

**THE COUNTY COUNCIL OF DURHAM
(DURHAM - NORTH END AREA)
(PARKING AND WAITING RESTRICTIONS)
ORDER 2011**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32, 35, 45, 46, 46A, 47 and 49 to the Road Traffic Regulation Act 1984, as amended, ("the Act") and Part 6 of The Traffic Management Act 2004, as amended, 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 (Durham – North End Area) (Parking and Waiting Restrictions) Order 2011 and shall come into operation on 26 September 2011

Part II

Interpretation

2. In this Order the following expressions have the meanings hereby respectively assigned to them:-

"carer" means a person providing care and attending a person who is a resident.

"civil enforcement officer" means a person pursuant to the provisions of Section 76 of the Traffic Management Act 2004;

"contractor" means a person or persons working at the address of a resident.

"credit card" has the same meaning as in Section 35A of the Act;

"debit card" has the same meaning as in Section 35A of the Act;

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

"driver" in relation to a vehicle parked in a parking place means the person driving or riding the vehicle at the time it was left in the parking place;

"dual purpose vehicle" has the same meaning as in Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986, as amended;

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

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and which has an unladen weight not exceeding 7.5 tonnes and is not drawing a trailer;

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

"medical/health care professional" means a person (being a doctor, nurse or similar qualified professional) attending a patient/client who is a resident;

"motor cycle" has the same meaning as defined by Section 136 of the Act;

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

"owner" in relation to a vehicle, shall mean the person by whom it is kept or used;

"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 or by traffic signs;

"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 designated as a parking place under the provisions of this Order;

"passenger vehicle" means a motor vehicle (other than a motor cycle) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

"penalty charge" means a charge pursuant to the provisions of Section 77 of the Traffic Management Act 2004; and "The Civil Enforcement of Parking Contraventions (England) General Regulations 2007"

"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; and "The civil Enforcement of Parking Contraventions (England) General Regulations 2007"

"permit" means a permit and a "valid permit" issued under the provisions of Article 3 of this Order;

"permit holder" means a person to whom a permit has been issued under the provisions of Article 3 of this Order;

"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.

"resident" means a person whose usual residence, either private or business, is at premises the postal address of which is in any street or part of a street specified in Schedule 1 to this Order;

"scheme operation 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; and

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

"visitor's permit" means a permit issued to a resident for a visitor in accordance with the provisions of Article 3 of this Order.

Part III

Permit Holders - Parking Places

3. (1) The areas of highway identified in the Masterplan and within the individual plans detailed in Schedule 1 to this Order are hereby authorised as Permit Holder parking places.
- (2) Each parking place identified in the Masterplan and within the individual plans detailed in Schedule 1 to this order, authorised under paragraph (1) of this Article may be used for the leaving of motor vehicles and motor cycles of a type specified in paragraph (3) of this Article, between the hours of 8am and 6pm Monday to Saturday which displays a valid permit issued in accordance with this Order.
- (3) Any resident being the owner of a passenger vehicle, dual purpose vehicle, goods vehicle not exceeding 7.5 tonnes in weight or 6 metres in length, invalid carriage and resides or carries out business in the streets specified in Schedule 1 to this Order, may apply to the Council for the issue of a residents permit to enable them to park in the appropriate parking place(s) as defined in the Scheme Operation Conditions, as amended from time to time.
- (4) Any resident who resides in the streets identified in the Masterplan and within the individual plans detailed in Schedule 1 to this Order, may apply to the Council for the issue of a visitors' permit for visitors to their residence, such person being the owner of a vehicle of a type specified in paragraph (3) of this Article, to enable them to park in the appropriate parking place(s) as defined in the Scheme Operation Conditions, as amended from time to time.
- (5) Any resident who resides in the streets identified in the Masterplan and within the individual plans detailed in Schedule 1 to this Order, may apply to the Council for the issue of a carers' permit for the purpose of a carer visiting them at their residence, such person being the owner of a vehicle of a type specified in paragraph (3) of this Article, to enable them to park in the appropriate parking place(s) as defined in the Scheme Operation Conditions, as amended from time to time.
- (6) A medical/health care professional, being the owner of a vehicle of a type specified in paragraph (3) of this Article, identified by the Health Care Trust may be issued with a permit to enable them to park in the appropriate parking place(s), **WHILST ATTENDING** to a patient/client who resides in one of the streets identified in the Masterplan and within the individual plans detailed in Schedule 1 as defined in the Scheme Operation Conditions, as amended from time to time.
- (7) A builder/contractor, being the owner of a vehicle of a type specified in paragraph (3) of this Article, may apply to the Council for the issue of a permit to enable them to park in the appropriate parking place(s), **WHILST WORKING** at an address in

