

**THE COUNTY COUNCIL OF DURHAM
(DURHAM CITY SOUTH EAST)
(PARKING AND WAITING RESTRICTIONS) ORDER 2013**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32, 35, 45, 46, 46A, 47 & 49 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 I

Citation & Commencement

1. This Order may be cited as The County Council of Durham (Durham City South East) (Parking and Waiting Restrictions) Order 2013 and shall come into operation on 22 April 2013.

Interpretation

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

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

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

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

"council" means The County Council of Durham;

"credit card" and "debit card" have the same meanings as in Section 35A of the Act;

"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 parking disc" has the same meaning as 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;

"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;

"initial charge" means the charge referred to in Article 10 and detailed in Column E of Schedule 4 to this Order with respect to the period of parking required.

"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;

"loading place" means an area on a highway where vehicles may be drive 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;

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

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, as defined in Section 136 of the Act;

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

"parking bay" and "parking place" means an area of highway designated as such 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 meter" has the same meaning assigned to it by Section 46 (2) (a) of the Road Traffic Regulation Act 1984

"parking ticket" means a ticket issued by a parking meter;

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

"penalty charge" means a charge 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 Article 27 this Order;

"permit holder" means a person to whom a permit has been issued under the provisions of Article 23 this Order;

"permitted hours" has the meaning assigned to it in paragraph (2) of Article 10 of this Order.

"relevant position" in respect of a disabled person's badge or disabled person's parking disc has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"resident" means a person whose usual residence, either private or business, is at premises the postal address of which is in any street or part of a street specified in Schedule 6 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;

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act; and

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

"visitor's permit" means a permit issued to a resident for a visitor in accordance with the provisions of Article 23 of this Order.

3. 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.
4. The Interpretation Act 1978 shall apply for the interpretation of this Order.

Part II

Revocation

5. The following Orders shall be **revoked in part**:

The County Council of Durham (Durham City South East) (Traffic Management) Order 2008 : Schedule 3 - items 1, 6-30, Schedule 4, Schedule 5 - items 1, 4 and 6. 1/96

The County Council of Durham (Durham City) (On Street Parking Places) (Amendment) Order 2009 : Schedule 2 - items 10, 18-23, 32-38, 69, 70, 73-82, 123-125, 161, and Schedule 3 - Zones B and C. 1/101

The County Council of Durham (Various Streets Stockton Road Area, Durham) (Prohibition and Restriction of Waiting) Order 1978 : Schedule 1 - item b. 9/27

The County Council of Durham (Various Streets, Durham City) (Traffic Management) Order 1996 : Schedule 1 - item 16 and Schedule 3 1/52

PART III

Prohibition of Waiting At Any Time

6. Save as provided in Article 32 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 plans detailed in Schedule 1 to this Order.

Restricted Waiting

7. Save as provided in Article 32 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, other than those vehicles so authorised in this Order, to wait on any of the lengths of roads or sides of lengths of roads on such days and during such times as identified within the individual plan(s) detailed in Schedule 2 to this Order.

PART IV Parking Bays with Meters

Parking : Mon-Sat 8am-6pm Permit Holders or Pay at machine – Display Ticket

8. Save as provided in Article 32 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 permit issued in accordance with the Council's Scheme Operating Conditions and the provisions of Article 23 and Schedules 5 & 6 to this Order or a valid parking ticket, to park except on such days and during such times on the lengths of roads or sides of lengths of roads identified within the individual plan(s) detailed in Schedules 3 & 4 to this Order.

PART V Parking Bays with Meters - General

Designation and use of Parking Bays

9. The areas of highway identified within the individual plan(s) detailed in Schedules 3 & 4 to this Order are hereby designated as parking bays; designated for use by those vehicles displaying either a valid permit issued under the provisions of Article 23, or a valid parking ticket issued under the provisions of Article 8 to this Order.
 - (1) Each parking bay identified within the individual plan(s) detailed in Schedule 3 to this Order, authorised under paragraph (1) of this Article, may only be used:
 - (a) for the leaving of motor vehicles and motor cycles which display a valid parking ticket on such days and during such hours as identified within the individual plans detailed in Schedule 3 to this Order; or
 - (b) for the leaving of motor vehicles and motor cycles which display a valid permit issued in accordance with Article 23 of this Order and the Scheme Operating Conditions, on such days and during such hours as identified within the individual plan(s) detailed in Schedule 3 to this Order.
 - (2) The limits of each parking bay shall be indicated, by the Council, on the carriageway by the appropriate traffic signs.
 - (3) The Council may:-
 - (a) install, in such positions on or in the vicinity of a parking bay, as they may think fit, such parking meters as are required by this Order for the purposes of that 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 Operating of a parking bay.

Initial Charge

10. (1) Subject to Article 32 of this Order, no person may leave or cause any vehicle to be left in a parking bay other than on such days and during such hours as identified in Schedules 3 & 4 to this Order, other than Christmas Day, Good Friday, New Year's Day or a Bank Holiday, except upon the payment of the charge referred to in paragraph (5) of this Article.
- (2) The period and payment described in paragraph (1) of this Article are hereafter called respectively "permitted hours" and the "initial charge".
- (3) Subject to Article 31 of this Order, the maximum length of time for which a vehicle may be left in a parking bay during the permitted hours on payment of the initial charge, shall be as indicated, in relation to that parking bay in column D of Schedule 4 to this Order.
- (4) (a) The initial charge for a vehicle left in a parking bay during the permitted hours shall be the amount in relation to that parking bay, as specified in column E of Schedule 4 to this Order.
- (b) The initial charge becomes payable on the leaving of the vehicle in a parking bay. Payment can be made in the parking meter relating to the designated parking bay, by means of either coins of the denomination indicated on the parking meter or by the use of a credit card or debit card inserted into the parking meter, if the facility is available.
- (c) The initial charge payable at each parking bay may be varied from time to time, details of which will be made available by public notice and via the Council's website.

