

Dated the 7th day of May 2015

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(EAST AVENUE, HEALD GREEN) (RESTRICTION OF WAITING) (SCHOOL
CLEARWAY) AND (REVOCATION) ORDER 2015**

**Parveen Akhtar
Council Solicitor
Town Hall
Stockport
SK1 3XE**

STOCKPORT LEGAL SERVICES
SEALING AUTHORITY FORM

TO: COUNCIL SOLICITOR

FROM: ZOE ALLAN

REFERENCE: ZLA/00010PH.10058

DATE: 05 May 2015

I confirm that this document complies with the instructions received and that the appropriate authority has been obtained to seal the document on behalf of the Council. I confirm that it should be sealed under the following authority:

DESCRIPTION OF THE DOCUMENT:

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (EAST AVENUE, HEALD GREEN) (RESTRICTION OF WAITING) (SCHOOL CLEARWAY) & (REVOCATION) ORDER 2015

MINUTE AUTHORITY (details of resolution of relevant committee or delegated powers)	PARTIES
Cheadle Area Committee 10 March 2015	THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

Please SEAL plans No

Please arrange for the SEALING of the above document/s (and the initialling of any amendments by the Council Solicitor or his nominee, where indicated).

Signed



Name: Zoe Allan



**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(EAST AVENUE, HEALD GREEN) (RESTRICTION OF WAITING) (SCHOOL
CLEARWAY) AND (REVOCATION) ORDER 2015**

The Council of the Metropolitan Borough of Stockport ("the Council") in exercise of its powers under Section 1 (1), 2(1) to (3) and 4(2) of the Road Traffic Regulation Act 1984 as amended ("the 1984 Act"), and the Road Traffic Act 1991 as amended ("the 1991 Act") and the Traffic Management Act 2004 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 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);

"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

"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.

"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;

"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.

"school keep clear area" means any area of carriageway of a specified road which is comprised within and indicated by a road marking complying with Diagram 1027.1 in Schedule 6 of the Traffic Signs Regulations 2002 and signed by Diagram 642.2A in Schedule 2 of the Traffic Signs Regulations 2002;

"specified hours" means the hours between 8.00 a.m. and 5.00 p.m. on Monday to Friday;

"specified road" means any road or length of road specified in Schedule 1 to this Order.

- (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. Words of the masculine gender include the feminine and neuter genders

Restriction of Waiting

2. Save as provided in Articles 4 and 5 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 Monday to Friday 8am to 9am and 3pm to 4pm (inclusive) on the sides of lengths of road specified in Schedule 1

School Clearway

3. Save as provided in Article 8 no person shall, except upon the direction or with the permission of a police constable in uniform, or Civil Enforcement Officer cause or permit any vehicle to stop or wait during the specified hours in a school keep clear area in the specified road detailed in Schedule 2.

Exemptions

- 4 Nothing in Article 2 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 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 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 wedding or 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.

5 Nothing in Article 2 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).

6 Nothing in Article 3 shall render it unlawful for a person to cause or permit a vehicle to stop or wait in the school keep clear area:-

- (a) if the vehicle is being used for the removal of any obstruction to traffic;
- (b) if the vehicle is being used in the service of a local authority or a water authority in the exercise of statutory powers or duties or in connection with the laying, erection, alteration or repair of any main, pipe or apparatus for the supply of gas or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984 and whilst being so used in such service or in such connection it is necessary for the vehicle to wait in that school keep clear area;
- (c) if the vehicle is being used for police, fire brigade or ambulance purposes; or
- (d) in any case where the person in control of the vehicle:
 - (i) is required by law to stop;

- (ii) is obliged to stop so as to prevent an accident; or
 - (iii) is prevented from proceeding by circumstances beyond the driver's control.
- 7. The Council is satisfied that for avoiding danger to persons or other traffic using the roads to which Schedule 3 relates it is requisite that Section 3(1) of the Act shall not apply to this Order

CONTRAVENTION OF ORDER

8. 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.

9. 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.

10. 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.

11. 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.

12. Removal of vehicle

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with the provisions of this Order:-

- 14.1 he shall provide for the safe custody of the vehicle;
- 14.2 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;
- 14.3 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.
- 14.4 Nothing in Article 10 or any other Article shall apply in respect of a vehicle displaying in a relevant position a valid Disabled Person's Badge.

13. Restriction on removal of notices

Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 9 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.

REVOCATION OF EXISTING WAITING RESTRICTIONS

14. The restrictions in Column 1 of Schedule 3 which are depicted on the Plan(s) marked with the Area Code(s) in Column 2 of that Schedule and which are appended to the Metropolitan Borough Council of Stockport (Permitted Parking Area and Special Parking Area) (Waiting Restrictions and Street Parking Places) Consolidation Order 2010 are hereby deleted from that Order.

COMMENCEMENT & CITATION

15. This Order shall come into operation on the 30th day of June 2015 and may be cited as The Metropolitan Borough Council of Stockport (East Avenue, Heald Green) (Restriction of Waiting) (School Clearway) and (Revocation) Order 2015.

