

DATED

25th November

2020

THE BOROUGH COUNCIL OF GATESHEAD

**Town Centre Movement and Waiting Restrictions
Experimental Traffic Regulation Order 2020**

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Ref TS/004829

THE BOROUGH COUNCIL OF GATESHEAD
TOWN CENTRE MOVEMENT AND WAITING RESTRICTIONS
GATESHEAD (COVID-19 RESPONSE)
EXPERIMENTAL TRAFFIC REGULATION ORDER 2020

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

PART I

Citation and Interpretation

1. This Order may be cited as "The Borough Council of Gateshead Town Centre Movement and Waiting Restrictions Experimental Traffic Regulation Order 2020" and shall come into operation on 4th December 2020.
2. This Order shall remain in force for a period not exceeding 18 months.
3. This Order shall in accordance with Section 10(2) of the Act, enable the Council's Service Director for Development, Transport and Public Protection (or their duly authorised officer), to modify or suspend the operation of this Order or any provision of it, if it appears to them essential:
 - (a) in the interests of the expeditious, convenient and safe movement of traffic,
 - (b) in the interests of providing suitable and adequate on-street parking facilities, or
 - (c) for preserving or improving the amenities of the area through which any road traffic affected by the order runs.
4. The above power will only be exercised after consulting the Chief Officer of Police.
5. In this Order the following expression have the meanings hereby respectively assigned to them:-

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

“disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles)(England)Regulations 2000;

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

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

“parking bay” means any area within a parking place which is provided for the leaving of vehicles and is indicated by road markings compliant with the Traffic Signs Regulations and General Directions 2016;

“parking place” means a place on a length of road designated which is provided for the leaving of a vehicle and is indicated by road markings compliant with the Traffic Signs Regulations and General Directions 2016;

“penalty charge” means a charge set by the Council in accordance with the provisions of Section 77 and Schedule 9 of the Traffic Management Act 2004 and Regulations made thereunder and in accordance with any guidance given by the Secretary of State;

“penalty charge notice” means a notice issued by a Civil Enforcement Officer pursuant to the provisions of Section 78 Traffic Management Act 2004 and Regulations made thereunder;

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

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

“relevant position” means –

- (a) the disabled person’s parking disc, disabled person’s badge is exhibited on the dashboard or fascia of the vehicle; or
- (b) in the case of a vehicle not fitted with a dashboard or fascia, the disabled person’s parking disc, disabled person’s badge is exhibited in a conspicuous on the vehicle so that the front of the disabled person’s

parking disc, disabled person's badge is clearly legible from outside of the vehicle;

"traffic sign" means a sign of any size, colour or type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act;

"vehicle" means any motor car, motor cycle and Invalid Carriage having the same meaning respectively as Section 136 of the Act and any goods vehicle (being a motor vehicle not exceeding 30 unit unladen weight which is constructed or adapted for use for carriage of goods of any description.

PART II

Amendments

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

1. The Borough Council of Gateshead (Traffic Movements) (Consolidation) Traffic Regulation Order 2010 is amended for the duration of this Order as follows:-
2. Insert where appropriate into Schedule 1.05 'Prohibition of Driving At Any Time except Pedal Cycles and Buses' the following item below:

Street	Side	Description
High West Street	West side northbound	From a point 104 metres north of centre line of Warwick Street north to its junction with Regent Street for a distance of 59 metres.

3. Insert where appropriate into Schedule 4.01 'No Entry' the following item below:

Item Number	Road Name	Road Description	Exemption
	Nelson Street	At a point 65 metres	Emergency

		east of its junction with West Street.	Services on Duty
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4. Insert where appropriate into Schedule 5.01 'No Right Turn the following items below:

Item Number	Road Name	Road Name/Description	Exemption
	Regent Street	Into High West Street	Emergency Services on Duty
	Nelson Street	At the exit of the car park heading in a northerly direction	Emergency Services on Duty

5. Insert where appropriate into Schedule 5.02 'No Left Turn the following items below:

Item Number	Road Name	Road Name/Description	Exemption
	Nelson Street	At a point 100 metres west then south of Swinburne Place heading in a southerly direction I	Emergency Services on Duty

6. Insert in Part VII 'Prescribed Turns' a new provision as follows:

'2. Right Turn only Except Cycles

Every person causing any vehicle to proceed in any of the roads specified in Column 2 of Schedule 5.05 to this Order (in the direction indicated in Column 3) shall, unless otherwise directed or permitted by a police constable in uniform, cause that vehicle on reaching its junction with the road specified in relation thereto in Column 4 of the said Schedule, to make a right-hand turn into the last mentioned road.

New Schedule 5.05 Prescribed Right Hand Turns except Cycles

Column 1 Item number	Column 2 Road Name	Column 3 Direction	Column 4 Road name/Description
1	Wellington Street	Southerly	Junction with Askew Road

Amendments to The Borough Council of Gateshead (Wellington Street, Gateshead) (Cycle Improvements) Traffic Regulation Order 2016

7. The Borough Council of Gateshead (Wellington Street, Gateshead) (Cycle Improvements) Traffic Regulation Order 2016 is amended for the duration of this Order as follows:-
8. In 'No Waiting At Any Time, Item 5, suspend Hills Street (a) (b) (c) and (d) for the duration of this Order.

Part III

Waiting Restrictions

Prohibition of Waiting at Any Time

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

Exemptions

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

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

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

(i) building or demolition;

(ii) the removal of any obstruction to traffic;

(iii) the maintenance, improvement or reconstruction of the said roads;

- (iv) the laying, erection, alteration or maintenance in or on land adjacent to the said length of road of any sewer, main pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus as defined in the Telecommunications Act 1984;
- (c) any vehicle, if it cannot conveniently be used for such purpose in any other road, be used in pursuance of statutory powers or duties;
- (d) to enable a vehicle to be used by a postal operator in provision of a postal service;
- (e) a vehicle to wait on an authorised parking place in accordance with an Order made under the Act, or being a hackney carriage waiting at a duly authorised hackney carriage rank;
- (f) any police, fire brigade or ambulance vehicle on emergency call or being used for such purposes;
- (g) any vehicle used in pursuance of statutory powers or duties;
- (h) a vehicle waiting on a parking place duly authorised by an Order made under the Act provided that the vehicle is parked in accordance with the provisions of such an Order;
- (i) any vehicle displaying a valid exemption certificate in the relevant position.

(2) Nothing in Part III Article 1 to this Order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled persons badge and disabled persons parking disc (on which the driver or other person in charge of the vehicle, has marked the quarter hour period during which the period of waiting began) to wait in the lengths of road referred to in that Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road on the same day).

Part IV

Contraventions

1. (i) if a vehicle is left in contravention of an Article of this Order a penalty charge shall be payable.
- (ii) in the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may then be issued by a civil enforcement officer

or the Council in accordance with the requirements of Section 78 of the 2004 Act.

Part V

Savings and Commencement

1. (i) The prohibitions and restrictions imposed by the 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.

- (ii) In so far as any provision of this Order conflicts with any provision which is contained in an Order made or having effect as if made under this Act, or by or under any other enactment, THEN the provisions of THIS ORDER shall prevail.

Given under the Common Seal of the Borough Council of Gateshead this the 25th day of November 2020.

THE COMMON SEAL of THE)
BOROUGH COUNCIL OF GATESHEAD)
was affixed in the presence of:)


Mayor


Solicitor to the Council



Schedule 1
Prohibition of Waiting At Any Time

	Road Name	Side	Description
1	Hills Street	Both	a) From its junction with Wellington Street for its entire length, inclusive of junctions.