THE COUNTY COUNCIL OF DURHAM (BURNOPFIELD, TANFIELD, OXHILL, SOUTH MOOR, QUAKING HOUSES, SOUTH STANLEY, CRAGHEAD, AND BLOEMFONTEIN) (PARKING AND WAITING RESTRICTIONS) (CONSOLIDATION NO 1) ORDER 2017

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32, 35 & 124 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended ("the Act") and Part 6 of the Traffic Management Act 2004, as amended 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 Act, hereby make the following Order:-

Part 1

General

 This Order may be cited as The County Council of Durham (Burnopfield, Tanfield, Oxhill, South Moor, Quaking Houses, South Stanley, Craghead, and Bloemfontein) (Parking and Waiting Restrictions) (Consolidation No.1) Order 2017 and shall come into operation on the 7th day of March 2017.

Interpretation

2. In this Order the following expressions have the meanings hereby respectively assigned to them:-

"civil enforcement officer" means a person authorised by or on behalf of the Council pursuant to the provisions of Section 76 of the Traffic Management Act 2004;

"council" means The County Council of Durham;

"disabled person's badge" has the same meaning as in the Disabled Person's (Badge's for Motor Vehicles) (England) Regulations 2000 (as amended);

"disabled person's badge", "disabled person's parking disc" and "disabled person's vehicle" have the same meaning as in the Disabled Person's (Badge's for Motor Vehicles) (England) Regulations 2000 (as amended);

"enforcement officer" means a uniformed police officer, police community support officer or any subsequent designation of these officers;

"liveried vehicle" means a vehicle having a distinctive design and colour scheme used to distinguish a police, fire brigade or ambulance vehicle;

"motor vehicle" has the same meaning as in Section 136 of the Act;

"parking bay" means an area of highway designated as a parking bay under the provisions of this Order;

"parking place" means an area of highway designed as a parking place under the provisions of this Order;

"penalty charge" means a charge set by The County Council of Durham pursuant to the provisions of Section 77 of the Traffic Management Act 2004;

"penalty charge notice" means a notice issued by a civil enforcement officer pursuant to the provisions of Section 78 of the Traffic Management Act 2004;

"plan(s)" means the drawings listed within the Schedules attached to this Order;

"relevant position" in relation to 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;

"universal service provider" has the same meaning as in the Postal Services Act 2000:

- 3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
- 4. The Interpretation Act 1978 shall apply for the interpretation of this Order.

Part II

Revocation

5. The following Orders have been consolidated in full and their effects transferred to this Order:

The County Council of Durham (Burnopfield, Tanfield, Oxhill, South Moor, South
Stanley, Craghead and Bloemfontein (Prohibition and Restriction of Waiting and
Prohibition of Loading/Unloading) Order 2010

3/168.

The County Council of Durham (Burnopfield, Tanfield, Oxhill, South Moor, South Stanley, Craghead and Bloemfontein (Prohibition and Restriction of Waiting and Prohibition of Loading/Unloading) (Amendment) Order 2011

4 185

The County Council of Durham (Burnopfield, Tanfield, Oxhill, South Moor, South Stanley, Craghead and Bloemfontein (Prohibition and Restriction of Waiting and Prohibition of Loading/Unloading) (Amendment No. 1) Order 2013

4/192

The County Council of Durham (Burnopfield, Tanfield, Oxhill, South Moor, South Stanley, Craghead and Bloemfontein (Prohibition and Restriction of Waiting and Prohibition of Loading/Unloading) (Amendment No 1) Order 2014

4 207

The County Council of Durham (Burnopfield, Tanfield, Oxhill, South Moor, South Stanley, Craghead and Bloemfontein (Prohibition and Restriction of Waiting and Prohibition of Loading/Unloading) Order 2010 (Amendment No. 2) Order 2016

4 228.

Part III

Prohibition of Waiting At Any Time

6. Save as provided in Article 16 of this Order no person shall, except upon the direction or with the permission of an enforcement officer, cause or permit any vehicle to wait at any time on any of the lengths of roads or sides of lengths of roads identified within the individual plan(s) detailed in Schedule 1 to this Order.

Restricted Waiting

7. Save as provided in Article 16 of this Order no person shall, except upon the direction or with the permission of an enforcement officer or civil enforcement officer, cause or permit any vehicle, other than those vehicles so authorised in this Order, to wait on any of the lengths of roads or sides of lengths of roads on such days and during such times identified within the individual plan(s) detailed in Schedule 2 to this Order.

No Stopping on Entrance Markings

8. Save as provided in Article 16 of this Order no person shall, except upon the direction or with the written permission of an enforcement officer or civil enforcement officer, cause or permit any vehicle to stop or wait on the lengths of roads or sides of lengths of roads identified in the individual plan(s) detailed in Schedule 3 to this Order.

