

**THE COUNTY COUNCIL OF DURHAM
(CONSETT)
(PARKING AND WAITING RESTRICTIONS)
ORDER 2012**

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 I
GENERAL**

Citation & Commencement

1. This Order may be cited as The County Council of Durham (Consett) (Parking and Waiting Restrictions) Order 2012 and shall come into operation on 4 March 2013.

Interpretation

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

"civil enforcement officer" means a person pursuant to the provisions of Section 76 of the Traffic Management Act 2004, as amended;

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

"disabled person's badge" and "disabled person's parking disc" have the same meanings 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;

"enforcement authority" means the County Council of Durham.

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

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

"parking bay" means an area of 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 and "The Civil Enforcement of Parking Contraventions (England) General Regulations 2007".

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

"penalty charge" means a charge pursuant to the provisions of Section 77 of the Traffic management Act 2004; and "The Civil Enforcement of Parking Contraventions (England) General Regulations 2007";

"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; and "The Civil Enforcement of Parking Contraventions (England) General Regulations 2007";

"permit" means a permit and a "valid permit" issued under the provisions of Article 7 of this Order;

"permit holder" means a person to whom a permit has been issued under the provisions of Article 7 of this Order;

"plans" means the drawings listed within the Schedules attached to the 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 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
- (b) A disabled person's parking disc is displayed in the relevant position if:-
 - (i) the disc is exhibited on the dashboard or fascia panel of the vehicle; 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;

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

Part II

Revocation

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

The County Council of Durham (Consett) (Prohibition and Restriction of Waiting and Prohibition of Loading/Unloading) Order 2010.

3/166

The County Council of Durham (Consett) (Prohibition and Restriction of Waiting and Prohibition of Loading/Unloading) (Amendment) Order 2011.

3/182

Part III

Prohibition of Waiting At Any Time

4. Save as provided in Article 18 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 1 to this Order.

Prohibition of Waiting and Loading/Unloading At Any Time

5. Save as provided in Article 18 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, or
 - 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 2 to this Order.

Part IV

Parking Places (Restricted Bays)

6. (1) The areas of highway identified in Schedule 3 to this Order are hereby designated as parking places.
- (2) Each parking place specified in Schedule 3 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 individual plan(s) detailed in Schedule 3 to this Order.
- (3) Save as provided in Article 18 of this Order no person shall cause or permit any vehicle to wait in a parking place other than on the days and during the hours identified in the individual plans detailed in Schedule 4 to this Order.
- (4) The limits of each parking place and of each parking bay identified in Schedule 3 to this Order shall be indicated by the Council on the carriageway by the appropriate traffic signs.
- (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 individual plans detailed in Schedule 3 or to return within the period also specified within those plans.

Parking Places – Permit Holders Only

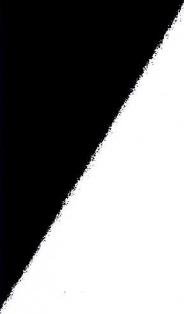
7. (1) The areas of highway identified in Schedule 4 to this Order are hereby designated as parking places.
- (2) Each parking place specified in Schedule 4 to this order, designated under paragraph (1) of this Article may be used, on such days and during such hours as identified in the individual plans detailed in Schedule 4, only by vehicles which display a valid parking permit issued by the Markets Manager for Consett.
- (3) Save as provided in Article 18 of this Order no person shall cause or permit any vehicle, other than a vehicle displaying a valid parking permit issued by the Markets Manager for Consett, to wait in a permit holder only parking place on the days and during the hours identified in the individual plans detailed in Schedule 4 to this Order.
- (4) The limits of each parking place and of each parking bay identified in Schedule 4 to this Order shall be indicated by the Council, on the carriageway by the appropriate traffic signs.
- (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 individual plans detailed in Schedule 4 or to return within the period also specified that plan.

Disabled Badge Holders (Restricted Bays)

8. (1) The area of highway identified in the individual plans detailed in Schedule 5 to this Order are hereby authorised as disabled persons parking places.
- (2) Save as provided in Article 18 of this Order no person shall cause or permit any vehicle, other than a vehicle which displays a disabled person's badge and disabled persons parking disc to wait in a loading bay on the days and during the hours identified in the individual plans detailed in Schedule 5 to this Order.
- (3) Each parking place identified in the individual plans detailed in Schedule 5 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.
- (4) The limits of each parking place shall be indicated by the Council identified in Schedule 5 to this Order on the carriageway by the appropriate traffic signs.

Loading Bays (Restricted Bays)

9. (1) The areas of highway described in Schedule 6 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 individual plans detailed in Schedule 6 to this Order.

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- (2) Save as provided in Article 18 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 individual plans detailed in Schedule 6 to this Order.
 - (3) The limits of each loading bay identified in Schedule 6 to this Order 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 individual plans detailed in Schedule 6 to this Order, in accordance with those provisions.

Manner of Standing in Parking Places and Loading Bays

- 10. (1) Every vehicle left in a parking place or loading bay, identified in the individual plans and detailed in Articles 6, 7, 8 and 9 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.
- (2) 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 6, 7, 8 and 9 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

- 11. (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:-
 - (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 or to such premises

- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the parking place 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.

