

**Dated the 26<sup>th</sup> day of September 2019**

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT (HIGHER  
HILLGATE)  
(PROHIBITION OF WAITING AND LIMITED WAITING) AND (REVOCATION)  
ORDER 2019**

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

**THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT  
(HIGHER HILLGATE)  
(PROHIBITION OF WAITING AND LIMITED WAITING) AND (REVOCATION)  
ORDER 2019**

The Council of the Metropolitan Borough of Stockport ("the Council") in exercise of its powers under Section 1 (1), 2(1) to (3) and 4(2) and Part IV of Schedule 9 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 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;

"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

"Invalid Carriage" has the same meanings as in Section 136 of the 1984 Act;

"Motor Cycle" has 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 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 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 66 of the 1991 Act;

"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;

"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.

'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

#### **Prohibition of waiting**

2. Save as provided in Articles 4 and 6 no person shall, except upon the direction or with the permission of a constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait at any time on the sides of lengths of road specified in Schedule 1.

#### **Limited waiting**

3. Save as provided in Articles 4 and 6 no person shall, except upon the direction or with the permission of a constable in uniform or of a Civil Enforcement Officer, cause or

permit any vehicle to wait on the sides of lengths of roads specified in Schedule 2 on Monday to Saturday from 8.00 am to 6.00 pm for longer than 1 hour with no return within 1 hour.

### **Exemptions**

4. Nothing in Articles 2 and 3 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
  - (h) goods to be loaded onto or unloaded from the vehicle.
- 5 Nothing in Article 2 shall render it unlawful to cause or permit 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) to wait on the side of lengths of road referred to in that Article for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle on the same side of length of road on the same day).

6. Nothing in Article 3 shall render it unlawful to cause or permit a disabled person's Vehicle which displays in the Relevant Position a Disabled Person's Badge to wait on the sides of lengths of road referred to therein

### CONTRAVENTION OF ORDER

7. **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.

- 8 **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.

- 9 **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.

10. **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.

11. **Removal of vehicle**

Where a Civil Enforcement Officer has removed or caused to be removed a vehicle in accordance with Article 7 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 18 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.

12. **Restriction on removal of notices**

Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 19, 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 OF EXISTING WAITING RESTRICTIONS

13. The restrictions in Schedule 3 to this Order are hereby revoked.

### COMMENCEMENT & CITATION

14. This Order shall come into operation on the 27 September 2019 and may be cited as The Metropolitan Borough Council of Stockport (Higher Hillgate) (Prohibition of Waiting and Limited Waiting) and (Revocation) Order 2019.

### SCHEDULE 1 NO WAITING AT ANY TIME

Higher Hillgate East Side from the intersection of the southern kerbline of Hatter's Court for a distance of 59 metres in a southerly direction.

East Side from a point 15 metres south of the intersection of the southern kerb line of Unity Way for a distance of 36 metres in a northerly direction.

East Side from a point 9 metres north of the projected northern kerbline of Thomas Street to the intersection of the northern kerbline of Hempshaw Lane.

West Side from the intersection of the southern kerbline of Marriott Street for a distance of 55 metres in a southerly direction.

West Side from a point 3 metres north of the intersection of the northern kerbline of Ardern Grove for a distance of 17 metres in a south westerly direction.

West Side from a point 1.5 metres south of the projected southerly kerbline of Unity Way for a distance of 6 metres in a south westerly direction.

West Side from a point 6 metres north east of the intersection of the northern kerbline of Elizabeth Avenue for a distance of 23 metres in a south westerly direction.

West Side from a point 4 north east of the intersection of the northern kerbline of Thomas Street to the intersection of the northern kerbline of Longshut Lane.

Public Realm Cobbled Area / Turning Head Facility South Side from the rear of Higher Hillgates easterly footway, 14 metres south of the projected southerly kerbline of Unity Way for a distance of 25 metres in a south easterly, then south westerly, then south easterly, then north easterly, then south easterly direction.

Holt Street South Side from the intersection of the western kerbline of Higher Hillgate for a distance of 11.5 metres in a south westerly direction.

North Side from the intersection of the western kerbline of Higher Hillgate for a distance of 5 metres in a south westerly direction.