Parking Meter Indications as Evidence

11. (1) There shall be a parking meter installed on or in the vicinity of each parking bay designated under Article 8 of this Order.
- (2) Payment of the Initial Charge for a vehicle left in a parking bay at which a parking meter is installed shall be indicated by the issue of a parking ticket.
- (3) Upon payment of the Initial Charge for a vehicle left in a parking bay at which a parking meter is installed, the driver thereof shall continuously exhibit on the vehicle, in accordance with paragraph (4) of this Article, the parking ticket issued by the parking meter relating to the parking bay in which the vehicle is left.
- (4) The parking ticket referred to in paragraph (3) of this Article shall be continuously exhibited on the inside of the vehicle in a conspicuous position so that:-
- a. The time and date of issue; or
- b. The date of expiry and the expiry of time shown on the front of the said ticket is clearly visible.
- (5) Where a parking ticket is exhibited on a vehicle in accordance with the provisions of paragraph (4) of this Article no person, not being the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver.

- (6) If at any time while a vehicle is left in a parking bay during the permitted hours no parking ticket is exhibited on that vehicle in accordance with the provisions of paragraph (4) of this Article, it shall be presumed unless the contrary is proved that the Initial Charge has not been duly paid and a Penalty Charge shall be payable.
 - (7) Where a parking ticket indicates that the paid for period has expired that indication shall be evidence that a Penalty Charge shall be payable.
12. The driver of a vehicle using a parking bay in accordance with Article 8 of this Order, shall upon parking the vehicle in a parking bay purchase a parking ticket from the parking meter, at the level of charge and for the period required in accordance with the scale of charges as described on the parking meter and as set out in Schedule 4 to this Order.

Payment

13. The driver of a vehicle using a parking bay shall upon parking the vehicle in the parking place pay the appropriate charge (if any) in accordance with the scale of current charges as described on the parking meter and as set out in Schedule 4 to this Order.

Means of payment

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

Validity of Parking Tickets

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

Expiry of parking period

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

No Parking Ticket displayed

18. If at the time when a vehicle is left during the charging hours in a parking bay with a parking meter and on the nearest ticket machine in that parking bay 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 bay (where another ticket machine is so provided) or obtained from a person nominated by the Council to issue such tickets. Otherwise Article 21 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.

19. Where no valid parking ticket can be obtained and displayed pursuant to the circumstances described in Article 18, vehicles may be left in a parking bay but may not be left for longer than the maximum period of parking as advertised at that parking bay.

Restriction on removal

20. When a parking ticket has been exhibited on a vehicle in the relevant position no person shall remove the parking ticket from the vehicle until the vehicle is removed from the parking bay.

Absence of ticket machine

21. If at the time when a vehicle is left in a parking bay during the charging hours there is no ticket machine or person nominated by the Council to issue such tickets at the parking bay, or all the ticket machine at that parking bay carries a notice placed upon it by a person duly authorised by the Council indicating that it is out of order, the driver of that vehicle shall be exempt from purchasing a parking ticket. Otherwise Article 18 shall prevail where there is no ticket machine or all ticket machines are out of order whether signed as such or not.

Penalty Charge

22. If a vehicle is left in a parking bay during the permitted hours for longer than the period for which payment was made by the Initial Charge, a Penalty Charge shall be payable.

PART VI Parking Places Without Meters

Permit Holders Only

23. (1) The areas of highway identified within the individual plan(s) detailed in Schedule 5 to this Order are hereby authorised as Permit Holder only parking places for those vehicles which display a valid permit.
- (2) Each permit holder parking place identified within the individual plan(s) detailed in Schedule 5 to this order, authorised under paragraph (1) of this Article may be used for the leaving of motor vehicles and motor cycles of a type specified in paragraph (3) of this Article and which displays a valid permit issued in accordance with this Order, for use on such days and during such hours, as identified within the individual plan(s) detailed in Schedule 5.
- (3) Any resident being the owner of a passenger vehicle, dual purpose vehicle goods vehicle not exceeding 7.5 tonnes in weight or 6 metres in length invalid carriage and resides or carries out business in the streets specified in Schedule 6 to this Order, may apply to the Council for the issue of a residents permit to enable them to park in the appropriate a permit holder parking place as described in Schedule 6 to this Order and as defined in the Scheme Operating Conditions, as amended from time to time.
- (4) Any resident who resides in the streets identified within the individual plans detailed in Schedule 5 to this Order, may apply to the Council for the issue of a visitors' permit for visitors to their residence, such person being the owner of a vehicle of a type specified in paragraph (3) of this Article, to enable them to park in a permit holder parking place(s) as described in that Schedule and as defined in the Scheme Operating Conditions, as amended from time to time.

- (5) Any resident who resides in the streets identified in the within the individual plans detailed in Schedule 5 to this Order, may apply to the Council for the issue of a carers' permit for the purpose of a carer visiting them at their residence, such person being the owner of a vehicle of a type specified in paragraph (3) of this Article, to enable them to park in a permit holder parking place(s) as described in Schedule 6 and identified in the individual plan(s) detailed in Schedule 5 to this Order and as defined in the Scheme Operating Conditions, as amended from time to time.
- (6) A medical/health care professional, being the owner of a vehicle of a type specified in paragraph (3) of this Article, identified by the Health Care Trust may be issued with a permit to enable them to park in a permit holder parking place(s), **WHILST ATTENDING** to a patient/client who resides in one of the streets as described in Schedule 6 and identified in the individual plan(s) detailed in Schedule 5 to this Order and as defined in the Scheme Operating Conditions, as amended from time to time
- (7) A builder/contractor being the owner of a vehicle of a type specified in paragraph (3) of this Article, may apply to the Council for the issue of a permit to enable them to park in a permit holder parking place(s), **WHILST WORKING** at an address in one of the streets as described in Schedule 6 and identified in the individual plan(s) detailed in Schedule 5 to this Order and as defined in the Scheme Operating Conditions, as amended from time to time
- (8) An application for a permit shall be made on a form issued by and obtainable from the Council and shall be returned to the Council completed and accompanied by a remittance for such charge, which the Council may require, as specified in paragraph (19) of this Article, as is appropriate in respect of the permit for which application is made.
- (9) The Council may at any time require an applicant for a permit to produce to an officer of the Council such evidence in respect of an application as they may reasonably require to verify any particulars or information given to them.
- (10) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events set out in paragraph (12) below.
- (11) The Council may, by Notice, in writing served on the permit holder, at the address shown by that person on the application for the permit or at any other address believed to be that person's residence, withdraw a permit if it appears to the Council that any of the events set out in paragraph 12 of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of such notice.
- (12) The events referred to in paragraphs (10) and (11) above of this Article are:
- (a) the permit holder ceasing to be a resident;
 - (b) the medical/health care professional or carers' patient/client ceasing to be a resident at 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 of this Article.