Class and position of Vehicle

- 12. (1) No person shall cause or permit any vehicle, other than the permitted classes of vehicles, to use the parking places identified in Articles 6, 7, 8 and 9 or as specified in Schedules 3, 4, 5 and 6 to this order;
- (2) Every vehicle left in a parking place, specified in Articles 11 and 12 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, 4, 5 and 6 of this Order, in accordance with those provisions;
- (3) No person shall cause or permit any vehicle, unless so approved by an enforcement officer, to wait or park in a parking bay specifically marked as available for a permitted class of vehicle, as identified in Schedules 3, 4, 5 and 6 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.

Removal of Vehicles and Other Equipment from Parking Places

13. (1) Where an 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 11 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 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 V

No Stopping on Entrance Markings

14. Save as provided in Article 18 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 stop on any of the lengths of roads, or sides of lengths of roads on such days and during such hours as identified on the individual plans specified in Schedule 7 to this Order.

Part VI

LIABILITIES/PENALTIES

Liability

15. 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.

Emergencies

16. A person authorised by the Council, or an enforcement officer 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

17. Any person removing a vehicle from a parking place under Article 20 shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

Part VII

Exemptions

18. (1) Nothing in Articles 4, 5, 6, 7, 8, 9 and 14 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 and 14 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 Article 4, 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 Article(s) 6 or 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 to wait in the length of road referred to in those Articles.
- (5) Nothing in Articles 5 or 9 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.

- (6) Nothing in Articles 4, 6, 7 or 8 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;
- (7) Nothing in Article 7 of this Order shall apply to any vehicle which displays clearly a valid parking permit, issued by the Markets Manager for Consett, under the provisions of Article 7 of this Order;

Part VIII

Contravention & Enforcement

19. If a vehicle is in contravention of any provision of this Order a penalty charge shall be payable.
20. 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 IX

Saving

21. Insofar 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.
22. 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

Plan reference numbers:

| Item No | | Item No | | Item No | |
|---------|-------|---------|-------|---------|-------|
| 1 | CP170 | 4 | CQ171 | 7 | CR170 |
| 2 | CQ169 | 5 | CQ172 | 8 | CR171 |
| 3 | CQ170 | 6 | CR169 | 9 | CS17 |

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

Plan reference numbers:

| Item No | | Item No | | Item No | |
|---------|-------|---------|-------|---------|-------|
| 1 | CQ169 | 3 | CQ171 | 5 | CR170 |
| 2 | CQ170 | 4 | CR169 | 8 | |
| 3 | | 6 | | 9 | |

**Schedule 3
Parking Places**

Plan reference numbers:

| Item No | | Item No | | Item No | |
|---------|-------|---------|-------|---------|-------|
| 1 | CQ169 | 2 | CQ170 | 3 | CQ171 |

**Schedule 4
Parking Places – Permit Holders Only**

Plan reference number:

CQ169

**Schedule 5
Disabled Badge Holders Only**

Plan reference numbers:

| Item No | | Item No | | Item No | |
|---------|-------|---------|-------|---------|-------|
| 1 | CQ169 | 2 | CQ170 | 3 | CQ171 |

**Schedule 6
Loading only**

Plan reference numbers:

| Item No | | Item No | | Item No | |
|---------|-------|---------|-------|---------|-------|
| 1 | CQ169 | 2 | CQ170 | 3 | CR169 |

**Schedule 7
No Stopping on Entrance Markings**

Plan reference numbers:

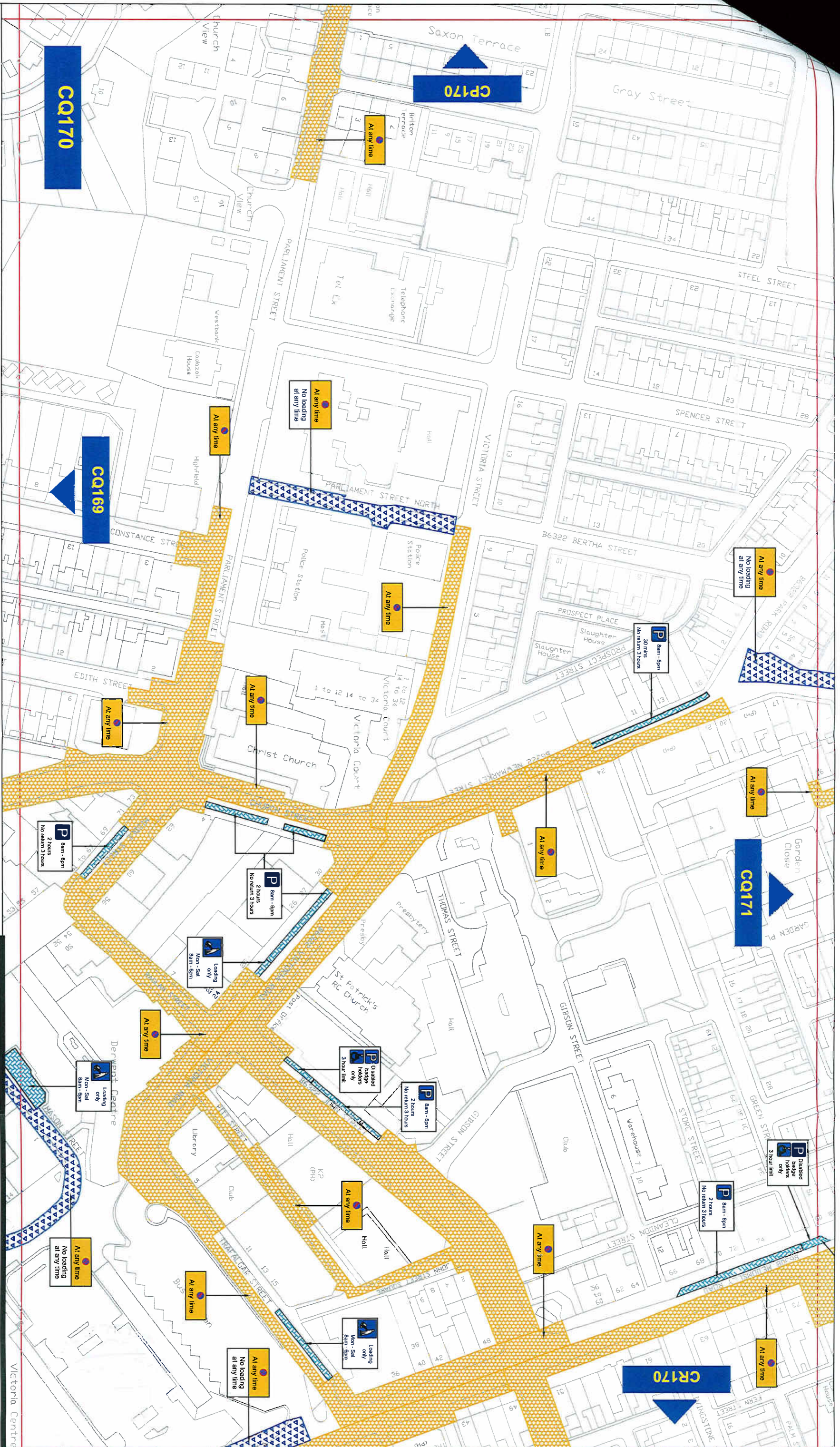
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|---------|-------|---------|-------|---------|--|
| 1 | CR171 | 2 | CS172 | | |

GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM ON 31 JANUARY 2013

W M J

Authorised Signatory





Key to Types of Restriction

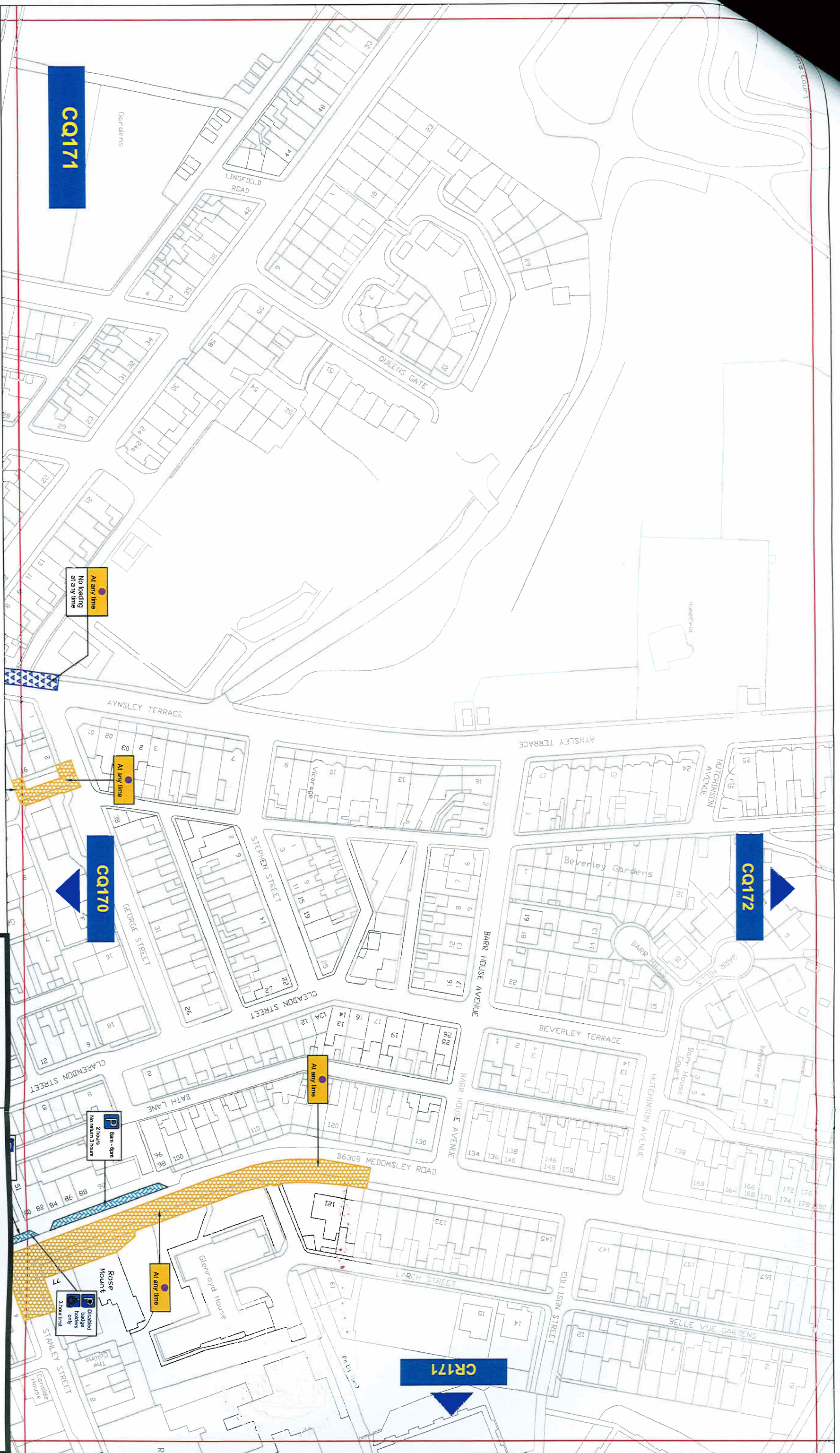
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- No Waiting and No Loading/Unloading At Any Time
- Restricted Bay
- XXXXXX Individual reference number