Ardern Grove both Sides from the intersections of the western kerbline of Higher Hillgate for a distance of 5 metres in a westerly direction.

Elizabeth Avenue North Side from the intersection of the western kerbline of Higher Hillgate in a westerly direction, to the intersection of the eastern kerbline of Canley Close.

South Side from the intersection of the western kerbline of Higher Hillgate for a distance of 22.5 metres in a westerly direction.

Thomas Street North Side from the intersection of the western kerbline of Higher Hillgate for a distance of 21 metres in a south westerly direction.

North Side from a point 36 metres south west of the intersection of the western kerbline of Higher Hillgate for a distance of 18 metres in a south westerly direction.

North Side from a point 8 metres east of the intersection of the eastern kerbline of Walton Street for a distance of 64 metres in a south westerly direction to its cul-de-sac end.

South Side from the intersection of the western kerbline of Higher Hillgate for a distance of 130 metres in a south westerly direction to its cul-de-sac end.  
Unity Way North Side from the intersection of the eastern kerbline of Higher Hillgate, for a distance of 40 metres in an easterly, then north-easterly direction.  
South Side from the intersection of the eastern kerbline of Higher Hillgate, for a distance of 46 metres in an easterly, then north easterly direction.

**SCHEDULE 2**  
**LIMITED WAITING – MONDAY TO SATURDAY – 8.00 AM TO 6.00 PM**  
**1 HOUR WITH NO RETURN WITHIN 1 HOUR**

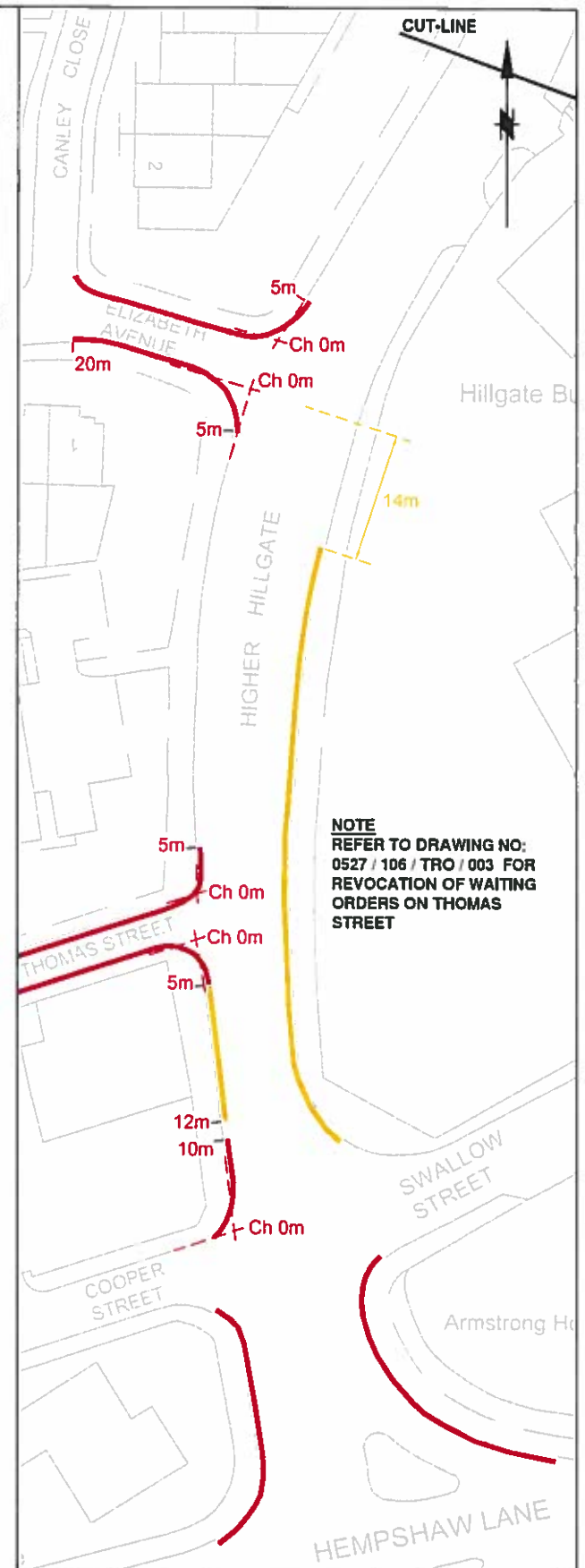
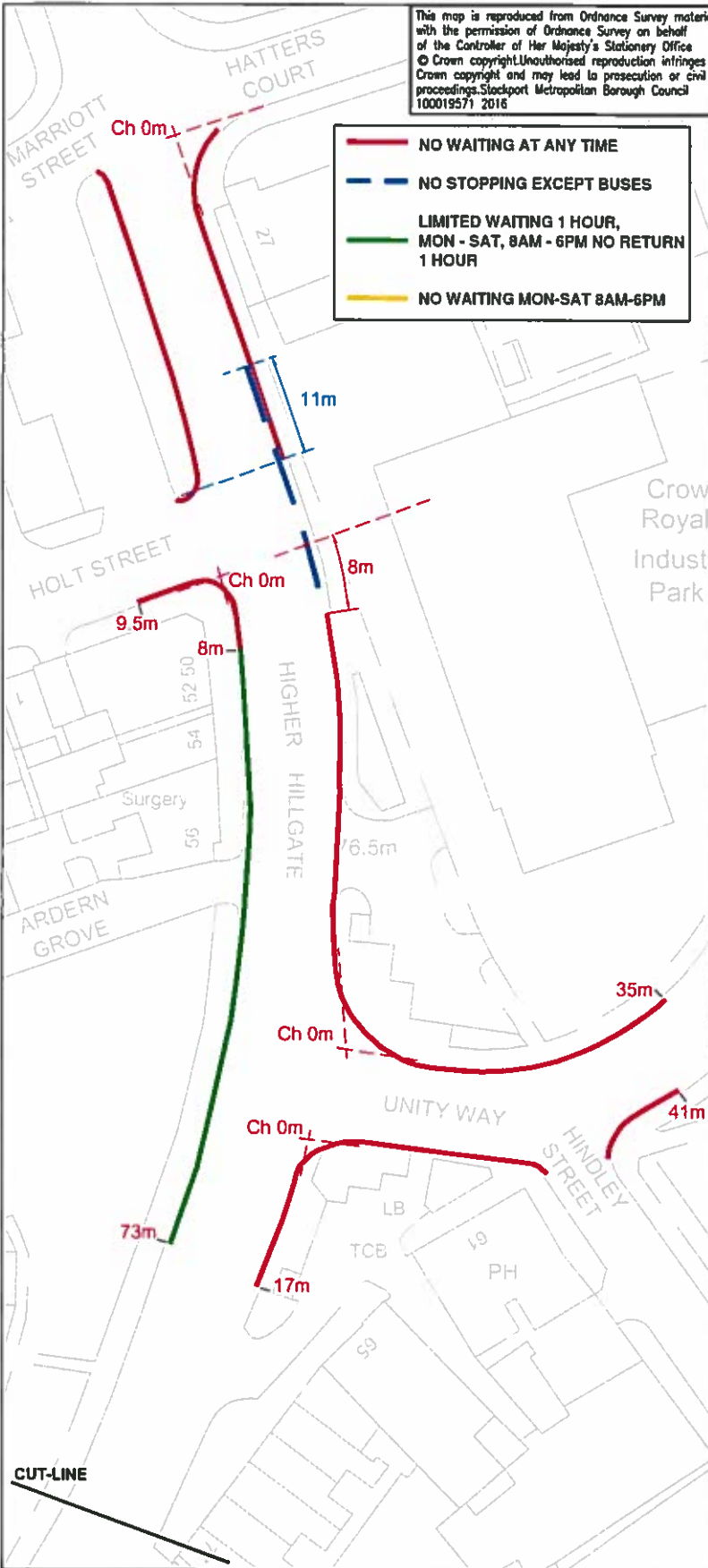
Higher Hillgate West Side from a point 9 metres south of the intersection of the southern kerbline of Holt Street for a distance of 20 metres in a southerly direction.  
West Side from a point 11 metre south of the intersection of the southern kerbline of Ardern Grove for a distance of 17 metres in a southerly direction.  
West Side from a point 34 metres south of the intersection of the southern kerbline of Ardern Grove for a distance of 14 metres in a southerly direction.

