TAMESIDE METROPOLITAN BOROUGH COUNCIL

THE TAMESIDE METROPOLITAN BOROUGH (MELLOR ROAD, ASHTON UNDER LYNE) (CONTROLLED PARKING AREAS) ORDER 2013

THE TAMESIDE METROPOLITAN BOROUGH COUNCIL in exercise of its powers under Sections 1, 2, 4 and 45 to 49 of the Road Traffic Regulation Act 1984 ("the 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 Act hereby makes the following Order:-

PART 1
GENERAL

1. (1) In this Order:-

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges For Motor Vehicles)(England) Regulations 2000;

"disabled person's vehicle" means a vehicle which displays a disabled person's badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended, or under any succeeding legislation, and shall include a badge issued under regulations having effect in Scotland or Wales under Section 21 of the Chronically Sick and Disabled Person's Act 1970, and a recognised badge under Section 21A and B of the 1970 Act.

"parking disc" means a disc issued by a local authority, 125 millimetres square, coloured blue and capable of showing the quarter hour period during which a period of waiting begins;
"Driver" has the meaning assigned to it by section 142(1) of the Road Traffic Regulation Act 1984

"Civil Enforcement Officer" has the same meaning as in section 76 of the Traffic Management Act 2004.

"Parking place" means the sides and lengths of road designated as parking places in Schedule 1a and 1b and is authorised by this Order as a place where specific conditions are set to which vehicles may wait, and is comprised within and indicated by a road marking complying with diagram 1032 in Schedule 6 of the Traffic Signs Regulations and General Directions 2002; and with a sign(s) complying with diagram 660.3 or 660.6 in Schedule 2 of the Traffic Signs Regulations and General Directions 2002.

"Penalty Charge" means the Charge payable under a Penalty Charge Notice

"Penalty Charge Notice" means a notice issued by a Civil Enforcement Officer pursuant to the provisions of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and all other enabling legislation.

"the Council" means the Tameside Metropolitan Borough Council.

"Vehicle" means a mechanically propelled vehicle intended or adapted for use on roads.

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"abode" means a self contained unit with a separate bathroom and kitchen that is subject to a district Council tax charge.

"parking permit" means a permit issued by the Council under the provisions specified in the Order and for a charge to be determined by the Council and used in the manner directed by the Council.

"Controlled times" means the days of the week and time periods to which the provisions of this Order applies an is specified in Schedule 1a and 1b.

"resident" means a person

(a) whose usual place of abode is at a 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;

(c) (and for the purpose of this Order) who in the opinion of the Council resides at an address within the zone to the relevant controlled parking place and who should be entitled to park either their vehicle or visitors vehicles within the relevant controlled parking place.

"visitor" means a person who is a guest of a resident and whose main residence is elsewhere other than the road in which the resident resides.

"visitor permit" means a permit issued by the Council to residents for the purpose of enabling visitors to park within the parking place to which their parking permit applies under the provisions specified in this Order and for a charge to be determined by the Council and used in the manner directed by the Council and completed in accordance with the instructions given on the reverse side of the permit..

"current and relevant permit" means an authorised permit that is within the time limit / duration for which it has been issued by the Council and or as completed by the driver of a daily use parking voucher in accordance with the instructions indicated on the reverse side of that voucher and is being used within the parking place to which that permit/ voucher applies.

"authorised permit" means any permit such as a resident or visitor permit, or daily use parking voucher authorised and issued by the Council.

(2) For the purpose of this Order a vehicle shall be regarded as displaying:-

(a) a disabled person's badge in the relevant position, when:-

(i) the badge is exhibited on the dashboard or facia of the vehicle so that the front of the badge is clearly legible from the outside of the vehicle or;

(ii) where a vehicle is not fitted with a dashboard of facia, the badge is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle.

(b) a parking disc in the relevant position, if:-

(i) the disc is exhibited on the dashboard or facia of the vehicle and shows the quarter hour period during which a period of waiting began, and that

period is clearly legible from the outside of the vehicle or;

(II) where the vehicle does not have a dashboard of facia, the disc is exhibited in a conspicuous position on the vehicle, so that, when marked to show the quarter hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle.

