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2012

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THE BOROUGH COUNCIL OF GATESHEAD

TRAFFIC REGULATION ORDER

Relating to the Civic Centre Off Street Parking Places

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

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THE BOROUGH COUNCIL OF GATESHEAD (CIVIC CENTRE) OFF STREET PARKING PLACES ORDER 2012

Gateshead Borough Council (hereinafter referred to as "the Council") in exercise of the powers under Sections 1, 2, 3, 4, 5, 32, 33 and 35 and Part III and IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("The Act of 1984") and by virtue of the Traffic Management Act 2004 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 1984 Act, hereby make the following order:-

Commencement and Citation

- 1) This Order shall come into operation on the 3rd September 2012 and may be cited as The Borough Council of Gateshead (Civic Centre) Off Street Parking Places Order 2012.

Construction and Interpretation

- 2) The Interpretation Act of 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- 3) The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulation made or having effect as if made under the Road Traffic Regulation Act 1984 (as amended) or by or under any other enactment.
- 4) Except where otherwise stated any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- 5) In this Order, (except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them) :-

"Authorised Council Vehicles" means a vehicle owned or authorised by the Council in connection with its business, which includes but is not limited to a pool car and the Council Mini Bus;

"Car Club Vehicle" means a vehicle that is provided by the Commonwheels Car Club to the Council to be used by the Council in connection with Council business and to the public who are registered or members of the Commonwheels Car Club;

“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.

“Council Mini Bus” means a motor vehicle which is owned or authorised by the Council, which is constructed or adapted to carry more than 8 but not more than 16 seated passengers in addition to the driver;

“Disabled Person” and “Disabled Person’s Badge” have the same meaning as in The Disabled Persons (Badges for Motor Vehicles) Regulations 2000 (as amended);

“Disabled Person’s Vehicle” means a vehicle displaying a Disabled Person’s Badge and an Invalid Carriage;

“Driver”, in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left at the parking place;

“Electric Vehicle” means a vehicle which uses electricity as a source of power for propulsion and includes a vehicle which in addition uses or is capable of using, other sources of power for this purpose;

“Electric Vehicle Charging Bay” means a designated parking space within a parking place that is only for the use of electric vehicles when in the process of recharging with electric;

“Exemption Permit” means a permit issued by the Council authorising a vehicle to use any parking space or reserved space within a parking place as determined by the conditions of issue of that permit;

“Invalid Carriage”, as defined by Section 136(5) of the Act of 1984;

“Member Parking Permit” for the purposes of this Order means a Permit issued by the Council to an Elected Member of the Council or a member of Northumbria Police Authority;

“Motor Car”, as defined by Section 136(2) of the Act of 1984;

“Motor Cycle”, as defined by Section 136(4) of the Act of 1984;

“Operational Vehicle” means any vehicle that has been authorised by the Council to park within a reserved space within a parking place and is used in connection with the carrying out of works or the operational management of the business of the Council;

“Owner”, in relation to a vehicle, means the person by whom such vehicle is kept and used;

“Pay and Display Parking Space” means a parking space coloured green within the parking place known as the Civic Centre Car Park A as described in Schedule 2 to this Order and specified by name in Column 1 of Schedule 1 of this Order;

"Parking Place", means any area of land specified by name in Column 1 of Schedule 1 and described in Schedule 2 to this Order, provided by the Council under Section 32 of the Act of 1984 for use as a parking place;

"Parking Space", means a space in a parking place which is provided for the leaving of a vehicle;

"Passenger Vehicle", means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than 12 passengers exclusive of the driver and not drawing a trailer;

"Penalty Charge" and "Reduced 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 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 of the Traffic Management Act 2004 and Regulations made thereunder;

"Permit" means an annual or periodical permit issued by the Council for use in such parking places as may be specified and includes a Staff Parking Permit, Member Parking Permit and Exemption Permit;

"Permit Bay" means a parking space reserved for use by a vehicle displaying a valid Permit;

"Plan" means the Plan attached to this Order which shows for identification purposes only, the location and extent of Civic Centre Car Park A, Civic Centre Car Park B and Civic Centre Car Park C;

"Pool Car" means a vehicle owned or authorised by the Council for those authorised by the Council to use it in connection with Council business;

"Registered Keeper", means the person named by the Driver Vehicle Licensing Agency at Swansea as being the keeper of the vehicle;

"Relevant Position" means that the disabled person's parking disc, disabled person's badge or Permit, 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 Permit 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 Permit is clearly legible from outside the vehicle;

"Reserved Space" means any parking space within a parking place that has been reserved for the parking of one of the following: car club vehicle, operational vehicle, electric vehicle, authorised council vehicle or taxi;