one of the streets identified in the Masterplan and within the individual plans detailed in Schedule 1.

- (8) An application for a 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 (20) of this Article, as is appropriate in respect of the permit for which application is made.
- (9) 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.
- (10) 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 (12) below.
- (11) 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 13 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.
- (12) The events referred to in paragraphs (10) and (11) above of this Article are:
 - (a) the permit holder ceasing to be a resident;
 - (b) the medical/health care professional or carers' patient/client ceasing to be a resident as defined in this Order;
 - (c) 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 Article 3 of this Order.
 - (d) a builder/contractor ceasing to work at a residential address as defined in this Order.
 - (e) a visitor ceasing to have any connection or any reason to visit a resident at a residential address as defined in this Order.
 - (f) a carer ceasing to visit a resident at an address as defined in this Order.
- (13) 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 (12) of this Article, whichever is the sooner.
- (14) 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.
- (15) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a replacement permit.
- (16) Upon the issue of a replacement permit, by virtue of the provisions of paragraphs (14 and 15) of this Article, the permit which it replaces shall become invalid.

- (17) A permit shall be in writing and shall include such information or particulars which the Council may determine including:-
- (i) The expiry date of the permit or the period during which, subject to paragraph (10) of this Article, the permit shall remain valid;
 - (ii) An authentication that the permit has been issued by the Council.
- (18) On receipt of an application, made under the foregoing provisions of this Article, the Council, upon being satisfied that the applicant is a resident, a medical/health care professional or Contractor may issue a permit subject to the Scheme Operation Conditions.
- (19) The Council may levy a charge in connection with the issue of a permit, subject to the provisions of this Order and where such charge is levied shall either be:-
- (a) for a resident's vehicle thirty pounds (£30.00) for each permit subject to a maximum number as detailed in the Council's Scheme Operation Conditions **ONLY FOR USE** between the hours of 8.00am – 6.00pm Monday to Saturday.
 - (b) for a visitor's vehicle three pounds (£3.00) for 2 books of resident visitor permit scratch cards subject to a maximum number as detailed in the Council's Scheme Operation Conditions **ONLY FOR USE** between the hours of 8.00am – 6.00pm Monday to Saturday.
 - (c) for vehicles belonging to visitors of hotels/guesthouses three pounds (£3.00) for 4 books of visitor permit scratch cards subject to a maximum number as detailed in the Council's Scheme Operation Conditions **ONLY FOR USE** between the hours of 8.00am – 6.00pm Monday to Saturday.
 - (d) for builder/contractor's vehicle twenty pounds (£20.00) for each permit **ONLY FOR USE** between the hours of 8.00am – 6.00pm Monday to Saturday .
 - (e) 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 Operational Conditions, as amended from time to time.
- (20) 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 referred to in paragraph (18) of this Article are readily visible from outside the vehicle.
- (21) When a permit has been displayed on a vehicle in accordance with the provisions of paragraph (19) 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.
- (22) 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 IV

Parking Places – Limited to 3 hours no return

4. (1) The areas of highway identified in the Masterplan and within the individual plans detailed in Schedule 2 to this Order are hereby authorised as parking places.
- (2) Each parking place identified in the Masterplan and within the individual plans detailed 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 at any time as may be specified in those Schedules 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 and the maximum number of parking bays shall be identified in the Masterplan and within the individual plans detailed in Schedule 2 to this Order.
- (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 identified in the Masterplan and within the individual plans detailed in Schedule 2 to this Order or to return within the period also specified in that Schedule.

