

**THE COUNTY COUNCIL OF DURHAM
(SACRISTON)
(PROHIBITION & RESTRICTION OF WAITING, LOADING/UNLOADING & PARKING)
ORDER 2013**

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

1. This Order may be cited as The County Council of Durham (Sacriston) (Prohibition & Restriction of Waiting, Loading/Unloading & Parking) Order 2013 and shall come into operation on 1st July 2013

Interpretation

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

"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.

"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 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.

"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;

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

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

"parking disc" 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;

"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.

"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;

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

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

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

3. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.
4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order.

Part II

Revocation

6. The following Order is to be revoked in full:

The County Council of Durham (Sacriston) (Prohibition and Restriction of Waiting)
Order 2010

2/150.

Part III

Prohibition of Waiting At Any Time

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 at any time on any of the lengths of roads or sides of lengths of roads identified within the individual plan(s) detailed in Schedule 1 to this Order.

Restricted Waiting

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 on such days and during such times, on any of the lengths of roads or sides of lengths of roads identified within the individual plan(s) detailed in Schedule 2 to this Order.

Prohibition of Waiting and Loading/Unloading 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 or a 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 within the individual plans detailed in Schedule 3 to this Order.

Restricted Waiting and Loading/Unloading

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 or a 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 on any of the lengths of roads, or sides of lengths of roads in such days and during such times as identified within the individual plan(s) detailed in Schedule 4 to this Order.

Loading Only (Restricted Bays)

11. (1) The areas of highway identified within the individual plan(s) detailed in Schedule 5 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

times as identified within the individual plans detailed in Schedule 5 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 such days and during such hours as identified within the individual plans detailed in Schedule 5 to this Order.
- (3) The limits of each loading bay shall be indicated, by the Council, on the highway by the appropriate traffic signs and road markings.
- (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 5 to this Order, in accordance with those provisions.

Disabled Badge Holders Only

12. (1) The area(s) of highway identified within the individual plan(s) detailed in Schedule 6 to this Order are hereby authorised as disabled persons parking places.
- (2) Each disabled persons parking place identified within the individual plan(s) detailed in Schedule 6 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 disabled persons parking place shall be indicated by the Council, on the carriageway by the appropriate traffic signs.

Manner of Standing in Parking Places and Loading Bays (Restricted Bays)

13. (1) Every vehicle left in a parking place or loading bay, identified in Articles 11 and 12 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 too 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 indicated provided under paragraph (3) of Articles 11 and 12 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 (Restricted Bays)

14. (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 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) A civil 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 paragraphs (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.

Nothing in this paragraph shall apply to any vehicle waiting in a parking place or loading bay or part thereof which is suspended with the permission of the person suspending the loading bay or part thereof, in pursuance of paragraphs (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.

Relocation and Removal of Vehicles and Other Equipment

- 15. (1) If a vehicle is left within a restricted 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 restricted bay 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 restricted 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 restricted bay or arrange for such removal.
- (4) If an emergency occurs, the Council or a police officer in uniform may alter or cause to be altered the position of a vehicle in a restricted bay or remove or arrange for the removal of a vehicle from a restricted 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.

Part IV

Exemptions

16. (1) Nothing in Articles 7, 8, 9, 10, 11 or 12 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 7, 8, 9, 10, 11 or 12 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 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 8 or 12 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 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; or
 - (b) goods to be loaded onto or unloaded from the vehicle.
- (6) Nothing in Articles 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 the picking up or setting down of passengers.

Part VI

Contravention & Enforcement

17. If a vehicle is in contravention of any provision of this Order a penalty charge shall be payable.
18. 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 VII

Saving

19. 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.
20. 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 number(s):

DR155 , DR156, DR157, DS155

Schedule 2

Restricted Waiting

Plan reference number(s):

DR155, DR156

**Schedule 3
Prohibition of Waiting & Loading/Unloading At Any Time**

Plan reference number(s):

DR156

**Schedule 4
Restricted Waiting & Loading/Unloading**

Plan reference number(s):

DR157

**Schedule 5
Loading Only (Restricted Bays)**

Plan reference number(s):

