

**THE COUNTY COUNCIL OF DURHAM
(USHAW MOOR)
(PROHIBITION & RESTRICTION OF WAITING) ORDER 2011**

The Durham County Council ("the Council") in exercise of their powers under Sections 1, 2 and 4 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 (Ushaw Moor) (Prohibition & Restriction of Waiting) Order 2011 and shall come into operation on 25 June 2012.

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 (Badges 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 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 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 persons' 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 parking disc:-

(a) in the case of vehicle fitted with a dashboard or fascia panel, the disc 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 the vehicle;

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

Part II

Parking Places : Monday to Saturday 8am-6pm No return before 6pm

3. (1) The areas of highway identified within the individual plans detailed in Schedule 1 to this Order are hereby designated as parking places.
- (2) Save as provided in Article 9 of this Order each Parking Place designated under paragraph (1) of this Article may be used for the leaving of motor vehicles and motor cycles only on such days and during such hours and for a period not exceeding the maximum stay identified within the individual plan(s) detailed in Schedule 1 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.

Manner of Standing in Parking Places

4. (1) Every vehicle left in a parking place or loading bay, identified within the individual plan detailed in Article 3 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.

- (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 300 mm of the carriageway indication provided under paragraph (3) of Article 3 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

5. (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 bay, or the maintenance, improvement or reconstruction of the parking place or 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 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 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, 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 or loading bay, 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 loading bay or part thereof, in pursuance of paragraph (1) or (2) of this Article.

- (5) No person shall use a parking place 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 skills or services.

PART III

Prohibition of Waiting At Any Time

6. Save as provided in Article 7 of this Order no person shall, except upon the direction or with the permission of an enforcement officer or a civil 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 within the individual plan detailed in Schedule 2 to this Order.

PART IV

Exemptions

7. (1) Nothing in Articles 3 or 6 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads or sides of lengths of road 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;
 - (c) 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;
 - (d) 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;
 - (e) the vehicle to be used for the purpose of delivering or collecting postal packets in the service of a universal services provider.
- (2) Nothing in Articles 3 or 6 of this Order shall apply to any liveried vehicle being used for police, fire brigade or ambulance purposes.

- (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).

Part V

Contravention and Enforcement

8. If a vehicle is in contravention of a provision of this Order, other than a provision relating to a moving traffic offence, a penalty charge shall be payable.
9. 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 VI

Saving

10. 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.
11. 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 or under any other enactment.

Schedule 1

Parking Places : Monday to Saturday 8am-6pm No return before 6pm

Plan ref: DP139

Schedule 2

Prohibition of Waiting At Any Time

Plan ref: DP139

GIVEN UNDER THE COMMON SEAL
OF THE COUNTY COUNCIL OF DURHAM
ON 14 JUNE 2012



Authorised Sealing Officer



REPORT FOR DELEGATION OF APPROVAL

22 March 2011

TRAFFIC REGULATION ORDER (TRO)

Purpose

To consider the introduction/amendment of a TRO at:

LOCATION

B6302 Broom Lane, Ushaw Moor

Information

Background/Reason for TRO

The initial issue of long term parking in the existing lay-bys was highlighted a number of years ago by the Hunter's Gate Resident Group as an area of concern. The area office are also aware of issues with double parking causing obstruction to the road by motorists wishing to use the local amenities being unable to access the lay-bys due to all day parking.

Since the original contact the Ushaw Moor Action Group also raised the issue directly with Cllr J Wilkinson and he made representations to Northern Area and agreed to fund a scheme to look at introducing limited waiting within the two no. existing laybys.

Options considered and reason for preferred option

We initially went to consultation on a limited waiting of 2 hours no return to be operational 24 hours a day seven days a week. Taking into account the views from the residents, Cllr Wilkinson and the businesses received during the informal consultation stage we are now progressing to legal advertisement a reduced restriction of limited waiting 2 hours no return between 08.00 and 18.00 Monday to Saturday only.

Consequences/knock on effect if any (if none then please state 'no apparent consequences')

It is likely that the all day parking which currently occurs will be displaced. However there are alternative car parking areas within a very short walking distance of the existing lay-bys. As part of these concerns Cllr Wilkinson has also agreed to fund alterations to the road markings on Station Road to formalize parking bays both side of the road to increase the available on street parking facilities. I

Summary of informal consultation (when and comments received)

47 letters were sent out to the directly affected properties on the 5th November 2010 with a response date of 30th November for receipt of comments. The statutory consultees were also consulted on that date. From the statutory consultation we received a response in favour from Durham Constabulary and Cllr J Wilkinson. A response was received against the proposals from Brandon and Byshottles Parish Council.

Of the 47 directly affected properties we received 15 response cards of these 8 were in favour of the proposals and 7 were against.

Representation 1:

Four of the objectors and the Parish Council raised the concerns that the all day parking would transfer to the other side of the road.

Response:

Whilst this may occur it should be noted that the highway outside of a persons property is not reserved for their sole use and is open to all highway users. It is hope that by reducing the length of the limited waiting operation period from 24 hours a day to 08.00 to 18.00 parking would become available in the existing laybys for the residents outside of that time period.

Representation 2:

One objector raised the fact that there is not a problem on the site – don't waste money painting lines. Reduce council tax instead.

Response:

Complaints have shown that there is an ongoing issue of short term parking for businesses as this has been raised from a number of sources over a period of time. *We are unable to comment on the issue of council tax.*

Representation 3:

One objector raised the issues that they are a hairdressers and some of their clients take longer than the two hours.

One objector raised the issue that he parks his vehicle outside his shop all day and night.

