

**THE COUNTY COUNCIL OF DURHAM
(DURHAM CITY (NORTH WEST))
(PARKING AND WAITING RESTRICTIONS)
ORDER 2012**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32, 35, 45 and 46 and Part IV of Schedule 9 to 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 1
GENERAL**

Citation and Commencement

1. This Order may be cited as The County Council of Durham (Durham City (North West)) (Parking and Waiting Restrictions) Order 2012 and shall come into operation on the 1st day of October 2012.

Interpretation

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

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

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

"civil enforcement officer" means a person authorised by or on behalf of the Council to patrol and issue Penalty Charge Notices pursuant to the provisions of Section 76 of the Traffic Management Act 2004.

"council" means The County Council of Durham;

"credit card" and "debit card" have the same meaning as in paragraph (6) of Section 35A of the Act;

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

"disabled person's vehicle" has the same meaning as defined in the Disabled Person's (Badge's for Motor Vehicles) (England) Regulations 2000 (as amended);

"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 these officers;

"expiry time" is the time indicated on the pay and display ticket and is the time by which the vehicle must leave the parking place;

"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;

"loading place" means an area on a highway where vehicles may be driven and parked for the purpose of being loaded or unloaded in connection with a trade or business carried on, on or in the vicinity of the land, as defined by Section 161 of the Act;

"loading bay" means an area of highway designated as a loading bay under the provisions of this Order;

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

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

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

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, as defined by 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 an area of highway designated as a parking bay under the provisions of this Order;

"parking contravention" has the same meaning assigned to it by Section 73 and Part 1 of Schedule 7 to the Traffic Management Act 2004.

"parking disc" has the same meaning as defined in the Disabled Person's (Badge's for Motor Vehicles) (England) Regulations 2000 (as amended);

"parking place" means a place where vehicles, or vehicles of any class, may wait;

"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;

"pay and display" means a type of parking place where upon parking the vehicle in a parking bay and prior to leaving the parking place a pay and display ticket must be purchased at the level of charge and for the required period in accordance with the scale of charges advertised at that parking place;

"pay and display ticket" means a ticket issued by a ticket machine located in the parking place in which the vehicle has been left or a ticket issued by a person nominated by the council on payment of a charge and valid for a parking period as advertised at that parking place in accordance with Article 10 of this Order. The pay and display ticket must be displayed prominently on the vehicle, where appropriate, in accordance with Article 10 of this Order;

"pedal cycle" means a cycle whose motive power is provided solely by the legs of its rider or riders or which complies with the requirements specified in Regulation 4 of the Electrically Assisted Pedal Cycles Regulations 1983;

"penalty charge" means a charge set by Durham County Council pursuant to the provisions of Section 77 of the Traffic Management Act 2004.

"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

"permit" means a permit and a "valid permit" issued under the provisions of Articles 10 and 11 of this Order;

"permit holder" means a person to whom a permit has been issued under the provisions of Article 11 of this Order.

"plans" means the drawings listed within the Schedules attached to this Order;

"relevant position" in relation to a disabled person's badge and parking disc means:-

- (a) A disabled person's badge in the relevant position if –
- (i) the badge is exhibited on the dashboard or fascia panel of the vehicle;
 - or
 - (ii) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle;
- So that the front of the badge is clearly legible from the outside of the vehicle.
- (b) A parking disc is displayed in the relevant position if -
- (i) the disc is exhibited on the dashboard or fascia of the vehicle; or
 - (ii) 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 identified in Schedule 11 to this Order;

"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;

"ticket machine" means an apparatus of a type and design approved by the appropriate Minister for the purpose of this order, being apparatus designed to indicate the time by a clock and to issue parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and, either the time of such payment, or the time at which the vehicle must leave the parking place;

"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

"vehicle" means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads (whether or not by mechanical power);

"visitor's permit" means a permit issued to a resident for a visitor in accordance with the provisions of Article 11 of this Order.

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 - REVOCATION

6. (i) The following Orders are to be revoked in full:

The County Council of Durham (Durham – North End Area) (Parking and Waiting Restrictions) Order 2011

The County Council of Durham (A167 Newcastle Road, Nevilles Cross) (Prohibition & Restriction of Waiting & Prohibition of Stopping on School Entrance Markings) Order 2011.

