

DATED

13th November

2014

2014/24

**THE BOROUGH COUNCIL OF GATESHEAD**

---

**(WEST STREET GATESHEAD) TRAFFIC REGULATION ORDER 2014**

---

Mike Barker  
Solicitor to the Council  
Gateshead Council  
Civic Centre  
Regent Street  
Gateshead  
NE8 1HH

Ref TH/1025

**THE BOROUGH COUNCIL OF GATESHEAD (WEST STREET GATESHEAD)  
TRAFFIC REGULATION ORDER 2014**

The Borough Council of Gateshead ("the Council") in exercise of their powers under Sections 1(1), 2(1) to (3), 4(2), 9, 10, 32, 45 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ('the Act'), and by virtue of the Traffic Management Act 2004 (hereinafter referred to as 'the 2004 Act'), and of all other enabling powers hereby make the following Order: -

**PART I**

**Citation and Interpretation**

1. This Order may be cited as "The Borough Council of Gateshead (West Street Gateshead) Traffic Regulation Order 2014" and shall come into operation on 18<sup>th</sup> November 2014.

**PART II**

**Interpretation**

1. In this Order except where the context requires, the following expressions have the meaning hereby respectively assigned to them: -

**"permit holders only bay"** means the bay designated under Article 1 to Part IV to this Order;

**"permit"** means a permit issued in accordance with Part IV Article 12 to this Order;

**"civil enforcement officer"** means a person authorised by or on behalf of the Council under Section 76 of the Traffic Management Act 2004 to supervise and enforce the road traffic contraventions for which the Council is the enforcement authority;

**"disabled person's badge"** has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

**"disabled person's parking disc"** means a disc issued by a local authority (125 millimetres square) coloured blue if issued on or after 1<sup>st</sup> April 2000 or orange if issued before that date and is capable of showing the quarter hour period during which a period of waiting has begun;

**"driver"** in relation to a vehicle parked in a parking place means the person driving the vehicle at the time it was left in the parking place;

**"exemption certificate"** means an authorisation in writing granted by the Service Director, Transport Strategy of the Council or their duly authorised representative allowing a vehicle to wait in contravention of the provisions of this Order subject to and in accordance with any specified conditions or limitations contained within that authorisation;

**"goods vehicle"** means a vehicle which is constructed or adapted for use for the carriage of goods of any description and is not drawing a trailer;

**"hackney carriage"** has the same meaning as in the Town Police Clauses Act 1847;

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

**"parking bay"** means any area of the parking place which is provided for the leaving of vehicles and indicated by markings on the surface of the parking place;

**"penalty charge notice" 'PCN'** means a notice issued by a Civil Enforcement Officer pursuant to the provisions of Section 78 of the 2004 Act and Regulations made thereunder;

**"postal operator"** means a person who provides the service of conveying postal packets from one place to another by post or any of the related services of receiving, collecting, sorting and delivering of such packets as defined in section 125 of the Postal Services Act 2000;

**"postal service"** means the service of conveying postal packets from one place to another by post and the related services of receiving, collecting and delivering of such packets and any other service which relates to any of those services and is provided in conjunction with any of them as defined in section 125 of the Postal Services Act 2000;

**"relevant position"** means-

- (a) the disabled person's parking disc, disabled person's badge, permit or exemption certificate is exhibited on the dashboard of fascia of the vehicle;  
or
- (b) in the case of a vehicle not fitted with a dashboard or fascia, the disabled person's parking disc, disabled person's badge, permit or exemption certificate is exhibited in a conspicuous position on the vehicle

so that the front of the disabled person's parking disc, disabled person's badge, permit or exemption certificate is clearly legible from outside of the vehicle;

**"registered keeper"** means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994;

**"vehicle"** means any motor car, motor cycle and invalid carriage having the same meaning respectively as in Section 136 of the Road Traffic Regulation

1984 and any goods vehicle (being a motor vehicle not exceeding 30 unit unladen weight which is constructed or adapted for use for carriage of goods of any description.

