

**THE COUNTY COUNCIL OF DURHAM
(LEADGATE, MEDOMSLEY & HAMSTERLEY)
(PROHIBITION & RESTRICTION OF WAITING)
ORDER 2012**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32 and 35 and Part IV of Schedule 9 to 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 Act, hereby make the following Order:-

Part 1

General

1. This Order may be cited as The County Council of Durham (Leadgate, Medomsley & Hamsterley) (Prohibition & Restriction of Waiting) Order 2012 and shall come into operation on 25 June 2012.

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.

"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 parking disc" means a device which:

- (a) is 125 millimetres square coloured blue, if issued on or after 1 April 2000, or orange if issued before that date
- (b) has been issued by a local authority and has not ceased to be valid and
- (c) is capable of showing the quarter hour during which a period of waiting began.

"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 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” means:-

- (i) in the case of a disabled person’s badge;
 - (a) in the case of a vehicle fitted with a dashboard or fascia panel the badge is exhibited thereon; or
 - (b) where the vehicle is not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position in the vehicle so that the front of the badge is clearly legible from outside the vehicle; and
- (ii) in respect of a disabled person’s parking disc:-
 - (a) in the case of a vehicle fitted with a dashboard or fascia panel the badge is exhibited thereon; or
 - (b) where the vehicle is not fitted with a dashboard or fascia panel, the disc is exhibited in a conspicuous position on the vehicle; so that when marked to show the quarter hour period during which a period of waiting began, that period is clearly legible from outside of the vehicle;

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

“universal service provider” has the same meaning as in the Postal Services Act 2000;

Part II

Revocation

3. (i) The following Order is hereby revoked in full:

The County Council of Durham (Leadgate, Medomsley & Hamsterley)
(Prohibition & Restriction of Waiting & Disabled Parking Place) Order 2010.

Part III

Prohibition of Waiting At Any Time

4. Save as provided in Article 9 of this Order, no person shall, except upon the direction or with the permission of a civil enforcement officer or 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 specified in Schedule 1 to this Order.

Restricted Waiting

5. Save as provided in Article 9 of this Order, no person shall, except upon the direction or with the permission of a civil enforcement officer or an enforcement officer, cause or permit any vehicle to wait on any of the lengths of roads or sides of lengths of roads on such days and during such times other than such class as specified on the individual plan(s) specified in Schedule 2 to this Order.

Part IV

Parking Places

6. (1) The areas of highway identified in Schedule 3 to this Order are hereby designated as parking places.
- (2) Save as provided in Article 9 of this Order each Parking Place designated under paragraph (1) of this Article may be used for the leaving of motor vehicles and motor cycles of such class, only on such days and during such times and for a period not exceeding the maximum stay as identified within the individual plan(s) detailed in Schedule 3 to this Order.
- (3) The limits of each parking place and of each parking bay 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 shall not permit it to enter or wait in a parking place, authorised by paragraph (1) of this Article, for a period exceeding the maximum stay identified within the individual plan detailed in Schedule 3 to this Order or to return within the period also specified that plan.

Manner of Standing in Parking Places

7. (1) Every vehicle left in a parking place, identified within the individual plan detailed in Article 6 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 to 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 carriageway indication provided under paragraph (3) of Article 7 of this Order;
 - (b) the vehicle, or any part of it, is not within the limits of any adjoining parking place.

Power to suspend Parking Places

8. (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 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
- (2) An 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.

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

- (5) No person shall use a parking place 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 their skills or services.

Part VI

Exemptions

- 9. (1) Nothing in Articles 4, 5 or 6 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 4, 5 or 6 of this Order shall apply to any liveried vehicle being used for police, fire brigade or ambulance purposes in pursuance of statutory duties.
- (3) Nothing in Articles 4 or 5 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 6 of this Order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person's badge to wait in the lengths of road referred to in that Article.
- (5) Nothing in Articles 4, 5 or 6 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.

Part VII

Contravention & Enforcement

10. If a vehicle is left at any time in contravention of a provision of this Order, a penalty charge shall be payable.
11. In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued by a Civil Enforcement Officer.

Part VIII

Contravention & Enforcement

12. If a vehicle is left at any time in contravention of a provision of this Order, a penalty charge shall be payable.
13. In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued by a Civil Enforcement Officer.

