

Dated: 2 May 2019

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (CHURCH LANE,
KIMBERLEY AVENUE & LEYBURN GROVE ROMILEY) (RESIDENTS PERMIT
PARKING PLACES) (RESTRICTION OF WAITING) AND (REVOCATION) ORDER
2019**

**V. Bates
Strategic Head of Service (Legal)
Town Hall
Stockport
SK1 3XE**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (CHURCH LANE,
KIMBERLEY AVENUE & LEYBURN GROVE ROMILEY) (RESIDENTS PERMIT
PARKING PLACES) (RESTRICTION OF WAITING) AND (REVOCATION) ORDER
2019**

The Metropolitan Borough Council of Stockport ('the Council') in exercise of the powers under Sections 1(1), 2(1) to (3), 4(2) and 32(1) and 35(1) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act"), and the Road Traffic Act 1991 ("the 1991 Act") and 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 and with the 1991 Act, hereby makes the following Order:-

Interpretation

1.(1) In this Order:-

"Civil Enforcement Officer" means a person employed in accordance with section 63A of the 1984 Act as amended by the 2004 Act to carry out the functions referred to therein

"Disabled Persons" and "Disabled Person's Badge" have the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"Disabled Persons' Vehicle" has the same meaning as section 142 of the 1984 Act and which is a vehicle, which immediately before or after any period of waiting, has been or is to be driven by a disabled person or, as the case may be, used for carrying Disabled Person(s) as passenger(s);

"driver", in relation to a vehicle waiting in a parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

"dual purpose vehicle" has the same meaning as in Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 as amended;

"Higher Level Contravention" means the contravention of this Order in respect of any of the Waiting and Loading restrictions of this Order.

"Lower Level Contravention" means the contravention of this Order in respect of any Articles of this Order other than the Waiting and Loading restrictions;

"light goods vehicle" means a motor vehicle not exceeding 3.5 tonnes gross vehicle weight or 1525 kgs unladen weight which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

“motor cycle” and “invalid carriage” have the same meanings as in Section 136 of the 1984 Act;

"Owner" in relation to a vehicle means the person by whom the vehicle is kept. In determining who was the Owner at any time it shall be presumed that the Owner was the person who is named in the vehicle registration document as the registered keeper of a goods light goods or passenger vehicle or the person who has the use of such a vehicle in the course of his employment and who is entitled to use such a vehicle as though he were the registered keeper thereof;

"Parking Disc" means a disc, issued by a Local Authority, 125 millimetres square, coloured blue or orange and capable of showing the quarter hour period during which a period of waiting begins.

"parking place" means any road or part of road authorised by this Order as a place where specified classes of vehicles may wait;

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

"Penalty Charge" has the same meaning as in section 82(1) of the 1991 Act and is £70 in respect of a Higher Level Contravention and £50 in respect of a Lower Level Contravention or such other charges as may be set by the Council under the provisions of section 77 of the 2004 Act in accordance with guidance given by the Secretary of State for Transport;

"Penalty Charge Notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of section 72 of the 2004 Act;

"permit" means a permit containing the particulars specified in Article 54 and issued by the Council under the provisions of Article 42 including, except where the context otherwise requires, a visitors parking permit issued under Article 44;

“permitted hours” means the periods specified for each parking place on the Plans during which waiting by vehicles of specific classes is permitted;

“Relevant Position” in respect of a Disabled Person’s Badge and Parking Disc has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"resident" means a person

- (a) whose usual place of abode is at premises the postal address of which is in the same road as the relevant parking place; or
- (b) whose usual means of access to that person’s place of abode is from a road in which the relevant parking place is situated;
- (c) whose address is shown in Schedule 2

'the 2016 Regulations' means the Traffic Signs Regulations and General Directions 2016;

- (2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (3) Unless the context otherwise requires any reference in this Order to a numbered Article or Schedule is a reference to an Article or Schedule so numbered in this Order
- (4) Any reference in this Order to any Act or Regulation shall be construed as a reference to that Act or Regulation as amended, applied, consolidated, re-enacted or as having effect by virtue of any subsequent Act or Regulation;
- (5) Words importing the singular meaning shall where the context so admits include the plural meaning and vice versa and words of the masculine gender include the feminine gender.