### **PART III**

#### **Goods Vehicle Only Loading Bay Operating from 6.30am to 8.30am on All Days**

1. Save as provided in Part III Article 2 to this Order no person shall, except upon the direction or with the permission of a police constable in uniform or a civil enforcement officer, cause or permit any vehicle other than a goods vehicle to wait for the purposes of loading or unloading only between the hours of 6.30am to 8.30am on all days in or on the lengths of road specified in Schedule 1 to this Order.
2. Nothing in Part III Article 1 to this Order shall render it unlawful to cause or permit any vehicle to wait or otherwise be in the lengths of road referred to therein for so long as maybe necessary to enable:-
  - (a) the vehicle, if it cannot be conveniently be used for such purpose in any other road, to be used in connection with any of the following operations namely:-
    - (i) building or demolition;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said roads;
    - (iv) the laying, erection, alteration or maintenance in or on land adjacent to the said length of road 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 be used in the service of a local authority or water authority in pursuance of statutory duties;
  - (c) to enable a vehicle to be used by a postal operator in the provision of a postal service;
  - (d) the vehicle to wait upon an authorised parking place or being a hackney carriage waiting at a duly authorised hackney carriage rank;
  - (e) any police, fire brigade or ambulance vehicle on emergency call or being used for such purposes;
  - (f) any vehicle used in pursuance of statutory powers or duties;
  - (g) any vehicle displaying a valid exemption certificate in the relevant position.

**PART IV**  
**Permit Holders Only Loading Bay**  
**Operating at All Hours and All Days**

1. The lengths of road specified in Column 1 of Part 1 of Schedule 2 to this Order are hereby designated as a parking place for loading / unloading purposes only under Section 45 of the Act, subject to the provisions in this Order, on such days and during such hours as are specified in the corresponding Columns 2 and 3 of Part 1 of Schedule 2 to this Order.
2. Every qualifying vehicle left in the parking place or parking bay or space shall stand so that the qualifying vehicle is wholly within that parking place or parking bay or space.
3. No person may leave or cause any qualifying vehicle to be left in a parking place designated under Part IV Article 1, during the days and hours specified UNLESS the qualifying vehicle displays a valid permit issued by the Council.
4. The Council may levy a charge for the issue of a permit or a replacement permit such charges, SUBJECT TO SECTION 46A of the Act, being as specified in Part 2 of Schedule 2 to this Order.
5. Any business occupier of any premises set out in Column 4 of Part 1 of Schedule 2 may apply to the Council for a permit.
6. The Council, may at anytime, require an applicant for a permit to produce to an officer of the Council such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them.
7. The Council upon being satisfied that an applicant qualifies for a permit may at its discretion issue to the applicant a permit for the parking of a qualifying vehicle in the parking place, during the days and hours as are specified in the corresponding Columns 2 and 3 of Part 1 of Schedule 2 to this Order.
8. A permit holder may surrender a permit to the Council at anytime and shall surrender a permit to the Council on the occurrence of any of the events set out in Part IV Article 10 to this Order.
9. 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 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 Part IV Article 10 have occurred and the permit holder shall surrender the permit to the Council within 48 hours of receipt of such Notice.
10. (1) The events referred to in Part IV Article 8 to this Order are:-
  - (i) the permit holder ceasing to be a occupier;
  - (ii) the issue of a replacement permit by the Council under the provisions of Part IV Article 11 to this Order;

- (iii) the expiry date of the period for which the permit was issued having elapsed.
- (2) A permit shall cease to be valid on the occurrence of any of the events set out in paragraph (1) of Article 10 to this Order.
- 11. (1) If a permit is mutilated or defaced or the figures 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 for the issue of a replacement permit.
- (2) If a permit is lost or destroyed the permit holder may apply to the Council for the issue of a replacement permit.
- (3) Upon the issue of a replacement permit, by virtue of the provisions of this Article, the permit which it replaces shall be invalid.
- (4) Any replacement permit shall be in accordance with Part IV Article 12 to this Order.
- 12. A permit shall be in writing and shall include the following particulars:-
  - (i) an authentication that the permit has been issued by the Council;
  - (ii) the zone letter being the zone letter applicable for the relevant parking bay as specified in the corresponding Column 5 of Part 1 of Schedule 2 to this Order;
  - (iii) the registration number(s) of the vehicle(s) where applicable for which the permit was issued.
- 13. When the qualifying vehicle is left in a parking place there shall be displayed in a relevant position a permit, ISSUED SPECIFICALLY FOR THAT PARKING PLACE, so that the relevant particulars referred to in Part IV Article 12 to this Order are readily visible from outside the qualifying vehicle.

