

**THE COUNTY COUNCIL OF DURHAM
(CLAYPATH & A690 CLAYPATH : ONE WAY & TWO WAY SLIP ROADS,
DURHAM CITY)
(EXPERIMENTAL TRAFFIC MANAGEMENT)
ORDER 2012**

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
GENERAL**

Citation & Commencement

1. This Order may be cited as The County Council of Durham (Claypath & A690 Claypath : One Way & Two Way Slip Roads, Durham City) (Experimental Traffic Management) Order 2012 and shall come into operation on 26 October 2012.

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" has the same meaning 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;
 - "loading bay" means an area of highway designated as a loading bay under the provisions of this Order;
 - "motor vehicle" has the same meaning as in Section 136 of the Act;
 - "parking bay" means an area of a parking place which is provided for the leaving of vehicles and indicated by markings on the surface of the parking place;
 - "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.
 - "parking place" means an area of highway authorised as a parking place 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";

"taxi" has the same meaning as "Hackney Carriage" as defined in S 80(1) of the Local Government (Miscellaneous Provisions) Act 1996

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

Part II

Suspensions & Revocations

3. The Orders detailed in Schedule 1a of this Order are hereby suspended in part for the duration of this Order. The Orders detailed in Schedule 1b of this Order are hereby revoked in their entirety.

Part III

Prohibition of Waiting At Any Time, except taxis, 8am to 9pm

4. Save as provided in Article 13 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 motor vehicle to wait between the hours of 8am and 9pm, except taxis, on any of the lengths of roads, or sides of lengths of roads specified in Schedule 2 to this Order.

Prohibition of Waiting 6pm - 8am, except taxis

5. Save as provided in Article 13 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 motor vehicle to wait between the hours of 6pm and 8am, except taxis, on any of the lengths of roads, or sides of lengths of roads specified in Schedule 3 to this Order.

Prohibition of Waiting At Any Time

6. Save as provided in Article 13 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 motor vehicle to wait at any time on any of the lengths of roads, or sides of lengths of roads specified in Schedule 4 to this Order.

Prohibition of Waiting and Loading/Unloading At Any Time

7. Save as provided in Article 13 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 motor vehicle to:
 - a) wait at any time on any of the lengths of roads or sides of lengths of roads identified in Schedule 5 to this Order; or

- b) wait for the purpose of enabling goods to be loaded onto or unloaded from the vehicle on any of the lengths of roads or sides of lengths of roads identified in Schedule 5 to this Order

No Loading At Any Time

8. Save as provided in Article 13 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 wait in the lengths of roads or sides of lengths of roads specified in Schedule 6 to this Order for the purpose of enabling goods to be loaded onto or unloaded from the vehicle, unless the vehicle is in actual use for the purpose of delivering or collecting postal packets in the service of a universal service provider.

Loading Only Monday to Saturday 8am - 6pm

9. (1) The areas of highway identified in Schedule 7 to this Order are hereby authorised to be used as loading bays, subject to the provisions of this Order, for the waiting of vehicles for the purpose of loading or unloading goods only on such days and during such hours as identified in that Schedule.
- (2) Save as provided in Article 13 of this Order no person shall cause or permit any vehicle, other than a vehicle loading or unloading goods, to wait in a loading bay Monday to Saturday 8am to 6pm; as identified in Schedule 7 to this Order.
- (3) The limits of each loading bay shall be indicated, by the Council, on the carriageway by the appropriate traffic signs.
- (4) Every vehicle using a loading bay shall so stand so that every part of the vehicle is wholly within the loading bay AND in those cases where special provision is made is identified in Schedule 7 to this Order, in accordance with those provisions,

Parking : Disabled Badge Holders Only Monday to Saturday 8am – 6pm 3 hours no return before 6pm

10. (1) The areas of highway described in Schedule 8 to this Order are hereby authorised as parking places.
- (2) Each parking place authorised under paragraph (1) of this Article may be used only by vehicles which display 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) on such days and during such hours as may be specified in Schedule 8 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 specified in Schedule 8 to this Order.
- (4) The driver of a disabled person's vehicle 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 specified in Schedule 8 to this Order or to return within the period also specified in that Schedule.

