



**Off-street
Public Car Parks
Management
Plan**



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1. Introduction

Welcome to Cumbria County Council's Off-Street Car Parks Management Plan. This document provides information on how we manage car parks operated by Cumbria County Council which offer public pay-and-display parking.

2. Car parks covered by the management plan

This management plan currently applies to the following off-street car parks:

Cumbria County Council's Office Car Park, Carlisle

Use of this car park is restricted to County Council permit holders at stated times on weekdays, excluding public holidays, and available for public use at all other times. Full details of the operation of this car park including charging times, payment options and enforcement are contained at Appendix 2 – The County of Cumbria (Council's Office Car Park) (Off Street Parking Places) Order 2016.

Cecil Street Car Park, Carlisle

This car park is available for public use 7 days per week. Full details of the operation of this car park including charging times, payment options and enforcement are contained at Appendix 3 - The County of Cumbria (Cecil Street, Carlisle) (Off Street Parking Places) Order 2016.

3. Management

Categories of vehicles

The categories of vehicles for which parking places ('bays') are provided in the car park will be clearly displayed on signs at main vehicle entrances.

Layout of bays and circulation routes

Standard parking places ('bays') in the car park will be marked out with white lines. Parking places ('bays') designated for blue badge users will be marked out with yellow lines and will display the appropriate symbol. Motorcycle parking places where provided, will be marked with the appropriate wording and/or symbol

Circulation routes for vehicles will be indicated by white arrows marked on the car park surface. Walking routes for pedestrians where provided, will be indicated by yellow hatching and the appropriate symbol marked on the car park surface.

Signage

Each car park will:

- Be signed from the public highway
- Have a welcome sign at main vehicle entrances displaying the name of the car park, the categories of vehicles for which parking places ('bays') are provided, and guidance for blue badge holders.
- Have an information sign adjacent to each pay-and-display machine explaining the operating hours of the car park and restrictions, the categories of vehicles for which parking places ('bays') are provided, and guidance for blue badge holders.
- Display signs on the front of each pay and display machine giving instructions on how to make payment and the fee for different time periods.

Winter maintenance and gritting

Our car parks are not part of the standard winter highway maintenance programme. In severe winter weather, Facilities Management staff will monitor the car parks and if appropriate will contact Cumbria Highways to request that the car park is gritted when resources are available to do so.

Defect reporting

Cumbria Highways will be asked to carry out an Annual Condition Survey of each car park covered by the Management Plan. In addition, the Council's Civil Enforcement Officers have been given information on identifying defects in respect to car park surface, lighting and signage whilst patrolling the car park and the process for reporting.

Members of the public who observe any damage or defects are encouraged to contact to report them to the Council's Facilities Management Team. Contact details for the team are provided at Appendix 1.

Personal injury claims

Any claims for injuries or damages allegedly sustained by users of the facilities will be dealt with via the Council's claims process. Potential claimants wishing to make a claim should contact the Council's insurance section, details of which are given in Appendix 1.

Cumbria County Council will only accept liability for injury to any person, loss or damage to any vehicle, its accessories or contents if such injury, loss, or damage is caused by the negligence of Cumbria County Council, its employees, or its agents.

Pay and display machines

A minimum of 2 pay and display machines will be sited in each car park. Options for payment will include cash coins, card chip and pin, card contactless and pay by phone. Full details of the tariffs, charging times, payment options and conditions of use are sited on the machines and/or the adjacent information sign boards. Users will be made aware that the machines cannot provide change in the event of overpayment by cash coins. This information will be display on the front of the machine.

Daily routine maintenance of the pay and display machines is undertaken by the Council's Facilities Management Team on working days. At weekends and public holidays this task will be undertaken by Civil Enforcement Officers from the Council's Parking Services Team.

Defects with the pay and display machines which cannot be rectified by Council officers will be reported to the installer of the machines, Parkeon Limited.