Part V

Parking Places – General

Manner of Standing in Parking Places

5. (1) Every vehicle left in a parking place, specified in Articles 3 and 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 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 too 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 in accordance with the provisions of this Order;
- (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 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 bay at times of weddings, funerals or on other special occasions.
- (2) An enforcement officer or 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 or loading bay, 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 part thereof, in pursuance of paragraph (1) or (2) of this Article.

Removal of Vehicles and Other Equipment from Parking Places

- 7. (1) Where a enforcement officer or 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 6 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 or civil enforcement officer, in cases of emergency, may move or cause to be moved vehicles left in a parking place to any place he things 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 enforcement officer or civil enforcement officer constitutes a contravention of this order.
- (4) Where a vehicle or other equipment has been removed under the provision of paragraphs (1) and (3) of this article the Council will recover from its owner the expenses reasonably incurring in doing so.

Part VI

No Waiting At Any time

- 8. Save as provided in Article 9 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 roads identified in the Masterplan and within the individual plans detailed in Schedule 3 to this Order.

Part VII

Exemptions

9. (1) Nothing in Articles 3, 4 or 8 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:-
- 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;
 - (a) 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;
 - (b) 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 8 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 Articles 3, 4 or 8 of this Order shall apply to official vehicles being used in connection with weddings or funerals.
- (4) Nothing in Article 4 or 8 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).
- (5) Nothing in Article 8 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 identified in the Masterplan and within the individual plans detailed in Schedules 1,2 and 3 of this Order for so long as may be necessary to enable:-
- (a) the picking up or setting down of passengers; or
 - (b) goods to be loaded onto or unloaded from the vehicle.

Part VIII

Contravention & Enforcement

10. If a vehicle is in contravention of any provision of Articles 3, 4 or 8 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 IX

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.

Schedule 1

Parking Places - Permit Holders only Monday – Saturday 8am – 6pm

Plan reference numbers:
DX142, DW142, DW141, DV142, DV141

Schedule 2

Parking Places At Any Time Limited 3 hours no return

Plan reference numbers:
DW142, DW141

Schedule 3

No Waiting At Any Time

Plan reference numbers:
DX142, DW142, DW141

GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL ON 15 SEPTEMBER 2011

Patricia Horsey

Authorised Sealing Officer



North End Area

DV142

DW142

DX142

DV141

DW141




A167 NEWCASTLE ROAD

ST. LEONARDS RC
COMPREHENSIVE SCHOOL

COUNTY HALL

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LEGEND:

-  No Waiting At Any Time
-  Permit Holders Only, Monday-Saturday, 8am-6pm
-  Parking Places, Monday-Saturday, 8am-6pm, limited to 3 hours, no return before 6pm

PATH:

Rev/ Amdt	Drawn By		Approved By			Description Of Amendments
	Name	Date	Name	Date	Sign	
	R.Smith	April 2011				