- (d) a builder/contractor ceasing to work at a residential address as defined in this Order.
 - (e) a visitor ceasing to have any connection or any reason to visit a resident at a residential address as defined in this Order.
 - (f) a carer ceasing to visit a resident at an address as defined in this Order.
- (13) A permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events set out in paragraph (12) of this Article, whichever is the sooner.
- (14) If a permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and may apply to the Council for the issue of a replacement.
- (15) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a replacement permit.
- (16) Upon the issue of a replacement permit, by virtue of the provisions of paragraphs (14 and 15) of this Article, the permit which it replaces shall be rendered invalid.
- (17) A permit shall be issued on behalf of the Council and include such information or particulars which the Council may determine.
- (18) On receipt of an application, made under the foregoing provisions of this Article, the Council, upon being satisfied that the applicant is a resident, a medical/health care professional or Contractor may issue a permit subject to the Scheme Operating Conditions.
- (19) 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 Council's Traffic Section; by public notice and via the Council website.
- (20) When a vehicle, for which a permit has been issued, is left in a parking place, there shall be displayed on the front of the vehicle a valid permit applicable to that parking place, so that the information and particulars contained in the permit are clearly visible from outside the vehicle.
- (21) When a permit has been displayed on a vehicle in accordance with the provisions of paragraph (20) of this Article no person, not being the driver of the vehicle, shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

- (22) Where an authorised officer of the Council has reasonable cause to believe that a permit issued in accordance with provisions of this Article has been wrongly acquired or is a forgery, he may detain the permit or require its submission under the provisions of Section 116 of the Act.

Disabled Badge Holders Only

24. (1) The areas of highway identified within the individual plans detailed in Schedule 7 to this Order are hereby authorised as disabled persons parking bays.
- (2) Each parking bay identified within the individual plans detailed in Schedule 7 to this order, authorised under paragraph (1) of this Article may be used only on such days, during such hours and for such duration of such time as identified within the individual plan(s) detailed in that Schedule by vehicles which display in the relevant position a disabled person's badge and/or 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 bay shall be indicated, by the Council, on the carriageway by the appropriate traffic signs.
- (3) 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 at that parking place or to return within the period also specified in that Schedule.

PART VII

Parking Places without Meters – General

Designation of Parking Places

25. (1) The areas of highway identified within the individual plan(s) detailed in Schedules 5 and 7 to this Order are hereby designated as parking places.
- (2) Each parking place identified within the individual plan(s) detailed in Schedules 5 and 7 to this Order, authorised under paragraph (1) of this Article, may only be used:
- (a) for the leaving of the specific classes of motor vehicles and motor cycles on such days and during such times as identified within the identified plan(s) detailed in Schedules 5 and 7 to this Order; or
- (b) for the leaving of motor vehicles or motor cycles which display a valid permit issued in accordance with Article 23 of this Order, the Council's Scheme Operating Conditions and the provisions of this Order, on such days and during such times as identified within the identified plan(s) detailed in Schedule 5 to this Order.
- (3) The limits of each parking place shall be indicated, by the Council, on the carriageway by the appropriate traffic signs.

Indications as Evidence

26. If at any time while a vehicle is left in a parking place or parking bay specified in Article 25 of this Order:-
- (a) No permit is exhibited on the vehicle in accordance with the provisions of Article 8 of this Order; or
 - (b) The vehicle is not exempted from any payment or charges under the provisions of Article 32 of this Order a Penalty Charge shall be payable

PART VIII GENERAL

Manner of Standing in Parking Places and Parking Bays

27. (1) Every vehicle left in a parking place or parking bay, specified in Articles 8, 23 and 24, 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 parking bay, AND in those cases in which special provision is made identified in the individual plans detailed in Schedules 3, 5 and 7 of this Order, in accordance with those provisions.
- (2) Where a vehicle has been left in a parking place or parking bay, 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 restricted bay, being a parking place or parking bay if:-
- (a) the extreme front or rear portion of the vehicle is within 300 mm of the carriageway indication provided under paragraph (3) of Articles 12 to 18 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 parking bay.
- (3) When a vehicle is left in a parking place or parking bay in contravention of the provisions of this Article a Penalty Charge shall be payable.

Class and position of Vehicle

28. (1) No person shall cause or permit any vehicle, other than the permitted classes of vehicles, to use the parking places or parking bays identified in Articles 8, 23 and 24 or as specified in Schedules 3, 5 and 7 to this order;
- (2) Every vehicle left in a parking place or parking bay, specified in Articles 8, 23 and 24 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 3, 5 and 7 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 place or parking bay specifically marked as available for a permitted class of vehicle, as identified in Schedules 3, 5 and 7 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 Parking Bays

29. (1) A civil enforcement officer or enforcement officer may suspend the use of a parking place or parking bay or any part thereof whenever he consider such suspension is reasonably necessary:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or parking 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 parking 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 parking 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 parking bays;
- (2) A civil enforcement officer or enforcement officer may suspend the use of a parking place or parking 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 parking bay, or any part thereof, in accordance with the provisions of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or parking bay, or that part thereof, a notice or sign indicating that the use of that parking place or parking 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 parking bay, or any part thereof, during such periods that the use of that parking place or parking 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 parking bay in connection with the sale of any article to persons in or near the parking place or parking bay or in connection with the selling or offering for hire of their skills or services.
- (6) **PROVIDED THAT** nothing in this paragraph shall apply to any vehicle waiting in the parking place or parking bay or part thereof, which is suspended, with the permission of the person suspending the parking place or parking bay or part thereof, in pursuance of paragraph (1) or (2) of this Article.

