

**THE CITY OF SUNDERLAND (SILKSWORTH AND WASHINGTON SPORTS
COMPLEXES) (OFF STREET PARKING PLACES) ORDER 2018**

THE CITY OF SUNDERLAND (SILKSWORTH AND WASHINGTON SPORTS
COMPLEXES) (OFF-STREET PARKING PLACES) ORDER 2018

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 may be cited as "The City of Sunderland (Silksworth and Washington Sports Complexes)(Off-Street Parking Places) Order 2018 and shall come into force on 19th March 2018.

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 2016

"Car Club Vehicle" means a shared use vehicle available for hire by car club members and being used within an organised scheme operated by or on behalf of a contractor authorised by the Council

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

"Disabled Person's Badge" has the same meaning as in 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;

"Goods Vehicle" has the same meaning as in Schedule 1 of the Regulations;

"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 Schedule 1 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 which is marked on the surface of the Parking Place by lines or otherwise or which is indicated by signs;

"Passenger Vehicle" means a vehicle constructed or adapted for the carriage of passengers and their effects;

"Pedal cycle" has the same meaning as in Schedule 1 of the Regulations;

"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 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

"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 specified by name in Column 1 of Schedule 1 to this Order, may be used as a Parking Place for such classes of vehicles on such days during such hours as are specified in relation to that area of land in the said Schedule, subject to the following provisions of this Order.

CONDITIONS OF USE OF PARKING PLACES

4. Where in Column 2 of Schedule 1 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 Schedule 1 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 the 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 Schedule 1 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 following conditions are complied with:-
 - (i) the Electric Vehicle is waiting in a Parking Space designated for Electric Vehicles;
 - (ii) 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
7. Where within a Parking Place specified in Column 1 of Schedule 1 to this Order there is a sign or surface marking which indicates that a Parking Space is available only for Car Club Vehicles, the Driver of a vehicle shall not permit it to wait in that Parking Space unless it is a Car Club Vehicle.
8. 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 change the position of the vehicle in or to depart from the Parking Place.

9. Every vehicle left in a Parking Place specified in Column 1 of Schedule 1 to this Order shall be left in a Parking Place 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.
10. 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.
11. No person shall use any part of a Parking Place or cause or permit any vehicle to be left in a Parking Place:-
 - (i) for sleeping or camping purposes;
 - (ii) for cooking purposes;
 - (iii) for lighting or causing to be lit any fire; and
 - (iv) 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.
12. 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.
13. 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.
14. Where in a Parking Place signs are erected or surface markings are laid for the purpose of indicating:-
 - (i) 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 exit so indicated; or in a direction other than that specified, as the case may be

- (ii) 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 Regulation
 - (iii) 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
 - (iv) that certain Parking Spaces are for the use of Car Club Vehicles only then no person shall park any vehicle other than a Car Club Vehicle in such a Parking Place.
15. Articles 6 ,7, 9 ,10 , 11, 12, 13 and 14 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

16. 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, 10 and 11 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.
17. 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.
18. Any person removing a vehicle by authority of Article 16 or 17 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.
19. 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 16 or 17 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.

POWER TO SUSPEND USE OF PARKING PLACES

20.(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:-

- (i) for the purpose of facilitating the movement of traffic or promoting its safety;
- (ii) 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 or surface marking.
- (iii) for the convenience of occupiers of premises adjacent of 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;
- (iv) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (v) for the convenience of occupiers or premises adjacent to the Parking Place at times of weddings or funerals, or on other special occasions; or
- (vi) 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:-

- (i) a vehicle used for fire and rescue, ambulance or police purposes and being used in pursuance of statutory powers and duties or
- (ii) any other vehicle so left if that vehicle is left with the permission of:-
 - (a) A Civil Enforcement Officer in pursuance of Paragraph (1) of this Article; or
 - (b) A Police Officer in uniform in pursuance of Paragraph (2) of this Article

POWER TO RESERVE PARKING PLACES

21. A Civil Enforcement Officer may reserve the use of a Parking Place specified in Schedule 1 to this Order 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.

SUPPLEMENTARY PROVISION

22. 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

SPORTS COMPLEX FREE OFF-STREET CAR PARKS SCHEDULE

Name of Parking Place	Classes of Vehicle permitted	Days of Operation of Parking Place	Hours of Operation of Parking Place	Maximum period for which vehicles may wait	Scale of Charges
1	2	3	4	5	6
Silksworth Sports Complex (Community Pool, Tennis and Wellness Centre - access off Silksworth Lane)	Passenger vehicle, motor cycle, invalid carriage and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All Days	All Hours	24 Hours	No Charge
Silksworth Sports Complex (Ski Centre access - off North Moor Lane)	Passenger vehicle, motor cycle, invalid carriage and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All Days	All Hours	24 Hours	No Charge
Washington Sports Complex (Access off un-named road south of Washington galleries linking The Galleries South Interchange)	Passenger vehicle, motor cycle, invalid carriage and goods vehicle not in excess of 3.5 tonnes gross vehicle weight.	All Days	All Hours	24 Hours	No Charge

and the Police Station					
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SEAL NO 62760A

Dated 15th March 2018

THE SEAL of THE COUNCIL OF)

THE CITY OF SUNDERLAND was)

hereunto affixed in the presence of:-)



Authorised Signatory