

Dated: 14 September 2018

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (BRIDGEFIELD
STREET CAR PARK) (OFF STREET PARKING PLACES) ORDER 2018**

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THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (BRIDGEFIELD STREET CAR PARK) (OFF STREET 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;

goods" means goods or burden of any description and includes postal packets of any description;

"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;

“motor vehicle” and “vehicle” means a mechanically propelled vehicle, the height of which does not exceed 1.98 metres and shall include a motor cycle but only when that motor cycle has a sidecar attached which is either:-

- (i) constructed solely for the carriage of not more than twelve passengers and their effects exclusive of the driver; or
- (ii) constructed for the conveyance of goods or burden of any description

“motor cycle” means a mechanically propelled vehicle with fewer than 4 wheels of which the weight unladen does not exceed 410 kilogrammes;

“motor cycle space” means any area of a parking place which is provided for the leaving of a motor cycle and indicated by markings on the surface of the parking place or signed or otherwise indicated by signs or any other structure whatsoever placed or erected in the parking place;

"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.

“Parking Permit Fee” means the sum per permit per year or such other amount as may from time to time be set by the Council;

"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 18 and issued by the Council under the provisions of Article 15(1) including, except where the context otherwise requires, a visitors parking permit issued under Article 15(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;

‘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

PART II

USE OF PARKING PLACES

Designation of parking places

3. Each parking place is authorised to be used subject to the following provisions of this Order as a parking place for waiting of such classes of the vehicles not exceeding 1.98 metres in height in such positions during the permitted hours.

Use of parking places

4. Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a permit holder or season ticket holder no person shall cause or permit a vehicle to wait in that parking bay unless it displays in the relevant position a current parking permit or season ticket issued by the Council for that vehicle to wait in the said place.
5. Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled person’s vehicle no person shall cause or permit a vehicle to wait in that parking bay unless it is 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).
6. Where within a parking places there is a sign or surface marking which indicates that a parking bay is available only for a Member’s vehicle, no person shall cause or permit a vehicle to wait in that parking bay unless is displays in the relevant position a current Member’s parking permit issued by the Council for that vehicle to wait in the said parking place.

7. Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for loading, no person shall cause or permit a vehicle to wait in that parking bay for longer than is necessary to enable a person to board or alight from the vehicle or to enable goods to be loaded or unloaded from the vehicle and the height restriction referred to in Article 3 shall not apply to such vehicle.
8. Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for parking for one hour no person shall cause or permit any vehicle to wait in such a parking bay
 - (a) for longer than one hour; or
 - (b) if a period of less than one hour has elapsed since the termination of the last period of waiting if any by that vehicle in the parking place.

Position of and specified classes of vehicles

9. No person shall cause or permit a vehicle to wait in a parking place unless:-
 - (a) it is of the specified classes of vehicles;
 - (b) it does not exceed 1.98 metres in height; and
 - (c) where a parking bay is marked on the parking place it is parked wholly within a parking bay.

Other provisions / Use of vehicles in parking places

10. No person shall cause or permit a vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1998.
11. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
12. No person shall use a vehicle while it is in a parking place in connection with the sale of any articles to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services without the express written consent of the Council.
13. No person shall use any part of a parking place or any vehicle left in a parking place:-
 - (a) for sleeping or camping or cooking; or
 - (b) for the purpose of servicing, repairing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place without the express written consent of the Council.
14. No person shall affix or attach to or leave or place on any vehicle while it is in a parking place any leaflet, bill placard or poster without the express written consent of the Council.
15. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

16. Where in a parking place signs are erected or surface markings are laid for the purpose of:-
(a) indicating the entrance to or exit from the parking place; or
(b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,
no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit so indicated or (ii) in a direction other than so specified.
17. No person shall except with the permission of a person authorised by the Council in that behalf drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

PART III **PAYMENT FOR PARKING**

Charges

18. Any person leaving a vehicle in a parking place specified in Column 1 of Schedule 1 during the charging hours shall immediately on parking the vehicle in the parking place pay the appropriate charge
19. Save as provided in Article 21, no person shall cause or permit any vehicle to wait in a parking place referred to in Article 18 during the charging hours unless the relevant charge for the period during which the vehicle waits therein calculated in accordance with Article 18 has been paid and there is displayed in that vehicle in the relevant position a valid parking ticket for that period of waiting or a valid permit or season ticket or the period of waiting has been paid for via a mobile telephone.