Removal of Vehicles and Other Equipment from Parking Places & Parking Bays

- 30. (1) If a vehicle is left within a parking place or parking bay in a position other than in accordance with the provisions of this Order the Council may alter or cause to be altered the position of that vehicle so that it is accordance with those provisions.
- (2) The terms and conditions shall apply equally to any other equipment deposited in the parking place which in the opinion of a person authorised by the Council constitutes a contravention of the provisions of this Order and these provisions are extended to include for the disposal of the equipment where it is deemed appropriate by the Council.
- (3) If a vehicle is left in a parking place or parking bay in contravention of any of the provisions of the Order a person authorised by the Council in that respect may remove the vehicle from the parking place or arrange for such removal.
- (4) If an emergency occurs, an enforcement officer, may alter or cause to be altered the position of a vehicle in a parking place or parking bay or remove or arrange for the removal of a vehicle from a parking place or parking bay.
- (5) Any person altering or causing the alteration of the position of a vehicle or removing or causing the removal of a vehicle may do so by towing, lifting or driving the vehicle or using such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
- (6) The provisions of paragraph (1) of this Article shall also apply to builders' skips or any other equipment which in the opinion of an enforcement officer or a civil enforcement officer constitutes a contravention of this Order.

Use of Parking Places & Parking Bays during permitted hours without payment

- 31. (1) Without prejudice to the foregoing provisions of this Order relating to vehicles which are left in a parking place or parking bay in accordance with those provisions any other vehicle may wait during the permitted hours anywhere in a parking place or parking bay if:-

- a. the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
 - b. the vehicle is waiting due to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
 - c. the liveried vehicle is used for police, fire brigade or ambulance, or is a vehicle (other than a passenger vehicle) in the service of a local authority, being used in pursuance of statutory powers or duties;
 - d. the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - e. the vehicle is in the service of or employed by a universal service provider and is waiting while postal packets addressed to premises adjacent to the parking place or parking bay, in which the vehicle is waiting, or being unloaded from the vehicle or having been unloaded, are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place or parking bay in which the vehicle is waiting;
 - f. the vehicle, not being a passenger vehicle, is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in paragraph (1) (b) of Article 27 of this Order;
 - g. the vehicle is waiting for the purpose of posting or removing advertising material in the form of posters on or from premises adjacent to the parking place or parking bay in which the vehicle is waiting; or
 - h. in any other case the vehicle is waiting for the purpose of active delivery or collecting goods or active loading or unloading the vehicle at premises adjacent to the parking place or parking bay in which the vehicle is waiting.
- (2) Save as provided in paragraph (5) of this Article no charge specified in the foregoing provisions of this Order shall be payable in respect of any vehicle waiting in a parking place or parking bay in accordance with the provisions of this Article.
- (3) Nothing in the provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act.
- (4) Any person who leaves or causes a vehicle to be left in a parking place or parking bay by virtue of provisions (v), (vi), (vii) of paragraph (1) (a) or by virtue of paragraph (1) (b) of this Article shall so stand as to be in accordance with the provisions of paragraph (1) of Article 27 of this Order.
- (5) When a vehicle is left in a parking place or parking bay designated under Articles 8, 23 and 24 of this Order, in contravention of the provisions of this article a penalty charge shall be payable.

PART IX

Exemptions

32. (1) Nothing in Articles 6, 7, 8, 23 and 24 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;
 - (c) the vehicle to be used for the purpose of delivering or collecting postal packets in the service of a universal service provider.
- (2) Nothing in Articles 6, 7, 8, 23 and 24 of this Order shall apply to any liveried vehicle being used for police, fire brigade or ambulance purposes in pursuance of statutory duties.
 - (3) Nothing in Articles 6 and 7 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).
 - (4) Nothing in Articles 23 and 24 of this Order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person's badge to wait in the lengths or road referred to in those Articles.
 - (5) Nothing in Articles 6, 7, 8, 23 and 24 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 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;

PART IX

Contravention and Enforcement

- 33. (1) If a vehicle is in contravention of a provision of this Order a penalty charge shall be payable.
- (2) 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 X

Saving

34. 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.
35. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

Schedule 1 Prohibition of Waiting At Any Time

Item No	Plan Reference	Item No	Plan Reference	Item No	Plan Reference
1	DY133	2	DY134	3	DY135
4	DZ135	5	DZ136	6	DZ137
7	EA137				

Schedule 2 Restricted Waiting

Item No	Plan Reference	Item No	Plan Reference	Item No	Plan Reference
1	DZ136				

Schedule 3 Parking Bays Mon-Sat 8am-6pm Permit Holders or Pay at Machine – Display Ticket

Item No	Plan Ref	Item No	Plan Ref	Item No	Plan Ref	Item No	Plan Ref	Item No	Plan Ref
ZONE A									
1	DY135								
ZONE B									
1	DZ136	2	DZ137						
ZONE C									
1	DZ137	2	EA137						

Schedule 4
Parking Bays
Mon-Sat 8am-6pm Permit Holders or Pay at Machine – Display Ticket

A	B	C	D	E
No	Plan ref	Street	Max. Period for which a vehicle can wait	Initial Charge per ½ an hour
1	DZ137	Hallgarth Street	Half an hour	20p
2		Whinney Hill	Half an hour	20p
3		The Hallgarth	Half an hour	30p
4	EA137	Green Lane	Half an hour	30p
5	DZ136	Stockton Road	Half an hour	30p
6		Oswald Cout	Half an hour	30p
7		Whinney Hill	Half an hour	20p
8		Hallgarth Street	Half an hour	30p
9	DY135	Quarryheads Lane	Half an Hour	20p

Schedule 5
Parking : Permit Holders Only

Item No	Plan Ref	Item No	Plan Ref	Item No	Plan Ref	Item No	Plan Ref	Item No	Plan Ref
ZONE B									
1	DZ136	2	DZ137						
ZONE C									
1	DZ137								

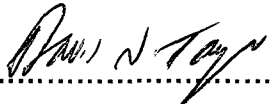
SCHEDULE 6
Streets for the issue of permits