STRATEGIC
TRAFFIC
MANAGEMENT
CORPORATE DIRECTOR OF
REGENERATION & ECONOMIC
DEVELOPMENT
COUNTY HALL, DURHAM. DH1 5UQ

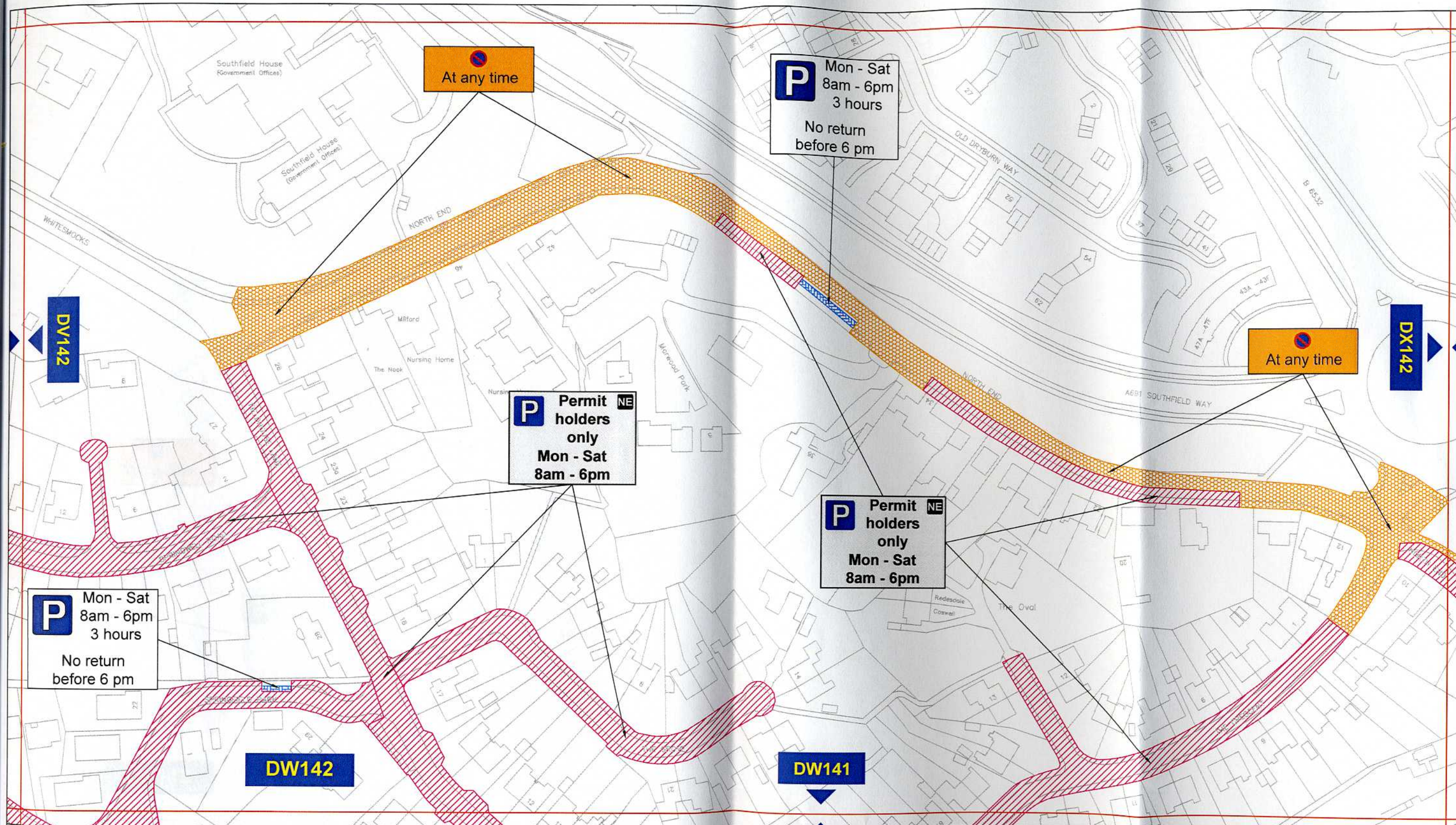
Project
North End Area: Permit Parking Area

Drawing
Masterplan




Scales
1:2500@A3

Project/Drawing No.
TM/40038/11/14

Rev.



