

THE CITY OF SUNDERLAND (OFF-STREET PARKING PLACES)  
ORDER 2015

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 13<sup>th</sup> day of July 2015 and may be cited as "The City of Sunderland (Off-Street Parking Places) Order 2015."

Interpretation

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

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

"Account Number" means account number as defined in Article 21(4);

"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 2 to this Order and to issue an encoded ticket detailing the time at which a vehicle arrived at the Parking Place;

"Bus" has the same meaning as in Regulation 22 of The Regulations;

"Central Car Park Private Permit" means a Permit under the provisions of Article 35 of this Order to a person who does not reside in Astral House, Solar House or Planet House, Sunderland;

"Central Car Park Private Permit Fee" means the fee payable to the Council for a Central Car Park Private Permit as set out in Column 2 of Schedule 4 of this Order;

"Central Car Park Resident's Permit" means a Permit under the provisions of Articles 35 of this Order to a person who resides in Astral House, Solar House or Planet House, Sunderland;

"Central Car Park Resident's Permit Fee" means the fee payable to the Council for a Central Car Park Resident's Permit as set out in Column 2 of Schedule 4 of this Order;

"City Centre Resident's Permit" means a permit issued under the provisions of Article 30 of this Order;

"City Centre Resident's Permit Fee" means the fee payable to the Council for the City Centre Resident's Permit as set out in Column 2 of Schedule 4 of this Order;

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

"Coach" means a large bus with a maximum gross weight of more than 7.5 tonnes;

"Council tax" has the same meaning as in Section 1 of the Local Government Finance Act 1991;

"Credit Card" has the same meaning as in Section 35A of the Act;

"Debit Card" has the same meaning as in Section 35A of the Act;

"Disabled Person's Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (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;

"Electric Vehicle" means a passenger vehicle or a goods vehicle in which the primary motive power is capable of being derived from an electrical storage battery which can be charged by means of connecting a compatible charging cable to the respective charging post;

"Gold Permit" means a permit issued under the provisions of Article 45 of this Order.

"Gold Permit Fee" means the fee payable to the Council for a Gold Permit as set out in Column 2 of Schedule 4 of this Order;

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

"Hand held device" means a wireless hand held computer which is programmed to receive and record information transmitted by the "Pay by Phone" system and operated by a Civil Enforcement Officer to facilitate the enforcement of Parking Places;

"Location Identification Number" means the location number assigned to each Parking Place where the "Pay by Phone" system is in operation;

"Magnetic Pass" means a magnetic pass issued under the provisions of Article 27 of this Order

"Mobile telephone" means any wireless telegraphy apparatus as defined in The Wireless Telegraphy Act 2006 designed or adapted for the purposes of transmitting and receiving spoken or text messages so as to provide a network within the meaning of The Communications Act 2003 and is not physically connected to the land line;

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

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

"Parking Space", means an area in a Parking Place which is provided for the waiting of one vehicle and which is marked on the surface of the Parking Place by lines or otherwise or which is indicated by signs;

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

"Pay by Phone" system means the system operated and maintained by the Council's appointed Service Provider to accept and record payments of parking charges (inclusive of any appropriate administrative charge), made by means of a Credit or Debit card or any other approved method of secure authorised payment and transmitted by a mobile telephone or internet apparatus to obtain a period of parking in a Parking Place where the "Pay by Phone" system is operational and indicated by signs;

"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 2 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 this Order namely Gold Permit, Silver Permit, Prince Street Permit, South Street Permit, Central Car Park Private Permit, Central Car Park Resident's Permit, City Centre Resident's Permit or Staff Permit;

"Prince Street Permit" means a Permit issued under the provisions of Article 50 of this Order.

"Prince Street Permit Fee" means the fee payable to the Council for a Prince Street Permit as set out in Column 2 of Schedule 4 of this Order;

"Recharging Post" means a device designed for the recharging of electric vehicles;

"Registered Keeper" means the person named in the Registration Certificate as being the Registered Keeper of a particular vehicle.

"Registration Certificate" means a V5C Registration Certificate issued pursuant to Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002

"Registration Mark" means a mark indicating the registered number of the vehicle assigned to the vehicle by the Secretary of State pursuant to Section 23 of the Vehicle Excise and Registration Act 1994 upon its registration under Section 21 of that 1994 Act.

"Relevant Permit Fee" means the Permit Fee indicated in Column 2 of Schedule 4 as being the relevant fee for the type of permit indicated in Column 1 of Schedule 4.

"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 outside of the vehicle;

"Relevant position" in relation to a Permit means:-

- (i) Where a vehicle is fitted with a windscreen and/or a dashboard or fascia, the Permit is exhibited on the inside of the windscreen or on the dashboard or fascia; or
- (ii) In any other case the Permit is exhibited in a conspicuous position on the vehicle

so that the front of the 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;

"Replacement Permit Fee" means the fee payable to the Council for a replacement permit as set out in Column 4 of Schedule 4 of this Order;

"Staff Permit" means a permit issued under the provisions of Article 40 of this Order

"Staff Permit Fee" means the fee payable to the Council for a Staff Permit as set out in Column 2 of Schedule 4 of this Order;

"Service Provider" means the contractor or agent authorised by the Council to operate and accept the payment of parking charges by means of the "Pay by Phone" system;



"Silver Permit" means a permit issued under the provisions of Article 45 of this Order;

"Silver Permit Fee" means the fee payable to the Council for a Silver Permit as set out in Column 2 of Schedule 4 of this Order;

"South Street Permit" means a permit issued under the provisions of Article 50 of this Order;

"South Street Permit Fee" means the fee payable to the Council for a South Street Permit as set out in Column 2 of Schedule 4 of this Order;

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

"Ticket Machine" means an apparatus of a type and design approved by the Secretary of State for Transport in accordance with Section 35(3) of the Act for the purposes of this Order, being apparatus designed to indicate the time by a clock and to issue, upon the insertion of an appropriate coin or coins into the apparatus or device provided, 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 the vehicle should leave the Parking Place and the charge paid

"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.

"Waiver Certificate" means a certificate issued by or on behalf of the Council under the provisions of this Order, permitting a specified vehicle to wait in specified circumstances in a Parking Place, where the waiting by that vehicle would otherwise be restricted or prohibited by the provisions of this Order;

- (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 and 3 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 and 3 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 and 3 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. Where within a Parking Place specified in Column 1 of Schedules 1 and 2 to this Order, there is a sign or surface marking which indicates that a Parking Space is available only for Electric Vehicles, the Driver of a vehicle shall not permit it to wait in that Parking Space unless it is an Electric Vehicle and unless the conditions specified in Article 23 are complied with.
7. 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.
8. Every vehicle left in a Parking Place specified in Column 1 of Schedules 1, 2 and 3 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.
9. No person shall use any Parking Place or any vehicle while it is in a Parking Place, in connection with the sale or offering or exposing for sale any goods to any person in or near the Parking Place or in connection with the selling or offering for hire of his skills or services without the written permission of the Council.
10. 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.
11. 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.