DR157

**Schedule 6
Disabled Badge Holders Only**

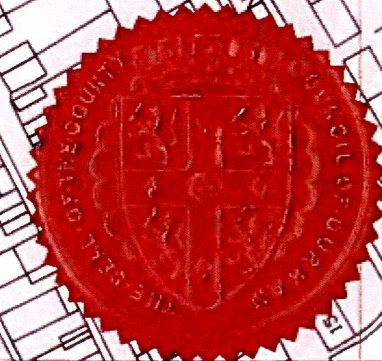
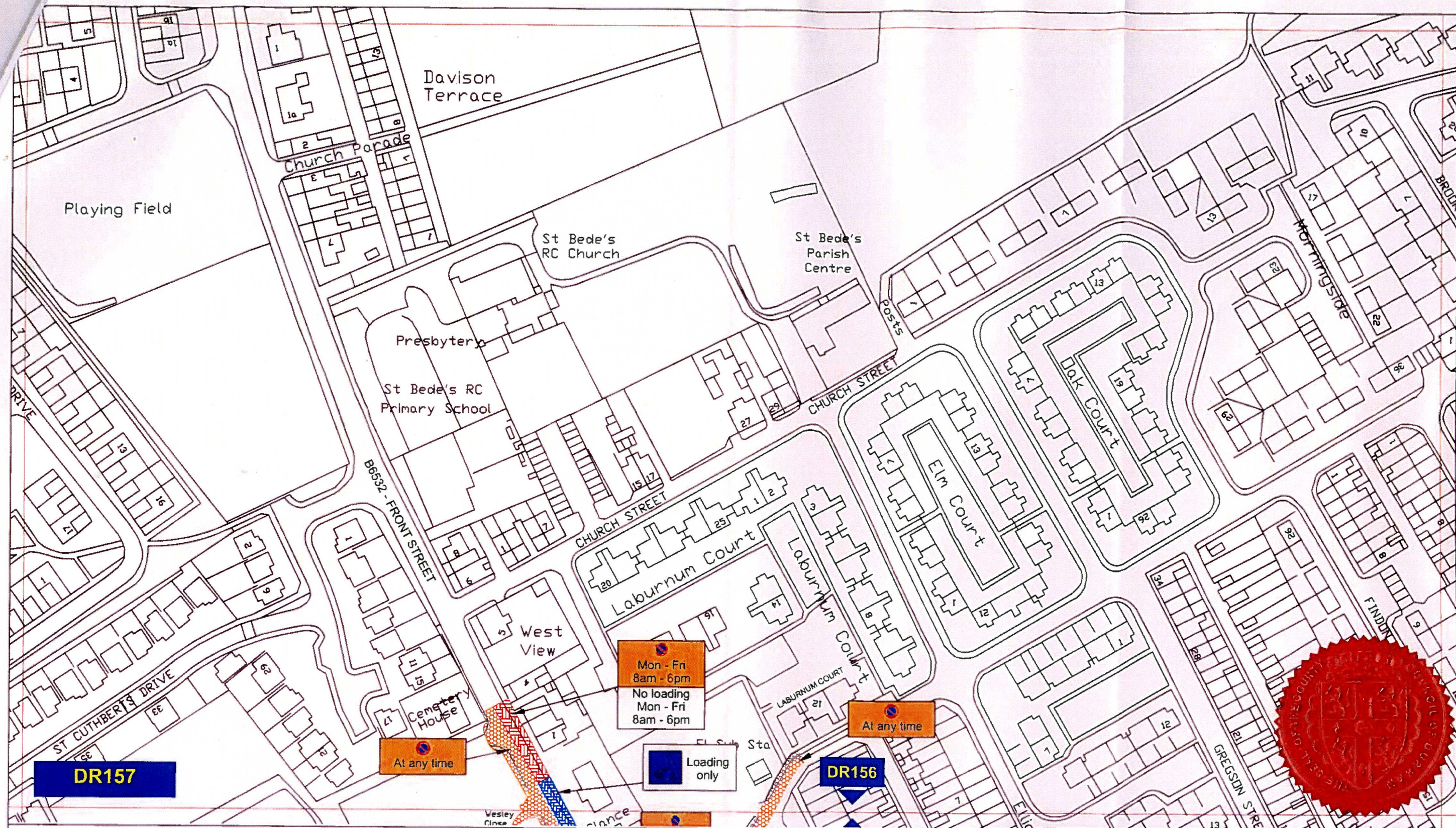
Plan reference number(s):

DR156

**GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM ON 19
JUNE 2013**

Rodica Hardin





Key to Types of Restriction

-  No Waiting At Any Time
-  No Waiting & No Loading At Any Time
-  No Waiting Mon - Fri 9am-5pm
-  Restricted Bay

