

**THE COUNTY COUNCIL OF DURHAM  
(WHITESMOCKS, DURHAM)  
(PROHIBITION OF WAITING AND LIMITED WAITING) ORDER 2010**

The Durham County Council ("the Council") in exercise of their powers under Sections 1, 2 and 4, 32 and 35 of the Road Traffic Regulation Act 1984, as amended and the Traffic Management Act 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 I**

**General**

1. This Order may be cited as The County Council of Durham (Whitesmocks, Durham) (Prohibition of Waiting and Limited Waiting) Order 2010 and shall come into operation on 6 April 2010.

**Interpretation**

2. (1) In this Order the following expressions have the meanings hereby 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;

"disabled person's badge" has the same meaning as in the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000;

"enforcement officer" means a uniformed police officer, police community support officer or any subsequent designation of those officers;

"liveried vehicle" means a vehicle having a distinctive design and colour scheme used to distinguish a police, fire brigade or ambulance vehicle;

"parking disc" means a device, issued by a local authority and has not ceased to be in force, 125 millimetres square coloured blue, if issued on or after 1 April 2000, or orange if issued before that date, and capable of showing the quarter hour period during which a period of waiting begins;

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

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"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of Section 77 of the Traffic Management Act 2004, as amended, in accordance with the relevant statutory regulations or guidance given by the Secretary of State for Transport;

"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, as amended;

"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;

## **Part II**

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

3. Save as provided in Article 5 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 in or on the lengths of roads or sides of lengths of roads specified in the Schedule 1 to this Order.

## **Parking Places**

4. (1) The areas of highway described in Column 1 of Schedule 2 to this Order are hereby authorised to be used as parking places.
- (2) Each parking place specified in Schedule 2 to this order, authorised under paragraph (1) of this Article may be used for the leaving of motor vehicles and motor cycles on such days and during such hours as may be specified in Column 2 of Schedule 2 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 specified in Column 3 of Schedule 2 to this Order or to return within the period also specified in Column 3 of that Schedule.

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

5. (1) Every vehicle left in a parking place, specified in Article 4 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 or any parking bay within a 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 or parking bay 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 4
  - (b) the vehicle, or any part of it, is not within the limits of any adjoining parking bay.

## **Power to suspend Parking Places**

6. (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 or loading by 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) 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 loading bay 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.

## Exemptions

7. (1) Nothing in Articles 3 and 4 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;
  - (c) 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 operations namely -
    - (i) building or demolition;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction 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;
  - (d) 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;
  - (e) 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 3 or 4 of this Order shall apply to any vehicle being used for police, fire brigade or ambulance purposes.
- (3) Nothing in Article 3 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 parking disc (on which the driver or other person in charge of the vehicle, has marked the quarter hour period during which the period of waiting began) to wait in any of the lengths of road or 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 length of road on the same day).

- (4) Nothing in Article 4 of this Order shall apply to a disabled persons vehicle which displays in the relevant position a disabled persons badge.

### **Part III**

#### **Contravention & Enforcement**

8. If a vehicle is in contravention of any provision of Articles 3 or 4 of this Order a penalty charge shall be payable.
9. 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.

#### **Saving**

10. Insofar 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.
11. The restrictions and prohibitions 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**

#### **Whitesmocks, Durham:**

South west side of road - from its junction with the A167 Newcastle Road in a south easterly direction to its junction with Fieldhouse Lane.

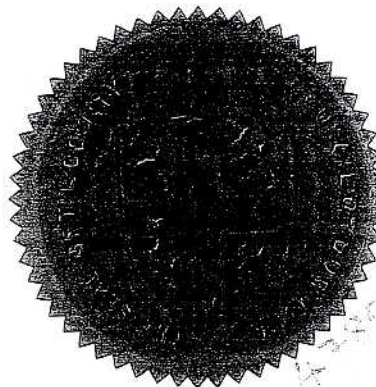
North east side of road - from its junction with the A167 Newcastle Road in a South easterly direction to a point 66m south east of the centre line of Aykley Green

North east side of road – from a point 81.1m south east of the centre line of Aykley Green in a south easterly direction for a distance of 18.9m.

**Schedule 2  
Parking Places  
3 Hours Limited Waiting, No Return,  
Monday to Saturday 8.00 am, to 6.00 pm**

<b>Description of Parking place</b>	<b>Days of Operation</b>	<b>Hours of Operation/ Maximum Stay</b>
<b>1</b> Whitesmocks, Durham (North East side of road) - from a point 66m south east of the centre line of Aykley Green in a south easterly direction for a distance of 15.1 m	<b>2</b> Monday – Saturday 8.00 a.m. – 6.00 p.m.	<b>3</b> 3 hours No return on that day.

**Given under the Common Seal of the County Council of Durham on 28  
January 2010.**



*[Signature]*  
**Authorised Sealing Officer**



