

DATED

22nd September .

2015

THE BOROUGH COUNCIL OF GATESHEAD

TRAFFIC REGULATION ORDER

Relating to Gateshead Town Centre Off-Street Car Parks and Other Gateshead Off-Street
Car Parks

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

File Ref: TH/1427

**THE BOROUGH COUNCIL OF GATESHEAD
(GATESHEAD TOWN CENTRE OFF-STREET CAR PARKS AND GATESHEAD OFF-STREET CAR PARKS) (AMENDMENT) TRAFFIC REGULATION ORDER 2015**

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), 32, 33 and 35 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 Northumbria Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

PART I

Amendments to the Borough Council of Gateshead (Off-Street Parking Places Gateshead) Consolidation (Amendment No 1) Traffic Regulation Order 2009

1. Amendments to the Borough Council of Gateshead (Off-Street Parking Places Gateshead) Consolidation (Amendment No 1) Traffic Regulation Order 2009:-
2. In Part 1 'Interpretation' above the Item relating to "authorised vehicle" insert the following new definitions of:

"Alternative Approved Method of Payment" – means cashless payments, park and phone, payment by debit or credit card facilitated by on site or remote verification by, for example, card reader or mobile phone text or phone call or decrementing in accordance with the scale of charges advertised at the Parking Place".

"Car Club Vehicle" – means a vehicle that is provided by the Co-wheels 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 Co-wheels Car Club".

"Park and Phone" - means a method of payment of the specified parking payment involving registration of payment by phone or electronic means and, on first use, registration of the relevant registration number of the vehicles, location of the parking place, credit or debit card details or any such other details as the Council may from time to time require which is accepted by the Council as a valid method of payment for the relevant time of use of the parking place".

3. In Part III 'Use of Parking Places' revoke Article 7 in its entirety and replace it with the revised Article 7 below:

"A driver of a vehicle using a parking place shall not park the vehicle in any position other than within a parking bay indicated as being reserved for vehicles and in particular, such a driver shall not park the vehicle on any parking bay indicated by appropriate markings as being reserved for official use or a car club vehicle or to be kept clear and shall not park the vehicle in such a position as to impede the free access to and egress from the parking place".

4. In Part III 'Use of Parking Places', after Article 8 (iii)(h) insert the following new Article 8 (iii)(i):-

"(i) No vehicle other than a car club vehicle shall park or stop in any parking bay that is indicated by appropriate markings to be reserved for car club vehicles only".

5. In Part V 'Charges' revoke Article 2(ii) in its entirety and replace it with the revised Article 2(ii) below:

"2(ii) The driver of a vehicle shall on parking his vehicle in a parking place pay the specified parking payment by inserting an appropriate coin or coins in the parking apparatus situated at the entrance of or in the parking place and prominently display the ticket issued by the said apparatus in the relevant position so that the information conveyed thereon is clearly visible from the outside of the vehicle or make arrangements to pay the specified parking payment through an Alternative Approved Method of Payment at the level of charge and for the period required as specified in Column 5 of Schedule 4 to this Order".

6. In Part V 'Charges' revoke Article 2(iii) in its entirety and replace it with the revised Article 2(iii)(a) and (b) below:

"2(iii) (a) The driver of the vehicle shall display any ticket issued on payment of the charge referred to in paragraph (i) of this Article in the relevant position on the vehicle in respect of which it was issued and shall ensure that the whole of the front of the ticket is clearly visible and that the ticket shall remain visible for the whole duration that the vehicle is parked in the parking place, or

(b) Payment of the charge referred to in paragraph (i) of this Article by an Alternative Approved Method of Payment shall be indicated by the parking period for which payment has been made appearing on a hand held device operated by a civil enforcement officer."

7. In Part V 'Charges' revoke Article 2(iv) in its entirety and replace it with the revised Article 2(iv) below:

"2(iv) Once a ticket has been displayed in accordance with paragraph (iii) of this Article no further such ticket may be displayed in the vehicle or where the specified parking payment has been made through an Alternative Approved Method of Payment, no additional specified parking payment may be made, unless the vehicle has returned to the parking place as provided for in Part V Article 3 to this Order".