12. No person shall except with the permission of a Civil Enforcement Officer or Police Officer in uniform 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.
13. Where in a Parking Place signs are erected or surface markings are laid for the purpose of indicating:-
  - (1) the entrance to or exit from the Parking Place, or that a vehicle using the Parking Place shall proceed in a specified direction within the Parking Place, then no person shall drive or cause or permit to be driven any vehicle 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 in a direction other than that specified, as the case may be
  - (2) that certain Parking Spaces are for the use of vehicles displaying a Disabled Person's Badge only, then no person shall park within a Disabled Person's Parking Space unless it is a vehicle displaying a Disabled Person's Badge being used in accordance with the Badges Regulations
  - (3) that certain Parking Spaces are for the use of Prince Street Permit Holders or South Street Permit Holders only, then no person shall park within such a Parking Space unless it is a vehicle displaying a valid Prince Street Permit or South Street Permit (as the case may be) for that Parking Space issued in accordance with Article 50 of this Order
  - (4) that certain Parking Spaces are for the use of Electric Vehicles only then no person shall park any vehicle other than an Electric Vehicle in such a Parking Space
14. Articles 6, 8, 9, 10, 11, 12 and 13 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 or Police Officer in Uniform.

#### Removal of Vehicles from Parking Places

15. When a vehicle is left in a Parking Place in contravention of any of the provisions contained in Articles 4, 5, 6, 7, 8, 9 and 10 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.
16. 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 or any subsequent amendment thereto.

17. Any person removing a vehicle by authority of Article 15 or 16 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.
18. 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 15 or 16 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

19. (1) Save as provided in Articles 19(2), 22, 23 and 24 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 and 3 to this Order.
  - (2) (a) Establishments within the Sunnyside Leisure Area may exempt any bona fide patron of the Sunnyside Leisure Area 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.
  - (b) There will be no charge for the parking of a pedal cycle provided it is parked in a cycle stand or allocated area
  - (c) The vehicle is displaying in a prominent position a valid permit appropriate for that Parking Space issued under the provisions of Article 30, Article 35, Article 40, Article 45 or Article 50 of this Order
- (3) Charges for the use of Parking Places shall be made in accordance with:-
  - (a) (i) the scale of charges specified in Column 5 of Schedules 1 and 2 to this Order,
  - (ii) any "other charges" where so specified in the said Schedules imposed pursuant to the provisions of this Order.
  - (iii) the Permit Fees and charges set out in Schedule 4.
- (b) If the driver of a vehicle using St. Mary's 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 of operation of the Parking Place as specified in Schedule 2 Column 4, the vehicle release charge specified in Column 6 of Schedule 2 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 19(4) shall apply in relation to the collection of such charge.
- (4) Where by virtue of the provisions of Article 19(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 Schedule 2 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.

- 20 (1) The driver of a vehicle using a Parking Place specified in Column 1 of Schedule 1 of this order shall –
- (a) park the vehicle wholly within the limits of a Parking Space designated for a vehicle of that class;
  - (b) immediately upon entering the Parking Place or, if the vehicle is an Electric Vehicle, immediately upon the vehicle being moved to a Parking Space not designated for use only by Electric Vehicles as provided in Article 23 below
    - (i) either 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 19(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; or
    - (ii) pay the charges imposed by Article 19(3)(a)(i) of this Order by means of the Council's Pay by Phone system in accordance with the provisions of this Order.
  - (c) use the ticket referred to in Paragraph 1(b)(i) of this Article only at the Parking Place at which it is issued;
  - (d) 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
  - (e) 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
  - (f) if a valid Permit has been issued in respect of the vehicle, display the Permit in the relevant position at all times while the vehicle is parked in the Parking Place.
- (2) The driver of a vehicle using a Parking Place specified in Column 1 of Schedule 2 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 (2)(e) below;
  - (b) park the vehicle wholly within the limits of a Parking Space;



- (c) 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;
- (d) if the vehicle has been issued with a valid Permit display the Permit in the Relevant Position at all times while the vehicle is in the Parking Place.
- (e) upon leaving the Parking Place surrender the encoded ticket to a 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 2 to this Order, provided that any Driver who is unable to produce the said ticket to the 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;
- (f) if the vehicle is an Electric Vehicle and the conditions set out in Article 23 have been complied with, upon leaving the Parking Place surrender the encoded ticket to the Car Park Office in order to obtain the exemption referred to in Article 23 below.

#### Payment by Pay by Phone System

- 21(1) The Council shall display a notice at each Parking Place in which the Pay by Phone System is operational and such notice shall display the Location Identification Number of the Parking Place in which it is sited and shall provide operational guidance on payment of the parking charges imposed by Article 19(3)(a)(i) by the Pay by Phone system.
- (2) The driver of a vehicle who wishes to pay the charges imposed by Article 19(3)(a)(i) of this Order, by the Council's Pay by Phone system (where the system is operational) shall first of all register the information contained in paragraph (3) of this Article with the Council's Service Provider.
- (3) The information referred to in paragraph (2) of this Article is:-
  - (a) The telephone number of a Mobile Telephone;
  - (b) A Credit Card or Debit Card identification number, expiry date and such other information as may be requested by the Service Provider relating to the Credit Card or Debit Card against which the payment will be made; and
  - (c) The Registration Mark of the vehicle in respect of which the charges are to be paid.
- (4) The telephone number of the Mobile Telephone registered in accordance with paragraph (3) (a) of this Article shall for the purposes of this Order be known as the "Account Number".
- (5) Once the Driver of a vehicle has registered the information required by paragraph (3) of this Article he may pay the charges imposed by Article 19(3)(a)(i) of this Order in accordance with the provisions of this Order by the Council's Pay by Phone system by disclosing the following information to the Council's Service Provider –