**SCHEDULE 3**  
**REVOCATION OF EXISTING RESTRICTIONS**

**Revocation of No Waiting at Any Time** Higher Hillgate East Side from the intersection of the southern kerbline of Hatters Court, to the projected northern kerbline of Holt Street.  
East Side from a point 8 metres south of the projected southern kerbline of Holt Street, to a point 17 metres south of the projected southern kerbline of Unity Way.  
East Side from the intersection of the southern kerbline of Swallow Street, to the intersection of the northern kerbline of Hempshaw Lane.  
West Side from the intersection of the southern kerbline of Marriott Street to a point 8 metres south of the projected southern kerbline of Holt Street.  
West Side from the intersection of the northern kerbline of Elizabeth Avenue, to a point 5 metres south of the intersection of southern kerbline of Elizabeth Avenue.  
West Side from the intersection of the northern kerbline of Thomas Street, to a point 5 metres south of the intersection of the southern kerbline of Thomas Street.  
West Side from a point 10 metres north of the intersection of the northern kerbline of Cooper Street, to the intersection of the northern kerbline of Longshut Lane.  
Unity Way North Side from the intersection of the eastern kerbline of Higher Hillgate, for a distance of 35 metres in an easterly, then north-easterly direction.  
South Side from the intersection of the eastern kerbline of Higher Hillgate, for a distance of 41 metres in an easterly, then north-easterly direction.  
Holt Street North Side from the intersection of the western kerbline of Higher Hillgate for a distance of 3 metres in a westerly direction.  
South Side from the intersection of the western kerbline of Higher Hillgate for a distance of 9.5 metres in a westerly direction.  
Elizabeth Avenue North Side from the intersection of the western kerbline of Higher Hillgate, to the intersection of the eastern kerbline of Canley Close.  
South Side from the intersection of the western kerbline of Higher Hillgate for a distance of 20 metres in a north-westerly direction.  
Thomas Street North Side from the intersection of the western kerbline of Higher Hillgate for a distance of 19 metres in a south westerly direction.  
North Side from a point 34 metres west of the intersection of the western kerbline of Higher

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- NO WAITING AT ANY TIME
- NO STOPPING EXCEPT BUSES
- LIMITED WAITING 1 HOUR, MON - SAT, 8AM - 6PM NO RETURN 1 HOUR
- NO WAITING MON-SAT 8AM-6PM



