

THE CITY OF SUNDERLAND (OFF-STREET PARKING PLACES)  
ORDER, 2008

The Council of the City of Sunderland ("the Council") in exercise of its powers under Sections 32(1)(a) and 35 of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to 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 and with the persons and organisations specified in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 hereby makes the following Order:-

Commencement and Citation

1. This Order shall come into force on the 14th day of July, 2008 and may be cited as "The City of Sunderland (Off-Street Parking Places) Order 2008".

Interpretation

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

"Automatic ticket issuing device", means an apparatus of the type and design approved by the Secretary of State in accordance with Section 35(3) of the Act for the purposes of this Order, being apparatus designed to admit vehicles to a parking place specified in Column 1 of Schedule 4 to this Order and to issue an encoded ticket detailing the time at which a vehicle arrived at the parking place;

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

"Council tax" has the same meaning as in Section 1 of the Local Government Finance Act 1992;

"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;

"Driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

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

"Invalid carriage", has the same meaning as in Section 136(5) of the Act;

"Limelight" means the leisure development bounded by Bedford Street, West Wear Street, William Street and High Street West;

"Magnetic pass" means a magnetic pass issued under the provisions of Articles 26 and 27 of this Order;

"Motor cycle", has the same meaning as in Section 136(4) of the Act;

"Owner", has the same meaning as in Section 82 of the Road Traffic Act 1991;

"Parking place", means any area of land or land including buildings specified by name in Column 1 of Schedules 1, 2, 3 and 4 to this Order provided by the Council under Section 32(1)(a) of the Act for use as a parking place;

"Parking space", means a space in a parking place which is provided for the leaving of one vehicle and is indicated by markings on the surface of the parking place;

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

"Pay station", means a device of the type and design approved by the Secretary of State in accordance with Section 35(3) of the Act for the purposes of this Order being a device controlled either automatically or manually designed for the purpose of calculating and collecting charges at the parking places specified in Column 1 of Schedule 4 to this Order;

"Pedal cycle", has the same meaning as in Regulation 4 of the Regulations;

"Permit" means a permit issued under the provisions of Articles 28, 29, 30 and 31 of this Order;

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

"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 displaying the serial number and expiry date is clearly legible from the outside of the vehicle;

"Relevant position" in relation to a permit or a resident's permit means:-

- (i) where a vehicle is fitted with a windscreen and/or a dashboard or fascia, the permit or resident's permit is exhibited on the inside of the windscreen or on the dashboard or fascia; or
- (ii) in any other case the permit or resident's permit is exhibited in a conspicuous position on the vehicle

so that the front of the permit or resident's permit showing the location, vehicle registration number, expiry date and parking space number (if applicable) 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 windscreen and/or a dashboard or fascia, the ticket is exhibited on the inside of the windscreen or on the dashboard or fascia; or
- (ii) in any other case the ticket is exhibited in a conspicuous position on the vehicle

so that the front of the ticket showing the location, date, entry and/or, departure time and sum paid is clearly legible from the outside of the vehicle;

"Resident's permit" means a permit issued under the provisions of Articles 32, 33, 34, 35, 36 and 37 of this Order;

"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.

- (2) Any reference in this Order to any enactment, regulation or other similar instrument shall be construed as a reference to the enactment, regulation or instrument as amended by any subsequent enactment, modification, regulation or instrument.
- (3) In this Order the masculine includes the feminine and vice versa.
- (4) The Interpretation Act, 1978, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

#### Designation of Parking Places

3. Each area of land or land including buildings specified by name in Column 1 of Schedules 1, 2, 3 and 4 to this Order, may be used as a parking place for such classes of vehicles on such days during such hours and on payment of such charges as are specified, in relation to that area of land or land including buildings, in the said Schedules, subject to the following provisions of this Order.

