

THE BOROUGH COUNCIL OF GATESHEAD

TRAFFIC REGULATION ORDER

relating to Costa Development at 482 Durham Road, Low Fell, Gateshead

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File Ref: CN/TS/1050

**THE BOROUGH COUNCIL OF GATESHEAD
(482 DURHAM ROAD, LOW FELL, GATESHEAD) (WAITING AND LOADING
RESTRICTIONS) TRAFFIC REGULATION ORDER 2018**

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 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 (Durham Road QTC Phase 4 Part 2 Gateshead) Traffic Regulation Order 2016

1. The Borough Council of Gateshead (Durham Road QTC Phase 4 Part 2 Gateshead) Traffic Regulation Order 2016 is amended as follows:
2. Schedule 2 ‘No Waiting between the hours of 7.30am to 6.30pm Monday to Saturday (inclusive)’ shall be revoked in its entirety.
3. In Schedule 1 ‘No Waiting at Any Time’, revoke Item 21(i)(a) relating to ‘Edmund Place (i) north side (a) from its junction with Durham Road in a westerly direction for 2.5 metres’ in its entirety and replace it with the new Item 21(i)(a) below:

“21. Edmund Place	(i) North side	(a) from the junction with Durham Road in a westerly direction for 10 metres”
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4. After Part IX ‘Amendments to the Borough Council of Gateshead (Bus Lanes) Traffic Regulation Order 2014’ insert the following new PART IXA below:

“PART IXA

Goods Vehicle Only Loading Parking Place operating 24 hours a day Monday to Sunday (inclusive)

1. The lengths of roads described in Schedule 9 to this Order are hereby designated as a parking place under section 32 of the Act, subject to the provisions in this Order, for use by goods vehicles only, operating 24 hours a day, Monday to Sunday (inclusive).
2. Save as provided in Part IXA 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, other than a goods vehicle for the purpose of loading or unloading only, 24 hours a day Monday to Sunday (inclusive), in or on the lengths of road specified in Schedule 9 to this Order.

3. Every vehicle (including goods vehicle) left in a parking place shall stand so that it 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 IXA Articles 3 and 4 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 IXA 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 IXA 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 IXA 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 IXA 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)".

5. After Schedule 8 'PART 1 – Revocation of Orders in part' and 'PART 2 – Revocation of Orders in full', insert the following new Schedule 9 below:

"SCHEDULE 9

Goods Vehicle Only Loading Parking Place operating 24 hours a day Monday to Sunday (inclusive)

	Road name		Road Description
1.	Unnamed section of road adjacent to 482 Durham Road	(i)All sides	(a) from the junction with Edmund Place in a northerly direction for its full length, for a distance of 16 metres".

PART II

Contraventions

1. (1) If a vehicle is left in contravention of an 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 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 day of 2018 and may be cited as The Borough Council of Gateshead (482 Durham Road, Low Fell, Gateshead) (Waiting and Loading Restrictions) Traffic Regulation Order 2018.

Given under the Common Seal of the Borough Council of Gateshead this day
of 2018.

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

Mayor

Solicitor to the Council