

**THE COUNTY COUNCIL OF DURHAM
(FESTIVAL WALK, SPENNYMOOR)
(OFF-STREET PARKING PLACES)
ORDER 2022**

The County Council of Durham (hereinafter called "the Council") in exercise of its powers under Sections 33, 34 7 35 of the Road Traffic Regulation Act 1984, as amended ("the 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 hereby makes the following Order:

**PART I
GENERAL**

Commencement and Citation

1. This Order may be cited as The County Council of Durham (Festival Walk, Spennymoor) (Off-Street Parking Places) Order 2022 and shall come into operation on the 22ND day of October 2022.

Interpretation

2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:

"authorised officer" means any person authorised by or on behalf of the Council to supervise any parking place.

"council" means The County Council of Durham;

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

"driver" in relation to a parking place means the person driving the vehicle at the time it was left in the Parking Place;

"parent and child" means parent and child under the age of 12 or in a car seat or a Booster seat

"Permitted Vehicle" means any vehicle listed in column 4 of the schedule or such other vehicles authorised by the Council.

"Coach" means a public service vehicle as defined by Part 1 of the Public Passenger Vehicle Act 1981 and passenger vehicle adapted to carry more than 8 passengers exclusive of the driver in respect of which a public service vehicle operators licence is in force and such other vehicles as authorised by the Council.

"taxi" has the same meaning as "hackney carriage" as defined in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976

"motor car" has the same meaning as assigned by the Act;

"motorcycle" refers to a solo motorcycle only and excludes any motorcycle which has a side-car or trailer, or which has more than two wheels;

"motor home" is a motor vehicle which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users.

"owner" in relation to a vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the vehicle was left in the parking place in question;

"parking bay" means an area of a parking place, which is provided for the leaving of a vehicle of a class specified and indicated by markings on the surface of the parking place or signed or otherwise indicated by signs in the parking place;

"parking place" means the locations as described in Column 2 of the Schedule 1 to this Order;

"permitted vehicle" means any vehicle listed in column 4 of Schedule 1 or such other vehicles authorised by the Council;

"relevant position" means:

"excess charge" and "excess charge notice" means the charge and notice referred to in Article 37;

"vehicle" means any motorcar, motorcycle or other mechanically propelled automobile.

"electric vehicle" means an automobile that is powered entirely or partially by a special rechargeable electric battery, rather than an internal combustion engine;

"recharging" means the transfer of electricity from a recharging post to an electric vehicles rechargeable battery;

"recharging post" means a device designed for the recharging of electric vehicles;

(a) in respect of a vehicle displaying a valid disabled persons badge –

- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 (the front of the badge), is legible from outside the vehicle; or
- (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 (the front of the badge) is legible from outside the vehicle;

3. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.
4. 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.

5. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II

DESIGNATION AND USE OF PARKING PLACES

Designation

6. Each parking place specified in column 2 in Schedule 1 to this Order may be used, subject to the provisions of this Order, as a place to leave only those vehicles of such classes as specified in column 4 in Schedule 1 on such days and during such hours as identified on the plan attached at Schedule 2.
7. The number and situation of parking bays in each parking place may be determined by the Council and the limits of each parking bay shall be indicated by the Council on the surface by appropriate traffic signs.
8. The Council may carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place.

Class and Position of Vehicle

9. no person shall cause or permit any vehicle, other than the permitted vehicles, specified in column 4 of Schedule 1 to this order to use the parking place specified in column 2 of Schedule 1 to this order;
10. every vehicle left in an parking place, specified in Article 6 of this Order, shall stand so that every part of the vehicle is wholly within the limits of a parking bay AND in those cases in which special provision is made in Column 3 of Schedule 1 of this Order, in accordance with those provisions.
11. where, in Schedule 1 to this Order, a parking place is described as available for vehicles of a specified class the driver of a vehicle shall not, unless authorised in writing by the Council, permit it to wait in the parking place unless it is of the class so specified.
12. no person shall cause or permit a 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 clock in accordance with local regulations.
13. no person shall cause or permit any vehicle to wait or park in a parking bay marked for electric vehicle charging, unless it is an Electric Vehicle and it is connected to the charging equipment located in or adjacent to the Charging Bay.