Enforcement

The car parks will be regularly patrolled by Civil Enforcement Officers from the Council's Parking Services Team. Penalty Charge Notices will be issued in accordance with the Service's policies which can be accessed at www.cumbria.gov.uk/parking

Challenges and queries regarding these Penalty Charge Notices will be dealt with by processing staff from the Council's Parking Services Team in accordance with the Service's policies accessed at www.cumbria.gov.uk/parking

User queries and complaints

Any customer queries or complaints regarding the car parks should be reported to the Council's Parking Services Team by telephone **0300 3032992** or e-mail at parking@cumbria.gov.uk

4. Transparency

The Council is required to produce and publish a Parking Account on an annual basis in accordance with part 6 of the Traffic Management Act 2004. At the end of each financial year the Council's Parking Manager will produce a Parking Services Annual Report which will incorporate the Parking Account. This will detail a variety of Penalty Charge Notice statistics for the off-street and on-street parking areas under the Council's control and financial information including income, gross expenditure and net expenditure. Once finalised the Parking Services Annual Report will be published on the Parking Services section of the Council's web-site at www.cumbria.gov.uk and with a link from the Open Data section of the Council's web-site at <http://www.cumbria.gov.uk/council-democracy/accesstoinformation/pendata>

The income and expenditure of local authorities in connection with their on-street charging and their on-street and off-street enforcement activities are governed by section 55 (as amended) of the Road Traffic Regulation Act 1984. The Act allows the management and operation of parking to generate a surplus income and specifies the purposes on which the surplus income can be spent. These purposes include reimbursement to the general fund for expenditure connected with the car park in the 4 years previously, meeting the costs of providing and maintaining the car park, or contributions towards the cost of providing car parks incurred by other local authorities or persons.

Appendix 1 – Contact details

Car park management and maintenance • Facilities Management, Cumbria County Council
t: **01228 226666** • e: facilitiesmgmtcumbriahouse@cumbria.gov.uk

Parking enforcement and Penalty Charge Notices • Parking Services, Cumbria County Council
t: **0300 3032992** • e: parking@cumbria.gov.uk

Insurance Claim • Insurance Section, Cumbria County Council
t: **01228 226268** • e: insurance.section@cumbria.gov.uk



Appendix 2 – The County of Cumbria (Council’s Office Car Park) (Off Street Parking Places) Order 2016

The County of Cumbria (Council’s office car park) (Off Street Parking Places) Order 2016

The County Council (“the Council”) in exercise of its powers under Sections 32(1), 33(1), 33(2) and 33(3) and 33(7), 34, 35, 35A, and 35C and 39 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the 1984 Act”) and Part III of Schedule 9 of the said Act of 1984 and in exercise of its powers under Part 6 of the Traffic Management Act 2004 (Civil Enforcement Area) and all other enabling powers, and after consulting with the Chief Officer of Police in accordance with paragraph 20 of Schedule 9 to the 1984 Act hereby make the following Order.

Part I General

1. (1) Provisions of this Order shall come into operation on 2016 and may be cited as “The County of Cumbria (Council’s Office Car Park) (Off-Street Parking Places) Order 2016”

(2) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:-

“**appropriate manner**” means in relation to the display of pre-paid tickets and parking permits that such pre-paid tickets and parking permits will be displayed in such a position:-

a) Inside the vehicle and in such a manner that any date and time symbols or permit details thereon are clearly visible from the front or nearside of the vehicle;

“**automatic ticket issuing machine**” means in relation to equipment designed for collecting charges in exchange for paper pre-paid tickets that will validate parking at the specified location displayed on the ticket at the time of purchase for a specified time on a specified date;

“**caravan**” means a trailer constructed to include living accommodation and equipment;

“**commercial vehicle**” means any mechanically propelled vehicle which is constructed or adapted for the carriage of goods;

“**charging hours**” means the days and times of operation and maximum period a vehicle may stay stipulated in Column 4 of Schedules 3 and 4;

“**Civil Enforcement Officer (Parking)**” means a person as defined in Section 63A of the Road Traffic Regulation Act, 1984 and Part 6 of the Traffic Management Act 2004;

“**coach**” means a chartered long distance single-decker bus constructed to carry more than 16 seated passengers in addition to the driver;

“**contravention**” means a contravention of the provisions of this Order and a contravention may result in a Penalty Charge Notice being issued as detailed in accordance with Schedule 2 of this Order;

“**credit card**” means a written authorisation issued by a bank or other financial institution allowing the holder to obtain credit within a specified limit in order to make direct payment for goods or services;

“**debit card**” means a written authorisation issued by a bank or other financial institution allowing the holder to make direct payment for goods or services from an account held with that bank or other financial institution;

“**designated agent**” means a company or an Authority authorised to act on the Councils behalf and Authority may include a district or borough council;

“**disabled parking bay**” means an area of a parking place marked for the sole use of persons displaying a valid disabled person’s badge indicated by displayed signs and/or surface markings;

