or part of a road specified in Schedule 1 of this Order;
- “Schedule” means the Schedules contained within this Order;
- “School” means the Gobowen Primary School;
- “Term Time” means that period in the school’s calendar when pupils are expected to attend;
- “Universal Service Provider” has the same meaning as in Section 4(3) of the Postal Services Act 2000.

**4) Power to modify or suspend this Order**

4.1 In pursuance of Section 10(2) of the Road Traffic Regulation Act 1984, an authorised officer may, if it appears to that person essential in the interests of the expeditious, convenient and safe movement of traffic, or of the provision of suitable and adequate parking facilities on the highway or of the preserving or improving the amenities of the area through which any road affected by this Order runs, and after consulting with the Chief Officer of Police, modify or suspend any provision of this Order, save that no modification shall make an addition.

4.2 In pursuance of Sections 16A of the Road Traffic Regulation Act 1984 (as amended by the Road Traffic Regulation (Special Events) Act 1994), an authorised officer may, if it appears to be that person essential, and after consulting with the Chief Officer of Police, temporarily suspend any provisions of this Order to allow unimpeded access of the public highway for authorised ‘relevant events’ – including sporting events, social events, entertainment or electoral and elections.

4.3 Given the Common Seal of Shropshire Council this **4th of JUNE 2024**.

<b>THE COMMON SEAL of The Shropshire Council</b>	)	
<b>was hereunto affixed</b>	)	<b>LS</b>
<b>This 4th of June 2024</b>	)	
<b>in the presence of:-</b>	)	

### Schedule 1: Extents and Schedule of Prohibition of Motor Vehicles

Participating School	Road Names	Extents of Prohibition Of Motorised Vehicles	Hours Prohibition of Motorised Vehicles Enforceable (Only During Participating School's Term Time)
Gobowen Primary School, School Lane, Gobowen (SY11 3LD)	C1003 School Lane (eastern arm)	Along the eastern arm of C1003 School Lane, commencing from its junction with B5009 Chirk Road and terminating at its junction with B5069 St. Martin's Road	Monday - Friday, 8.15 - 9.15 AM & 2.30 - 3.30 PM

### Schedule 2: Detailed Location of Approved Devices

Name of Approved Device (as detailed on accompanying plan)	Unique reference of Approved Device	Description of location	Contravention for Penalty Charge Notice (PCN)	Description of direction that Approved Device will be facing
TS01	SHR007	Situated on the pavement next to the existing Zebra Crossing facility and outside property number 16 St. Martins Road, Gobowen (SY11 3PL)	Travelling in a westerly direction along C1003 School Lane (eastern arm) from its junction with B5069 St. Martin's Road in a non-exempt motorised vehicle	Westerly
TS02	SHR008	Situated on the grassed highway verge at the junction with B5009 Chirk Road and adjacent to property 'The Oaks' at C1003 School Lane's (western arm), Gowen (SY11 3LQ)	Travelling in an easterly direction along C1003 School Lane (eastern arm) from its junction with B5009 Chirk Road in a non-exempt motorised vehicle	Easterly