

**THE COUNTY COUNCIL OF DURHAM  
(CHESTER-LE-STREET AND BIRTLEY)  
(PROHIBITION AND RESTRICTION OF WAITING, LOADING/UNLOADING  
& PARKING PLACES) (AMENDMENT) No. 2  
ORDER 2011**

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 (Chester-le-Street and Birtley (Prohibition and Restriction of Waiting, Loading/Unloading & Parking Places) (Amendment) No. 2 Order 2011 and shall come into operation on 5 March 2012.

**Part II**

**Amendments**

The County Council of Durham (Chester-le-Street and Birtley) (Prohibition and Restriction of Waiting, Loading/Unloading & Parking Places) (Amendment) Order 2011 is hereby amended as follows:

**Interpretations**

(a) The following interpretations have been included at Article 2:

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

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

"credit card" has the same meaning as in Section 35A of the Act;

"debit card" has the same meaning as in Section 35A of the Act;

"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;

"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;

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

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

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

"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;

"permit" means a permit and a "valid permit" issued under the Scheme operating Conditions and provisions of Article 14 of this Order;

"permit holder" means a person to whom a permit has been issued under the Scheme Operating Conditions and provisions of Article 14 of this Order;

"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 1 to this Order;

"scheme operation 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

"visitor's permit" means a permit issued to a resident for a visitor in accordance with the provisions of Article 3 of this Order.

4. **Articles 4, 5, 6, 7, 8, 9, 10, 11 and 12**

**Reference to Article 19 within the above articles has been removed and reference to Article 20 inserted.**

5. **A new Article 14 has been inserted which reads:**

**Permit Holders -Parking Places Monday – Saturday 10.00am-11.00am & 2.00pm-3.00pm**

- (1) The areas of highway identified within the individual plans detailed in Schedule 12 to this Order are hereby authorised as Permit Holder parking places.
- (2) Each parking place identified within the individual plans detailed in Schedule 12 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, between the hours of 10.00am-11.00am and 2.00pm-3.00pm Monday to Saturday which displays a valid permit issued in accordance with this Order.
- (3) Save as provided in Article 20 of this Order no person shall, except upon the direction or with the permission of a civil enforcement officer, cause or permit any motor vehicle or motor cycle to park except on such days and during

such hours on the lengths of roads or sides of lengths of roads identified within the individual plans detailed in Schedule 12 to this Order.

- (4) 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 12 to this Order, may apply to the Council for the issue of a residents permit to enable them to park in the appropriate parking place(s) as defined in the Scheme Operation 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 12 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 the appropriate parking place(s) as defined in the Scheme Operation Conditions, as amended from time to time.
- (6) Any resident who resides in the streets identified in the within the individual plans detailed in Schedule 12 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 the appropriate parking place(s) as defined in the Scheme Operation Conditions, as amended from time to time.
- (7) A medical/health care professional, being the owner of a vehicle of a type specified in paragraph (3) of this Article, identified by the Health Care Trust may be issued with a permit to enable them to park in the appropriate parking place(s), **WHILST ATTENDING** to a patient/client who resides in one of the streets identified in the individual plans detailed in Schedule 12 as defined in the Scheme Operation Conditions, as amended from time to time.
- (8) 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 the appropriate parking place(s), **WHILST WORKING** at an address in one of the streets identified in the individual plans detailed in Schedule 12.
- (9) An application for a permit shall be made on a form issued by and obtainable from the Council and shall be returned to the Council completed and accompanied by a remittance for such charge, which the Council may require, as specified in paragraph (19) of this Article, as is appropriate in respect of the permit for which application is made.
- (10) The Council may at any time require an applicant for a permit to produce to an officer of the Council such evidence in respect of an application as they may reasonably require to verify any particulars or information given to them.
- (11) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events set out in paragraph (13) below.
- (12) The Council may, by Notice, in writing served on the permit holder, at the address shown by that person on the application for the permit or at any other address believed to be that person's residence, withdraw a permit if it

appears to the Council that any of the events set out in paragraph 13 of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of such notice.