(3) For the purpose of this Order a vehicle shall be regarded as displaying An authorised permit in the relevant position, when:-

(a) in the case of a vehicle fitted with a front windscreen, the permit is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen, and

(b) in the case of a vehicle not fitted with a front windscreen, the permit is exhibited in a conspicuous position on the front or near side of the vehicle,

(4) except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

PART II
USE OF THE PARKING PLACE

2. Each of the sides of lengths of roads specified in Schedule 1a and 1b may be used, subject to the provisions of this Order, as a parking place.

3. (1) Other than as provided for in Article 4(1) If a vehicle is left in a parking place during the controlled times specified in Schedule 1a to this Order in contravention of any provision of this order a Penalty Charge shall be payable and or the vehicle may be removed from the location.

(2) Other than as provided for in Articles 4(1) and 4(2) If a vehicle is left in a parking place during the controlled times specified in Schedule 1b to this Order in contravention of any provision of this order a Penalty Charge shall be payable and or the vehicle may be removed from the location.

4. (1) Save as provided in Articles 5 authorisation to use a controlled parking place during the controlled times shall be demonstrated by the display of a current and relevant permit as specified in Schedule 1a to this Order.

(2) Save as provided in Articles, 5 and 6 no person shall except upon the direction or with the permission of a police constable in uniform or warden Civil Enforcement Officer, cause or permit any vehicle to wait within the authorised parking place between the controlled times on the sides of lengths of roads specified in Schedule 1b to this Order unless that vehicle is displaying a current and relevant permit:-

a) for a longer period than 1 hour; or

b) if a period of less than 2 hours has elapsed since the termination of the last period of waiting, if any, by that vehicle on the same side of a length of road; or

5. (1) Nothing in Articles 4(1) and 4(2) shall render it unlawful to cause or permit any vehicle to wait in a parking place during the controlled times for so long as may be necessary to enable:-

(a) persons 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 roads; or

(iv) the laying, erection, alteration or repair in, or the land adjacent to, the sides of lengths of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any electronic communications network as defined in the Telecommunications Act 2003.

(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 any other Authority in the pursuance of statutory powers or duties;

(d) the vehicle, to be used for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000;

(e) the vehicle to wait at or near to any premises situated on or adjacent to the sides of lengths of roads for so long as such waiting is reasonably necessary in connection with any wedding or funeral; or

(f) the vehicle to be used for Fire Brigade, Ambulance or Police purposes.

(2) Nothing in Articles 4(1) and 4(2) shall render it unlawful to cause or permit any vehicle to wait for so long as may be necessary for the purpose of enabling goods to be loaded onto or unloaded from the vehicle on the side of the length of road specified in Schedule 1a and Schedule 1b to this Order, at any time.

6. Nothing in Article 4(2) to 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, to wait on any of the sides of lengths of roads referred to in that Article.

7. The driver shall display the authorised permit in the relevant position as specified in Article 1(2) at all times whilst the vehicle is parked within the parking place during the controlled times.

8. Where a Penalty Charge Notice has been attached to a vehicle no person other than the driver of the vehicle shall remove the Notice from the vehicle unless authorised to do so by the driver or a person authorised by the Council.

9. Notwithstanding any provisions of this Order the driver of any vehicle left in any parking place during the controlled times shall be liable to a penalty charge if:-

(a) that vehicle is left in such a manner as to unreasonably prevent access to any premises adjoining the road, or use of the road by other persons, or so as to be a nuisance; or

(b) that vehicle is being used in connection with the sale of any goods article or goods to persons in or near the parking place or in connection with the selling or offers for hire of any skill or services; or

(c) that vehicle is left in any parking place in contravention of any notice displayed by the issuing authority or police on or near that parking place, or any part thereof is closed for any period.

PART III
CONTRAVENTIONS

10. No person shall park or leave a vehicle within a parking place during the controlled times unless the vehicle is licensed as required by and in accordance with the Vehicle Excise and Registration Act 1994.

11. For the purpose of this Order a vehicle shall be deemed to be within a parking place if that vehicle is situated on the side of length of road specified in Schedule 1a and 1b and the vehicle is parked wholly within the limits of the parking bay.

12. No person shall park a vehicle within a parking place during the controlled times if the vehicle displays an authorised permit that has been altered, defaced, mutilated, added to, upon which the figures or particulars have become illegible or which is otherwise invalid.