Zone	Street	Eligible Properties	Eligible Properties	Exemption	Parking Place(s) in which exemption permits apply
B	Boyd Street, Highwood View, Oswald Court, Oswald Court/ Church Lane, Stockton Road, The Hallgarth, Whinney Hill,	Anchorage Terrace, Back Boyd Street, Back Mount Joy, Church Lane, Church Street, Church Street Head, Church Street Villas, Gladstone Villas, Hallgarth Street, Hallgarth View, Highwood Terrace, Highwood View, Mavin Street, Oswald Court (including Church Lane Flats), Stockton Road, The Hallgarth, Union Place, Unnamed Hallgarth Street/ Whinney Hill Link Road, Whinney Hill.	All residential properties within the named streets	Vehicles displaying a valid permit issued for Zone B and motorcycles	All on street parking places within Zone B
C	Elvet Crescent	Court Lane, Elvet Crescent, Elvet Waterside, Green Lane, New Elvet, Old Elvet, Palmers Garth, Prison Green, Territorial Lane	All residential properties within the named streets	Vehicles displaying a valid permit issued for Zone C and motorcycles	All on street parking places within Zone C

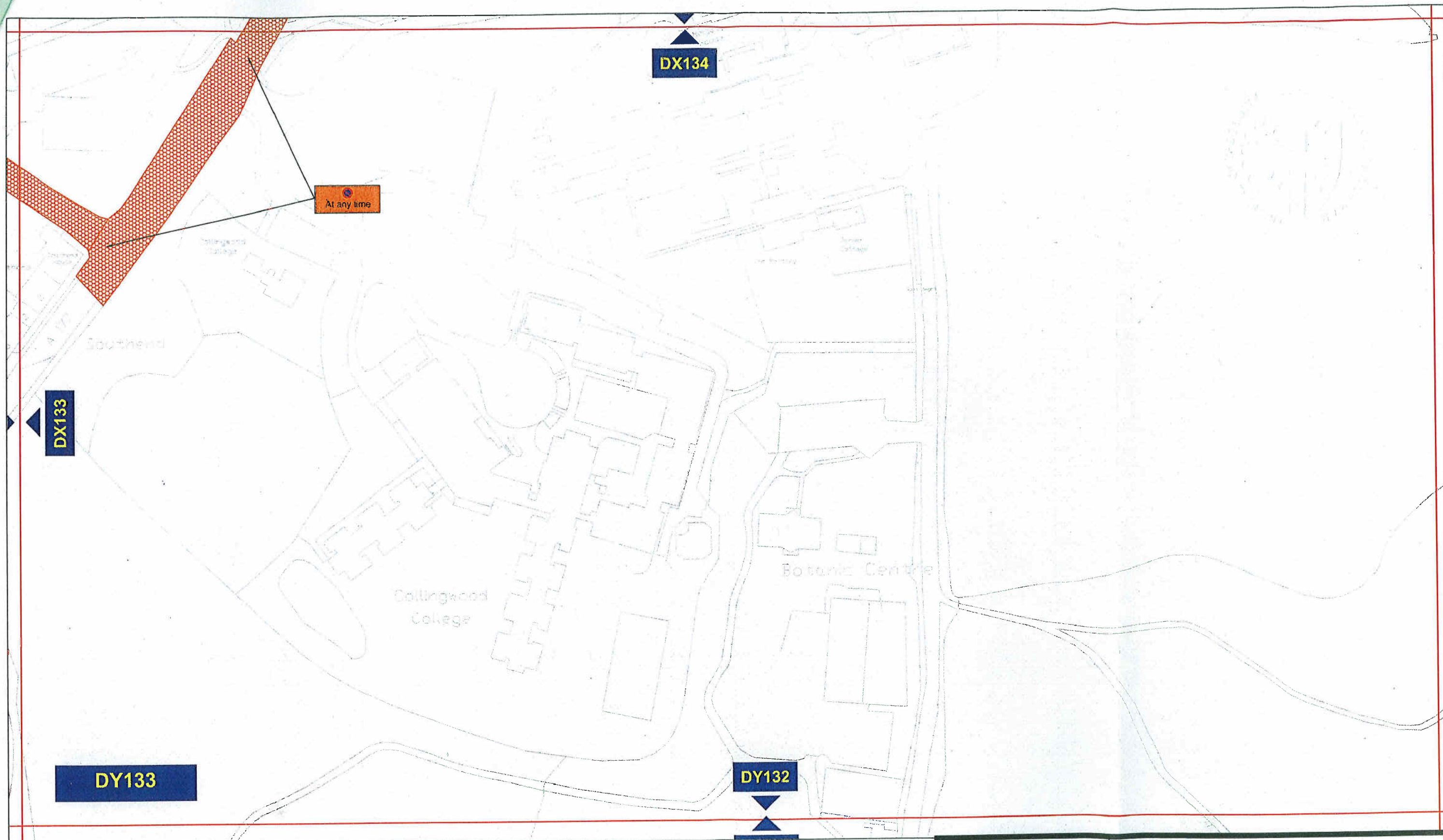
Schedule 7
Parking: Disabled Badge Holders Only

Item No	Plan Reference
1	DZ137

GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM ON 11 APRIL 2013

.....

Authorised Sealing Officer





Key to Types of Restriction

 No Waiting At Any Time
  Individual Reference Number

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**Corporate Director
Regeneration & Economic
Development**

