

DATED

10th May

2007

2007/66.

THE BOROUGH COUNCIL OF GATESHEAD

TRAFFIC REGULATION ORDER

Prohibition Of Stopping and Waiting, Except Taxis Order 2007

Maureen Kesteven
Solicitor to the Council
Gateshead Council
Civic Centre
Regent Street
Gateshead
NE8 1HH

File Ref: NK/TS 756

**THE BOROUGH COUNCIL OF GATESHEAD
(PROHIBITION OF STOPPING AND WAITING, EXCEPT TAXIS)
ORDER 2007**

The Borough Council of Gateshead ("the Council") in exercise of their powers under Sections 1, 2 and 4 of the Road Traffic Regulation Act 1984, as amended ("the Act") and Sections 63 and 64 of the Local Government (Miscellaneous Provisions) Act 1976, as amended and Part IV of Schedule 9 to the Act and of all other powers them enabling in that behalf 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:-

General

Interpretation

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

"disabled person's badge" has the same meaning as in the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000;

"parking attendant" means a person authorised by or on behalf of the Council under Section 63A of the Act to supervise and enforce the restrictions imposed by this Order;

"penalty charge" and **"reduced penalty charge"** means a charge set by the Council under the provisions of Section 74 of the Road Traffic Act 1991, in accordance with guidance given by the Secretary of State for Transport, which is to be paid in the manner described in the penalty charge notice within 28 days of the date of the notice or 14 days of the date of the notice in the case of a reduced penalty charge.

"penalty charge notice" means a notice issued by a parking attendant pursuant to the provisions of Section 66 of the Road Traffic Act 1991.

"parking disc" means a disc, issued by a local authority and capable of showing the quarter hour period during which a period of waiting begins, 125mm square and coloured blue if issued on or after the 1st April 2000 or orange if issued before that date;

"postal packet", **"universal service provider"** have the same meaning as in the Postal Services Act 2000;

"relevant position" means:-

- (i) in the case of a disabled person's badge

- (a) in the case of a vehicle fitted with a dashboard or fascia panel the badge is exhibited thereon; or
 - (b) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position in the vehicle

so that the front of the badge is clearly legible from the outside of the vehicle
- (ii) in respect of a parking disc
 - (a) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon; or
 - (b) where the vehicle is not fitted with a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle so that, when marked to show the quarter hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle;

“taxi” means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847.

Revocation

- 2. (1) The Orders specified in Schedule 1. Part II are hereby revoked.
- (2) The orders specified in Schedule 1 Part II are hereby revoked to the extent indicated in Column 2 of that part of the Schedule.
- (3) The Borough Council of Gateshead (South Shore Road/Hillgate /Pipewellgate Area Gateshead) Traffic Regulation Order 2002 is hereby amended by the deletion from Schedule 1 thereto of the description for Hillgate/South Shore Road and the insertion by way of replacement of the description specified in Schedule 3 to this order.

No Stopping or Waiting

- 3. Save as provided in Article 4 of this Order no person shall, except upon the direction or with the permission of a police officer in uniform or a traffic warden or of a parking attendant, cause or permit any vehicle to stop or wait, on any day, during the hours specified on the lengths of roads described in Schedule 2 to this Order.
- 4. (1) Nothing in Article 3 of this Order shall render it unlawful to cause or permit any of the following vehicles to stop or wait in the lengths of roads referred to in that Article:-

- (a) a taxi;
 - (b) any vehicle being used for fire brigade, ambulance or police purposes;
 - (c) any vehicle, if it cannot be conveniently used for such purpose in any other road, to be used in connection with any of the following operations namely –
 - i. building, demolition or excavation;
 - ii. the removal of any obstruction to traffic;
 - iii. the maintenance, improvement or reconstruction of the road;
 - iv. the construction, improvement or cleaning of any street furniture; or
 - v. 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) a marked vehicle being used for the purpose of delivering or collecting postal packets in the service of a universal service provider;
 - (e) any vehicle which is prevented from proceeding by circumstances beyond the driver's control or which has stopped in order to avoid injury or damage to persons or property or when required to do so by law.
- (2) Nothing in Article 3 of this order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person's badge and 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 stop or wait in the lengths of roads specified 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).

Penalty Charges

5. If a vehicle is left at any time in contravention of a provision of this Order a penalty charge shall be payable.

6. In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued by a traffic warden or parking attendant, in accordance with the requirements of Section 66 of The Road Traffic Act 1991.

Savings and Commencement

7. (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.
8. This Order shall come into operation on 17 day of May 2007 and may be cited as the Borough Council of Gateshead (Prohibition of Stopping and Waiting, Except Taxis) Order 2007.

