

THE CITY OF SUNDERLAND (ON-STREET PARKING PLACES)
ORDER 2011

The Council of the City of Sunderland ("the Council") in exercise of their powers under Sections 45 and 46 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and of all other powers them enabling in that behalf and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act and with the persons and organisations specified in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 hereby make the following Order:-

PART I

Commencement and citation

1. This Order shall come into operation on the 31st July, 2011 and may be cited as The City of Sunderland (On-Street Parking Places) Order 2011.

Interpretation

- 2.(1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"chargeable hours" has the meaning assigned to it in paragraph (2) of Article 3;

"civil enforcement officer" means a person authorised by or on behalf of the Council to supervise and enforce any restrictions imposed by this Order;

"disabled person's badge" has the same meaning as in Regulation 3 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"expiry time" means the time printed on the front of a ticket issued by a ticket machine being the time until which the charge specified in Article 4(1) has been paid;

"parking bay" means a space in a parking place which is provided for the leaving of one vehicle;

"parking place" means any area of highway designated as a parking place by this Order;

"passenger vehicle" has the same meaning as in Regulation 4 of the Regulations;

"relevant position" in relation to a disabled person's badge means:-

- (i) where a vehicle is fitted with a dashboard or fascia, the badge is exhibited on the dashboard or fascia, or
- (ii) where a vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle;

so that the front of the badge is clearly legible from the outside of the vehicle;

"relevant position" in relation to a ticket means:-

- (i) where a vehicle is fitted with a dashboard or fascia, the ticket is exhibited on the dashboard or fascia, or
- (ii) where a vehicle is not fitted with a dashboard or fascia, the ticket is exhibited in a conspicuous position on the vehicle;

so that the expiry time on the ticket is clearly legible from the outside of the vehicle.

"the Regulations" means the Traffic Signs Regulations and General Directions 2002;

"telecommunications apparatus" has the meaning given by paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984;

"ticket machine" means an apparatus or device approved by the Secretary of State being apparatus designed to issue parking tickets indicating the payment of a charge and the date and time when payment was made or the time of expiry;

"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.

"universal service provider" and "provision of a universal postal service" have the same meanings as in the Postal Services Act 2000.

- (2) In this Order a reference to an article or numbered paragraph, unless otherwise stated, means a reference to an article or paragraph in this Order.
- (3) In the Schedule of this Order the measurements identifying the commencement point of the lengths of road are taken from the intersection of the extended kerblines of the roads referred to within the items except where otherwise provided.
- (4) In this Order the masculine includes the feminine and vice versa.

PART II

PARKING PLACES WITH TICKET MACHINES

Parking places

- 3.(1) (a) Each area of highway described in Column 2 of the Schedule to this Order is hereby designated as a parking place.

- (b) The area of highway described in Column 2 of Item No. 1 (relating to Bridge Street) is designated as a parking place between the hours of 8.00 a.m. and 6.00 p.m. Monday to Saturday and all day Sunday only.
 - (c) The area of highway described in Column 2 of Item No. 6 (relating to High Street West) is designated as a parking place between the hours of 8.00 a.m. and 6.00 p.m. every day.
- (2) In this Order the chargeable hours means the period between the hours of 8.00 a.m. and 6.00 p.m. Monday to Saturday excluding Christmas Day.
 - (3) The number and situation of parking bays in each parking place shall be determined by the Council and the limits of each parking place and the limits of each parking bay shall be indicated by the Council on the carriageway by appropriate traffic signs.
 - (4) The driver of a vehicle shall not use a parking place so as to unreasonably prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance.
 - (5) The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or depart from the parking place.
 - (6) No person shall use a vehicle while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.

Charges

- 4.(1) Subject to Article 8 of this Order, no person may leave or cause any vehicle to be left in a parking place during the chargeable hours, except upon the payment of the charges specified in Column 4 of the Schedule to this Order in relation to that parking place.
- (2) The driver of a vehicle using a parking place specified in Column 2 of the Schedule to this Order shall:-
 - (a) immediately after entering the parking place insert the appropriate coin, coins or bank notes into a ticket machine, which shall be used as a means of collecting the charge imposed by Article 4(1) of this Order and which shall issue a numbered ticket indicating the expiry time of the ticket and the day of issue of the said ticket.
 - (b) Not insert any coin or bank note other than those of the denominations indicated on the front of the ticket machine into the ticket machine.
 - (c) Leave the vehicle in the parking place only until the expiry time stated on the ticket.

- (d) Display the ticket in the relevant position on the vehicle at all times when the vehicle is parked in the parking place during the chargeable hours.
- (3) The details stated on the front of a ticket as to date and time of purchase or date and time of expiry shall be conclusive evidence of those facts for the purposes of this Order and any associated legal proceedings.

