

**Dated the 17<sup>th</sup> day of August 2018**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (WARREN WOOD  
PRIMARY SCHOOL, OFFERTON) (PROHIBITION AND RESTRICTION OF  
WAITING) (SCHOOL CLEARWAY) AND (REVOCATION) ORDER 2018**

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Interim Head of Legal &  
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Town Hall  
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SK1 3XE**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (WARREN WOOD  
PRIMARY SCHOOL, OFFERTON) (PROHIBITION AND RESTRICTION OF  
WAITING) (SCHOOL CLEARWAY) AND (REVOCATION) ORDER 2018**

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 The Traffic Signs Regulations and General Directions 2016

"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 3 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

### **Prohibition of Waiting**

2. Save as provided in Articles 5 and 6 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 road specified in Schedule 1

### **Restriction of Waiting**

3. Save as provided in Articles 5 and 7 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 between the hours of 8.45 am to 9.15 am and 3.00 pm to 3.30 pm - Monday to Friday – on the sides of length of road specified in Schedule 2.

### **School Clearway**

4. 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 3.

## Exemptions

- 5 Nothing in Articles 2 and 3 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.
- 6 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).
- 7 Nothing in Article 3 of the 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 to wait on the sides of lengths of road referred to therein.
- 8 Nothing in Article 4 of this Order 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.
9. 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**

**10. 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.

**11. 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.

**12. 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.

**13. 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.

**14. Removal of vehicle**

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with any Article 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.
15. **Restriction on removal of notices**

Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 8 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**

16. The restrictions in Column 1 of Schedule 4 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**

17. This Order shall come into operation on the 26 day of August 2018 and may be cited as The Metropolitan Borough Council of Stockport (Warren Wood Primary School, Offerton) (Prohibition and Restriction of Waiting) (School Clearway) and (Revocation) Order 2018 .

## SCHEDULE 1 NO WAITING AT ANY TIME

Turnstone Road, Offerton, east side, from a point 28 metres north of the northerly kerb line of Hornsea Road for a distance of 46 metres in a southerly direction.

Hornsea Road, Offerton, both sides, from the easterly kerb line of Turnstone Road for a distance of 10 metres in an easterly direction.

Turnstone Road, Offerton, west side, from a point 10 metres north of the northerly kerb line of Brendall Close, for a distance of 28 metres in a southerly direction.

Brendall Close, Offerton, both sides, from the westerly kerb line of Turnstone Road for a distance of 10 metres in a westerly direction.

Turnstone Road, Offerton, west side, from a point 10 metres north of the northerly kerb line of Poise Brook Road for a distance of 27 metres in a southerly direction.

Poise Brook Road, Offerton, both sides, from the westerly kerb line of Turnstone Road for a distance of 10 metres in a westerly direction.

Shearwater Road, Offerton, north side, from a point 14 metres west of the westerly kerb line of Turnstone Road for a distance of 11 metres in a westerly direction.

Shearwater Road, Offerton, south side, from the easterly kerb line of Kingfisher Road for a distance of 46 metres in an easterly direction.

Kingfisher Road, Offerton, east side, from the southerly kerb line of Shearwater Road for a distance of 7 metres in a southerly direction.

## SCHEDULE 2 RESTRICTED WAITING – MONDAY TO FRIDAY 8.45AM TO 9.15AM AND 3PM TO 3.30PM

Turnstone Road, Offerton, south side, from a point 40.5 metres west of the westerly kerb line of Shearwater Road for a distance of 143.5 metres in a westerly, then south westerly, then southerly direction.

Turnstone Road, Offerton, west side, from a point 10 metres south of the southerly kerb line of Wenlock Close for a distance of 151 metres in a southerly direction.

