

Dated: 15 May 2014

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (HULME STREET
OFFERTON) (OFF STREET PARKING PLACES) ORDER 2014**

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**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (HULME STREET,
OFFERTON) (OFF STREET PARKING PLACES) ORDER 2014**

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT ("the Council") in exercise of the powers conferred by Sections 32 and 35(1) of the Road Traffic Regulation Act 1984 as amended ("the 1984 Act"), and the Road Traffic Act 1991 as amended ("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. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"disabled person" and "disabled persons' badge" have the same meaning as in the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000 and The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013;

"disabled persons' vehicle" has the same meaning as in 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, means the person driving the vehicle at the time it was left in the parking place;

"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;

"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 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 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;

“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;

“parking bay” means any area of a parking place indicated by markings on the surface of the parking place and which is provided for the leaving of a vehicle of the specified classes of vehicles;

“parking disc” has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“parking place” means each area of land specified by name in Column 1 of the Schedule and which is provided by the Council under Section 32(1) of the Act for use as a parking place;

"penalty charge" has the same meaning in section 82(1) of the 1991 Act and is £60 or such other charge as may be set by the Council under the provisions of section 74 of the 1991 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;

“permitted hours” are specified in the schedule relating to for each parking place specified in the Schedule, during which a parking place may be used for the waiting of the specified classes of vehicles;

“relevant position” in respect of: -

- (a) 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; and
- (b) all other tickets and permits referred to in this Order means exhibited on the dashboard or fascia of the vehicle or where the vehicle does not have a dashboard or fascia in a conspicuous position on the vehicle so that whole of the information on the front of the ticket is clearly legible from outside of the vehicle;

“specified classes of vehicles” means a passenger vehicle, light goods vehicle, dual purpose vehicle, invalid carriage and motor cycle.

2. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

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 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).
5. 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.

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.

PART IV

SUSPENSION OF PARKING PLACE

Power to close parking places

15. 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.
16. 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.

17. Any person suspending the use of a parking place or any part thereof in accordance with the provisions of Article 16 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.
18. 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 15.

PART V
PENALTY CHARGE AT PARKING PLACES

Penalty charge

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

Penalty charge notice

20. Where a penalty charge may have been incurred it shall be the duty of the Civil Enforcement Officer or Police Constable in uniform to issue a penalty charge notice.

Payment of the penalty charge notice

21. 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

22. 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

23. 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, a 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.

**SCHEDULE
PARKING PLACES**

Column 1	Column 2	Column 3
PARTS OF HULME STREET CAR PARK TO BE USED AS PARKING PLACES (NOT DISABLED PERSONS PARKING PLACES)	POSITION IN WHICH THE VEHICLE MUST WAIT	PERMITTED HOURS
The Marked Parking Bays within Hulme Street Car Park Offerton.	Wholly within the marked limits of the marked parking bays within Hulme Street Car Park Offerton	All days all Hours

DISABLED PERSONS PARKING PLACES

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
PARTS OF CAR PARK AUTHORISED TO BE USED AS DISABLED PERSONS' PARKING PLACES	POSITION IN WHICH THE VEHICLE MUST WAIT	CLASS OF VEHICLE	DAYS AND HOURS OF OPERATION OF PARKING PLACE	TIME LIMITS OF PARKING WITHIN THE OFF STREET DISABLED PERSONS PARKING PLACES AT HULME STREET CAR PARK , OFFERTON
Hulme Street Car Park, Offerton wholly within the marked limits of the marked Disabled Persons Parking Bays within the Hulme Street car park.	Wholly within the limits of the specified disabled persons parking place	Disabled person's vehicle which displays in the relevant position a disabled person's badge.	All days and all hours	3 hours – no return within 1 hour

COMMENCEMENT & CITATION

24. This Order shall come into operation on the 15 May 2014 and may be cited as The Metropolitan Borough Council of Stockport (Hulme Street, Offerton) (Off Street Parking Places) Order 2014.

The COMMON SEAL of the)
METROPOLITAN BOROUGH)
COUNCIL OF STOCKPORT was)
hereunto affixed this 15th day of May 2014)
in the presence of:-)



Mayor

Council Solicitor/Authorised Signatory