#### Conditions of Use of Parking Places

4. Where in Column 2 of Schedules 1, 2, 3 and 4 to this Order a parking place is described as available for vehicles of a specified class, the driver of a vehicle shall not permit it to wait in that parking place unless it is of the specified class.
5. Where, within a parking place specified in Column 1 of Schedules 1, 2, 3 and 4 to this Order, there is a sign or surface marking which indicates that a parking space is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in that parking space, unless it is a vehicle displaying in the relevant position a disabled person's badge.
6. The driver of a motor 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 to depart from the parking place.

7. Every vehicle left in a parking place specified in Column 1 of Schedules 1, 2, 3 and 4 to this Order shall be left in a parking space designated for that class of vehicle so that every part of the vehicle shall be within the limits of the parking space, provided that where no such limits are described upon the parking place every such vehicle shall be left in accordance with the directions of a civil enforcement officer or in such a position as will not obstruct any other vehicle from entering or leaving the parking place or a parking space within the parking place.
8. 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.
9. No person shall use any part of a parking place or cause or permit any vehicle to be left in a parking place:-
  - (1) for sleeping or camping purposes;
  - (2) for cooking purposes;
  - (3) for lighting or causing to be lit any fire; and
  - (4) for the purpose of servicing or washing any vehicle or part thereof, other than is reasonably necessary to enable that vehicle to depart from the parking place.
10. In a parking place no person shall deposit erect or cause or permit to be deposited or erected any skip, tent, booth, stand, building or other structure.
11. No person shall, except with the permission of a civil enforcement officer, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.
12. Where in a parking place, signs are erected or surface markings are laid for the purpose of:-
  - (1) indicating the entrance to or exit from the parking place, or
  - (2) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place, no person shall drive or cause or permit to be driven any vehicle:-
    - (a) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit so indicated; or
    - (b) in a direction other than that specified, as the case may be.
13. Articles 4, 5, 6, 7, 8, 9, 10, 11 and 12 shall not apply to any person or vehicles having the benefit of the written permission of the Council or where otherwise instructed by a civil enforcement officer.



14. No person in a motor vehicle using a parking place shall sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
15. No person shall, in a parking place, wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
16. No person shall, in a parking place, use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.

#### Removal of Vehicles from Parking Places

17. When a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 3, 4, 5, 7 and 9 of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be moved from that parking place.
18. Where it appears to the Council that a vehicle left in a parking place has been abandoned, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be moved from that parking place, provided that where the Council propose to move such a vehicle which in their opinion is in such a condition that it ought to be destroyed, then they shall, not less than 7 days before removing it, cause to be affixed to the vehicle a notice stating that they propose to remove it for destruction at the end of the period specified in Section 101 of the Act.
19. Any person removing a vehicle by authority of Article 17 or 18 of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid.
20. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by authority of Article 17 or 18 of this Order, he shall except in the case of a vehicle which in the opinion of the Council is in such condition that it ought to be destroyed make such arrangements as may be deemed reasonably necessary for the safe custody of the vehicle.

#### Charges in Connection with the Use of a Parking Place and Method of Payment

21. (1) Save as provided in Articles 21(2) and 23 of this Order, a charge, or as the case may be, charges shall be made for the use by a vehicle of a parking place specified in Column 1 of Schedules 1, 2, 3 and 4 to this Order.
- (2) (a) Establishments within Limelight may exempt any patron of Limelight from all or part of the charges at Sunnyside Multi-Storey Car Park by issuing an encoded validated ticket to the patron for the period of parking exempted from charge; and
- (b) There will be no charge for the parking of a pedal cycle provided it is parked in a cycle stand.