- (a) their Account Number;
  - (b) the Credit and or Debit Card identification number, expiry date and such other details as may be requested by the Service Provider relating to the Credit Card or Debit Card against which the payment is being made;
  - (c) the Location Identification Number of the Parking Place in respect of which payment is being made; and
  - (d) The Registration Mark of the vehicle being parked.
- (6) Where payment of the charges imposed by Article 19(3)(a)(i) are made in accordance with the provisions of paragraph (5) of this Article the period of parking shall commence on receipt by the Service Provider of the information specified in paragraph (5) of this Article.
- (7) Where payment of the parking charges imposed by Article 19(3)(a)(i) of this Order have been made in accordance with paragraph (5) of this Article the period of parking may be increased by payment of an additional sum towards the period of parking by the Council's Pay by Phone system.
- (8) the Driver of a vehicle who pays the charges imposed by Article 19(3)(a)(i) of this Order by the Council's Pay by Phone system shall park the vehicle wholly within the limits of a marked Parking Space for that class of vehicle and shall leave the vehicle only in the Parking Place in respect of which payment has been made and only for the period for which payment has been made.
- (9) The Driver of a vehicle who pays the charges imposed by Article 19(3)(a)(i) of this Order shall, in addition to paying such charges, pay such administrative charges in connection with the use of the Pay by Phone system to the Council's Service Provider as may from time to time be determined by the Service Provider and all such charges shall be displayed by the Council or the Service Provider in each Parking Place where the Pay by Phone System is in operation.

#### Exemptions for Disabled Persons and Motor Cycles

22. (1) The following vehicles may be left in a Parking Place described in Column 1 of Schedules 1 to this Order and shall be exempt from the payment of a charge specified in Column 5 of Schedule 1 to this Order under the provisions of Article 19 of this Order:-
- (a) a vehicle displaying a Disabled Person's Badge in the Relevant Position;
  - (b) motor cycles.

#### Exemptions for Electric Vehicles

- 23 (1) Subject to the conditions set out in paragraph (2) of this Article, an Electric Vehicle may be left in any Parking Space identified as being designated for Electric Vehicles and shall be exempt from the charges specified in Column 5 of Schedules 1 and 2 to this Order imposed under the provisions of Article 19 of this Order for a maximum period of 4 hours from the time the Electric Vehicle was left in the Parking Place.

- (2) The conditions referred to in paragraph (1) above are:-
- (a) the Electric Vehicle is waiting in a Parking Space designated for Electric Vehicles;
  - (b) the Electric Vehicle throughout the period of waiting is connected to and actively recharging via the recharging lead, the Recharging Post relating to that Parking Space;
  - (c) the Electric Vehicle waits in the Parking Space in the manner specified in paragraph (b) above for a continuous period of no longer than 4 hours;
  - (d) at the end of the period of waiting, the Electric Vehicle leaves the Parking Place or is moved to another Parking Space in the same Parking Place which is not designated as being available only for Electric Vehicles but which is otherwise available for the relevant class of vehicle;
  - (e) the Electric Vehicle does not return the same day to the Parking Place in which it recharged as described in paragraph (1) above.
- (3) If the Electric Vehicle is moved to another Parking Space in the same Parking Place as described in 23(2)(d) above, the charges specified in Column 5 of Schedules 1 and 2 to this Order in relation to that Parking Place will then apply.

#### Waiver Certificates

24. The Council may issue a Waiver Certificate on receipt of an application and may impose charges, terms and conditions as appropriate. A Waiver Certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the certificate and either delivered to them personally or sent to or left at any address that the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

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

25. The Council will:-
- (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 Schedule 1 to this Order;
  - (2) install and maintain in proper working order at least one Automatic Ticket Issuing Device at each vehicular entrance to the Parking Places specified in Column 1 of Schedule 2 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 2 to this Order;

- (4) cause the limits of the Parking Place and of each Parking Space to be indicated on the surface of the Parking Place 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 and 3 to this Order;
- (6) place and maintain on or in the vicinity of each Prince Street and South Street Parking Space signs of any size colour or type indicating that such a Parking Space, may only be used for the leaving of a vehicle displaying the valid Prince Street or South Street Permit as the case may be; and
- (7) carry out such other work as is reasonably required for the purpose of the satisfactory operation of a Parking Place.

#### Ticket Machine and Hand Held Device Indications as evidence

26. 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 Schedule 1 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 Schedule 1 to this Order has not been paid in respect thereof.
  - (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.
  - (4) A verification from the Service Provider regarding the Registration Mark of the vehicle, the Location Identification Number, the period of parking and the charges paid via an approved Hand Held Device relating to payment via the Pay by Phone System shall be evidence that the charges specified in Column 5 of Schedule 1 have been paid, unless the contrary is proved.
  - (5) In respect of the Parking Places specified in Column 1 of Schedule 1 to this Order in the absence of a record registered on the Council's Pay by Phone system which can be verified by a Civil Enforcement Officer on a Hand Held Device to indicate that a parking charge has been paid in respect of that vehicle it shall be presumed unless the contrary is proved that the parking charges set out in Column 5 of Schedule 1 to this Order have not been paid via the Council's Pay by Phone system.

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

27. The Registered Keeper 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 2 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 2 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 28 and 29 of this Order.

28. (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 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 2 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.

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

29. (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 or faded, the Permit Holder shall either surrender such Permit ("the Original Permit") to the Council to apply to the Council for the issue to him of a replacement Permit and the Council upon the receipt of the original Permit and Replacement Permit Fee shall issue a replacement Permit.
- (2) In the event that the Council is reasonably satisfied that a Permit has been lost or stolen the Council upon payment of the Replacement Permit Fee may issue a replacement Permit
- (3) A Permit Holder may ask the Council to change the vehicle to which the Permit applies and to issue a replacement Permit on receipt of satisfactory information about ownership of the new vehicle and Replacement Permit Fee.
- (4) Upon the issue of a replacement Permit the Permit which it replaces shall become invalid.
- (5) A Permit shall at all times remain the property of the Council
- (6) No person shall make, or attempt to make, a copy of any Permit or write on or otherwise alter or tamper with it or the information shown on it.
- (7) The provisions of this Article with respect to a Permit shall be interpreted as applying equally to a Magnetic Pass.

