

**TEESDALE DISTRICT COUNCIL**  
**(OFF STREET PARKING PLACES)**  
**(PAY AND DISPLAY) ORDER 2007**

The Teesdale District Council ("the Council") in exercise of its powers under Sections 32 and 35 of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to the Act, and of all other enabling powers, with the consent of the County Council of Durham in accordance with Section 39(3) of the Act, and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

**GENERAL**

1. This Order shall come into operation on the 21 August 2007 and may be cited as "Teesdale District Council (Off-Street Parking Places) (Pay and Display) Order 2007"

2. The following Order is revoked with effect from the 21 August 2007

The Teesdale District Council (Off Street Parking Place) (Pay and Display) Order 2003.

3.1 Any reference in this Order to a numbered "Article" is a reference to the Article bearing that number in this Order and any reference in this Order to "the Schedule" is a reference to the Schedule to this Order.

3.2 In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

**"the charging hours"** means the hours of operation specified in the Schedule for the specific areas of the Parking Place as specified in the Schedule;

**"the Council"** means The Teesdale District Council and includes its officers, servants or agents authorised to act in connection with this Order;

**"disabled person's badge"** means a badge in the form prescribed by The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended, issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person or several disabled persons;

**"disabled person's vehicle"** is the vehicle displaying in a relevant position a disabled person's badge which complies with The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

**"driver"** in relation to a vehicle waiting in a parking place means the person who was driving the vehicle at the time it was left in the parking place;

**"owner"** in relation to a vehicle means the person by whom such vehicle is kept and used;

**"the registered keeper"** means the person, persons, company or other body registered at the Driver and Vehicle Licensing Agency Swansea as the registered keeper of a vehicle and includes a vehicle hire company or firm so registered;

**"vehicle"** means a mechanically propelled vehicle intended or adapted for use on roads and includes a motor cycle and motor cycle combination;

**"motor car"** has the same meaning as in Section 136(2) of the Act;

**"goods vehicle"** has the same meaning as in Section 192 of the Road Traffic Act 1988;

**"light vehicle"** means a vehicle which is not a motor car and of an un-laden weight not exceeding 1.5 Tonnes;

**"motor coach"** means a vehicle constructed or adapted to carry more than twelve passengers and used for carrying passengers;

**"parking place"** means both the Queen Street (Hole in the Wall) and Galgate Car Parks, Barnard Castle, County Durham as outlined on the attached plans, including any area of land specified by name in Part A of the Schedule as provided by the Council for use as a parking place;

**"parking bay"** means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;

**"relevant position"** means

- a) in the case of a vehicle fitted with a front windscreen the near side of and immediately behind the windscreen, in a position where it can be clearly seen through the windscreen or
- b) in the case of a vehicle not fitted with a front windscreen a conspicuous position on the front or near side of the vehicle;

**"ticket machine"** means apparatus designed to indicate the time by a clock mechanism which issues parking tickets indicating the payment of a charge and the week, day and time at which the charge was paid;

**"parking disc"** means an approved device relating to Parking Discs which is capable of showing the half hour period during which a vehicle arrived at a parking place;

**"area"** means any area in or near the parking place;

**"Excess Charge"** means the charge payable for any breach of this Order;

**"immobilisation device"** has the same meaning for immobilisation of vehicles illegally parked as in section 104(9) of the Act.

4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
5. The Interpretation Act 1978 as amended shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament as if this Order were an Act of Parliament.
6. Nothing in this order shall apply:-

- 6.1 so as to prevent or restrict the Council or its duly authorised proper officer to suspend any part or the whole of this Order at any time and for any purpose and for any period it or he may think fit as respects any parking place or part of a parking place;
- 6.2 so as to prevent or restrict a Police Constable or Fire Officer acting in the execution of his duty from suspending the use of a parking place or any part thereof for no longer than twenty-four hours where he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety;
- 6.3 to any vehicle used by the fire brigade, ambulance or other public service or in the service of a local authority or police force whilst being used in pursuance of statutory powers or duties.

