

**THE COUNTY COUNCIL OF DURHAM
(A167 NEWCASTLE ROAD, NEVILLES CROSS)
(PROHIBITION & RESTRICTION OF WAITING & PROHIBITION OF STOPPING ON
SCHOOL ENTRANCE MARKINGS)
ORDER 2011**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4 and 32 and 35 of the Road Traffic Regulation Act 1984, as amended, ("the Act") and the Traffic Management Act 2004 and 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 (A167 Newcastle Road, Nevilles Cross) (Prohibition & Restriction of Waiting & Prohibition of Stopping on School Entrance Markings) Order 2011 and shall come into operation on 16 January 2012.

PART II

Interpretations

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;

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

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

"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;

"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;

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

Part III

Prohibition of Waiting At Any Time

- 3. Save as provided in Article 11 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 identified in the individual plans detailed in Schedule 1 to this Order.

No Stopping 8am to 6pm Monday to Friday on Entrance Markings

4. Save as provided in Article 11 of this Order no person shall, except upon the direction or with the permission of an enforcement officer, cause or permit any vehicle to stop between the hours of 8.00 a.m. to 6.00 p.m. Monday to Friday on the lengths of road identified in the plan detailed in Schedule 2 to this Order.

Part IV

Parking 8.00am to 6.00pm Monday to Friday 20 minutes, no return within 1 hour

5. (1) The area of highway identified in the plan detailed in Schedule 3 to this Order is hereby designated as a parking place.
- (2) Each parking place identified in Schedule 3 to this order, designated 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 identified in the plan detailed in Schedule 3 to this Order.
- (3) 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 in the plan detailed in Schedule 3 to this Order, or to return within the period also specified those plans.

Manner of Standing in Parking Places

6. (1) Every vehicle left in a parking place, specified in Article 5 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 in accordance with those provisions.
- (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 300mm 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 place.

Removal of Vehicles and Other Equipment from Parking Places

7. (1) Where a civil enforcement officer is of the opinion that any vehicle has been left in a parking place in contravention to the provisions of this order, for longer than 24 hours or when the parking place has been suspended from use in accordance with Article 10 of this Order he may remove or cause the vehicle to be removed from the parking place and where it is so removed, shall provide for the safe custody of the vehicle.

- (2) An enforcement officer in cases of emergency may move or cause to be moved vehicles left in a parking place to any place he thinks fit and shall provide for the safe custody of the vehicle.
- (3) The provisions of paragraph (1) of this Article shall also apply to builders' skips or any other equipment which in the opinion of the civil enforcement officer constitutes a contravention of this Order.
- (4) Where a vehicle or other equipment has been removed under the provisions of paragraphs (1) and (3) of this Article the Council will recover from its owner the expenses reasonably incurred in so doing.

Use of Parking Places

- 8. (1) Without prejudice to the foregoing provisions of this Order relating to vehicles which are left in a parking place in accordance with those provisions any other vehicle may wait:-
 - (a) anywhere in a parking place if:-
 - (i) the vehicle is waiting only for so long as necessary to enable a person to board or alight from the vehicle;
 - (ii) the vehicle is waiting due to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
 - (iii) the vehicle being a liveried vehicle is used for police, fire brigade or ambulance purposes, or is a vehicle (other than a passenger vehicle) in the service of a local authority, being used in pursuance of statutory powers or duties;
 - (iv) the vehicle is in the service of or employed by a universal service provider and is waiting while postal packets addressed to premises adjacent to the parking place, in which the vehicle is waiting, are being unloaded from the vehicle or having been unloaded there from, are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting;
 - (v) the vehicle, not being a passenger vehicle, is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in paragraph (1) (a) of Article 5 of this Order;
 - (vi) the vehicle is waiting for the purpose of posting or removing advertising material in the form of posters on or from premises adjacent to the parking place in which the vehicle is waiting; or
 - (vii) In any other case the vehicle is waiting for the purpose of active delivery or collecting goods or active loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting.

- (2) Nothing in the provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act.
- (3) Any person who leaves or causes a vehicle to be left in a parking place by virtue of provisions, (iv), (v), (vi) and (vii) of paragraph (1) (a) of this Article shall so stand as to be in accordance with the provisions of paragraph (1) of Article 5 of this Order.
- (4) When a vehicle is left in a parking place designed under Article 5 of this Order, is in contravention of the provisions of this Article a Penalty Charge shall be payable.