## **PART V**

### **No Waiting and No Loading / Unloading at Any Time**

- 1. No person shall except upon the direction or with the permission of a police constable in uniform or a civil enforcement officer, cause or permit any vehicle to wait, load or unload at any time in or on the lengths of road specified in Schedule 3 to this Order.

#### **Exemptions**

- 2. Nothing in Part V Article 1 to this Order shall render it unlawful to cause or permit any vehicle to wait or otherwise be in the lengths of road referred to therein for so long as maybe necessary to enable:-

- (a) the picking up or setting down of passengers;

(b) the vehicle, if it cannot be conveniently be used for such purpose in any other road, to be used in connection with any of the following operations namely:-

- (i) building or demolition;
  - (ii) the removal of any obstruction to traffic;
  - (iii) the maintenance, improvement or reconstruction of the said roads;
  - (iv) the laying, erection, alteration or maintenance in or on land adjacent to the said length of road 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;
- (c) the vehicle if it cannot conveniently be used for such purpose in any other road be used in the service of a local authority or water authority in pursuance of statutory duties;
- (d) to enable a vehicle to be used by a postal operator in the provision of a postal service;
- (e) the vehicle to wait upon an authorised parking place or being a hackney carriage waiting at a duly authorised hackney carriage rank;
- (f) any police, fire brigade or ambulance vehicle on emergency call or being used for such purposes;
- (g) any vehicle used in pursuance of statutory powers or duties;
- (h) any vehicle displaying a valid exemption certificate in the relevant position.

#### **PART VI**

##### **Designated Parking Place as a Goods Vehicle Only Loading Bay**

1. The lengths of road specified in Schedule 1 to this Order are hereby designated as a parking place under Section 32 of the Act, for all vehicles operating on such days and such hours as specified in that Schedule.
2. Every vehicle left in a parking place shall stand so that the vehicle is wholly within the parking place or parking bay where so marked.

#### **PART VII**

##### **Amendments to The Borough Council of Gateshead (Traffic Movements) (Consolidation) Order 2010**

1. The Borough Council of Gateshead (Traffic Movements) (Consolidation) Order 2010 is amended as follows:-

2. In Schedule 3.02 'One Way Street with the exception of mechanical road cleansing vehicle during permitted hours', Item 4 relating to 'High Street (North) Gateshead' and Item 5 'High Street (South) Gateshead', shall be revoked in their entirety.
3. In Schedule 1.01 'Prohibition of Driving', Item 86 relating to 'West Street', shall be revoked in its entirety and replaced with the new Item 86 below:

“

Item	Road description	Exemption
86	West Street – from a point 89 metres north of its junction with Jackson Street in a northbound direction for a distance of 165 metres.	1, 2, 3, 6, 14, 15, 19 and 20

4. In Schedule 4.05 'No Entry to Any Vehicle', Item 39 relating to 'West Street', shall be revoked in its entirety and replaced with the new Item 39 below:

“

Column 1 Item Number	Column 2 Road Name	Column 3 Road name / Description	Column 4 Exemptions
39	West Street - the section north of a point 7.5 metres south of its junction with Nelson Street	West Street – the section south of a point 7.5 metres south of its junction with Nelson Street	1, 3, 4, 6, 10 (pedal cycles)

5. In Schedule 4.05 'No Entry to Any Vehicle', after Item 39 relating to 'West Street', insert for the duration of this Order, the following new Item 40 below:

“

Column 1 Item Number	Column 2 Road Name	Column 3 Road name / Description	Column 4 Exemptions
40	West Street – the section north of a point 89 metres north of its junction with Jackson Street.	West Street – the section south of a point 89 metres north of its junction with Jackson Street	1, 3, 4, 6, 10 (pedal cycles)

6. In Part II 'Prohibition of Driving', after Article 2(18), insert the two new Articles below:-

- “2(19) Goods Vehicles to gain access to and from a designated loading bay on that road between the hours of 6.30am to 8.30am only.
- 2(20) Any Security Vehicle delivering to or from any Authorised Property.”