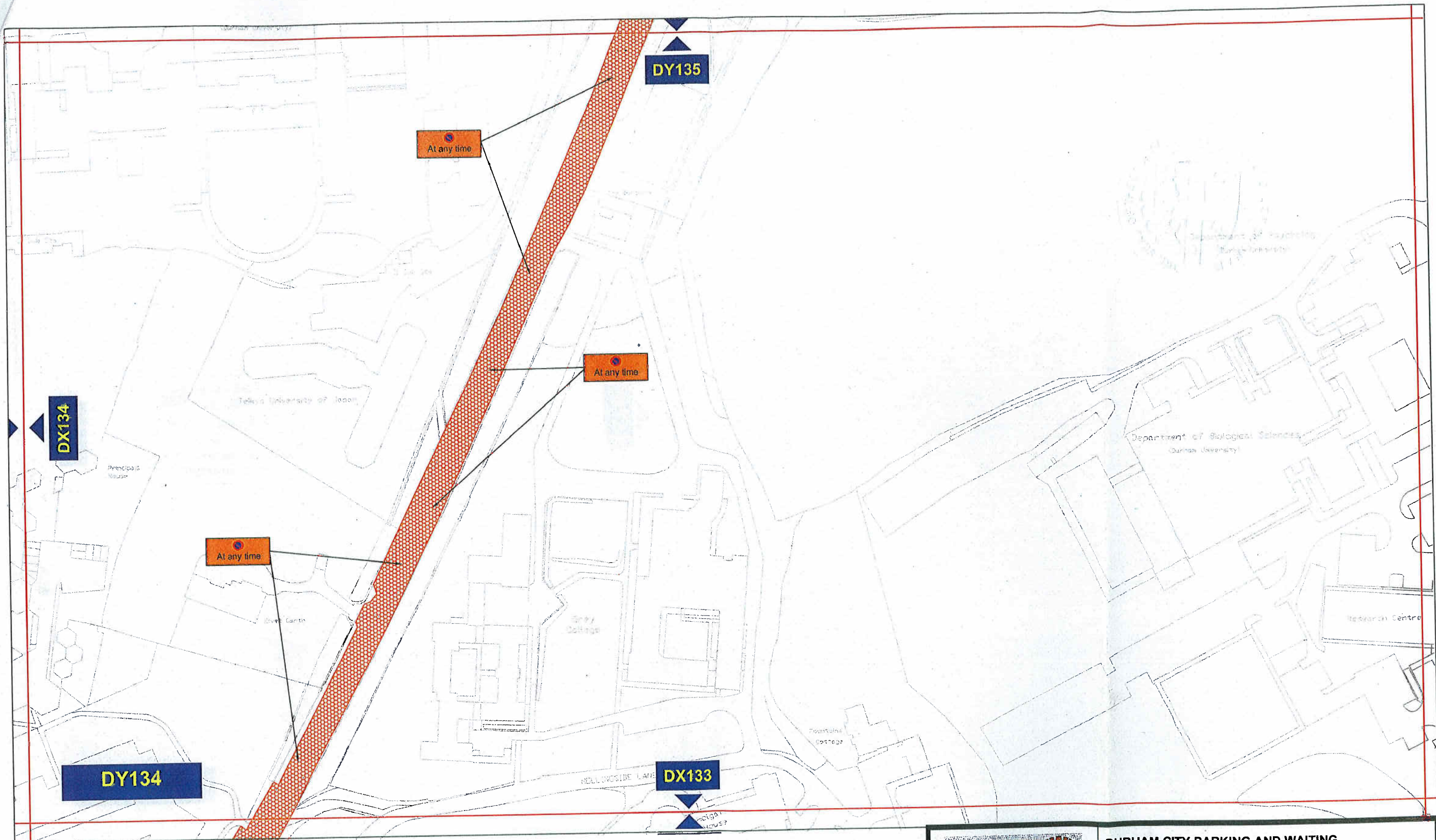
Strategic Traffic Management
County Hall, Durham DH1 5UQ

DURHAM CITY PARKING AND WAITING RESTRICTIONS


Paul Thompson




Scale:	1:1250 @ A3		
Date:	JANUARY 2013		
Drawn by:	S.Thompson	Signature:	<i>ST</i>
Date Sealed:	11/4/13	Map Schedule:	DY133



Key to Types of Restriction

 No Waiting At Any Time

 Individual Reference Number

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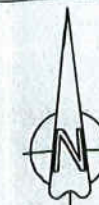



**Corporate Director
Regeneration & Economic
Development**

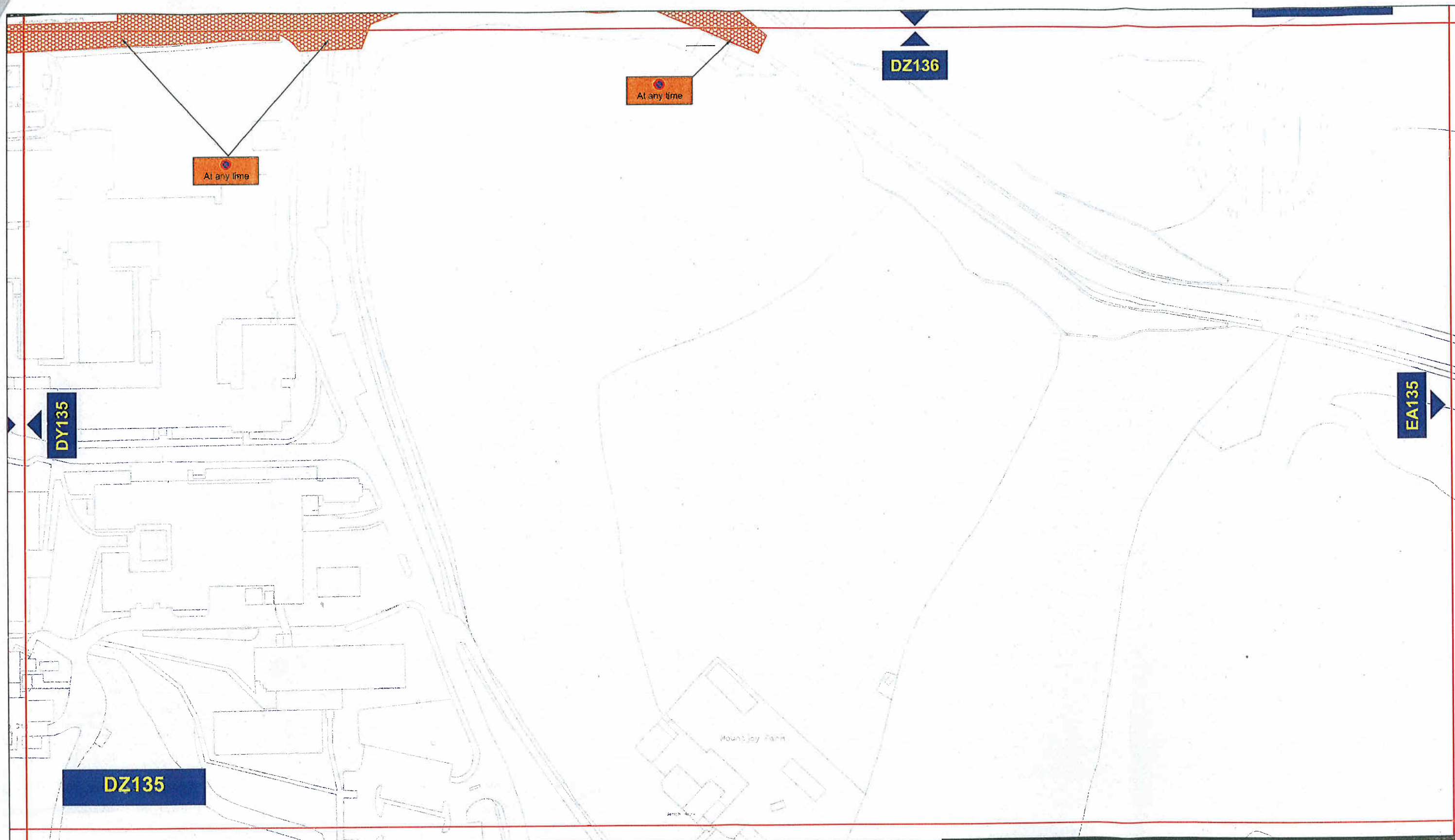
Strategic Traffic Management
County Hall, Durham DH1 5UQ