SCHEDULE 1

No Waiting Monday – Friday 8.00am – 9.00am & 3.00pm 4.00pm East Avenue

East Avenue, -west side, from a point 96 metres north of the projected northerly kerb line of Merwood Avenue for a distance of 40 metres in a northerly direction.

SCHEDULE 2

No Stopping Monday – Friday 8.00am – 5.00pm on School Entrance Markings

East Avenue - west side, from a point 30 metres north of the projected northerly kerb line of Merwood Avenue for a distance of 66 metres in a northerly direction.

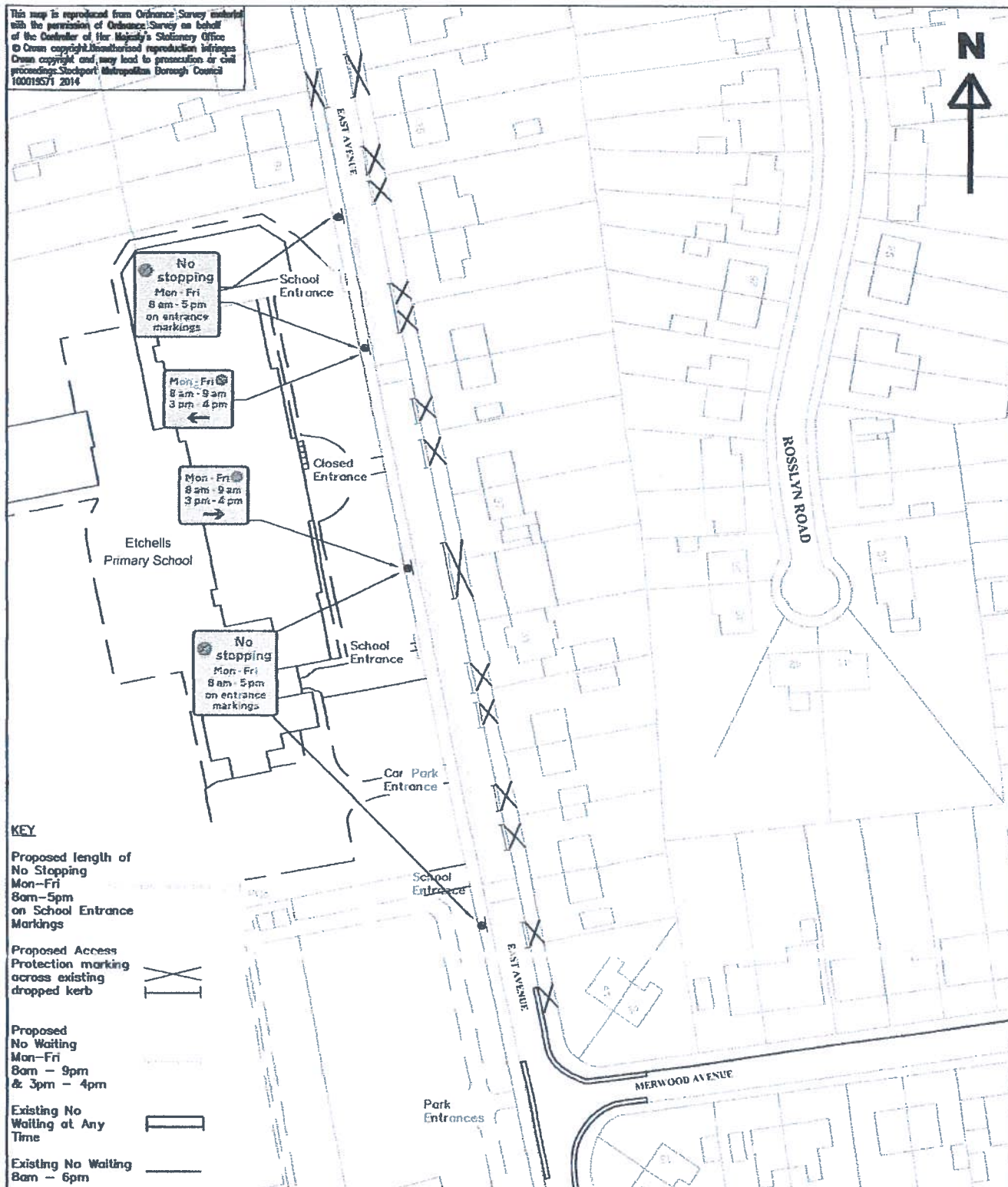
East Avenue - west side, from a point 136 metres north of the projected northerly kerb line of Merwood Avenue for a distance of 24.5 metres in a northerly direction.