Power to Close or Suspend Parking Places

15. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in a parking place from temporarily closing or suspending the use of a parking place or part thereof for any class of vehicle for any period for the purpose of preventing obstruction of the parking place or maintaining public order therein.
16. Any person closing or suspending the use of a parking place or part thereof in accordance with the provisions of Article 14 shall thereupon place or cause to be placed in or adjacent to that parking place or that part thereof a notice or sign indicating that the use of that parking place or that part thereof is closed or suspended and that parking by vehicles is prohibited.
17. 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 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 Article 16.

Use of Parking Place

18. No person shall use any part of a parking place or use any vehicle in a parking place:
 - (i) to carry out any work of construction, overhauling, cleaning or repair in respect of the vehicle except as may be necessary to enable the vehicle to be moved from the parking place;
 - (ii) for sleeping, camping or cooking; or
 - (iii) for the playing or taking part of any sport; or
 - (iv) to engage in any unlawful activity; or
 - (v) to congregate with others with or without vehicles; or
 - (vi) to erect or cause to be erected any tent, booth, stand, building or other structure; or
 - (vii) to light or cause to be lit any fire; or
 - (viii) to shout or otherwise make a loud noise to the disturbance or annoyance of users of the parking place or residents or occupiers of premises in the neighbourhood; or
 - (ix) to play music or other recorded sound to the disturbance or annoyance of users of the parking place or residents or occupiers of premises in the neighbourhood; or
 - (x) in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his or another person's skills or services in any capacity; or
 - (xi) for the purposes of offering a vehicle for sale.

19. No person shall affix or cause to be affixed any advertising material to any vehicle left in a parking place.
20. No person shall drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place or for the purpose of departing from the parking place in accordance with the provisions of this Order.
21. No person shall leave an engine running except for the sole purpose of entering, departing or manoeuvring the vehicle in the parking place.
22. Nothing in this order shall apply to anything so approved by an authorised officer of the Council.

Maximum Period of Stay

23. Where a parking place or part thereof is described by a notice displayed within as being available for use on specified days during specified hours or as being available for use for a maximum period of stay no person shall be permitted to stay for a period longer than that specified.

Parked Causing an Obstruction

24. The driver of a vehicle using a parking place shall not park the vehicle in such a manner or place where it causes an obstruction to any other users of the parking place.

PART III

RELOCATION AND REMOVAL OF VEHICLES AND OTHER EQUIPMENT

25. If a vehicle is left within a parking place in a position other than in accordance with the provisions of this Order, the Council may alter or cause to be altered the position of that vehicle so that it is in accordance with those provisions. This shall apply equally to any other equipment deposited in the parking place which in the opinion of an authorised officer of the Council constitutes a contravention of the provisions of this Order and these provisions are extended to include for the disposal of the equipment where it is deemed appropriate by the Council.
26. If a vehicle is left in a parking place in contravention of any of the provisions of this Order a person authorised by the Council in that respect may remove the vehicle from the parking place or arrange for such removal.
27. Any person altering or causing the alteration of the position of a vehicle or removing or causing the removal of a vehicle may do so by towing, lifting or driving the vehicle or using 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.

emergencies
28.

A person authorised by the Council or a Police Constable in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he thinks fit, any vehicle left in a parking place.

Safe Keeping

29. Any person removing a vehicle from a parking place under Article 25 shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

PART IV

LIABILITIES

30. The Council accepts no liability for the loss or damage to vehicles or other property left in any of the parking places to which this Order applies.

PART V

DISPOSAL OF VEHICLES

Disposal of Vehicles Abandoned in Parking Places

31. The Council may sell or otherwise dispose of a vehicle which has been, or could at any time be, removed from a parking place pursuant to Article 27 if the vehicle appears to have been abandoned, provided that this power of disposal shall not be exercisable unless the Council has taken such of the following steps as are applicable to the vehicle in question, and there has elapsed a period of six weeks beginning with the taking of the first of those steps.
32. Where the vehicle carries a registration mark the Council shall ascertain from the appropriate body the name and address of the person who is the Registered Keeper of the vehicle pursuant to the Vehicles (Excise) Act 1971, unless the Council is satisfied that the true owner of the vehicle has identified themselves to them.
33. The Council shall, by virtue of Articles 32, 34 and 35, send a notice to the name and address of a person who it appears may be the owner of the vehicle, stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said notice or from such place as may be subsequently notified in writing by the Council to that person.
34. If any person to whom a notice is sent in accordance with Article 33 informs the Council of the name and address of some other person who he/she alleges may be the owner of the vehicle, a notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in

consequence of the sending of the notice to the said other person be led to believe may be the owner of the vehicle.

