

**Dated the 13<sup>th</sup> day of July 2017**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (TIVIOT DALE &  
DANIELS LANE) (OFF STREET PERMIT PARKING PLACES) ORDER 2017**

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**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (TIVOT DALE &  
DANIELS LANE) (OFF STREET PERMIT PARKING PLACES) ORDER 2017**

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

"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;

"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;

"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 place" means any road or part of road authorised by this Order as a place where specified classes of vehicles may wait;

"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 issued to employees of Hurst & Co Accountants LLP, to park in the Off Street Parking Places specified in the Schedule to this Order

"permitted hours" means the periods specified in the Schedule to this Order for each parking place which waiting by vehicles of specific classes is permitted;

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
6. 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.
7. When a permit has been displayed on a vehicle, no person shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

### **CONTRAVENTION OF ORDER**

#### **8. 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.

### **9. 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.

### **10. 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.

### **11. 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.

### **12. Removal of vehicle**

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Article 13 or any other Article of this Order,

- (a) he shall provide for the safe custody of the vehicle;
- (b) he 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 13 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.

### **13. Restriction on removal of notices**

Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 6, 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**

14. This Order shall come into operation on the 14<sup>th</sup> July 2017 and may be cited as The Metropolitan Borough Council of Stockport (Tiviot Dale & Daniels Lane) (Off Street Permit Parking Places) order 2017.

### **OFF STREET PERMIT PARKING PLACES FOR EMPLOYEES OF HURST & CO ACCOUNTANTS LLP - MONDAY TO FRIDAY 7AM TO 7PM INCLUSIVE)**

3 parking spaces at Tiviot Dale, easterly cul-de-sac north side from a point 4 metres west of the projected westerly kerb line of Tiviot Dale northerly cul-de-sac turning head for a distance of 15 metres in a westerly direction.

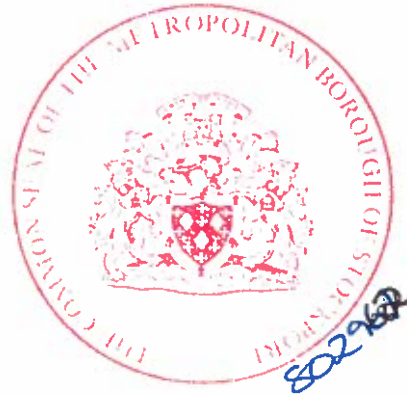
4 Parking spaces at Tiviot Dale, easterly cul-de-sac north side, 90<sup>0</sup> to the kerb, from a point 34 metres west of the projected westerly kerb line of Tiviot Dale northerly cul-de-sac for a distance of 9.6 metres in a westerly direction or up to the turning head.

6 parking spaces at Tiviot Dale east side, 90<sup>0</sup> to the kerb, from a point 65.5 metres north of the northerly kerb line of Percy Street for a distance of 14.5 metres in a northerly direction.

The **COMMON SEAL** of the  
**METROPOLITAN BOROUGH COUNCIL**  
**OF STOCKPORT** was hereunto affixed  
this 13<sup>th</sup> Day of July 2017  
in the presence of:-

Mayor

*LMH811*



Head of Legal & Democratic Governance /  
Authorised Signatory

*Jinda 12*