THE COUNTY COUNCIL OF DURHAM (CONSETT) (PROHIBITION AND RESTRICTION OF WAITING AND PROHIBITION OF LOADING/UNLOADING) ORDER 2010

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32 and 35 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

This Order may be cited as The County Council of Durham (Consett)
 (Prohibition & Restriction of Waiting and Prohibition of Loading/Unloading)
 Order 2010 and shall come into operation on 5 August 2010.

Interpretation

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

"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" means a device which:

- (a) is 125 millimetres square coloured blue, if issued on or after1 April 2000, or orange if issued before that date
- (b) has been issued by a local authority and has not ceased to be valid and
- (c) is capable of showing the quarter hour during which a period of waiting began.

"enforcement officer" means a uniformed police officer, police community support officer or any subsequent designation of these officers;

"liveried vehicle" means a vehicle having a distinctive design and colour scheme used to distinguish a police, fire brigade or ambulance vehicle;

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

"masterplan" means the plan showing the total area covered by all of the individual map schedules for each location included in a Map Based Road Traffic Regulation Order"

"motor vehicle" has the same meaning as in Section 136 of the Act;

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

"parking place" means an area of highway designated as a parking place under the provisions of this Order;

"parking disc" means a device which:

- (a) is 125 millimetres square coloured blue, if issued on or after 1 April 2000, or orange if issued before that date
- (b) has been issued by a local authority and has not ceased to be valid;
 and
- (c) is capable of showing the quarter hour during which a period of waiting began;

"parking place" means an area of highway designed as a parking place under the provisions of this Order;

"relevant position" means:-

- (i) in the case of a disabled person's badge;
 - (a) in the case of a vehicle fitted with a dashboard or fascia panel the badge is exhibited thereon; or
 - (b) where the vehicle is not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position in the vehicle so that the front of the badge is clearly legible from outside the vehicle; and
- (ii) in respect of a disabled person's parking disc:-
 - (a) in the case of a vehicle fitted with a dashboard or fascia panel the badge is exhibited thereon; or
 - (b) where the vehicle is not fitted with a dashboard or fascia panel, the 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;

"taxi" has the same meaning as "hackney carriage" as defined in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

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

Part II

Revocation

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

The County of Durham (Various Streets, Consett) (Traffic Regulation) Order 1979
The County of Durham (Medomsley Road, Consett) (Prohibition of Waiting) Order 1981
The County of Durham (Consett Town Centre) (Traffic Management) Order, 1981
The County of Durham (Albert Road Area, Consett) (Prohibition of Waiting) Order, 1982
The County of Durham (Ashdale Road, Consett) (Prohibition of Waiting) Order, 1985
The County of Durham (Road A.692 Front Street, Consett) (Amendment) Order, 1990
The County of Durham (Victoria Road Area, Consett) (Traffic Management) Order 1979
The County of Durham (Sherburn Terrace, Consett) (Prohibition of Waiting) Order, 1987
The County of Durham (Front Street, Consett) (Prohibition of Waiting And Amendment) Order, 1987
The County of Durham (Road B.6308 Medomsley Road, Consett) (Prohibition and Restriction of Waiting) Order, 1990
The County of Durham (Road A691 Durham Road, Consett) (Prohibition of Waiting) Order, 1992
The County of Durham (Unclassified Taylor Street, Consett) (Prohibition of Walting and Amendment) Order, 1992
The County Council of Durham (Aynsley Terrace, Paliament Street, Constance Street and Edith Street, Consett) (Prohibition of Waiting and Loading) Order, 1998
The Urban District Council of Consett (Traffic Regulations) (No.2) Order, 1963
The Urban District Council of Consett (Traffic Regulation) (No.4) Order, 1964
Consett Urban District Council, The Urban District of Consett (Traffic Regulations) (No1) Order 1965
The Urban District of Consett (Various Roads - Consett) Prohibition of Waiting Order 1973
Consett Urban District Council. The Urban District of Consett (Traffic Regulations) (No.1) Order 1965

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The Urban District Council of Consett (Front Street, Consett) (Prohibition of Waiting) Order, 1968

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The Urban District of Consett (Various Roads - Consett) Prohibition of Waiting Order 1973

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The County Council of Durham (Front Street, Consett) (Traffic Management)
Order 1999

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The County Council of Durham (Parliament Street, Consett) Prohibition of Waiting) Order 1999

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The County Council of Durham (Unclassified Trafalgar Street, Consett) (Restriction of Waiting and Loading Bays and Amendment) Order, 2003

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The County Council of Durham (B6308 Medomsley Road, Consett) (Disabled Persons Parking Place) Order 2004

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(ii) The following orders are to be partially revoked:

Derwentside District Council Local Government (Miscellaneous Provisions) Act 1976 Appointment of Stands For Hackney Carriages. Location 1 and 2

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The County Council of Durham (Various Streets, Consett) (Prohibition of Driving Restriction on Parking and One-Way Traffic Order) 1974, Sch 1, 3 and 4.

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Part III

Prohibition of Walting At Any Time

4. Save as provided in Article 16 of this Order no person shall, except upon the direction or with the permission of an 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 Masterplan and within the individual plans detailed in Schedule 1 to this Order.

Prohibition of Waiting and Loading/Unloading At Any Time

- 5. Save as provided in Article 16 of this Order no person shall, except upon the direction or with the permission of an 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 Masterplan and within the individual plans detailed in Schedule 2 to this Order.

Prohibition of Waiting between the hours of 8.00am and 6.00pm Monday to Saturday

6. Save as provided in Article 16 of this Order no person shall, except upon the direction or with the permission of an enforcement officer, cause or permit any vehicle to wait between the hours of 8.00am and 6.00pm Monday to Saturday, on any of the lengths of roads or sides of lengths of roads identified in the Masterplan and within the individual plans detailed in Schedule 3 to this Order.