Ticket machine indications

- 5.(1) There shall be a ticket machine installed in or in the vicinity of each parking place.
- (2) The charge for a vehicle left in a parking place shall be indicated on the ticket machine relating to that parking place.
- (3) Where a ticket has been exhibited on a vehicle in accordance with the provisions of Article 4(2), no person, not being the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver.

Manner of standing in parking places

- 6. Every vehicle left in a parking place shall so stand so that every part of the vehicle is wholly within the limits of the parking bay.

Removal of vehicles from parking places

- 7.(1) Where a civil enforcement officer is of the opinion that any of the provisions of Articles 3, 4, 6 or 8 have been contravened or not complied with in respect of a vehicle left in a parking place during the chargeable hours, he may remove or cause the vehicle to be removed from the parking place by towing or driving the vehicle or in such other manner as he may think necessary to enable him to remove it and where it is removed, shall provide for the safe custody of the vehicle.
- (2) A police officer or civil enforcement officer in uniform may in case of emergency move or cause to be moved vehicles left in a parking place to any place he thinks fit.

Use of parking places during chargeable hours without payment

- 8.(1) Without prejudice to the foregoing provisions of this Order relating to vehicles which are left in a parking place in accordance with those provisions any other vehicle may wait during the chargeable hours:-
 - (a) anywhere in a parking place if:-
 - (i) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
 - (ii) the vehicle is waiting due to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;

- (iii) the vehicle is used for fire and rescue service purposes, is an ambulance or is a vehicle (other than a passenger vehicle) in the service of a local authority or is a vehicle in the service of a police force in either case being used in pursuance of statutory powers or duties;
 - (iv) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (v) the vehicle is a vehicle of a universal service provider engaged in the provision of a universal postal service;
 - (vi) the vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus;
 - (vii) the vehicle is waiting for the purpose of posting or removing advertising material in the form of posters on or from premises adjacent to the parking place in which the vehicle is waiting;
 - (viii) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for such purposes for more than twenty minutes or for such longer period as a police officer or a civil enforcement officer in uniform may authorise.
- (b) anywhere in a parking place other than in a parking bay if goods are sold from the vehicle by a person who is licensed by the Council to sell goods from a stationary pitch situated in the parking place.
- (2) No charge specified in the foregoing provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the provisions of this Article.
- (3) Any person who leaves or causes a vehicle to be left in a parking place by virtue of the provisions of sub-paragraphs (v), (vi) or (vii) of paragraph 1(a) of this Article shall take all steps necessary to ensure that the vehicle shall so stand as to be in accordance with the provisions of Article 6 of this Order.

Exemptions from charges

- 9.(1) If a vehicle is left in a parking place or bay during the chargeable hours while there is on the ticket machine relating to that place or bay or in or adjacent to that place or bay a notice placed by any person authorised by the Council or

by the Chief Constable indicating that the ticket machine is out of order, the vehicle will be exempt from the ticket machine charges, provided that after the ticket machine is repaired, the vehicle is removed within a reasonable time relating to the appropriate parking place, and in any event no later than the commencement of the chargeable hours for the next chargeable day.

- (2) Any vehicle which displays in the relevant position a disabled person's badge shall, if left in a parking place or parking bay during the chargeable hours, be exempt from the payment of any charge.
- (3) A vehicle which is left in a parking place in accordance with the provisions of this Article shall stand in accordance with the provisions of Article 6 of this Order.

Installation of ticket machines

10. The Council may –

- (a) provide ticket machines or such other apparatus as may be required by this Order for the purposes of that parking place; and
- (b) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place.

SUSPENSION OF PARKING PLACES

- 11.(1) Nothing in Article 3 of this Order shall restrict the powers of the Council to close or suspend a parking place or part thereof.
- (2) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers such suspension 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 the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus;
 - (c) for the convenience of occupiers of premises adjacent to the parking place; or
 - (d) on any occasion on which it is likely by reason of some special attraction that the street will be thronged or obstructed.
- (3) A police officer or a civil enforcement officer in uniform may suspend for not longer than 24 hours the use of a parking place or any part thereof whenever

he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

- (4) Any person suspending the use of a parking place or any part thereof in accordance with Articles 11(1), 11(2) or 11(3) of this Order shall thereupon place or cause to be placed in or adjacent to the relevant parking place a sign indicating that waiting by vehicles is prohibited.
- (5) No person shall cause or permit a vehicle to wait in any part of a parking place during such period as there is in or adjacent to the relevant parking place a sign placed in pursuance of Article 11(4) of this Order.