35. Where a vehicle does not carry a registration mark the first step to be taken by the Council shall be to apply in writing to the Chief Officer of Police in whose area the parking place is situated enquiring whom that officer considers is the owner of the vehicle and the address of that person.
36. The Council shall then make such further enquiries as to ownership as it thinks fit.
37. Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof and of any charge or payment to which it is entitled.
38. In the event that any such costs incurred by the Council in connection with the disposal of the vehicle are not satisfied by virtue of the last preceding Article, the Council may recover those costs from the person who was the owner of the vehicle immediately before it was removed from the parking place, provided that that person was sent by the Council a notice under Article 33.
39. Any sums received by the Council on the sale of a vehicle shall, after deducting any sum applied by virtue of Article 37, be payable within a period of one year from receipt thereof to any person to whom, but for such sale, the vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid into the General Rate Fund of the Council.
40. Where under the foregoing provisions of this Order a notice is required to be or may be sent to a person the notice shall be sent by recorded delivery post.

PART VI

CONTRAVENTION AND EXCESS CHARGES

Contravention & Excess Charges

41. (1) A person who contravenes this Order, or who uses a vehicle, or causes or permits a vehicle to be used in contravention of this Order, shall be guilty of an offence under Section 35 of the Road Traffic Regulation Act 1984.
- (2) Where an excess charge is payable an Enforcement Officer shall attach to the vehicle in respect of which the excess charge has been incurred in a conspicuous position a notice to be called the "Excess Charge Notice". This notice shall include the following particulars:
 - (i) the registration mark of the vehicle, or where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (ii) the time at which the enforcement officer first noticed the parking ticket issued by the pay and display ticket machine indicated that the period for which payment was made had expired;
 - (iii) a statement that the excess charge is required to be paid and indicating

the procedure for its payment; and

- (iv) a statement that it is an offence under the Act for the driver of a vehicle who has left the vehicle in a parking place to fail duty to pay the excess charge.
- (3) The excess charge notice referred to in paragraph 3 of this Article shall be written and issued by hand or by the use of a hand-held data capture device and printer as approved by the Council.
 - (4) The excess charge shall be paid to the Council in accordance with the instructions contained in the Excess Charge Notice.

Restriction on removal of notices

- 42. An Excess Charge Notice attached to a vehicle in accordance with Article 35 shall not be removed or interfered with except by or under the authority of:
 - (i) the Owner or person in charge of the Vehicle;
 - (ii) the Council for the parking place in which the Vehicle in question was found.

Retrieval of Data

- 43. The particulars referred to in paragraph 3 of Article 35 may be stored electronically via the hand-held data capture devices referred to in paragraph 4 of Article 35 on a central database as approved by the Council. This information may be retrieved at a later date from the central database and produced as a facsimile of the original excess ticket. As such information so produced may be used as evidence that an excess charge was so incurred and may be used in any proceedings taken under the Act.

PART VI

SAVING

- 44. 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

1	2	3	4	5	6
Item No	Name of Off Street Parking Place	Position in which vehicle may wait	Class of Vehicle	Days of Operation of Car Park	Restricted Days/Hours
1.	Festival Walk, Spennymoor	Wholly within a parking bay	Motorcycle Only	All Days	At Any Time
2.	Festival Walk, Spennymoor	Wholly within a parking bay	Electric Vehicles Charging Only	All Days	At Any Time
3.	Festival Walk, Spennymoor	Wholly within a parking bay	Disabled Badge Holders Only	All Days	At Any Time