13. No person shall park a vehicle within a parking place during the controlled times if the vehicle displays an authorised permit which displays a controlled parking place scheme identifier reference which does not pertain to the controlled parking place in which that vehicle is parked.

14. No person shall use any vehicle while it is within a parking place during the controlled times in connection with the sale of any article or in connection with the selling or offering for hire of his skill or services.

15. If a vehicle is left in the parking place without complying with the above Articles then a contravention shall be deemed to have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice may then be issued by a Civil Enforcement Officer in accordance with the requirements of the Traffic Management Act 2004 and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

16. The Penalty Charge Notice shall be paid to the Council in accordance with the instructions indicated on the Penalty Charge Notice.

PART IV
REMOVAL STORAGE AND DISPOSAL OF A VEHICLE

17. If a vehicle is left in a parking place during the controlled times in a position other than in accordance with the provisions of this Order the Council or any person authorised by the Council may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.

18. If a vehicle is left in a parking place during the controlled times in contravention of any of the provisions of this Order then the Council or any person authorised by the Council may remove the vehicle from the controlled parking place or arrange for such removal.

19. Any vehicle which appears to the Council to be abandoned in a parking place may be removed at the discretion of the Council or a person authorised by the Council or at the request of a police officer in uniform.

20. For the purposes of this Order section 101 of the Road Traffic Regulation Act 1984 as amended has effect and the Council may dispose of a vehicle which appears to be abandoned and which has been, or could at any time be removed.

21. Section 102 of the Road Traffic Regulation Act 1984 as amended, together with subordinate legislation shall apply in respect of the recovery by the Council of the charges for removal, storage and disposal of the vehicle under the provisions of this Order.

PART V
RESIDENTS PERMITS

22. For the purposes of administering all authorised permits the Council shall define the parking places to which the permit applies by a scheme identifier reference specified in Schedule 1a and 1b and the scheme identifier reference shall be displayed on the parking permit.

23. Any resident issued with an authorised residents permit may park their vehicle within any of the parking places that bear the same scheme identifier reference specified in Schedule 1a and 1b, and that same scheme identifier reference shall be displayed on the authorised residents permit and that reference number shall also be incorporated within the relevant road signs.

24. No resident permit will be issued for vehicles over 7.5 tonnes or for trailers and caravans under the provisions of this Order.

25. A resident who is the registered keeper of a vehicle or is a named driver to either a business vehicle or contract hire vehicle kept at an address on any of the sides of lengths of roads specified in Schedule 1a and 1b, or any other local road which the Council deems appropriate, may apply to the Council for the issue of a parking permit for the relevant controlled parking places.

26. The application shall be made on a form issued by and obtainable from the Council and shall include the particulars and any accompanying information required by them.

27. 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 of information given to them.

28. The Council, upon being satisfied that an applicant is a resident and the owner of a vehicle may issue to that applicant on submission of the appropriate charge specified in Schedule 2, a permit for the parking of that vehicle during the controlled times in the Controlled Parking Places situated in the road or associated roads as approved by the Council to which that resident resides.

29. Parking permits will be available from the Council for each residential address meeting the provisions of this Order and used in the manner directed by the Council. The parking permits shall be renewable on the expiry date shown and each renewal shall be accompanied by the appropriate remittance.

PART VI
VISITOR PERMITS AND DAILY USE PARKING VOUCHER

30. Any visitors may park their vehicle within any sides of lengths of road specified in Schedule 1a and Schedule 1b that bear the same scheme identifier reference that is displayed on the authorised visitors permit or daily use parking voucher and that reference number shall be incorporated within the relevant road signs on street.

31. Visitor's permits and daily use parking vouchers will be made available to residents for a charge specified in Schedule 2 to this Order and used in the manner as directed by the Council.

32. It is the driver's responsibility to ensure the visitors' permit is displayed in accordance with this Order and used in the manner directed by the Council. Daily use parking vouchers must be completed in accordance with the instructions indicated on the reverse side of that voucher.

PART VII
ADMINSTRATIVE PROVISIONS RELATING TO ALL AUTHORISED PERMITS

33. The following provisions of this order apply to a replacement permit.

(1) If an authorised permit is lost, damaged, mutilated, defaced or destroyed, the permit holder may apply to the Council for the issue of a replacement.