Prohibition of Waiting between the hours of 8.00am and 6.00pm on any day

7. Save as provided in Article 16 of this Order no person shall, except upon the direction or with the permission of an enforcement officer, cause or permit any vehicle to wait between the hours of 8.00am and 6.00pm on any day, on any of the lengths of roads or sides of lengths of roads identified in the Masterplan and within the individual plan detailed in Schedule 4 to this Order.

Prohibition of Waiting between the hours of 8.00am and 8.00pm on any day

8. Save as provided in Article 16 of this Order no person shall, except upon the direction or with the permission of an enforcement officer, cause or permit any vehicle to wait between the hours of 8.00am and 8.00pm on any day, on any of the lengths of roads or sides of lengths of roads identified in the Masterplan and within the individual plan detailed in Schedule 5 to this Order.

Prohibition of Waiting Except Taxis at any time

9. Save as provided in Article 16 of this Order no person shall, except upon the direction or with the permission of an enforcement officer, cause or permit any vehicle to wait, other than a taxi, at any time, on any of the lengths of roads, or sides of lengths of roads identified in the Masterplan and within the individual plan detailed in Schedule 6 to this Order.

Prohibition of Waiting Except Taxis between the hours of 6.00pm and 8.00am Monday to Saturday

10. Save as provided in Article 16 of this Order no person shall, except upon the direction or with the permission of an enforcement officer, cause or permit any vehicle to wait, other than a taxi, between the hours of 6.00pm and 8.00am Monday to Saturday, on any of the lengths of roads, or sides of lengths of roads identified in the Masterplan and within the individual plan detailed in Schedule 7 to this Order.

Part IV

Parking Places

- 11. (1) The areas of highway identified in Schedule 8 to this Order are hereby designated as parking places.
 - (2) Each parking place specified in Schedule 8 to this order, designated under paragraph (1) of this Article may be used for the leaving of motor

vehicles and motor cycles on such days and during such hours as identified in the Masterplan and within the individual plan detailed in Schedule 8 to this Order.

- (3) Each parking place specified in Schedule 8 to this order, designated under paragraph (1) of this Article may be used, on such days and during such hours as identified in the Masterplan and within the individual plan detailed in Schedule 8, only by vehicles which display a valid permit.
- (4) The limits of each parking place and of each parking bay shall be indicated by the Council, on the carriageway by the appropriate traffic signs and the maximum number of parking bays are identified in the Masterplan and within the individual plan detailed in Schedule 8 to this Order.
- (5) The driver of a motor vehicle or a rider of a motor cycle 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 identified in the Masterplan and within the individual plan or to return within the period also specified those plans.

Disabled Badge Holders Only

- 12. (1) The area of highway identified in the Masterplan and within the individual plans detailed in Schedules 9 and 10 to this Order are hereby authorised as disabled persons parking places.
 - (2) Each parking place identified in the Masterplan and within the individual plans detailed in Schedules 9 and 10 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 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 shall be indicated by the Council, on the carriageway by the appropriate traffic signs and the parking bay shall be identified in the Masterplan and within the individual plans detailed in Schedules 9 and 10 to this Order.

Loading Bays

- 13. (1) The areas of highway described in Schedules 11 and 12 to this Order are hereby authorised to be used as loading bays, subject to the provisions of this Order, for the waiting of vehicles for the purpose of loading or unloading goods only on such days and during such hours as identified in the Masterplan and within the individual plans detailed in Schedules 11 and 12 to this Order.
 - (2) Save as provided in Article 16 of this Order no person shall cause or permit any vehicle, other than a vehicle loading or unloading goods, to wait in a loading bay on the days and during the hours identified in the

- Masterplan and within the individual plans detailed in Schedules 11 and 12 to this Order.
- (3) The limits of each loading bay shall be indicated, by the Council, on the carriageway by the appropriate traffic signs.
- (4) Every vehicle using a loading bay shall so stand so that every part of the vehicle is wholly within the loading bay AND in those cases where special provision is made is identified within the Masterplan and within the individual plans detailed in Schedules 11 and 12 to this Order, in accordance with those provisions.

Manner of Standing In Parking Places and Loading Bays

- 14. (1) Every vehicle left in a parking place or loading bay, identified in the Masterplan and within the individual plans detailed in Articles 9, 10, 11, 12 and 13 of this Order, shall so stand, subject to paragraph (2) of this Article, so that every part of the vehicle is wholly within the limits of the parking place or loading bay.
 - Where a vehicle has been left in a parking place or loading 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 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 9, 10, 11, 12 and 13 of this Order;
 - (b) the vehicle, or any part of it, is not within the limits of any adjoining parking place or loading bay.

Power to Suspend Parking Places and Loading Bays

- 15. (1) Any person authorised by the Council may suspend the use of a parking place or loading bay or any part thereof whenever he consider such suspension is reasonably necessary:-
 - 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 or to such premises
- on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (e) for the convenience of occupiers of premises adjacent to the parking place or loading bay at times of weddings, funerals or on other special occasions.
- (2) An enforcement officer may suspend the use of a parking place or loading bay or any part thereof, whenever such suspension is reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person suspending the use of a parking place or loading bay or any part thereof, in accordance with paragraph (1) or (2) of this Article shall, thereupon, place or cause to be placed in or adjacent to the parking place or loading bay, or part thereof, as the case may be, a traffic sign indicating that waiting by vehicles is prohibited.
- (4) No person shall cause or permit any vehicle to wait in a parking place or loading bay or any part thereof, during such period as there is placed in or adjacent to the parking place or loading bay, as the case may be, a traffic sign indicating that waiting by vehicles is prohibited.
 - Provided that nothing in this paragraph shall apply to any vehicle waiting in the parking place or loading bay or part thereof, which is suspended, with the permission of the person suspending the parking place or loading bay or part thereof, in pursuance of paragraph (1) or (2) of this Article.
- (5) No person shall use a parking place or loading bay in connection with the sale of any article to persons in or near the parking place or loading bay or in connection with the selling or offering for hire of their skills or services.

