Dated: 17th January 2013

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT ((BANBURY STREET CAR PARK, STOCKPORT) (PAY AND DISPLAY PARKING)) ((LONDON PLACE CAR PARK, STOCKPORT) (STAFF PERMIT HOLDERS ONLY)) ((BAMFORD STREET, EDWARD STREET, LAVENDERS BROW, LOONIES COURT, LORD STREET 1, AND LORD STREET 2 CAR PARKS, STOCKPORT)(SEASON TICKET PARKING)) ORDER 2013

Barry Khan Council Solicitor Town Hall Stockport SK1 3XE THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (BANBURY STREET CAR PARK, STOCKPORT) (PAY AND DISPLAY PARKING)) (LONDON PLACE CAR PARK, STOCKPORT) (STAFF PERMIT HOLDERS ONLY)) (BAMFORD STREET, EDWARD STREET, LAVENDERS BROW, LOONIES COURT, LORD STREET 1, AND LORD STREET 2 CAR PARKS, STOCKPORT)(SEASON TICKET PARKING)) ORDER 2013

THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT in exercise of its powers under Section 1(1), 2(1) to (3), 4(2) and Sections 32(1) and 35(1) and part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended ("the 1984 Act"), and the Road Traffic Act 1991 as amended ("the 1991 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:-

"appropriate charge" means

- (a) for a period of waiting on any day other than a Sunday or a Bank Holiday the charge shown in Column 5 of Schedule 1 for the parking place in which the vehicle waits corresponding to the period during which that vehicle waits specified in Column 4 Schedule 1; and
- (b) for a period of waiting on a Sunday the charge shown in Column 7 of Schedule 1 for the parking place in which the vehicle waits corresponding to the period during which that vehicle waits specified in Column 6 the Schedule;

"charging hours" means the period specified in Column 3 of the Schedule 1 corresponding to each parking place specified in Column 1 of the Schedule during which an appropriate charge is to be paid in accordance Article 19;

"disabled person" and "disabled persons' 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 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 cycle" and "invalid carriage" have the same meaning as in Section 136 of the 1984 Act.

"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 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 Schedule 1 or Schedule 2 and shown edged red on the attached plans and which is provided by the Council under Section 32(1) of the Act for use as a parking place;

"parking ticket" means a ticket issued by a ticket machine pursuant to this Order and indicating the payment of a charge, the time at the beginning of the period for which payment was made and the time when the period expires;

"cashless parking" means the driver of a vehicle may, as an alternative to inserting coins into a pay and display ticket machine telephone the number displayed on the relevant signs and pay for the requisite time for parking by way of credit or debit card.

"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 issued by the Council under such terms and conditions as the Council shall determine permitting a driver to park the vehicle the registration mark of which is specified on the permit in a parking place specified on the permit without purchasing a parking ticket;

"permit holder" and "season ticket holder" means a person to whom a permit or as season ticket has been issued;

"permitted hours" means for each parking place specified in Column 1 of Schedule 1 and Schedule 2 the corresponding days and periods specified in Columns 2 and 3 of Schedule 1 and column 2 of Schedule 2 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 facia of the vehicle or where the vehicle does not have a dashboard or facia 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;

"season ticket " means a ticket purchased from the Council for a charge specified in Column 8 of Schedule 1 subject to certain conditions laid down by the Council valid for the period specified on the ticket for use in the parking place(s) specified on the ticket.

"specified classes of vehicles" means:-

- (i) in the case of a resident permit holders only parking place and a pay and display parking place a passenger vehicle, light goods vehicle, dual purpose vehicle, invalid carriage and motor cycle; and
- (ii) in the case of a coaches and goods vehicles parking place means coach and a goods vehicle; and
- (iii) in the case of a disabled persons' parking place a disabled persons' vehicle which displays in the relevant position a disabled person's badge.

"The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002;

"ticket machine" means an apparatus of a type and design approved by the Secretary of State for Transport being apparatus designed to issue parking tickets; 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 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.

<u>PART III</u> 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.

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 one hour 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 cashless parking. Upon payment of the said charge, the driver of a vehicle shall exhibit the parking ticket in the relevant position on the vehicle any parking ticket issued by a 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 specified in Columns 5 & 7 of Schedule 1 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 there is a record of a cashless parking payment which shows that the amount of time which has been paid for a parking place has expired.