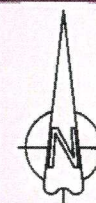
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SACRISTON PARKING and WAITING RESTRICTIONS

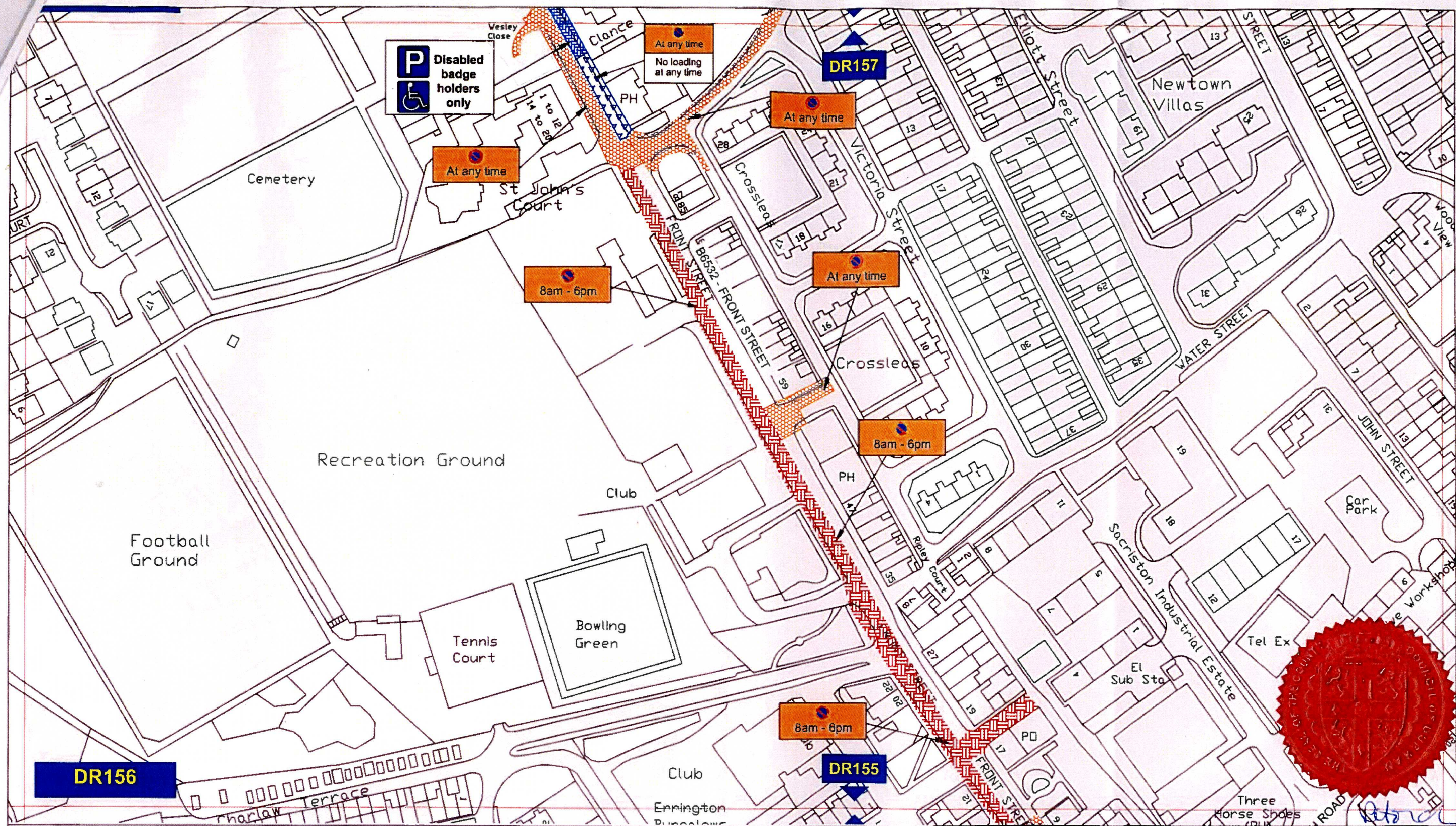


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Date: May 2013

Drawn by: Peter Ward Signature: P. Ward

Date Sealed: 19/6/13 Map Schedule: **DR157**



Key to Types of Restriction

-  No Waiting At Any Time
-  Restricted Waiting
-  No Waiting & No Loading At Any Time
-  Restricted Bay