The Parish Council raised the issue of the detrimental effect the waiting restrictions would have on the businesses

Response:

Whilst we appreciate the businesses concerns and the Parish Council we have looked at the issue in other areas where limited waiting has been

introduced in the vicinity of businesses and 2 hours is the standard time at these locations. Unfortunately we have to consider the needs of the other businesses in the local vicinity and take on board their requirements also. As previously noted there are alternative parking facilities within a very short distance of the businesses which could be utilised by the objectors and their clients. It is hoped that by limiting parking the passing trade will increase for the businesses.

Three of the existing businesses were happy with the proposals and one even suggested that it did not go far enough. The introduction of the limited waiting would increase the flexibility of the parking arrangement for the benefit of the local community.

Local Members comments/support

Cllr Wilkinson has provided his support to these proposals. No official comment has been received from Cllr Chaplow.

Recommendation

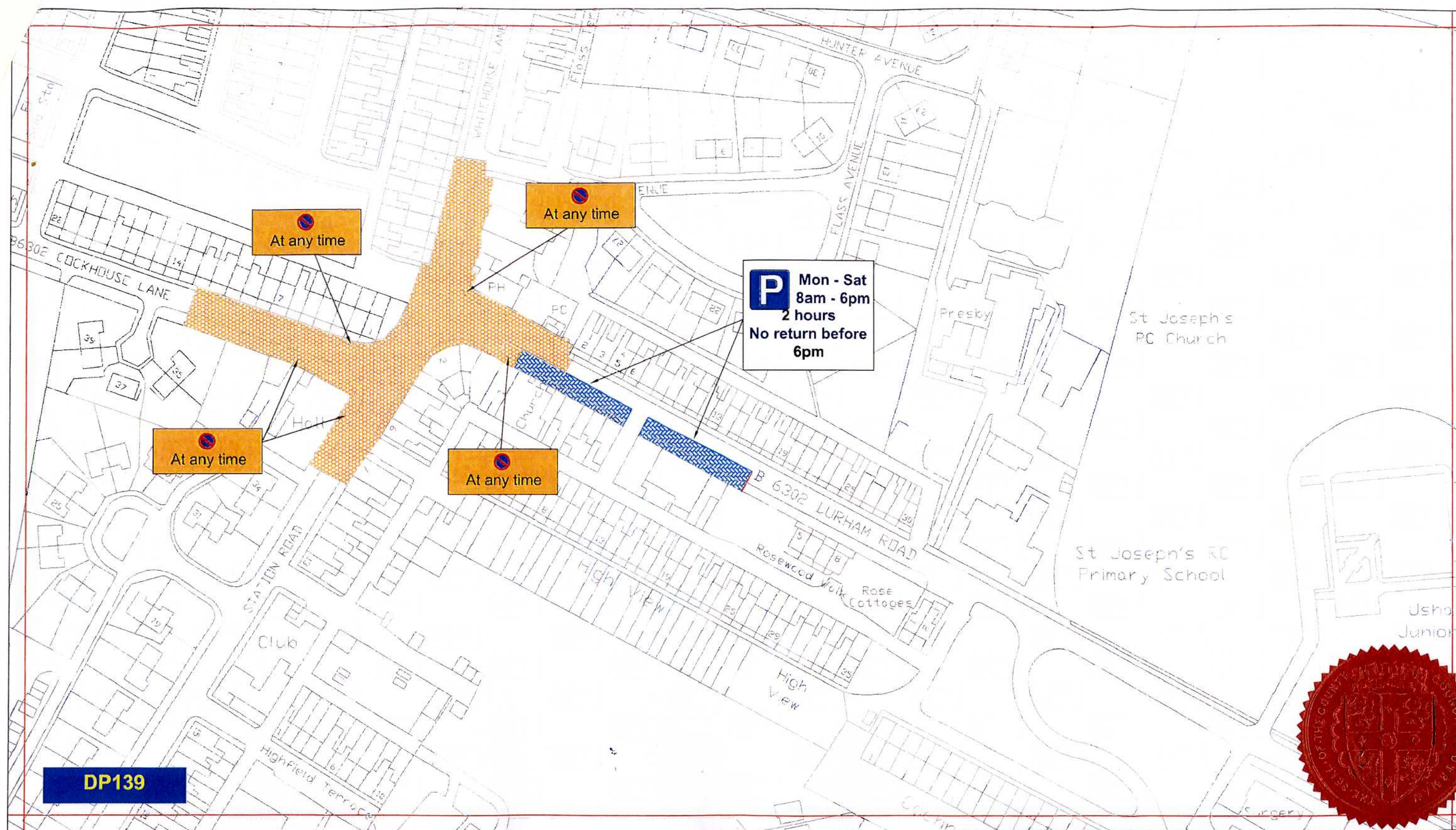
It is RECOMMENDED that the TRO be progressed to advert.

Background Papers

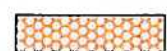
Contact Officer

Name Nicola Battensby

Ext 0191 332 4400



Key to Types of Restriction



No Waiting At Any Time



Restricted Bay

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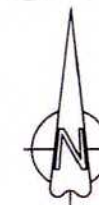


Corporate Director
Regeneration & Economic
Development

Strategic Traffic Management

County Hall, Durham DH1 5UQ

THE COUNTY COUNCIL OF DURHAM
USHAW MOOR,
PROHIBITION and RESTRICTION of WAITING ORDER
2011



Scale: 1:1250 @ A3

Date: MAY 2011

Drawn by: A. Gleason

Date Sealed: 14/6/12

Signature:

Map Schedule: DP139