## CITY CENTRE RESIDENTS' PERMITS

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

30. (1) A person may, on application and at the discretion of the Council, purchase a City Centre Resident's Permit in respect of a vehicle for the City Centre Resident's Permit Fee and the Permit shall be valid in each of the Parking Places specified in Column 1 of Schedules 1 and 2 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 31 – 34 (inclusive) of this Order.
- (2) A City Centre Resident's Permit may be issued for either one year or for one quarter.
- (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 City Centre Resident's Permit made to them under the provisions of this Article and Articles 31 – 34 (inclusive) of this Order 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 those Articles as they may reasonably require to verify that the Permit is valid.
- (4) On receipt of an application duly made under the foregoing provisions of this Article and Articles 31 - 34 (inclusive) of this Order and the City Centre Resident's Permit Fee, the Council, upon being satisfied that the applicant is eligible to receive a City Centre Resident's Permit, may issue to the applicant therefor a City Centre Resident's Permit for leaving during the hours of operation in any of the Parking Places specified in Column 1 of Schedules 1 and 2 to this Order the vehicle to which such Permit relates by the Registered Keeper of such vehicle or by any person using such vehicle with the consent of the Registered Keeper, other than a person to whom such a vehicle has been let for hire or reward.

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

31. (1) An applicant for a City Centre Resident's Permit must:-
- (a) confirm that he resides within the area bounded by the following:-
- Stockton Road, St. Michael's Way, River Wear, 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 City Centre 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 Certificate; or
- (ii) if the vehicle is leased or is a company vehicle, produce letter headed correspondence to confirm his identity and eligibility.



(2) Provided that they comply with Articles 31(b) and (c) above and are able to confirm their place of residence, the Council may at its discretion issue City Centre Residents' Permits to applicants outside but adjacent to the area described in paragraph 1(a).

(3) Only one Registration Mark is permitted on each Permit.

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

32. The following conditions apply, inter alia, to a City Centre Resident's Permit issued under the provisions of Articles 30 and 31 above:-

- (a) the issue of a City Centre 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 City Centre Resident's Permit applies is restricted to the hours of operation of each relevant Parking Place;
- (c) the holder of a City Centre Resident's Permit shall comply with the provisions of this Order;
- (d) the Council will not be liable for damage to a vehicle in respect of which a City Centre 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 and 2 to this Order unless the damage is due to the Council's negligence.

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

33. (1) A City Centre Resident's Permit holder may surrender the Permit to the Council at any time, and shall surrender the 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 City Centre Resident's Permit holder at the address shown by that person on the application for the City Centre Resident Permit or at any other address believed to be that person's residence, withdraw a City Centre Resident's Permit if it appears to the Council that any one of the events set out in Paragraph (3) of this Article has occurred and the City Centre Resident's Permit holder shall surrender the City Centre 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 City Centre Resident's Permit holder ceasing to be the Registered Keeper on the DVLA vehicle Registration Certificate for the vehicle or ceasing to be entitled to lease the vehicle in respect of which the City Centre Resident's Permit was issued;
- (b) the vehicle in respect of which the City Centre 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 and 2 to this Order;
- (c) the issue of a duplicate City Centre Resident's Permit by the Council under the provisions of Article 29 of this Order;



- (d) the City Centre Resident's Permit holder ceasing to be a resident of the area specified in Article 31(1)(a);
  - (e) the City Centre Resident's Permit holder ceasing to be registered for Council Tax with the Council in the area specified in Article 31(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 City Centre 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) The provisions of this Article with respect to a City Centre 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 City Centre Resident's Permit is not required (subject to an administration fee).

#### Form of City Centre Residents' Permits

34. A City Centre 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 City Centre Resident's Permit has been issued;
  - (2) the period during which the City Centre Resident's Permit shall remain valid;
  - (3) a description of the Parking Place(s) for which the City Centre Resident's Permit has been issued.
  - (5) an indication that the City Centre Resident's Permit has been issued by the Council;

#### CENTRAL CAR PARK PRIVATE PERMITS AND CENTRAL CAR PARK RESIDENTS' PERMITS Application for and Issue of Central Car Park Private Permits and Central Car Park Residents' Permits

35. (1) A person may, on application and at the discretion of the Council, purchase either a Central Car Park Resident's Permit in respect of a vehicle for the Central Car Park Resident's Permit Fee or a Central Car Park Private Permit in respect of a vehicle for the Central Car Park Private Permit Fee and the Permit shall only be valid in the Parking Place specified as Central Car Park in Column 1 of Schedule 3 to this Order during the period for which it is issued, and under the conditions stipulated thereon, subject to the provisions of this Article and Articles 36 – 39 (inclusive) of this Order.
- (2)a) A Central Car Park Residents' Permit may be issued for either one year or for one quarter.

- b) A Central Car Park Private Permit may be issued for any period at the Council's discretion which shall not be less than one calendar month but a Central Car Park Private Permit issued for less than one year will be subject to an administration fee.
- (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 Central Car Park Residents' Permit or Central Car Park Private Permit made to them under the provisions of this Article and Articles 36 – 39 (inclusive) of this Order as they may reasonably require to verify any particulars or information given to them or in respect of any Central Car Park Residents' Permit or Central Car Park Private Permit issued by them under the provisions of those Articles as they may reasonably require to verify that the Permit is valid.
  - (4) On receipt of an application duly made under the forgoing provisions of this Article and Articles 36 - 39 (inclusive) of this Order and the Central Car Park Residents' Permit Fee the Council, upon being satisfied that the applicant is eligible to receive a Central Car Park Residents' Permit may issue to the applicant thereof:-
    - (a) a Central Car Park Resident's Permit for leaving in the Central Car Park during the hours of operation specified in Schedule 3 to this Order the vehicle to which such Permit relates by the Registered Keeper of such vehicle or by any person using such vehicle with the consent of the Registered Keeper, other than a person to whom such vehicle has been let for hire or reward; and
    - (b) one key fob with which to gain access to the Parking Place for which the Permit has been issued.
  - (5) On receipt of an application duly made under the foregoing provisions of this Article and Articles 36-39 (inclusive) of this Order and the Central Car Park Private Permit Fee, the Council, upon being satisfied that the applicant is eligible to receive a Central Car Park Private Permit may issue to the applicant thereof:-
    - (a) A Central Car Park Private Permit for leaving in the Central Car Park during the hours of operation specified in Schedule 3 to this Order the vehicle to which such Permit relates by the Registered Keeper of such vehicle with the consent of the Registered Keeper, other than a person to whom such vehicle has been let for hire or reward; and
    - (b) One key fob with which to gain access to the Parking Place for which the Permit has been issued.

Criteria for Eligibility for a Central Car Park Residents' Permit and a Central Car Park Private Permit

- 36. (1) An applicant for a Central Car Park Resident's Permit must confirm that he resides in Astral House, Solar House or Planet House, City Centre, Sunderland;
- (2) An applicant for either a Central Car Park Resident's Permit or a Central Car Park Private Permit must in respect of the vehicle for which the Permit is to be issued be either:-

- (i) the Registered Keeper on the DVLA vehicle Registration Certificate; or
- (ii) if the vehicle is leased or is a company vehicle, produce letter headed correspondence to confirm his identity and eligibility.

