

Dated 7 JUNE 2018

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (ST. ALBANS
AVENUE, HEATON MOOR) (RESIDENTS PERMIT PARKING PLACES) ORDER
2018**

**Patrick Arran
Interim Head of Legal &
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Town Hall
Stockport
SK1 3XE**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (ST. ALBANS
AVENUE, HEATON MOOR) (RESIDENTS PERMIT PARKING PLACES) ORDER
2018**

The Metropolitan Borough Council of Stockport ('the Council') in exercise of the powers under Sections 32(1) and 35(1) of the Road Traffic Regulation Act 1984 ("the 1984 Act"), 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:-

**PART I
GENERAL**

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 Permit Fee" means the sum of £31 per permit per year or such other amount as may from time to time be set by the Council;

"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 9 and issued by the Council under the provisions of Article 6(1) including, except where the context otherwise requires, a visitors parking permit issued under Article 6(5);

"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; or
- (c) who resides at an address 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. Words of the masculine gender include the feminine and neuter genders

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) of this Article 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 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 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 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 together with the Parking Permit Fee.
- (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 together with the Parking Permit Fee.
 - (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;
 - (d) the issue of a duplicate permit by the council under the provisions of Article 8; 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 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.

CONTRAVENTION OF ORDER

12. 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.

13. 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.

14. 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.

15. 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.

16. Removal of vehicle

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Article 13 or any other Article of this Order,

- (a) he shall provide for the safe custody of the vehicle;
- (b) he 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 13 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.

17. 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 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

18. This Order shall come into operation on the 27 July 2018 and may be cited as The Metropolitan Borough Council of Stockport (St. Albans Avenue, Heaton Moor) (Residents Permit Parking Places) Order 2018.

SCHEDULE 1 Residents Permit Parking Only

1 Parts of road authorised to be used as street parking places	2 Position in which vehicles may wait	3 Classes of vehicles	4 Permitted hours
St Albans Avenue, Heaton Moor, both sides from a point 4 metres South East of the South Easterly kerb line of Heaton Moor Road in a south Easterly direction to its cul-de-sac end.	Parallel to the kerb	Passenger vehicle, dual purpose vehicle, light goods vehicle, invalid carriage and motorcycle	All hours

SCHEDULE 2 Relevant addresses for the issue of Residents Permits

No's 3 – 19 St. Albans Avenue, Heaton Moor – 1 permit per property for a registered vehicle.
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St. Albans Avenue, Heaton Moor

Proposed Permit Parking



STOCKPORT

METROPOLITAN BOROUGH COUNCIL

RESEARCH AND ANALYSIS

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Room	Room	Room	Room
MT	MT		
Nov 2017	Nov 2017		
1:500			
NM27-St. Albans			

1989

Gateway Signs: Permit Parking Area

Area Covered by Permit Scheme

The **COMMON SEAL** of the
METROPOLITAN BOROUGH COUNCIL
OF STOCKPORT was hereunto affixed
this 7 June 2018
in the presence of:-

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Mayor *W. J. Brett*

Authorised Signatory

R. Thorne