24. Failure to pay charge

If at any time while a vehicle is left in a pay and display or cashless parking place no parking ticket, 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 that no cashless parking payment has been recorded in respect of that parking place during the period in which the vehicle is so left 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, or any recorded cashless parking payment shall be treated as evidence of the facts which the ticket machine or parking ticket or recorded payment 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, 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 or 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 Car Park Attendant or other person authorised to receive such a payment by the Council or if applicable payment may be made by way of cashless parking. 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 Civil Enforcement Officer or Police Constable in uniform, to issue a penalty charge notice which shall include the information required by the 2004 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

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.

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.

SCHEDULE 1

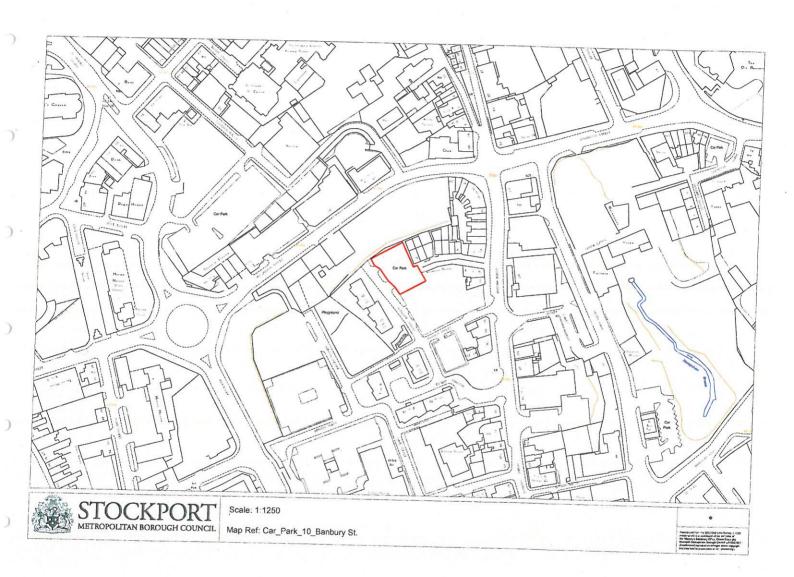
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Parking Place	Permitted hours	Charging hours	Period of waiting	Charge	Period of	Charge	Season Ticket
			Mondays to	Mondays to	Waiting on	Sundays	Charge
2			Saturdays	Saturdays	Sundays		
Banbury Street	All days, all	0800hrs to	Up to 1 hour	£0.60	Up to 2 hours	£0.50	MONDAY TO
	hours	1800hrs	Up to 3 hours	£1.20	Over 2 hours	£1.00	SATURDAY
			Up to 5 hours	£2.10			3 months-£405.00
			Over 5 hours	£4.20			6 months-£810.00
Bamford Street						6	12 months-
4.5	Monday to						£1417.50
	Saturday, all						MONDAY TO
	nours			13			FRIDAY
							3 months-£337.50
		***************************************					6 months-£675.00
							12 months-
35	10						£1181.25
							MONDAY TO
							WEDNESDAY,
							THURSDAY TO
					***************************************		SATURDAY
	3						3 months-£202.50
	29						6 months-£405.00
			76 7				12 months-708.75
0			•			S.	2

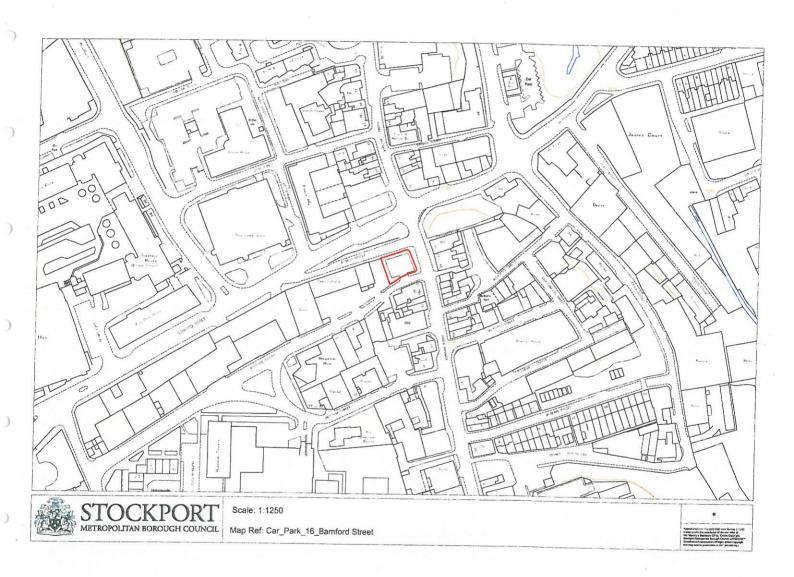
Edward Street, Lavenders Brow, Loonies Court, Lord Street 1 and Lord Street 2	Column 1
Monday to Saturday, all hours	Column 2
	Column 3
	Column 4
	Column 5
	Column 6
	Column 7
MONDAY TO SATURDAY 3 months- £405.00 6 months- £810.00 12 months- £1417.50 MONDAY TO FRIDAY 3 months- £337.50 6 months- £675.00 12 months- £675.00 12 months- £1181.25 MONDAY TO WEDNESDAY THURSDAY TO SATURDAY 3 months- £202.50 6 months- £405.00 12 months- £405.00 12 months- £708.75	Column 8