8. In Part V 'Charges' revoke Article 2(v) in its entirety and replace it with the revised Article 2(v) below:

"2(v) The driver of the vehicle shall ensure that a ticket is purchased and displayed or make arrangements to pay the specified parking payment through an Alternative Approved Method of Payment to cover the entire period that the vehicle is parked within the parking place".

9. In Part V 'Charges' revoke Article 6 in its entirety and replace it with the revised Article 6 below:-

"6. In the event of any parking apparatus in a parking place being inoperable and alternative parking apparatus is available nearby the driver must obtain a ticket and

display the ticket in the relevant position. If no alternative parking apparatus is available for use, and the driver is unable to make a payment by means of an Alternative Approved Method of Payment, or is unable to make a parking charge to a civil enforcement officer who could then issue a ticket containing the details specified in respect of a ticket issued by the parking apparatus to the driver of the vehicle; then no payment is required on that occasion provided that a vehicle must not be parked for any longer than the maximum period of parking permitted for that parking place”.

10. In Schedule 4 ‘Charged Parking Places’ the Item relating to ‘**Back Regent Terrace / Back Walker Terrace Car Park**’ shall be revoked in its entirety and replace it with the revised Item below:-

“

Back Regent Terrace / Back Walker Terrace Car Park	All days	All days	8am to 6pm	Maximum 3 hours stay with no return in 2 hours (not including Seasonal Permit holders)	Up to 1 hour £1.00 Up to 2 hours £2.00 Up to 3 hours £3.00 Seasonal Permit (Monday – Friday) £745.00 Seasonal Permit (All days) £965.00
---	----------	----------	------------	--	---

11. In Schedule 4 ‘Charged Parking Places’ the Item relating to ‘**Lowrey’s Lane Car Park**’ shall be revoked in its entirety and replace it with the revised Item below:

“

Lowrey’s Lane Car Park	All days	Monday to Saturday	9am to 5.30pm	N/A	First 20 minutes free (with ticket from machine) Up to 1 hour £0.30 Up to 2 hours £0.60
-------------------------------	----------	--------------------	---------------	-----	---

					Up to 3 hours £0.90 Over 3 hours (all day) £1.20
--	--	--	--	--	--

12. In Schedule 4 'Charged Parking Places', the Item relating to 'Charles Street Car Park' shall be revoked in its entirety and replaced with the revised Item below:

"

Charles Street Car Park	All days	All days	8am to 6pm	Maximum 3 hours stay with no return in 2 hours	Up to 1 hour £1.00 Up to 2 hours £2.00 Up to 3 hours £3.00
--------------------------------	----------	----------	------------	--	---

13. In Schedule 4 'Charged Parking Places', the Item relating to 'Heworth South Metro Car Park' shall be revoked in its entirety and replaced with the revised Item below:

"

Heworth Metro South Car Park	All days	All days	7am to 8pm	Maximum 4 hours stay with no return in 2 hours Monday to Saturday only	Monday to Saturday Up to 2 hours £2.00 Up to 4 hours £2.80 Sunday (Fixed daily charge) £1.20
-------------------------------------	----------	----------	------------	---	---

14. In Part III 'Use of Parking Places', revoke Article 8(iii)(i) in its entirety and replace it with the new Article 8(iii)(i) below:

"No vehicle shall park in any parking place or bay for a longer period than the maximum period permitted in column 5 of Schedule 4 to this Order and as indicated in the parking place or bay".

15. In Part III 'Use of Parking Places', after Article 8(iii)(i) insert the following new Article 8(A) and Article 8(B) below:

"8(A) Subject to Article 8(B) below of this Order, a vehicle may be left in a parking place specified in Column 1 of Schedule 4 on the days and between the hours specified in Column 5 of Schedule 4.

8(B) The driver of a vehicle using the parking places known as Back Regent Terrace / Back Walker Terrace, Charles Street and Heworth Metro South, shall not leave a vehicle in that parking place:

- (i) For a longer period than 3 hours in relation to the parking place known as Back Regent Terrace / Back Walker Terrace, except where a valid seasonal permit is displayed in the relevant position in accordance with this Order; and
- (ii) For a longer period than 3 hours in relation to the parking place known as Charles Street; and
- (iii) For a longer period than 4 hours between the hours of 7am to 8pm Monday to Saturday (inclusive), in relation to the parking place known as Heworth Metro South; and

The vehicle shall not be returned to the same parking place until a period of at least 2 hours has expired."