- (3) (a) Charges for the use of parking places shall be made in accordance with:-
- (i) the scale of charges specified in Column 5 of Schedules 1, 2, 3 and 4 to this Order,
  - (ii) any "other charges" where so specified in the said Schedules imposed pursuant to the provisions of this Order.
  - (iii) the charges set out in Schedule 5.
- (b) If the driver of a vehicle using St. Mary's Multi-Storey Car Park, Central Multi-Storey Car Park or Sunnyside Multi-Storey Car Park wishes to remove the vehicle from the parking place at any time outside the hours which fall in the case of St. Mary's Multi-Storey Car Park between 8.00 a.m. and 11.30 p.m. Monday to Saturday or 10.00 a.m. and 6.00 p.m. on a Sunday, or in the case of the Central Multi-Storey Car Park between 7.00 a.m. and 8.00 p.m. Monday to Saturday and in the case of Sunnyside Multi-Storey Car Park on Christmas Day only, the vehicle release charge specified in Column 6 of Schedules 1 and 4 to this Order shall be payable by the driver of such vehicle before the vehicle is removed from the parking place and the provisions of Article 21(4) shall apply in relation to the collection of such charge.
- (4) Where by virtue of the provisions of Article 21(3)(b) of this Order a vehicle release charge is payable the driver of the vehicle shall pay to the civil enforcement officer the vehicle release charge specified in Column 6 of Schedules 1 and 4 to this Order either in cash or by cheque supported by cheque guarantee card and shall upon request by the civil enforcement officer supply the civil enforcement officer with his/her name and address, the vehicle registration number and the time of vehicle release and shall provide the civil enforcement officer with satisfactory identification. The civil enforcement officer shall then permit the vehicle to be removed from the parking place.
22. (1) The driver of a vehicle using a parking place specified in Column 1 of Schedules 1 and 2 to this Order shall
- (a) either:-
- (i) immediately upon entering the parking place insert the appropriate coin or coins into any working ticket machine within the relevant parking place which shall be used as a means of collecting the charge imposed by Article 21(3)(a)(i) of this Order and which shall issue a numbered ticket or tickets indicating the period for which the charge has been paid and the day and time of issue of the said ticket or the day and time of expiry of the said ticket;
  - (ii) use the ticket referred to in Paragraph 1(i) of this Article only at the parking place at which it is issued;

- (iii) leave the vehicle in the parking place on the day of issue of the said ticket and only for the time period commencing from the time of issue of the ticket up to the time of departure as stated thereon provided that where more than one ticket is purchased, the second and subsequent tickets shall extend the time period for which the first ticket is valid up to the later time of departure as stated on the said second and subsequent tickets; and
    - (iv) display the ticket in the relevant position on the vehicle and cause the said ticket to be exhibited in that position at all times during which the vehicle is parked in the parking place; or
    - (v) if a valid resident's permit has been issued in respect of the vehicle, display the resident's permit in the relevant position at all times while the vehicle is parked in the parking place.
  - (b) park the vehicle wholly within the limits of a parking space designated for a vehicle of that class.
- (2) The driver of a vehicle using a parking place specified in Column 1 of Schedule 3 to this Order shall:-
- (a) display a valid permit in the relevant position at all times while the vehicle is parked in the parking place;
  - (b) park the vehicle wholly within the limits of a parking space not being a space reserved under the provisions of Article 40 of this Order unless the vehicle is displaying a valid permit entitling the vehicle to park in that reserved space;
  - (c) if the conditions of issue of the permit referred to in Paragraph (a) of this part of this Article limit its use to a part of a parking place or to a parking space, park the vehicle in that part of the parking place or in that parking space.
- (3) The driver of a vehicle using a parking place specified in Column 1 of Schedule 4 to this Order shall:-
- (a) before entering the parking place take an encoded ticket from the automatic ticket issuing device from which time the charges shall commence to run. The charges shall cease to run when the driver surrenders the ticket in accordance with sub-paragraph 22(3)(c) below;
  - (b) park the vehicle wholly within the limits of a parking space;
  - (c) upon leaving the parking place surrender the encoded ticket to an automatic or manual pay station and pay to the automatic pay station or the civil enforcement officer the appropriate charge in accordance with the scale of charges specified in Column 5 of Schedule 4 to this Order provided that any driver who is unable to produce the said ticket to the automatic pay station or civil enforcement officer shall not be permitted to take the vehicle out of

the parking place without paying a charge equal to the daily charge appropriate at that time for each day or part thereof the vehicle has been parked;

- (d) if the vehicle has been issued with a magnetic pass, the conditions of issue of which limit its use to a part of a parking place or to a particular parking space, park the vehicle in that part of the parking place or parking space;
- (e) if the vehicle has been issued with a valid resident's permit, display the permit in the relevant position at all times while the vehicle is in the parking place.