Part IV

Manner of Standing in Parking Places and Loading Bays

11. (1) Any vehicle left in a parking place or loading bay, specified in Articles 8, 9 and 10 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 parking bay within a parking place AND in those cases in which special provision is made in Schedules 6, 7 and 8 in accordance with those provisions.
- (2) Where a vehicle has been left in a parking place or loading bay, 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) or (2) of Articles 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 and Loading Bays

12. (1) Any person authorised by the Council may suspend the use of a parking place or loading bay or any part of it whenever he considers that 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 loading bay place or the maintenance, improvement or re-construction of the loading bay or the laying, erection, alteration, removal or maintenance in or adjacent to the 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 or loading bay 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 of loading bay at times of weddings, funerals or on other special occasions.
- (2) An enforcement officer may suspend the use of a parking place or loading bay or any part thereof, whenever such a 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 loading bay 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 loading bay, or part thereof, the use of which is suspended, a traffic sign indicating that waiting by vehicles is prohibited.
- (4) No person shall cause or permit a vehicle to wait in a parking place or loading bay or any part thereof, during such period as there is placed in or adjacent to that loading bay, or part thereof, 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 loading bay 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 or loading bay 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 skill or services.

Part V

Exemptions

13. (1) Nothing in Articles 4, 5, 6, 7, 8, 9 and 10 of this Order shall render it unlawful to cause or permit any vehicle to wait or stop 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 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, demolition or excavation;
 - (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;
 - (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 ;
 - (d) a bullion vehicle being used for the purpose of delivering or collecting bullion.
- (2) Nothing in Articles 4, 5, 6, 7, 8, 9 and 10 of this Order shall apply to a liveried vehicle being used for police, fire brigade or ambulance purposes in pursuance of statutory duties.

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- (3) Nothing in Articles 4, 5 and 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 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 roads or the sides of roads 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).
- (4) Nothing in Articles 7, 8, 9 or 10 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 in this Order for so long as may be necessary to enable the picking up or setting down of passengers.
- (5) Nothing in Articles 4, 5 or 6 of this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred to therein, for so long as it 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 VI

Contravention and Enforcement

14. If a vehicle is in contravention of any provision of this Order a penalty charge shall be payable.
15. 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 VII

Saving

16. 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.
17. 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.

PART VIII

Authority to modify or suspend restrictions

18. The Council's Corporate Director of Regeneration and Economic Development 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 1a
Orders to be suspended in part

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|----|---|-------|
| 1. | The County Council of Durham (Durham City North East) (Traffic Management) (Amendment) Order 2008, Schedule 3 (Item 10) and Schedule 4 (items 1, 2, 3, 4 and 5). | 3/35 |
| 2. | The County Council of Durham (Durham City District) (Traffic Management) (Amendment) Order 2009, Schedule 3 (items 3 and 4). | 2/25 |
| 3. | The County Council of Durham (Durham City Market Place Area) (Traffic Management) Order 2010, Schedule 3. | 2/27 |
| 4. | The County Council of Durham (Durham City North Road and Claypath) (Traffic Management) Order 2011, Schedule 3 (Item 2), Schedule 4 (Items 5, 6 and 7) and Schedule 6. | 1/108 |

Schedule 1b
Orders to be revoked in their entirety

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|----|--|------|
| 1. | The County Council of Durham (Durham City A690 / Claypath one way slip road) (Experimental Traffic Management) Order 2012. | 2/36 |
| 2. | The County Council of Durham (Durham City Claypath) (Experimental Traffic Management) Order 2012. | 2/31 |

Schedule 2
Prohibition of Waiting At Any Time, Except Taxis 8am – 9pm

Item No.	Location	Side of Road	Description
1	A690 / Unc 27.6 Claypath One-Way Slip Road	Northern	From a point 18 metres west of its junction with Claypath westwards for a distance of 30 metres

Schedule 3
Prohibition of Waiting 6pm – 8am. Except Taxis

Item No.	Location	Side of Road	Description
1	A690 Claypath Two Way Slip Road	South West	From a point 32 metres east of the centre line of its junction with the Unnamed Market Place / Saddler Street Link for a distance of 13.2 metres in a south easterly direction.
2	A690 Claypath Two Way Slip Road	South West	From a point 45.3 metres east of the centre line of its junction with the Unnamed Market Place / Saddler Street Link for a distance of 13.2 metres in a south easterly direction.

