

## **CITY OF NEWCASTLE UPON TYNE**

### **(NEWGATE STREET - RED ROUTE)**

#### **EXPERIMENTAL TRAFFIC REGULATION ORDER 2020**

The Council of the City of Newcastle upon Tyne in exercise of their powers under Sections 9, 10 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended (hereinafter referred to as “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:-

1. This Order shall come into operation on 20 July 2020, and shall continue in force for a period not exceeding 18 months, and may be cited as the City of Newcastle upon Tyne (Newgate Street – Red Route) Experimental Traffic Regulation Order 2020.

#### **PART I GENERAL AND INTERPRETATION**

2. The Council’s Acting Assistant Director Transport is hereby authorised, after consultation with the Chief Officer of Police, to modify or suspend the operation of this Order or any provision of it if it appears to him essential:-
  - (a) in the interest of the expeditious, convenient and safe movement of traffic;
  - (b) in the interest of providing suitable and adequate on street parking facilities; or
  - (c) for preserving or improving the amenities of the area through which any road affected by the Order runs.

3. **Definitions**

In this Order:-

“ambulance” has the same meaning as in the Vehicle Excise and Registration Act 1994;

“authorised person” means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order;

“Bus” means a motor vehicle constructed or adapted to carry more than eight passengers exclusive of the driver and local buses not so constructed or adapted;

“carriageway” and “footway(s)” have the same meaning as in Section 329 (1) of the Highways Act 1980 (as amended);

“civil enforcement officer” has the same meaning as in section 76 of the Traffic Management Act 2004;

“disabled person’s badge” has the same meaning as in regulation 3 (1) of the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000 (as amended);

“driver” in relation to a vehicle waiting in a parking place or on a road or length of road, means the person driving the vehicle at the time it was left in that parking place or road or length of road;

“hearse” means a vehicle for conveying a coffin for a funeral;

“licensed taxi” has the same meaning as in Section 13 (3) of the Transport Act 1985 (as amended);

“loading” means the loading or unloading of goods to or from a vehicle;

“motor vehicle” means a mechanically propelled vehicle, intended or adapted for use on roads, and not being a motor cycle;

“owner” in relation to a vehicle, has the same meaning as in Section 92 (1) of the Traffic Management Act 2004 or the person who has the use of such a vehicle in the course of their employment and is entitled to use such a vehicle as though they were the registered keeper thereof;

“permit” means a permit issued under the provisions of Part III of this Order;

“permit holder” means a person to whom a permit has been issued;

“red route” means the length of road specified in Schedule 1 to this Order;

“red route area” means the whole area of the red route being the red route length and width of the road including but not limited to the carriageway footway and verges;

“relevant position” in respect of :-

- (a) a parking permit, means
  - (i) in the case of a vehicle fitted with a front windscreen, that the permit is exhibited thereon with the front facing forward on the nearside of and immediately behind the windscreen; or
  - (ii) in the case of a vehicle not fitted with a front windscreen, that the permit is exhibited on the front or nearside of the vehicle;
- (b) a disabled person’s badge, in accordance with Section 12 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“road” has the same meaning as in Section 142 (1) of the Act;

“specified position” means a vehicle left in a parking place during the permitted hours in accordance with the forgoing provisions of this Order shall cause it to stand so that every part of a vehicle is within the limits of the parking place;

“specified hours” means the hours shown in Schedule 2 to this Order;

“wedding vehicle” means official wedding cars whilst the wedding ceremony takes place.

4. (1) Except where otherwise stated, any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order;
- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment;
- (3) The 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 provided that where a prohibition or restriction in 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;

## **PART II GENERAL PROHIBITION OF STOPPING**

5. (1) Subject to the provisions of paragraph (2) of this Article and of Article 6 and Article 7 of this Order, no person shall cause or permit any vehicle to stop at any time in the length of red route specified in Schedule 1 to this Order.
  - (2) Subject to the provisions of Article 6 and Article 7 of this Order, no person shall cause or permit a vehicle to stop on any footway or verge along the red route or within the red route area specified in Schedule 1 to this Order.
6. The controls specified in Article 5 and subject to the provisions of Article 7, shall not apply to the length of road specified in Schedule 2 to this Order to any person causing a motor vehicle to wait during the hours of 9.00am and 4pm provided a valid parking permit issued by the Council is displayed in the relevant position AND provided such waiting is for a maximum period of 1 hour.

7. (1) The controls as specified in Article 5 of this Order, do not apply in respect of a person causing or permitting a vehicle to stop if that person is:
  - (a) required by law to cause the vehicle to stop or not to proceed;
  - (b) obliged to stop the vehicle so as to avoid an accident;
  - (c) prevented from proceeding in the vehicle by circumstances beyond the person's control;
  - (d) getting or giving help in consequence of an accident or emergency, or otherwise taking action for public safety;
  - (e) using the vehicle in connection with the removal of any obstruction to traffic;
  - (f) using the vehicle in connection with maintenance, improvement or reconstruction of any part of the red route or red route area;
  - (g) using the vehicle in connection with the laying, erection, alteration or repair in or on land adjacent to the red route or red route area of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984 (as amended);
  - (h) using a vehicle in the service of a local authority, water authority or sewerage authority or their agents and in either case the vehicle is being used in pursuance of statutory powers or duties.
- (2) The controls specified in Article 5 of this Order, do not apply in respect of a bus stopped at a bus stop;
- (3) The controls specified in Article 5 of this Order, do not apply in respect of any police, fire brigade and ambulance vehicle where that vehicle is on operational duty;
- (4) The controls specified in Article 5 of this Order, do not apply in respect of a person causing or permitting a Licensed Taxi to stop except for so long only as may be required to enable waiting passenger(s) to board or alight the vehicle.
- (5) The controls specified in Article 5 of this Order, do not apply in respect of a person causing or permitting a vehicle displaying a Disabled Persons Badge in the relevant position to stop for so long only as may be required to enable a disabled person to get into or out of the vehicle.