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Durham County Council
Corporate Director
Regeneration & Economic Development
Strategic Traffic Management
County Hall, Durham DH1 5UQ

CONSULT
PARKING AND WAITING RESTRICTIONS

Scale: 1:1250 @ A3
Date: April 2012
Drawn by: R.Smith
Date Sealed: 31/1/13
Signature: [Signature]
Map Schedule: **CA170**



Key to Types of Restriction

No Waiting At Any Time

No Waiting and No Loading/Unloading At Any Time

Restricted Bay

XXXXXX
Individual reference number

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Drawn by: R.Smith

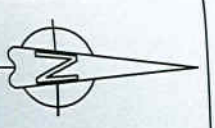
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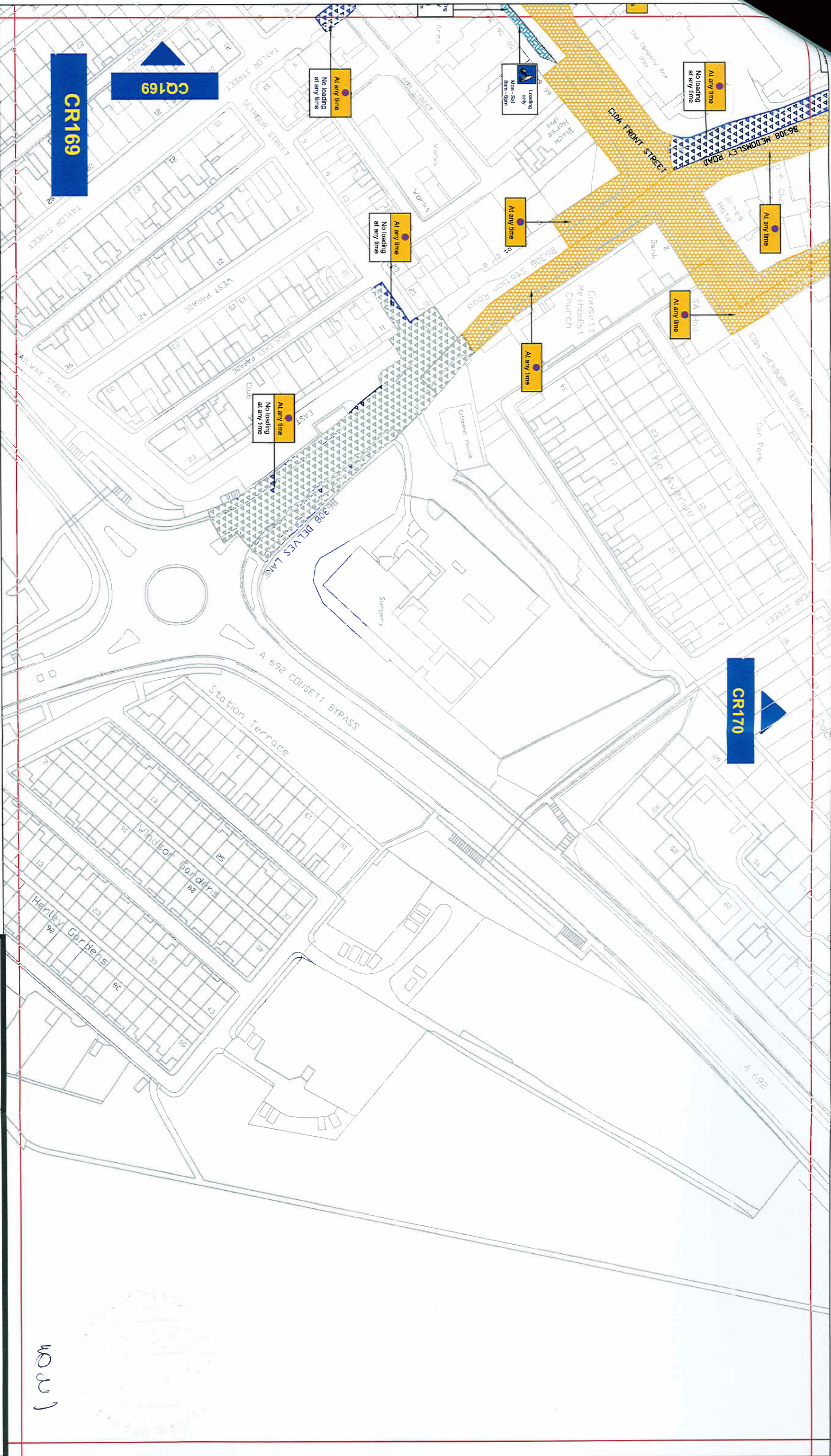
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Key to Types of Restriction