#### **USE OF LAND AND PARKING PLACE**

- 7. Only the areas of land specified by name in the Schedule and by colouring on the plans attached to this Order shall be used subject to the provisions of this Order, as parking places and it shall only be used for such classes of vehicles, in such positions, on such days, during such hours and for no more than such maximum periods as are specified in the Schedule.
- 8. Where the parking place is described as available for vehicles of a specified class or in a specified position the driver of a vehicle shall not permit it to park in that parking place (unless otherwise authorised by the Council):-
  - a) unless it is of the specified class; or
  - b) in a position other than that specified.

This paragraph shall not apply to a vehicle over 1.5 tonnes un-laden weight which is otherwise parking within the provisions of the Order.
- 9. The driver of a vehicle shall not park or wait in any space or area identified, in any manner to be reserved or to be kept clear.
- 10. The driver of a vehicle shall not park or wait on any area of land in the parking place unless it is indicated by a parking bay that it is to be used for the parking of vehicles, when leaving a vehicle within a parking bay the whole of the vehicle must be inside the parking bay.
- 11. The driver of a vehicle shall not use any part of the parking place during
  - a) any period of time during which the terms of this Order have been suspended by the Council, a parking attendant or a Police Constable and a notice of such suspension has been exhibited on or near the parking place
  - b) nor outside the hours and days specified in the Schedule for that part of the parking place.
- 12. Where within the parking place signs are erected or surface markings which indicate that a parking place is available only for:-
  - a) A disabled person's vehicle;
  - b) A vehicle bearing a permit issued under this Order;

the driver of that vehicle shall not permit it to park in that parking bay unless it is a disabled person's vehicle or a vehicle bearing such a permit as the case may be.

13. Where within the parking place signs are erected or surface markings are laid for the purpose of:-

- a) indicating the entrance to or exit from the parking place; or
- b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place;

no person shall drive or permit to be driven any vehicle –

- (i) so that it enters the parking place otherwise than by an entrance; or
- (ii) leaves the parking place otherwise than by an exit, so indicated; or
- (iii) in a direction other than so specified.

14. If at any time the Council shall require the parking place or part thereof for any purpose whatsoever the right of any person to park any vehicle thereon shall immediately terminate until the Council shall no longer require the parking place or part thereof.

15. In so far as a vehicle is parked in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.

#### **AMOUNT OF STANDARD CHARGE**

16.1 During the charging hours the driver of a vehicle parking that vehicle in the parking place, or a person parking a trailer in the parking place, shall either before parking that vehicle or trailer or immediately after doing so pay the appropriate charge in accordance with the appropriate Scale of Charges specified in Part D of the Schedule, which said charge shall be payable by the insertion of an appropriate coin or coins into the ticket machine and comply with sub paragraph 16.2 hereof.

16.2 Any ticket issued in accordance with paragraph (16.1) of this Article shall be displayed in the relevant position on the vehicle in respect of which it was issued at all times while the vehicle is in the parking place.

16.3 Where a ticket is issued outside the charging hours the parking period purchased shall be deemed to commence at the beginning of the charging hours immediately following such issue.

#### **AMOUNT OF EXCESS CHARGE**

17.1 In the case of a vehicle parked in the parking place during the charging hours in respect of which –

- a) no valid ticket is being displayed; or
- b) it is displaying a ticket for which the time has elapsed; or
- c) parking otherwise than in accordance with the provisions of this Order;

there shall be an Excess Charge payable from the driver of the vehicle for parking the vehicle in breach of this Order.

- 17.2 In the case of a vehicle parked in the parking place during a period where the right to park a vehicle has been suspended in accordance with Articles 6, 11 and 14 of this Order there shall be an Excess Charge payable from the driver of the vehicle for parking the vehicle in breach of this Order.

The amount of Excess Charge payable by virtue of paragraphs (17.1 and 17.2) of this Article shall be in accordance with the schedule

- 17.3 In the case of a vehicle in respect of which an Excess Charge may have been incurred it shall be the duty of the parking attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-

- a) 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;
- b) a statement that an Excess Charge is required to be paid;
- c) the date on which and the time at which it was first noticed that the Excess Charge had been incurred
- d) the manner in which and the time within which the Excess Charge should be paid;
- e) a statement that it is an offence for the driver of the vehicle who has left the vehicle in a parking place to fail to pay the Excess Charge.