Variation and revocation

- 12. The City of Sunderland (On-Street Parking Places) Review Order 2006 is hereby revoked.
- 13. If any existing Order or Orders whose provisions conflict with any of the provisions of this Order and the Schedules hereto has or have not been revoked by this Order or any other Order the said conflicting Order or Orders are hereby revoked to the extent that their provisions conflict with this Order.
- 14. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

SCHEDULE

Column 1	Column 2	Column 3	Column 4
Item Number	Areas of Highway Designated as Parking Places	Maximum Period for which vehicle(s) may wait	Charges during chargeable hours (Mon – Sat excluding Christmas Day 8.00 a.m. – 6.00p.m.)
1	<p>Bridge Street</p> <p>The east side from a point 30.3 metres south of the intersection of its extended eastern kerbline and the extended southern kerbline of West Wear Street, for a distance of 25.0 metres in a southerly direction.</p>	<p>8.00 a.m. – 6.00 p.m. Monday – Saturday All Day Sunday</p>	<p>70p per 30 mins or part thereof.</p>
2	<p>Charles Street</p> <p>The north side from a point 3.3 metres east of the intersection of its extended northern kerbline and the extended eastern kerbline of East Cross Street, for a distance of 17.3 metres in an easterly direction.</p>	<p>All Day</p>	<p>60p per hour or part thereof.</p>
3	<p>Charles Street</p> <p>The south side from a point 3.1 metres east of the intersection of its extended southern kerbline and the extended eastern kerbline of East Cross Street, for a distance of 39.6 metres in an easterly direction.</p>	<p>All Day</p>	<p>60p per hour or part thereof.</p>

Column 1	Column 2	Column 3	Column 4
Item Number	Areas of Highway Designated as Parking Places	Maximum Period for which vehicle(s) may wait	Charges during chargeable hours (Mon – Sat excluding Christmas Day 8.00 a.m. – 6.00p.m.)
4	Foyle Street The west side from a point 11.7 metres south of the intersection of its extended western kerbline and the extended southern kerbline of Athenaeum Street, to a point 8.4 metres north of the extended northern kerbline of Borough Road.	All Day	70p per 30 mins or part thereof.
5	Frederick Street The west side from a point 7.0 metres south of the intersection of its extended western kerbline and the extended southern kerbline of Saint Thomas Street, for a distance of 80.8 metres in a southerly direction.	All Day	70p per 30 mins or part thereof.
6	High Street West The north side from a point 19.6 metres east of the intersection of its extended northern kerbline with the extended eastern kerbline of Bridge Street, for a distance of 32.7 metres in an easterly direction.	8.00 a.m. – 6.00 p.m. Every Day	70p per 30 mins or part thereof.

Column 1	Column 2	Column 3	Column 4
Item Number	Areas of Highway Designated as Parking Places	Maximum Period for which vehicle(s) may wait	Charges during chargeable hours (Mon – Sat excluding Christmas Day 8.00 a.m. – 6.00p.m.)
7	<p>Laura Street</p> <p>The north-east side from a point 11.0 metres south-east of the intersection of its extended north-eastern kerbline and the extended south-eastern kerbline of Tavistock Place, for a distance of 65.4 metres in a south-easterly direction.</p>	All Day	90p per hour or part thereof.
8	<p>Norfolk Street</p> <p>The east side from the extended party boundary of Numbers 6/7 Norfolk Street, for a distance of 18.0 metres in a southerly direction.</p>	All Day	70p per 30 mins or part thereof.
9	<p>Norfolk Street</p> <p>The east side from a point 4.0 metres south of its intersection with the extended northern building line of Number 11 Norfolk Street, for a distance of 13.2 metres in a southerly direction.</p>	All Day	70p per 30 mins or part thereof.

Column 1	Column 2	Column 3	Column 4
Item Number	Areas of Highway Designated as Parking Places	Maximum Period for which vehicle(s) may wait	Charges during chargeable hours (Mon – Sat excluding Christmas Day 8.00 a.m. – 6.00p.m.)
10	Villiers Street The west side from a point 59.5 metres south of the intersection of its extended western kerbline and the extended southern kerbline of Coronation Street, for a distance of 24.4 metres in a southerly direction.	All Day	50p per hour or part thereof.
11	Villiers Street The west side from a point 11.7 metres south of the intersection of its extended western kerbline and the extended southern kerbline of Coronation Street, for a distance of 24.0 metres in a southerly direction.	All Day	50p per hour or part thereof.
12	West Sunnyside The west side from a point 11.0 metres north of the extended northern building line of Number 48 West Sunnyside, for a distance of 10.3 metres in a northerly direction.	All Day	70p per 30 mins or part thereof

Column 1 Item Number	Column 2 Areas of Highway Designated as Parking Places	Column 3 Maximum Period for which vehicle(s) may wait	Column 4 Charges during chargeable hours (Mon – Sat excluding Christmas Day 8.00 a.m. – 6.00p.m.)
13	West Sunnyside The west side from a point 5.0 metres south of the extended northern building line of Number 48 West Sunnyside, for a distance of 52.0 metres in a southerly direction.	All Day	70p per 30 mins or part thereof

Dated the 21st day of July 2011

THE SEAL OF THE COUNCIL OF)
THE CITY OF SUNDERLAND was)
hereunto affixed in the presence of:-)



Authorised Signatory

SEAL NO 60411A