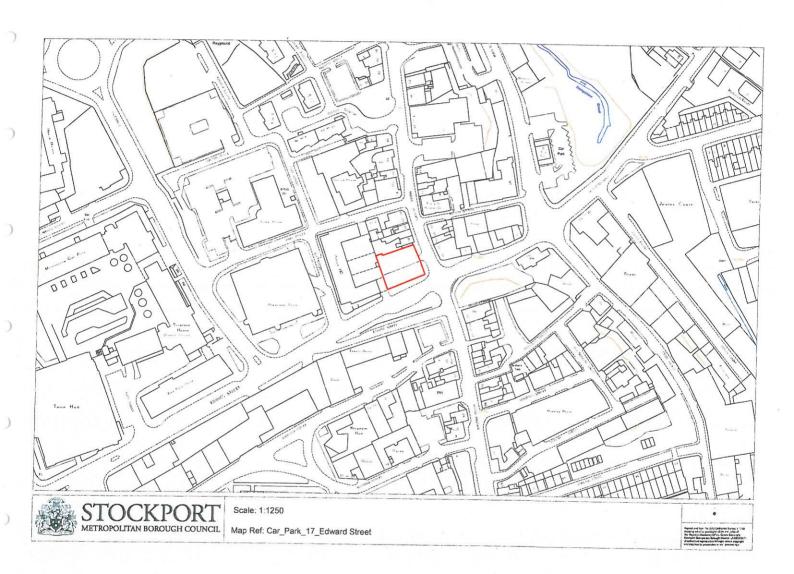
SCHEDULE 2

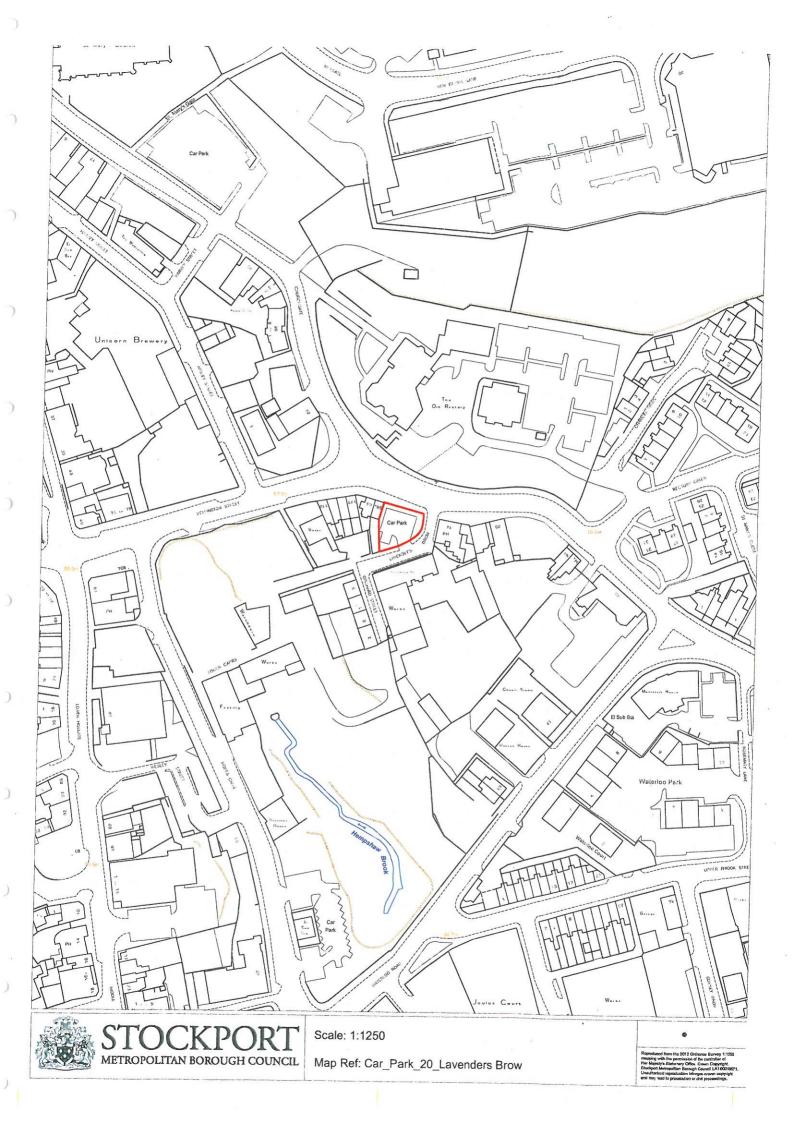
Parking Places – Staff Permit Only Car Parks

