

**THE COUNTY COUNCIL OF DURHAM
(LAMBTON STREET, DURHAM CITY)
(PERMIT PARKING) (EXPERIMENTAL)
ORDER 2019**

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.

Citation & Commencement

1. This Order may be cited as The County Council of Durham (Lambton Street, Durham City) (Permit Parking) (Experimental) Order 2019 and shall come into operation on 7th March 2019

Interpretation and Definitions

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" 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)

"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;

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

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

"parking place" means an area of highway authorised for Permit Holder Zone Z parking 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";

"permit" means a permit and a "valid permit" issued under the provisions of Article 6 of this Order for use only within the specified parking place for which it has been issued;

“permit holder” means a person to whom a permit has been issued under the provisions of Article 6 of this Order;

“relevant position” has the same meaning as defined by The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“scheme operating conditions” means the conditions adopted by the Council setting down the requirements for the Parking Scheme as approved by the Highways and Design Services Sub-Committee on 21 December 1999 (as amended) or as subsequently amended from time to time;

“traffic sign” means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act;

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

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

6. Permit Holders Only

- (1) Each area of highway identified within the plan detailed in the Schedule to this Order is hereby authorised to be used as a Permit Holder parking place to be used only by those vehicles which display a valid permit, subject to the provisions of this order.
- (2) Each parking place authorised under paragraph (1) of this Article may be used only on such days and during the permitted hours for the leaving of motor vehicles and motor cycles which display a valid permit issued in accordance with this Order, as identified within the plan detailed in the Schedule.
- (3) Save as provided in Article 12 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 park in the parking place, other than a vehicle displaying a valid permit issued subject to the Scheme Operating Conditions and in accordance with the provisions of this Order.
- (4) The limits of each parking place shall be indicated, by the Council, on the carriageway by the appropriate traffic signs.

- (5) An application for a valid permit shall be made on a form issued by and obtainable from the Council and shall be returned to the Council completed and accompanied by a remittance for such charge, which the Council may require, as specified in paragraph (14) of this Article, as is appropriate in respect of the permit for which application is made.
- (6) The Council may at any time require an applicant for a permit to produce to an officer of the Council such evidence in respect of an application as they may reasonably require to verify any particulars or information given to them.
- (7) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events set out in paragraph (9) below.
- (8) The Council may, by Notice, in writing served on the permit holder, at the address shown by that person on the application for the permit or at any other address believed to be that person's residence, withdraw a permit if it appears to the Council that any of the events set out in paragraph 9 of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of such notice.
- (9) The events referred to in paragraphs (7) and (8) above of this Article are:
 - (a) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in paragraph 3 of this Article.
 - (b) The permit holder ceases to be employed by the Business for which the Permit was issued.
- (10) A permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events set out in paragraph 9 of this Article, whichever is the sooner.
- (11) If a permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and may apply to the Council for the issue of a replacement.
- (12) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a replacement permit.
- (13) Upon the issue of a replacement permit, by virtue of the provisions of paragraphs (16 and 17) of this Article, the permit which it replaces shall be rendered invalid.
- (14) A permit shall be issued on behalf of the Council and include such information or particulars which the Council may determine.
- (15) On receipt of an application, made under the foregoing provisions of this Article, the Council, upon being satisfied that the applicant is a business applicant may issue a permit subject to the Scheme Operating Conditions.
- (16) The Council may levy a charge in connection with the issue of a permit, subject to the Scheme Operating Conditions and the provisions of this Order:

- (a) The maximum number of permits which may be issued to an applicant shall be subject to a maximum number of permits as defined in the Scheme Operating Conditions, as amended from time to time.
 - (b) The Scheme Operating Conditions may be varied from time to time, details of which will be made available from the Council's Traffic Section; by public notice and via the Council website.
- (17) When a vehicle, for which a permit has been issued, is left in a parking place, there shall be displayed on the front of the vehicle a valid permit applicable to that parking place, so that the information and particulars contained in the permit are clearly visible from outside the vehicle.
 - (18) When a permit has been displayed on a vehicle in accordance with the provisions of paragraph (22) of this Article no person, not being the driver of the vehicle, shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.
 - (19) Where an authorised officer of the Council has reasonable cause to believe that a permit issued in accordance with provisions of this Article has been wrongly acquired or is a forgery, he may detain the permit or require its submission under the provisions of Section 116 of the Act.

Part III

PARKING PLACES GENERAL

Designation and use of Parking Places

- 7. The areas of highway identified on the plan and detailed in the Schedule to this Order are hereby designated as Permit Holder parking places.
 - (1) Each Permit Holder parking place identified within the plan detailed in the Schedule to this Order may only be used:
 - (a) for the leaving of those motor vehicles and motor cycles so authorised by this Order on such days and during such hours as identified within the plan and as detailed in the Schedule to this Order; or
 - (b) for the leaving of motor vehicles and motor cycles which display a valid permit issued in accordance with Article 6 of this Order, the Scheme Operating Conditions on such days and during such hours as identified within the plan and as detailed in the Schedule to this Order.
 - (2) The limits of each parking bay within each Permit Holder parking place shall be indicated, by the Council, on the carriageway by the appropriate traffic signs.

Manner of Standing in Parking Places

- 8. (1) Every vehicle left in a parking place, identified in Article 6 within the plan and detailed in the Schedule to 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.

- (2) Where a vehicle has been left in a parking place, 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 6 of this Order;
 - (b) the vehicle, or any part of it, is not within the limits of any adjoining parking place.

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 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 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) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (2) A civil 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, 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 part thereof, in pursuance of paragraph (1) or (2) of this Article.
- (3) 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.

Class and position of Vehicle

10. (1) No person shall cause or permit any vehicle, other than the permitted classes of vehicles, to use the parking places identified in Article 3 and as specified in the Schedules to this order;
- (2) Every vehicle left in a parking place, specified in Article 3 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 the Schedule of this Order, in accordance with those provisions;

Relocation and Removal of Vehicles and Other Equipment

11. (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 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 an enforcement officer 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.

Part VI

Exemptions

12. (1) Nothing in Article 6 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:-
 - (i) building or demolition;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or re-construction 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.
- (2) Nothing in Article 6 of this Order shall apply to any liveried vehicle being used for police, fire & rescue service or ambulance purposes in pursuance of statutory duties.
- (3) Nothing in Article 6 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 6 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 the picking up or setting down of passengers.
- (6) Nothing in Article 6 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;

Part IV

Saving

13. 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.
14. 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.

Contravention and Enforcement

- 15. (1) If a vehicle is in contravention of a provision of this Order a penalty charge shall be payable.
- (2) 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 V

Authority to modify or suspend restrictions

- 16. The Council's Director of Regeneration and Local Services 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:-
 - a) In the interests of the expeditious, convenient and safe movement of traffic; or
 - b) For preserving or improving the amenities of the area through which any road affected by the Order runs.

SCHEDULE

Plan drawing reference: TM/40038/18/0502

Item No.	Location
1	Viaduct Arches, off street parking bays at the southern end of Lambton Street, Durham City

GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM ON THE 21st DAY OF FEBRUARY 2019

.....
Authorised Sealing Officer



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