

DATED

12th April

2016

THE BOROUGH COUNCIL OF GATESHEAD

TRAFFIC REGULATION ORDER

Relating to Waiting, Loading and Speed Restrictions in Gateshead

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

TH/1535

THE BOROUGH COUNCIL OF GATESHEAD (WAITING, LOADING AND SPEED RESTRICTIONS) TRAFFIC REGULATION ORDER 2016

The Borough Council of Gateshead (hereinafter referred to as "the Council") in exercise of its powers under Sections 1(1), 2(1) to (3), 4(2), 82, 83, 84 of The Road Traffic Regulation Act 1984 ("the 1984 Act") and Part IV of Schedule 9 to the 1984 Act and by virtue of the Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers and after consultation with the Chief Constable of Northumbria Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order.

PART I

Definitions

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 the Council under Section 76 of the 2004 Act 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

"exemption certificate" means an authorisation in writing granted by the Service Director; Development and Public Protection and 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;

"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 2002;

"parking place" means a place on a length of road designated under this Order;

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

"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 1984 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

Waiting Restrictions

No Waiting at Any Time

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 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 II Article 1 to this Order shall render it unlawful to cause or permit any vehicle to wait in or on the lengths of 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) 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 1984 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 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

Loading Bay operating on all days between the hours of 8.00am to 8.00pm

1. The length of road described in Schedule 2 to this Order is hereby designated as a parking place under section 32 of the Act, subject to the provisions in this Order, for any vehicle to wait between the hours of 8am and 8pm on all days for the purposes of loading and unloading only.
2. Save as provided in Part III Article 13 to this Order 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 between the hours of 8am and 8pm on all days except for the purposes of loading and unloading in or on the length of road specified in Schedule 2 to this Order.
3. Every vehicle left in a parking place shall stand so that the vehicle is wholly within the parking place or if the parking place is so marked within any parking bay.
4. A civil enforcement officer as authorised by the Service Director, Development and Public Protection and Transport Strategy may suspend the use of a parking place or any part thereof whenever they consider such suspension is reasonably necessary, in connection with, building and highway maintenance works, vans for the removal of furniture, hearses in connection with funerals, or any other reason deemed reasonably necessary by the Council.
5. A police officer in uniform may suspend for not longer than 24 hours the use of a parking place or any part thereof whenever they consider that such suspension is reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
6. Any person suspending the use of a parking place or any part thereof in accordance with the provisions of Part III Articles 4 and 5 to this Order, shall thereupon place or cause to be placed in or adjacent to the parking place or part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.
7. For so long as a traffic sign prohibiting waiting is displayed in accordance with Part III Article 6 to this Order, no person shall cause or permit a

vehicle to be left in that parking place or part thereof PROVIDED THAT nothing in this paragraph shall render it unlawful to cause or permit a vehicle to wait if the vehicle is left with the permission of the person suspending the parking place or part thereof.

8. A police officer in uniform may in the case of an emergency move or cause to be moved vehicles left in a parking place to any place they think fit.
9. A civil enforcement officer may if they deem it appropriate and in accordance with the Council's Enforcement Policy, move or cause to be moved vehicles left in a parking place to another position on that road or to another road or to a place which is not on a road, as they deem appropriate.
10. Any person removing a vehicle or altering its position by virtue of Part III Articles 8 and 9 to this Order, may do so by towing or driving the vehicle or in such other manner as they may think necessary to enable them to remove it or alter its position as the case may be.
11. When a person removes or makes arrangements for the removal of a vehicle from the parking place they shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
12. Nothing in Part III Articles 1 and 2 to this Order, shall apply to a vehicle being used by the emergency service vehicles whilst they are on duty and attending an emergency call.
13. Nothing in Part III Articles 1 and 2 to this Order, shall render it unlawful to cause or permit a vehicle to wait or park in or on a parking place, for so long as may be necessary to enable:-
 - (a) Picking up and setting down of passengers;
 - (b) For 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;

- (v) 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;
- (vi) to enable a vehicle to be used by a postal operator in provision of a postal service;
- (vii) any vehicle used in pursuance of statutory powers or duties;
- (viii) any vehicle displaying a valid exemption certificate in the relevant position.
- (ix) any vehicle being used or appropriated for use for naval, military or airforce purposes as indicated (where applicable) on the identification plate on the vehicle or any vehicle belonging to any visiting forces (within the meaning of the Visiting Forces Act 1952).

PART IV

Amendments to The Borough Council of Gateshead (Speed Limits) (Consolidation) Order 2009

1. The Borough Council of Gateshead (Speed Limits) (Consolidation) Order 2009 is amended as follows:
2. In Schedule 2 Part II 'Speed Limit Zone', amend the Item relating to 'Bill Quay' by inserting after the road named 'Woodgate Lane', the following additional roads:

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Brack Terrace	For its full length
Brack Terrace Back	For its full length
Hall Terrace	For its full length
South Parade Back	For its full length

3. In Schedule 2 Part II 'Speed Limit Zone', amend the Item relating to 'Bill Quay' by revoking the road name 'Burton Way' in its entirety and replacing it with the new road name 'Brunton Way'.

PART V.

Contraventions

1. (1) If a vehicle is left in contravention of any Article of this Order a penalty charge shall be payable.
- (2) 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 VI

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 1984 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 1984 Act, or by or under any other enactment, THEN the provisions of THIS ORDER shall prevail.
2. This Order shall come into operation on 18th day of April 2016 and may be cited as The Borough Council of Gateshead (Waiting, Loading and Speed Restrictions) Traffic Regulation Order 2016.

Given under the Common Seal of the Borough Council of Gateshead this 12th day of April 2016.

THE COMMON SEAL OF THE BOROUGH COUNCIL OF GATESHEAD

was hereunto affixed in the presence of:-

Mayor

W. C. D. D.

M. C. H.
Solicitor to the Council



2016/178

SCHEDULE 1

Prohibition of Waiting at Any Time

1.	Curzon Gateshead	Place	(a) South east side	From its junction with Bottle Bank in a south westerly direction for 104 metres.
			(b) North west side	(i) From its junction with Bottle Bank in a south westerly direction for 64 metres.
				(ii) from a point 93 metres south west of its junction with Bottle- Bank in a south westerly direction for 11 metres.
			(c) All sides	South of a point 104 metres south west of its junction with Bottle Bank.

SCHEDULE 2

**Loading Bay operating on all days between the hours of 8.00am to
8.00pm**

Curzon Place Gateshead – South west side - from a point 64 metres south
west of its junction with Bottle Bank in a south westerly direction for 29
metres.