- 17.5 The Excess Charge shall be paid to the Council either by cheque, Banker's draft, money order, postal order or cash which shall be delivered or sent by post so as to reach the Customer Services section at Teesdale House, Gaigate, Barnard Castle DL12 8EL, not later than 10 am on the 14<sup>th</sup> (fourteenth) day following the day on which the Excess Charge was incurred and should be made payable to Teesdale District Council.

PROVIDED that if the said 14<sup>th</sup> day is a day on which the Council's offices are closed the period within which the paying of the Excess Charge shall be made to the Council shall be extended until 10 am on the next full day when the Council's offices are open.

18. In the event of the driver failing to pay an Excess Charge within the period stipulated in paragraph (17.5) of this Article, the Council may give notice in writing to the registered keeper of the vehicle in respect of which the Excess Charge was incurred, requiring the registered keeper to pay the Excess Charge and the registered keeper shall thereby become liable to pay the Excess Charge in the same manner as the driver is so liable under Article 28 of this Order

PROVIDED that the period of 14 days referred to in paragraph (17.5) of this Article shall not begin to run until the registered keeper has been given such notice in writing.

- 19.1 Subject to the proviso hereto, if a vehicle is parked in a parking place in contravention of any of the provisions of this Order a person authorised in that behalf by the Council may remove the vehicle from that parking place or arrange for its safe custody or for the fitting to it of an immobilisation device.

PROVIDED that when a vehicle is parked in a parking place in a position other than in accordance with the provisions of Articles 8 to 12 of this Order, a person authorised in that behalf by the Council, may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.

- 19.2 In the event of such removal or the fitting of an immobilisation device the owner shall pay to the Council such reasonable sum as it may determine before the vehicle is released from custody or the immobilisation device is removed.
- 19.3 No person shall remove any immobilisation device fitted to a vehicle other than a person duly authorised by the Council to remove such a device.

#### **PERIOD FOR WHICH A VEHICLE MAY BE LEFT AFTER EXCESS CHARGE INCURRED**

- 20.1 The period for which a vehicle may be left in a parking place during the charging hours after the Excess Charge has been incurred shall not exceed 24 hours.
- 20.2 If a vehicle is left in a parking place during the charging hours for more than 24 hours after the Excess Charge has been incurred it shall be the duty of the parking attendant to attach to the vehicle in a conspicuous position a Notice which shall include the following particulars:-
- a) 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;
  - b) the time at which it was first noticed that the vehicle had been left in the parking place for more than 24 hours after the Excess Charge had been incurred; and
  - c) a statement that it is an offence for the driver of a vehicle who has left the vehicle in a parking place to leave the vehicle therein for longer than 24 hours after the Excess Charge has been incurred.

#### **OTHER PROVISIONS**

21. The driver of a vehicle shall not permit that vehicle to park in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicles (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.
22. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
- 23.1 No person shall without the prior written authority of the Council use any part of a parking place or any area in or near a parking place or any vehicle left in a parking place to-
- a) sell any goods merchandise or equipment;
  - b) display any goods merchandise or equipment;
  - c) offer for hire of skills or services;
  - d) advertise for sale any goods merchandise or equipment;
  - e) display any goods merchandise or equipment intended to indicate the nature of business carried on in any area adjacent to a parking place.
- 23.2 No person shall use any part of a parking place or any area of in or near the parking place or any vehicle parked in a parking place –
- a) for sleeping or camping or cooking; or

- b) for the purpose of servicing or (without the written permission of the Council) washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place;
- c) to light or cause or permit to be lit any fire.

23.3 No person shall, without the previous written authority of the Council use any part of a parking place to erect or cause to be erected any tent, boat, stand, table, building or other structure.

23.4 No person shall, in any parking place wantonly shout or otherwise make any loud noise or use any threatening abusive or insulting language, gesture or behaviour so as to disturb or annoy any person or to put any person in a position of fear so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.

24. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

25.1 For the purpose of meeting the requirements of an emergency, the Council or its duly authorised proper officer or a Police Constable 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.

