

**THE COUNTY COUNCIL OF DURHAM
(SADDLER STREET AND ELVET BRIDGE)
(EXPERIMENTAL TRAFFIC MANAGEMENT)
ORDER 2011**

The County Council of Durham ("the Council") in exercise of their powers under Sections 9 and 10 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 Act, hereby make the following Order:-

Part I

General

1. This Order may be cited as The County Council of Durham (Saddler Street and Elvet Bridge) (Experimental Traffic Management) Order 2011 and shall come into operation on 6 September 2011.

Interpretation

2. 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 (Badge's for Motor Vehicles) (England) Regulations 2000 (as amended)

"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;

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

"motor vehicle" has the same meaning as in Section 136 of the Act;

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

"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

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

"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 1978, as amended";

"taxi" has the same meaning as "Hackney Carriage" as defined in S 80(1) of the Local Government (Miscellaneous Provisions) Act 1996

"universal service provider" has the same meaning as in the Postal Services Act 2000

Part II

Prohibition of Waiting At Any Time

3. Save as provided in Article 9 of this Order no person shall, except upon the direction or with the permission of 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 referred to in Schedule 1 to this Order.

Prohibition of Loading/Unloading 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 an enforcement officer or civil enforcement officer cause or permit any vehicle to wait in the lengths of roads or sides of lengths of roads specified in Schedule 2 to this Order for the purpose of enabling goods to be loaded onto or unloaded from the vehicle, unless the vehicle is in actual use for the purpose of delivering or collecting postal packets in the service of a universal service provider.

Prohibition of Loading/Unloading between the Hours of 11.00 a.m and 6.00 p.m On Any Day

5. Save as provided in Article 9 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 to wait in the lengths of roads or sides of lengths of roads specified in Schedule 2 to this Order for the purpose of enabling goods to be loaded onto or unloaded from the vehicle, unless the vehicle is in actual use for the purpose of delivering or collecting postal packets in the service of a universal service provider.

Loading Bays

6. (1) The areas of highway described in Schedule 2 to this Order is hereby authorised to be used as a loading bay, subject to the provisions of this Order, for the waiting of vehicles for the purpose of

loading or unloading goods on any day only between the hours of 11.00 a.m and 6.00 p.m.

- (2) The limits of each loading bay shall be indicated, by the Council, on the carriageway by the appropriate traffic signs.
- (3) Every vehicle using a loading bay shall so stand so that every part of the vehicle is wholly within the loading bay.

Manner of Standing Loading Bays

- 7. (1) Any vehicle left in a loading bay, specified 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 or parking bay within a parking place AND in those cases in which special provision is made in Schedule 2 in accordance with those provisions.
- (2) Where a vehicle has been left in a loading bay, 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 or loading 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 5 of this Order;
 - (b) the vehicle, or any part of it, is not within the limits of any adjoining parking bay

Power to suspend Loading Bays

- 8. (1) Any person authorised by the Council may suspend the use of a loading bay or any part of it whenever he considers that 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 loading bay place or the maintenance, improvement or re-construction of the loading bay or the laying, erection, alteration, removal or maintenance in or adjacent to the loading bay 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 loading bay 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 loading bay at times of weddings, funerals or on other special occasions.
- (2) An enforcement officer may suspend the use of a loading bay or any part thereof, whenever such a 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 loading bay 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 loading bay, or part thereof, the use of which is suspended, a traffic sign indicating that waiting by vehicles is prohibited.
 - (4) No person shall cause or permit a vehicle to wait in a loading bay or any part thereof, during such period as there is placed in or adjacent to that loading bay, or part thereof, 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 loading bay 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 loading bay in connection with the sale of any article to persons in or near the parking place or loading bay or in connection with the selling or offering for hire of their skill or services.

Part V

Exemptions

- 9. (1) Nothing in Articles 3, 4 or 5 of this Order shall render it unlawful to cause or permit any vehicle to wait or stop 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 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, demolition or excavation;
 - (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;

- (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 ;
 - (d) a bullion vehicle being used for the purpose of delivering or collecting bullion.
- (2) Nothing in Articles 3, 4 or 5 of this Order shall apply to a 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 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 roads or the sides of roads 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 Articles 3, 4 or 5 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 in this Order for so long as may be necessary to enable the picking up or setting down of passengers.