Power to Suspend Parking Places

- 9. (1) Any person authorised by the Council may suspend the use of a parking place or any part thereof, designated under Article 5 of this Order, whenever he considers such suspension reasonably necessary:-
 - (a) for the purposes 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 the laying, erection, alteration or maintenance in or adjacent to the parking place 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, or any traffic sign or parking meter;
 - (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 from a depository;
 - (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, designated under Article 5 of this Order, 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 the provisions of this Article shall thereupon place or cause to be placed in or adjacent to any part of a parking place, the use of which is suspended, a traffic sign indicating that waiting by vehicles is prohibited.
- (4) On any suspension of the use of a parking place or any part thereof in accordance with the provisions of this Article, any person duly authorised by the Council may temporarily remove any sign or post and shall thereupon place or cause to be placed in or adjacent to that parking place a traffic sign giving the indication referred to in paragraph (3) of this Article.

- (5) No person shall cause or permit any vehicle to be left in a parking place during such period as there is in or adjacent to that parking place a traffic sign placed in pursuance of paragraph (4) of this Article; or
- (6) **PROVIDED THAT** nothing in this paragraph shall render it unlawful to cause or permit a vehicle to be left in the parking place during either such period if the vehicle is left with the permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) or (2) of this Article.

Restriction of use of Parking Places

- 10. (1) Subject to paragraph (2) of this Article no person shall use any vehicle while it is in a parking place, designated under Article 5 of this Order, in connection with the sale or the offering for sale of any goods or of their services in any capacity in or near the parking place, or carry out or permit the carrying out of any work of construction or repair except such as may be necessary to enable the vehicle to be moved from the parking place.
- (2) A person shall not be prevented under the provisions of paragraph (1) of this Article from selling goods from a vehicle if the vehicle is of a type described in paragraph (2) of Article 5 of this Order, and the goods are immediately delivered at or taken into premises adjacent to the parking place from which the sale is affected.

PART V

Exemptions

- 11. (1) Nothing in Articles 3, 4 or 5 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 operations:-
 - (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 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 3, 4, or 5 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 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 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 3 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;
- (5) Nothing in Schedule 1, plan reference DV139, as regards the Prohibition of Waiting At Any Time restriction, shall apply to the carriageway of the declassified service road in front of property numbers 1 to 10 Newcastle Road, Nevilles Cross.

PART VI

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 then be issued by a civil enforcement officer.

PART VII

Savings

- 14. 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.
- 15. The 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 so under any other enactment.