"Staff Parking Permit" for the purposes of this Order means a Permit issued by the Council to an employee of the Council;

"Taxi", means either a Hackney Carriage Vehicle as defined in Section 38 of the Town and Police Clauses Act 1847 or a Private Hire Vehicle as defined in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

"Ticket", means a ticket which is issued by a ticket machine in accordance with Article 29(a) of this Order and which is valid only for the time period printed thereon;

"Ticket Machine", means an apparatus or device of a type and design approved specifically or generally by the relevant Secretary of State being apparatus designed to indicate the time by a clock and to issue upon insertion of an appropriate coin or coins into the apparatus or device provided numbered tickets indicating the payment of a charge the period in respect of which it has been paid and the day and time at which the charge was made and the time the vehicle ought to leave the parking place;

"Traffic Sign", means a sign of any size, colour and type prescribed or authorised under Section 64 of the Act of 1984.

"Trailer" means any vehicle other than a motor vehicle;

"Vehicle" means a disabled persons vehicle, motor car, motor cycle, Invalid carriage and Trailer, Council Mini Bus;

Designation of Parking Places

- 6) Each area of land described in Schedule 2 of this Order and specified by name in Column 1 of Schedule 1 of this Order, may be used as a parking place for such classes of vehicles on such days and during such hours and on payment of such charges as are specified in relation to that area in the said Schedule subject to the following provisions of this Order.

Conditions of Use of Parking Places

- 7) Subject to Article 7A), where in Column 3 of Schedule 1 of 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 or in a position other than that specified

- 7A) All vehicles, authorised council vehicles, car club vehicles, electric vehicles, operational vehicles, passenger vehicles, pool cars and taxis, shall not exceed the unladen weight of 3 tonnes in a parking place specified in Column 1 of Schedule 1 of this Order.
- 8) The driver of a 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.
- 9) Every vehicle left in a parking place specified in Column 1 of Schedule 1 of this Order shall be left in a parking space designated for that class of vehicle so that every part of the vehicle shall be wholly 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 a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
- 11) No person shall use any part of a parking place or cause or permit any vehicle to be left in a parking place;
- a) For sleeping or camping purposes;
 - b) For cooking purposes;
 - c) For lighting or causing to be lit any fire;
 - d) 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 erect or cause or permit to be erected any tent, booth, stand, building or other structure.
- 13) No person shall, except with the permission of a civil enforcement officer, 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) No person shall drive any vehicle in any parking place referred to in Schedule 1 of this Order in a dangerous or reckless manner or otherwise without due care and attention and any person found in a vehicle so driven shall be in contravention of this Order.
- 15) The parking places shall not be used as a meeting place or point of assembly by any person outside the hours of operation of charges referred to in Schedule 1 of this Order.

- 16) All persons using the parking places shall immediately comply with all reasonable requests of any civil enforcement officer or other authorised officer appointed on behalf of the Council.
- 17) All persons using the parking places referred to in this Order shall conduct themselves in an orderly manner.
- 18) No person shall carry or otherwise possess an offensive weapon or any article so adapted in any parking place to which this Order applies.
- 19)(1) Where, in a parking place, signs are erected or surface markings are laid for the purpose of:-
- a) Indicating the entrance to or exit from the parking place;
 - b) Indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place;
 - c) That certain parking spaces are for the use of disabled persons vehicles only;
 - d) Indicating that a certain parking space is a Permit Bay only;
 - e) Indicating that certain bays are electric vehicle charging bays;
 - f) Indicating that a reserved space is for the use of a car club vehicle, an authorised council vehicle, an operational vehicle, or a taxi

no person shall drive or cause or permit to be driven any vehicle:-

- (i) 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
- (ii) in a direction other than that specified, as the case may be,
- (iii) to park within a disabled persons parking space unless it is a disabled persons vehicle displaying in the relevant position a disabled persons badge, or
- (iv) to park within a Permit Bay unless the vehicle displays in the relevant position the relevant Permit, subject to Article 19(2) of this Order
- (v) to park within an electric vehicle charging bay unless it is an electric vehicle that is in the process of recharging with electric
- (vi) to park within a reserved space unless it is indicated for the use of a car club vehicle, an authorised council vehicle, an operational vehicle or a taxi and displays in the relevant position the relevant Permit

(2) A vehicle displaying a Permit in the relevant position must only park within a relevant Permit Bay on a Monday to Friday (inclusive), but can park within any pay and display parking space or Permit Bay on a Saturday and Sunday (including Bank Holidays) only.