Saving

14. 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.
15. 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**

Plan reference numbers: CU172, CU173, CS181 and CS190

**Schedule 2
Restricted Waiting**

Plan reference number: CT172 and CU172

**Schedule 3
Parking Places**

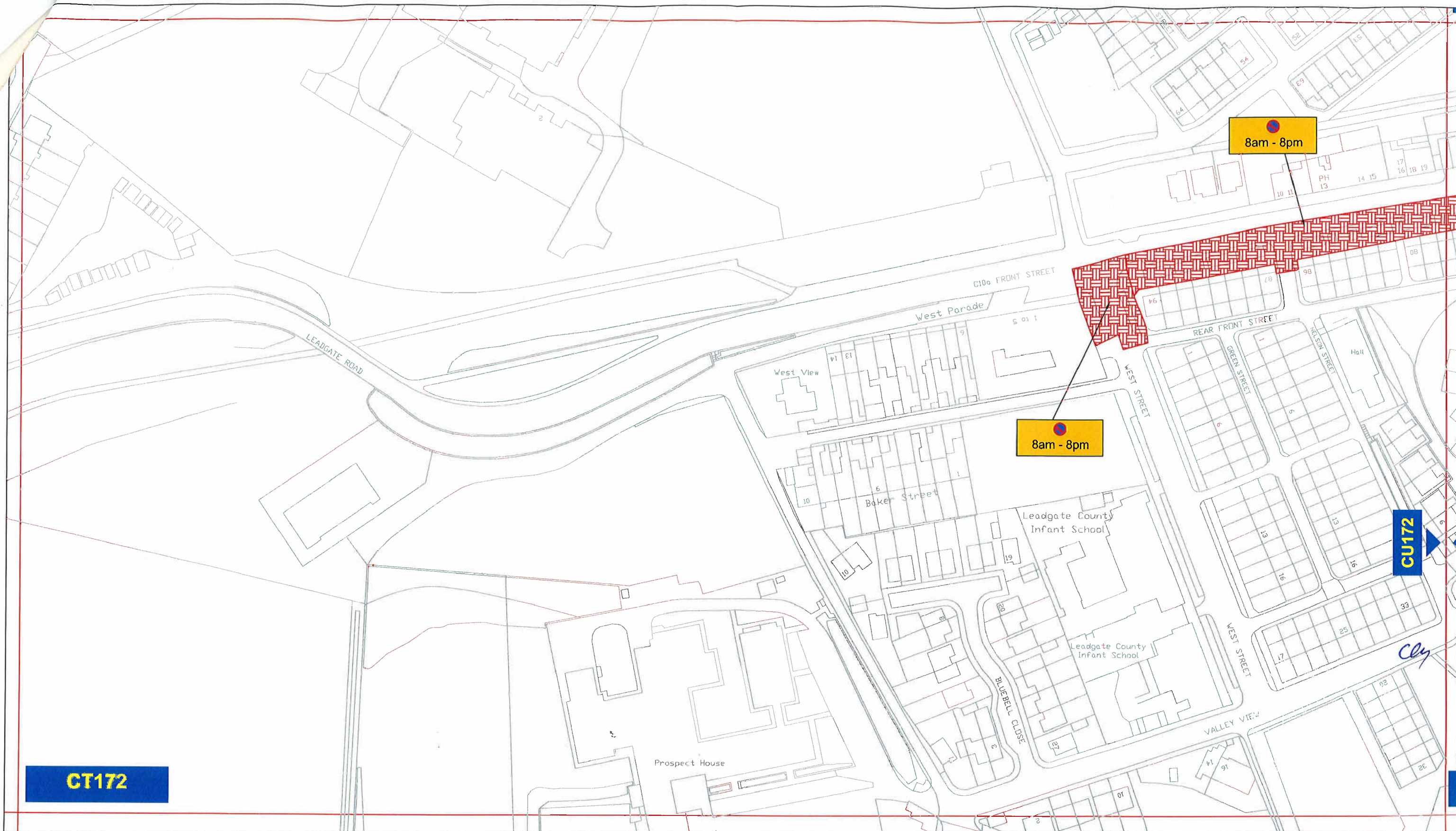
Plan reference numbers: CU172

Given under the Common Seal of the County Council of Durham on 14 June 2012.



