

Dated the 3 December 2020

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(SCHOOL BROW & PEAK BANK, BREDBURY) (PROHIBITION OF WAITING)
ORDER 2020**

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

PLA005..1740

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(SCHOOL BROW & PEAK BANK, BREDBURY) (PROHIBITION OF WAITING)
ORDER 2020**

The Council of the Metropolitan Borough of Stockport ("the Council") in exercise of its powers under Sections 9, 1(1), 2(1) to (3), 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 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:-

1. (1) In this Order:-

"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);

"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.

"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;

"penalty charge" has the same meaning as in section 82(1) of the 1991 Act and is £60 or such other charge as may be set by the Council under the provisions of section 74 of the 1991 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 66 of the 1991 Act;

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

2. Save as provided in Articles 3 and 4 of this Order, 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 length of roads specified in the Schedule to this Order.

3. Nothing in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to wait on the sides of length 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 of 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.

4. Nothing in Article 2 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

5. 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.

6. 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.

7. 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.

8. 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.

9. Removal of vehicle

Where a parking attendant has removed or caused to be removed a vehicle in accordance with Article 5 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 5 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.

10. 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

11. This Order shall come into operation on the 10 December 2020 and may be cited as The Metropolitan Borough Council Of Stockport (School Brow & Peak Bank, Bredbury) (Prohibition of Waiting) Order 2020.

**SCHEDULE
NO WAITING AT ANY TIME**

School Brow, (North East Side) Bredbury, From a point 10 metres south east of the projected southern kerbline of Peak Bank, for a distance of 47 metres in a north westerly direction

Peak Bank (North Side) Bredbury, From the intersection of the north eastern kerbline of School Brow for a distance of 15 metres in a north easterly direction

Peak Bank (South Side) Bredbury, From the intersection of the north eastern kerbline of School Brow for a distance of 16.5 metres in a north easterly direction

The COMMON SEAL of the COUNCIL)
of the METROPOLITAN BOROUGH)
OF STOCKPORT was hereunto affixed)
This 3 December 2020)
in the presence of:-)




.....
Head of Legal / ~~Designated~~ Authorised Signatory


.....
Authorised Signatory

STOCKPORT COUNCIL

Executive Decision Record

Reference
(for use by
Democratic Services)

CMDSS37

Date of Decision

31 July 2020

Subject

Peak Bank, Bredbury

**Details of, and
reasons for,
decision
(Summary)**

The Cabinet Member for Sustainable Stockport has considered a proposal to amend the current Experimental 'No Waiting at Any Time' Traffic Regulation Order on Peak Bank and School Brow, Bredbury to a permanent Traffic Regulation Order, and has subsequently given approval the following Permanent Traffic Regulation Order:-

Proposed "No Waiting At Any Time"

School Brow (North East Side)

From a point 10 metres south east of the projected southern kerbline of Peak Bank, for a distance of 47 metres in a north westerly direction

Peak Bank (North Side)

From the intersection of the north eastern kerbline of School Brow for a distance of 15 metres in a north easterly direction

Peak Bank (South Side)

From the intersection of the north eastern kerbline of School Brow for a distance of 16.5 metres in a north easterly direction.

Decision Taker

Cabinet Member for Sustainable Stockport

**Directorate and
Reference**

Julie Pelham Tel: 0161-474-4846

**Alternative
options
considered and
rejected**

The lining restricts vehicles from parking on the junction, there is adequate parking availability further along School Brow. Although the new development is now completed and site traffic is no longer an issue, the development consists of 50 1/2/3-bedroom apartments with one parking space per property. Some households may have more than one motor vehicles, there is a concern if the lining is removed this would encourage residents and visitors to park along this section of School Brow causing visibility issues for motorist