**NOTE**  
REFER TO DRAWING NO:  
0527 / 106 / TRO / 003 FOR  
REVOCATION OF WAITING  
ORDERS ON THOMAS  
STREET



**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

HIGHWAYS AND STRUCTURES  
STOPFORD HOUSE  
STOCKPORT SK1 3XE  
TEL

CAROLINE SIMPSON  
CORPORATE DIRECTOR  
PLACE

JOB TITLE

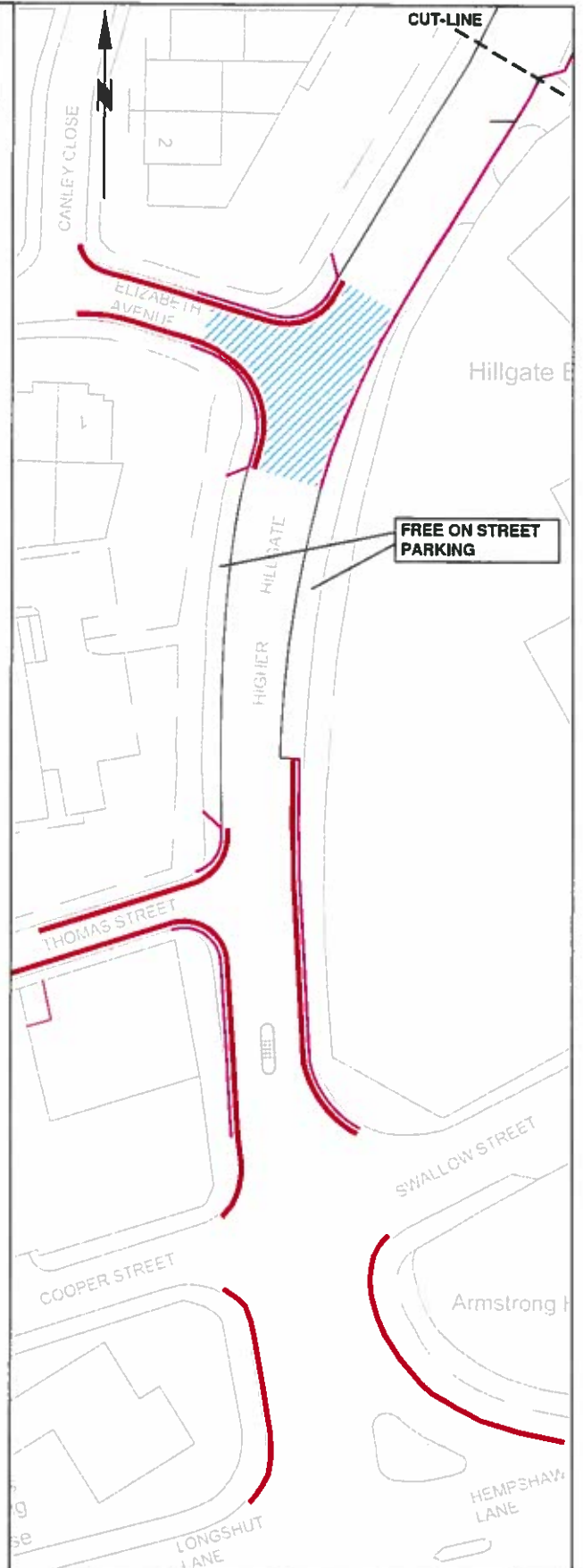
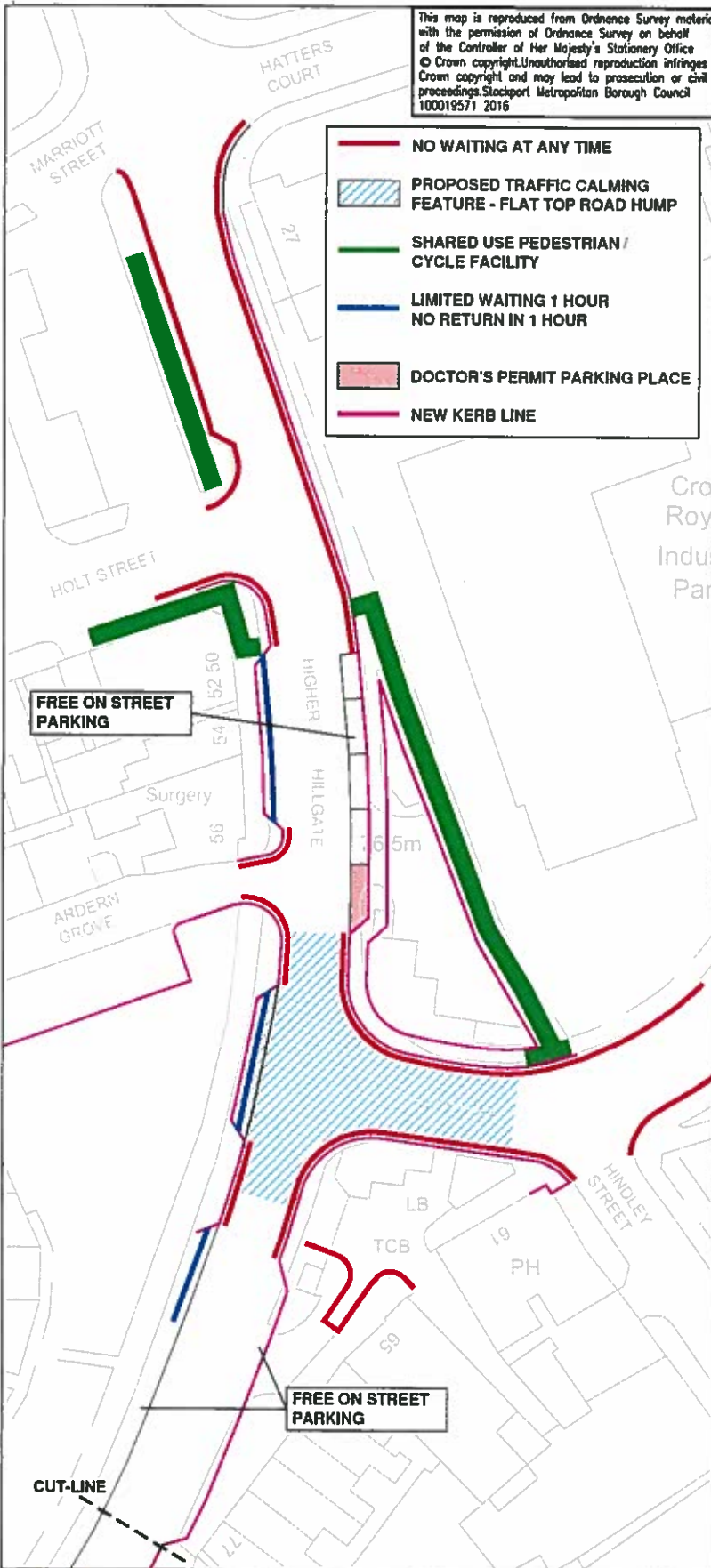
**TCAP - HIGHER HILLGATE / SHAWCROSS ST**