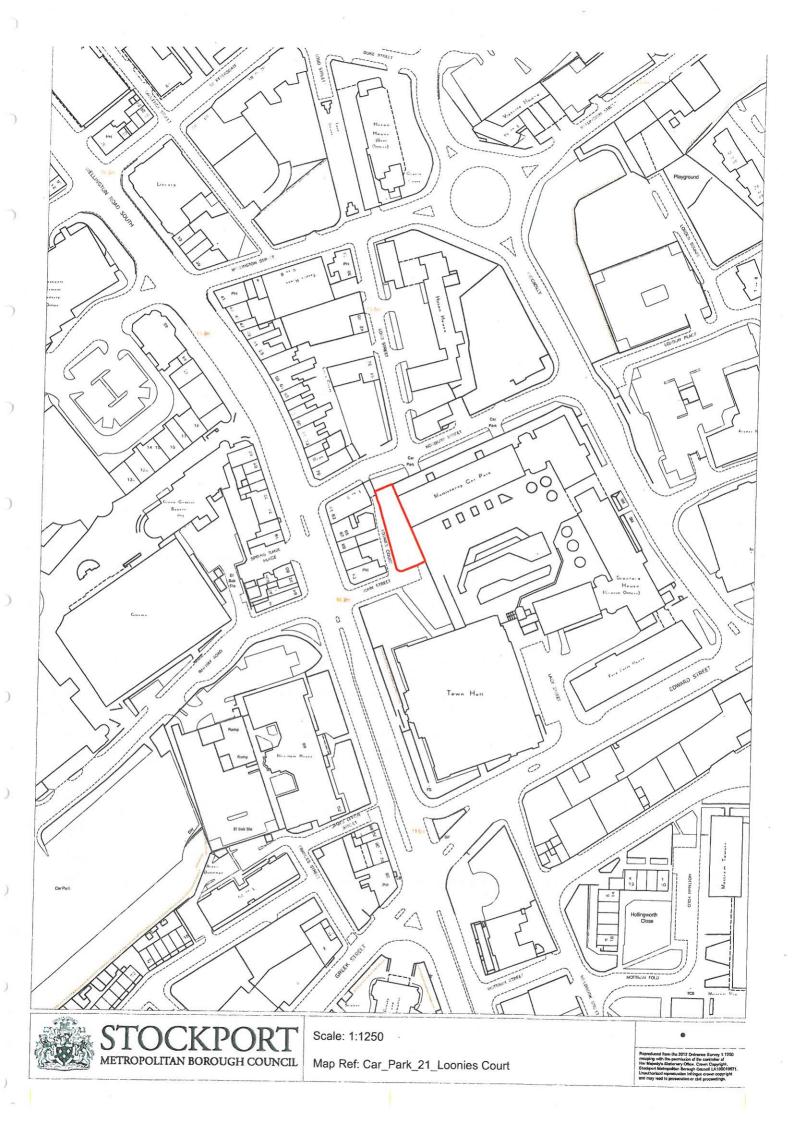
			2.										8 8 8					London Flace (Site B)	rarking riace	Column I	2
																		All days, all hours.	Permitted hours	Column 2	
£ 13.40	District Centres	Non users –	£60.26	Town Centre car parks	Non users –	£ 6.18	Bramhall Park	Casual/Essential users -	£ 9.26	District Centres	Casual/Essential users -	£34.00	London Pl/Hygarth/Ritz/Armoury/Hopes Carr	Casual/Essential users -	£37.08	(undercover)/All Car Parks	Stopford/Merseyway/Heaton Lane	Casual/Essential users -	Charge	Column 3	