SCHEDULE 1

Prohibition of Waiting At Any Time

Plan Reference numbers: DV139, DV140 and DV141

SCHEDULE 2

NO STOPPING,

MONDAY TO FRIDAY 8.00 A.M. TO 6.00 P.M. ON ENTRANCE MARKINGS

Plan reference number: DV140

SCHEDULE 3

**PARKING 8.00AM TO 6.00PM MONDAY TO FRIDAY 20 MINUTES, NO RETURN
WITHIN 1 HOUR**

Plan reference number: DV139

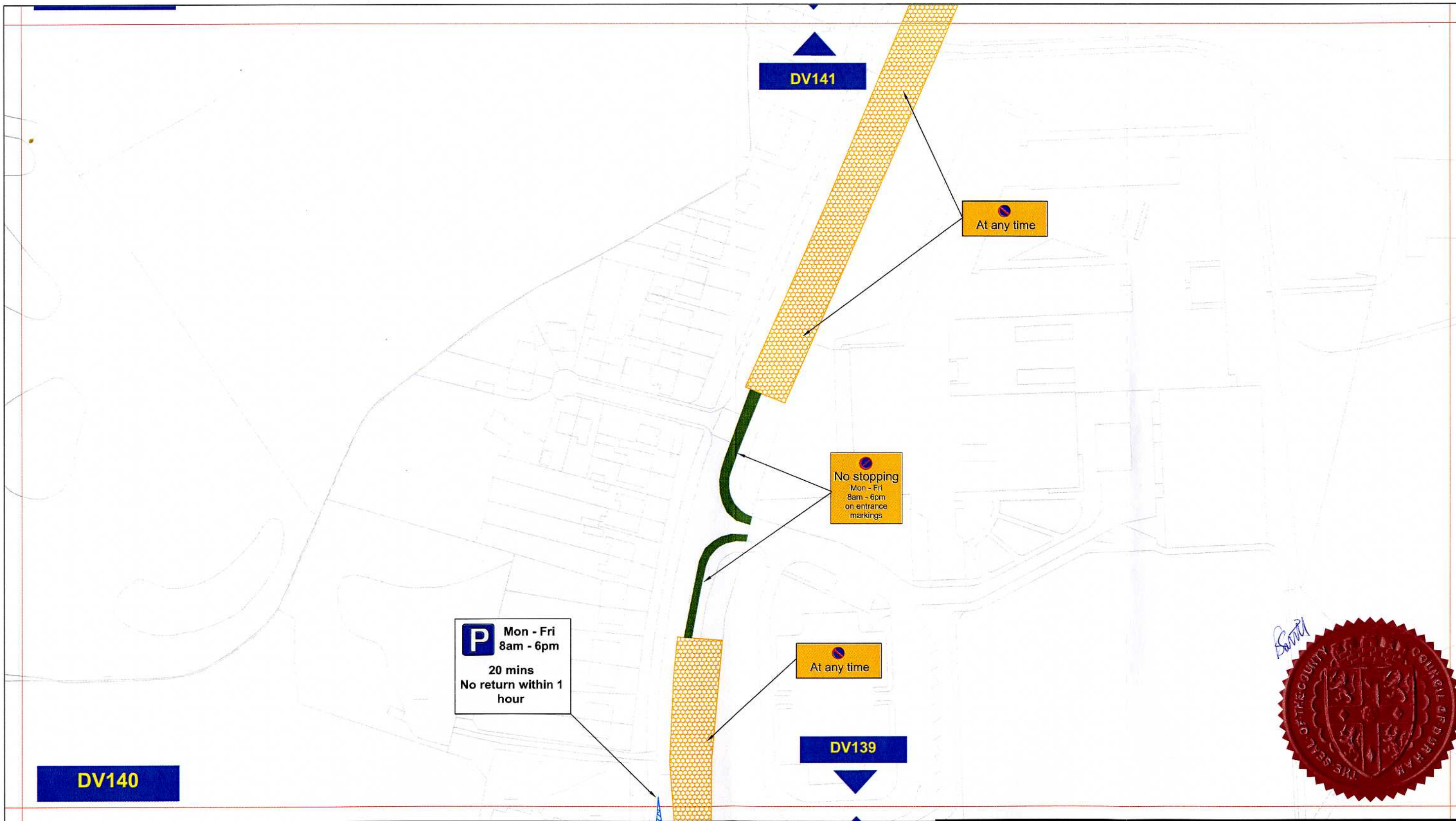
**GIVEN UNDER THE COMMON SEAL
OF THE COUNTY COUNCIL OF DURHAM
ON 6 JANUARY 2012**

Smith

.....
AUTHORISED SIGNATORY



51442.



Key to Types of Restriction

	No Waiting At Any Time
	No Stopping
	Restricted Bay
	Individual Plan Reference Number

PATH:

Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Durham County Council. LA 100049055. 2011.