The County Council of Durham (Whitesmocks, Durham) (Prohibition of Waiting and Limited Waiting) Order 2010.

- (ii) The following orders are to be revoked in part:

The County Council of Durham (Durham City North West) (Traffic Management) Order 2008 : Schedule 3: Items 2-8, 10-24 and 26-28 & Schedules 4 and 5 in their entirety.

The County Council of Durham (A690, A691, B6532, A177 Through Road, Durham) (Prohibition of Waiting and Prohibition of Waiting and Loading) Order 2001 : Schedule 1: Items 1 and 2 only.

The County Council of Durham (Durham City) (On Street Parking Places) (Amendment) Order 2009 : Schedule 2 : Items 118-121, 137-138, 170 and 199-201; Schedule 3, zone G, zone I (Highgate), zone L and zone M.

PART III

NO STOPPING ON ENTRANCE MARKINGS

7. Save as provided in Article 41 of this Order no person shall, except upon the direction or with the written permission of an enforcement officer or civil enforcement officer, cause or permit any vehicle to stop or wait on the lengths of roads or sides of lengths of roads identified in the individual plan(s) detailed in Schedule 1 to this Order.

NO WAITING AT ANY TIME

8. Save as provided in Article 41 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 at any time on any of the lengths of roads or sides of lengths of roads identified in the individual plan(s) detailed in Schedule 2 to this Order.

NO WAITING AND NO LOADING/UNLOADING AT ANY TIME

9. Save as provided in Article 41 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:
 - a. wait, or
 - b. wait for the purpose of enabling goods to be loaded onto or unloaded from the vehicle, at any time, on any of the lengths of roads or sides of lengths of roads identified in the individual plan(s) detailed in Schedule 3 to this Order.

Part IV PARKING PLACES

PERMIT HOLDERS and PARKING PLACES WITH PAY & DISPLAY MACHINES

10. (1) The areas of highway identified within the individual plan(s) detailed in Schedule 4 to this Order are hereby designated as parking places; designated for use by Permit Holders and vehicles displaying a pay and display parking ticket.
- (2) Each parking place identified within the individual plan(s) detailed in Schedule 4 to this Order, authorised under paragraph (1) of this Article, may only be used:
 - (a) for the leaving of motor vehicles and motor cycles on such days and during such hours as identified within those identified plan(s) which display a valid pay and display ticket; or
 - (b) for the leaving of motor vehicles and motor cycles which display a valid zone permit issued in accordance with Article 11 of this Order, the Scheme Operating Conditions and the provisions of this Order, on such days and during such hours as identified within those identified plan(s) detailed in Schedule 5(a)
- (3) Save as provided in Article 41 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, other than a vehicle which displays either a valid zone permit issued subject to the Scheme Operating Conditions and

the provisions of this Order or a valid pay and display ticket, to park except on such days and during such hours on the lengths of roads or sides of lengths of roads identified within the individual plan(s) detailed in Schedule 4 to this Order.

- (3) The number and situation of parking bays in each parking place may be determined by the Council and the limits of each parking place shall be indicated by the Council by appropriate traffic signs.
- (4) The Council may:-
 - (a) install, in such positions on or in the vicinity of a parking place or parking bay, as they may think fit, such pay and display meters as are required by this Order for the purposes of that parking place or parking bay; and
 - (b) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place.

PERMIT HOLDERS

11. (1) The areas of highway identified within the individual plans detailed in Schedule 5(b) to this Order are hereby authorised as parking places by valid zone Permit Holders.
- (2) Each parking place identified within the individual plan(s) detailed in Schedule 5(b) to this order, authorised under paragraph (1) of this Article, may only be used for the leaving of motor vehicles and motor cycles which display a valid zone permit issued subject to the Scheme Operating Conditions and the provisions of this Order, on such days and during such hours as identified within the individual plan(s).
- (3) Save as provided in Article 41 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, other than a vehicle which displays a valid zone permit issued subject to the Scheme Operating Conditions and the provisions of this Order, to park except on such days and during such hours on the lengths of roads or sides of lengths of roads identified within the individual plans detailed in Schedule 5(b) to this Order.
- (4) Any resident, or business, being the owner of a passenger vehicle, dual purpose vehicle, goods vehicle not exceeding 7.5 tonnes in weight or 6 metres in length or invalid carriage and resides or carries out business in the streets specified in Schedule 5(b) 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 Operating Conditions, as amended from time to time.
- (5) Any resident, or business, who resides in the streets identified within the individual plan(s) detailed in Schedule 5(b) to this Order, may apply to the Council for the issue of a visitors' permit for visitors to their private or business residence, such persons being the owners of a vehicle of a type specified in paragraph (2) of this Article, to enable them to park in the appropriate parking place(s) as defined in the Scheme Operating Conditions, as amended from time to time.