Key to Types of Restriction

-  No Waiting At Any Time
-  Restricted Bay
-  Permit Holders Only

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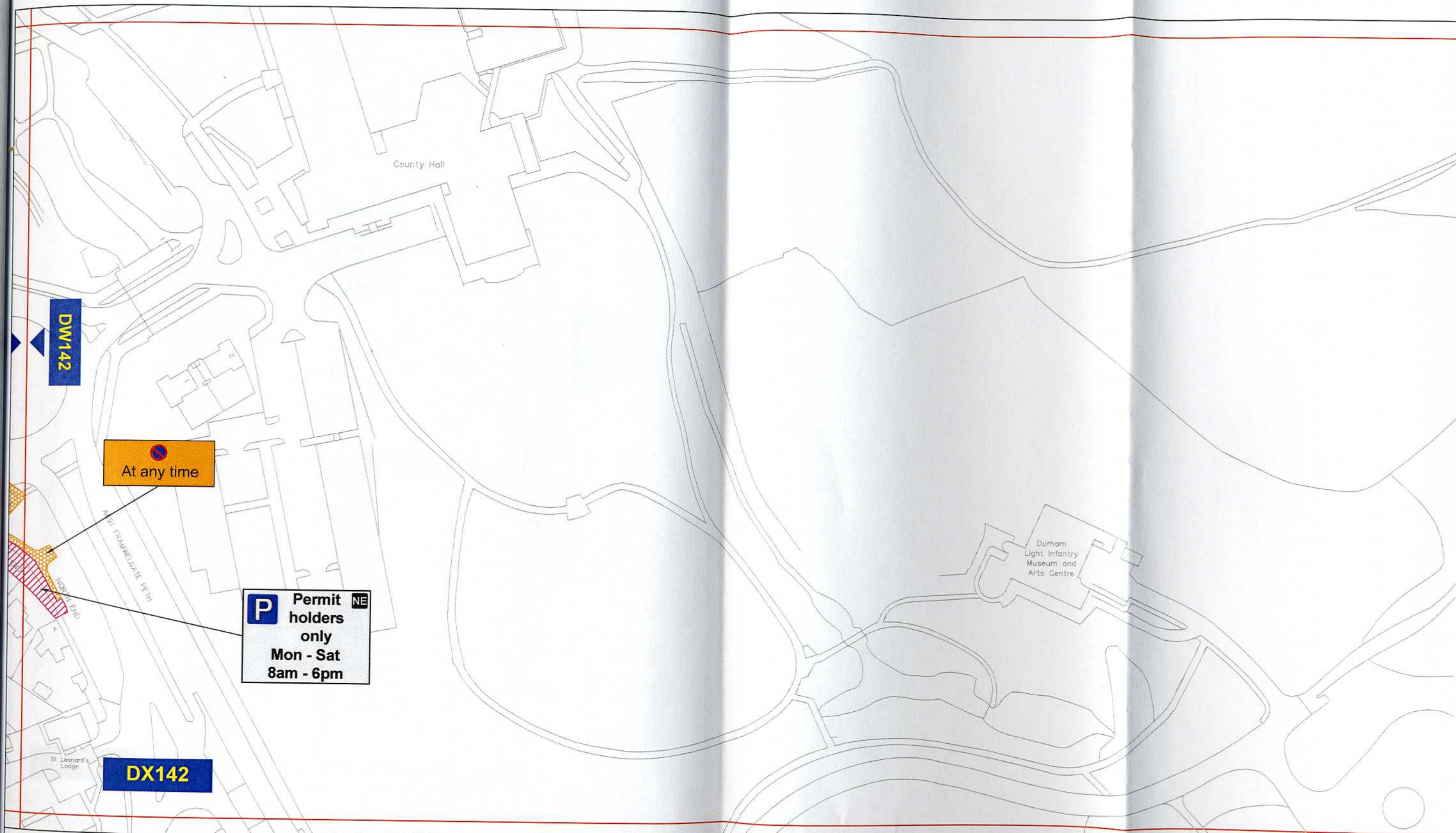
Corporate Director
Regeneration & Economic
Development

Strategic Traffic Management
County Hall, Durham DH1 5UQ

THE COUNTY COUNCIL OF DURHAM NORTH END AREA PARKING AND WAITING RESTRICTIONS ORDER 2011



Scale:	1:1250 @ A3		
Date:	March 2011		
Drawn by:	R.Smith	Signature:	
Date Sealed:	15.9.11	Map Schedule:	DW142



Key to Types of Restriction

-  No Waiting At Any Time
-  Permit Holders Only

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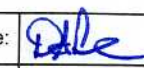


