

Dated 24 August 2018

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (GEORGE STREET
UPPER CARPARK, COMPSTALL) (RESIDENTS PERMIT OFF STREET PARKING
PLACES) AND (REVOCATION) ORDER 2018**

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**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (GEORGE STREET
UPPER CAR PARK, COMPSTALL) (RESIDENTS PERMIT OFF STREET PARKING
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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 of £31 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;

"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) The land 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 land in the said Schedule, of such classes of vehicles, also so specified, as display in the manner specified in Article 19 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 19 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 land 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) 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.

Position of and specified classes of vehicles

- (6) **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

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

Issue of Residents Parking Permits

- 15(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 17, 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;
- 16.(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 17; 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.
- 17.(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.
18. 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.
19. 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 18 are readily visible from outside the vehicle.
20. When a permit has been displayed on a vehicle in accordance with the provisions of Article 19, no person shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

CONTRAVENTION OF ORDER

21. 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.

22. 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.

23. 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.

24. 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.

25. Removal of vehicle

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Article 22 or any other Article of this Order,

- (a) he 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.
- (d) Nothing in Article 22 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.

26. Restriction on removal of notices

Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 15, 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

27. That part of The Metropolitan Borough Council of Stockport (George Street, Thomas Street, Catterwood Drive and Montagu Street, Compstall) (Residents Permit Parking Places) Order 2018 which refers to George Street (Upper) Car Park, is hereby revoked.

COMMENCEMENT & CITATION

28. This Order shall come into operation on the 25 August 2018 and may be cited as The Metropolitan Borough Council of Stockport (George Street Upper Car Park, Compstall) (Residents Permit Off Street Parking Places) and (Revocation) Order 2018.

SCHEDULE 1
Residents Permit Off Street Parking Only

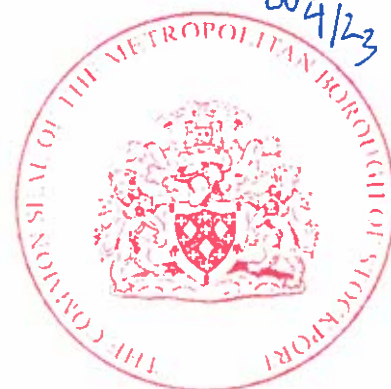
1 Parts of road authorised to be used as street parking places	2 Classes of vehicles	3 Permitted hours
George Street (Upper) Car Park.	Passenger vehicle, dual purpose vehicle, light goods vehicle, invalid carriage and motorcycle	All hours

SCHEDULE 2
Relevant addresses for the issue of Residents Permits

George Street (174-186) Montagu Street (125-160) Edith Terrace (161-167) Thomas Street (80-102).

The **COMMON SEAL** of the
METROPOLITAN BOROUGH COUNCIL
OF STOCKPORT was hereunto affixed
this 24 August 2018
in the presence of:-

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Mayor *W J Brett*

Authorised Signatory