SCHEDULE 3

Revocation of No Stopping Monday – Friday 8.00am – 5.00pm on School Entrance Markings

Column 1	Column 2
East Avenue - west side, from a point 56 metres north of the projected northerly kerb line of Merwood Avenue for a distance of 116.5 metres in a northerly direction.	Area Code D38

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STOCKPORT

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CORPORATE DIRECTOR
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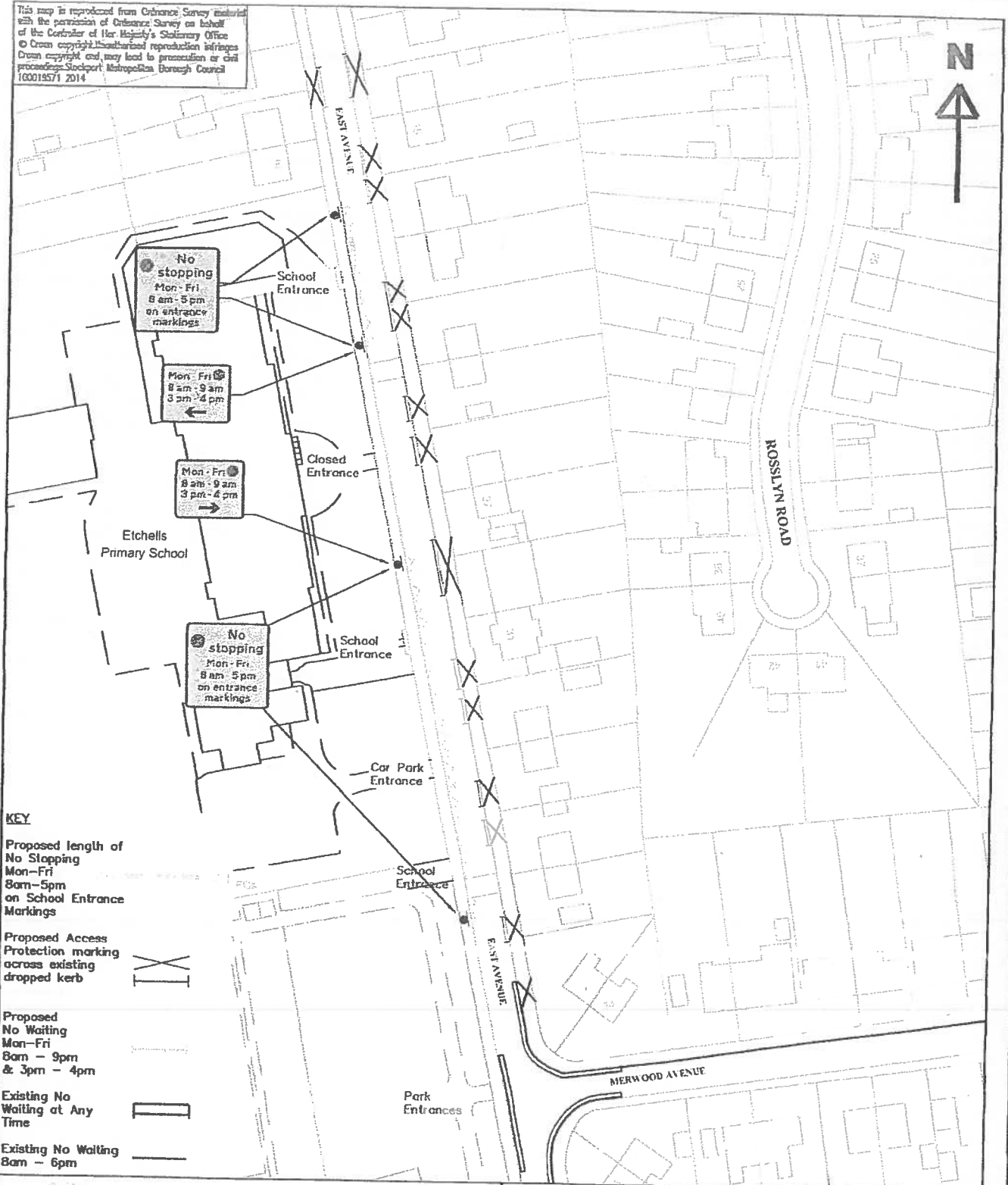
JOB TITLE

Etchells Primary School, Heald Green

FILENAME

DRAWN AV	ENGINEER AV	CHECKED MJ	APPROVED MJ
DATE 02/15	DATE 02/15	DATE 02/15	DATE 02/15
SCALE 1:1000		SCG No.	
DRAWING NUMBER NM8/4786/003			Revision
DRAWING TITLE Proposed School Keep Clear Amendment			

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DATE 02/15	DATE 02/15	DATE 02/15	DATE 02/15
SCALE 1:1000		SCG No.	

DRAWING NUMBER NMB/4786/003 Revision

DRAWING TITLE

Proposed School Keep Clear Amendment

The **COMMON SEAL** of the **COUNCIL**)
of the **METROPOLITAN BOROUGH**)
of **STOCKPORT** was hereunto affixed)
this 7th day of May 2015)
in the presence of:-)

Mayor



Council Solicitor / Authorised Signatory