#### Exemptions for Disabled Persons and Motor Cycles

23. (1) The following vehicles may be left in a parking place and shall be exempt from the payment of a charge specified in Column 5 of Schedules 1 and 2 to this Order under the provisions of Article 21 of this Order:-
- (a) an invalid carriage;
  - (b) a disabled person's vehicle displaying a disabled person's badge in the relevant position;
  - (c) a vehicle left by the driver thereof who is a person who, on account of his severe physical disability, has been given a notice in writing from the Council that he is exempt from any such charge, if the notice is displayed on the inside of the windscreen;
  - (d) motor cycles having the benefit of the written permission of the Council or where instructed by a civil enforcement officer.

#### Installation of Automatic Ticket Issuing Devices, Ticket Machines, Placing of Traffic Signs, Etc.

24. The Council shall:-

- (1) install and maintain in proper working order at least one ticket machine in such a position as they think fit in/or in the vicinity of each of the parking places specified in Column 1 of Schedules 1 and 2 to this Order;
- (2) install and maintain in proper working order at least one automatic ticket issuing device at each entrance to the parking places specified in Column 1 of Schedule 4 to this Order;
- (3) install and maintain in proper working order at least one automatic pay station or manual pay station in such a position as they think fit in/or in the vicinity of each of the parking places specified in Column 1 of Schedule 4 to this Order;
- (4) cause the limits of the parking place and of each parking space to be indicated on the carriageway by placing and maintaining thereon such signs and surface markings as it considers appropriate;



- (5) place and maintain in/or in the vicinity of each parking place such signs as it considers appropriate indicating that such a parking place may be used during the hours of operation for the leaving only of a vehicle specified in Column 2 of Schedules 1, 2, 3 and 4 to this Order; and
- (6) carry out such other work as is reasonably required for the purpose of the satisfactory operation of a parking place.

#### Ticket Machine Indications as Evidence

25. In any proceedings in respect of an alleged contravention of or non-compliance with this Order:-
  - (1) the indications as to the date, time and place on a ticket issued by a ticket machine or an automatic ticket issuing device shall be evidence that such ticket was issued and the parking time recorded according to such indications;
  - (2) in respect of the parking places mentioned in Column 1 of Schedules 1 and 2 to this Order, the absence of a ticket from a vehicle left in a parking place shall be evidence that no such ticket has been issued, and that the charge specified in Column 5 of Schedules 1 and 2 to this Order has not been paid in respect thereof; and
  - (3) it shall be assumed unless the contrary is shown that any ticket machine is of a type and design approved by the Secretary of State.

#### Applications for and issue of Magnetic Passes for the use of Parking Places

26. The owner of a vehicle or an organisation representing the owner of a vehicle may, on application and at the discretion of the Council, and on payment of a charge (if any) to be ascertained by reference to the scale of charges in Column 5 of Schedule 4 to this Order be issued with a magnetic pass in respect of a vehicle in respect of a parking place or part of a parking place as specified in Column 1 of Schedule 4 to this Order and the magnetic pass shall be valid in such parking places and parking spaces as may be specified thereon during the period for which it is issued and under the conditions stipulated thereon, subject to the provisions of Articles 29 and 30 of this Order.
27.
  - (1) The Council may at any time require an applicant to produce to an officer of the Council or civil enforcement officer such evidence in respect of an application for a magnetic pass made to them as they may reasonably require to verify any particulars or information given to them or in respect of any magnetic pass issued by them as they may reasonably require to verify that the magnetic pass is valid.
  - (2) On receipt of an application duly made under the foregoing provisions of this Article and Article 26, the Council, upon being satisfied that the applicant is eligible to receive a magnetic pass, may issue to the applicant a magnetic pass allowing entry to and exit from a parking place specified in Column 1 of Schedule 4 to this Order.
  - (3) The issue of a magnetic pass shall not guarantee that any parking space will be available for use by the holder of such a magnetic pass.