Authorised Sealing Officer





Key to Types of Restriction

 Restricted Waiting



Corporate Director
Regeneration & Economic
Development

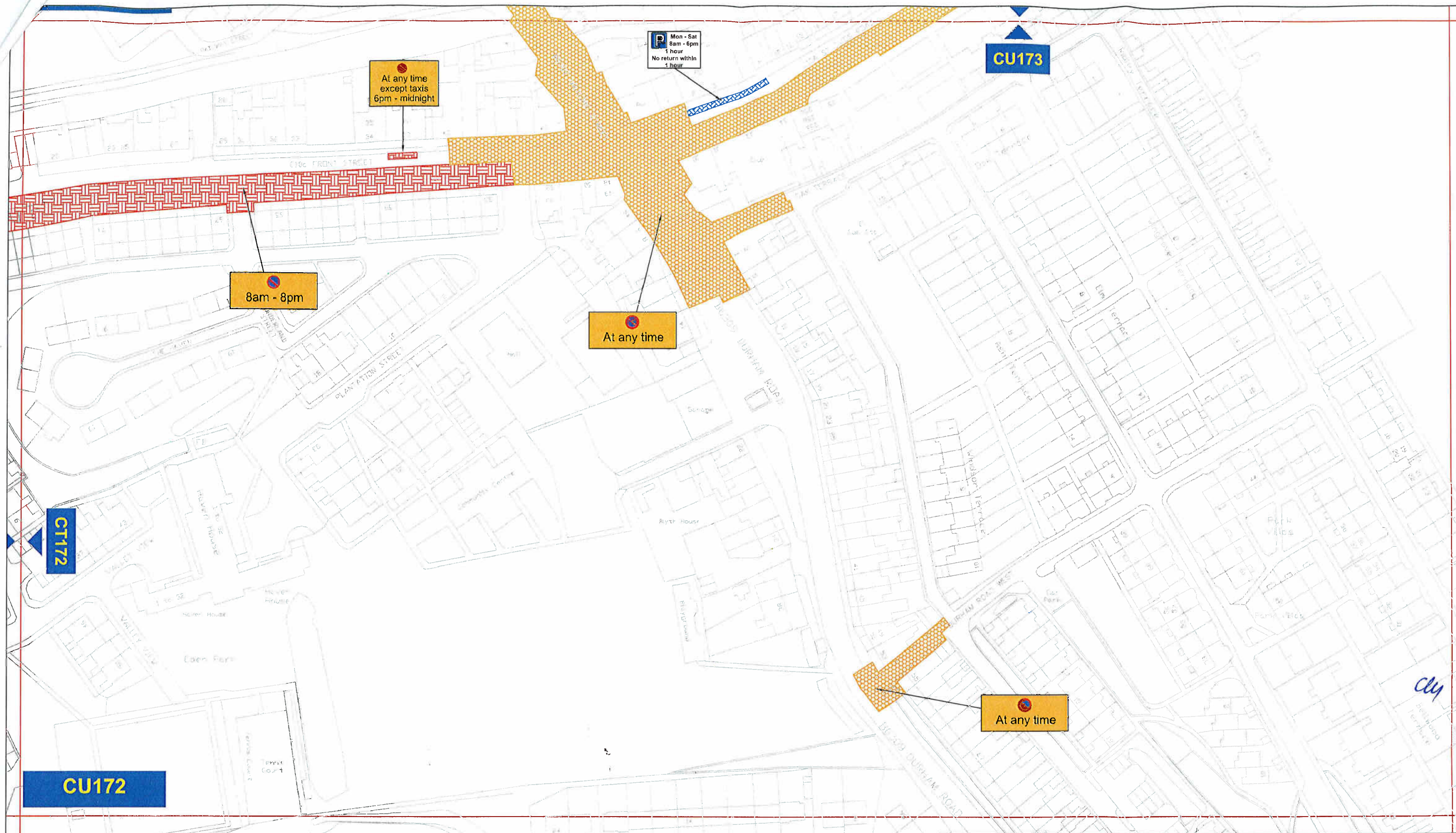
Strategic Traffic Management

County Hall, Durham DH1 5UQ




THE COUNTY COUNCIL OF DURHAM
LEADGATE, MEDOMSLEY AND HAMSTERLEY
(PROHIBITION AND RESTRICTION OF WAITING)



Scale:	1:1250 @ A3		
Date:	February 2012		
Drawn by:	R.Smith	Signature:	
Date Sealed:		Map Schedule:	CT172



Key to Types of Restriction

-  No Waiting At Any Time
-  Restricted Waiting
-  Restricted Bay

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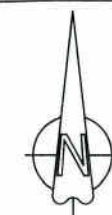


