

**THE COUNTY COUNCIL OF DURHAM
(DURHAM CITY)
(OFF STREET PARKING PLACES) ORDER 2008 (AMENDMENT NO 1)
ORDER 2019**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32, 33, 35, 35A, 35B, 35C and Part IV of Schedule 9 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

This Order may be cited as The County Council of Durham (Durham City) (Off Street Parking Places) Order 2008 (Amendment No 1) Order 2019 and shall come into operation on the ~~23rd~~ ^{30th} Day of September 2019

PART II

Amendment to Principle Order

The following Order is to be amended: The County Council of Durham (Durham City) (Off Street Parking Places) Order 2008

Amendments

Articles

1. Article 2 (Interpretation)

New definitions have been inserted which read:

"permit holder" means a person to whom a permit has been issued under the provisions of Article 7 of this order;

"valid permit" means a permit issued under the provisions of Article 7 of this Order.

"trader" means a person being a licensed market stall holder at the Durham City Market

2. A new Article 7 has been inserted which reads:

Permits

7. (1) Any trader who is the owner of a motor vehicle may apply to the Council for the issue of a permit to enable the vehicle to use the parking place specified in Schedule 1 to this Order, on the days and during the times specified in that Schedule.
- (2) An application for a permit shall be made on a form issued by the Council or its agent and shall be returned, when completed, to the Council or its agent.

- (3) The Council or its agent may at any time require an applicant for a permit to produce to an officer of the Council or the agent such evidence in respect of an application as they may reasonably require to verify any particulars or information given to them.
- (4) On receipt of an application, made under the foregoing provisions of this Article, the Council or its agent, upon being satisfied that an applicant is a trader may issue a permit in respect of that traders vehicle to enable it to wait in the parking place referred to in paragraph (1) of this Article.
- (5) A permit holder may surrender a permit to the Council or its agent at any time and shall surrender a permit to the Council or its agent on the occurrence of any of the events set out in paragraph (7) of this Article.
- (6) The Council or its agent 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 persons residence, withdraw a permit if it appears to the Council or its agent that any of the events set out in paragraph (7) of this Article has occurred and the permit holder shall surrender the permit to the Council or its agent within 48 hours of the receipt of such Notice.
- (7) The events referred to in the foregoing provisions of this Article are:-
 - (a) the permit holder ceasing to be a trader;
 - (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued; or
 - (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 this Article.
- (8) A permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any of the events set out in paragraph (7) of this Article, whichever is the sooner.
- (9) 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 or its agent and may apply to the Council or its agent for the issue of a replacement permit.
- (10) If a permit is lost or destroyed, the permit holder may apply to the Council or its agent for the issue of a replacement permit.
- (11) The provisions of this Article shall apply to a replacement permit and an application for such a permit as if it were a permit or, as the case may be, an application for a permit.

- (12) Upon the issue of a replacement permit, by virtue of the provisions of paragraphs (9) and (1) of this Article, the permit it replaces shall become invalid.
- (13) 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 (5) of this Article, the permit shall remain valid;
 - (ii) an authentication that the permit has been issued by the Council; and
 - (iii) the registration mark of the vehicle for which the permit has been issued.
- (14) When a vehicle, for which a permit has been issued, is left in a parking place, designated under Article 7(3) of this Order, there shall be displayed on the front of the vehicle a valid permit so that the information and particulars referred to in paragraph (13) of this Article are readily visible from outside the vehicle.
- (15) When a permit has been displayed on a vehicle in accordance with the provisions of paragraph (14) 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.
- (16) Where an authorised officer of the Council or its agent has reasonable cause to believe that a permit issued in accordance with the 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.

Schedule

1. An amendment to item 3 listed in Schedule 1 of this Order to make provision for Market Trader Permit Holder Only Parking which reads:

SCHEDULE 1 ADDITIONS

**THE COUNTY COUNCIL OF DURHAM (DURHAM CITY) (OFF STREET PARKING PLACES) (AMENDMENT NO 1)
ORDER 2019 – Parking bays to which Market Trader Permit Holders apply**

| 1 Item No | 2 Location | 3 Position in which vehicle may wait | 4 Class of Vehicle | 5 Days of Operation of Car Park | 6 Charging Hours | 7 Scale of Charges |
|--------------|---|---|---|------------------------------------|------------------------------------|---|
| 1 | Providence Row Car Park opposite no 1 for 10 bays in a south westerley direction. | At right angles to Providence Row carriageway | Reserved for Market Permit Holders only | Saturday 6am - 10am | Monday to Saturday 8.00am - 6.00pm | 0-2 hours: £1.20 2-3 hours: £1.80 3-4 hours: £2.40 4-5 hours: £3.00 5-6 hours: £3.60 over 6 hours: £6.00 |

PART III

Savings

1. 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.
2. 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.

GIVEN UNDER THE COMMON SEAL)
OF THE COUNTY COUNCIL OF DURHAM)
ON THE 16th DAY OF SEPTEMBER 2019)

Alvick

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Authorised Sealing Officer