- (4) A charge shall be payable for a replacement magnetic pass which is lost or stolen.

#### Application for and Issue of Permits for the Use of Parking Places

28. (1) A person may, on application and at the discretion of the Council purchase a permit in respect of a vehicle for a charge specified in Schedule 3 to this Order and the permit shall be valid in such parking space as is specified thereon in any of the car parks specified in the said Schedule 3 during the period for which it is issued which shall not be less than one calendar month and under the conditions stipulated thereon, subject to the provisions of Articles 28, 29, 30 and 31 of this Order.
- (2) The Council may at any time require an applicant to produce to an officer of the Council or civil enforcement officer such evidence in respect of an application for a permit made to them under the provisions of this Article as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them under the provisions of this Article as they may reasonably require to verify that the permit is valid.
- (3) On receipt of an application duly made under the foregoing provisions of this Article and the relevant fee, the Council, upon being satisfied that the applicant is eligible to receive a permit, may issue to the applicant therefore:-
- (a) (i) a permit for leaving in a parking space in a parking place specified in Column 1 of Schedule 3 to this Order during the days and hours of operation of the parking place, the vehicle to which such permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner, other than a person to whom such a vehicle has been let for hire or reward; and
- (ii) one protective cover for the display therein of the permit.

#### Surrender, Withdrawal and Validity of Permits and Magnetic Passes

29. (1) 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 one of the events set out in Paragraph (3) of this Article.
- (2) The Council may by notice in writing served on the permit holder by sending the same by recorded delivery service to 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 place of abode, withdraw a permit if it appears to the Council that any one of the events set out in Paragraphs (3)(a) or (3)(b) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of receipt of the aforementioned notice.

- (3) The events referred to in the foregoing provisions of this Article are:-
- (a) the permit holder ceasing to have an interest in the vehicle in respect of which the permit was issued;
  - (b) the vehicle in respect of which the permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Column 2 of Schedule 3 of this Order;
  - (c) the issue of a duplicate permit by the Council under the provisions of Article 30 of this Order;
  - (d) the revision by the Council of all permits relating to a particular parking place.
- (4) Without prejudice to the foregoing provisions of this Article, the 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 Paragraphs (a) to (d) of Part (3) of this Article, whichever is the earlier.
- (5) The provisions of this Article with respect to a permit and a resident's permit shall be interpreted as applying equally to a Magnetic Pass.
- (6) Refunds will be given in respect of any complete calendar month for which the parking space is not required. The refund will be given to the person who applied for the permit.

#### Application for the Issue of Duplicate Permits and Magnetic Passes

30. (1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall either surrender such permit ("the original permit") to the Council or apply to the Council for the issue to him of a duplicate permit and the Council, upon receipt of the original permit shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.
- (2) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a duplicate permit and the Council subject to receipt of the charge set out in Column 6 of Schedule 3 to this Order may issue a duplicate permit so marked and upon such issue the permit shall become invalid.
- (3) The provisions of this Order shall apply to a duplicate permit and an application therefor as if it were a permit or, as the case may be, an application therefor.
- (4) The provisions of this Article with respect to a permit shall be interpreted as applying equally to a Magnetic Pass.

## Form of Permits

31. A permit shall be in writing and shall include the following particulars:-
- (1) the registration mark of the vehicle in respect of which the permit has been issued except in the case of a permit issued for use in a parking place mentioned in Column 1 of Schedule 3 to this Order;
  - (2) the period during which the permit shall remain valid;
  - (3) the hours during which the vehicle in respect of which the permit has been issued may be left in a parking place;
  - (4) an indication that the permit has been issued by the Council;
  - (5) a description of that part of a parking place, or parking space, for which the permit has been issued.