7. In Part 1 Article 7 'Construction and Interpretation', insert in alphabetical order the following three new definitions below:-

- (i) "Security Vehicle" means a motor vehicle protected by armour plate designed and constructed or adapted specifically for the delivery of bullion, money, jewellery, documents or other goods or burden which, by reason of their nature or value, are likely to require protection from any criminal offence and such vehicle is liveried to indicate its purpose of a security vehicle.
- (ii) "Authorised Property Register" means the register of those properties located on West Street Gateshead that are approved by the Council in consultation with the Chief of Police for deliveries to be sent to or from those properties by way of a Security Vehicle.
- (iii) "Authorised Property" means any property located on West Street Gateshead whose address is listed on the Authorised Property Register."

## **PART VIII**

### **Amendments to the Borough Council of Gateshead (Prohibition of Stopping and Waiting Except Taxis) Order 2007**

1. The Borough Council of Gateshead (Prohibition of Stopping and Waiting Except for Taxis) Order 2007 is amended as follows:
2. In Part III of Schedule 2 'No Stopping or Waiting 7pm to Midnight – Except Taxis', Item 1 relating to 'West Street west side from a point 32.8 metres north of its junction with Bensham Road (Walker Terrace) in a northerly direction for a distance of 28.2 metres', shall be revoked in its entirety.

## **PART IX**

### **Contraventions and Enforcement**

1. If a vehicle is left in a parking place in contravention of any of the provisions of this Order, other than a provision relating to a moving traffic offence, a penalty charge shall be payable.
2. If the penalty charge becomes payable in respect of any vehicle, a civil enforcement officer or other person duly authorised by the Council may issue a PCN in accordance with Section 78 of the 2004 Act.
3. Where a penalty charge notice has been attached to a vehicle, no person, not being the driver of the vehicle, or a parking attendant, shall remove the notice from the vehicle unless authorised to do so by the driver.

4. For the purposes of this Order the driver shall be assumed to be the registered keeper unless such person can satisfy the Council that he was not in fact driving the vehicle at the relevant time.
5. If the driver of a vehicle to which a PCN has been issued in accordance with the provisions of Part IX Article 2 of this Order fails to pay the Penalty Charge, the Council may enforce the penalty charge in accordance with any regulations made under Section 82 of the 2004 Act.

Given under the Common Seal of the Borough Council of Gateshead this the 13th day of November 2014.

**THE COMMON SEAL of THE  
BOROUGH COUNCIL OF GATESHEAD**

was affixed in the presence of:

)  
)  
)



622/14

Mayor *ngweeten*

Solicitor to the Council *A. E. Allen*

### SCHEDULE 1

**Goods Only Loading Bay operating between the hours of 6.30am to 8.30am on All Days**

- 1. West Street Gateshead**
- (i) **west side**
- (a) from a point 131 metres north of its junction with Bensham Road (Walker Terrace) in a northerly direction for 24.5 metres.
- (b) from a point 219.5 metres north of its junction with Bensham Road (Walker Terrace) in a northerly direction for 15.5 metres.
- (ii) **east side**
- (a) from a point 138 metres north of its junction with Jackson Street in a northerly direction for 51 metres.

### SCHEDULE 2

#### Part 1

**Business Permit Holders Only Bay Operating at All Times and on All Days**

	<b>Column 1 Parking Bay</b>	<b>Column 2 Days of Operation</b>	<b>Column 3 Times of operation</b>	<b>Column 4 Qualifying Properties</b>	<b>Column 5 Zone</b>
1.	West Street Gateshead – west side from a point 48 metres north of its junction with Bensham Road (Walker Terrace) in a northerly direction for 35.5 metres.	All days	All Times	Premises numbered 1 to 6 and 13 to 18 (inclusive) Gateshead Interchange and Gateshead Metro Station Newsagent Unit.	TS

### SCHEDULE 3

**No Waiting and No Loading / Unloading at Any Time**

1. **West Street Gateshead –**

for its entire length.