AUTHORISATION AND USE OF RESIDENTS PARKING PLACES

- 2.(1) Each of the parts of road specified in column 1 of Schedule 1 is authorised to be used, subject to the following provisions, as a parking place for the parking during the permitted hours and in such positions as are specified in relation to that road in the said Schedule, of such classes of vehicles, also so specified, as display in the manner specified in Article 10 a valid permit issued by the Council in respect of that vehicle or a valid visitor's parking permit.
- (2) Nothing in paragraph (1) shall restrict the power of the Council to close or suspend any parking place.
3. Where in Schedule 1 a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place unless it is;
 - (a) of the specified class, or, as the case may be;
 - (b) parked in the specified position, and
 - (c) there is displayed on the vehicle a valid permit in accordance with the requirements of Article 10.
4. A driver of a vehicle shall not use a parking place -
 - (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;
 - (b) when the Council has closed or suspended that parking place.
5. Without prejudice to the foregoing provision of this Order with respect to vehicles left in a parking place in accordance with those provisions, any vehicle may wait during the permitted hours anywhere on the carriageway in a parking place if:-
 - (a) the vehicle is waiting only for so long as is necessary 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 control or to such waiting being necessary in order to avoid accident;
- (c) the vehicle is a vehicle used for fire brigade purposes or an ambulance, or a vehicle (other than a passenger vehicle) in the service of a local authority or a vehicle in the service of a police force in either case being used in pursuance of statutory powers or duties;
- (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (e) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125 Postal Services Act 2000;
- (f) the vehicle is in use in connection with the servicing of telephone kiosks adjacent to the parking place;
- (g) the vehicle not being a passenger vehicle is waiting only for so long as is necessary to enable it to be used 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 of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line, traffic sign or ticket machine;
- (h) the vehicle not being a passenger vehicle is in actual use in connection with 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; or
- (i) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or merchandise, including, so far as a Bank is concerned, cash or other valuables or valuable securities, or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle not being a goods vehicle does not wait for such purpose for more than thirty minutes or for such longer period as a police constable in uniform or a Civil Enforcement Officer may authorise, or, being a goods vehicle does not so wait for more than thirty minutes or such longer period as aforesaid if it is in any part of a parking space.

Issue of Residents Parking Permits

- 6.(1) Any resident who resides at an address shown in Schedule 2 who holds a valid driving licence and is the owner of a passenger vehicle, a dual purpose vehicle, a light goods vehicle, an invalid carriage or a motorcycle may apply to the council for the issue of a permit for the parking of that vehicle in a parking place situated in the road in which he resides, and any such application shall be made on a form issued by and obtainable from the council, shall include the particulars and information required by such form.

- (2) The Council may require an applicant for a permit to produce to an officer of the Council such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.
 - (3) The Council, upon being satisfied that an applicant is a resident and is the owner of a vehicle of a class specified in paragraph (1) of this Article, may issue to that applicant one permit for the parking at any time in a parking place during the permitted hours in a parking place situated in the road on which the resident resides of the vehicle to which such permit relates by the owner or by any person using such vehicle with the consent of the owner (other than a person to whom such vehicle has been let for hire or reward): Provided that, subject to the provisions of Article 8 , the Council shall not issue a permit to any resident which would be valid for any period to which any other permit issued to that resident extends;
 - (4) Any resident may apply to the Council for the issue of a Visitor's Parking Permit for the parking of a vehicle in a parking place situated in the road in which the resident resides by persons visiting the usual place of residence of the resident and any such application shall be made on a form issued by and obtainable from the council shall include the particulars and information required by such form.
 - (5) The Council, on being satisfied that an applicant is a resident may issue to the applicant one Visitors Parking Permit for the parking of a vehicle during the permitted hours in a parking place situated in the road in which the resident resides PROVIDED THAT, subject to the provisions of Article 8, the Council shall not issue a Visitors Parking Permit to any resident which would be valid for any period to which any other permit issued in respect of visitors to the residents usual place of residence extends;
- 7.(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 of the events set out in paragraph (3) of this Article has occurred, and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the said 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 the permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified in Article 5 of this Order;