## RESIDENTS' PERMITS

### Application for and Issue of Residents' Permits for the Use of Parking Places

32. (1) A person may, on application and at the discretion of the Council purchase a resident's permit in respect of a vehicle for the charge set out in Schedule 5 to this Order and the permit shall be valid in each of the parking places specified in Column 1 of Schedules 1, 2 and 4 to this Order during the period for which it is issued which shall not be less than three calendar months and under the conditions stipulated thereon, subject to the provisions of this Article and Articles 33, 34, 35, 36 and 37 of this Order.
- (2) A resident's permit may be issued for either one year commencing 1st April or for one quarter commencing 1st April, 1st July, 1st October or 1st January.
- (3) The Council may at any time require an applicant to produce to an officer of the Council or civil enforcement officer such evidence in respect of an application for a resident's permit made to them under the provisions of this Article and Articles 33, 34, 35, 36 and 37 of this Order as they may reasonably require to verify any particulars or information given to them or in respect of any resident's permit issued by them under the provisions of those Articles as they may reasonably require to verify that the resident's permit is valid.
- (4) On receipt of an application duly made under the foregoing provisions of this Article and Articles 33, 34, 35, 36 and 37 of this Order and the charge specified in Schedule 5 to this Order, the Council, upon being satisfied that the applicant is eligible to receive a resident's permit, may issue to the applicant therefor:-
- (i) a resident's permit for leaving during the hours of operation in any of the parking places specified in Column 1 of Schedules 1, 2 and 4 to this Order the vehicle to which such permit relates by the owner of such vehicle or by any person using such vehicle with the consent of

the owner, other than a person to whom such a vehicle has been let for hire or reward; and

- (ii) one protective cover for the display therein of the permit.

#### Criteria for eligibility for a Resident's Permit

33. (1) An applicant for a resident's permit must:-
- (a) confirm that he resides within the area bounded by the following road network:- Stockton Road, St. Michael's Way, Livingstone Road, St. Mary's Way, Wearmouth Bridge, Bridge Crescent, West Wear Street, Sans Street, Borough Road, Toward Road, and Park Road and has not been allocated any parking provision in association with such residence save that residents of Astral House, Solar House and Planet House will not be eligible for a resident's permit;
  - (b) be registered for Council Tax with the Council in the above area;
  - (c) in respect of the vehicle for which the permit is to be issued be either:-
    - (i) the registered keeper on the DVLA vehicle registration document; or
    - (ii) if the vehicle is leased or is a company vehicle, produce letter headed correspondence to confirm his identity and eligibility.
- (2) Only one permit per household is permitted and only one registration number is permitted on each permit.

#### Conditions applying to a Resident's Permit

34. The following conditions apply, inter alia, to a resident's permit issued under the provisions of Articles 32 and 33 above:-
- (a) the issue of a resident's permit does not guarantee the availability of a parking space within any of the parking places to which the permit applies;
  - (b) access to the parking places to which the resident's permit applies is restricted to the hours of operation of each relevant parking place;
  - (c) the holder of a resident's permit shall comply with the provisions of this Order;
  - (d) a resident's permit is non-transferable;
  - (e) the Council will not be liable for damage to a vehicle in respect of which a resident's permit has been issued or the contents thereof caused whilst it is parked in a parking place specified in Column 1 of Schedules 1, 2 and 4 to this Order unless the damage is due to the Council's negligence.



### Application for the Issue of a Duplicate Resident's Permit

35. (1) If a resident's permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the resident's permit has become altered by fading or otherwise, the resident's permit holder shall either surrender it to the Council or apply to the Council for the issue to him of a duplicate resident's permit and the Council, upon receipt of the resident's permit shall issue a duplicate resident's permit so marked and upon such issue the original resident's permit shall become invalid.
- (2) If a resident's permit is lost or destroyed, the resident's permit holder may apply to the Council for the issue to him of a duplicate resident's permit and the Council, subject to receipt of such payment as is specified in Schedule 5, may issue a duplicate resident's permit so marked and upon such issue the original resident's permit shall become invalid.
- (3) The provisions of this Order shall apply to a duplicate resident's permit and an application therefor as if it were a resident's permit or, as the case may be, an application therefor.