“disabled person’s badge” (also referred to herein as a “blue badge”) shall have the meaning assigned to it by Section 2(1) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“disabled person’s parking disc” means a parking disc which will be displayed in a vehicle also displaying a disabled person’s badge in the position set out in Section 4 of the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulation 2000;

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

“enactment” means any enactment, whether public, general or local, and includes any order, bylaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“heavy commercial vehicle” has the same meaning as in Section 138(1) of the Road Traffic Regulation Act 1984;

“heavy motor car” has the same meaning as in section 136(3) of the Road Traffic Regulation Act 1984;

“marked bay” means a bay marked out and indicated by either different coloured paving blocks, surface studs, kerbs, signs or painted markings on the surface of the parking place within which vehicles of the appropriate class may park;

“minibus” means a small passenger carrying motor vehicle not exceeding 5.5m in length capable of carrying more than 8 but not more than 16 passengers whether or not the same is either a motor car or a heavy motor car as the case may be;

“motor car” has the same meaning as in Section 185 (1) of the Road Traffic Act 1988;

“motor caravan or camper” means a vehicle which provides fixed sleeping arrangements whether or not the same is either a motor car or heavy motor car as the case may be

“motor cycle” has the same meaning as in Section 185 (1) of the Road Traffic Act 1988

“motor vehicle” means any vehicle as defined in Section 136(1) of the Road Traffic Regulation Act 1984

“owner” has the same meaning as in Section 92(1) of the Traffic Management Act 2004

“parking charge” means the charge as described in Article 2 (3) of this Order and column 5 Schedules 3 and 4 of this Order

“parking permit” means any document, voucher or warrant for parking issued and authorised by the Council showing the Council logo, the relevant date and location of the authorisation. Improper use of the parking permit will render it void. The term ‘parking permit’ includes Permit A, Permit B, Permit C and Permit D and temporary permits issued and authorised by the Council for the use specified thereon;

“parking disc” means an approved device which is capable of showing the quarter hour period during which a period of waiting begins and has the same meaning as in regulation 8(5) of the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

“parking place” means an area of land off a road authorised by this order and specified by name in Column 1 of Schedules 3 and 4 to this Order provided by the Council under Section 32(1) of the Act for use as a parking place

“pay & display” means a system of payment for parking of motor vehicles used at car parks where pre-paid tickets obtained from a automatic ticket issuing machine must be displayed in the appropriate manner and in the relevant position within the vehicle before the period of waiting begins

“pay by phone” means a system of payment for parking of motor vehicles used at car parks where the period of waiting can be validated with a virtual pay & display ticket or parking permit obtained only using this method

“penalty charge” means a charge issued in compliance with the provisions of Part 6 of the Traffic Management Act 2004

“penalty charge notice” a notice of a penalty charge which is issued in accordance with the provisions of Part IV of this Order and detailed in Schedule 5 to this Order

“permitted hours” means in relation to a parking place, the period during which a vehicle may stay as detailed in column 4 of Schedules 3 and 4 to this Order

“Permit A”, “Permit B”, “Permit C” and “Permit D”, means a permit issued by the council to a qualifying person, group of persons or vehicle, improper use of which will render it void.

“pre-paid ticket” means a ticket obtained from an automatic ticket issuing machine for collecting charges installed at any of the parking places referred to in column 1 of Schedule 3 and Schedule 4

“registered keeper” means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994

“relevant date” means the date upon which any vehicles is or was parked in any parking place referred to in this Order or upon which any event occurs or occurred in breach of any of the provisions of this Order or to which this Order relates;

“relevant position” – means

- (i) if the vehicle is fitted with a front windscreen the pay & display ticket, parking permit or disabled persons badge and disabled parking disc shall be exhibited with the side containing the details relevant to make the ticket or permit valid facing forwards on the near side of the vehicle and immediately behind the windscreen either attached to it or upon the dashboard or fascia so that the same is readable from the outside of the vehicle; or
 - (ii) in the case of a vehicle not fitted with a front windscreen or dashboard or fascia the parking ticket or parking permit shall be exhibited in a conspicuous and readable position on the vehicle;
- (a) in connection with the display upon a vehicle of a pay & display ticket;
- (i) the particulars of the pay and display ticket including the time and date of purchase and the car park for which the ticket is valid shall be displayed so that these details can be viewed from the outside of the vehicle
- (b) in connection with the display upon a vehicle of a parking permit;
- (i) the particulars of the permit shall contain the Council’s logo, the date and location of the authorisation and vehicle registration where applicable
- (c) in connection with the display upon a vehicle of a disabled person’s badge and disabled person’s parking disc;
- (i) the particulars of the blue badge that shall be displayed in the manner previously detailed as it is dictated in the most up to date version of the disabled persons blue badge scheme: rights and responsibilities in England
- (d) in connection with the display upon a vehicle of a clock disc;
- (i) the clock disc will be displayed in the manner listed above showing the time of arrival to the nearest quarter of an hour and shall be for no longer than the maximum time limit displayed on the signage displayed in the area which the vehicle is parked