Schedule 4
Prohibition of Waiting At Any Time

Item No.	Location	Side of Road	Description
1	Unc 27.6 Claypath	North West	From a point 26.3 metres north east of the centre line of Providence Row in a south westerly direction to the centre line of the junction with the un-named Market Place / Saddler Street Link.
2	Unc 27.6 Claypath	South East	From a point 115.5 metres south west of the centre line of Providence Row in a south westerly direction to its junction with the A690 Claypath two way slip road.
3	Unc 27.6 Claypath	South East	From a point 48.4 metres south west of the centre line of Providence Row in a south westerly direction for a distance of 3.9 metres.
4	Unc 27.6 Claypath	South East	From a point 64 metres south west of the centre line of Providence Row in a south westerly direction for a distance of 17.4 metres..
5	Unc 27.6 Claypath	South East	From a point 37 metres south west of the centre line with Providence Row in a north easterly direction to its junction with Unc 27.6 Gilesgate.

Schedule 5
Prohibition of Loading / Unloading At Any Time

Item No.	Location	Side of Road	Description
1	Unc 27.6 Claypath	North West	From a point 26.3 metres north east of the centre line of Providence Row in a south westerly direction to the centre line of the junction with the un-named Market Place / Saddler Street Link.
2	Unc 27.6 Claypath	South East	For a distance of 37 metres south west and 18.9 metres north east of the centre line of Providence Row.
3	Unc 27.6 Claypath	South East	From a point 48.4 metres south west of the centre line of Providence Row in a south westerly direction for a distance of 3.9 metres.

4	Unc 27.6 Claypath	South East	From a point 64 metres south west of the centre line of Providence Row in a south westerly direction for a distance of 17.4 metres..
5	Unc 27.6 Claypath	South East	From a point 115.5 metres south west of the centre line of Providence Row in a south westerly direction to its junction with the A690 Claypath two way slip road.
6	A690 Claypath One Way Slip Road	North	From a point 18 metres west of its junction with Claypath westwards for a distance of 30 metres.

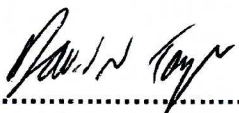
Schedule 6
Loading Only Monday to Saturday 8am – 6pm

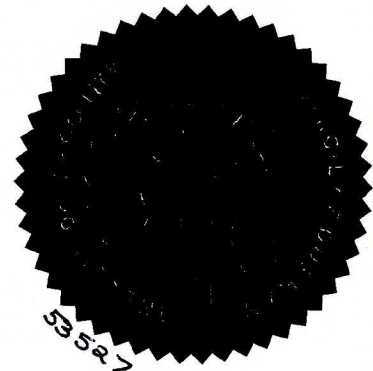
Item No.	Location	Side of Road	Description
1	Unc 27.6 Claypath	South East	From a point 37.3 metres south west of the centre line of Providence Row in a south westerly direction for a distance of 11.4 metres.
2	Unc 27.6 Claypath	South East	From a point 52.3 metres south west of the centre line of Providence Row in a south westerly direction for a distance of 11.7 metres.
3	Unc 27.6 Claypath	South East	From a point 81.4 metres south west of the centre line of Providence Row in a south westerly direction for a distance of 21.1 metres.
4	A690 / Claypath Two Way Slip Road	South West	From a point 32 metres east of the centre line of its junction with the Unnamed Market Place / Saddler Street Link for a distance of 13.2 metres in a south easterly direction.
5	A690 / Claypath Two Way Slip Road	South West	From a point 45.3 metres east of the centre line of its junction with the Unnamed Market Place / Saddler Street Link for a distance of 13.2 metres in a south easterly direction.