PART VI

Contravention and Enforcement

10. If a vehicle is in contravention of any 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 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

12. 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.

13. 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.

PART VIII

Authority to modify or suspend restrictions

14. The Council's Corporate Director of Regeneration and Economic Development is hereby authorised, after consultation with the Chief Officer of Police, to modify or suspend the operation of this Order or any provision of it if it appears to him essential:-
- In the interests of the expeditious, convenient and safe movement of traffic; or
 - For preserving or improving the amenities of the area through which any road affected by the Order runs.

Schedule 1 No Loading/Unloading At Any Time

Item No	Location		Direction	Description
1	Durham	Saddler Street	West	From a point 13m south of its junction with Saddlers Lane southwards for a distance of 20m.

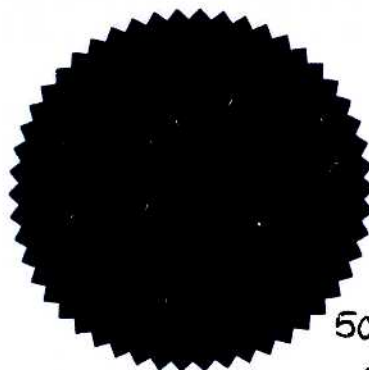
Schedule 2 Prohibition of Waiting At Any Time On Any Day and Prohibition of Loading/Unloading on Any Day Between the hours of 11.00a.m and 6.00p.m

Item No	Location		Direction	Description
1	Durham	Elvet Bridge	Both	For its entire length.

**GIVEN UNDER THE COMMON SEAL
OF THE COUNTY COUNCIL OF DURHAM
ON 1 SEPTEMBER 2011**

David N. Taylor

Authorised Sealing Officer



50904

DELEGATED DECISION

REGENERATION AND ECONOMIC DEVELOPMENT SERVICE



JULY 2011.

THE COUNTY COUNCIL OF DURHAM (SADDLER STREET AND ELVET BRIDGE) EXPERIMENTAL TRAFFIC MANAGEMENT ORDER 2011

Report of RED SERVICE ADRIAN WHITE – HEAD OF TRANSPORT

Purpose of the Report

- 1 To consider the introduction of an experimental TRO at:

Durham City, Saddler Street to suspend the Loading Only Bay and reduce the hours of No Waiting, No Loading/ Unloading on Elvet Bridge to 11am – 6pm.

- 2 **Background/Reason for TRO:**

On 5th September 2011 temporary traffic signals will be introduced on Saddler Street to determine the servicing and road safety implications of single flow traffic. This requires suspension of the Loading Only Bay on Saddler Street and relaxation of the No Loading restrictions on Elvet Bridge.

- 3 **Consequences:**

This will improve access and traffic flow through the Saddler Street. Objections to the proposals may be received from business who load and unload from the existing Loading Bay, as a consequence loading restrictions have been relaxed on Elvet Bridge.

- 4 **Summary of informal consultation:**

Consultation was sent to Police on 25th August, 2011.

- 5 **Local Members comments/support:**

This is fully supported by the Cabinet Members.

- 6 **Any other relevant info:**

None

Recommendations and reasons

7 It is RECOMMENDED that the TRO be progressed to advert.

Decision

10

Background papers

Office Files

Contact:	Sarah Thompson	Tel:	0191 383 6536
-----------------	-----------------------	-------------	----------------------

Appendix 1: Implications

Finance – Demand Management

Staffing – Carried out by Strategic Traffic

Risk – Enforcement will be the responsibility of NSL under Durham County Council. Lack of enforcement may lead to the authority being criticised. Objections may be received from businesses who need to load and unload on Saddler Street.

Equality and Diversity – It is considered that there are no Equality and Diversity issues to be addressed.

Accommodation - No impact.

Crime and Disorder - This TRO will allow effective management of traffic to reduce congestion and improve road safety.

Human Rights - No impact on human rights

Consultation – Consultation with others is continuous for the period of the experiment (max 18 months)

Procurement – Operations, DCC.

Disability Issues - No impact

Legal Implications – An experimental Order can run for a maximum of 18 months before it needs to be made permanent or abandoned. Enforcement of the moving traffic offence is the responsibility of the Police.