Part V

Exemptions

- 16. (1) Nothing in Articles 4, 5, 6, 7, 8, 9, 10, 11, 12 or 13 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 4, 5, 6, 7, 8, 9, 10, 11, 12 or 13 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 4, 6, 7, 8, 9 or 10 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 5, and 13 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 the picking up or setting down of passengers.
- (4) Nothing in Articles 4, 6, 7, 8, 9, 10, 11 or 12 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 VI

Saving

- 17. In so for 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.
- 18. 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 Walting At Any Time

Plan reference numbers: CQ172, CQ171, CR170, CQ169, CR179, CR172

Schedule 2
Prohibition of Waiting and Loading/Unloading At Any Time

Plan reference numbers: CR169, CQ169, CR170, CQ170, CQ171

Schedule 3
Prohibition of Waiting between the hours of 8.00am and 6.00pm Monday to Saturday

Plan reference numbers: CR170, CR169, CQ169, CQ170

Schedule 4
Prohibition of Waiting between the hours of 8.00am and 6.00pm on any day

Plan reference number: CQ170

Schedule 5
Prohibition of Waiting between the hours of 8.00am and 8.00pm on any day

Plan reference number: CQ170

Schedule 6
Prohibition of Waiting Except Taxis at any time

Plan reference number: CQ169

Schedule 7
Prohibition of Waiting Except Taxis between the hours of 6.00pm and 8.00am
Monday to Saturday

Plan reference number: CQ170

Schedule 8
Parking Places 8.00am - 6.00pm, 30 Mins, No Return within 1 hour on any day

Plan reference numbers: CQ170, CQ169

Schedule 9
Disabled Badge Holders Only at any time

Plan reference numbers: CQ172, CR172

Schedule 10 Disabled Badge Holders Only – 1 hour limit

Plan reference numbers: CQ169

Schedule 11 Loading Bays At Any Time

Plan reference numbers: CQ170, CQ169

Schedule 12 Loading Bays 8.00am – 8.00pm on any day

Plan reference number: CQ170

Given under the Common Seal of the County Council of Durham on 29 July 2010.



REPORT FOR DELEGATION OF APPROVAL

29 MARCH 2010

TRAFFIC REGULATION ORDER (TRO)

Purpose

To consider the introduction/amendment of a TRO at:.

CONSETT

Information

In Order to progress with the introduction of Civil Parking Enforcement (CPE) in the North Durham area there is a need to ensure that all existing Traffic Regulation Orders (TRO's) are legally enforceable. This new TRO will replace the 27 existing TRO's which were sealed in 1963 to 2004. The new TRO will use map based schedules to accurately identify existing waiting restrictions as they appear on the ground and ensures that the body of the Order itself is legally correct. Given the new TRO will not introduce any new restrictions on the ground and is more or less an administrative process it is likely that we will receive very few if any objections to the proposals.

The introduction of CPE will involve the advertising of 19 TRO's (arranged in settlement groups) which will replace all existing waiting restriction TRO's in the North Durham area.

Recommendation

It is RECOMMENDED that the TRO be progressed to advert.

Background Papers

Office Files

Contact Officer

Dave Lewin

Ext 4125

THE COUNTY COUNCIL OF DURHAM

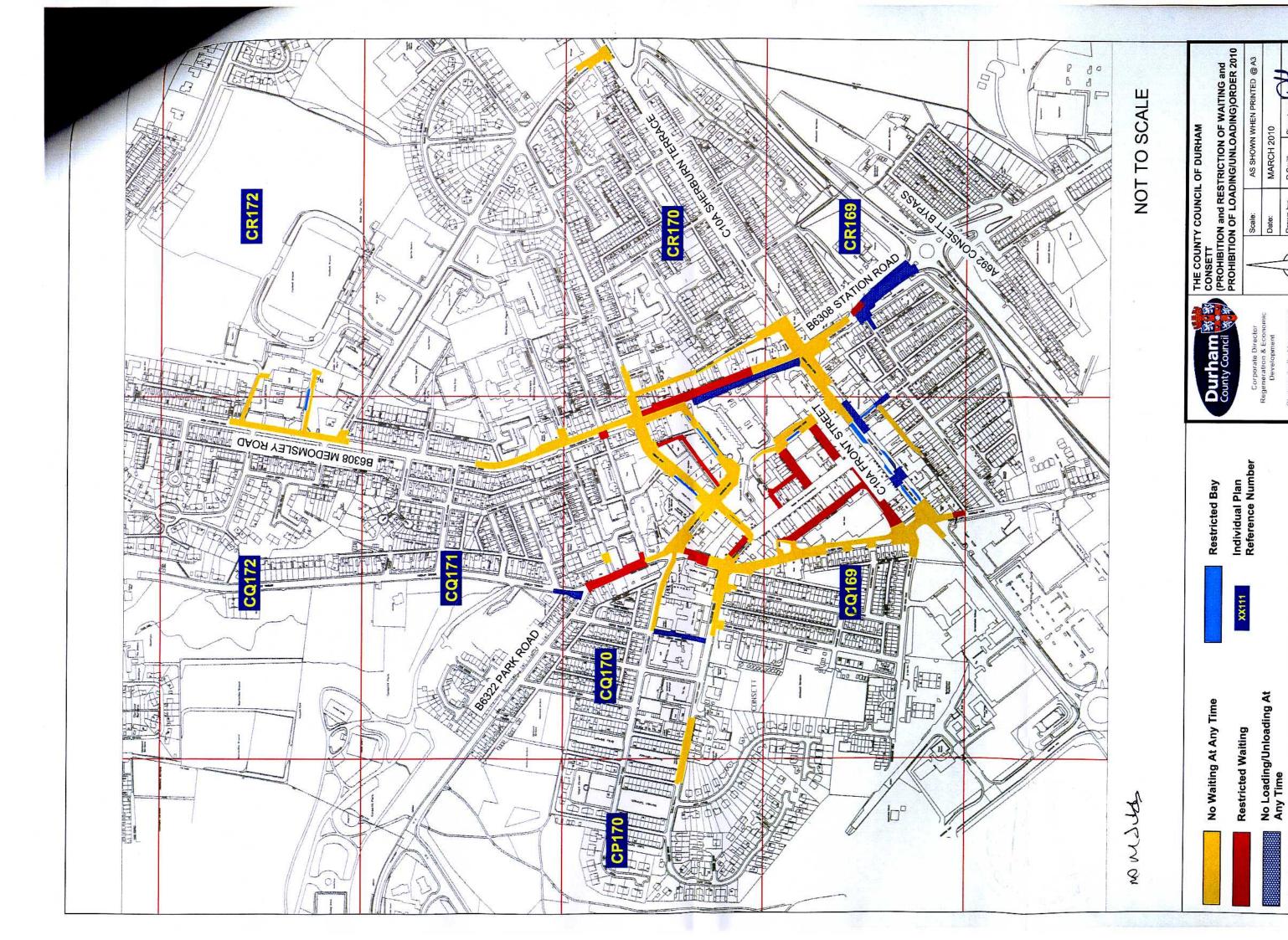
(CONSETT)