Schedule 7
Parking : Disabled Badge Holders Only Monday to Saturday 8am – 6pm
3 hours no return before 6pm

Item No.	Location	Side of Road	Description
1	Unc 27.6 Claypath	South East (2 spaces parallel to kerb)	From a point 102.5 metres south west of the centre line of Providence Row in a south westerly direction for a distance of 13.2 metres.

GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM ON 4 OCTOBER 2012


.....
Authorised Sealing Officer



DELEGATED DECISION

REGENERATION AND ECONOMIC DEVELOPMENT SERVICE



September 2012.

EXPERIMENTAL TRAFFIC REGULATION ORDER (TRO)

Report of RED SERVICE

ADRIAN WHITE – HEAD OF TRANSPORT

1 Purpose of the Report

To obtain permission to proceed to formal advert with the consultation to implement an experimental traffic regulation order affecting the waiting restrictions in the Claypath area of Durham City.

2 Background

Numerous complaints have been received from the residents of Claypath concerning the use of the road by taxis, most notably in the early hours of the morning at the weekend. The nearby Gala Theatre end of town is a popular nightspot destination for revellers and as a result incidents of anti social behaviour in and around the taxi rank areas are unfortunately inevitable.

At present there are a number of areas designated for taxi usage on Claypath. The time restrictions on these bays vary, a number are reserved for taxi use only from 6pm – 8am whilst further up towards Providence Row, taxis are permitted from 11pm to 8am. Inevitably, at certain times of the evening when demand for taxis is low they end up queuing in Claypath out of the business area and into the residential area.

It is proposed that alternative provision is made for the taxis to reduce their presence on Claypath.

3 Background/Reason for TRO:

It is proposed to amend the waiting restrictions by introducing an experimental traffic regulation order. It is anticipated that the removal of the taxi bays will improve road safety and reduce congestion / anti social behaviour within the Claypath area.

4 Options considered and reason for preferred option:

The proposals put forward are deemed to be the most appropriate in this instance. In introducing this order on an experimental basis it is anticipated that any subsequent consequences can be identified and resolved effectively.

5 Consequences:

Taxis will be encouraged to use the two way slip road near to the Prince Bishops multi storey car park. The use of this area is to be closely monitored to ensure that road safety at this location is not compromised. Again, as above in introducing this order on an experimental basis it is anticipated that any subsequent consequences can be identified and resolved effectively.

6 Summary of informal consultation:

Durham Constabulary offer no objection to this experimental order

7 Local Members comments/support:

8 Any other relevant info:

None

9 Recommendations and reasons

It is recommended that the scheme be progressed to formal advert

10 Decision

10

Background papers

Office Files

Contact: Lee Mowbray

Tel: 03000 263 588

Appendix 1: Implications

Finance – Demand Management

Staffing – Carried out by Strategic Traffic

Risk – Not Applicable

Equality and Diversity – It is considered that there are no Equality and Diversity issues to be addressed.

Accommodation - No impact.

Crime and Disorder - This TRO will allow effective management of traffic to reduce congestion and improve road safety