PART IV Parking Places & Parking Bays Without Meters

PARKING PLACES (Restricted Bays)

- 9. (1) The areas of highway identified within the individual plan(s) detailed in Schedule 4 to this Order are hereby designated as parking places, being restricted bays designated for use as parking places.
 - (2) Each parking place identified in Schedule 4 to this order, authorised under paragraphs (1) and (3) of this Article may only be used for the leaving of motor vehicles and motor cycles as so authorised on such days and during such hours as identified within the individual plan(s) detailed in that Schedule.
 - (3) The limits of each parking place shall be indicated by the Council, on the carriageway by the appropriate traffic signs.
 - (4) The driver of a motor vehicle or a rider of a motor cycle or pedal cycle shall not permit it to enter or wait in a parking place, authorised by paragraphs (1), (2) or (3) of this Article, for a period exceeding the maximum stay identified in the individual plan(s) or to return within the period also specified in those plans.

DISABLED BADGE HOLDERS (Restricted bays)

- 10. (1) The areas of highway identified within the individual plans detailed in Schedule 5 to this Order are hereby authorised as parking places; being restricted bays designated for use by disabled badge holders.
 - (2) Each parking place identified as disabled badge holder parking places, within the individual plans detailed in Schedule 5 to this order, authorised under paragraph (1) of this Article may be used only by vehicles which display in the relevant position a disabled person's badge and a disabled persons 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) on any day.
 - (3) The limits of each parking place authorised under paragraphs (1) and (2) above, on the carriageway by the appropriate traffic signs and the restricted bay shall be identified within the individual plans detailed in Schedule 5 to this Order.

PART V Parking Places & Parking Bays without Meters - GENERAL

Designation and use of Parking Places and Loading Bays (Restricted bays)

- 11. (1) Each area of highway identified in Schedules 4 and 5 to this Order are hereby designated as parking places (restricted bays); as set out in Articles 10 and 11 to this Order.
 - (2) Each parking place and parking bay identified within the individual plan(s) detailed in Schedules 4 and 5 to this Order, authorised under paragraph (1) of this Article, may only be used for the leaving of the specific classes of motor vehicles and motor cycles on such days and during such times as identified within the identified plan(s) detailed in Schedules 4 and 5 to this Order; or
 - (3) The number and situation of parking places and loading bays may be determined by the Council and the limits of each restricted bay shall be indicated by the Council on the surface by appropriate traffic signs.
 - (4) The Council may carry out such other work as is authorised by this Order or is reasonable required for the purposes of the satisfactory operation of a parking place.
 - (5) The Council may:-
 - (a) install, in such positions on or in the vicinity of a parking place, as they may think fit, such parking meters as are required by this Order for the purposes of that parking place; and
 - (b) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory Operating of a parking place.

Indications as Evidence

12. (1) If at any time while a vehicle is left in a parking place, as specified in Articles 10 and 11 of this Order no disabled person's parking disc is exhibited on the vehicle in accordance with the provisions of Article 11 of this Order.

Manner of Standing in Parking Places (Restricted bays)

- 13. (1) Every vehicle left in a parking place, specified in Articles 10, and 11, shall so stand, subject to paragraph (2) of this Article, so that every part of the vehicle is wholly within the limits of the parking place, AND in those cases in which special provision is made identified in the individual plans detailed in Schedules 4 and 5 of this Order, in accordance with those provisions.
 - (2) Where a vehicle has been left in a parking place or loading bay, referred to in paragraph (1) of this Article, is too long to comply with the provisions of that paragraph such vehicle shall be deemed to be within the limits of the restricted bay, being a parking place if:-
 - (a) the extreme front or rear portion of the vehicle is within 300 mm of the carriageway indication provided under paragraph (3) of Articles 10 and 11 of this Order;
 - (b) the vehicle, or any part of it, is not within the limits of any adjoining restricted bay; being a parking place.

(3) When a vehicle is left in a parking place in contravention of the provisions of this Article a Penalty Charge shall be payable.

Class and position of Vehicle

- 14. (1) No person shall cause or permit any vehicle, other than the permitted classes of vehicles, to use the parking places identified in Articles 10 and 11 or as specified in Schedules 4 and 5 to this order;
 - (2) Every vehicle left in a parking place, specified in Articles 10 and 11 to this Order, shall stand so that every part of the vehicle is wholly within the limits of the parking place or any parking bay within a parking place AND in those cases in which special provision is made in Schedules 4 and 5 to this Order, in accordance with those provisions;
 - (3) No person shall cause or permit any vehicle, unless so approved by an enforcement officer or civil enforcement officer, to wait or park in a parking bay specifically marked as available for a permitted class of vehicle, as identified in Schedules 4 and 5 to this order, unless that vehicle is of that permitted class of vehicle.
 - (4) No person shall cause or permit any vehicle to wait or park in a parking bay marked for disabled persons unless the vehicle displays a valid disabled person's badge in the relevant position and unless the vehicle has been or is about to be used by the person(s) in respect of whom the disabled person's badge has been issued either immediately before or immediately after the act of parking. Where required the vehicle shall also display the disabled person's badge in accordance with local regulations;

Power to Suspend Parking Places and Loading Bays

- 15. (1) Any person authorised by the Council may suspend the use of a parking place or loading bay or any part thereof whenever he consider such suspension is reasonably necessary:-
 - (a) for the purpose of facilitating the movement of traffic or promoting its safety:
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or loading bay, or the maintenance, improvement or reconstruction of the parking place or loading bay of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (c) for the convenience of occupiers of premises adjacent to the parking place or loading bay on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed or to facilitate filming work;
 - (e) for the convenience of occupiers of premises adjacent to the parking place or loading bay at times of weddings, funerals or on other special occasions.

