

Dated: 25th February 2010

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (OSBORNE ROAD,
CALE GREEN) (RESIDENTS PARKING PLACES) (PROHIBITION OF WAITING)
ORDER 2010**

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**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (OSBORNE ROAD,
CALE GREEN) (RESIDENTS PARKING PLACES) (PROHIBITION OF WAITING)
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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) of the Road Traffic Regulation Act 1984 as amended ("the 1984 Act"), and the Road Traffic Act 1991 as amended ("the 1991 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:-

**PART I
GENERAL**

1.(1) In this Order:-

"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;

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

"light goods vehicle" means a motor vehicle not exceeding 3.5 tonnes gross vehicle weight or 1525kgs 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;

"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 / her employment and who is entitled to use such a vehicle as though he / she were the registered keeper thereof;

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

"parking attendant" means a person employed in accordance with section 63A of the 1984 Act to carry out the functions referred to therein;

"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;

"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;

'the 2000 Regulations' means the Traffic Signs Regulations and General Directions 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;

"disabled persons" and "disabled persons' 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);

'parking disc' means a disc, issued by a Local Authority, 125 millimetres square coloured orange or blue and capable of showing the quarter hour period during which a period of waiting begins;

"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.

- (2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II

AUTHORISATION AND USE OF PARKING PLACES

- 2.(1) Each of the parts of road specified in column 1 of Schedule 1 to this Order is authorised to be used, subject to the following provisions of this Order, 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 of this Order a valid permit issued by the Council in respect of that vehicle or a valid visitor's parking permit.
- (2) Nothing in paragraph (1) of this Article shall restrict the power of the Council to close or suspend any parking place.

3. Where in Schedule 1 to this Order 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 of this Order.
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 parking attendant 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.

PART III PERMITS

- 6. (1) Any resident who holds a valid driving licence and is the owner of a passenger vehicle, a dual purpose vehicle, a 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 of this order, 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 of this Order, 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 of this Order, 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 of this Order no person shall, except upon the direction or with the permission of a constable in uniform or of a parking attendant, cause or permit any vehicle to wait at any time on the sides of lengths of road specified in Schedule 3 to this Order.
13. Nothing in Article 12 of this Order 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 take in petrol, oil, water or air from any garage situated on or adjacent to the said sides of lengths of road;
 - (e) 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;
 - (f) the vehicle to be used for fire brigade, ambulance or police purposes; or
 - (g) goods to be loaded onto or unloaded from the vehicle.
14. Nothing in Article 12 of this Order 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).

CONTRAVENTION OF ORDER

15. **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.

16. **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 Parking Attendant to issue a penalty charge notice which shall include the information required by the 1991 Act.

17. **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.

18. **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.

19. **Removal of vehicle**

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

- (a) he / she 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.

20. **Restriction on removal of notices**

Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 6, no person, not being the driver of the vehicle, a police constable in uniform, a parking attendant 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

21. This Order shall come into operation on the 29th March 2010 and may be cited as The Metropolitan Borough Council of Stockport (Osborne Road, Cale Green) (Residents Parking Places) (Prohibition of Waiting) Order 2010.

SCHEDULE 1

RESIDENTS PARKING PLACES

Parts of road authorised to be used as residents parking places	Position in which vehicles may wait	Classes of Vehicles	Permitted Hours
Osborne Road, East and North Easterly sides from a point 7.1 metres North of the Northerly kerbline (buildout incorporated) of Adswood Lane East to a point 9.3 metres South East of the	Wholly within the limits of the parking place and parallel to the kerb.	Passenger vehicle, dual purpose vehicle, invalid carriage and motor cycle	All hours

Parts of road authorised to be used as residents parking places	Position in which vehicles may wait	Classes of Vehicles	Permitted Hours
<p>South Easterly kerbline of Wellington Grove and from a point 8.8 metres North West of the North Westerly kerbline of Wellington Grove to a point 8 metres South East of the South Easterly kerbline of Lowfield Road.</p> <p>Osborne Road, West and South Westerly sides from a point 16.6 metres North of the Northerly kerbline of Adswood Lane East to a point 8.6 metres South East of the South Easterly kerbline of Wellington Grove and from a point 9.6 metres North West of the North Westerly kerbline of Wellington Grove to a point 6 metres South East of the South Easterly kerbline of Lowfield Road.</p>			

SCHEDULE 2

ROADS OR PARTS OF ROADS FOR THE PURPOSE OF THE ISSUE OF RESIDENTS' PERMITS.

Residents of Osborne Road, Cale Green and residents of 22,23,26 and 29 Wellington Grove, Cale Green.

SCHEDULE 3

NO WAITING AT ANY TIME

Osborne Road, North East side from the South Easterly kerbline of Lowfield Road for a distance of 8 metres in a South Easterly direction.

Osborne Road West and South Westerly sides from the South Easterly kerbline of Lowfield Road for a distance of 6 metres in a South Easterly direction and from a point 3.5 metres North of the North Westerly kerbline of Adswood Lane East for a distance of 13.1 metres in a Northerly direction.

The COMMON SEAL of the
METROPOLITAN BOROUGH COUNCIL
OF STOCKPORT was hereunto affixed
this 25th day of February 2010
in the presence of: -

Mayor



Council Solicitor
Authorised Signatory