Corporate Director
Regeneration & Economic
Development

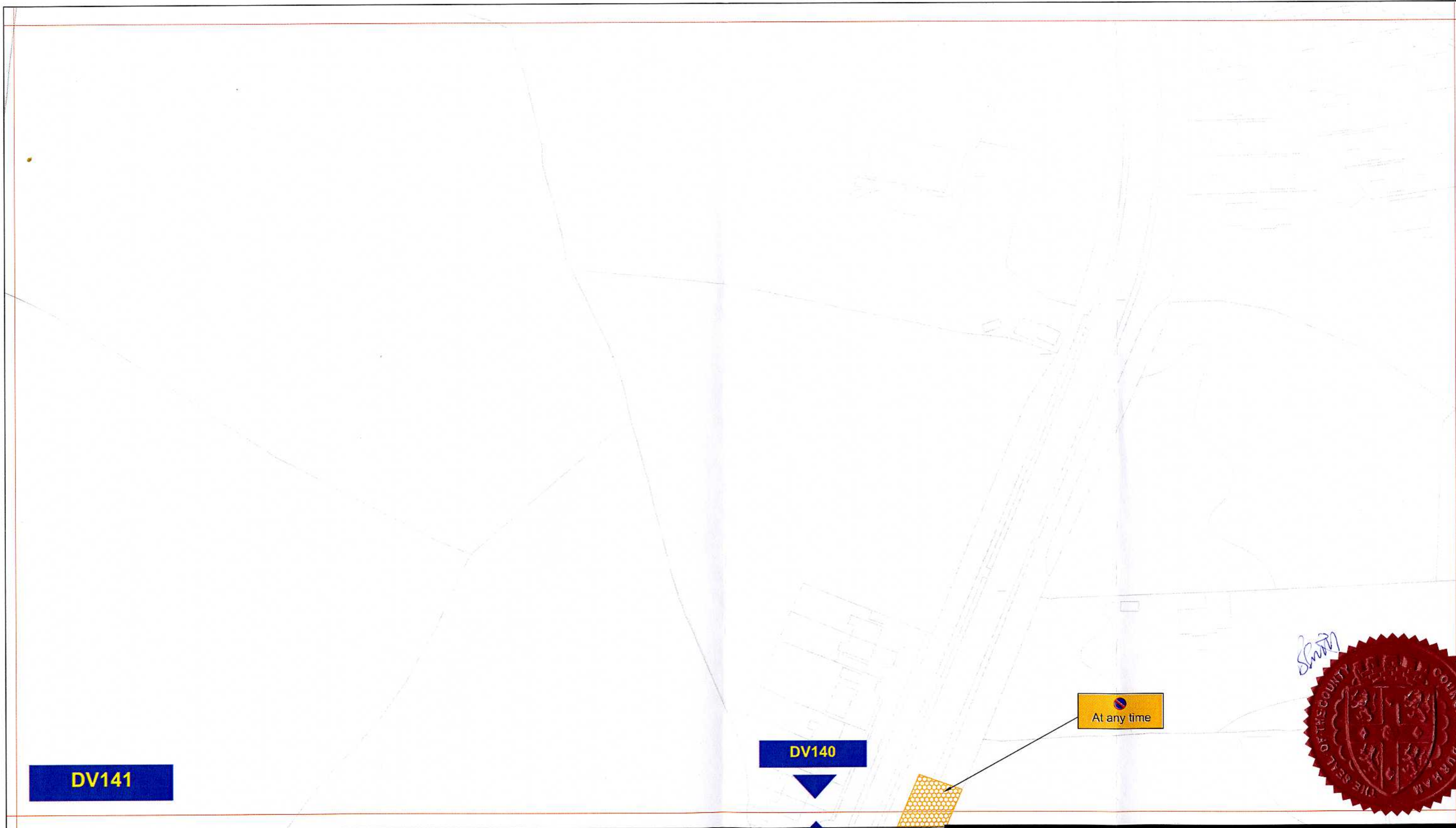
Strategic Traffic Management

County Hall, Durham DH1 5UQ

THE COUNTY COUNCIL OF DURHAM
(A167 NEWCASTLE ROAD, NEVILLES CROSS)
(PROHIBITION & RESTRICTION OF WAITING &
PROHIBITION OF STOPPING ON SCHOOL ENTRANCE
MARKINGS) ORDER 2011



Scale:	1:1250 @ A3		
Date:	December 2011		
Drawn by:	S. Thompson	Signature:	
Date Sealed:	6.1.12	Map Schedule:	DV140



Key to Types of Restriction



No Waiting At Any Time

XXXXX

Individual Plan Reference Number

PATH:

Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Durham County Council. LA 100049055. 2011.