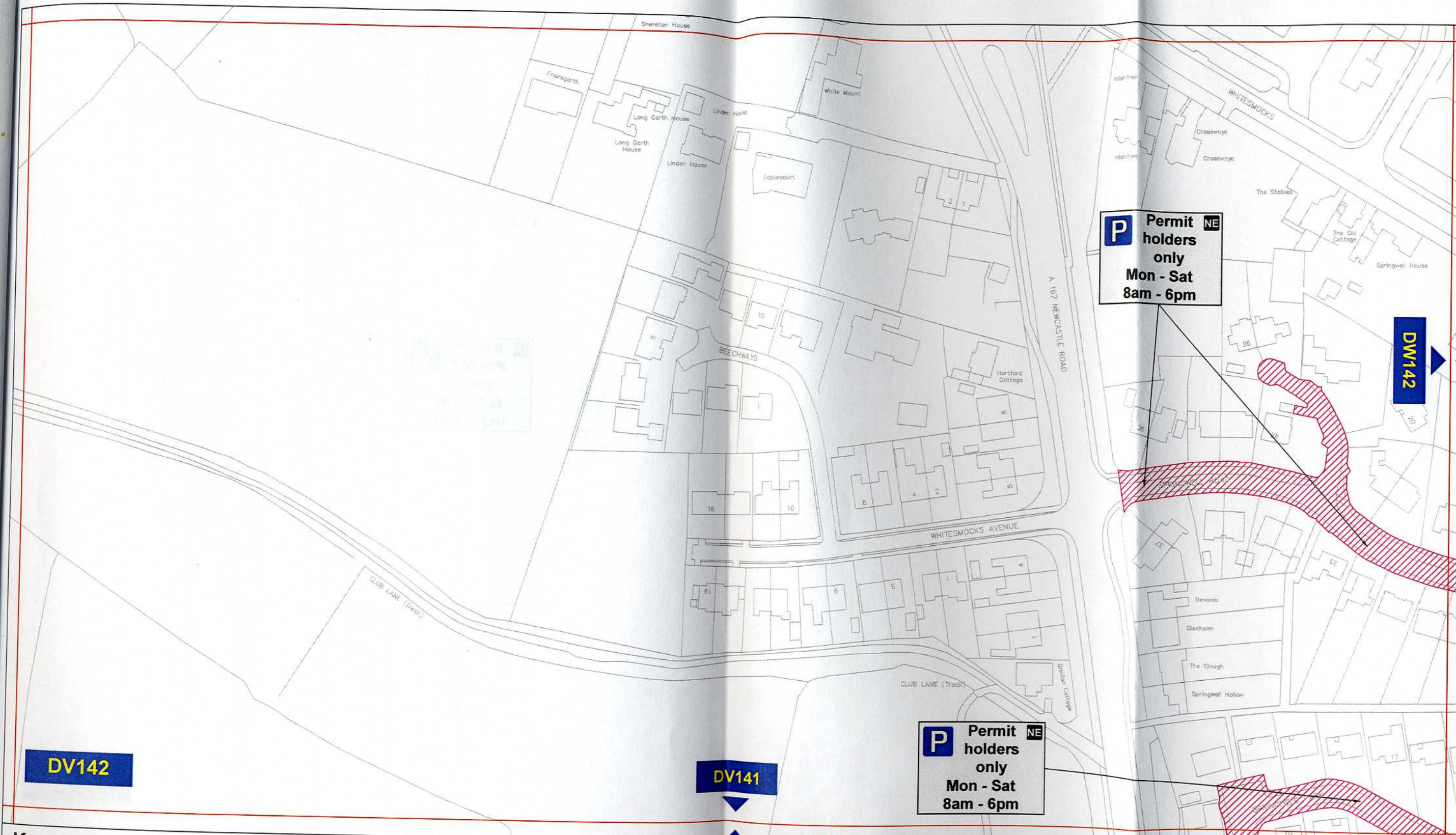
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THE COUNTY COUNCIL OF DURHAM NORTH END AREA PARKING AND WAITING RESTRICTIONS ORDER 2011



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Date:	March 2011		
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Date Sealed:	15.9.11	Map Schedule:	DX142