Exemptions

20. Nothing in Article 18 or 19 shall require the payment of a charge in respect of:-
(a) a vehicle which displays in the relevant position, a valid season ticket issued in respect of that vehicle for the parking place in which the vehicle is left;
(b) a vehicle which displays in the relevant position a valid permit for the parking place in which the vehicle is left; and
(c) a motor cycle left in a motor cycle space; or
(d) 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) and which is lawfully left in a parking place so long as that vehicle remains within the parking place for a period not exceeding three hours (not being a period separated by an interval of less than two hours from a previous period of waiting by the same vehicle on the same parking place on the same day).

Method of payment of charge

21. The charge referred to in Article 19 shall be payable by the insertion into the ticket machine relating to that parking place of a coin or coins of the correct denomination or by such other means of payment as the Council may approve. Upon payment of the said charge, the driver of a vehicle shall exhibit the parking ticket in the relevant position on the vehicle the parking ticket issued by the ticket machine relating to the parking place in which the vehicle is left.

Period of waiting

22. No person shall cause or permit a vehicle to wait in a parking place specified in Schedule 1 to this Order for longer than the period for which payment was made.

Expiry of time period

23. The expiry of the period for which the charge has been paid shall be indicated when there is exhibited on the vehicle a parking ticket issued by a ticket machine relating to a parking place in which the vehicle is left showing the day and time of payment of the charge, and the time shown on the clock of the said ticket machine is later than the time at which the period for which a charge has been paid expired, or if the period of time paid for via a mobile telephone has expired.

Failure to pay charge

24. If at any time while a vehicle is left in a pay and display parking place no parking ticket or payment via mobile telephone, indicating that the relevant charge has been paid in respect of that parking place during the period in which the vehicle is so left, is displayed on that vehicle in the relevant position or a payment made via mobile telephone has expired the relevant charge shall be deemed not to have been paid unless the contrary is proved.

Indications as Evidence

25. The indications given by any ticket machine or any parking ticket issued by it shall be treated as evidence of the facts which the ticket machine or parking ticket purports to record.

Season tickets and permits

26. The owner of a vehicle may on application to the Council purchase a season ticket in respect of that vehicle for any of the parking places specified in Column 1 of Schedule 1 or Schedule 2 in respect of which a season ticket charge is specified in Column 8 of Schedule 1 or column 3 of Schedule 2 the charge shall be such sum as is specified in the said Column 8 or Column 3 in respect of the corresponding period during which the season ticket is to be valid. A season ticket shall be valid only for the parking place specified by name on the said season ticket during the period for which it is issued.
27. The Council may, whether upon payment of such sum as it may determine or otherwise, issue a permit in respect of a vehicle and there shall be no charge in respect of that

vehicle left in the parking place specified in the parking permit provided it is valid and is displayed in the relevant position.

Restriction on removal of parking or season tickets

28. When a parking ticket, season ticket or permit has been exhibited on a vehicle in accordance with the provisions of Articles 21 or 22, no person shall remove the parking ticket season ticket permit from the vehicle until the vehicle is removed from the parking place.

Absence of ticket machine

29. If at the time when a vehicle is left in a parking place specified in the schedules to this Order during the charging hours there is no ticket machine at the parking place, or all the ticket machines at that parking place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of Order, the charge shall be payable on demand to the Civil Enforcement Officer or other person authorised to receive such a payment by the Council or the payment is made via a mobile telephone. In the absence of such arrangements, the driver of that vehicle shall be exempt from purchasing a parking ticket.