- No Waiting At Any Time
- No Waiting and No Loading/Unloading At Any Time
- Restricted Bay
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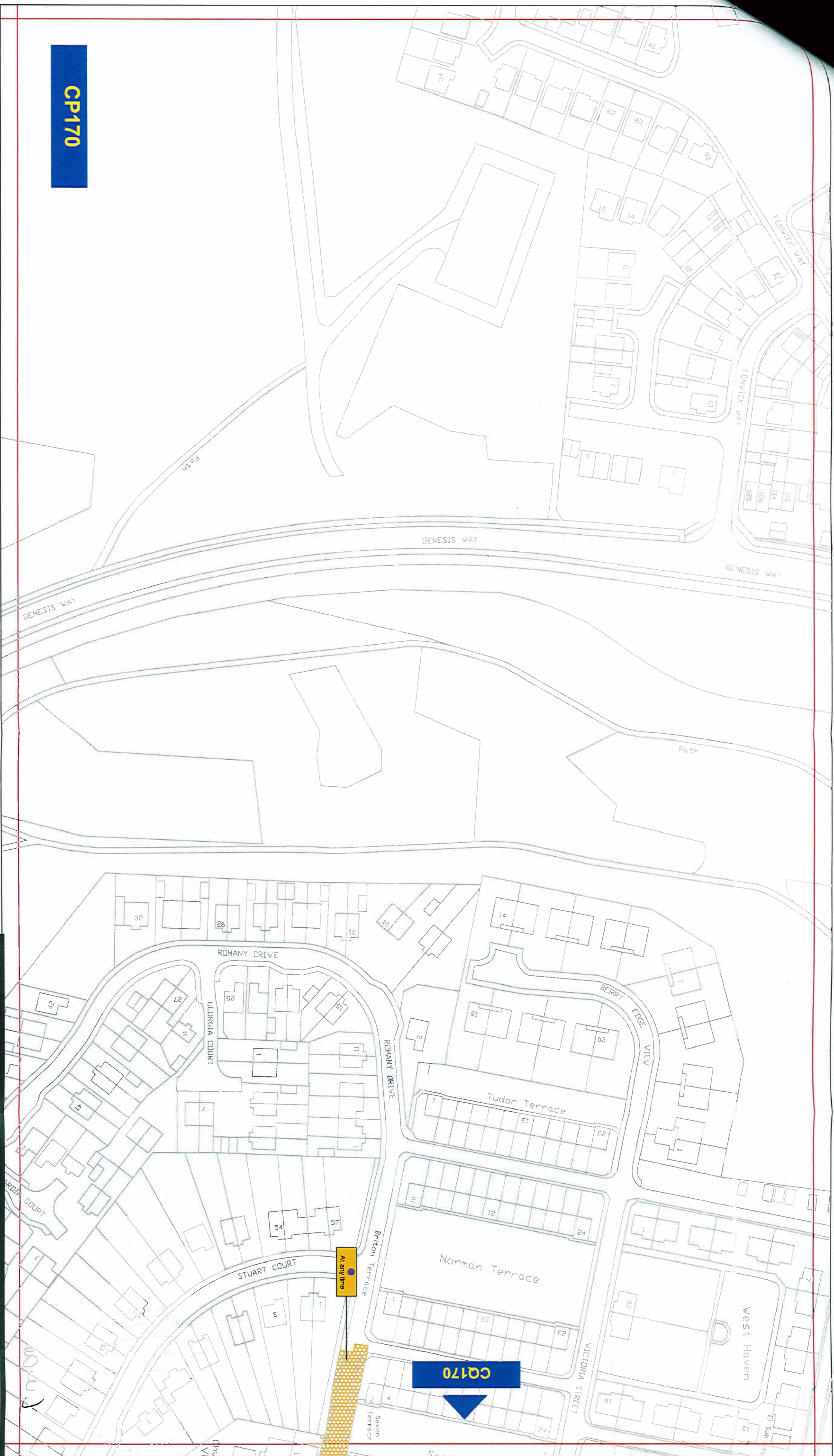
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PARKING AND WAITING RESTRICTIONS