“trailer” has the same meaning as in Section 138(3) of the Road Traffic Regulation Act 1984;

“transaction fee” means any additional charge payable to the Council’s designated agent for services associated with the pay-by-phone service;

“virtual permit” means an electronic notification from the Council’s designated agent that the appropriate fees have been paid in relation to time purchased for parking in any of the parking places set out in Schedules 3 and 4 to this Order

- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- (4) Any reference in this Order to a numbered clause or Schedule shall, unless the context otherwise requires, be construed as reference to the clause or Schedule bearing that number in this Order.

Part II

Use of land and parking places

2. Save as provided in clause 3 in this Part II

- (1) Each area of land specified by name in Column 1 of Schedules 3 and 4 may be used, subject to the following provisions of this clause as a parking place.
- (2) Where in columns 2 and 3 of schedules 3 and 4 a parking place is described as available for vehicles of a class specified in Schedule 1 of this Order or in a specified position the driver of the vehicle shall not permit it to wait in that parking place unless it is of a class and in the position so specified.
- (3) Where in columns 4 and 5 of Schedules 3 and 4 a parking place is described as available within permitted hours and subject to a scale of charges no driver waiting within the permitted hours shall permit a vehicle to wait in that parking place unless a parking charge has been paid in accordance with clause 4 of this Part II and the pre-paid ticket, or permit obtained in accordance with that clause is displayed in the relevant position and appropriate manner. PROVIDED THAT nothing in this clause 2(3) shall apply in respect of:-
 - (i) a motor vehicle which displays in the appropriate manner and the relevant position a valid parking permit.
- (4) No person shall permit a vehicle to be left/wait in a parking place for longer than the maximum period permitted for waiting specified in column 4 of Schedules 3 and 4 to this Order

3. (1) The Council may, by notice placed in or near a parking place, suspend the use of or close that parking place or any part thereof for any period and the driver of a vehicle shall not, without consent of the Council, cause or permit that vehicle to wait in that parking place or any part thereof which is suspended or closed.

- (2) The Council may, by notice placed in or near a parking place, designate that parking place or any part thereof for free use by vehicles waiting in connection with functions or purposes authorised by the Council and the driver of a vehicle shall not cause or permit that vehicle to wait in that parking place or part thereof so designated unless in connection with that function or purpose.

(3) Nothing in clause 2 of this Part II shall apply to the following –

- (i) vehicles in use for works of building, demolition, repair or maintenance to car parks;
- (ii) vehicles of the emergency services while in use for such purposes; or
- (iii) vehicles authorised by the Council for specified purposes;

(4) Nothing in clause 2(3) of this Part II relating to the payment of charges shall apply to the following:

- (i) Solo motor cycles (a two wheeled mechanically propelled vehicle not having a side car or trailer) attached thereto in designated bays and;
- (ii) Vehicles using a disabled persons' parking bay or a standard pay and display bay; correctly displaying a disabled persons badge and disabled persons parking disc for a maximum of 3 hours no return within 1 hour;
- (iii) Vehicles displaying a valid parking permit issued or authorised by the Council;

- (5) Where in a parking place signs are displayed and or surface markings are laid for the purpose of indicating that a part thereof in the parking place is reserved for use by –
- (i) a disabled persons vehicle which displays in the relevant position a disabled persons' badge and disabled persons' parking disc;
 - (ii) motorcycles;
 - (iii) coaches;
 - (iv) caravans;
 - (v) Parking permit holders only;

no person shall cause or permit a vehicle to wait in that part of the parking place unless the vehicle is of that class.