PART IV **SUSPENSION OF PARKING PLACE**

Power to close parking places

30. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in the parking place:
- (a) from closing the parking place or any part thereof for any period; and/or
 - (b) from setting aside the parking place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations.
31. No person shall cause or permit a vehicle to be left in a parking place or any part thereof during such periods that the use of that parking place or that part thereof is suspended or during such period as there is in or adjacent thereto a notice or traffic sign placed by or on behalf of the Council.
32. Any person suspending the use of a parking place or any part thereof in accordance with the provisions of Article 31 shall thereupon place or cause to be placed in or adjacent to that parking place or that part thereof a notice or traffic sign indicating that the use of that parking place or that part thereof is suspended and that waiting by vehicles is prohibited.
33. No person shall cause or permit a vehicle to be left in a parking place or any part thereof during such periods that the use of that parking place or that part thereof is suspended or during such period as there is in or adjacent thereto a notice or traffic sign placed in pursuance of Article 30.

PART V
PENALTY CHARGE AT PARKING PLACES

Penalty charge

34. If a vehicle is left in a parking place in contravention of or without complying with any Article of this Order a penalty charge shall be payable and/or the vehicle may be removed from that location or parking place

Penalty charge notice

35. Where a penalty charge may have been incurred it shall be the duty of the parking attendant to issue a penalty charge notice which shall include the information required by the 1991 Act.

Payment of the penalty charge notice

36. 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.

Indications as evidence

37. 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.

Restriction on removal of a penalty charge notice

38. When a penalty charge notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order, no person, not being the driver of the vehicle, a police constable in uniform, Civil Enforcement Officer or some other person duly authorised by the Council shall remove the penalty charge notice from the vehicle unless authorised to do so by the driver.

PART VI
REMOVAL OF VEHICLES

Movement or removal of vehicles

39. If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 19 a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
40. If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.
41. For the purpose of meeting the requirements of an emergency a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
42. Any person altering or causing the alteration of the position of a vehicle by virtue of Article 39 or removing or causing the removal of a vehicle by virtue of Articles 40 and 41 may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

Safe keeping, and disposal of vehicles

43. Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Articles 40 or 41 :-
 - (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

SCHEDULE 1

Parking Places

| Column 1 | Column 2 |
|--|---|
| Parking Place | Permitted hours |
| 29 Limited Waiting Disabled Persons Parking Places | All Days, All Hours, Maximum Stay 3 Hours, No Return Within 2 Hours |
| 11 Motorcycle Parking Places | All Days, All Hours, No Maximum Stay, Free of Charge |

SCHEDULE 2

Parking Places – Permit Only Car Parks

| Column 1 | Column 2 |
|--------------------------------|-------------------------------------|
| Parking Place | Permitted hours |
| 5 Permit Holder Parking Places | All Days All Hours, No Maximum Stay |

List of properties/businesses below to be allocated parking permits in designated bays within Bridgefield Street surface car park:

| Property address / Business | No. of permits per | Permit Parking Place Location | Duration of Parking Permit | Cost of Permit |
|---|---------------------------|--------------------------------------|--------------------------------------|--|
| 36 Prince's Street (Swan With Two Necks) | 1 | Bridgefield Street surface car park | 2 years subject to review April 2020 | Free issue until April 2020, cost thereafter to be negotiated or permit terminated |
| 48 Merseyway (Marks and Spencer) | 1 | Bridgefield Street surface car park | 2 years subject to review April 2020 | Free issue until April 2020, cost thereafter to be negotiated or permit terminated |
| 58 Prince's Street (Perfume Essence) | 1 | Bridgefield Street surface car park | 2 years subject to review April 2020 | Free issue until April 2020, cost thereafter to be negotiated or permit terminated |
| 2-4 Brown Street (Othellos) | 1 | Bridgefield Street surface car park | 2 years subject to review April 2020 | Free issue until April 2020, cost thereafter to be negotiated or permit terminated |
| 92 Prince's Street (The Café Place) | 1 | Bridgefield Street surface car park | 2 years subject to review April 2020 | Free issue until April 2020, cost thereafter to be negotiated or permit terminated |

COMMENCEMENT & CITATION

44. This Order shall come into operation on the 15 September 2018 and may be cited as The Metropolitan Borough Council of Stockport (Bridgefield Street Car Park) (Off Street Parking Places) Order 2018.

The COMMON SEAL of the)
METROPOLITAN BOROUGH)
COUNCIL OF STOCKPORT was)
hereunto affixed this 14th September 2018)
in the presence of:-

Mayor

W J Brett



Authorised Signatory

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