25.2 Any person altering, or causing the alteration of the position of a vehicle or removing, or causing the removal of a vehicle by virtue of paragraph (19.1) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or removed.

25.3 Any person removing or arranging the removal of a vehicle by virtue of paragraphs (19.1 or 19.2) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety and storage of the vehicle in the place to which it is removed.

26. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

#### **PARKING FOR DISABLED PERSONS**

27.1 Subject to the provisions of Articles 17, 18 and 19 of this Order the driver of a vehicle displaying a disabled person's badge shall be entitled to park without charge for a maximum period of three hours (three hour free period) provided that on arrival of the vehicle in a parking bay during the prescribed hours, the driver exhibits in the vehicle in the relevant position, a parking disc.

27.2 The driver of a vehicle shall on exhibiting the parking disc in the relevant position set the disc so that it indicates the half-hour period during which the vehicle arrived at the parking place.

27.3 The driver of a vehicle shall not permit it to park in the parking bay for longer than three hours without financial charge, such period being calculated where a parking disc has been displayed as commencing from the later time indicated on the parking disc.

- 27.4 When a parking disc exhibited in pursuance of this Order on a vehicle is showing a half hour period, the later time indicated by the disc showing the end of that period shall be treated as evidence that the vehicle has been waiting in that parking place since that later time in any proceedings for an offence under this Article.
- 27.5 Where in any proceedings for an offence under this Article, it is not proved that the offence had been committed, but it is proved that the parking disc had not been set in accordance with this Article; the defendant may be convicted of an offence under this Article.
- 27.6 In any proceedings for an offence under this Article it shall be assumed, unless the contrary is shown, that the parking disc is an approved device.
- 27.7 No person shall –
- a) After the parking disc exhibited on a vehicle has been set in accordance with this Article, alter the indications given by that parking disc whilst the said vehicle remains in the parking place; or
  - b) Knowingly exhibit on any vehicle a parking disc which has been altered, defaced, mutilated or added to or upon which the figures or particulars have become illegible.
- 27.8 A vehicle which has been parked under the terms of this Article may not relocate to any parking bay within the parking place in any one day unless the standard charge as specified in Part D of the Schedule is paid and which is applicable after the three hour free period has expired.
- 27.9 Upon the expiry of the three hour free period the driver of the vehicle is required to pay the charges specified in Part D of the Schedule.

#### **EXEMPTIONS**

28. The driver of the following vehicles left in a parking place during the prescribed hours shall be exempt from compliance with any limitation of time during which a vehicle may be left in a parking place specified in the foregoing provisions of this Order –
- a) a vehicle left by the driver thereof, who is a person who has obtained a permit from the Council if the permit is displayed on the vehicle in a conspicuous position;
  - b) a motor cycle or a motor cycle combination;
  - c) a vehicle complying with Article 6 of this Order.

#### **RESTRICTION ON REMOVAL OF NOTICES**

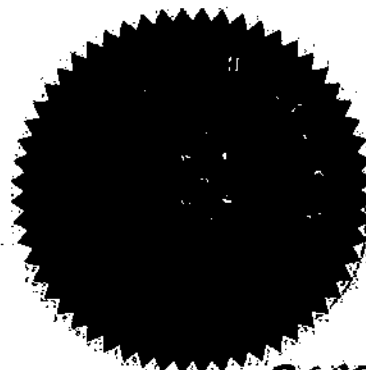
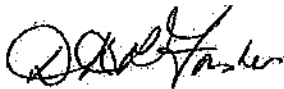
39. When a notice has been attached to a vehicle in accordance with any of the foregoing provisions of the Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the notice from the vehicle.



THE COMMON SEAL of The Teesdale District Council was hereunto affixed on the

21<sup>st</sup> day of August 2007 in the presence of:-

Chairman



Chief Governance Officer.