FILENAME FILENAME			
DRAWN WF	ENGINEER WF	CHECKED SL	APPROVED SL
DATE 08.12.16	DATE 08.12.16	DATE 08.12.16	DATE 08.12.16
SCALE 1:500		SCG No.	
DRAWING NUMBER 0527 / 106 / TRO / 001			Revision A
DRAWING TITLE <b>TRO - REVOCATION OF WAITING ORDERS</b>			



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- NO WAITING AT ANY TIME
- PROPOSED TRAFFIC CALMING FEATURE - FLAT TOP ROAD HUMPS
- SHARED USE PEDESTRIAN / CYCLE FACILITY
- LIMITED WAITING 1 HOUR  
NO RETURN IN 1 HOUR
- DOCTOR'S PERMIT PARKING PLACE
- NEW KERB LINE



**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

HIGHWAYS AND STRUCTURES  
STOPFORD HOUSE  
STOCKPORT SK1 3XE  
TEL

CAROLINE SIMPSON  
CORPORATE DIRECTOR  
PLACE

JOB TITLE

**TCAP - HIGHER HILLGATE / SHAWCROSS ST**

FILENAME FILENAME

DRAWN WF	ENGINEER WF	CHECKED SL	APPROVED SL
DATE 08.12.16	DATE 08.12.16	DATE 08.12.16	DATE 08.12.16
SCALE 1:500		SCG No.	
DRAWING NUMBER 0527 / 106 / TRO / 002			Revision D

DRAWING TITLE

**TRO - PROPOSED WAITING ORDERS**

Hillgate for a distance of 18 metres in a south westerly direction.  
 North Side from a point 8 metres north east of the intersection of the eastern kerbline of Walton Street, for a distance of 64 metres in a south westerly direction.  
 South Side from the intersection of the western kerbline of Higher Hillgate for a distance of 129 metres in a south westerly direction to its cul-de-sac.  
**Revocation of No Stopping Except Buses (7am-7pm)** Higher Hillgate East Side from a point 11 metres north of the projected northern kerbline of Holt Street for a distance of 25.5 metres in a southerly direction.  
**Revocation of Limited Waiting 1 Hour Mon-Sat 8am-6pm No Return 1 Hour** Higher Hillgate West Side from a point 8 metres south of the intersection of the southern kerbline of Holt Street, for a distance of 65 metres in a southerly direction.  
**Revocation of No Waiting Mon-Sat 8am-6pm** Higher Hillgate East Side from a point 14 metres south of the projected southern kerbline of Elizabeth Avenue to the intersection of the northern kerbline of Swallow Street. West Side from a point 5 metres south of the intersection of the southern kerbline of Thomas Street, to a point 12 metres north of the intersection of the northern kerbline of Cooper Street.

The **COMMON SEAL** of the **COUNCIL** )  
 of the **METROPOLITAN BOROUGH OF** )  
**STOCKPORT** was hereunto affixed )  
 This 26<sup>th</sup> day of September 2019 )  
 the presence of:- )



Mayor

*Jan Goate*

Authorised Signatory

*David Gwyn*