DURHAM CITY PARKING AND WAITING RESTRICTIONS

David W. Taylor



Scale:	1:1250 @ A3		
Date:	JANUARY 2013		
Drawn by:	S.Thompson	Signature:	
Date Sealed:	11/4/13	Map Schedule:	DY134



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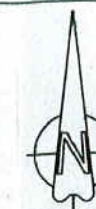


Corporate Director
Regeneration & Economic
Development

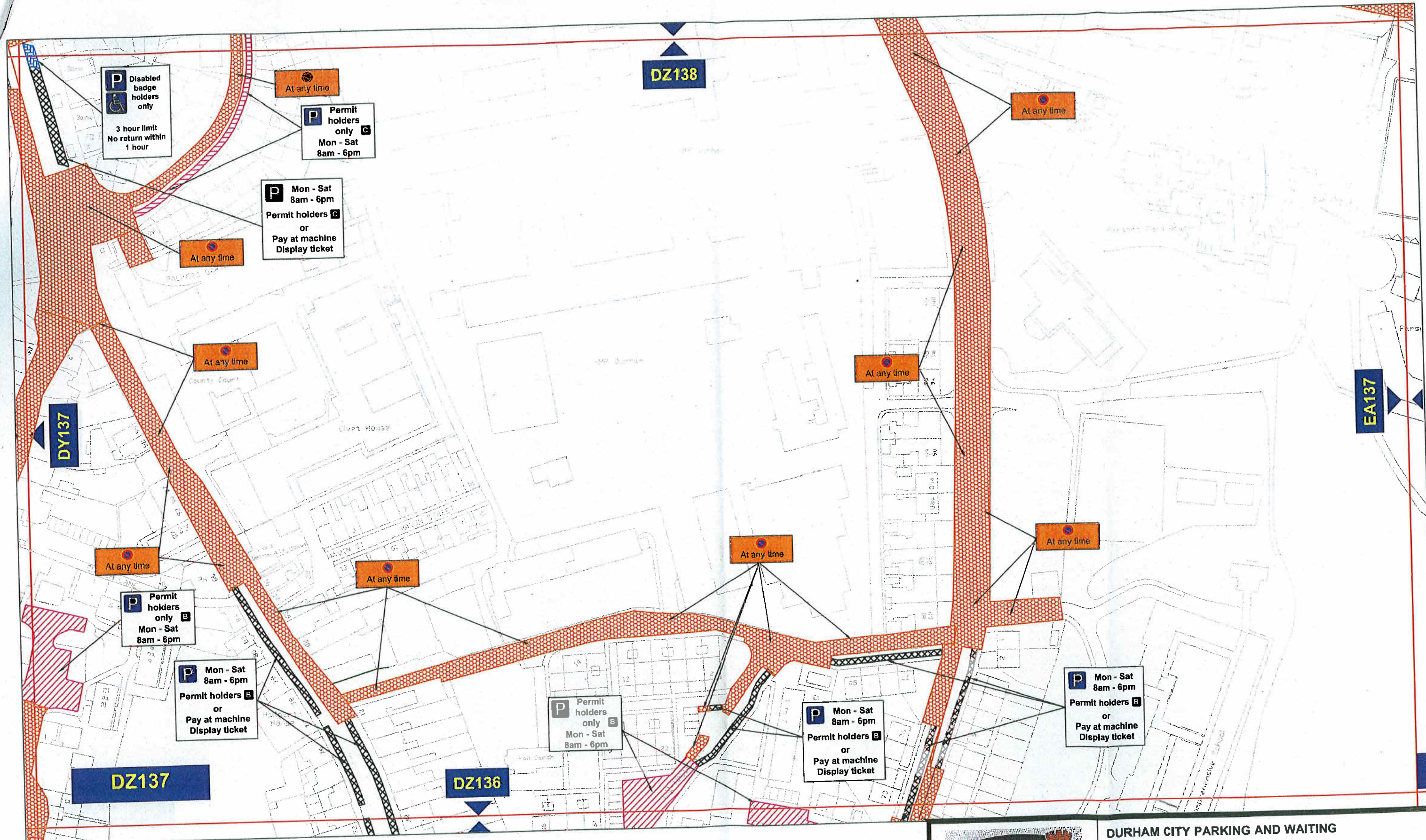
Strategic Traffic Management
County Hall, Durham DH1 5UQ

DURHAM CITY PARKING AND WAITING RESTRICTIONS

John N. Taylor



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Date:	JANUARY 2013		
Drawn by:	S.Thompson	Signature:	<i>[Signature]</i>
Date Sealed:	11/4/13	Map Schedule:	DZ135



Key to Types of Restriction

-  No Waiting At Any Time
-  Pay and Display and Permit Holders
-  Permit Holders Only
-  Restricted Bay

XXXXX Individual Reference Number

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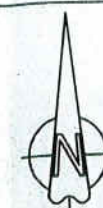
**Corporate Director
Regeneration & Economic
Development**

