

**THE COUNTY COUNCIL OF DURHAM  
(ABBEY ROAD LEISURE CENTRE)  
(PARKING & WAITING RESTRICTIONS) ORDER 2015**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32 & 35 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 I**

**General & Citation**

1. This Order may be cited as The County Council of Durham (Abbey Road Leisure Centre) (Parking & Waiting Restrictions) Order 2015 and shall come into operation on 14 September 2015.

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

"driver" in relation to a vehicle parked in a parking place means the person driving or riding the vehicle at the time it was left in the parking place;

"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 & rescue or ambulance vehicle;

"motor cycle" has the same meaning as defined by Section 136 of the Act;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, as defined in Section 136 of the Act;

"owner" in relation to a vehicle, shall mean the person by whom it is kept or used;

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

"parking contravention" has the same meaning assigned to it by Section 73 and Part 1 of Schedule 7 to the Traffic Management Act 2004;

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

**"penalty charge"** means a charge set by Durham County Council 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

**"relevant position"** has the same meaning as defined by The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

**"traffic sign"** means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act;

**"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 WAITING**

### **Prohibition of Waiting At Any Time**

5. Save as provided in Article 15 of this Order no person shall, except upon the direction or with the permission of an enforcement officer or a civil enforcement officer, cause or permit any vehicle; other than those vehicles specifically authorised by this Order, to wait at any time on any of the lengths of roads or sides of lengths of roads identified within the individual plans detailed in Schedule 1 to this Order.

## **Part III PARKING PLACES & PARKING BAYS WITHOUT METERS (Restricted bays)**

### **Parking Places**

6. (1) The areas of highway identified within the individual plans detailed in Schedule 2 to this Order are hereby authorised to be used as parking places, subject to the provisions of this Order, for the parking of motor vehicles only on such days and during such hours as identified within those individual plan(s).
- (2) The limits of each parking place shall be indicated, by the Council, on the carriageway by the appropriate traffic signs and surface markings.
- (3) Every vehicle using a parking place shall so stand so that every part of the vehicle is wholly within the parking place AND in those cases where special provision is made is identified within the individual plan(s) detailed in Schedule 2 to this Order, in accordance with those provisions.

- (4) Save as provided in Article 15 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 a motor vehicle or motor cycle to wait in a parking place, authorised under paragraph (1) of this Article, for a period exceeding the maximum stay specified within the individual plans detailed in Schedule 2 of this Order, or to return within the period also specified on those plans.

#### **Disabled Badge Holders Only**

8. (1) The areas of highway identified within the individual plans detailed in Schedule 3 to this Order are hereby authorised as disabled badge holder parking places.
- (2) Each parking place identified as disabled badge holder parking places, within the individual plans detailed in Schedule 3 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 Articles (1) and (2) above, on the carriageway by the appropriate traffic signs and surface markings and the restricted bay shall be identified within the individual plans detailed in Schedule 3 to this Order.
- (4) Save as provided in Article 15 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 one displaying a Disabled Person's Badge and a Disabled Person's Parking Disc to park in a parking place, designated for use by disabled badge holders, on such days and during the hours identified within the individual plans detailed in Schedule 3 to this Order.

### **Part IV PARKING PLACES & PARKING BAYS WITHOUT METERS – GENERAL**

#### **Designation and use of Parking Bays**

9. (1) Each area of highway identified in Schedules 2 & 3 to this Order are hereby designated as restricted bays for the use of parking as set out in Articles 7 & 8 to this Order and apply on such days and during such hours as identified on the individual plans detailed in Schedules 2 & 3.
  - (2) 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 by appropriate traffic signs and surface markings.
10. The Council may:-
    - (a) install, in such positions on or in the vicinity of a parking place, as they may think fit, such ticket machines 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.

### **Manner of Standing in Parking Places**

11. (1) Every vehicle left in a parking place or loading bay, identified in Articles 7 & 8 and within the individual plans detailed in Schedules 2 & 3 of this Order, 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.
- (2) Where a vehicle has been left in a parking place, 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 parking place if:-
  - (a) the extreme front or rear portion of the vehicle is within 300 mm of the defined edge of the restricted bay, the defined edge being identified on the highway by the appropriate surface marking(s), kerbed edge or traffic sign(s);
  - (b) the vehicle, or any part of it, is not within the limits of any adjoining parking place.