Key to Types of Restriction

 Permit Holders Only

2.4.11




Corporate Director
Regeneration & Economic
Development

Strategic Traffic Management

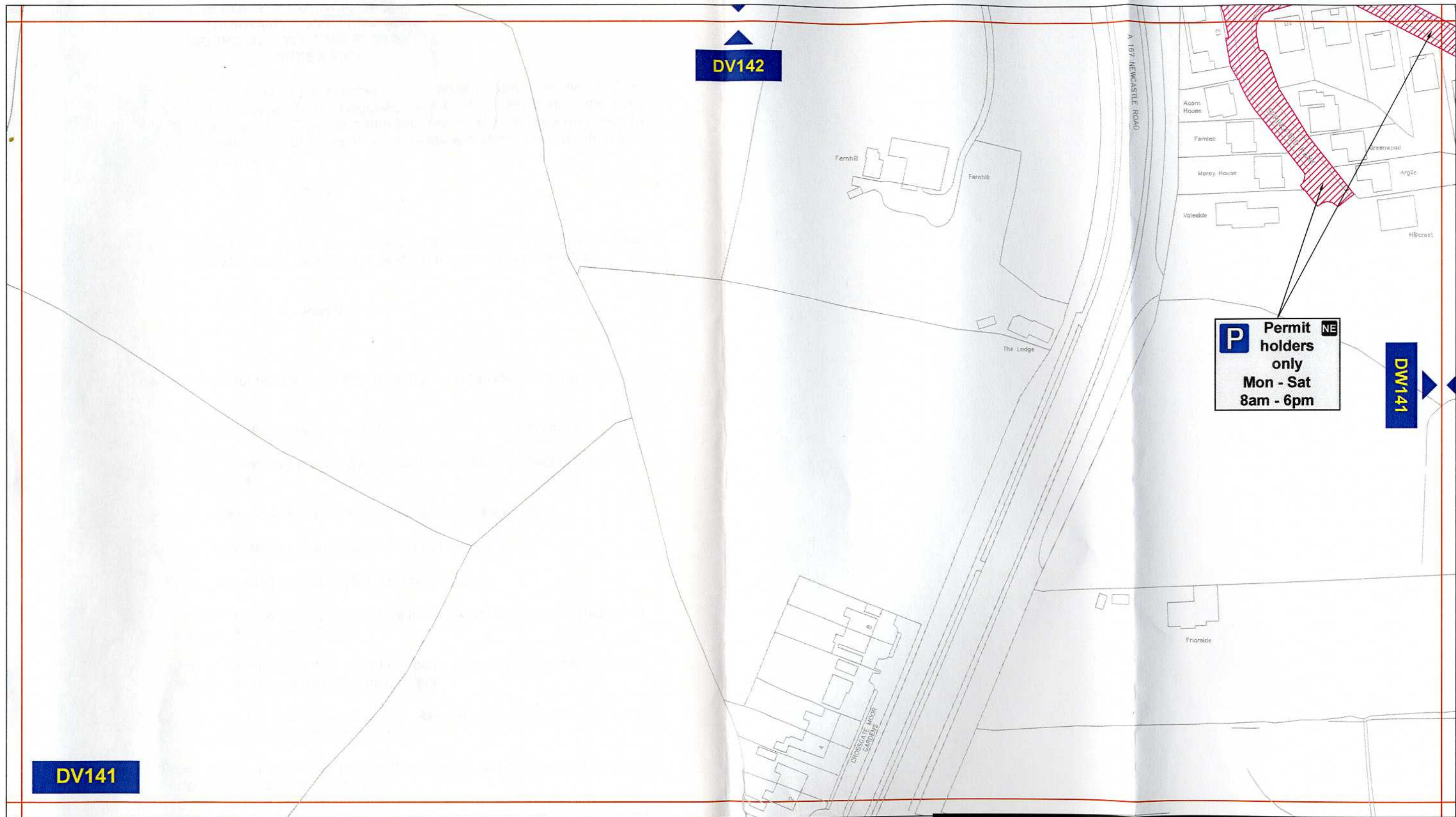
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THE COUNTY COUNCIL OF DURHAM NORTH END AREA PARKING AND WAITING RESTRICTIONS ORDER 2011


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	Date:	March 2011	
	Drawn by:	R.Smith	Signature: <i>DR</i>
	Date Sealed:	15.9.11	Map Schedule: DV142

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Key to Types of Restriction

 Permit Holders Only

Stuart



Corporate Director
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THE COUNTY COUNCIL OF DURHAM NORTH END AREA PARKING AND WAITING RESTRICTIONS ORDER 2011



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