(PROHIBITION and RESTRICTION OF WAITING and PROHIBITION OF LOADING/UNLOADING) ORDER 2010

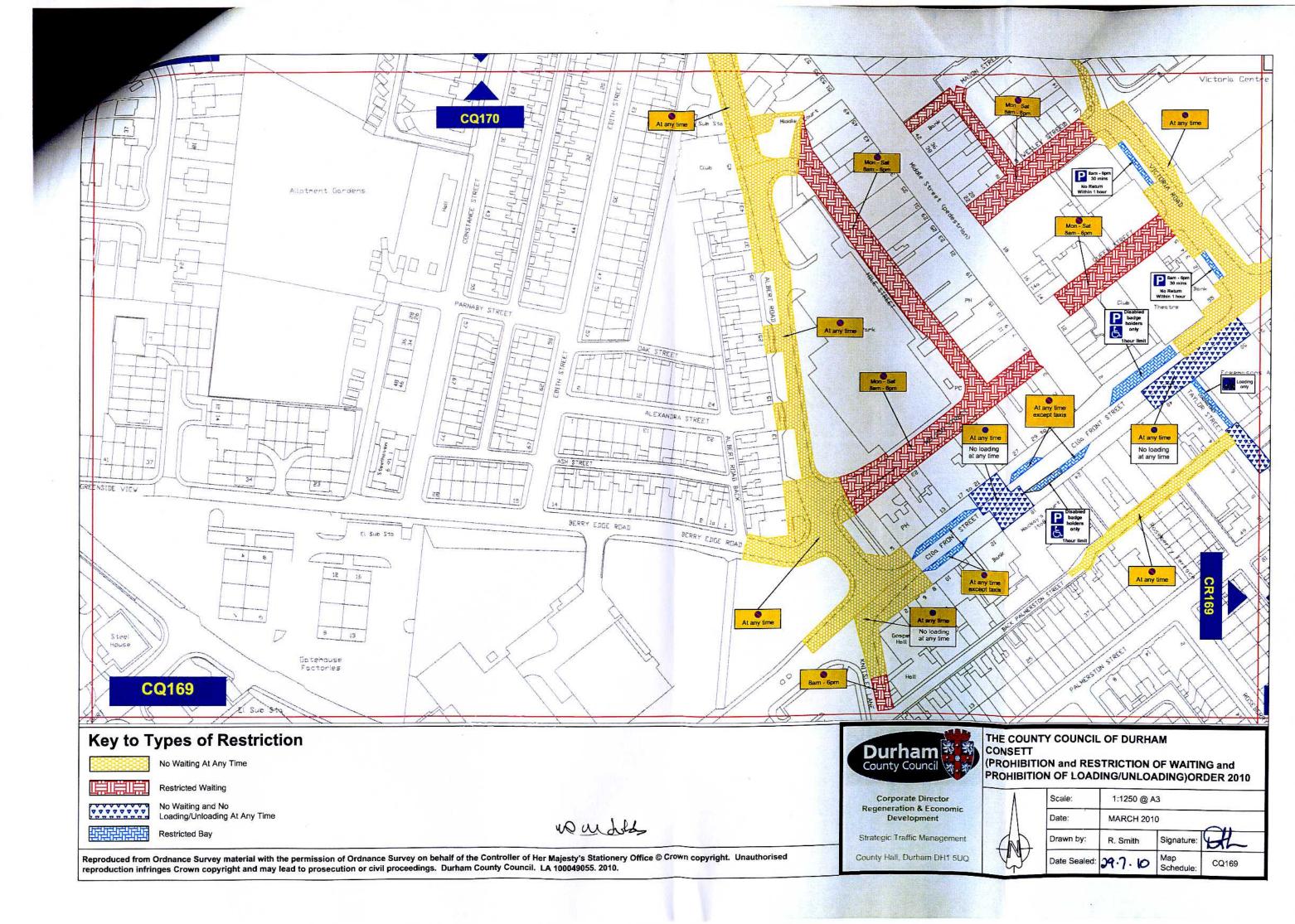
Statement of Reasons

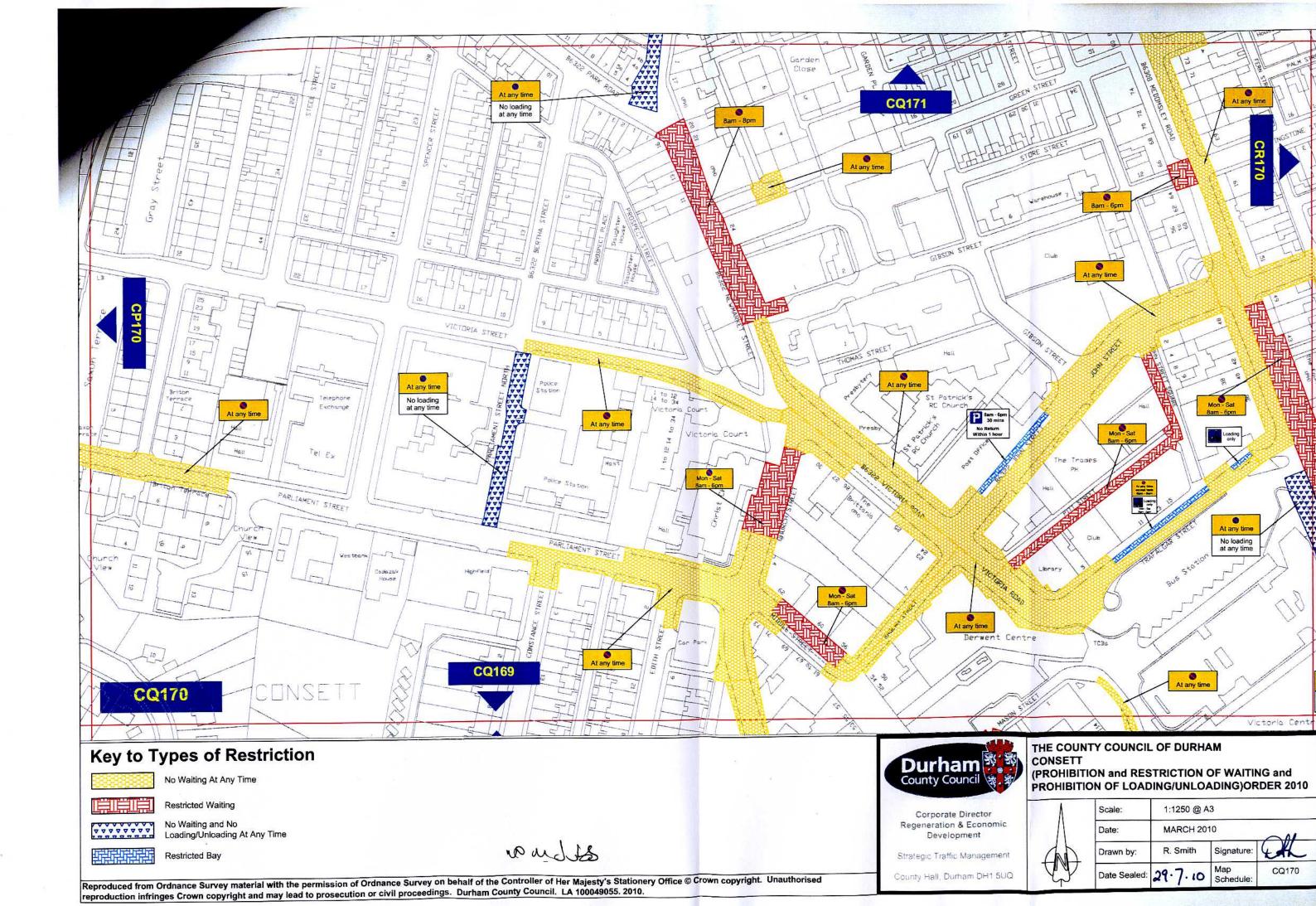
Durham County Council as Highway Authority propose to make the above order in discharge of its duty under Section 122 of the Road Traffic Regulation Act 1984, "to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)", in accordance with the provisions of Section 1(1) of the Road Traffic Regulation Act 1984 namely:-

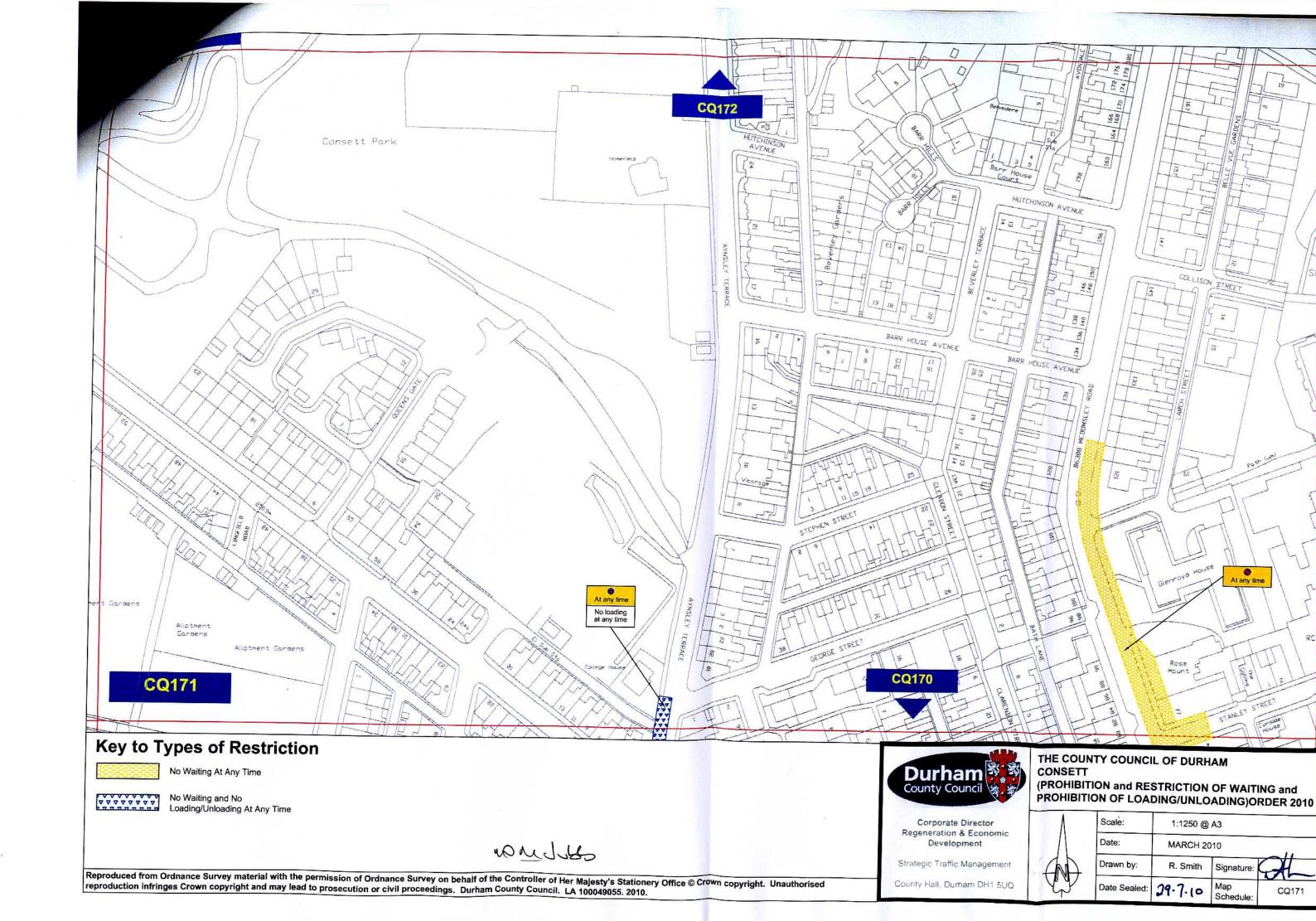
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(a)	for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or	✓
(b)	for preventing damage to the road or to any building on or near the road, or	
(c)	for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or	✓
(d)	for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or	
(e)	(without prejudice to the generality of paragraph(d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or	
(f)	for preserving or improving the amenities of the area through which the road runs; or	
(g)	for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).	