Conditions applying to a Central Car Park Resident's Permit and a Central Car Park Private Permit

37. The following conditions apply inter-alia, to a Central Car Park Resident's Permit and a Central Car Park Private Permit issued under the provisions of Articles 35 and 36 above:-
- (1) the issue of a Central Car Park Resident's Permit or a Central Car Park Private Permit does not guarantee the availability of a Parking Space within the Parking Place to which the Permit applies;
  - (2) access to the Parking Place to which the Central Car Park Resident's Permit or Central Car Park Private Permit applies will be gained only via the use of the key fob which is issued to the applicant with the Permit;
  - (3) the holder of a Central Car Park Resident's Permit or a Central Car Park Private Permit shall comply with the provisions of this Order;
  - (4) the Council will not be liable for damage to a vehicle in respect of which a Central Car Park Resident's Permit or a Central Car Park Private Permit has been issued or the contents thereof caused whilst it is parked in the Central Car Park unless the damage is due to the Council's negligence.

Surrender, Withdrawal and Validity of Central Car Park Residents' Permits and Central Car Park Private Permits

38. (1) The holder of a Central Car Park Resident's Permit or Central Car Park Private Permit may surrender the Permit to the Council at any time and shall surrender the 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 holder of the Central Car Park Resident's Permit or Central Car Park Private Permit at the address shown by that person on the application for the said Permit or at any other address believed to be that person's address, withdraw a Central Car Park Resident's Permit or Central Car Park Private Permit if it appears to the Council that any one of the events set out in Paragraphs (3) of this article has occurred and the holder of the Central Car Park Resident's Permit or Central Car Park Private Permit 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 holder of the Central Car Park Resident's Permit or Central Car Park Private Permit ceasing to be the Registered Keeper on the DVLA Registration Certificate for the vehicle or ceasing to be entitled to lease the vehicle in respect of which the Permit was issued;

- (b) the vehicle in respect of which the Central Car Park Resident's Permit or Central Car Park Private 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 to this Order;
  - (c) the issue of a duplicate Central Car Park Resident's Permit or Central Car Park Private Permit by the Council under the provisions of Article 29 of this Order;
  - (d) The holder of the Central Car Park Resident's Permit ceasing to be a resident of Astral House, Solar House or Planet House;
  - (e) the revision by the Council of all Permits relating to the Parking Place for which the Permit was issued.
- (4) Without prejudice to the foregoing provisions of this Article, the Central Car Park Resident's Permit or Central Car Park Private Permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events set out in Paragraph (3) of this Article, whichever is the earlier.
  - (5) Refunds will be given in respect of any complete calendar month for which the Central Car Park Resident's Permit or Central Car Park Private Permit is not required (subject to an administration fee).

#### Form of Central Car Park Resident's Permit and Central Car Park Private Permit

39. A Central Car Park Resident's Permit or Central Car Park Private 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;
- (2) the period during which the Permit shall remain valid;
- (3) a description of the Parking Place for which the Permit has been issued;
- (4) an indication that the Permit has been issued by the Council.

#### STAFF PERMITS

##### Application for and Issue of Staff Permit for the Use of Parking Places

- 40. (1) An employee of the Council may, on application and at the discretion of the Council, purchase a Staff Permit in respect of a vehicle for the Staff Permit Fee and the Permit shall be valid in the Parking Place(s) specified on the Permit during the time period specified on the Permit and under the conditions stipulated thereon, subject to the provisions of this Article and Articles 41 – 44 (inclusive) of this Order.
- (2) The Council may at any time require an employee to produce to an officer of the Council or Civil Enforcement Officer such evidence in respect of an application for a Staff Permit made to them under the provisions of this Article and Articles of this Order 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 those Articles 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 Articles 41 – 44 (inclusive) of this Order and the Staff Permit Fee specified in Schedule 4 to this Order, the Council, upon being satisfied that the applicant is eligible to receive a Staff Permit, may issue to the applicant a Staff Permit for leaving the vehicle during the time period specified in the Permit in the Parking Place(s) designated on the Staff Permit

#### Criteria for eligibility for a Staff Permit

41. (1) An applicant for a Staff Permit must:-
  - (a) be employed by the Council and
  - (b) Satisfy the requirements of the Council's Staff Permit policy

#### Conditions applying to a Staff Permit

42. The following conditions apply, inter alia, to a Staff Permit issued under the provisions of Articles 40 – 41 (inclusive) above:-
  - (1) the issue of a Staff Permit does not guarantee the availability of a Parking Space within any of the Parking Places to which the Permit applies;
  - (2) access to the Parking Places to which the Staff Permit applies is restricted to the time period specified on the Permit;
  - (3) the holder of a Staff Permit shall comply with the provisions of this Order;
  - (4) the Council will not be liable for damage to a vehicle in respect of which a Staff Permit has been issued or the contents thereof caused whilst it is parked in the Parking Place specified on the Staff Permit unless the damage is due to the Council's negligence.

#### Surrender, Withdrawal and Validity of a Staff Permit

43. (1) A Staff Permit holder may surrender the Permit to the Council at any time and shall surrender the 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 Staff Permit holder at his place of work or at the address shown by the employee on the application for the Staff Permit withdraw a Staff Permit if it appears to the Council that any one of the events set out in Paragraph 3 of this Article has occurred and the Staff Permit holder shall surrender the Staff 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 Staff Permit holder ceasing to be an employee of the Council;



- (b) the vehicle in respect of which the Staff 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 and 2 to this Order;
  - (c) the issue of a duplicate Staff Permit by the Council under the provisions of Article 29 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 Staff 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 (e) above, whichever is the earlier.

#### Form of Staff Permit

44. A Staff Permit shall be in writing and shall include the following particulars:-

- (1) the Registration Mark of the vehicle(s) in respect of which the Staff Permit has been issued;
- (2) the period during which the Staff Permit shall remain valid;
- (3) the days during which the vehicle in respect of which the Staff Permit has been issued may be left in a Parking Place;
- (4) a description of the Parking Place(s) and/or Parking Spaces for which the Staff Permit has been issued.
- (5) an indication that the Staff Permit has been issued by the Council;

### GOLD AND SILVER PERMITS

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

45. (1) A person may, on application and at the discretion of the Council, purchase either a Gold Permit in respect of a vehicle for the Gold Permit Fee or a Silver Permit in respect of a vehicle for the Silver Permit Fee;
- (a) The Gold Permit shall be valid in each of the Parking Places specified in Column 1 of Schedules 1 and 2 to this Order 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 this Article and Articles 46 – 49 (inclusive) of this Order.