Corporate Director
Regeneration & Economic
Development

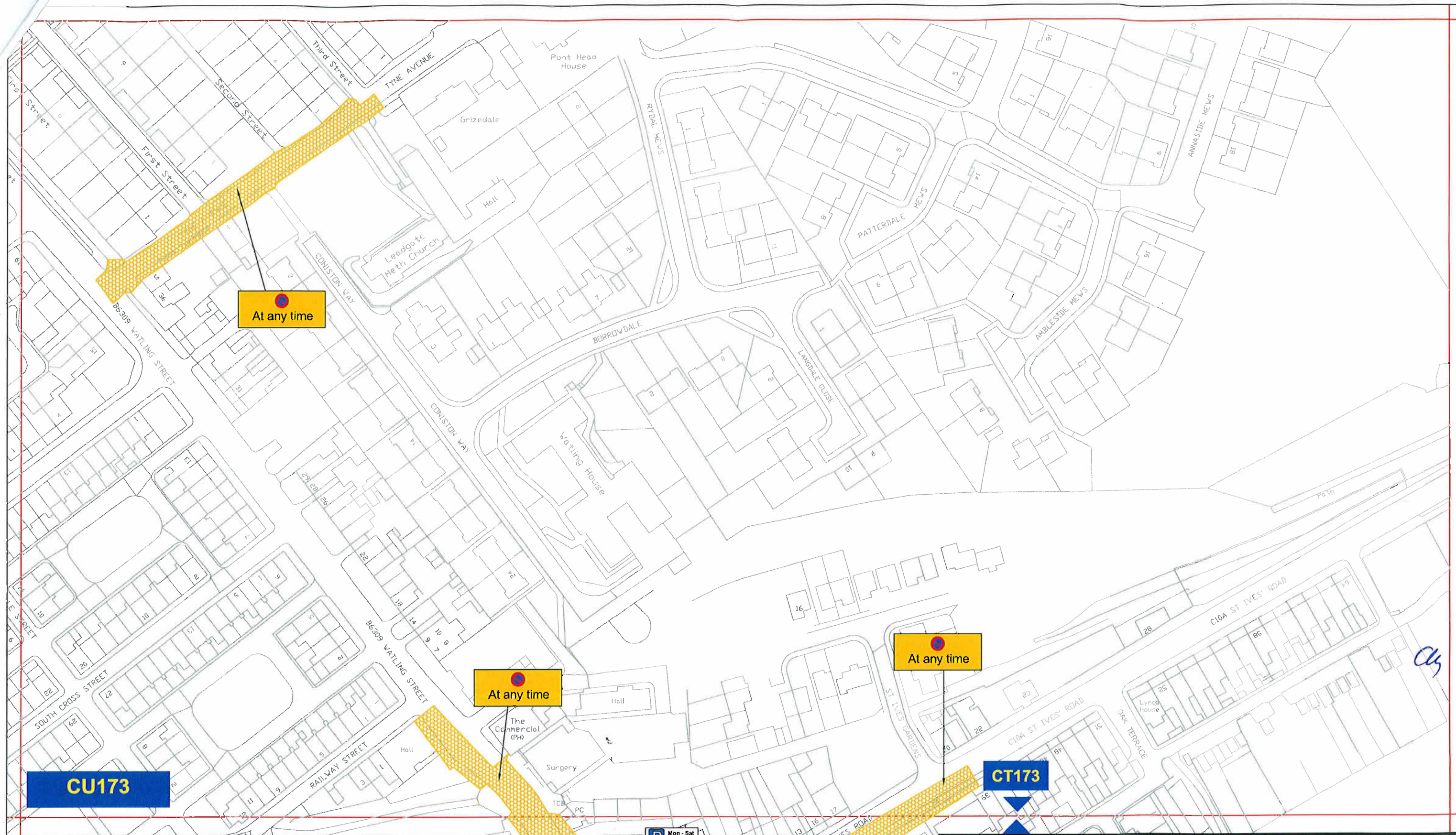
Responsible Traffic Management

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THE COUNTY COUNCIL OF DURHAM LEADGATE, MEDOMSLEY AND HAMSTERLEY (PROHIBITION AND RESTRICTION OF WAITING)



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Date:	February 2012		
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Date Sealed:		Map Schedule:	CU172