### **Class and position of Vehicle**

12. (1) No person shall cause or permit any vehicle, other than the permitted classes of vehicles, to use the parking places identified in Articles 7 & 8 or as specified in Schedules 2 & 3 to this order;
- (2) Every vehicle left in a parking place, specified in Articles 7 & 8 of 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 2 & 3 of 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 2 & 3 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**

13. (1) Any person authorised by the Council may suspend the use of a parking place 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 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 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 or to such premises
  - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
  - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings, funerals or on other special occasions.
- (2) A civil enforcement officer may suspend the use of a parking place 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 suspending the use of a parking place or any part thereof, in accordance with paragraph (1) or (2) of this Article shall, thereupon, place or cause to be placed in or adjacent to the parking place, or part thereof, as the case may be, a traffic sign indicating that waiting by vehicles is prohibited.
  - (4) No person shall cause or permit any vehicle to wait in a parking place or any part thereof, during such period as there is placed in or adjacent to the parking place, as the case may be, a traffic sign indicating that waiting by vehicles is prohibited.

#### **Relocation and Removal of Vehicles and Other Equipment**

- 14. (1) If a vehicle is left on or within the highway that pertains to any of the restrictions identified within the individual plans detailed in Schedules 2 & 3 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 accordance with those provisions.
- (2) The terms and conditions shall apply equally to any other equipment deposited on the area(s) of highway identified under paragraph (1) of this Article which in the opinion of a person authorised by 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.
- (3) If a vehicle is left in a location identified under paragraph (1) of this Article in contravention of any of the provisions of the Order a person authorised by the Council in that respect may remove the vehicle from the parking place or arrange for such removal.
- (4) If an emergency occurs, the Council or an enforcement officer 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.
- (5) 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. The person(s) removing a vehicle shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle until it is recovered.

## Part V

### Exemptions

15. (1) Nothing in Articles 6, 7 and 8 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 and 8 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 or 7 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 Article 8 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.
- (6) Nothing in Article 6 & 7 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;
  - (b) goods to be loaded onto or unloaded from the vehicle;

**Part VI**

**Contravention and Enforcement**

- 16. If a vehicle is in contravention of a provision of this Order a penalty charge shall be payable.
- 17. 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.

**Part VII**

**Saving**

- 18. In so far 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 reference number	Item No	Plan reference number
1	DY150	2	DY151