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Key to Types of Restriction

 No Waiting At Any Time

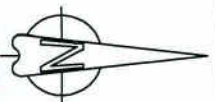
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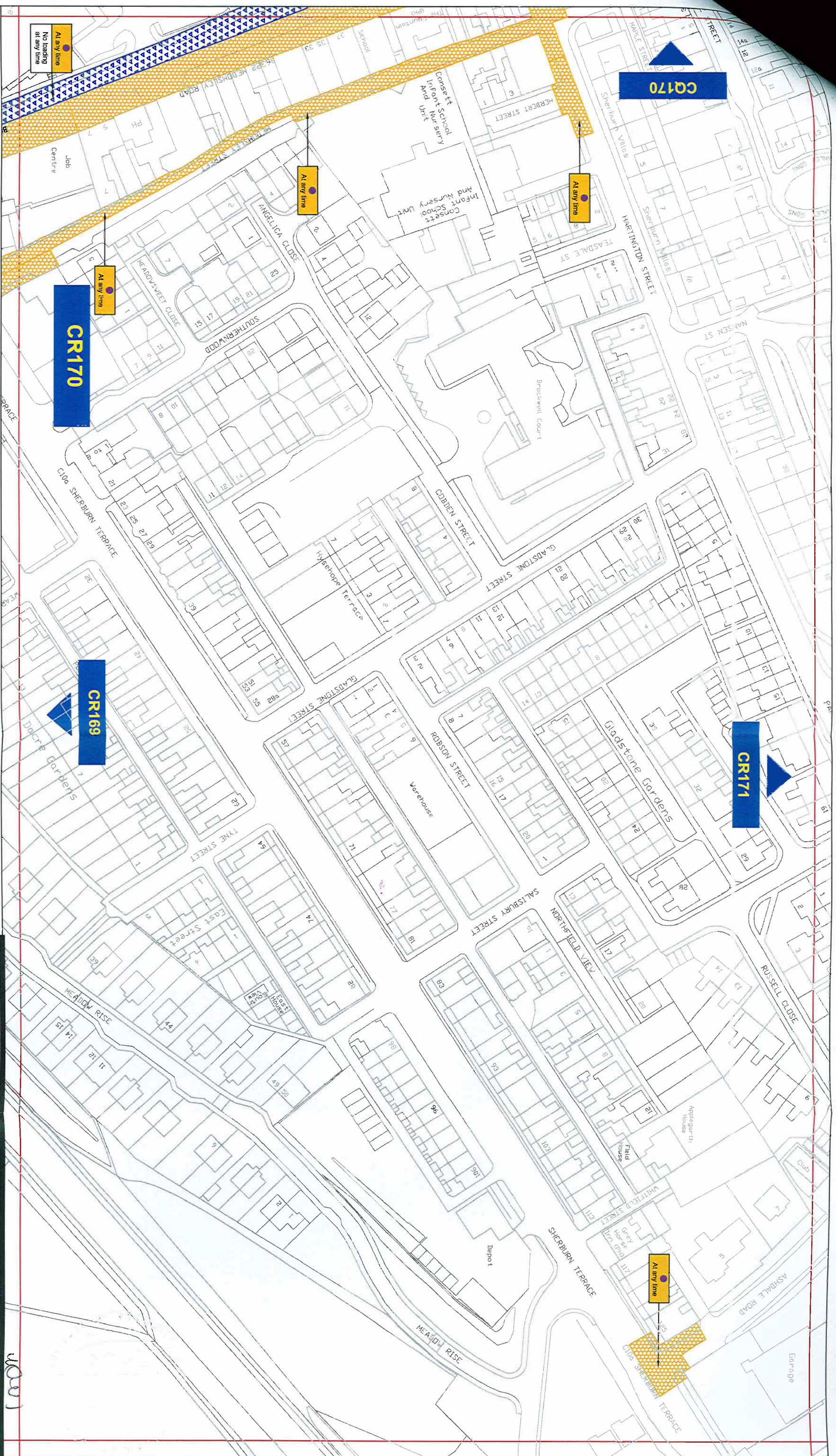
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CONSENT PARKING AND WAITING RESTRICTIONS



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Key to Types of Restriction

- No Waiting At Any Time
- No Waiting and No Loading/Unloading At Any Time
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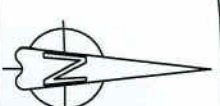