(2) The Council may require an applicant for a replacement authorised permit to produce evidence in respect of that application as they reasonably require to verify any particulars or information given to them.

(3) The Council shall be entitled to terminate all rights granted by the authorised permit if at any time there is any contravention of any of the provisions contained in this order and the permit holder will not be entitled to any refund whatsoever of any of the amount paid in respect of the permit

(4) The Council upon being satisfied as to the loss, damage or destruction determined by them may issue a replacement permit for a charge specified in Schedule 2. The permit which it replaces shall become invalid.

(5) The replacement permit will be valid only until the expiry date of the original authorised permit it replaces. No refunds will be made regarding the original permit and the original permit must be surrendered if it is subsequently found or retrieved.

(6) If through fading the particulars on a permit have become illegible or the colour of the permit has altered, the permit holder shall surrender it to the issuing authority and may then apply for the issue of a replacement permit free of charge

(7) An authorised permit shall not be assigned or transferred by the holder to any other person or business but may be surrendered at any time to the issuing authority and must be surrendered in the event of :-

a) the permit holder ceasing to be eligible for an authorised permit by virtue of no longer being a resident;

b) the permit holder ceasing to be the registered keeper of the vehicle in respect of which an authorised permit has been issued

c) a replacement permit has been issued under the relevant provisions of this Order.

d) the expiry of the period for which the permit was issued.

34. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restrictions or requirement imposed by any regulations made or having effect as if made under the said Act of 1984 or by or under any other enactment.

The Order shall come into operation on the day of 4th August 2014 and may be cited as **"THE TAMESIDE METROPOLITAN BOROUGH (MELLOR ROAD, ASHTON UNDER LYNE)(CONTROLLED PARKING AREAS) ORDER 2013**

THE COMMON SEAL OF TAMESIDE
METROPOLITAN BOROUGH COUNCIL
was hereunto affixed on the 21st July 2014
in the presence of

Borough Solicitor

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SCHEDULE 1a			
Controlled Parking Place, Mellor Road, Ashton under Lyne			
STREET NAME	**SIDE AND LENGTH OF ROAD**	**SCHEME IDENTIFIER REFRENCE**	**CONTROLLED TIMES**
Mellor Road (west side)	from a point 40 metres south west of its junction with Darnton Road to a point 10 metres north east of its junction with Willow Wood Close.	A1	Monday to Sunday 7 days a week 8.00am – 6.30pm
Mellor Road (west side)	from a point 12 metres south west of its junction with Willow Wood Close to a point 10 metres north east of its junction with Sutherland Street	A1	Monday to Sunday 7 days a week 8.00am – 6.30pm
Mellor Road (west side)	from a point 10 metres south west of its junction with Sutherland Street to a point 10 metres north east of its junction with Mellor Close.	A1	Monday to Sunday 7 days a week 8.00am – 6.30pm
Mellor Road (west side)	from a point 10 metres south west of its junction with Mellor Close to a point 10 metres north east of its junction with Sycamore Close.	A1	Monday to Sunday 7 days a week 8.00am – 6.30pm
Mellor Road (west side)	from a point 30 metres north east of its junction with Stamford Square for a distance of 18 metres in a north easterly direction.	A1	Monday to Sunday 7 days a week 8.00am – 6.30pm

SCHEDULE 1b			
Controlled Parking Place & Limited Waiting 1 Hour, No Return within 2 Hours			
STREET NAME AND TOWN	**SIDE AND LENGTH OF ROAD**	**SCHEME IDENTIFIER REFRENCE**	**CONTROLLED TIMES**
Mellor Road (west side)	from a point 10 metres south west of its junction with Sycamore Close for a distance of 27 metres in a south westerly direction.	A1	Monday to Sunday 7 days a week 8.00am – 6.30pm
Mellor Road (west side)	from a point 44 metres south west of its junction with Sycamore Close for a distance of 13 metres in a south westerly direction.	A1	Monday to Sunday 7 days a week 8.00am – 6.30pm

SCHEDULE 2		
PERMIT CHARGES		
PERMITS	**QUANTITY**	**CHARGE**
Residents Permit	each	£30
Visitors Permit	each	£30
daily use parking voucher	Per booklet of 20	£10
Replacement of authorised permit	each	£30