- (6) Any resident who resides in the streets identified in the within the individual plans detailed in Schedule 5(b) 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 (2) of this Article, to enable them to park in the appropriate parking place(s) as defined in the Scheme Operating Conditions, as amended from time to time.
- (7) A medical/health care professional, being the owner of a vehicle of a type specified in paragraph (2) 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 individual plans detailed in Schedule 5(b) as defined in the Scheme Operating Conditions, as amended from time to time.
- (8) A builder/contractor being the owner of a vehicle of a type specified in paragraph (2) 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 a business or residential address in one of the streets identified in the individual plans detailed in Schedule 5(b).
- (9) 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 (19) of this Article, as is appropriate in respect of the permit for which application is made.
- (10) 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.
- (11) 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 (13) below.
- (12) 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 or place of business, 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.
- (13) The events referred to in paragraphs (11) and (12) above of this Article are:
 - (a) the permit holder ceasing to be a resident address or business premises operating at an address as defined in this Order;
 - (b) the medical/health care professional or carers' patient/client ceasing to be a resident at a residential address 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 paragraph 3 above.
 - (d) a builder/contractor ceasing to work at a residential or business address as defined in this Order.

- (e) a visitor ceasing to have any connection or any reason to visit a residential address or business premises operating at an address as defined in this Order.
 - (f) a carer ceasing to visit a resident at a residential address as defined in this Order.
- (14) 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 (13) of this Article, whichever is the sooner.
 - (15) 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.
 - (16) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a replacement permit.
 - (17) Upon the issue of a replacement permit, by virtue of the provisions of paragraphs (15 and 16) of this Article, the permit which it replaces shall become invalid.
 - (18) A permit shall be issued on behalf of the Council and include such information or particulars which the Council may determine.
 - (19) 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 Operating Conditions.
 - (20) 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 Traffic Section, by public notice and via the Council website.
 - (21) 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.
 - (22) When a permit has been displayed on a vehicle in accordance with the provisions of paragraph (21) 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.
 - (23) 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.

- (24) Any variation to the charges relevant to the permit holder parking places identified in this Order shall be published in a newspaper circulating in the area, as set out in Section 46(a) of the Road Traffic Regulations Act 1984.

PARKING PLACES (Restricted Bays)

12. (1) The areas of highway identified within the individual plan(s) detailed in Schedules 6(a) and 6(b) to this Order are hereby designated as parking places, being restricted bays designated for use as parking bays and loading bays.
- (2) Each parking place identified in Schedule 6(a) to this order, authorised under paragraphs (1) and (2) of this Article may only be used for the leaving of motor vehicles and motor cycles as so authorised on such days and during such hours as identified within the individual plan(s) detailed in that Schedule.
- (3) Each parking place identified in Schedule 6(b) to this order, designated under paragraphs (1) and (2) of this Article may only be used for the leaving of motor cycles and pedal cycles as so authorised on such days and during such hours as identified within the individual plan(s) detailed in that Schedule.
- (4) Save as provided in paragraphs (2) and (3) of this Article no person shall cause or permit any motor vehicle, other than those motor vehicles so authorised, to be left in the designated parking places on such days and during such hours identified in the individual plan(s) detailed in Schedules 6(a) and 6(b) to this Order.
- (5) The limits of each parking place shall be indicated by the Council, on the carriageway by the appropriate traffic signs.
- (6) The driver of a motor vehicle or a rider of a motor cycle or pedal cycle shall not permit it to enter or wait in a parking place, authorised by paragraphs (1), (2) or (3) of this Article, for a period exceeding the maximum stay identified in the individual plan(s) or to return within the period also specified in those plans.