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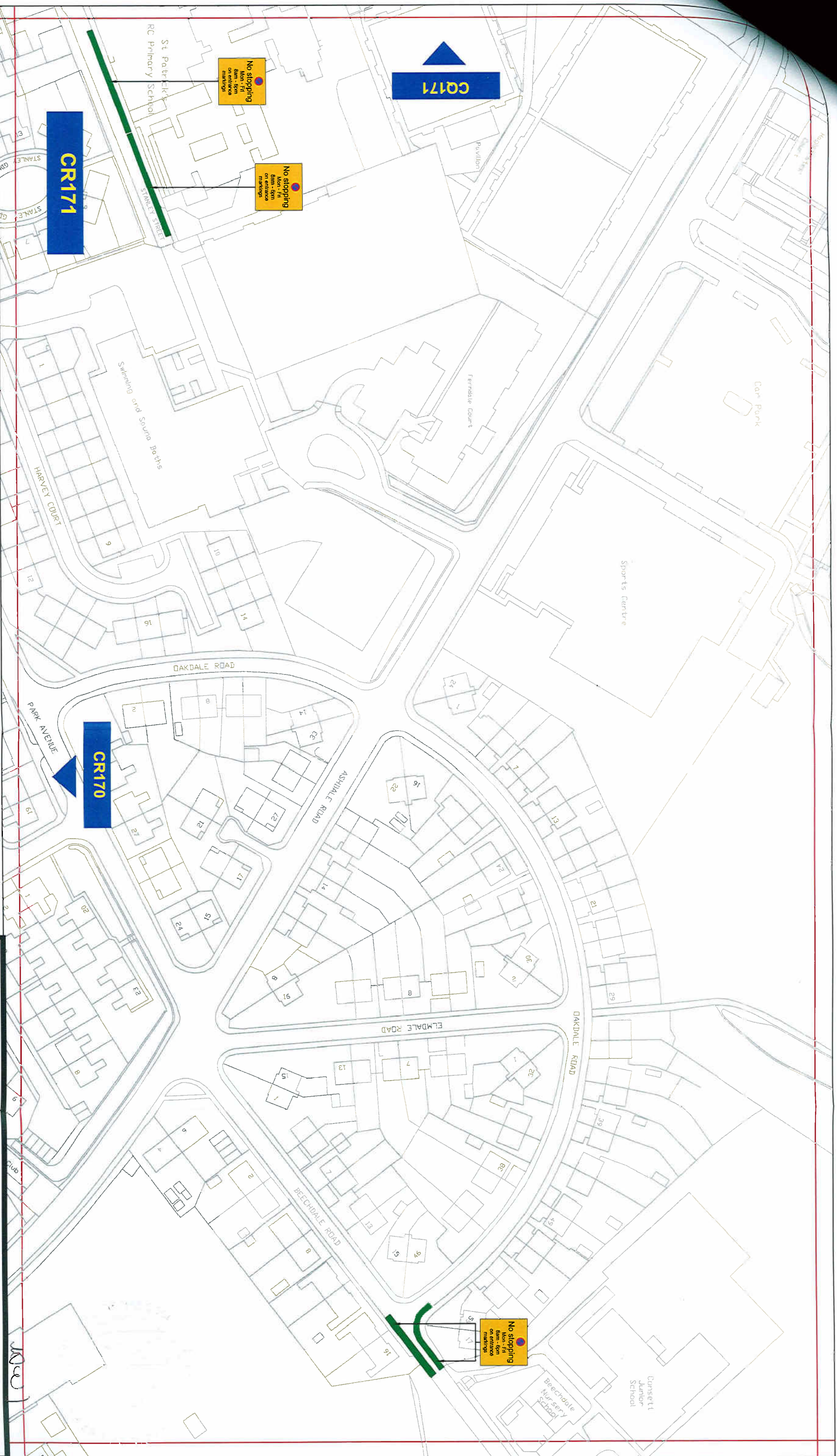
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CONSETT
PARKING AND WAITING RESTRICTIONS



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Key to Types of Restriction

No Stopping

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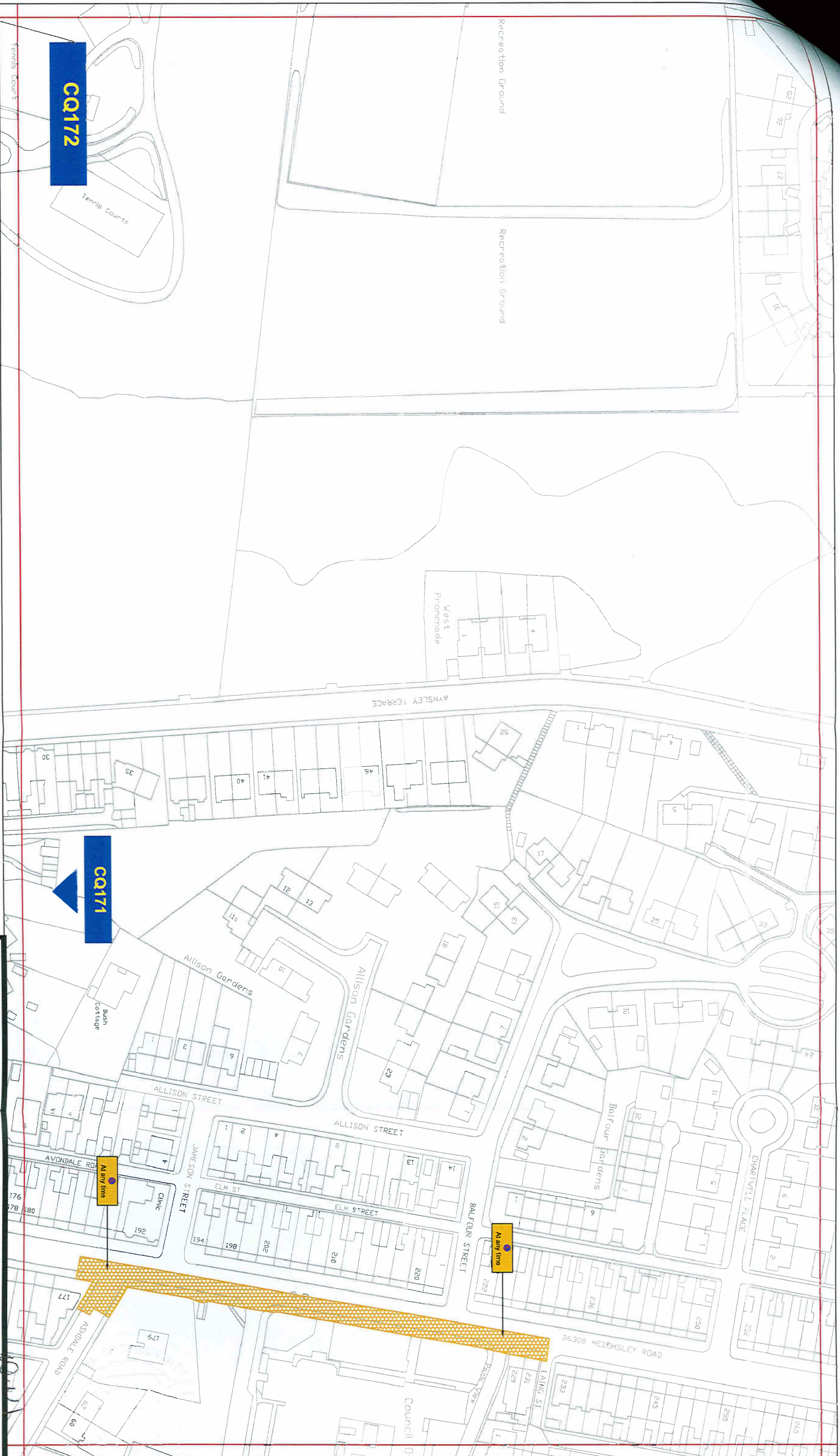


