

Dated the 26 May 2022

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(EAST STREET AND HARDMAN STREET) (LOADING BAY) ORDER 2022**

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

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT
(EAST STREET AND HARDMAN STREET) (LOADING BAY) ORDER 2022

The Council of the Metropolitan Borough of Stockport in exercise of its powers under Sections 32(1) and 33(1) of the Road Traffic Regulation Act 1984 ("the 1984 Act"), the Road Traffic Act 1991 ("the 1991 Act"), 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:-

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

"driver" means the person driving the vehicle at the time it was left in the loading bay area.

"Higher Level Contravention" means the contravention of this Order in respect of any of the Waiting and Loading restrictions of this Order.

"loading bay area" means the part of the road authorised by this Order which may only be used as a loading and unloading area.

"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 £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;

- (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

Loading and Unloading

2. The sides of lengths of road specified in the Schedule to this Order are authorised to be used, subject to the provisions of Article 3 as a loading bay area, for all classes of vehicle, in such positions and on such days and during the permitted hours as specified in relation to that part of the road for the purposes of loading and unloading only.

Exemptions

3. Nothing in Article 2 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

CONTRAVENTION OF ORDER

4. Contravention

If a vehicle is left in a Loading Bay 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.

5. 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.

6. 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.

7. 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.

8. 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:-

- (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.

9. 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.

COMMENCEMENT & CITATION

10. This Order shall come into operation on the 27 May 2022 and may be cited as The Metropolitan Borough Council of Stockport (East Street and Hardman Street) (Loading Bay) Order 2022.

**SCHEDULE
INTRODUCTION OF LOADING BAY**

Loading Only Monday to Saturday 7.30am to 6.30pm:

East Street North side from a point 65 metres east of the intersection of the easterly kerb line of Hardman Street for a distance of 7.5 metres in a northerly direction.

Hardman Street North East side from a point 20 metres north of the intersection of the northerly kerb line of East Street, for a distance of 8 metres in a northerly direction within the parking layby.

KEY:

- Proposed
- No Waiting At Any Time
- No Waiting Monday to Friday 8am - 6pm
- Access Protection Marking (APM/H-BAR)

**DETAIL A
PROPOSED LOADING BAY**

KERBLINE

0.5m

0.5m

0.5m

2.7m

NTS

Proposed

No waiting
At Any Time

No waiting
Monday to Friday
8am - 6pm

Access Protection Working (APM/H-BAR)

JOB TITLE

East Street, Stockport.

DRAWING TITLE

Proposed Prohibition of Waiting

CONTACT INFORMATION

STOCKPORT
METROPOLITAN BOROUGH COUNCIL
MEMBERS AND NON-MEMBER
COUNCILORS
STOCKPORT GRS INC
Fax: 0161 873 8074

IMPORT AND DISTRIBUTION
UNITED KINGDOM
ROBERTS GUY INC.
POB 6000 872 8071

Order	Program	Contract	Approved
CR	CP	CP	JB
Date 28/07/21	Date 28/07/21	Date 28/07/21	Date 28/07/21
Time 1:500			
Quantity NMB/5109/Option A			
Location 1			

Product: **Product**
 Qty: **100** Qty

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The COMMON SEAL of the COUNCIL
of the METROPOLITAN BOROUGH
of STOCKPORT was hereunto affixed
this 26 May 2022
in the presence of:-



807173

V. Bates

Head of Legal & Democratic Governance / Designated Authorised Signatory (legal officer)

Victoria Bates

Print Name

M. Dadds

Authorised Signatory (legal officer)

MICHELLE DODDS

Print Name