A Gold Permit issued for less than one year shall be subject to an administration fee.

- (b) The Silver Permit shall only be valid in the following Parking Places:

Charles Street, Civic Centre, Gorse Road, High Street West, Nile Street, Tatham Street and West Wear Street (or such other Parking Places as the Council may from time to time determine) during the period for which it is



issued which shall not be less than one calendar month under the conditions stipulated thereon, subject to the provisions of this Article and Articles 46 - 49 (inclusive) of this Order.

A Silver Permit issued for less than one year shall be subject to an administration fee

- (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 Gold Permit or Silver Permit made to them under the provisions of this Article and Articles 46 – 49 (inclusive) of this Order 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 those Articles 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 Articles 46 - 49 (inclusive) of this Order and the Gold Permit Fee, the Council upon being satisfied that the applicant is eligible to receive a Gold Permit, may issue to the applicant a Gold Permit for leaving during the hours of operation in any of the Parking Places specified in Column 1 of Schedules 1 and 2 in respect of the Gold Permit the vehicle to which such Permit relates by the Registered Keeper of such vehicle or by any person using such vehicle with the consent of the Registered Keeper, other than a person to whom such a vehicle has been let for hire or reward.
- (4) On receipt of an application duly made under the foregoing provisions of this Article and Articles 46-49 (inclusive) of this Order and the Silver Permit Fee, the Council upon being satisfied that the applicant is eligible to receive a Silver Permit, may issue to the applicant a Silver Permit for leaving during the hours of operation in any of the Parking Places specified in Article 45(b) the vehicle to which such Permit relates by the Registered Keeper of such vehicle or by any person using such vehicle with the consent of the Registered Keeper, other than a person to whom such a vehicle has been let for hire or reward.

#### Criteria for eligibility for a Gold or Silver Permit

46. (1) An applicant for a Gold Permit or Silver Permit must in respect of the vehicle for which the Gold Permit or Silver Permit is to be issued be either:-
- (i) the Registered Keeper on the DVLA vehicle Registration Certificate; or
  - (ii) if the vehicle is leased or is a company vehicle, produce letter headed correspondence to confirm his identity and eligibility.

#### Conditions applying to a Gold or Silver Permit

47. The following conditions apply, inter alia, to a Gold Permit or Silver Permit issued under the provisions of Articles 45 and 46 above:-
- (1) the issue of a Gold Permit or Silver Permit does not guarantee the availability of a Parking Space within any of the Parking Places to which the Permit applies;
  - (2) access to the Parking Places to which the Gold Permit or Silver Permit applies is restricted to the hours of operation of each relevant Parking Place;

- (3) the holder of a Gold Permit or Silver Permit shall comply with the provisions of this Order;
- (4) the Council will not be liable for damage to a vehicle in respect of which a Gold Permit or Silver Permit has been issued or the contents thereof caused whilst it is parked in a Parking Place specified on the Permit unless the damage is due to the Council's negligence.

#### Surrender, Withdrawal and Validity of Gold Permits and Silver Permits

48. (1) A Gold Permit or Silver Permit holder may surrender the Permit to the Council at any time and shall surrender the 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 Gold Permit or Silver Permit holder at the address shown by that person on the application for the said Permit or at any other address believed to be that persons address withdraw a Gold Permit or Silver Permit if it appears to the Council that any one of the events set out in Paragraph 3 of this Article has occurred and the Permit holder shall surrender the Gold Permit or Silver 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 Gold Permit or Silver Permit holder ceasing to be the Registered Keeper on the DVLA Vehicle Registration Certificate for the vehicle or ceasing to be entitled to lease the vehicle in respect of which the Gold or Silver Permit was issued;
  - (b) the vehicle in respect of which the Gold Permit or Silver 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 and 2 to this Order;
  - (c) the issue of a duplicate Gold Permit or Silver Permit by the Council under the provisions of Article 29 of this Order; and
  - (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 Gold Permit or Silver 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 paragraph (3) of this Article, whichever is the earlier.
- (5) Refunds will be given in respect of any complete calendar month for which the Gold Permit or Silver Permit is not required (subject to an administration fee).

#### Form of Gold and Silver Permits

49. A Gold Permit or Silver Permit shall be in writing and shall include the following particulars:-

- (1) the Registration Mark of the vehicle in respect of which the Gold Permit or Silver Permit has been issued;
- (2) the period during which the Gold Permit or Silver Permit shall remain valid;
- (3) a description of the Parking Places for which the Gold Permit or Silver Permit has been issued.
- (4) an indication that the Gold Permit or Silver Permit has been issued by the Council;

### PRINCE STREET AND SOUTH STREET PERMITS

#### Application for and Issue of a Prince Street Permit or South Street Permit for the Use of Parking Places

50. (1) An individual or Business may, on application and at the discretion of the Council, purchase a Prince Street Permit in respect of a vehicle for the Prince Street Permit Fee or a South Street Permit in respect of a vehicle for the South Street Permit Fee. A Prince Street Permit shall only be valid in the allocated Parking Space specified in the Prince Street Permit and a South Street Permit shall only be valid in the allocated Parking Space specified in the South Street Permit 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 this Article and Articles 51 -54 (inclusive) of this Order.

A Prince Street Permit or South Street Permit issued for less than one year shall be subject to an administration fee.

- (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 Prince Street Permit or South Street Permit made to them under the provisions of this Article and Articles 51 – 54 (inclusive) of this Order 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 those Articles 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 Articles 51 – 54 (inclusive) of this Order and the Prince Street Permit Fee, the Council upon being satisfied that the applicant is eligible to receive a Prince Street Permit may issue to the applicant therefore a Prince Street Permit for leaving during the hours of operation of Prince Street Car Park a vehicle in the Parking Space specified in the Permit.
- (4) On receipt of an application duly made under the foregoing provisions of this Article and Articles 51-54 (inclusive) of this Order and the South Street Permit Fee, the Council upon being satisfied that the applicant is eligible to receive a South Street Permit, may issue to the applicant therefore a South Street Permit for leaving during the hours of operation of South Street Car Park a vehicle in the Parking Space specified in the Permit.

#### Criteria for eligibility for a Prince Street or South Street Permit

51. The Council may at its discretion issue either a Prince Street Permit or South Street Permit to any individual or business on payment of the Prince Street Permit Fee or South Street Permit Fee. Additional Permits for the same allocated Parking Space may be purchased at the cost of £10.00 for each additional Permit.