- (6) The controls specified in Article 5 of this Order, do not apply in respect of a person causing or permitting a vehicle which bears the livery of Royal mail to stop for as long as may be necessary to actively load and/or unload as necessary for the purposes of the provision of a universal postal service (as defined in the Postal Services Act 2011).
- (7) The controls specified in Article 5 of this Order, do not apply to anything done with the permission of an authorised person or with the permission of a police constable in uniform or a Civil Enforcement Officer.

### **PART III PERMITS**

8.
  - (1) The occupier of the premises specified in Schedule 3 to this Order may apply to the Council for a permit(s) for the parking of hearses and wedding vehicles and any such application shall be made on a form issued by and obtainable from the Council and include the particulars and information required by such a form.
  - (2) The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit as they may reasonably require to verify the particulars or information given to them or to verify that the permit is valid.
  - (3) The Council upon being satisfied that the particulars supplied are valid, shall issue to the applicant a Parking Permit for the leaving during the hours of 9.00am and 4.00pm in the Parking Place specified in Schedule 2 to this Order of a hearse or wedding vehicle by the owner or any person using such vehicle with the consent of the owner (other than a person to whom such vehicle has been let for hire or reward).
  - (4) A maximum of two permits will be issued to the applicant for the permit.
  - (5) The parking permit will only be valid for use in the parking place specified in Schedule 2 to this Order.
9. Notwithstanding the provisions contained in Article 8 of this Order the Council may also grant permit(s) to such other persons as they may think fit.
10.
  - (1) A permit holder may surrender such permit to the Council at any time and shall surrender such permit to the Council on the occurrence of any of the events set out in paragraph (3) of this Article.
  - (2) The Council may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's premises, withdraw a permit if it appears to the Council that any one of the events set out in

paragraph (3) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.

- (3) The events referred to in the foregoing provisions of this Article are:-
  - (a) The permit holder ceasing to be an occupier of the premises specified in Schedule 3 to this Order;
  - (b) The issue of a duplicate permit by the Council under the provisions of Article 12 of this Order;
  - (c) The expiry of the period for which the permit was issued;
  - (d) Where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect.
  
11. Without prejudice to the provisions of Article 10 of this Order, a permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any of the events set out in paragraph (3) of Article 10 of this Order, whichever is the earlier.
  
12.
  - (1) If a permit is accidentally mutilated or defaced or the particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and apply to the Council for the issue of a duplicate permit, whereupon the Council, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.
  - (2) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a duplicate permit and the Council upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.
  - (3) All the provisions of this Order shall apply to a duplicate permit to the same extent as they applied to the original permit.
  
13. A permit shall be in writing and shall include the following particulars:-
  - (a) the period during which, subject to the provisions of Article 10 of this Order, the permit shall remain valid;
  - (b) an authentication that the permit has been issued by the Council;
  - (c) a code indicating the parking area for which the permit is valid.

14. At all times during which a vehicle is left in the parking place specified in Schedule 2 to this Order during the permitted hours, there shall be displayed in the relevant position a valid permit issued in respect of that parking place.
15. When a permit has been displayed in accordance with the provisions of Article 14 of this Order, or where a penalty charge has been attached to the vehicle, no person other than a Police Constable in uniform or a Civil Enforcement Officer shall remove such permit or notice from the vehicle unless authorised to do so by the driver of that vehicle.
16. Notwithstanding the foregoing provisions of this Order, the Council may at its discretion issue a discretionary Notice allowing a specific vehicle to wait in a road or a parking place during the hours of operation of any restriction or prohibition to the contrary.

**PART IV  
SUSPENSIONS**

17. The following items contained within the orders detailed below are hereby suspended:-
  - (a) Item 111 in Schedule 1 to the City of Newcastle upon Tyne (City Centre Controlled Parking Zone) Restriction of Waiting Order 2009 insofar as it relates to that length of Newgate Street between its junctions with Clayton Street and Gallowgate; and
  - (b) Item 12 in Schedule 54 to the City of Newcastle upon Tyne Traffic Regulation (Consolidation) Order 2009.

Given under the Common Seal of the City of Newcastle upon Tyne this 26th day of June 2020.

**THE COMMON SEAL of THE COUNCIL**            )  
**OF THE CITY OF NEWCASTLE UPON**            )  
**TYNE** was hereunto affixed in the            )  
 presence of:-    )

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**SCHEDULE 1  
(Red Route)**

1. Newgate Street both sides, from its junction with Gallowgate to its junction with Clayton Street

**SCHEDULE 2  
(Length of Road on Red Route with exemption for Permit Parking)**

<b>Column 1 Item</b>	<b>Column 2 Length of Road</b>	<b>Column 3 Hours of Operation</b>	<b>Column 4 Maximum Stay</b>
1.	Newgate Street – west side, from a point 74 metres south of its junction with Gallowgate in a northerly direction for a distance of 15 metres	9.00am - 4.00pm	1 hour

**SCHEDULE 3  
(Eligible Property for the Issue of Permits)**

St Andrews Church