- (13) The events referred to in paragraphs (11) and (12) above of this Article are:
- (a) the permit holder ceasing to be a resident;
  - (b) the medical/health care professional or carers' patient/client ceasing to be a resident as defined in this Order;
  - (c) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 3 of this Order.
  - (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.
- (14) A permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events set out in paragraph (13) of this Article, whichever is the sooner.
- (15) If a permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and may apply to the Council for the issue of a replacement.
- (16) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a replacement permit.
- (17) Upon the issue of a replacement permit, by virtue of the provisions of paragraphs (16 and 16) of this Article, the permit which it replaces shall become invalid.
- (18) A permit shall be issued on behalf of the Council and include such information or particulars which the Council may determine.
- (19) On receipt of an application, made under the foregoing provisions of this Article, the Council, upon being satisfied that the applicant is a resident, a medical/health care professional or Contractor may issue a permit subject to the Scheme Operation Conditions.
- (20) The Council may levy a charge in connection with the issue of a permit, subject to the Scheme Operating Conditions and the provisions of this Order; such charges are attached to this Order at Schedule 17.
- (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 Operational Conditions, as amended from

time to time.

- (b) The Scheme Operating Conditions may be varied from time to time, details of which will be made available from the Traffic Section, by public notice and via the Council website.
- (21) When a vehicle, for which a permit has been issued, is left in a parking place, there shall be displayed on the front of the vehicle a valid permit applicable to that parking place, so that the information and particulars contained in the permit are clearly visible from outside the vehicle.
- (22) When a permit has been displayed on a vehicle in accordance with the provisions of paragraph (21) of this Article, no person, not being the driver of the vehicle shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.
- (23) Where an authorised officer of the Council has reasonable cause to believe that a permit issued in accordance with provisions of this Article has been wrongly acquired or is a forgery, he may detain the permit or require its submission under the provisions of Section 116 of the Act.

6. The following articles have been renumbered:

<b>Existing Article No.</b>	<b>New Article No.</b>
Article 14	Article 15
Article 15	Article 16
Article 16	Article 17
Article 17	Article 18
Article 18	Article 19
Article 19	Article 20
Article 20	Article 21
Article 21	Article 22

7. **Article 15**

Parts (1), (2) and (3) :

- (i) Reference to Schedule 12 has been removed and reference to Schedule 13 inserted; and
- (ii) Reference to Schedule 13 has been removed and reference to Schedule 14 has been inserted.
- (ii) A new sub article 15(4) has been inserted as follows:

Save as provided in Article 20 of this Order no person shall cause or permit any vehicle, other than one displaying a Disabled Person's Badge or a Disabled Person's Parking Disc, to park in a Disabled Badge Holders Only Parking Place on the days and during the hours identified within the individual plans detailed in Schedule 15 to this Order.

8. **Article 16**

Parts (1), (2) and (3) reference to Schedule 14 has been removed and reference to Schedule 15 inserted; and

Part (2) - reference to Article 17 has been removed and reference to Article 20 inserted.

9. **Article 17**

Parts (1), (2) and (4) reference to Schedule 15 has been removed and reference to Schedule 16 inserted; and

Part (2) - reference to Schedule 15 has been removed and reference to Article 20 inserted.

10. **Article 18**

Parts (1) and (3(a)) reference to Article 17 has been inserted.

11. **Article 20**

Parts (1) and (2) reference to Article 17 has been inserted.

Part (4) reference to Article 15 has been removed and reference to Article 17 inserted; and

Part (5) reference to Article 15 has been inserted.

12. Schedule 12 has been inserted, which reads:

**Schedule 12**  
**Permit Holders – Parking Places**  
**Monday – Saturday 10.00 am – 11.00 am & 2.00 pm – 3.00 pm**

**Plan reference number: DY172**

13. The following Schedules have been renumbered, as follows:

<b>Existing Schedule</b>	<b>Revised Schedule</b>
Schedule 12	Schedule 13
Schedule 13	Schedule 14
Schedule 14	Schedule 15
Schedule 15	Schedule 16

14. Plan reference DY172 dated 14.11.10 referred to in Schedules 1,2,8,10 and 15 has been removed and replaced with plan of the same reference dated 9 February 2012.

**Part VI**

**Saving**

15. 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.