4. Save as provided in clauses 6 and 7 of this Part II, the driver of a vehicle using a parking place at any time during which a charge is payable shall upon leaving the vehicle in the parking place pay the charge specified in Column 5 of Schedules 3 and 4 as appropriate by the insertion in an automated ticket issuing machine relating to that parking place of a coin or coins where more than one coin is required for payment of that charge. The coins shall be inserted in the automatic ticket issuing machine one immediately after the other. Provided that no such charge shall be payable by the driver of a vehicle left in that parking place which displays a valid parking permit issued in respect of that vehicle by the Council. The parking charge may be made by credit card or debit card by way of mobile telephone communication to the Council's designated agent. In such circumstances there is no requirement to display a ticket or receipt showing proof of payment of the parking charge.
5. Where a pre-paid ticket, parking permit, disabled persons' badge, or parking disc has been displayed on a vehicle in the relevant position, no person, not being the driver of the vehicle, shall remove such ticket or parking permit, disabled persons' badge or parking disc from the vehicle unless authorised to do so by the driver of the vehicle.
6. Pre-paid tickets issued on payment of the parking charge are only available for use in the parking place where they are issued and are not transferable either between the parking places or users of that parking place.
7. (1) Where payment of a parking charge is made to the designated agent by credit card or debit card by way of mobile telephone communication the payee shall disclose the;
 - (i) call number of the mobile telephone
 - (ii) identification number and any such other detail as may be requested by or on behalf of the Council relating to the credit card or debit card against which the parking charge is being paid.
 - (iii) location number of the parking place in respect of which payment is being made
 - (iv) registration number of the motor vehicle being parked
- (2) Where payment of a parking charge is made by credit card or debit card by mobile phone
 - (i) The transaction fee shall be payable at the time
 - (ii) The parking period shall commence on receipt by the Council or designated agent of the details specified in Article 7(1)
- (3) At any time after a parking charge has been paid in accordance with the preceding paragraphs of this Article in respect of a parking period that parking period may be increased on further payment of the additional parking charge and the appropriate transaction fee always provided that the maximum permitted parking period for that parking place is not exceeded.
- (4) The payee of a parking charge in accordance with the preceding paragraphs of this Article may request to be informed by a text message as to the imminent expiry of the parking period provided that where such text message is sent the appropriate transaction fee as advertised at each site has been paid.

(5) The Council shall display a Notice in every car park where the option of payment of the parking charge by credit or debit card is available, such Notice shall display the location number of the parking place in which it is sited and provide operational guidance on the payment of the parking charges.

8. No vehicle shall be sold, offered or exhibited for sale whilst it is in a parking place.
9. No work of building, construction, cleaning, engineering, maintenance or repair of any nature shall be carried out in a parking place, except such as may be necessary to enable a vehicle to be moved from the parking place, nor shall any plant or equipment or materials be deposited in a parking place other than with the express permission of the Council and payment of such a fee as may be determined by the Council.

Part III Other Provisions

10. Where in a parking place signs are erected and/or surface markings are laid for the purpose of:-
 - (a) indicating the entrance to or exit from the parking place, or
 - (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,

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.

11. Where in a parking place signs are erected and/or surface markings are laid for the purpose of indicating that waiting is prohibited or that access to premises is to be kept clear no person shall cause or permit a vehicle to wait in that part of the parking place including vehicles displaying a valid disabled person's badge and disabled person's parking disc.
12. (1) Where in a parking place signs are erected and/or surface markings are laid for the purpose of indicating a parking bay the driver of that vehicle will ensure that the vehicle is parked wholly within the markings of the bay or space. No person shall cause or permit a vehicle to wait in that part of the parking place with one or more wheels over the lines of that marked parking bay
 - (2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from the parking place or arrange for such removal. The costs of such removal and any subsequent storage of the vehicle shall be recoverable from the driver or owner of that vehicle
 - (3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a Police Officer in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
 - (4) Any person altering, or causing the alteration of the position of a vehicle by virtue of paragraphs (2) or (3) of this Article, or removing or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article shall make such arrangements as considered to be reasonably necessary for the safety of the vehicle in the place to which it is removed.
13. The driver of a vehicle shall not permit that vehicle to use a parking place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by a driver such a policy of insurance as complies with the requirement of Part VI of the Road Traffic Act 1988.
14. The driver of a motor 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 depart from the parking place.