Key to Types of Restriction

 No Waiting At Any Time

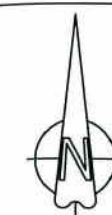


Corporate Director
Regeneration & Economic
Development

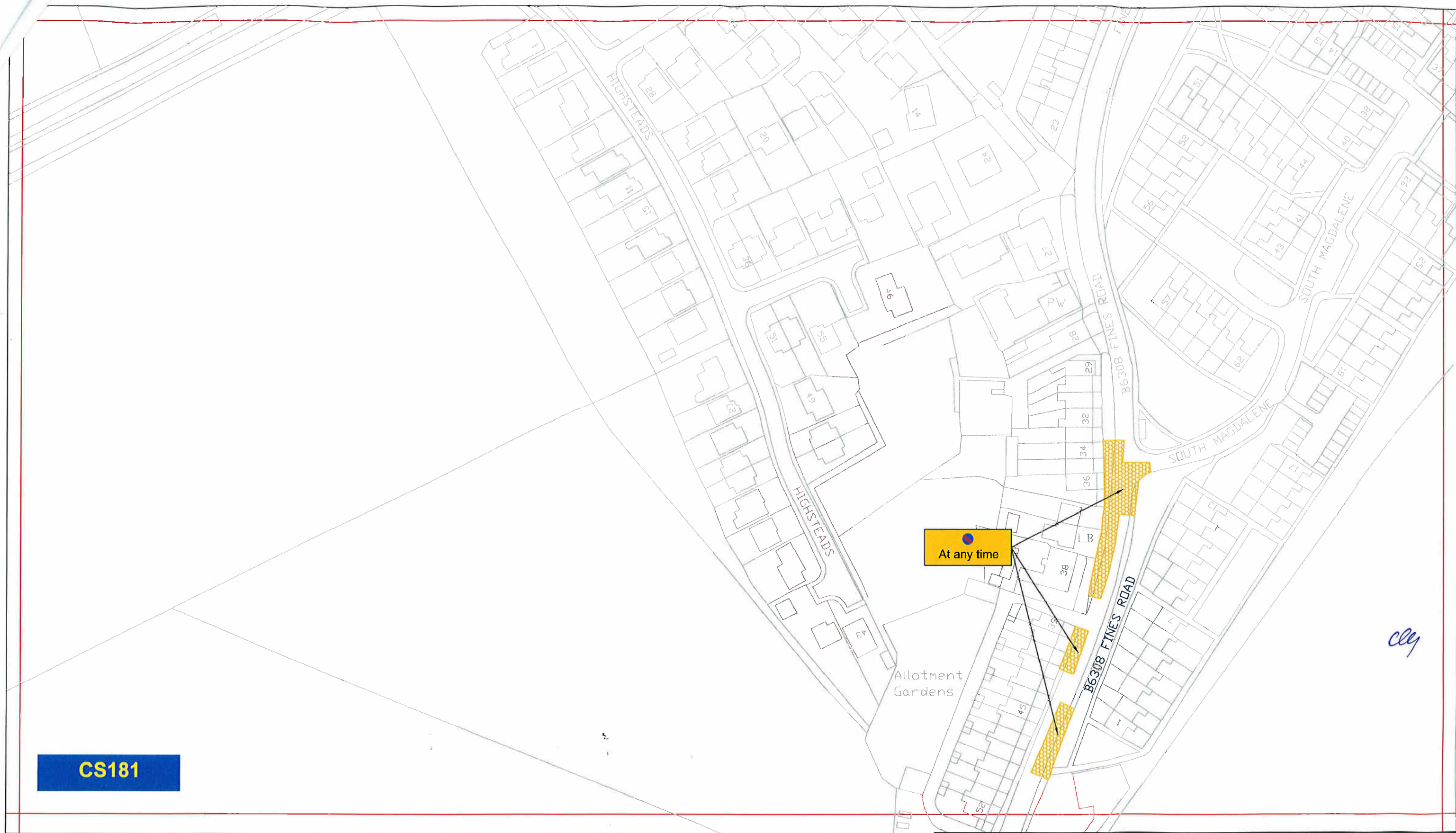
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Drawn by:	R.Smith	Signature:	
Date Sealed:		Map Schedule:	CU173