PART II

Amendments to the Borough Council of Gateshead (Town Centre) Off Street Parking Places Order 2012

1. Amendments to the Borough Council of Gateshead (Town Centre) Off Street Parking Places Order 2012:
2. In the 'Construction and Interpretation' Article 5, after the definition relating to 'Authorised Council Vehicles' insert the following new definition of:

"Alternative Approved Method of Payment" – means cashless payments, park and phone, payment by debit or credit card facilitated by on site or remote verification by, for example, card reader or mobile phone text or phone call or decrementing in accordance with the scale of charges advertised at the Parking Place".

3. In the 'Construction and Interpretation' Article 5, after the definition relating to 'Parking Place' insert the following new definition:

"Park and Phone" – means a method of payment of the parking charge involving registration of payment by phone or electronic means and, on first use, registration of the relevant registration number of the vehicles, location of the parking place, credit or debit card details or any such other details as the Council may from time to time

require which is accepted by the Council as a valid method of payment for the relevant time of use of the parking place”.

4. In the ‘Construction and Interpretation’ Article 5, revoke the definition relating to ‘Car Club Vehicle’ and replace it with the new definition below:

“Car Club Vehicle” – means a vehicle that is provided by the Co-wheels 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 Co-wheels Car Club”.

5. Revoke Article 29(a) relating to ‘**Charges in connection with the use of a Parking Place and Method of Payment**’, in its entirety and replace it with the following new Article 29(a) and (b) below:

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

- a) Immediately after entering the parking place will 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; or
- b) Make arrangements to pay the appropriate fee through an Alternative Approved Method of Payment at the level of charge and for the period required,

in accordance with the scale of charges specified in column 7 of Schedule 1 to this Order.”

6. Revoke Article 29(b) relating to ‘Charges in connection with the use of a Parking Place and Method of Payment’, in its entirety and replace it with the following new Article 29(b)(i) and (ii) below:

“29(b) (i) Leave the vehicle in the parking place only on the day when the period for which payment has been made and recorded via an Alternative Approved Method of Payment, provided that where subsequent payments are made and recorded, it will extend that period of time by the additional time period that payment has been made and recorded for, or,

(ii) 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 Mondays to Fridays inclusive, no ticket or payment made and recorded via an Alternative Approved Method of Payment, shall extend beyond the maximum period of stay of four hours”.

7. Revoke Article 29(d) relating to ‘Charges in connection with the use of a Parking Place and Method of Payment’, in its entirety and replace it with the following new Article 29(d)(i) and (ii) below:

"29(d) (i) 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, or

(ii) Payment of the charge specified in column 7 of Schedule 1 to this Order by an Alternative Approved Method of Payment, shall be indicated by the parking period for which payment has been made appearing on a hand held device operated by a civil enforcement officer."

8. Revoke Article 32(a) relating to 'Ticket Machine Indications as Evidence' in its entirety and replace it with the revised Article 32(a) below:

"32(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, or where an Alternative Approved Method of Payment is used, that parking period for which payment has been made shall be evidenced by appearing on a hand held device operated by a civil enforcement officer".

9. Revoke Article 32(c) relating to 'Ticket Machine Indications as Evidence' in its entirety and replace it with the revised Article 32(c) below:

"32(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. If no alternative ticket machine is available for use, and the driver is unable to make a payment by means of an Alternative Approved Method of Payment or is unable to make a parking charge to a civil enforcement officer who could then issue a ticket containing the details specified in respect of a ticket issued by the ticket machine to the driver of the vehicle; then no payment is required on that occasion provided that a vehicle must not be parked for any longer than the maximum period of parking permitted for that parking place".

PART III

Savings and Commencement

1. 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 5th day of October 2015 and may be cited as The Borough Council of Gateshead (Gateshead Town Centre Off-Street Car Parks and Gateshead Off-Street Car Parks) (Amendment) Traffic Regulation Order 2015.

Given under the Common Seal of the Borough Council of Gateshead this 22nd day of September 2015.

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

)
)
)



488/15

Mayor

Chepder

Solicitor to the Council

JAHU