- 20) The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

- 21) No person shall, in a parking place, wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents or premises in the neighbourhood.
- 22) No person shall, in a parking place, use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
- 23) Any person not complying with Articles 7 to 23 of this Order will be in contravention of this Order.
- 24) Articles 7, 10, 11, 12 and 13 shall not apply to any person or vehicle that has the prior written permission of the Council to use a parking place in a manner prohibited by those Articles.

Removal of Vehicles from Parking Places

- 25)
- a) When a vehicle is left in a parking place in contravention of any of the provisions contained in Articles, 7, 10 and 11 of this Order, a civil enforcement officer or any other person authorised in that behalf by the Council may remove the vehicle or arrange for it to be moved from that parking place.
 - b) 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 that period.
 - c) Nothing in Article 25) a) of this Order shall apply to a disabled persons vehicle.
- 26) Any person removing a vehicle by authority of Article 25 of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary to enable him to remove it as aforesaid.
- 27) When a civil enforcement officer or any other person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by authority of Article 25 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

28) Save as provided in Article 30 of this Order, a charge shall be made for the use by a vehicle of a parking place specified in Column 1 of Schedule 1 of this Order in accordance with the scale of charges specified in Column 7 of Schedule 1 of this Order.

29) The driver of a vehicle using a parking place specified in Column 1 Schedule 1 of this Order shall:-

a) immediately after entering the parking place insert the appropriate coin or coins into a ticket machine, which shall be used as a means of collecting the charge imposed by Article 28 of this Order and which shall issue a ticket;

b) leave the vehicle in the parking place only on the day of issue of the said ticket and only for the time period stated thereon commencing from the time of issue of the ticket 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 by the additional time period stated thereon and in relation to Civic Centre Car Park A, on Monday to Fridays inclusive no ticket shall extend beyond the maximum period of stay of four hours;

c) (i) once a vehicle has left a pay and display parking space in the parking place known as Civic Centre Car Park A, it shall not be returned to the same parking place until a period of at least four hours has expired and,

(ii) nothing in Article 29(b) and (c)(i) shall apply to the parking place known as Civic Centre Car Park A on Saturdays, Sundays and Bank Holidays.

d) display the ticket or tickets issued in a relevant position on the vehicle and cause the said ticket or tickets to be exhibited in that position at all times while the vehicle is parked in the parking place;

e) park the vehicle wholly within the limits of a parking place and parking space and not within a parking place or parking space reserved under the provisions of Article 39 of this Order unless the vehicle is displaying a valid permit issued in accordance with the provisions of Articles 33, 35, and 36 of this Order entitling the vehicle to park in that reserved space;

f) if the vehicle is issued with a valid permit in accordance with the provisions of Articles 33, 35 and 36 of this Order, the permit shall need to be displayed at all times while the vehicle is in the parking place in a relevant position and if the conditions of issue of the permit 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.

save that paragraphs (a), (b), (c) and (d) of this Article shall not apply in the case of a vehicle issued with a valid permit in accordance with the provisions of Articles 33, 35 and 36 of this Order.

Exemptions for Disabled Persons and Motor Cycles

30)(1)The following vehicles only when left in a parking space reserved for disabled persons vehicles within the parking place known as Civic Centre Car Park A or within a pay and display parking space will be exempt from the payment of a charge specified in Column 7 of Schedule 1 of this Order under the provisions of Article 28 of this Order:-

- a) An invalid carriage;
 - b) A disabled persons vehicle displaying a disabled persons badge in the relevant position on the vehicle in accordance with The Disabled Persons (Badges for Motor Vehicles) Regulations 2000 as amended;
 - c) A vehicle left by the driver thereof who is a person who on account of his severe physical disability has been given a notice in writing from the Council that he is exempt from any such charge, provided that the Notice shall be displayed on the inside of the windscreen in the case of a vehicle so fitted, and in any other case in a conspicuous position on the vehicle in respect of which it is issued;
- (2) A solo motor cycle, only when parked in a parking space which is reserved for motor cycles only and signed accordingly, will be exempt from the payment of a charge specified in Column 7 of Schedule 1 of this Order under the provisions of Article 28 of this Order.

Installation of Ticket Machines, Placing of Traffic Signs etc.

31)The Council shall:-

- a) Install and maintain in proper working order at least one ticket machine in such a position as they think fit on or in the vicinity of each of the parking places specified in Column 1 of Schedule 1 of this Order;
- b) Cause the limits of each parking place and of each parking space to be indicated on the carriageway by placing and maintaining thereon traffic signs;
- c) Place and maintain on or in the vicinity of each parking place traffic signs indicating that such a parking place may be used during the permitted hours for the leaving only of a vehicle specified in Column 3 of Schedule 1 of this Order; and
- d) Carry out such other work as is reasonably required for the purpose of the satisfactory operation of a parking place.