DISABLED BADGE HOLDERS (Restricted bays)

13. (1) The areas of highway identified within the individual plans detailed in Schedule 7 to this Order are hereby authorised as parking places; being restricted bays designated for use by disabled badge holders.
- (2) Each parking place identified as disabled badge holder parking places, within the individual plans detailed in Schedule 7 to this order, 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 a disabled persons 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 any day.
- (3) The limits of each parking place, authorised under Articles (1) and (2) above, on the carriageway by the appropriate traffic signs and the restricted bay shall be identified within the individual plans detailed in Schedule 7 to this Order.
- (4) Save as provided in Article 41 of this Order no person shall cause or permit any vehicle, other than one displaying a Disabled Person's Badge and a Disabled Person's Parking Disc to park in a parking place, designated for use by disabled badge holders, on such days and during the hours identified within the individual plans detailed in Schedule 7 to this Order.

PARKING PLACES AND PERMIT HOLDER PARKING PLACES (Restricted bays)

14. (1) The areas of highway identified within the individual plan(s) detailed in Schedule 8 to this Order are hereby designated as parking places, designated as restricted bays, for use as parking places and permit holder parking places.
- (2) Each parking place, identified within the individual plan(s) detailed in Schedule 8 to this order, authorised under paragraph (1) of this Article, may only be used:
 - (a) for the leaving of motor vehicles and motor cycles on such days and during such hours as identified within the individual plan(s) detailed in Schedule 8 to this Order; and
 - (b) for the leaving of motor vehicles and motor cycles which display a valid zone permit issued in accordance with Article 11 and Schedule 8 of this Order, the Scheme Operating Conditions and the provisions of this Order, on such days and during such hours as identified within the individual plan(s) detailed in Schedule 8.
- (3) Save as provided in paragraph (2) of this Article of this Order no person shall cause or permit any vehicle, other than those motor vehicles so authorised, to be left in a parking place on such days and during such hours identified in the individual plan(s) detailed in Schedule 8 to this Order.
- (5) The limits of each parking place and of each parking bay, authorised under paragraph (1) of this Article, shall be indicated by the Council, on the carriageway by the appropriate traffic signs.
- (6) The driver of a motor vehicle or a rider of a motor cycle shall not be permitted to enter or wait in a parking place, authorised by paragraphs (1), (2) or (3) of this Article, for a period exceeding the maximum stay identified in the individual plan(s) or to return within the period also specified in those plans.

Part V LOADING BAYS

LOADING BAYS (Restricted bays)

15. (1) The areas of highway identified within the individual plans detailed in Schedule 9 to this Order are hereby authorised to be used as parking places, designated 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 within the individual plan(s) detailed in Schedule 9 to this Order.
- (2) The limits of each loading bay, authorised in paragraph (1) of this Article, shall be indicated, by the Council, on the carriageway by the appropriate traffic signs.
- (3) Save as provided in Article 41 of this Order no person shall cause or permit any vehicle, other than those vehicles so authorised in paragraph (1) of this Article, to wait on such days and during the hours identified within the individual plan(s) detailed in Schedule 9 to this Order.
- (4) Every vehicle using a loading bay, authorised in paragraphs (1) and (2) of this Article, 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 within the individual plans detailed in Schedule 9 to this Order, in accordance with those provisions.

PART VI GENERAL

Designation and use of Parking Places and Loading Bays

16. (1) Each area of highway identified in Schedules 4, 5, 6, 7, 8 and 9 to this Order are hereby designated as parking places; as set out in Articles 10, 11, 12, 13, 14 and 15 to this Order.
- (2) Each parking place, authorised in paragraph (1) of this Article, may be used subject to the provisions of this Order, for the leaving of passenger vehicles, dual purpose vehicles, goods vehicles, invalid carriages or motor cycles; such vehicles as specifically identified in Articles 10, 11, 12, 13, 14 and 15, on such days and during such hours as identified in Schedules 4, 5, 6, 7, 8 and 9 to this Order.
- (3) The number and situation of parking places and loading bays may be determined by the Council and the limits of each restricted bay shall be indicated by the Council on the surface by appropriate traffic signs.
- (4) Where, within a parking place there is a sign or surface marking which indicates that a parking bay is provided only for a disabled person's vehicle, the driver of a motor vehicle shall not permit it to wait in that parking bay unless it is a disabled person's vehicle.
17. The Council may:-
- (a) install, in such positions on or in the vicinity of a parking place, as they may think fit, such ticket machines as are required by this Order for the purposes of that parking place; and
- (b) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory Operating of a parking place.

