

DATED

3rd August

PERM TRO
2011/25

2011

THE BOROUGH COUNCIL OF GATESHEAD

TRAFFIC REGULATION ORDER

relating to Shelley Drive Area, Gateshead
(Prohibition of Waiting at Anytime)

Mike Barker
Solicitor to the Council
Gateshead Council
Civic Centre
Regent Street
Gateshead
NE8 1HH

File Ref: TH/656

1011/308

**THE BOROUGH COUNCIL OF GATESHEAD
(SHELLEY DRIVE AREA GATESHEAD) (PROHIBITION OF WAITING AT ANYTIME)
ORDER 2011**

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

**PART I
General**

Interpretation

1. In this Order the following expressions have the meanings hereby respectively assigned to them:-

"civil enforcement officer" means a person authorised by or on behalf of Gateshead Council under Section 76 of the Traffic Management Act 2004 to supervise and enforce the road traffic contraventions for which Gateshead 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 vehicle" has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (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;

"exemption certificate" means an authorisation in writing granted by the Head of Transport Strategy of the Council or their duly authorised representative allowing a vehicle to wait in contravention of the provisions of this Order subject to and in accordance with any specified conditions or limitations contained within that authorisation;

"hackney carriage" has the same meaning as in the Town Police Clauses Act 1847;

"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 or exemption certificate 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 or exemption certificate is exhibited in a conspicuous position on the vehicle so that the front of the disabled person's parking disc, disabled person's badge or exemption certificate is clearly legible from outside of the vehicle;

“vehicle” means any motor car, motor cycle and Invalid Carriage having the same meaning respectively as in Section 136 of the Road Traffic Regulation 1984 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

Waiting Restrictions

Prohibition of Waiting at Anytime

1. Save as provided in Part II Article 2 to this Order no person shall, except upon the direction or with the permission of a police officer in uniform or of a civil enforcement officer cause or permit any vehicle to wait at anytime in or on the lengths of roads specified in the Schedule to this Order.

Exemptions

2. (1) Nothing in Part II 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) goods to be loaded onto or unloaded from the vehicle;
 - (c) 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;

- (d) the vehicle if it cannot conveniently be used for such purpose in any other road be used in the service of a local authority or water authority in pursuance of statutory duties;
 - (e) to enable a vehicle to be used by a postal operator in provision of a postal service;
 - (f) the vehicle to wait upon an authorised parking place or being a hackney carriage waiting at a duly authorised hackney carriage rank;
 - (g) any police, fire brigade or ambulance vehicle on emergency call or being used for such purposes;
 - (h) any vehicle used in pursuance of statutory powers or duties;
 - (i) 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;
 - (j) any vehicle displaying a valid exemption certificate in the relevant position;
- (2) Nothing in Part II 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 roads 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 III

Savings and Commencement

1. (1) The prohibitions and 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.
 - (2) 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 the Act, or by or under any other enactment, THEN the provisions of THIS ORDER shall prevail.
2. This Order shall come into operation on 8th day of August 2011 and may be cited as The Borough Council of Gateshead (Shelley Drive, Gateshead) (Prohibition of Waiting at Anytime) Order 2011.

Given under the Common Seal of the Borough Council of Gateshead this 3rd day of August 2011.

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

J. Mitchinson

Mayor

D A Hill

Solicitor to the Council



**SCHEDULE
PROHIBITION OF WAITING AT ANYTIME**

1. **Shelley Drive**
- (a) **northern side** (i) from a point 38.5 metres north east of its junction with the northern kerb line of Sunderland Road in a north easterly direction to its junction with the north west kerb line of St James Road.
 - (b) **southern side** (i) from a point 31 metres north east of its junction with the northern kerb line of Sunderland Road in a north easterly direction for 37 metres.
 - (ii) from a point 122 metres north east of its junction with the northern kerb line of Sunderland Road in a north westerly direction following the kerb line for 13 metres.
 - (c) from a point 91 metres north east of its junction with the northern kerb line of Sunderland Road in a south easterly direction following the kerb for 15 metres.

- (d) from a point on the south west side 12 metres north west of its junction with the northern kerb line of Kipling Walk in a south easterly direction for 64 metres.
2. **Shelley Drive / Keats Walk** (a) from a point on the south west side of Shelley Drive 9 metres north west of its junction with the northern kerb line of Keats Walk in a south easterly direction into Keats Walk following the kerb line for 15 metres.
- (b) from a point on the south west side of Shelley Drive 9 metres south east of its junction with the southern kerb line of Keats Walk in a north westerly direction into Keats Walk following the kerb line for 13 metres.
3. **Shelley Drive/Blake Walk** (a) from a point on the south side of Shelley Drive from a point 4.5 metres north east of its junction with the eastern kerb line of Blake Walk in a south easterly direction into Blake Walk following the kerb line for 15 metres.
4. **St James Road** (a) both sides from its junction with the north eastern kerb line of Shelley Drive in a north easterly direction for 18 metres.
5. **Sunderland Road** (a) northern side of its junction with the southern kerb line of Browning Square in a south easterly direction 12 metres.
6. **Browning Square** (a) north west side from its junction with Sunderland Road in a north easterly direction for 2 metres.
- (b) south east side from its junction with Sunderland Road in a north easterly direction for 4 metres.