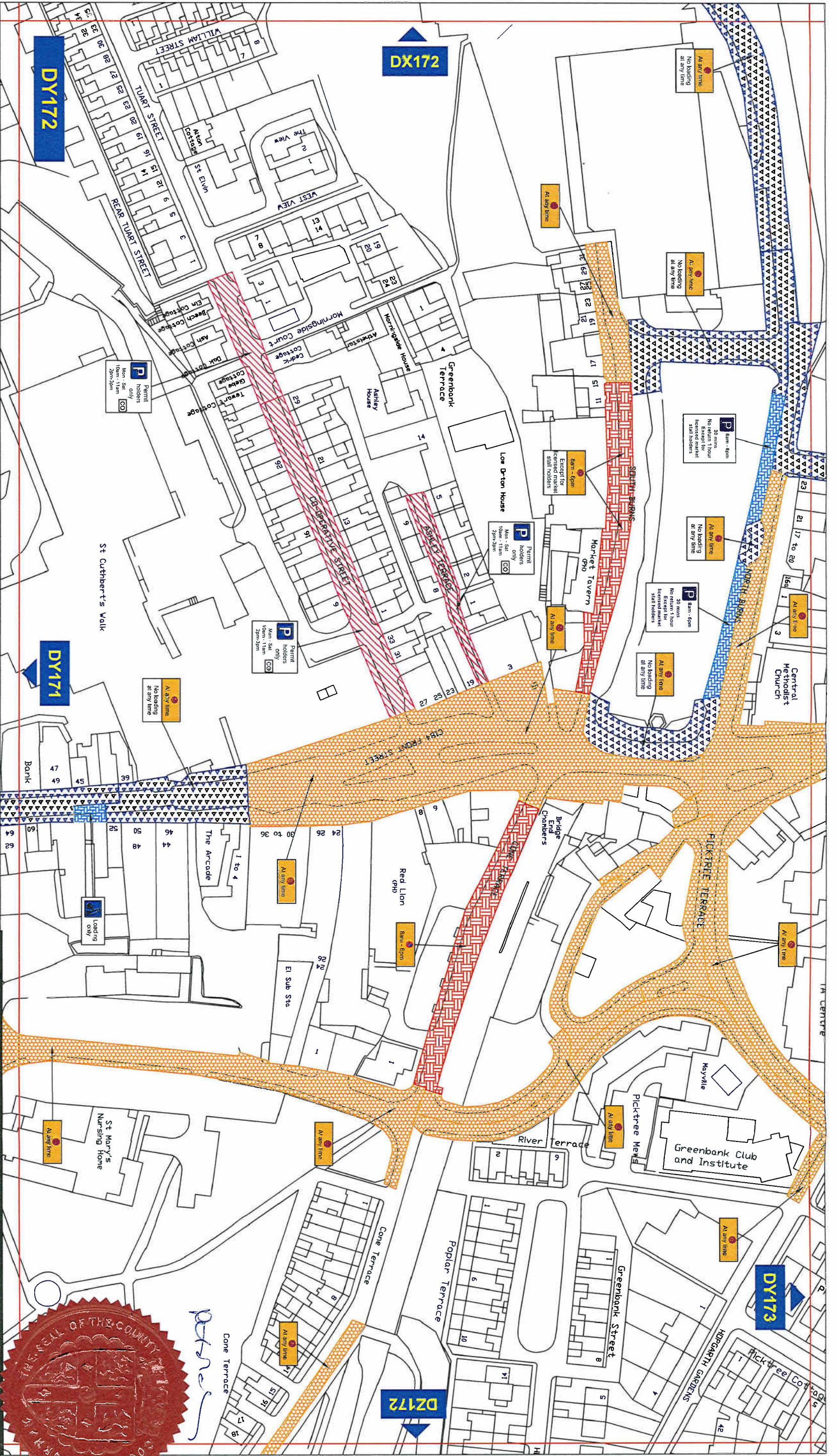
16. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM ON  
9 February 2012






*Robert Hiley*

Authorised Sealing Officer





### Key to Types of Restriction

-  No Waiting At Any Time
-  Restricted Waiting
-  No Waiting and No Loading/Unloading At Any Time
-  Restricted Bay
-  Permit Holders Only
-  Individual Reference Number

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### THE COUNTY COUNCIL OF DURHAM CHESTER-LE-STREET (PROHIBITION and RESTRICTION of WAITING and LOADING/UNLOADING) AMENDMENT ORDER 2011

Scale:	1:1250 @ A3
Date:	May 2011
Drawn by:	R.Smith
Date Sealed:	
Signature:	
Map Schedule:	DY172