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CONSETT
PARKING AND WAITING RESTRICTIONS



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Key to Types of Restriction

 No Waiting At Any Time


 Individual reference number

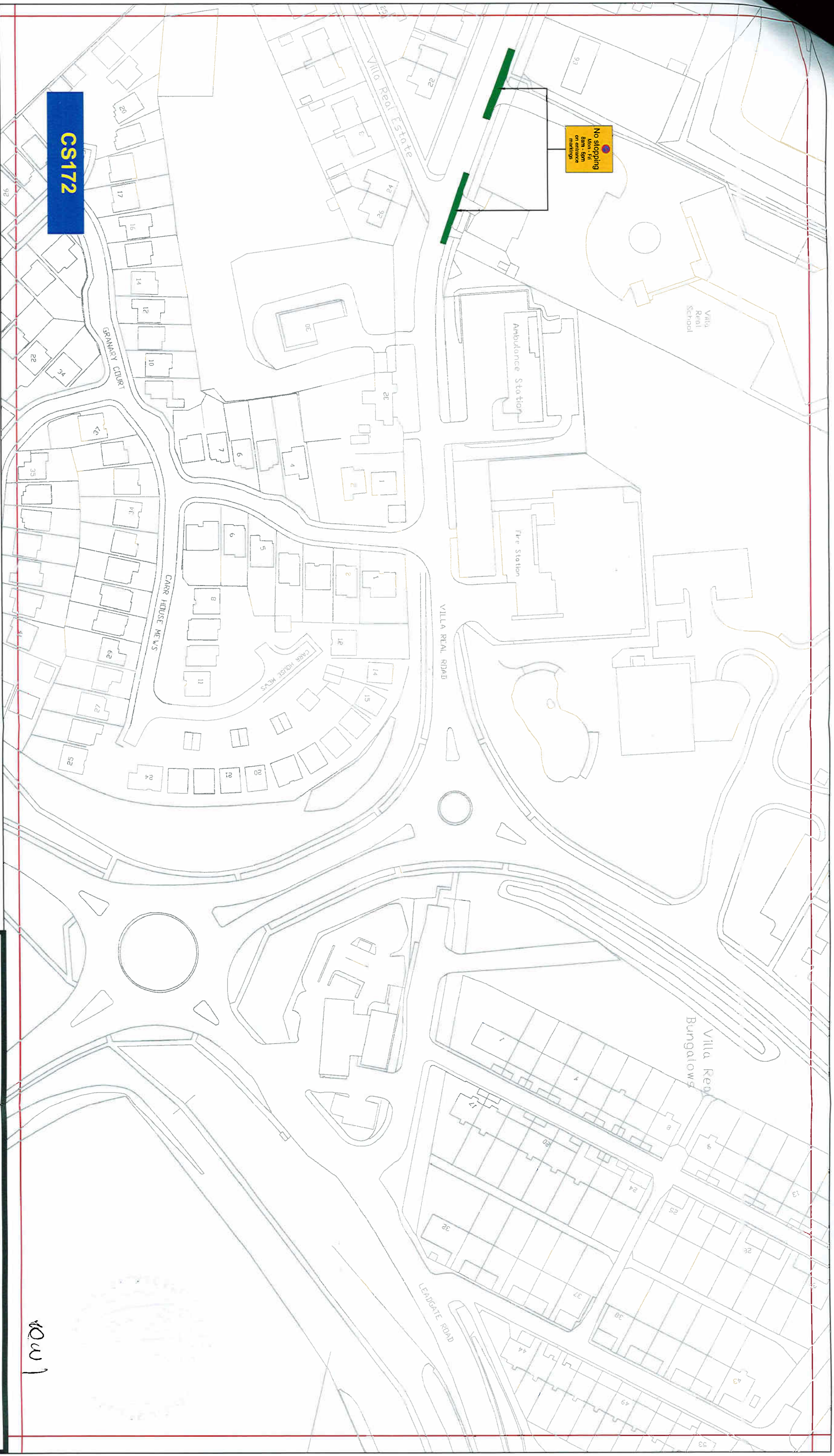
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Key to Types of Restriction



No Stopping



Individual reference number

CS172

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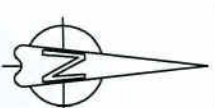
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CS172