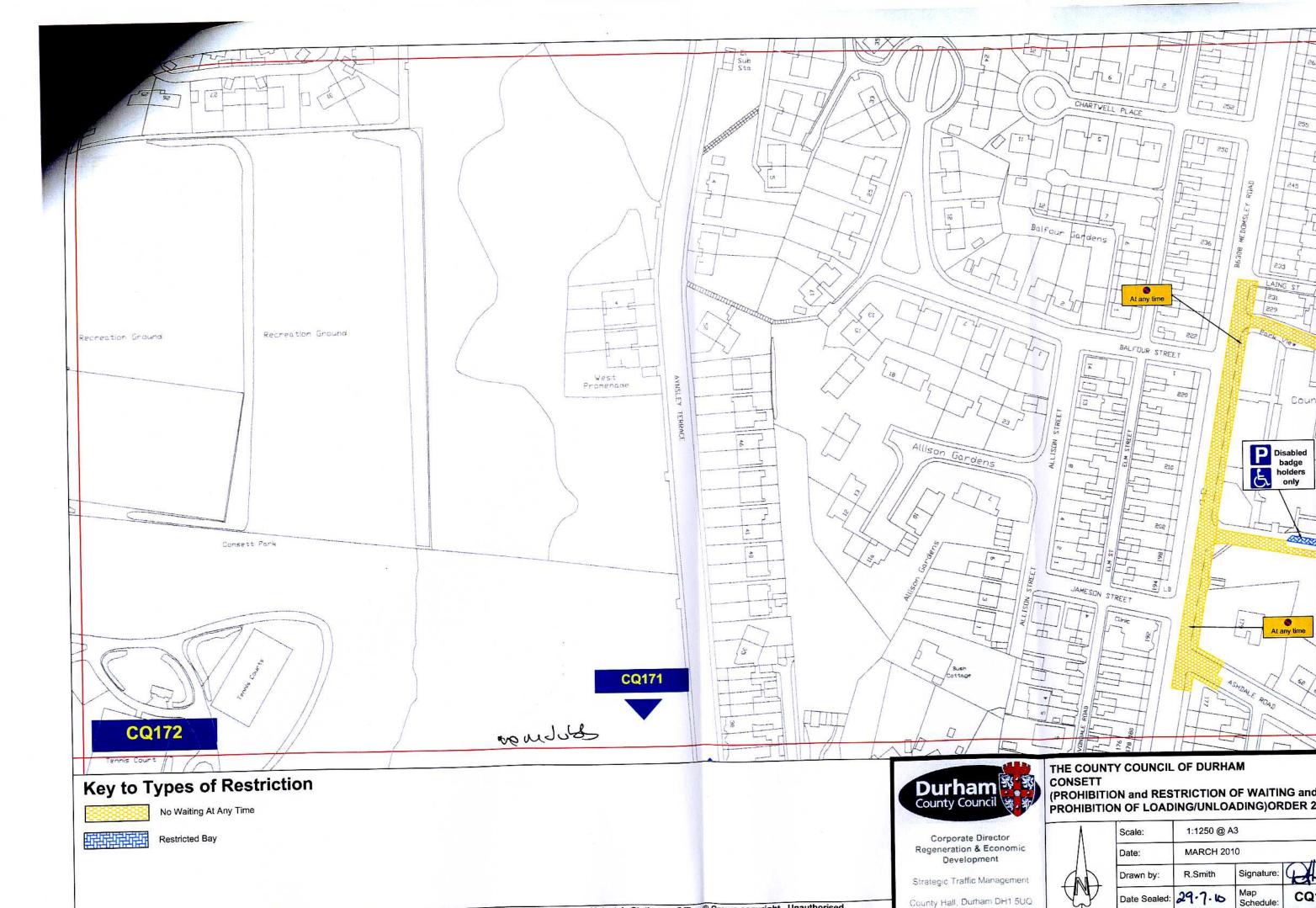


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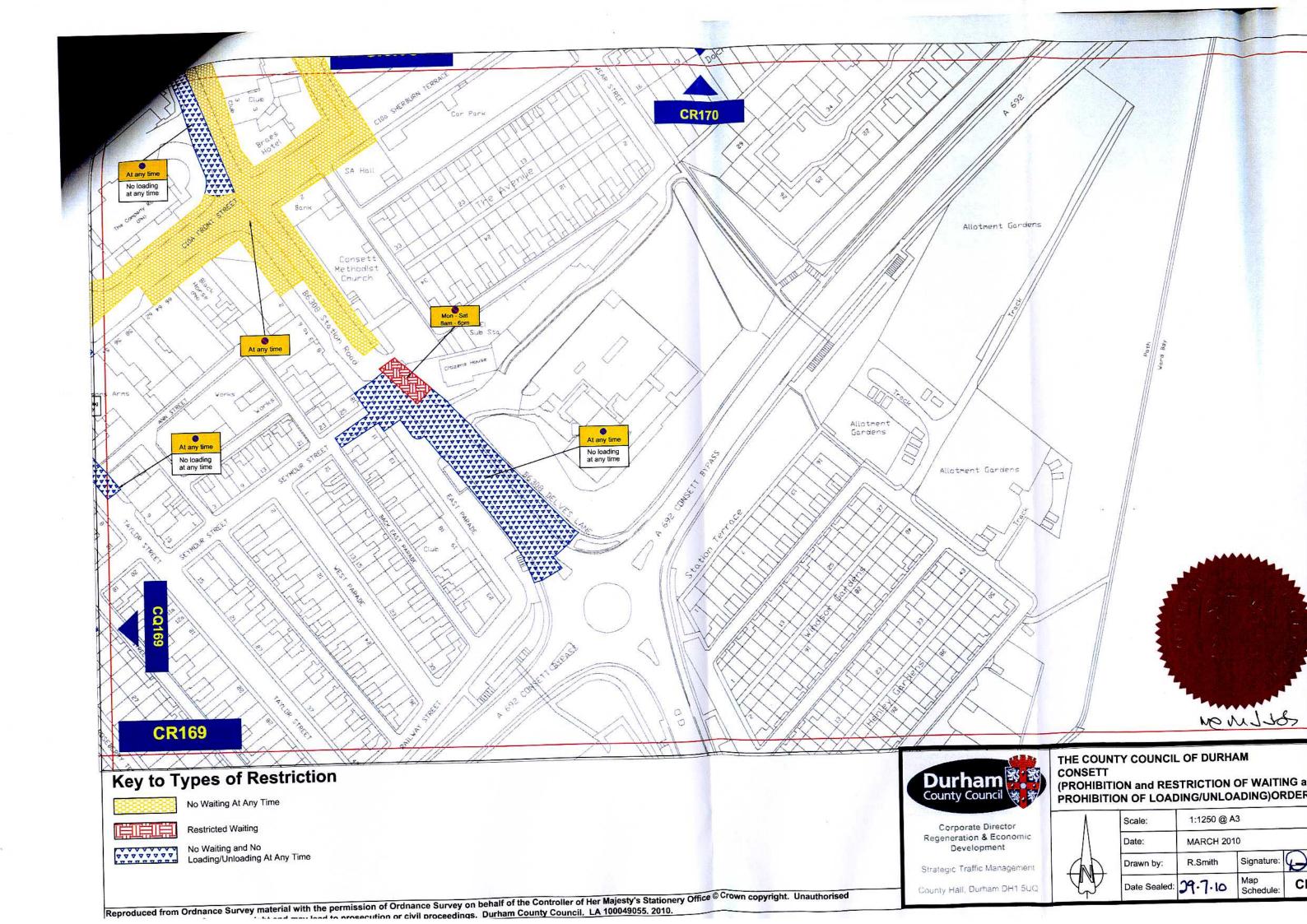