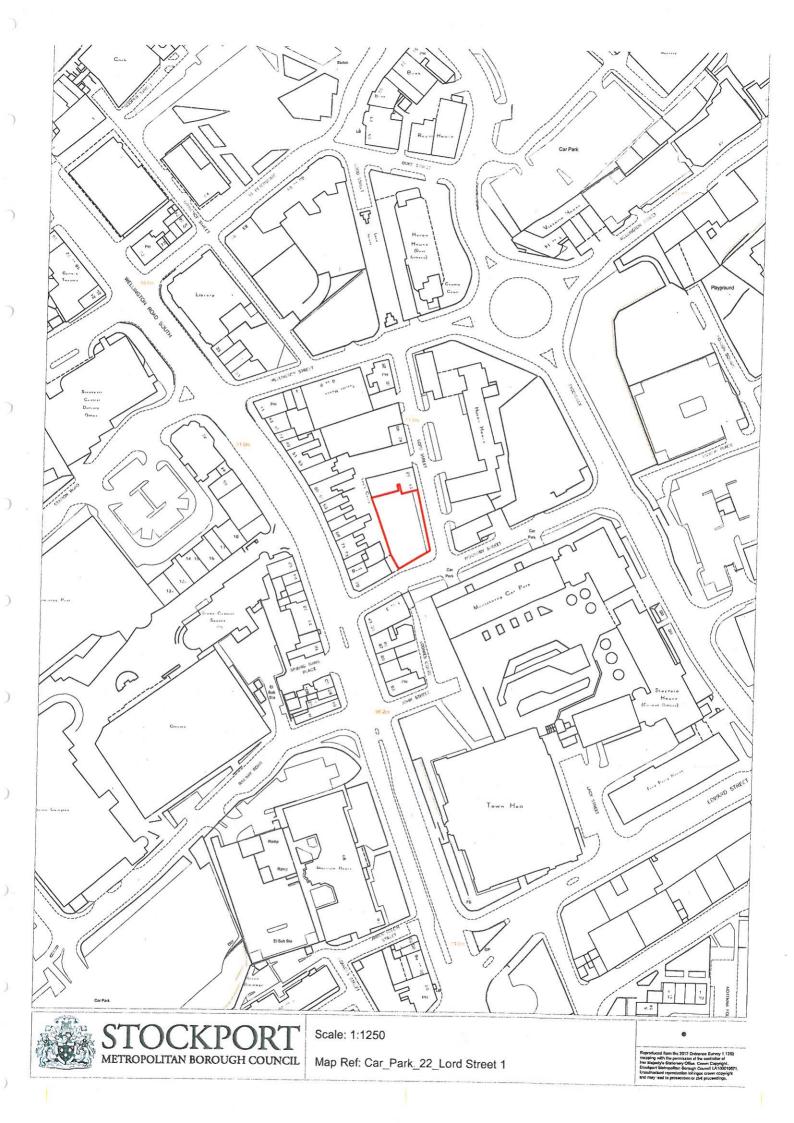


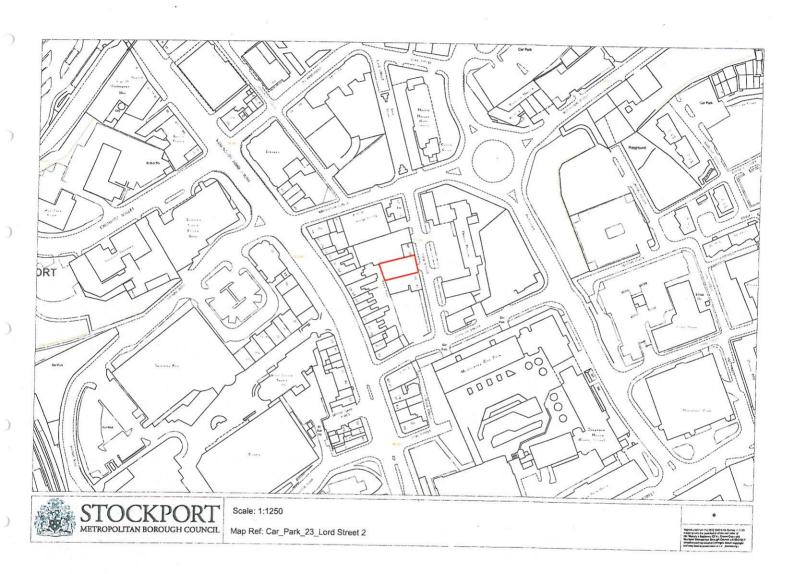


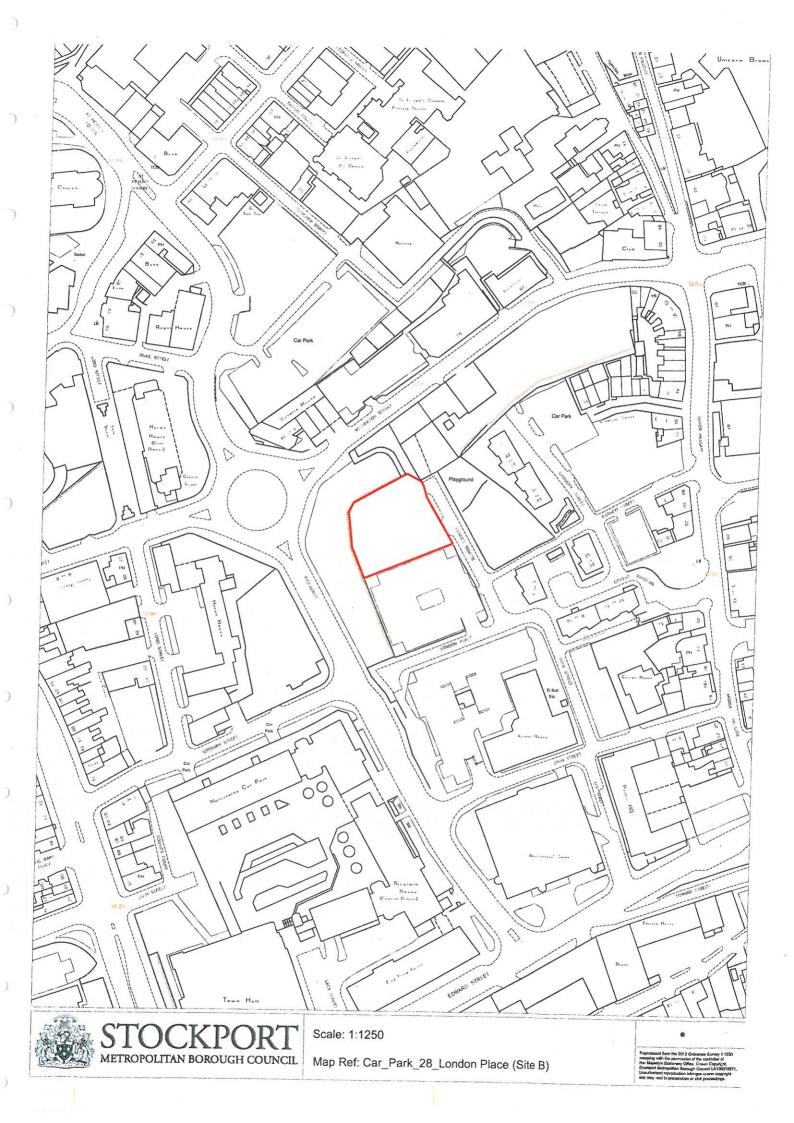












Safe keeping, and disposal of vehicles

- 43. Where a Civil Enforcement Officer or Police Constable in uniform 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

COMMENCEMENT & CITATION

44. This Order shall come into operation on the 24th January 2013 and may be cited as The Metropolitan Borough Council of Stockport (Banbury Street Car Park, Stockport) (Pay and Display Parking)) (London Place Car Park, Stockport) (Staff Permit Holders only)) (Bamford Street, Edward Street, Lavenders Brow, Loonies Court, Lord Street 1, and Lord Street 2 car parks, Stockport)(Season Ticket Parking)) order 2013

The COMMON SEAL of the
METROPOLITAN BOROUGH
COUNCIL OF STOCKPORT was
hereunto affixed this 17th day of January 2013)
in the presence of:-

Council Solicitor/Authorised Signatory