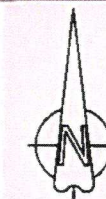
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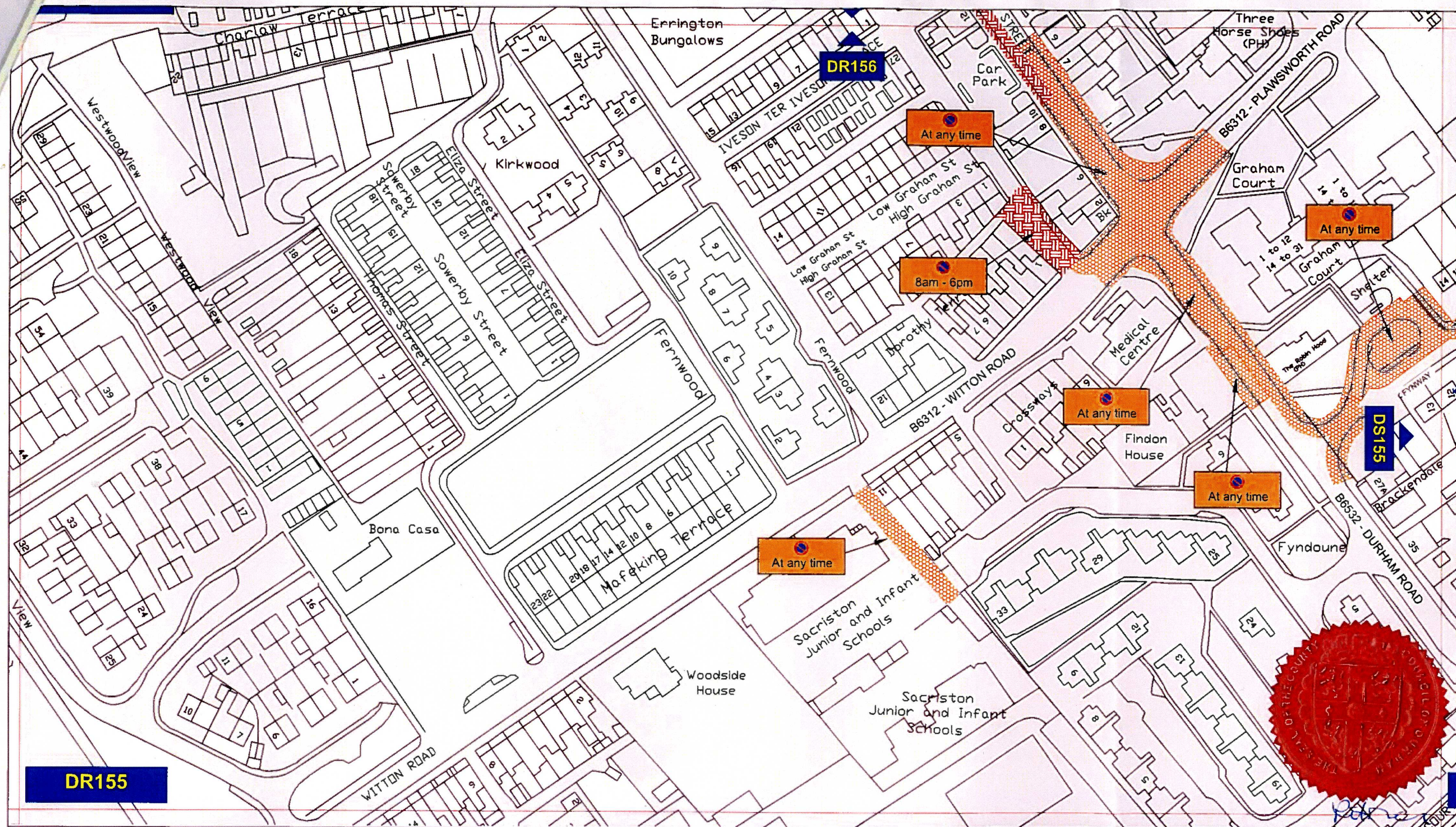
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SACRISTON PARKING and WAITING RESTRICTIONS



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Date:	May 2013		
Drawn by:	Peter Ward	Signature:	P. Ward
Date Sealed:	19/6/13	Map Schedule:	DR156