#### Conditions applying to a Prince Street and South Street Permit

52. The following conditions apply, inter alia, to a Prince Street Permit or South Street Permit issued under the provisions of Articles 50 and 51 above:-
- (1) the issue of a Prince Street Permit or South Street Permit means that the issue of the Permit is valid only for the specified Parking Space in the relevant Parking Place indicated on the Permit;
  - (2) the holder of a Prince Street Permit or South Street Permit shall comply with the provisions of this Order;
  - (3) the Council will not be liable for damage to any vehicle parked in any Prince Street or South Street Parking Space unless the damage is due to the Council's negligence.

#### Surrender, Withdrawal and Validity of Prince Street Permits and South Street Permits

53. (1) A Prince Street Permit or South Street Permit holder may surrender the Permit to the Council at any time, and shall surrender the 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 Prince Street Permit or South Street Permit holder at the address shown by that person on the application for the said Permit or at any other address believed to be that persons address withdraw a Permit if it appears to the Council that any one of the events set out in Paragraph 3 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 vehicle in respect of which the Prince Street Permit or South Street 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 and 2 to this Order;
  - (b) the issue of a duplicate Permit by the Council under the provisions of Article 29 of this Order;
  - (c) 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 Prince Street Permit or South Street 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 (c) 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 Permit is not required (subject to an administration fee).

#### Form of Prince Street Permits and South Street Permits

54. A Prince Street Permit and South Street Permit shall be in writing and shall include the following particulars:-

- (1) the period during which the Permit shall remain valid;
- (2) a description of the Parking Places and specific Parking Space allocated for which the Permit has been issued.
- (3) an indication that the Permit has been issued by the Council;

#### Restriction on Removal of Tickets

55. (1) Where a ticket or tickets has or have been exhibited on a vehicle in accordance with the provisions of Article 20(1)(e) 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

56. (1) Any person duly authorised by the Council may suspend temporarily 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.
  - (f) To facilitate the holding of an event either in the Parking Place or any part thereof or in a street adjacent to the Parking Place or to enable members of the public to watch an event.



- (2) A Police 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 shall place or cause to be placed in or adjacent to that part or those parts a sign or signs indicating that waiting and loading 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 used for fire and rescue, ambulance or police purposes and being used in pursuance of statutory powers and duties 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 Officer in uniform in pursuance of Paragraph (2) of this Article.

#### **57. Power to Reserve Parking Places**

- (1) A Civil Enforcement Officer may reserve the use of a Parking Place specified in Schedule 1, 2 and 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 this Order.
- (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, 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.

#### **58. Revocations**

The Orders specified in the Revocations Schedule to this Order are hereby revoked to the extent specified therein, together with any provisions of any other Order or Orders that have amended or modified the Orders to be revoked.

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 then such conflicting Order or Orders are hereby revoked to the extent that their provisions conflict with this Order.

#### **59. Supplementary Provision**

The 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

### PAY AND DISPLAY CAR PARKS

Name of Parking Place	Classes of Vehicle	Days of Operation of Parking Places	Hours of Operation of Parking Place	Scale of Charges for the chargeable hours hereby indicated
1	2	3	4	5
<b>Boughton Street Surface Car Park</b>  Access from Tunstall Road, south west of the city centre	Passenger vehicle, motor cycle, and goods vehicle not in excess of 3.5 tonnes gross vehicle weight	All Days	All Hours	Mon-Wed and Fri-Sat inclusive 8.00 a.m.-6.00 p.m., Thur. 8.00 a.m. – 3.00 p.m. (excluding Christmas Day, Good Friday and Statutory Bank Holidays) £1.00 per hour or part thereof
<b>Charles Street Surface Car Park</b>  Access from Charles Street	Passenger vehicle, motor cycle, and goods vehicle not in excess of 3.5 tonnes gross vehicle weight	All Days	All Hours	Mon-Wed and Fri-Sat inclusive 8.00 a.m.-6.00 p.m., Thur. 8.00 a.m. – 3.00 p.m., (excluding Christmas Day, Good Friday and Statutory Bank Holidays) 70p per hour or part thereof
<b>Civic Centre Multi-Storey Car Park</b>  Access from either Cowan Terrace or Burdon Road, south of city centre.	Passenger vehicle, motor cycle, 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-Wed and Fri-Sat inclusive 8.00 a.m.-6.00 p.m., Thur. 8.00 a.m. – 3.00 p.m., (excluding Christmas Day, Good Friday and Statutory Bank Holidays) 90p per hour or part thereof

<b>Gorse Road Surface Car Park</b> Access from Stockton Road, south west of the city centre	Passenger vehicle, motor cycle, and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All Days	All Hours	Mon-Wed and Fri-Sat inclusive 8.00 a.m.-6.00 p.m., Thur. 8.00 a.m. – 3.00 p.m., (excluding Christmas Day, Good Friday and Statutory Bank Holidays) 50p per hour or part thereof
<b>High Street West Surface Car Park</b> Access from High Street West	Passenger vehicle, motor cycle, and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All Days	All Hours	Mon-Wed and Fri-Sat inclusive 8.00 a.m.-6.00 p.m., Thur. 8.00 a.m. – 3.00 p.m., (excluding Christmas Day, Good Friday and Statutory Bank Holidays) 60p per hour or part thereof
<b>Livingstone Road Surface Car Park</b> Access from Livingstone Road/St. Mary's Boulevard	Passenger vehicle, motor cycle, and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All Days	All Hours	Mon-Wed and Fri-Sat inclusive 8.00 a.m.-6.00 p.m., Thur. 8.00 a.m. – 3.00 p.m., (excluding Christmas Day, Good Friday and Statutory Bank Holidays) £1.00 per hour or part thereof  6.00 p.m. – midnight £1.50 flat rate  Coaches £6.00 per day

<b>Nile Street Surface Car Park</b> Access from Nile Street, east of the city centre	Passenger vehicle, motor cycle, and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All Days	All Hours	Mon-Wed and Fri-Sat inclusive 8.00 a.m.-6.00 p.m., Thur. 8.00 a.m. – 3.00 p.m., (excluding Christmas Day, Good Friday and Statutory Bank Holidays) 90p per hour or part thereof
<b>Tatham Street Surface Car Park</b> Access from Murton Street, south east of the city centre	Passenger vehicle, motor cycle, and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All Days	All Hours	Mon-Wed and Fri-Sat inclusive 8.00 a.m.-6.00 p.m., Thur. 8.00 a.m. – 3.00 p.m., (excluding Christmas Day, Good Friday and Statutory Bank Holidays) 70p per hour or part thereof
<b>West Wear Street Surface Car Park</b> Access from West Wear Street, north east of the city centre	Passenger vehicle, motor cycle, and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All Days	All Hours	Mon-Wed and Fri-Sat inclusive 8.00 a.m.-6.00 p.m., Thur. 8.00 a.m. – 3.00 p.m., (excluding Christmas Day, Good Friday and Statutory Bank Holidays) 70p per hour or part thereof