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**THE SCHEDULE**  
**TO THE TEESDALE DISTRICT COUNCIL (OFF STREET PARKING PLACE)**  
**(PAY AND DISPLAY) ORDER 2007**

<b>NAME OF PARKING PLACE</b>	<b>Galgate Car Park, Barnard Castle</b> <i>(shown outlined in red on the attached plan)</i>		
<b>DAYS OF OPERATION OF PARKING PLACE</b>	All days excluding Good Friday, Easter Sunday and Christmas Day		
<b>POSITION IN WHICH VEHICLE MAY WAIT</b>	<b>CLASSES OF VEHICLE</b>	<b>HOURS OF OPERATION</b>	<b>CHARGES</b>
<b>A</b> Designated parking bays within those areas hatched green on the plan attached	<b>B</b> Motor cars, light vehicles and goods vehicles	<b>C</b> 8.00am to 6.00pm	<b>D</b> Up to 1 hour      £0.80 1 to 2 hours      £1.20 2 to 4 hours      £2.50 Over 4 hours      £5.00
Designated parking bays within the area coloured blue on the plan attached	Motor coaches	8.00am to 6.00pm	No Charge
Those areas coloured blue and yellow on the plan attached	Vehicles over 1.5 tonnes un-laden weight	6.00pm to 8.00am	£4.00 per charging period of 6.00pm to 8.00am the following day or part thereof
Those areas hatched green on the plan attached	Motor cycles and motor cycle combinations	Unlimited	No charge
Those areas hatched green on the plan attached	Motor cars and light vehicles being disabled persons' vehicles and displaying a disabled person's badge	8.00am to 6.00pm	No charge for first three hours - thereafter Up to 1 hour      £0.80 1 to 2 hours      £1.20 2 to 4 hours      £2.50 Over 4 hours      £5.00
Excess Charge			Paid within 7 days      £ 25
Excess Charge			After 7 Days      £50

**THE SCHEDULE**  
**TO THE TEESDALE DISTRICT COUNCIL (OFF STREET PARKING PLACE)**  
**(PAY AND DISPLAY) ORDER 2007**

<b>NAME OF PARKING PLACE</b>	<b>Queen Street (Hole in the Wall) Car Park, Barnard Castle</b> <i>(shown outlined in red on the attached plan)</i>		
<b>DAYS OF OPERATION OF PARKING PLACE</b>	All days excluding Good Friday, Easter Sunday and Christmas Day		
<b>POSITION IN WHICH VEHICLE MAY WAIT</b>	<b>CLASSES OF VEHICLE</b>	<b>HOURS OF OPERATION</b>	<b>CHARGES</b>
<b>A</b> Designated parking bays within those areas hatched green on the plan attached	<b>B</b> Motor cars, light vehicles and goods vehicles	<b>C</b> 8.00am to 6.00pm	<b>D</b> Up to 4 hours      £2.00 Over 4 hours      £3.00 3 Month Season Ticket      £100 12 Month Season Ticket      £350
Those areas hatched green on the plan	Motor cycles and motor cycle combinations	Unlimited	No charge
Those areas hatched green on the plan attached	Motor cars and light vehicles being disabled persons' vehicles and displaying a disabled person's badge	8.00am to 6.00pm	No charge for first three hours - thereafter Up to 4 hours      £2.00 Over 4 hours      £3.00 3 Month Season Ticket      £100 12 Month Season Ticket      £350
Excess Charge			Paid within 7 days      £ 25
Excess Charge			After 7 Days      £50





TEESDALE DISTRICT COUNCIL  
 (OFF STREET PARKING PLACE) (GALGATE)  
 (PAY AND DISPLAY) ORDER 2003

**DENNIS LISTER & ASSOCIATES**  
 CHARTERED ARCHITECTS & SURVEYORS  
 58 ALBERT ROAD, MIDDLESBROUGH, CLEVELAND  
 POSTCODE TS1 1QG TEL (01642) 860662 FAX (01642) 301665

DRAWN BY: A. CHAMBERS LTD  
 DATE: FEB 01  
 CHECKED:

REVISIONS  
 A. STORE LAYOUT UPDATED, 6-8-02

CLIENT

PROJECT  
 NEW STORE  
 BARNARD CASTLE

PROPOSED SITE LAYOUT

DRAWING NUMBER  
 A572-303  
 SCALE: 1:250 @ A1 PLOTTED 06-06-02