15. No person shall use the 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 selling or offering for hire of his skills or services, unless prior written authorisation is sought and granted from the Council.
16. No person shall use any part of the parking place or any vehicle left in a parking place –
 - (a) for sleeping or camping purposes;
 - (b) for eating or cooking purposes; or
 - (c) for the purposes of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
17. No person shall use a parking place as a means of passage proceeding from one road to another road.
18. The driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument except if necessary when about to change the position of the vehicle in or to depart from the parking place.
19. No person shall except as otherwise provided by this Order drive any vehicle in a parking place other than for the purpose of leaving the vehicle in a parking place for the purpose of departing from the parking place, or for access to premises adjacent to the parking place.
20. No person shall in a parking place wantonly shout or otherwise make or cause to be made any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
21. In a parking place no person shall –
 - (a) erect or cause or permit to be erected any tent, booth, stand, building, or other structure without the written consent of the Council; or
 - (b) light or cause or permit to be lit any fire.
22. No vehicle shall be left in a parking place for longer than the maximum period permitted for waiting specified in column 4 of Schedules 3 and 4;
23. No caravan shall use a parking place unless otherwise authorised;
24. No trailer shall use a parking place unless otherwise authorised;
25. No minibus or motor caravan shall use a parking place unless otherwise authorised;
26. No coach shall use a parking place unless otherwise authorised;
27. No heavy commercial vehicle shall use any part of a parking place unless otherwise authorised
28. The Council may suspend the application of all or any of the foregoing provisions to any parking place or part thereof and may consent to the use of that parking place or part thereof for specified purposes.

Part IV

Penalty Charge at Parking Places

29. (1) If a vehicle is left in a parking place in contravention of or non-compliance with Any of the relevant provisions of this Order it shall be the duty of a Civil Enforcement Officer (Parking) to issue a Penalty Charge, pursuant to the provisions of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007(Statutory Instrument Number 2007/3483) or such other Act or Regulation or Statutory Instrument as shall replace or repeal all or part of the said Statutory Instrument Number 2007/3483 (“hereinafter referred to as SI 2007/3483”)

- (2) The Penalty Charge Notice shall be payable by the owner for each day of the said contravention or non compliance to the Council. The amount of the charge being any amount recommended by the Secretary of State and approved by Members of the Council as set out in Schedule 5 to this Order;
- 30.** The Contents of a penalty charge notice served under the provisions of this Order will contain all relevant information set out in regulation 9 or 10 of SI 2007/3483
- 31.** The contraventions under which a Penalty Charge Notice can be issued are set out in Schedule 2 to this Order;
- 32.** (1) Payment of the penalty charge to the Council or its designated agent shall either be by cash, cheque, postal order, credit or debit card;
- (2) in the event of payment being received in relation to any Penalty Charge Notice having been correctly served within 14 days of the date the Penalty Charge Notice was issued the amount payable of the Penalty Charge Notice shall be reduced to an amount recommended by the Secretary of State and approved by the Council; the said payment shall be accepted in full settlement of the Penalty Charge Notice payable under the terms hereof;
- (3) Payments can be delivered, sent by post, by telephone or via the internet as appropriate so as to reach the relevant department/office of the Council or the Councils contractor as stated on the Penalty Charge Notice;
- (4) Payment must be made by the date specified on the Penalty Charge Notice but should the said Council department/office or the office of the Councils contractor be closed on the said date specified the period for receiving payment will be extended until the next full working day;
- (5) payment of the Penalty Charge Notice (whether or not the same is reduced under the provisions of paragraph 2 hereof) will not exonerate any persons from payment of any expenses recoverable in respect of the removal and disposal of the vehicle pursuant to the provisions for the time being in force or from any claim to damages which the Council may have in respect of damage incurred in relation to the parking of the vehicle howsoever arising;
- 33.** The particulars detailed on the Penalty Charge Notice, notified in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.
- 34.** The enforcement of Penalty Charges will be carried out in accordance with the provisions of Part V of SI 2007/3483
- 35.** The registered keeper at the relevant date shall, pursuant to the provisions of Vehicle Excise and Registration Act 1994, be deemed to be responsible for any contravention or non-compliance with this Order unless the registered keeper can prove in any proceedings:-
- (i) that the registered keeper was neither the owner nor the keeper of the vehicles at the time of the contravention; or
 - (ii) that the vehicle was being used on that date without the consent of the registered keeper;

Provided that the Council shall be entitled to proceed against any other persons who the Council proves to be either the owner or the keeper or the driver of the vehicle at the time of the contravention instead of the registered keeper.