Key to Types of Restriction

-  No Waiting At Any Time
-  Restricted Waiting

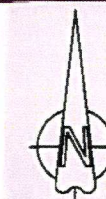
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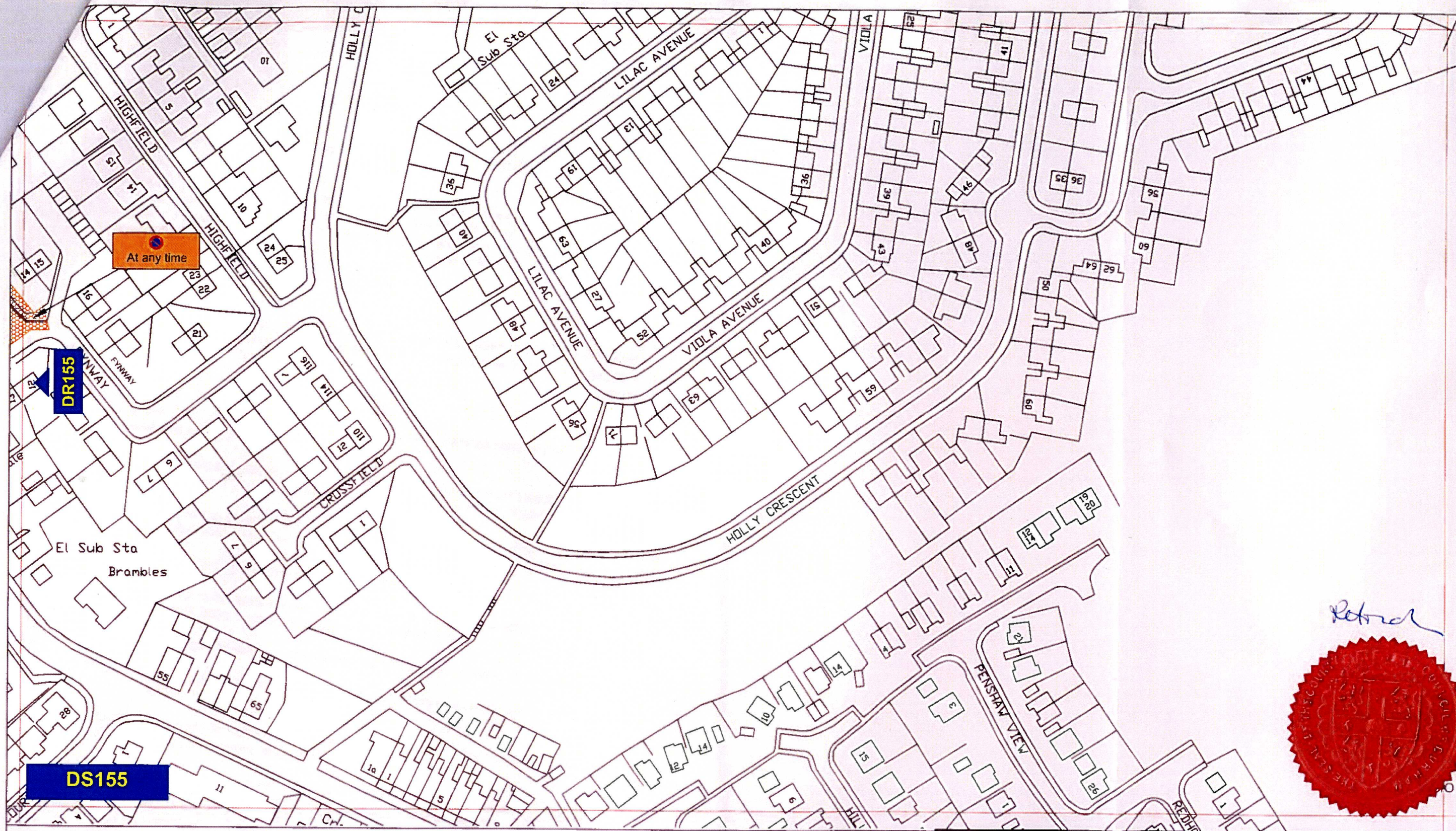
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SACRISTON PARKING and WAITING RESTRICTIONS



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Date:	May 2013		
Drawn by:	Peter Ward	Signature:	P. Ward
Date Sealed:	19/6/13	Map Schedule:	DR155



Key to Types of Restriction

 No Waiting At Any Time

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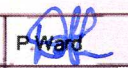


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SACRISTON PARKING and WAITING RESTRICTIONS



Scale:	1:1250 @ A3		
Date:	May 2013		
Drawn by:	Peter Ward	Signature:	
Date Sealed:	19/6/13	Map Schedule:	DS155

DELEGATED DECISION

NEIGHBOURHOOD SERVICE November 2012.