Schedule 2

Plan Reference FWCP1

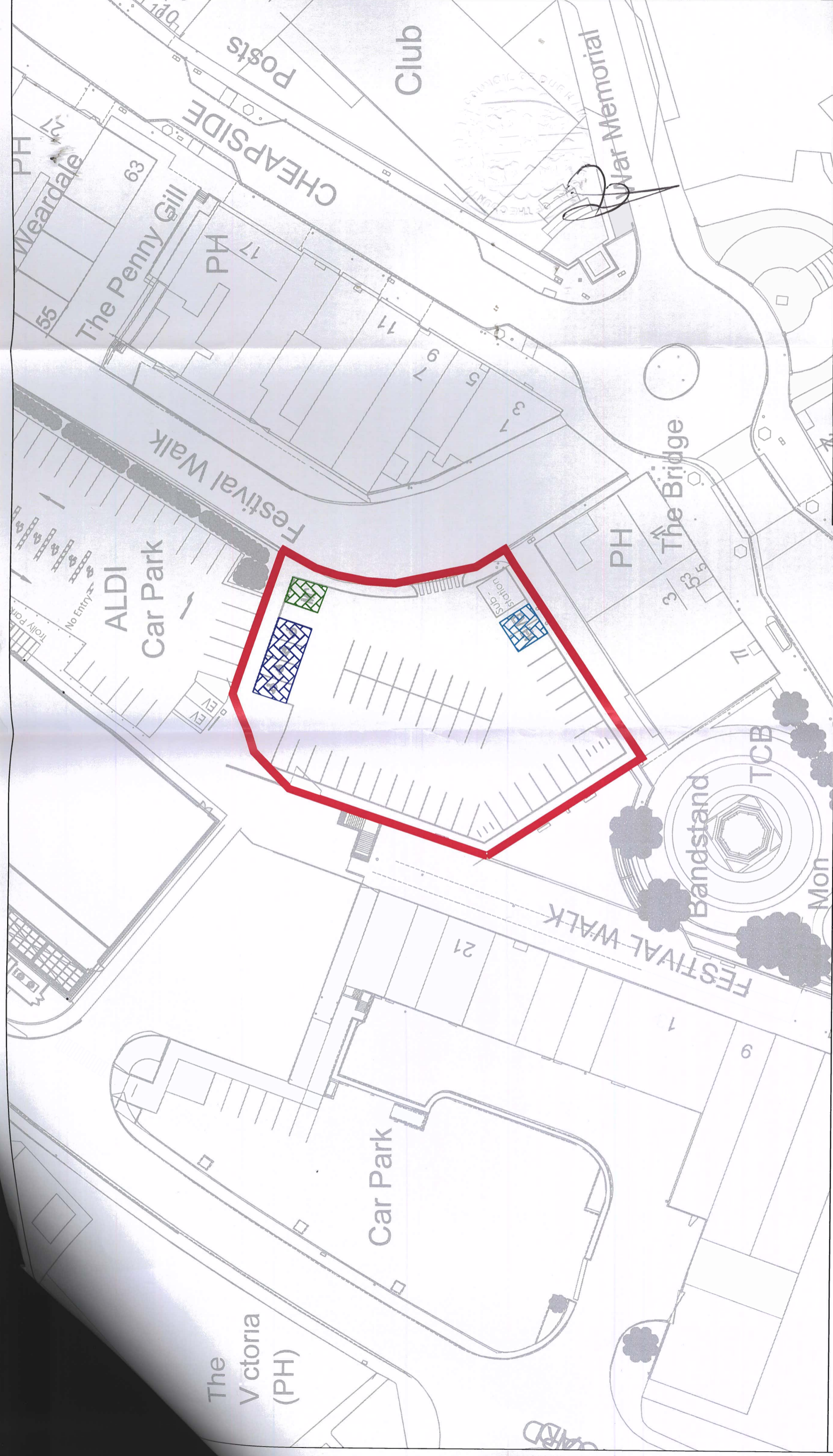
**MADE THIS 7th DAY OF OCTOBER 2022 BY
THE AFFIXING OF THE COMMON SEAL OF THE COUNTY COUNCIL
OF DURHAM BY ORDER:**







.....
**AUTHORISED SIGNATORY
(A PERMANENT OFFICER OF THE COUNTY COUNCIL)**



596606



Key to Types of Restriction

-  Restricted Bay - Electric Vehicles Recharging Bay Only
-  Restricted Bay - Disabled Badge Holders Only
-  Restricted Bay - Motorcycles Only
-  Extents of Parking Place

PATH:\TRAFFPROJ\06 REGULATION DESIGN & IMPLEMENTATION\Settlement\Spennymoor\Traffic Regulation Orders (Parking Restrictions)\2021 November

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Durham County Council

Corporate Director
Regeneration Economy and Growth

Strategic Traffic Management
County Hall, Durham DH1 5UQ

**THE COUNTY COUNCIL OF DURHAM
SPENNYMOOR (FESTIVAL WALK) (OFF
STREET PARKING PLACES) ORDER 2022
FINAL**

Scale: 1:1250 @ A3

Date: June 2022

Drawn by: E. Brown

Date Sealed: []

Signature: []

Map Schedule: **FWCP1**