- (d) the issue of a duplicate permit by the council under the provisions of Article 8 of this Order; or
 - (e) the expiry of the period for which the permit was issued.
- (4) A permit shall cease to be valid on the occurrence of any one of the events set out in paragraph (3) of this Article.
- 8.(1) 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 then apply to the Council for the issue to him of a duplicate permit.
- (2) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a duplicate permit.
- (3) The provisions of this order shall apply to a duplicate permit and an application for such a permit as if it were a permit, as the case may be, an application for a permit.
- (4) Any permit issued by virtue of the provisions of paragraph (1) or (2) of this Article shall be marked as a duplicate, and upon the issue of a duplicate permit the permit which it duplicates shall become invalid.
9. A permit shall be in writing and shall include the following particulars:-
- (a) the registration mark of the vehicle in respect of which the permit has been issued or the address of the property to which it relates if it is a Visitors Parking Permit.
 - (b) the road to which it relates;
 - (c) an authentication that the permit has been issued by the Council.
10. At all times during which a vehicle is left in a parking place during the permitted hours there shall be displayed on the front of the vehicle a valid permit issued in respect of that vehicle or a valid visitor's permit so that all the particulars referred to in Article 9 of this Order are readily visible from outside the vehicle.
11. When a permit has been displayed on a vehicle in accordance with the provisions of Article 10, no person shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

PART IV TRAFFIC REGULATION

12. Save as provided in Articles 13 and 14 no person shall, except upon the direction or with the permission of a constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait at any time on the sides of lengths of roads between 0800hrs and 1800hrs Monday to Saturday (inclusive) specified in Schedule 3.

13. Nothing in Article 12 shall render it unlawful to cause or permit any vehicle to wait on the sides of lengths of road referred to in that Article for so long as may be necessary to enable:-
- (a) a person to board or alight from a 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 sides of lengths of road; or
 - (iv) the laying, erection, alteration or repair, in or on land adjacent to the said sides of lengths of road, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - (d) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125 Postal Services Act 2000;
 - (e) the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said sides of lengths of road;
 - (f) the vehicle to wait at or near to any premises situated on or adjacent to the said sides of lengths of road for so long as such waiting by that vehicle is reasonably necessary in connection with any funeral;
 - (g) the vehicle to be used for fire brigade, ambulance or police purposes; or
 - (h) goods to be loaded onto or unloaded from the vehicle.
14. Nothing in Article 12 shall render it unlawful to cause or permit a disabled person's vehicle which 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 on the side of lengths of road referred to in that Article for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle on the same side of length of road on the same day).

REVOCATION OF EXISTING TRAFFIC REGULATIONS

15. The restrictions in Schedule 4 are hereby revoked.

CONTRAVENTION OF ORDER

16. Contravention

If a vehicle is left in a parking place during the permitted hours or 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 and/or the vehicle may be removed from that location.

17. Penalty Charge Notice

In the case of vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to issue a penalty charge notice which shall include the information required by the 1991 Act.

18. Manner of payment of Penalty Charge

The owner of the vehicle in respect of which the penalty charge has been incurred shall pay the penalty charge to the Council as indicated on the penalty charge notice.

19. Indications as evidence

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

20. Removal of vehicle

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Article 15 or any other Article of this Order,

- (a) he shall provide for the safe custody of the vehicle;
- (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
- (c) the provisions of the 1984 Act as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.
- (d) Nothing in Article 15 or any other Article of this Order shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.

21. Restriction on removal of notices

Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 17, no person, not being the driver of the vehicle, a police constable in uniform, a Civil Enforcement Officer or some other person duly authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the driver.

COMMENCEMENT & CITATION

22. This Order shall come into operation on the 3 May 2019 and may be cited as The Metropolitan Borough Council of Stockport (Church Lane, Kimberley Avenue & Leyburn Grove Romiley) (Residents Parking Places) (Restriction of Waiting) and (Revocation) Order 2019.