Indications as Evidence

18. (1) If at any time while a vehicle is left in a parking place or loading bay, as specified in Articles 10, 11, 12, 13, 14, or 15 of this Order:-
- ii. No permit or disabled person's parking disc is exhibited on the vehicle in accordance with the provisions of Article 11 of this Order; or
- iii. The vehicle is not exempted from any payment or charges under the provisions of Article 41 of this Order a Penalty Charge shall be payable.

Manner of Standing in Parking Places and Loading Bays

19. (1) Every vehicle left in a parking place or loading bay, specified in Articles 10, 11, 12, 13, 14 and 15, 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 and loading bay, AND in those cases in which special provision is made identified in the individual plans detailed in Schedules 4, 5, 6, 7, 8 and 9 of this Order, 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 restricted bay, being a 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 Articles 10, 11, 12, 13, 14 and 15 of this Order;
 - (b) the vehicle, or any part of it, is not within the limits of any adjoining restricted bay; being a parking place or loading bay.
- (3) When a vehicle is left in a parking place in contravention of the provisions of this Article a Penalty Charge shall be payable.

Class and position of Vehicle

20. (1) No person shall cause or permit any vehicle, other than the permitted classes of vehicles, to use the parking places identified in Articles 10, 11, 12, 13, 14 or 15 or as specified in Schedules 4, 5, 6, 7, 8 and 9 to this order;
- (2) Every vehicle left in a parking place, specified in Articles 10, 11, 12, 13, 14 and 15 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 Schedules 4, 5, 6, 7, 8 and 9 of this Order, in accordance with those provisions;
- (3) No person shall cause or permit any vehicle, unless so approved by an enforcement officer or civil enforcement officer, to wait or park in a parking bay specifically marked as available for a permitted class of vehicle, as identified in Schedules 4, 5, 6, 7, 8 and 9 to this order, unless that vehicle is of that permitted class of vehicle.
- (4) No person shall cause or permit any vehicle to wait or park in a parking bay marked for disabled persons unless the vehicle displays a valid disabled person's badge in the relevant position and unless the vehicle has been or is about to be used by the person(s) in respect of whom the disabled person's badge has been issued either immediately before or immediately after the act of parking. Where required the vehicle shall also display the disabled person's badge in accordance with local regulations;

Power to Suspend Parking Places and Loading Bays

21. (1) Any person authorised by the Council may suspend the use of a parking place or loading bay or any part thereof whenever he considers 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 loading 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 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 ;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed or to facilitate filming work;
 - (e) for the convenience of occupiers of premises adjacent to the parking place or loading bay at times of weddings, funerals or on other special occasions.
 - (f) for the maintenance, improvement or reconstruction of the road and street furniture, the cleansing of gullies or to maintain trees adjacent to the parking places or loading bays;
- (2) An enforcement officer may suspend the use of a parking place or loading bay 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 closing or suspending the use of a parking place or loading bay, or any part thereof, in accordance with the provisions of Articles 10, 11, 12, 13, 14 and 15 shall thereupon place or cause to be placed in or adjacent to that parking place or loading bay, or that part thereof, a notice or sign indicating that the use of that parking place or loading bay, or that part thereof, is closed or suspended and that parking by vehicles is prohibited.
 - (4) No person shall cause or permit a vehicle to be left in a parking place or loading bay, or any part thereof, during such periods that the use of that parking place or loading bay or that part thereof is closed or suspended or during such period as there is in or adjacent thereto a notice or sign placed by or on behalf of the Council in pursuance of paragraph (3) 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 skills or services.

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.

Removal of Vehicles and Other Equipment from Parking Places

- 22. (1) Where a 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 21 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, in cases of emergency, may move or cause to be moved vehicles left in a parking place to any place he thinks 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 Civil Enforcement Officer constitutes a contravention of this Order.
- (4) Where a vehicle or other equipment has been removed under the provisions of paragraphs (1) and (3) of this Article the Council will recover from its owner the expenses reasonably incurred in doing so.