### Surrender, Withdrawal and Validity of a Resident's Permit

36. (1) A resident's permit holder may surrender the resident's permit to the Council at any time and shall surrender a resident's permit to the Council on the occurrence of any one of the events set out in Paragraph (3) of this Article.
- (2) The Council may by notice in writing served on the resident's permit holder by sending the same by recorded delivery service to the resident's permit holder at the address shown by that person on the application for the resident's permit or at any other address believed to be that person's place of abode, withdraw a resident's permit if it appears to the Council that any one of the events set out in Paragraphs (3)(a), (3)(b), 3(d) or (3)(e) of this Article has occurred and the resident's permit holder shall surrender the resident's permit to the Council within 48 hours of receipt of the aforementioned notice.
- (3) The events referred to in the foregoing provisions of this Article are:-
- (a) the resident's permit holder ceasing to be the registered keeper on the DVLA vehicle registration document for the vehicle in respect of which the resident's permit was issued;
  - (b) the vehicle in respect of which the resident's permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Column 2 of Schedules 1, 2 and 4 to this Order;
  - (c) the issue of a duplicate resident's permit by the Council under the provisions of Article 35 of this Order;
  - (d) the resident's permit holder ceasing to be a resident of the area specified in Article 33(1)(a);



- (e) the resident's permit holder ceasing to be registered for Council Tax with the Council in the area specified in Article 33(1)(a); and
  - (f) the revision by the Council of all permits relating to a particular parking place.
- (4) Without prejudice to the foregoing provisions of this Article, the resident's 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 paragraphs (a) to (f) of paragraph (3) of this Article, whichever is the earlier.
- (5) Refunds will be given in respect of any complete calendar month for which the resident's permit is not required.

#### Form of Residents' Permits

37. A resident's permit shall be in writing and shall include the following particulars:-
- (1) the registration mark of the vehicle in respect of which the resident's permit has been issued;
  - (2) the period during which the resident's permit shall remain valid;
  - (3) the hours during which the vehicle in respect of which the resident's permit has been issued may be left in a parking place;
  - (4) a description of the parking places for which the resident's permit has been issued.
  - (5) an indication that the resident's permit has been issued by the Council;

#### SUPPLEMENTARY PROVISIONS

##### Restriction on Removal of Tickets

38. (1) Where a ticket or tickets has or have been exhibited on a vehicle in accordance with the provisions of Article 22(1)(a)(iv) of this Order, no person, not being the driver of the vehicle or a civil enforcement officer, shall remove the ticket or tickets from the vehicle unless authorised to do so by the driver.

##### Power to Suspend Use of Parking Places

39. (1) A civil enforcement officer 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 or of any sign, surface marking or ticket machine or automatic ticket issuing device or pay station;

- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from any premises adjacent to the parking place from or to a depository or other 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 at times of weddings or funerals, or on other special occasions.
- (2) A police constable or 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.
- (3) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of Paragraphs (1) or (2) of this Article whether including a parking space or not may place or cause to be placed in or adjacent to that part or those parts a sign or signs indicating that waiting is prohibited.
- (4) No person shall cause or permit a vehicle to be left in any part of a parking place during such period as there is in or adjacent to that part of the parking place a sign placed in pursuance of Paragraph (3) of this Article, other than:-
- (a) a vehicle being used for fire brigade, ambulance or police purposes; or
  - (b) any other vehicle so left if that vehicle is left with the permission of:-
    - (i) a civil enforcement officer in pursuance of Paragraph (1) of this Article; or
    - (ii) a police constable in uniform in pursuance of Paragraph (2) of this Article.

#### Power to Reserve Parking Places

40. (1) A civil enforcement officer may reserve the use of a parking place specified in Schedule 3 to this Order or any part thereof, for the leaving of vehicles displaying a valid permit issued in respect of that part of the parking place and in accordance with the provisions of Articles 28, 29, 30 and 31 of this Order, or in respect of which a magnetic pass has been issued.
- (2) A civil enforcement officer reserving the use of a parking place or any part thereof in accordance with the provisions of Paragraph (1) of this Article

shall, in the case of a parking place the use of any part or parts of which, whether including a parking space or not, has been reserved, so place or cause to be placed in or adjacent to that part or those parts a sign or signs indicating that that part or those parts are reserved.