TRAFFIC REGULATION ORDER (TRO)

Report of NEIGHBOURHOOD SERVICE

Brian Buckley – STRATEGIC HIGHWAYS MANAGER

1 Purpose of the Report

To seek consent to proceed to statutory advertisement of the traffic regulation order to introduce waiting, loading, loading bay and disabled bay restrictions on the B6532 Front Street and Durham Road; and Fynway, Sacriston.

2 Background

Requests were received from various sources to investigate the possibility of introducing waiting and loading restrictions at various locations in Sacriston to counteract problems that are currently being experienced as a result of inappropriately parked vehicles.

The primary concern identified is the B6532 Front Street adjacent to the Doctor's Surgery / Pharmacy. The side road entering Front Street from the rear of Front Street, adjacent to no. 59, was also identified as problematic in respect of the parking associated with visitors to the local shops.

The second point of concern is to the south of the crossroads of the B6532 Durham Road and the B6312 Wilton Road / Plawsworth Road. Visibility for motorists leaving Findon House is obstructed to the south by parked vehicles. The proposal is to extend the existing No Waiting At Any Time and loading restrictions to alleviate this problem.

The final cause of concern relates to the bus turning area on Fynway. Problems have been encountered on a regular basis by the bus operators, again with respect to inappropriately parked vehicles.

3 Background/Reason for TRO

It is considered that the proposals will have a beneficial effect on road safety.

B6532 Front Street

It is proposed to install No Waiting, No Loading, Loading Bay and Disabled Bay Restrictions to the length of highway in the vicinity of the Doctor's Surgery / Pharmacy. These are in the form of;

1. No Waiting and No Loading Restriction Monday – Friday, 8am-6pm is proposed adjacent to Numbers 1-4 West View:
2. Loading Bay and two Disabled Bays at all times adjacent to the Doctor's Surgery / Pharmacy; and

3. No waiting and No Loading restriction at all times adjacent to the former Public House.

It is anticipated that these restrictions will discourage parking at this location; reduce congestion and improve road safety.

Unc. Front Street (east back)

It is proposed that a No Waiting At Any Time restriction be installed at this junction. It is anticipated that restricting parking in this area will improve road safety for vehicles entering and leaving the residential area to the rear of Front Street.

B6532 Durham Road

It is proposed that the existing No Waiting At Any Time restriction be extended in a southerly direction to improve visibility for vehicles leaving Findon House and consequently improve road safety.

Unc. Fynway

It is proposed that the existing No Waiting At Any Time restriction on Durham Road is extended to include the bus turning area in Fynway. It is anticipated that this proposal will reduce inappropriate and obstructive parking and as a result improve the movement of buses on Fynway.

4 Options considered and reason for preferred option

The proposals as set above are deemed to be the most appropriate in this instance.

5 Consequences

There are no apparent consequences

6 Summary of informal consultation:

There have been 13 responses which offer support for the proposals including K. Jones MP.

One resident had reservations about the reduction in kerbside space to park vehicles. The proposals have been amended (with support from both local councillors) to accommodate the resident's concern.

The police raise concerns about the possible migration of parking into Crossleas and Victoria Street; and also the removal of the parking adjacent to the Doctor's Surgery may result in increased vehicle speeds on the B6532. The police have requested that, if implemented, the effect of the traffic restrictions be monitored.

The proposed restrictions along the north kerb of the B6532 Front Street between West View and the disused Public House have not been the subject of a public consultation. However, Ward Councillors, in discussion with Officers from the Strategic Traffic Section and the Area Traffic Office in November 2012; supported the introduction of the measures.

7 Local Members comments/support:

Cllrs. Wright and Allen both support the proposals

8 Any other relevant info:

9 Recommendations and reasons

It is recommended that this scheme be statutorily advertised

10 Decision

Contact:	David Battensby	Tel:	263681
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Appendix 1: Implications

Finance – Demand Management

Staffing – Carried out by Strategic Traffic

Risk – Not Applicable

Equality and Diversity – 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 and improve road safety

Human Rights - No impact on human rights

Consultation - Initial consultation was carried out

Procurement – Operations, DCC.

Disability Issues – Blue badge holders will be permitted to park outside of the Doctor's Surgery / Pharmacy. There are also Disabled bays provided in the Doctor's car park.

Legal Implications – Enforcement of TRO will be by the county council.