SCHEDULE 1 Residents Parking -

Column 1	Column 2	Column 3	Column 4
Parts of road authorised to be used as street parking places	Position in which vehicles may wait	Classes of Vehicles	Permitted Hours
<p>Residents Permit Holders Parking Only</p> <p>Monday - Sunday 8am - 10pm</p> <p>Church Lane (East / South East Side)</p> <p>From a point of 62 metres from intersection of the southern kerbline of Stockport Road for a distance of 26 metres in a southerly direction.</p> <p>From a point of 110 metres from intersection of the southern kerbline of Stockport Road for a distance of 33 metres in a southerly direction.</p> <p>From a point of 157 metres from intersection of the southern kerbline of Stockport Road a distance of 5 metres in a southerly direction.</p> <p>From a point of 181 metres from intersection of the southern kerbline of Stockport Road for a distance of 19 metres in a southerly direction.</p> <p>Kimberley Avenue (North East Side)</p> <p>From a point 15 metres west of the intersection of the western kerbline of Church Lane for a distance of 10 metres in a westerly direction</p> <p>From a point 35 metres north west of its junction with Church Lane for a distance of 42 metres in a north westerly direction</p> <p>Leyburn Grove (North West Side)</p> <p>From a point 5 metres south west of the intersection of the southern kerbline of Kimberley Avenue for a distance of 64 metres in a south westerly direction</p>	Parallel to the kerb	<p>Passenger vehicle, dual purpose vehicle, light goods vehicle, invalid carriage and motor cycle</p>	Monday to Sunday 8am-10am (inclusive)

SCHEDULE 2

Addresses of Residents eligible for the issue of Permits

Leyburn Grove (2-12), Church Lane (Chadkirk Mews 1-8), Church Lane (2-54) & Kimberley Avenue (1-36).

SCHEDULE 3

No Waiting 08.00am-06.00pm Monday to Saturday

Church Lane (East/ North East Side)

From a point 10 metres of the intersection of southern kerblines Stockport Road for a distance of 62 metres in a southerly direction

From a point of 88 metres of the intersection of the southern kerblines Stockport Road for a distance of 22 metres in a southerly direction

Church Lane (West Side)

From a point 11 metres of the intersection of southern kerblines Stockport Road for a distance of 100 metres in a southerly direction

Kimberley Avenue (Both sides)

From the intersection of western kerblines of Church Lane for a distance of 10 metres in a north westerly direction

SCHEDULE 4
Revocation of Existing Traffic Regulations

Revocation of Residents Permit Holders Parking Only Monday - Sunday 8am - 10pm
Church Lane (East/South East Side) From a point 60 metres from its intersection of the southern kerbline of Stockport Road for a distance of 25 metres in a southerly direction.
From a point of 10 metres south of the south westerly projected kerbline of Kimberley Avenue for a distance of 34 metres in a southerly direction.
From a point of 57 metres south of the south westerly projected kerbline of Kimberley Avenue for a distance of 5 metres in a southerly direction.
From a point of 3 metres south of the south westerly projected kerbline of Colborne Avenue for a distance of 20 metres in a southerly direction.
Kimberley Avenue (North East Side) From a point 15 metres west of its junction with Church Lane for a distance of 10 metres in a westerly direction.
From a point 35 metres west of its junction with Church Lane for a distance of 40 metres in a westerly direction.
Leyburn Grove (North West side) In its entirety, between Colborne Avenue and Kimberley Avenue.
Revocation of No Waiting 08.00-18.00 Monday to Saturday Church Lane (East/South East Side)
From a point 5 metres of the intersection of southern kerbline Stockport Road for a distance of 57 metres in a southerly direction.
From a point 85 metres of the intersection of the southern kerbline Stockport Road for a distance of 22 metres in a southerly direction.
Church Lane (West Side) From a point 5 metres of the intersection of southern kerbline Stockport Road for a distance of 100 metres in a southerly direction
Kimberley Avenue (Both sides) From the intersection of western kerbline of Church Lane for a distance of 10 metres in a north westerly direction

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KEY

EXISTING

No Waiting at Any Time

No Waiting Mon - Sat 8am to 6pm

PROPOSED

Residents Permit Holders Only

Monday to Sunday

Mon - 10pm



APPENDICES



CHURCH RD / KIMBERLEY
AVE / LEYBURN GROVE,
ROMILEY

RESIDENTS PERMIT PARKING,
TRAFFIC REGULATION ORDER
ROAD MARKING LAYOUT

Drawn By	Checked By	Approved By
CP	JP	JD
30/07/2018	30/07/2018	30/07/2018
Rev	A2	1:500
Drawing No. 10027-CHURCH LANE-ROMILEY-01		

The COMMON SEAL of the
METROPOLITAN BOROUGH COUNCIL
OF STOCKPORT was hereunto affixed
this 2 day of May 2019
in the presence of:-

)
)
)
)
)



Mayor

W J Brett

M. D. Ds

Authorised Signatory