## SCHEDULE 2

### PAY ON FOOT CAR PARKS

1 Name of Parking Place	2 Classes of Vehicle	3 Days of Operation of Parking Place	4 Hours of Operation of Parking Place	5 Scale of Charges for the chargeable hours hereby indicated	6 Other Charges
<b>St. Mary's Multi-Storey Car Park</b>  Access from St. Mary's Way, north of City Centre	Passenger vehicle, motor cycle, and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All days excluding Christmas Day	Mon-Sat 8.00 a.m. – 11.30 p.m.  Sunday 10.00 a.m. – 6.00 p.m.	Mon – Wed and Fri-Sat inclusive 8.00 a.m. – 6.00p.m. Thur. 8.00 a.m. – 3.00 p.m. (excluding Christmas Day, Good Friday and Statutory Bank Holidays) - £1.20 per hour or part thereof  6.00 p.m. – 8.00 a.m. 60p per hour or part thereof  Sundays, Good Fridays and Statutory Bank Holidays – 50p per hour or part thereof up to a maximum of £1.50	Lost ticket £12.00 per day  Vehicle release charge - £25.00
<b>Sunniside Multi-Storey Car Park</b>  Access from William Street, north east of city centre	Passenger vehicle, motor cycle, and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All days excluding Christmas Day	All hours.	Mon – Wed and Fri-Sat inclusive 8.00 a.m. – 6.00p.m. Thur 8.00 a.m. – 3.00 p.m. (excluding Christmas Day, Good Friday and Statutory Bank Holidays) - £1.00 per hour or part thereof  6.00 p.m. – 8.00 a.m. 60p per hour or part thereof  Sundays, Good Fridays and Statutory Bank Holidays – 50p per hour or part thereof up to a maximum of £1.50	Lost ticket £12.00 per day  Vehicle release charge - £25.00

# **SCHEDULE 3**

## **PERMIT HOLDERS ONLY CAR PARKS**

Name of Parking Place 1	Classes of Vehicle 2	Days of Operation of Parking Place 3	Hours of Operation of Parking Place 4
Central Car Park Access from West Street	Passenger vehicle, and goods vehicle not in excess of 2 tonnes gross vehicle weight and 2 metres in height displaying a valid permit.	All days for holders of: Central Car Park – Resident Permit or Central Car Park – Private Permit	All hours
Prince Street Surface Car Park Access from Union Street, city centre	Passenger vehicle, and goods vehicle not in excess of 3.5 tonnes gross vehicle weight displaying a valid permit.	All days for authorised permit holder	All hours
South Street Surface Car Park Access from Union Street, city centre	Passenger vehicle, and goods vehicle not in excess of 3.5 tonnes gross vehicle weight displaying a valid permit.	All days for authorised permit holders	All Hours



## SCHEDULE 4 - PERMITS

### GENERAL PERMITS

<b>Permit Type</b>  <b>1</b>	<b>Permit Fee</b>  <b>2</b>	<b>Valid Parking Places</b>  <b>3</b>	<b>Other Charges</b>  <b>4</b>
Gold	£1350.00 (Per Annum)	All within Schedule 1 and Schedule 2	Replacement Permit £10.00 Replacement Key Fob £10.00 Replacement Magnetic Pass £10.00 Administration Fee £10.00
Silver	£900.00 (Per Annum)	Charles Street, Civic Centre, Gorse Road, High Street West, Nile Street, Tatham Street, West Wear Street	Replacement Permit £10.00 Administration Fee £10.00
Central Car Park Private	£1090.00 (Per Annum)	Central Car Park	Replacement Permit £10.00 Replacement Key Fob £10.00 Administration Fee £10.00
Prince Street	£1440.00 (Per Annum)	Prince Street – within allocated space as indicated on permit	Replacement Permit £10.00 Additional Permit £10.00 Administration Fee £10.00
South Street	£1440.00 (Per Annum)	South Street – within allocated space as indicated on Permit	Replacement Permit £10.00 Additional Permit £10.00 Administration Fee £10.00

# RESIDENTS PERMITS

Permit Type 1	Permit Fee 2	Valid Parking Places 3	Other Charges 4
City Centre Resident	£545.00 (Per Annum) £155.00 (Per Quarter)	All within Schedule 1 and Schedule 2	Replacement Permit £10.00 Replacement Key Fob £10.00 Replacement Magnetic Pass £10.00 Administration Fee £10.00
Central Car Park Resident	£545.00 (Per Annum) £155.00 (Per Quarter)	Central Car Park	Replacement Permit £10.00 Replacement Key Fob £10.00 Administration Fee £10.00

# STAFF PERMITS

(VALID ONLY DURING THE TIME PERIOD SPECIFIED ON THE PERMIT

Permit Type 1	Permit Fee 2	Valid Parking Places 3	Other Charges 4
Standard (SCP41 and below)	£330.00 (Per Annum)	As indicated on Permit	Replacement Permit £5.00
Standard (SCP42 and above)	£416.04 (Per Annum)	As indicated on Permit	Replacement Permit £5.00

## REVOCATIONS SCHEDULE

### ORDERS WHOLLY REVOKED

The City of Sunderland (Off-Street Parking Places) Order 2008

The City of Sunderland (Off-Street Parking Places) Order 2008 (Amendment No. 1)  
(Charges at St. Mary's and Sunnyside Multi-Storey Car Parks) Order 2010

The City of Sunderland (Off-Street Parking Places) Order 2008 (Electric Vehicles)  
Amendment No. 2 Order 2010

The City of Sunderland (Central Car park) Off-Street Parking Places Order 2012

The City of Sunderland (Livingstone Road Car Park) Off-Street Parking Places Order  
2012

The City of Sunderland (Off-Street Parking Places) Order 2008 (High Street West)  
Amendment Order 2014

The City of Sunderland (Off-Street Parking Places) Order 2008 (Pay by Phone) Minor  
Variation Order 2014

Dated the 2<sup>nd</sup> of July 2015

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



Authorised Signatory

SEAL NO 61593A