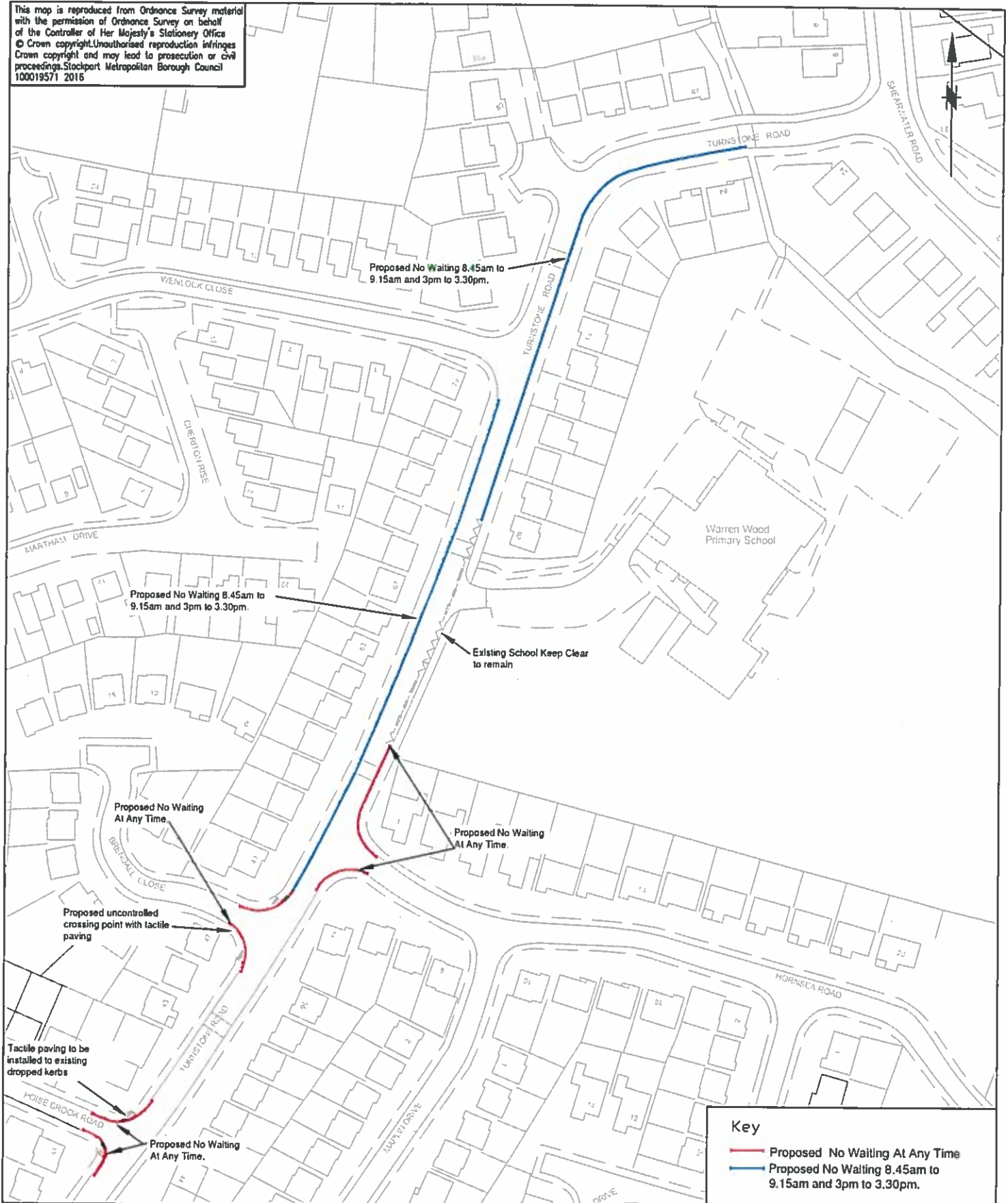
## SCHEDULE 3 SPECIFIED ROAD - SCHOOL CLEARWAY - NO STOPPING MONDAY TO FRIDAY 8.00 AM TO 5.00 PM

Turnstone Road, Offerton, east side, from a point 28 metres north of the northerly kerb line of Hornsea Road for a distance of 70 metres in a northerly direction.

## SCHEDULE 4 REVOCATION OF EXISTING WAITING RESTRICTIONS

<p>Revoke No Stopping Monday to Friday, 8am to 5pm On School Entrance Markings</p> <p>Turnstone Road, Offerton, east side from a point 56 metres north of the northerly kerb line of Hornsea Road for a distance of 41 metres in a northerly direction.</p> <p>Revoke No Waiting Monday to Friday, 8am to 5pm Turnstone Road, Offerton, east side from a point 24 metres north of the northerly kerb line of Hornsea Road for a distance of 32 metres in a northerly direction.</p>	<p><b>Column 2</b></p> <p><b>Area codes</b></p> <p><b>S27, S28 &amp;</b></p> <p><b>S29</b></p>
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#### Key

- Proposed No Waiting At Any Time
- Proposed No Waiting 8.45am to 9.15am and 3pm to 3.30pm.



**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

HIGHWAYS AND STRUCTURES  
STOPFORD HOUSE  
STOCKPORT SK1 3XE  
Tel: 0161 474

CAROLINE SIMPSON  
CORPORATE DIRECTOR  
PLACE

JOB TITLE

**WARREN WOOD PRIMARY - PLAN 5**

#### FILENAME

DRAWN	ENGINEER	CHECKED	APPROVED
HJ	HJ	MJ	MJ
DATE	DATE	DATE	DATE
02.05.17	02.05.17	02/05/17	02/05/17
SCALE		SCG No.	
1:1000			

DRAWING NUMBER 4145\_SK05

Revision

DRAWING TITLE

**CONSULTATION PLAN SHEET 5**



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CHERTON RISE

TURNSTONE ROAD

Revoked No Stopping Monday to Friday 8am to 5pm On School Entrance Markings

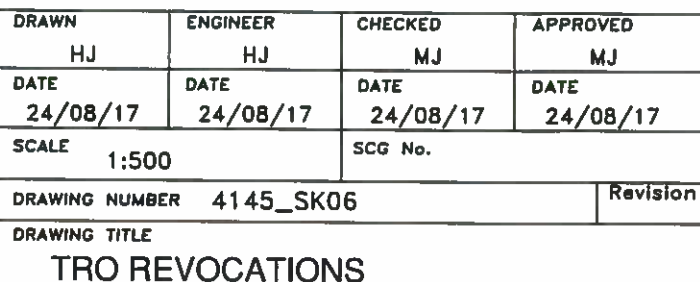
Revoked No Waiting Monday to Friday 8am to 5pm