- (f) for the maintenance, improvement or reconstruction of the road and street furniture, the cleansing of gullies or to maintain trees adjacent to the parking places or loading bays;
- (2) An enforcement officer may suspend the use of a parking place or loading bay or any part thereof, whenever such suspension is reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person closing or suspending the use of a parking place or loading bay, or any part thereof, in accordance with the provisions of Articles 10, 26, 27, 28, 29 & 30 shall thereupon place or cause to be placed in or adjacent to that parking place or loading bay, or that part thereof, a notice or sign indicating that the use of that parking place or loading bay, or that part thereof, is closed or suspended and that parking by vehicles is prohibited.
- (4) No person shall cause or permit a vehicle to be left in a parking place or loading bay, or any part thereof, during such periods that the use of that parking place or loading bay or that part thereof is closed or suspended or during such period as there is in or adjacent thereto a notice or sign placed by or on behalf of the Council in pursuance of paragraph (3) of this Article.
- (5) No person shall use a parking place or loading bay in connection with the sale of any article to persons in or near the parking place or loading bay or in connection with the selling or offering for hire of their skills or services.

Provided that nothing in this paragraph shall apply to any vehicle waiting in the parking place or loading bay or part thereof, which is suspended, with the permission of the person suspending the parking place or loading bay or part thereof, in pursuance of paragraph (1) or (2) of this Article.

Part V

Exemptions

- 16. (1) Nothing in Articles 6, 7,8, 9 or 10 of this Order shall render it unlawful to cause or permit any vehicle to wait on any of the lengths of roads or sides of lengths of roads referred to therein, for so long as may be necessary to enable;
 - (a) 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:-
 - (i) building or demolition;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or re-construction of the said roads;
 - (iv) the laying, erection, alteration or maintenance in or in land adjacent to the said lengths of roads of any sewer, main, pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (b) 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 water authority in pursuance of statutory duties;

- (c) the vehicle to be used for the purpose of delivering or collecting postal packets in the service of a universal service provider.
- (2) Nothing in Articles 6, 7,8, 9 or 10 of this Order shall apply to any liveried vehicle being used for police, fire & rescue service or ambulance purposes in pursuance of statutory duties.
- (3) Nothing in Articles 6, 7, 9 or 10 of this Order, shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person's badge and disabled person's 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 in any of the lengths of road or on the sides of road referred to in that Article 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 in the same road on the same day).
- (4) Nothing in Articles 6, 7 or 9 of this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of roads or sides of lengths of roads referred to therein for so long as may be necessary to enable:-
 - (a) the picking up or setting down of passengers; or
 - (b) goods to be loaded onto or unloaded from the vehicle.
- (5) Nothing in Article 10 of this order shall render it unlawful to cause or permit any vehicle to wait in the lengths of roads or sides of lengths of roads referred to therein for so long as may be necessary to enable the picking up or setting down of passengers.

Part VI

Contravention and Enforcement

- 17. (1) If a vehicle is in contravention of a provision of this Order a penalty charge shall be payable.
 - (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may then be issued by a Civil Enforcement Officer in accordance with the requirements of Section 78 of the Traffic Management Act 2004, as amended.

Saving

- 18. In so for as any provision of this Order conflicts with any provision which is contained in an Order made or having effect as if made under the Act or by or under any other enactment then the provisions of this Order shall prevail.
- 19. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

Schedule 1 **Prohibition of Waiting At Any Time**

Item No	Plan Ref	Item No	Plan Ref	Item No	Plan Ref
1	DC191	2	DD192	3	DE191
4	DE192	5	DF192	6	DH170
7	DH171	8	DH172	9	DH173
10	DH174	11	DH175	12	DI172
13	DI173	14	DI174	15	DI175
16	D1176	17	DJ171	18	DJ175
19	DK171	20	DL171	21	DM169
22	DM170				5,41100

Schedule 2 **Restricted Waiting**

Item No	Plan Ref	item No	Plan Ref	Item No	Plan Ref
1	DD191	2	DE191	3	DE192
4	DF192				BLIDE

Schedule 3 No Stopping on Entrance Markings

tem No	Plan Ref	Item No	Plan Ref	Item No	Plan Ref
1	DG175	2	DH171	3	DH172
4	DI173	5	DI174	6	DJ171
7	DK171	8	DK175		20111

Schedule 4 **Parking Places without Meters**

Item No	Plan Ref	Item No	Plan Ref	Item No	Plan Ref
1	DE191	2	DE192	3	DF192

Schedule 5 Parking - Disabled Badge Holders Only

Item No	Plan Ref
	DH173

GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM ON THE 23rd DAY OF FEBRUARY 2017

Authorised Signatory



















