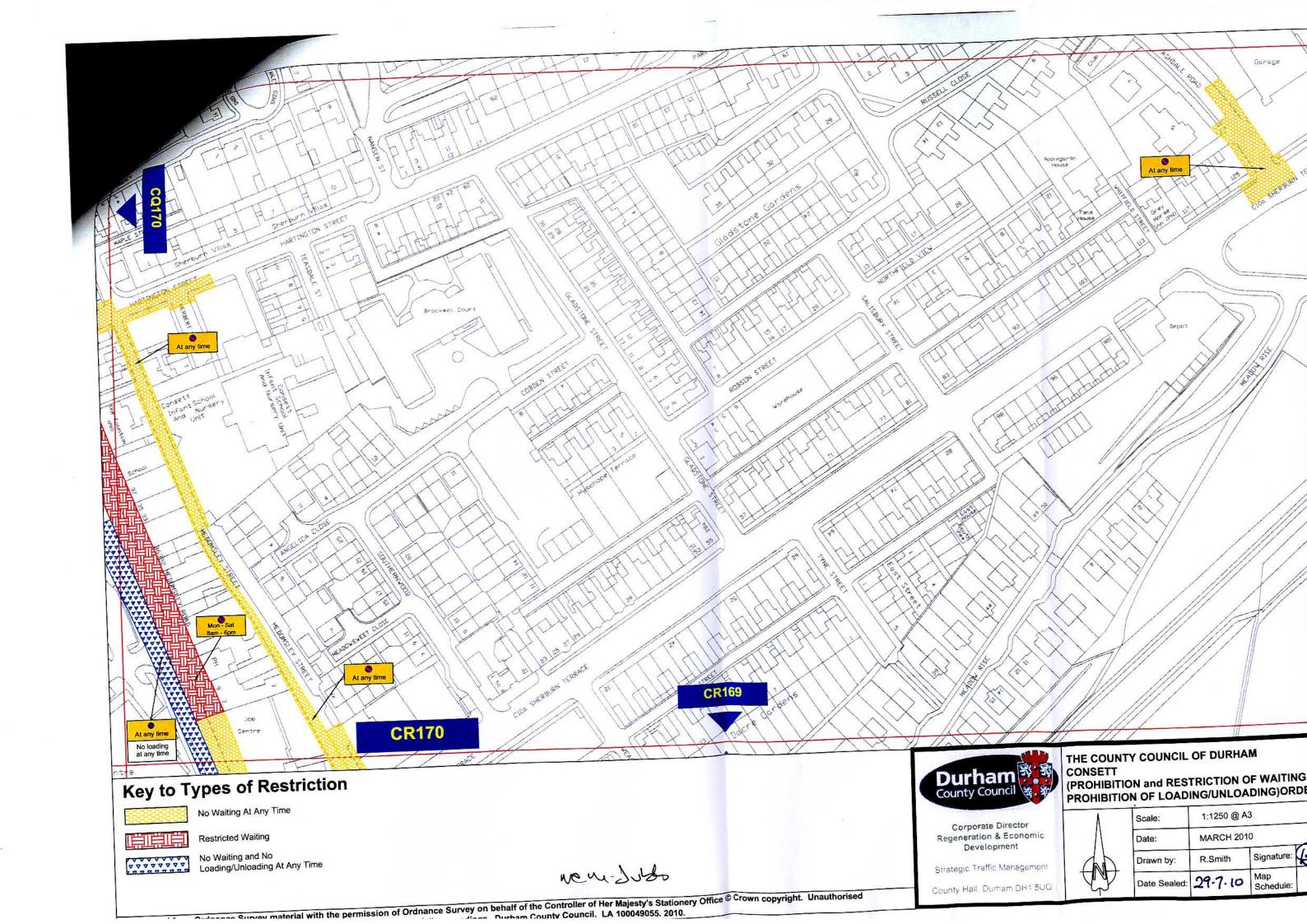


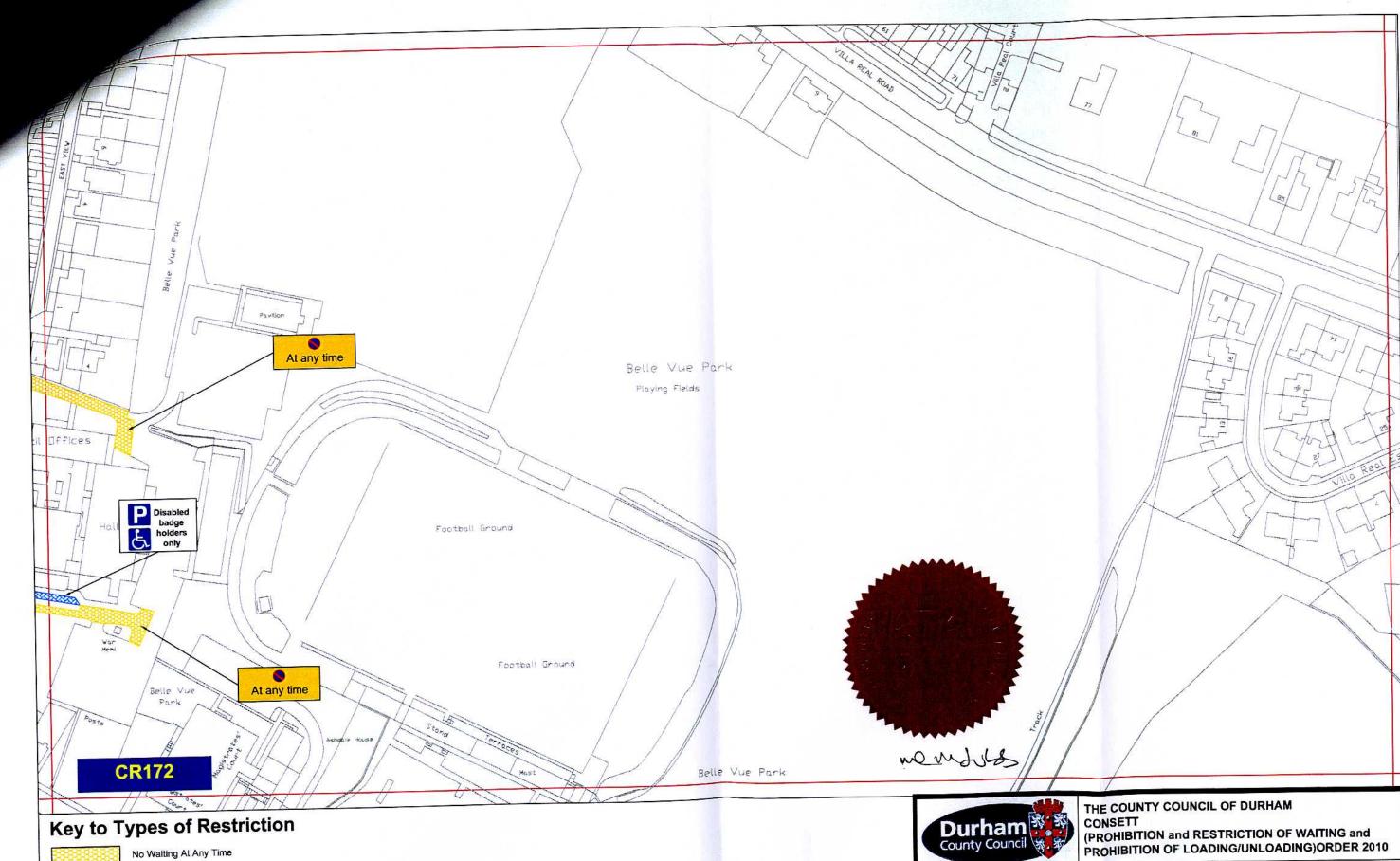




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Restricted Bay

Corporate Director Regeneration & Economic Development

Strategic Traffic Management

County Hall, Durham DH1 5UQ



1:1250 @ A3 MARCH 2010 Date: R.Smith Drawn by: 29.7.10 **CR172**

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