**Schedule 2  
Parking Places**

Item No	Plan reference number	Item No	Plan reference number
1	DY150	2	DY151

**Schedule 3  
Parking: Disabled Badge Holders Only**

Item No	Plan reference number
1	DY150

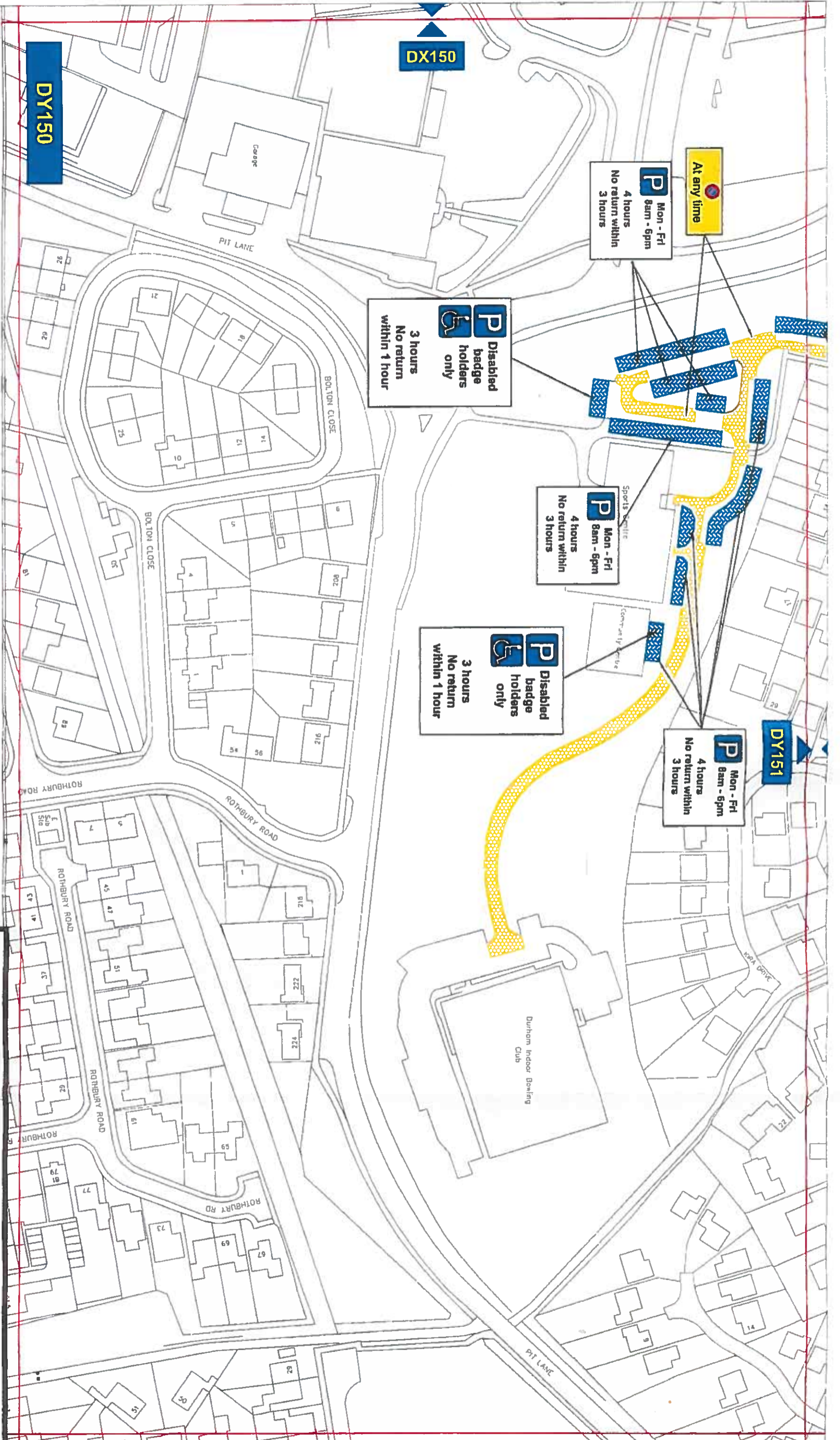
GIVEN UNDER THE COMMON SEAL  
OF THE COUNTY COUNCIL OF DURHAM  
ON THE 3<sup>rd</sup> DAY OF SEPTEMBER 2015

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*David Kaye*

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Authorised Sealing Officer





**Key to Types of Restriction**

-  No Waiting At Any Time
-  Restricted Bay

**DY150**

**DX150**

**DY151**

PATH

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*John Tope*



Corporate Director  
Regeneration & Economic  
Development

Strategic Traffic Management  
County Hall, Durham DH1 1SU

**FRAMWELLGATE MOOR, PITY ME BRASSIDE  
AND NEWTON HALL, PARKING & WAITING  
RESTRICTIONS**

Scale:	1:1250 @ A3
Date:	AUGUST 2015
Drawn by:	S. Thompson
Date Sealed:	3/9/15
Signature:	<i>ST</i>
Map Schedule:	DY150





**Key to Types of Restriction**

-  No Waiting At Any Time
-  Restricted Bay

**P**  
**At any time**  
 Mon - Fri  
 8am - 6pm  
 4 hours  
 No return within  
 3 hours

**DY150**

**DY151**

*Paul Toyn*

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Strategic Traffic Management

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**FRAMWELL GATE MOOR, PITY ME BRASSIDE  
 AND NEWTON HALL, PARKING & WAITING  
 RESTRICTIONS**

Scale: 1:1250 @ A3

Date: AUGUST 2015

Drawn by: S. Thompson Signature: *ST*

Date Sealed: 3/9/15 Map Schedule: DY151