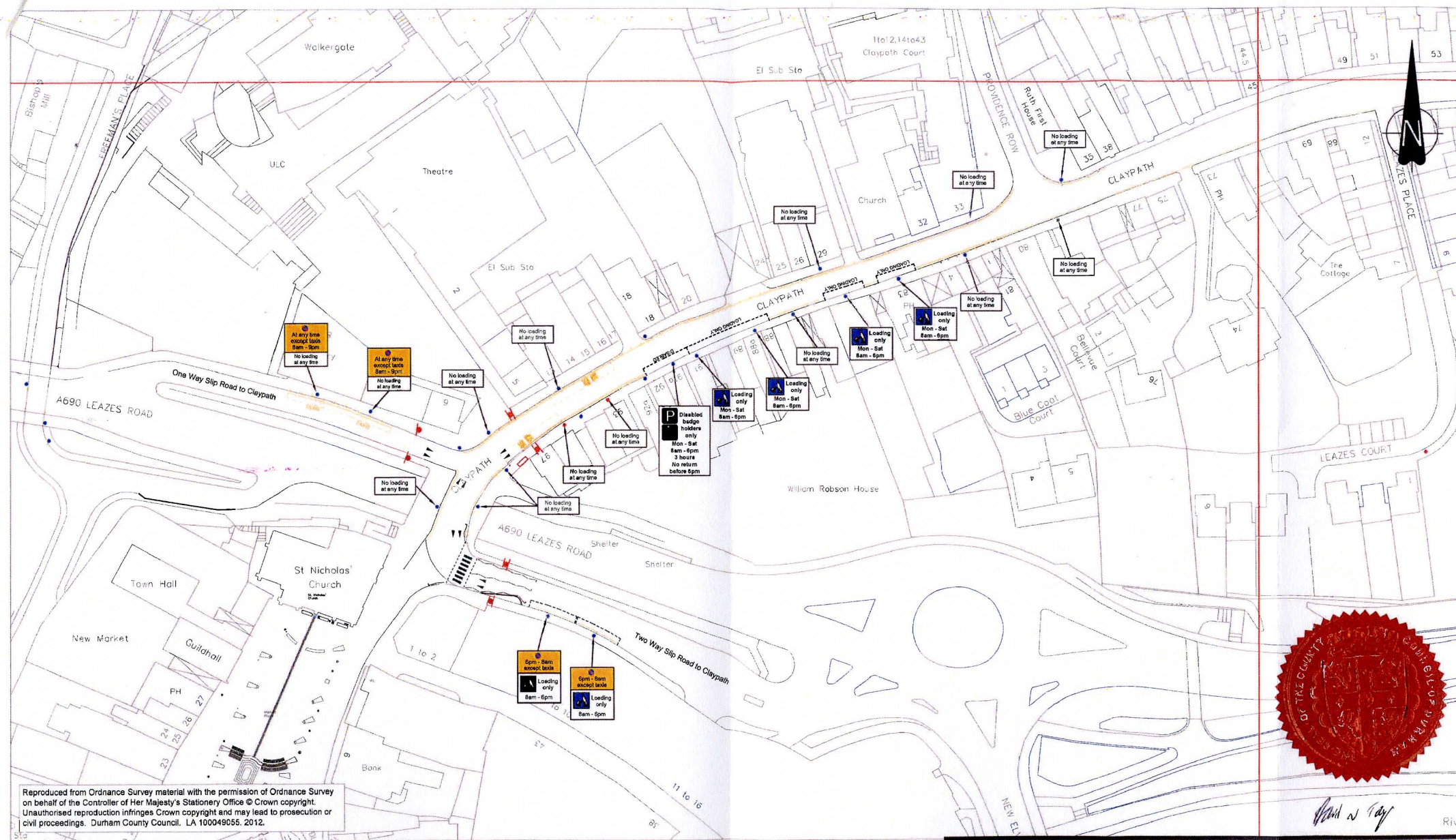
Human Rights - No impact on human rights

Consultation – Consultation was undertaken with Durham Constabulary. This order is experimental, hence a full consultation exercise was not required.

Procurement – Operations, DCC.


Disability Issues - Blue Badge holders are exempt from waiting restrictions for up to 3 hours

Legal Implications – Enforceable TRO



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Rev/ Amdt	Drawn By		Approved By			Description Of Amendments
	Name	Date	Name	Date	Sign	
	Name	Date				



Durham
County Council

STRATEGIC
TRAFFIC
MANAGEMENT

CORPORATE DIRECTOR OF
REGENERATION & ECONOMIC
DEVELOPMENT

Project
THE COUNTY COUNCIL OF DURHAM (DURHAM CITY
CLAYPATH) (EXPERIMENTAL TRAFFIC MANAGEMENT)
(ORDER 2012)

Drawing
GENERAL LAYOUT

Scales
1:1000 @ A3

Project/Drawing No.
TM/40038/12/CP