#### Charges for the Removal and Storage of Vehicles

41. Where a vehicle is removed by the Council from a parking place in pursuance of Articles 17, 18 and 19 of this Order there shall be payable to the Council pursuant to Section 102 of the Act and the Removal and Disposal of Vehicles Regulations 1986 and the Removal, Storage and Disposal of Vehicles (Charges) Regulations, 1989:-
- (1) In respect of the removal, the fixed charge of £105.00.
  - (2) In respect of any period during which the vehicle is in the custody of the Council the charge of £12.00 for each period of 24 hours or part thereof which will be reckoned from noon on the first day after removal on which the place at which the vehicle is stored is open at any time before noon for the claiming of vehicles.
  - (3) In respect of the disposal, the fixed charge of £50.00.

#### Revocations

42. The City of Sunderland (Off-Street Parking Places) (Review) Order 2006 as amended is hereby revoked.

Name of Parking Place	Classes of Vehicle as are defined in Article 2(1)	Days of Operation of Parking Place	Hours of Operation of Parking Place	Scale of Charges for the chargeable hours hereby indicated	Other Charges
1	2	3	4	5	6
<u>Central Multi-Storey Car Park</u> Access from West Street and the central area upper highway, located above Jackie White's Market, city centre.	Passenger vehicle, motor cycle, invalid carriage and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	Mon.-Sat. inclusive excluding Christmas Day, Good Friday and Statutory Bank Holidays.	Mon.-Sat. 7.00 a.m.-8.00 p.m.	Mon.-Sat. 8.00 a.m.-6.00 p.m. 60p per hour or part thereof.	Vehicle release charge £25.00.
<u>Civic Centre Multi-Storey Car Park</u> Access from either Cowan Terrace or Burdon Road, south of city centre.	Passenger vehicle, motor cycle, invalid carriage and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	Mon.-Sat. inclusive excluding Christmas Day, Good Friday and Statutory Bank Holidays.	Mon.-Sat. 7.00 a.m.-7.00 p.m.	Mon.-Sat. 8.00 a.m.-6.00 p.m. 70p per hour or part thereof.	

Name of Parking Place	Classes of Vehicle as are defined in Article 2(1)	Days of Operation of Parking Place	Hours of Operation of Parking Place	Scale of Charges for the chargeable hours hereby indicated
1	2	3	4	5
<u>Nile Street Surface Car Park</u> Access from Nile Street, east of the city centre.	Passenger vehicle, motor cycle, invalid carriage and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All days.	All hours.	Mon.-Sat. inclusive 8.00 a.m.- 6.00 p.m. excluding Christmas Day, Good Friday and Statutory Bank Holidays 70p per hour or part thereof.
<u>Boughton Street Surface Car Park</u> Access from Tunstall Road, south west of the city centre.	Passenger vehicle, motor cycle, invalid carriage and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All days.	All hours.	Mon.-Sat. inclusive 8.00 a.m.- 6.00 p.m. excluding Christmas Day, Good Friday and Statutory Bank Holidays 80p per hour or part thereof.
<u>West Wear Street Surface Car Park</u> Access from West Wear Street, north east of the city centre.	Passenger vehicle, motor cycle, invalid carriage and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All days.	All hours.	Mon.-Sat. inclusive 8.00 a.m.- 6.00 p.m. excluding Christmas Day, Good Friday and Statutory Bank Holidays 50p per hour or part thereof.
<u>Tatham Street Surface Car Park</u> Access from Murton Street, south east of the city centre.	Passenger vehicle, motor cycle, invalid carriage and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All days.	All hours.	Mon.-Sat. inclusive 8.00 a.m.- 6.00 p.m. excluding Christmas Day, Good Friday and Statutory Bank Holidays 50p per hour or part thereof.