HORNSEA ROAD

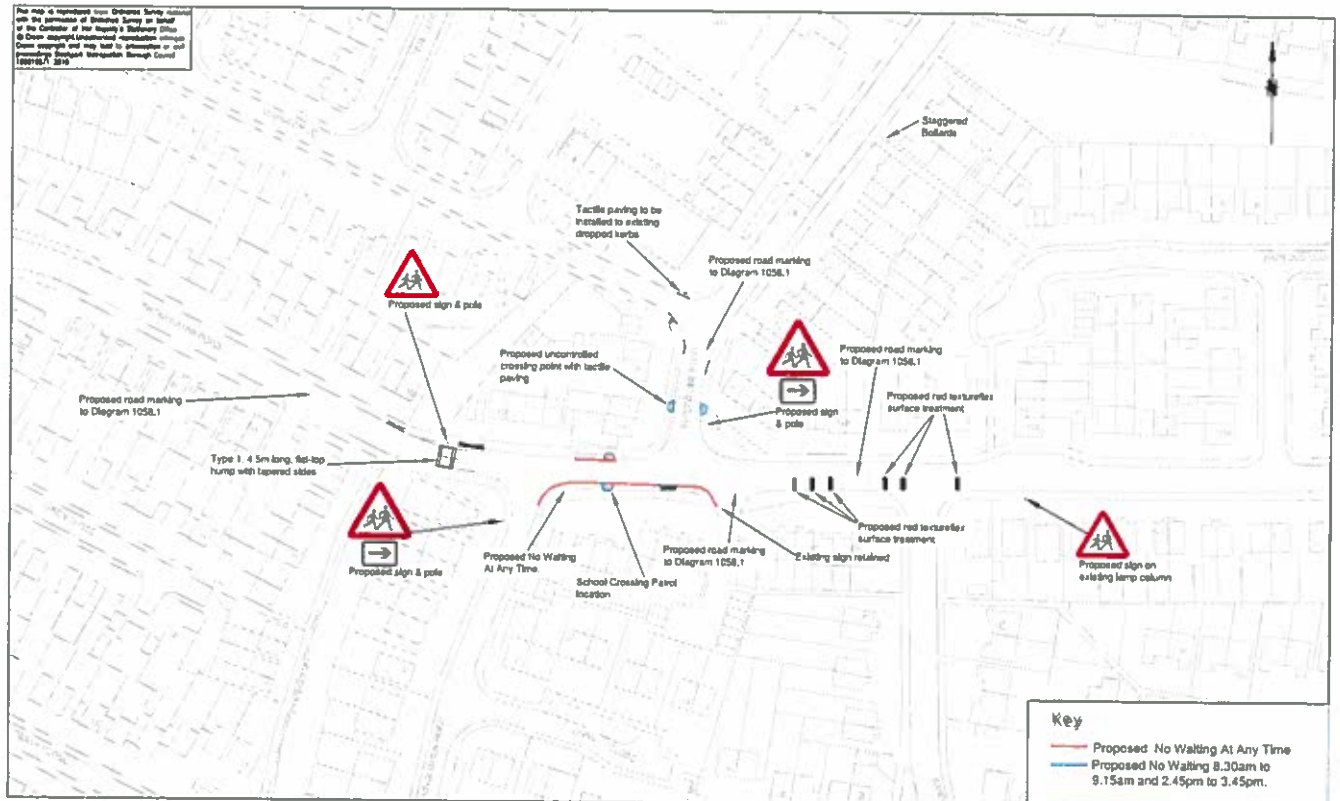
BRENDALL CLOSE

BALL CLOSE

Rev	Drawn	Checked	Date	Revision Details



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SCC JOB No.



**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

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AMENDMENTS				
NO.	DATE	BY	REVISION	REMARKS

**JOB TITLE**  
WARREN WOOD PRIMARY - PLAN 3

**DRAWING TITLE**  
CONSULTATION PLAN SHEET 3

REVISIONS			
Drawn	Checked	Approved	
HJ/NM	HJ/NM	NJ	MJ
Date: 02/05/17	Date: 02/05/17	Date: 02/05/17	Date: 02/05/17
Scale: 1:1000			
Drawing No: 4145_SK03			

The **COMMON SEAL** of the **COUNCIL** )  
of the **METROPOLITAN BOROUGH** )  
of **STOCKPORT** was hereunto affixed )  
this 17<sup>th</sup> day of August 2018 )  
in the presence of:- )

Deputy -

Mayor

W. MESA

Authorised Signatory