Key to Types of Restriction

 No Waiting At Any Time



Corporate Director
Regeneration & Economic
Development

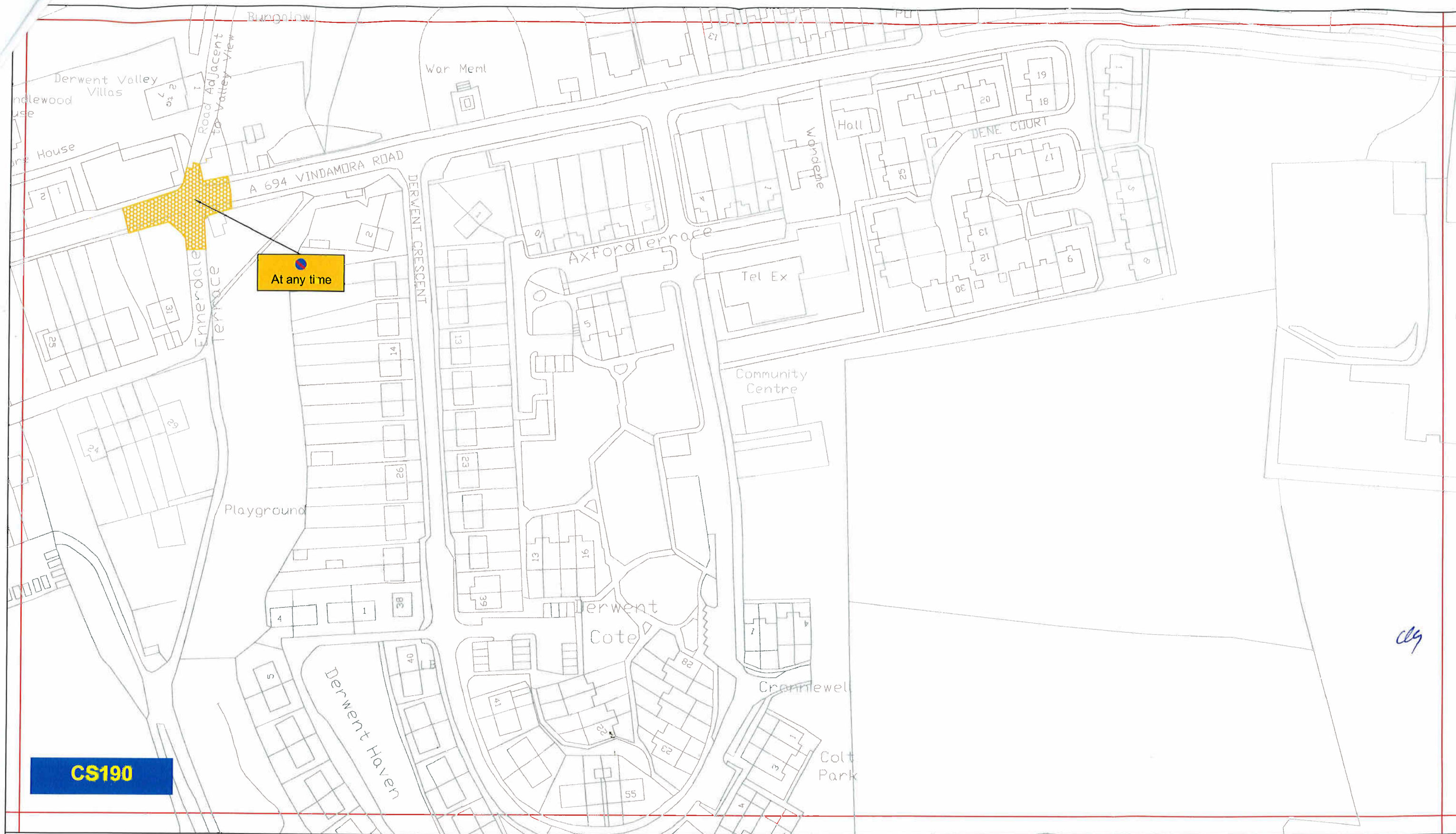
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THE COUNTY COUNCIL OF DURHAM LEADGATE, MEDOMSLEY AND HAMSTERLEY (PROHIBITION AND RESTRICTION OF WAITING)



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Date:	February 2012		
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Date Sealed:		Map Schedule:	CS181



Key to Types of Restriction



No Waiting At Any Time

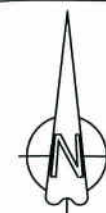


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THE COUNTY COUNCIL OF DURHAM LEADGATE, MEDOMSLEY AND HAMSTERLEY (PROHIBITION AND RESTRICTION OF WAITING)



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