Ticket Machine Indications as Evidence

32) In any proceedings in respect of an alleged contravention of or non-compliance with this Order:-

- a) Any indications as to the date, time and place on a ticket issued by a ticket machine shall be evidence that such ticket was issued and the parking time recorded according to such indications;
- b) In respect of the parking places mentioned in Column 1 of Schedule 1 of this Order the absence of a displayed 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 7 of Schedule 1 of this Order has not been paid in respect thereof;
- c) In the event of any ticket machine provided for under this Order, failing to function, then a ticket must be purchased from another operating ticket machine in the parking place;
- d) It shall be assumed unless the contrary is shown that any ticket machine is of a type and design approved by the relevant Secretary of State.

Applications for and use of Permits for the use of Parking Places

33)

- a) (i) An employee of the Council who is deemed to be an essential or casual car user on application and at the discretion of the Council, may purchase a staff parking permit, or an elected member of the Council or a member of Northumbria Police Authority may purchase a member parking permit in respect of a vehicle for a charge ascertained by reference to the scale of charges in Column 7 of Schedule 1 of this Order and the permit 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 34, 35 and 36 of this Order.
- (ii) Any person may make an application for an exemption permit in writing to the Head of Transport Strategy or their duly authorised officer, to be issued at their discretion and to be used in accordance with the conditions of issue of that permit.
- b) 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 permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require to verify that the permit is valid.
- c) On receipt of an application duly made under the foregoing provisions of this Article and the relevant fee, (if any) the Council, upon being satisfied that the applicant is

eligible to receive a permit, may issue to the applicant, a permit for leaving during the permitted hours in a parking space in a parking place specified thereon, the vehicle to which such permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner, other than a person to whom such a vehicle has been let for hire or reward.

- d) The issue of a permit shall not guarantee that any parking space will be available for use by the holder of such permit.

Surrender, Withdrawal and Validity of Permits

34)

- a) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any one of the events set out in Paragraph (c) of this Article.
- b) The Council may by notice in writing served on the permit holder by sending the same by recorded delivery to the permit holder at the address shown by that person on the application for a permit or at any other address believed to be that persons place of abode, withdraw a permit if it appears to the Council that any of the events set out in Paragraphs (c)(i) or (c)(iii) of this Article have occurred and the permit holder shall surrender the permit to the Council within 48 hours of receipt of the aforementioned notice.
- c) The events referred to in the foregoing provisions of this Article are:-
- i) The permit holder ceasing to have an interest in the vehicle in respect of which the permit was issued;
 - ii) The withdrawal of the permit by the Council under the provisions of Paragraph (b) of this Article;
 - iii) The vehicle in respect of which the permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 33 and 36 of this Order;
 - iv) The issue of a duplicate permit by the Council under the provisions of Article 35 of this Order;
 - v) The revision by the Council of all permits relating to a particular parking place.
- d) Without prejudice to the foregoing provisions of this Article, the 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 (i) to (v) of Part (c) of this Article, whichever is the earlier.

Application for the issue of Duplicate / Replacement Permits

35)

- a) 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 by fading or otherwise, the permit holder shall either surrender to the Council or apply to the Council for the issue to him of a duplicate/ replacement permit and the Council, upon receipt of the permit or application shall issue a duplicate / replacement permit so marked and upon such issue the original permit shall become invalid.
- b) If a permit is lost or destroyed, the holder may apply to the Council for the issue of a replacement permit and the Council shall issue a replacement permit so marked and upon such issue the original permit shall become invalid.
- c) The provisions of this Order shall apply to a duplicate / replacement permit and an application for such as if it were an application, for a permit.
- d) An application for a duplicate / replacement permit under this Article may be subject to a charge equivalent to the cost of administering the duplicate / replacement permit.

Form of Permits

36) A permit shall be issued in writing and shall include the following particulars:-

- a) The registration mark of the vehicle in respect of which the permit has been issued;
- b) The period during which the permit shall remain valid;
- c) An indication that the permit has been issued by the Council;

Restriction on Removal of Notices and Tickets

37)

- a) Where a penalty charge notice has been attached to a vehicle, no person, not being the driver of the vehicle, or a civil enforcement officer, shall remove the notice from the vehicle unless authorised to do so by the driver.
- b) Where a ticket or tickets has or have been exhibited on a vehicle in accordance with the provisions of Article 29(d) of this Order, no person, not being the driver of the vehicle shall remove the ticket or tickets from the vehicle unless authorised to do so by the driver.

Power to Suspend Use of Parking Places