PART VI CHARGES FOR PARKING

Pay and Display Parking Places

23. The driver of a vehicle using a parking place, as identified in Article 10 and Schedule 4 of this Order, shall upon parking the vehicle in a parking bay purchase a pay and display ticket at the level of charge and for the period required in accordance with the scale of charges as advertised at that parking place.

Payment

24. The driver of a vehicle using a parking place shall upon parking the vehicle in the parking place pay the appropriate charge (if any) in accordance with the scale of current charges as advertised at the parking place.
25. Any variation to the charges relevant to the parking places and permit holder parking places identified in this Order shall be published in a newspaper circulating in the area, as set out in Section 46(a) of the Road Traffic Regulations Act 1984.

Means of payment

26. The charges referred to in Article 10 shall be payable in the manner as advertised at that parking place or by payment to a person nominated by the Council.

Display of ticket

27. Once a vehicle has been parked within a parking place the driver of the vehicle shall:
 - (i) ensure that a valid pay and display ticket has been obtained and is displayed at all times the vehicle is parked in accordance with paragraph (ii) of this Article, to cover the entire period that the vehicle is parked in the parking place, and
 - (ii) display the pay and display ticket issued at that parking place in the relevant position on the vehicle in respect of which it was issued so that:
 - (a) the time and date of issue; or
 - (b) the date of expiry and the expiry time shown on the front of the said ticket is clearly visible.
28. If at any time while a vehicle is left in a parking place during the charging hours no ticket is exhibited on that vehicle it shall be presumed unless the contrary is proved that the parking charge has not been duly paid.
29. Where a ticket issued by a ticket machine indicates that the parking charge has expired that indication shall be evidence that the vehicle was parked after the expiry of paid for time.

Validity of Pay and Display Tickets

30. A pay and display ticket is not transferable from one vehicle to another and on transfer the ticket ceases to be valid.
31. A pay and display ticket is valid only in the parking place in which it was issued. This is defined by the reference code of the ticket machine located in that parking place printed on the pay and display ticket.

Expiry of parking period

32. The expiry of the period for which a charge for the use of a parking place has been paid (as advertised at the parking place) shall be indicated when there is exhibited on the vehicle a pay and display ticket and the expiry date and time printed on the pay and display ticket is earlier than the date and time displayed on the clock of the issuing ticket machine.

No Pay and Display Ticket displayed

33. If at the time when a vehicle is left during the charging hours in a pay and display parking place and on the nearest ticket machine in that parking place there is an indication that the said ticket machine is out of order then a ticket shall be obtained from another ticket machine within the same parking place (where another ticket machine is so provided) or obtained from a person nominated by the Council to issue such tickets. Otherwise Article 41 shall prevail where there is no ticket machine or all ticket machines are out of order, whether signed as such or not, or where no person has been so nominated by the council.
34. Where no valid pay and display ticket can be obtained and displayed pursuant to the circumstances described in Article 40, vehicles may be left in a parking place but may not be left for longer than the maximum period of parking as advertised at that parking place.

Restriction on removal

35. When a pay and display ticket has been exhibited on a vehicle in the relevant position no person shall remove the pay and display ticket from the vehicle until the vehicle is removed from the parking place.

PART VII EXEMPTIONS FROM DAILY CHARGES

Absence of ticket machine

36. If at the time when a vehicle is left in a parking place during the charging hours there is no ticket machine or person nominated by the Council to issue such tickets at the parking place, or all the ticket machines at that parking place carry notices placed upon them by a person duly authorised by the Council indicating that they are out of order, the driver of that vehicle shall be exempt from purchasing a pay and display ticket. Otherwise Article 40 shall prevail where there is no ticket machine or all ticket machines are out of order whether signed as such or not.

PART VII LIABILITIES/PENALTIES

Liability

37. The Council accepts no liability for the loss or damage to vehicles or other property left in any of the parking places to which this Order applies.

Wilful damage

38. Any person who with intent to defraud interferes with the ticket machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination, or other approved method of payment, shall be liable to prosecution.

Emergencies

39. A person authorised by the Council or a Police Constable in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he thinks fit, any vehicle left in a parking place.

Safe keeping

40. Any person removing a vehicle from a parking place under Article 29 shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

Part VIII EXEMPTIONS

Exemptions

41. (1) Nothing in Articles 7, 8, 9, 10, 11, 12, 13, 14 or 15 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;