Strategic Traffic Management

County Hall, Durham DH1 5UQ

DURHAM CITY PARKING AND WAITING RESTRICTIONS

Paul N. Taylor

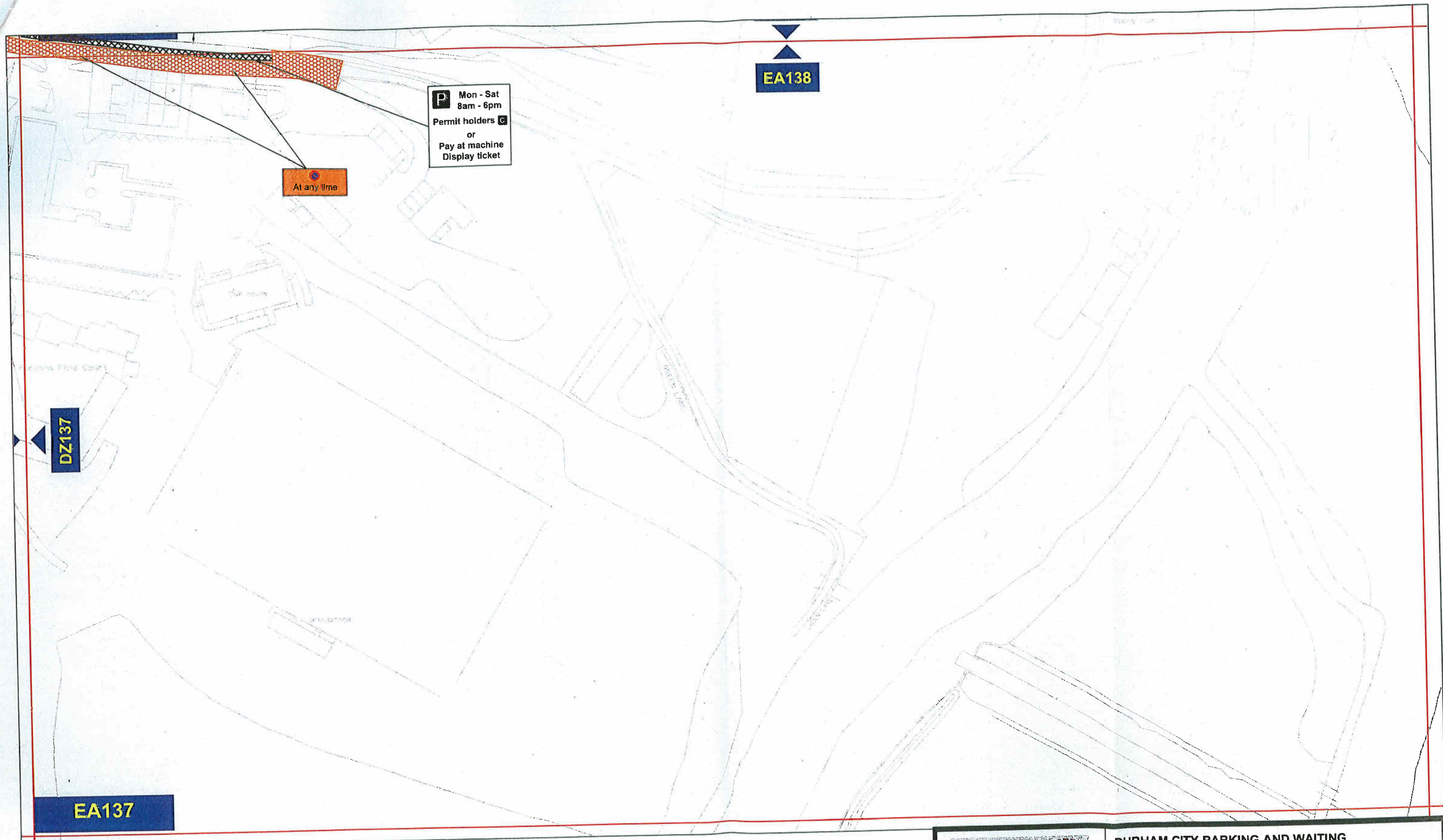


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Date: JANUARY 2013

Drawn by: S.Thompson Signature: *dm*

Date Sealed: 11/4/13 Map Schedule: **DZ137**



Key to Types of Restriction

-  No Waiting At Any Time
  Individual Reference Number
-  Pay and Display and Permit Holders

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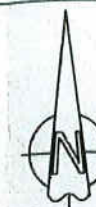


**Corporate Director
Regeneration & Economic
Development**

Strategic Traffic Management
County Hall, Durham DH1 5UQ

DURHAM CITY PARKING AND WAITING RESTRICTIONS

Paul W. Taylor



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Date:	JANUARY 2013		
Drawn by:	S. Thompson	Signature:	<i>ST</i>
Date Sealed:	11/4/13	Map Schedule:	EA137

DELEGATED DECISION

**REGENERATION AND ECONOMIC
DEVELOPMENT SERVICE**



APRIL 2013.

TRAFFIC REGULATION ORDER (TRO)

**Report of RED SERVICE
ADRIAN WHITE – HEAD OF TRANSPORT**

Purpose of the Report

- 1 To consider the amendment of all TROs which cover waiting and stopping restrictions in South Durham to allow Civil Enforcement to take place.

Background

- 2 The existing TROs are enforced under criminal legislation. To allow commencement of Civil Parking Enforcement on 30 May 2013 these TROs need to be amended to replace all reference to criminal legislation with civil legislation

Details of any alternative options considered and rejected when making the decision

- 3 Text There are no options to be considered if Civil Parking Enforcement is to be introduced

Recommendations and reasons

- 4 Text It is RECOMMENDED that the TRO be progressed to advert t

Decision

6

Background papers

Office Files

Contact: Sarah Thompson
Tel: 03000 263589

Appendix 1: Implications

Finance – Demand Management

Staffing – Carried out by Strategic Traffic

Risk – N/A

Equality and Diversity / Public Sector Equality Duty - 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 – in accordance with Statutory Instrument 2489

Procurement – None

Disability Issues - None

Legal Implications - Enforceable TRO