

**THE COUNTY COUNCIL OF DURHAM
(ALBERT ROAD, CONSETT)
(OFF-STREET PARKING PLACES)
ORDER 2013**

The County Council of Durham (hereinafter called "the Council") in exercise of its powers under Sections 32, 33, 34, 35, 35A, 35B, 35C and 38 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 shall come into operation on the 12th day of May 2014 and may be cited as The County Council of Durham (Albert Road, Consett) (Off-Street Parking Places) Order 2013.

Interpretation

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

"civil enforcement officer" means a person pursuant to the provisions of Section 76 of the Traffic Management Act 2004, as amended;

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

"electric vehicle" means a vehicle in which the electrical motive power is derived from an electrical storage battery;

"minibus" means a passenger carrying vehicle adapted to carry more than 8 passengers exclusive of the driver but not exceeding 16 passengers in respect of which a public service vehicle operators licence is in force;

"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.

"off street car park" means the locations as described in Column 2 of the Schedule to this Order;

"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 contravention" has the same meaning assigned to it by Section 73 and Part 1 of Schedule 7 to the Traffic Management Act 2004 and "The Civil Enforcement of Parking Contraventions (England) General Regulations 2007".

"parking place" means the areas of the off street car parks as designated as specified in the maps attached at Schedule 2 to this order;

"penalty charge" means a charge pursuant to the provisions of Section 77 of the Traffic Management Act 2004; and "The Civil Enforcement of Parking Contraventions (England) General Regulations 2007";

"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; and "The Civil Enforcement of Parking Contraventions (England) General Regulations 2007";

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

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

"relevant position" has the same meaning as the in the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000 (as amended);

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

- 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.
7. The number and situation of parking bay in each parking place may be determined by the Council and the limits of each parking place 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. (1) no person shall cause or permit any vehicle, other than the permitted vehicles, specified in column 3 of the schedule to this order to use the parking place specified in column 1 of the schedule to this order;
- (2) every vehicle left in a parking place, specified in Article 6 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 Column 2 of the Schedule of this Order, in accordance with those provisions;
- (3) where, in Schedule 1 to this Order, a parking bay 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 bay unless it is of the class so specified.
- (4) 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;
- (5) no person shall cause or permit any vehicle to wait or park in a parking bay marked for motorcycles unless the vehicle is a motorcycle;
- (6) no person shall cause or permit any vehicle to wait or park in a parking bay marked for electric vehicles unless the vehicle is an electric vehicle that is recharging.

Power to close or suspend Parking Places

10. (i) Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in a parking place or parking bay from temporarily closing or suspending the use of a parking place for any class of vehicle for any period for the purpose of preventing obstruction of the highway or maintaining public order therein.
- (ii) the closure/suspension of a parking place or parking bay shall be indicated by the use of the appropriate signs.
11. Any person closing or suspending the use of a parking place or any part thereof in accordance with the provisions of Article 10 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.
12. 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 11.

Use of Parking Place

13. (1) 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
 - (iv) to congregate with others with or without vehicles; or
 - (v) to erect or cause to be erected any tent, booth, stand, building or other structure, or
 - (vi) to light or cause to be lit any fire; or
 - (vii) 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
 - (viii) 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

- (2) No person shall, except with the express written authority of the Council affix or cause to be affixed any advertising material to any vehicle left in a parking place.
- (3) Nothing in these terms and conditions shall apply to anything so approved by an authorised officer of the Council.
- (4) No person shall use a vehicle while it is in 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 his or another person's skills or services in any capacity, unless with the express written permission of the Council.
- (5) No person shall except with the permission of an authorised officer of the Council 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.
- (6) No person shall leave an engine running except for the sole purpose of entering, departing or manoeuvring the vehicle in the parking place.
- (7) No person shall be permitted to use a parking place for the purpose of offering a vehicle for sale.

Maximum Period of Stay

14. Where a parking place 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

15. 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

16.
 - (1) 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.
 - (2) The terms and conditions shall apply equally to any other equipment deposited in the parking place 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 parking place 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 a police officer in uniform 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.

Emergencies

17. 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

18. Any person removing a vehicle from a parking place under Article 31 shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

PART IV

LIABILITIES/PENALTIES

Liability

19. 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

CONTRAVENTION AND ENFORCEMENT

Contravention & Enforcement

20. (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) A penalty charge may become payable in the event of a vehicle failing to comply with the provisions of this Order.
- (3) The penalty charge shall be paid to the Council in accordance with the instructions contained in the Penalty Charge Notice.

Restriction on removal of notices

21. A Penalty Charge Notice attached to a vehicle in accordance with Article 20 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.

PART VI

DISPOSAL OF VEHICLES

Disposal of Vehicles abandoned in Parking Places

22. 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 18 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.
23. 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 himself to them.
24. The Council shall, where by virtue of Articles 23, 25, 26, it is aware of the name and address of a person who it appears may be the owner of the vehicle, send a notice to that person at that address 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.
25. If any person to whom a notice is sent in accordance with Article 24 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.
26. 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.
27. The Council shall then make such further enquiries as to ownership as it thinks fit.
28. 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.
29. 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 24.

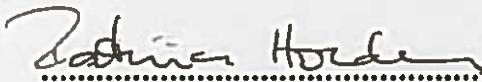
30. Any sums received by the Council on the sale of a vehicle shall, after deducting any sum applied by virtue of Article 28, be payable within a period of one year from receipt hereof to any person to whom, but for such sale, the vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid into the General Rate Fund of the Council.
31. 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 VII

SAVING

32. 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.
33. 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.

**GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM ON THE
1st DAY OF MAY 2014**


.....
Authorised Sealing Officer



56451

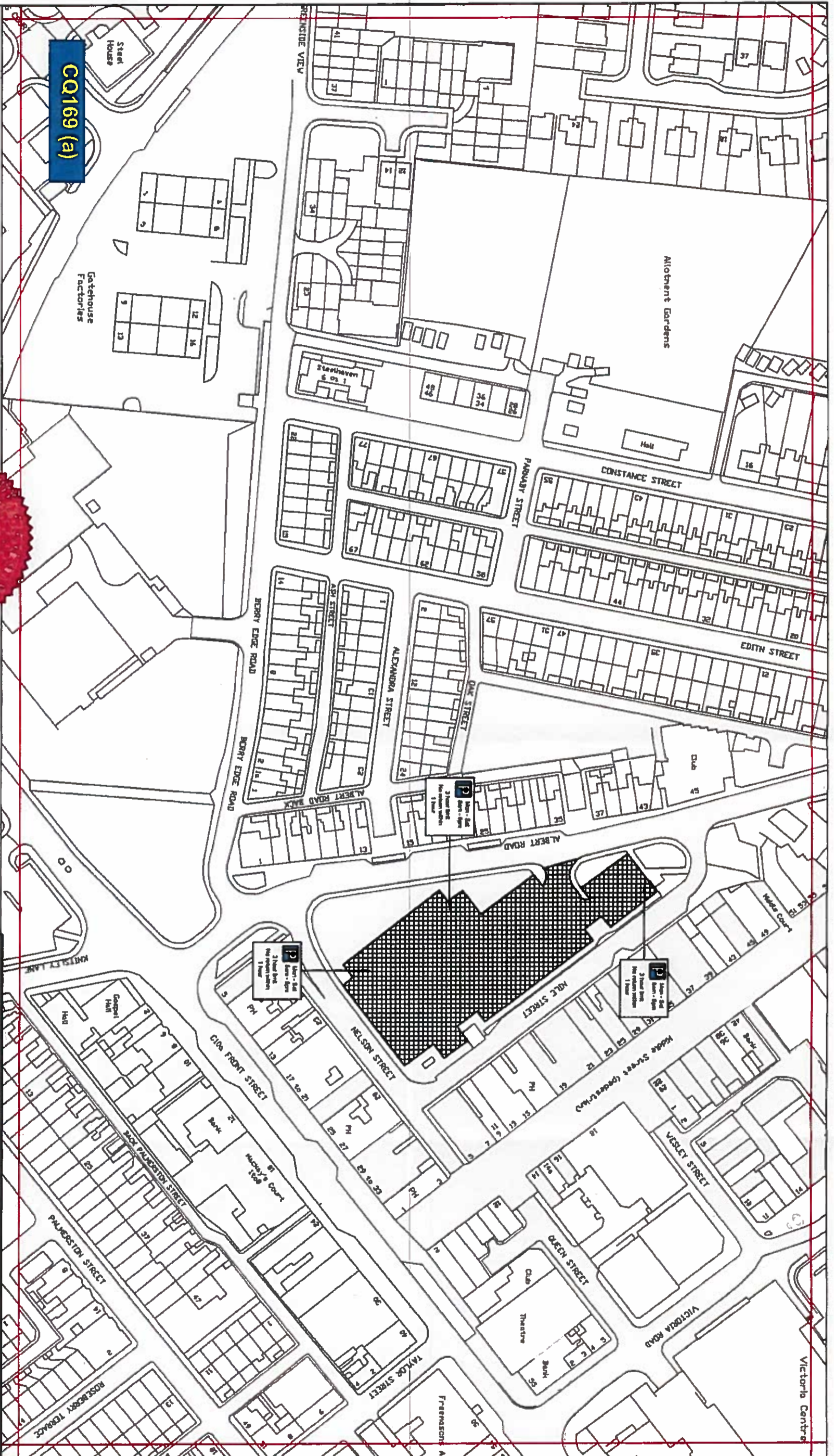
SCHEDULE 1

Item No	1 Name of Parking Place	2 Position in which vehicle may wait	3 Class of Vehicle	4 Days of Operation of Car Park	5 Restricted Days/Hours
1.	Albert Road, Consett	Wholly within a parking bay	Motor Cars Motorcycles Motorhomes Minibuses	Monday to Saturday	8am-6pm 3 hours No Return Within 1 Hour
2.	Albert Road, Consett	Wholly within a parking bay	Disabled Badge Holders Only	All Days	At Any Time
3.	Albert Road, Consett	Wholly within a parking bay	Electric Vehicles Charging Only	All Days	At Any Time

SCHEDULE 2

PLAN

CQ169(a) dated 1st May 2014



Key to Types of Restriction

-  Off-street limited parking
-  Individual Reference Number

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Corporate Director
Regeneration & Economic
Development

Strategic Traffic Management
County Hall, Durham DH1 1SU

**THE COUNTY COUNCIL OF DURHAM
CONSENT
OFF-STREET PARKING**

Scale:	1:1250 @ A3
Date:	October 2013
Drawn by:	R. Smith
Date Sealed:	1/5/14
Signature:	<i>[Signature]</i>
Map Schedule:	CQ169 (a)