Given under the Common Seal of the Borough Council of Gateshead this 10 day of May 2007.

SCHEDULE 1

PART I

Orders Revoked in Full

1. Borough Council of Gateshead (Hackney Carriage Stands) Order 1992
2. Borough Council of Gateshead (Heworth Metro)(Hackney Carriage Stands) Order 1996
3. Borough Council of Gateshead (Swan Street, Gateshead)(Hackney Carriage Stands) Order 1996
4. Borough Council of Gateshead (Durham Road, Low Fell)(Hackney Carriage Stand) Order 2000

PART II

Orders Revoked in Part

- | ORDER | PARTS REVOKED |
|--|--------------------------------------|
| 1. Borough Council of Gateshead
(South Shores Road/Hillgate/
Pipewellgate Area, Gateshead)
Traffic Regulations Order 2002 | Articles 2(3) 7 and 8 and Schedule 3 |
| 2. Borough Council of Gateshead
(Fewster Square Area Leam Lane | |

Gateshead) Traffic Regulation
Order 2003

3. Borough Council of Gateshead Articles 2(3) and Schedule 5
(Hudson Street/Half Moon Lane/
Wellington Street, Gateshead)
(Traffic Restrictions) Order 2004
4. Borough Council of Gateshead Articles 10 and Schedule 3
(Church Street/Cannon Street/
Oakwellgate Area Gateshead)
Traffic Restrictions) Order 2005
5. Borough Council of Gateshead Article 1(2)
(South Shore Road, Gateshead)
Traffic Regulations Order 2007

SCHEDULE 2

PART I

No Stopping or Waiting At Any Time – Except Taxis

1. **Back Row** north side from a point 12 metres north west of its
Whickham junction with Front Street in a westerly direction for
a distance of 13 metres.
2. **Bensham Road** north side from a point 18.3 metres west of its
(Walker Terrace) junction with West Street / High West Street in a
Gateshead westerly direction for a distance of 40.5 metres.
3. **Durham Road** west side from a point 66 metres south of its
Low Fell junction with Belle Vue Bank in a southerly direction
for a distance of 12 metres.
4. **Ellison Street** north side from a point 62.4 metres west of its
Gateshead junction with High Street in a westerly direction for a
distance of 19.8 metres.
5. **Heworth Metro** south side from a point 67 metres north and then
(South) Car Park east of its junction with Shields Road in an easterly
Access Road direction for a distance of 45 metres.
6. **High West Street** west side from a point 11 metres south of its
Gateshead junction with Bewick Road in a southerly direction
for a distance of 12 metres.
7. **Pipewellgate** northwest side from a point 67.4 metres southwest
Gateshead of its junction with Bridge Street in a south westerly

direction for a distance of 19 metres.

8. **Pipewellgate Gateshead** northwest side from a point 119.5 metres southwest of its junction with Bridge Street in a south westerly direction for a distance of 26.8 metres..
9. **Queen Elizabeth Avenue Gateshead** east side from a point 18.9 metres south of its junction with the unnamed access road to Queen Elizabeth Hospital Mortuary in a southerly direction for a distance of 10.8 metres.
10. **South Shore Road** south side from a point 87 metres west of its junction with Mill Road in a westerly direction for a distance of 50 metres.
11. **Swan Street Gateshead** south side from a point 7.2 metres east of its junction with High Street in an easterly direction for a distance of 24.8 metres.
12. **Wrekenton Row Wrekenton** east side from a point 4.1 metres south of its junction with Springwell Avenue in a southerly direction for a distance of 10.2 metres.

PART II

No Stopping or Waiting 8am to 11pm – Except Taxis

1. **St. Mary's Square Loop Road** west side of the western leg of the Loop Road for a distance of 35 metres from a point 14 metres from its junction with the Performance Square Access Road.

PART III

No Stopping or Waiting 7pm to Midnight – Except Taxis

1. **West Street Gateshead** west side from a point 32.8 metres north of its junction with Bensham Road (Walker Terrace) in a northerly direction for a distance of 28.2 metres.

PART IV

No Stopping or Waiting 7pm to 1am – Except Taxis

1. **Hillgate Quay Access Road Gateshead** Southeast side from a point 35 metres northeast of its junction with Hillgate in a north easterly direction for a distance of 24 metres.

SCHEDULE 3

- 1. Hillgate/South
Shore Road**
- Both sides
 - (i) from its junction with Mill Road in a westerly direction for a distance of 87 metres;
 - (ii) from a point 137 metres west of its junction with Mill Road in a westerly direction to its junction with Bridge Street.

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

m Goldworthy
Mayor

M. J. A. H.
Solicitor to the Council