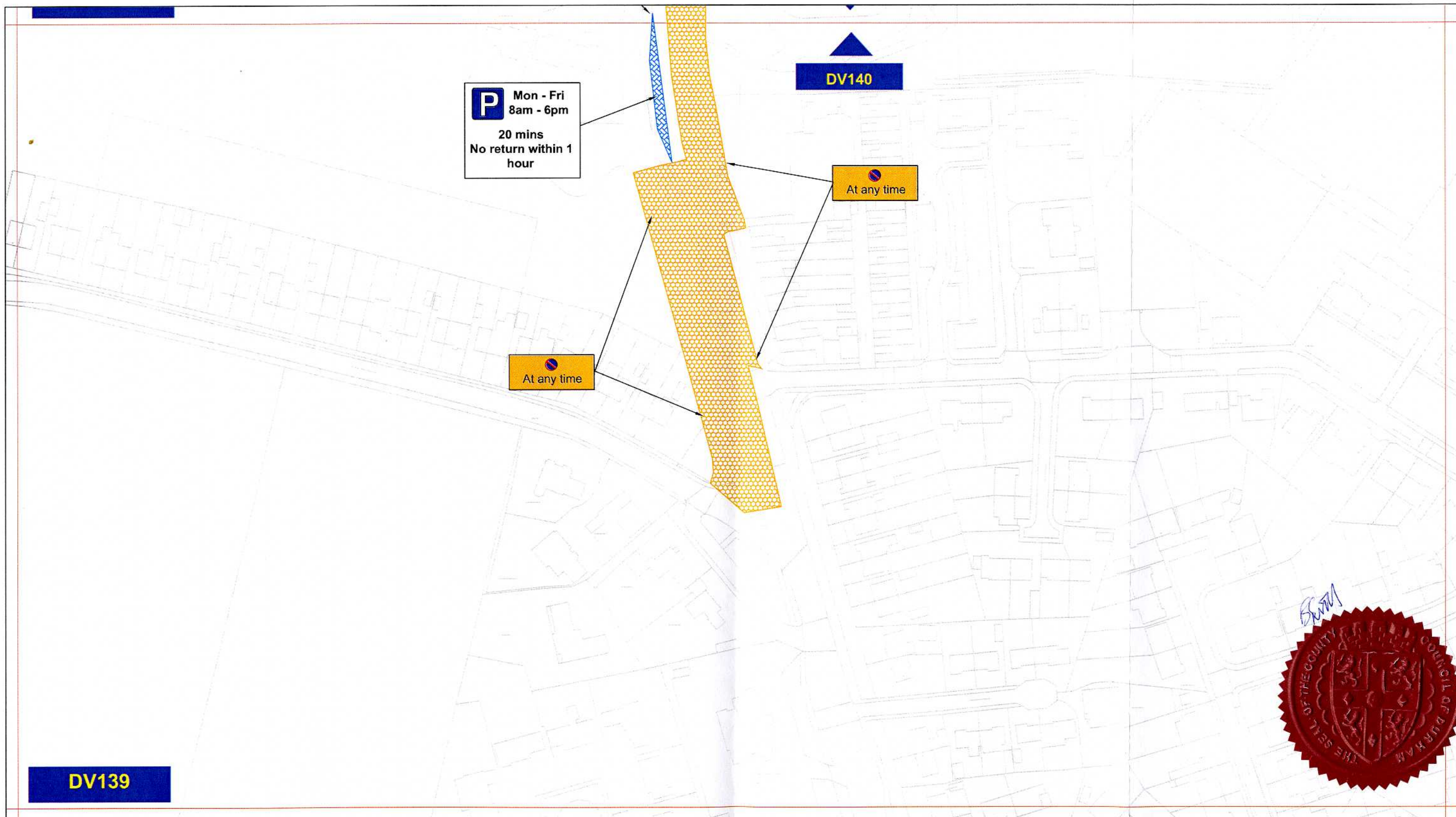
Corporate Director
Regeneration & Economic
Development

Strategic Traffic Management
County Hall, Durham DH1 5UQ

THE COUNTY COUNCIL OF DURHAM
(A167 NEWCASTLE ROAD, NEVILLES CROSS)
(PROHIBITION & RESTRICTION OF WAITING &
PROHIBITION OF STOPPING ON SCHOOL ENTRANCE
MARKINGS) ORDER 2011



Scale:	1:1250 @ A3		
Date:	December 2011		
Drawn by:	S.Thompson	Signature:	
Date Sealed:	6.1.12	Map Schedule:	DV141



Key to Types of Restriction

-  No Waiting At Any Time
-  Restricted Bay
-  Individual Plan Reference Number

PATH:

Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Durham County Council. LA 100049055. 2011.




Corporate Director
Regeneration & Economic
Development

Strategic Traffic Management
County Hall, Durham DH1 5UQ

THE COUNTY COUNCIL OF DURHAM
(A167 NEWCASTLE ROAD, NEVILLES CROSS)
(PROHIBITION & RESTRICTION OF WAITING &
PROHIBITION OF STOPPING ON SCHOOL ENTRANCE
MARKINGS) ORDER 2011



Scale:	1:1250 @ A3		
Date:	December 2011		
Drawn by:	S.Thompson	Signature:	
Date Sealed:	6.1.12	Map Schedule:	DV139