Part V
Liabilities and Penalties

36. The Council accepts no liability for the loss or damage to vehicles or other property left in any vehicle waiting in the parking places referred to in this Order.
37. (1) Any person who contravenes or fails to comply with any provision of Part III this Order shall be guilty of an offence pursuant to Section 35A of the 1984 Act.
- (2) Any person who with intent to defraud interferes with an automatic ticket issuing machine or pay station or operates or attempts to operate it by the insertion of objects other than current coins of the appropriate denomination shall be guilty of an offence pursuant to Section 35A of the 1984 Act.

THE COMMON SEAL OF)

CUMBRIA COUNTY COUNCIL)

was hereunto affixed)

in the presence of:-)

Authorised Signatory

Schedule 1 Classes of Vehicles

Code	Class of vehicles
A	solo motorcycles
B	motor car – private or light goods passenger vehicles capable of carrying up to 7 passengers
C	commercial vehicle and heavy commercial vehicles – a vehicle constructed to carry goods of burden
D	Coaches – a vehicle adapted to carry more than 16 passengers excluding the driver
E	caravan – a trailer constructed to include living accommodation and equipment
F	minibus and small passenger vehicle – a vehicle capable of carrying 8 or more passengers but no more than 16 passengers
G	motor caravan or camper – a vehicle which provides fixed sleeping arrangements

Schedule 2 Off Street Contraventions incurring a Penalty Charge

Contravention Code	Description	Class Applicable
73	Parked without payment of the parking charge	A, B, C, D, E, F, G
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	A, B, C, D, E, F, G
80	Parked for longer than the maximum period permitted	A, B, C, D, E, F, G
81	Parked in a restricted area	A, B, C, D, E, F, G
82	Parked after the expiry of time for in a pay & display car park	A, B, C, D, E, F, G
83	Parked in a Pay & display car park without clearly displaying a valid pay & display ticket	A, B, C, D, E, F, G
84	Parked with additional payment made to extend the stay beyond the time first purchased	A, B, C, D, E, F, G
85	Parked in a permit bay without clearly displaying a valid permit	A, B, C, D, E, F, G
86	Not parked correctly within the markings of a bay or space	A, B, C, D, E, F, G
87	Parked in a disabled persons parking space without clearly displaying a disabled persons badge	A, B, C, D, E, F, G
89	Vehicle parked exceeds maximum weight and/or height permitted in the area	A, B, C, D, E, F, G
90	Re parked within the no return period after leaving a bay or space in a car park	A, B, C, D, E, F, G
91	Parked in a car park or area not designated for that class of vehicle	A, B, C, D, E, F, G
92	Parked causing an obstruction	A, B, C, D, E, F, G
93	Parked in a car park when closed	A, B, C, D, E, F, G
94	Parked in a pay & display car park without clearly displaying two valid pay & display tickets when required	A, B, C, D, E, F, G
95	Parked in a parking place for a purpose other than the designated purpose for the parking place	A, B, C, D, E, F, G
96	Parked with the engine running where prohibited	A, B, C, D, E, F, G

Schedule 3 Off Street Pay & Display Parking Places – County Council’s Office Car Park, Carlisle

(1) Name and location of Parking Place	(2) Position in which Vehicle may be parked	(3) Classes of Vehicles that may use the parking places	(4) Days and times of operation and maximum period a vehicle may wait	(5) Scale of charges and exemptions
County Council’s Office car park, Carlisle CA1 1SL	Any vehicle to be parked wholly within a marked bay on the parking place	All vehicles except: D, E, F, G Class C for deliveries only	8.00am on Monday to 6.00pm on Friday, – excluding public and bank holidays Unlimited period of waiting	Permits Holders A, B, C and D and only in the bays signed or marked for the specified Permit Blue badge holders and visitors at the discretion of Facilities Management No charges are applicable
County Council’s Office car park, Carlisle, CA1 1SL	Any vehicle to be parked wholly within a marked bay on the parking place	All vehicles except: C, D, E, F, G	6.00pm on Friday to midnight on Sunday – including public and bank holidays Blue badge holders free for a maximum stay of 3 hours. No return to the parking place within 1 hr for a further free period. Any additional waiting must be paid for as per the current pay & display tariff Motorcycles park free in designated bays	Current pay & display and pay by phone tariff as advertised – tariff detailed in Schedule 5 Blue badge holders free for maximum of 3 hours – current pay & display and pay by phone tariff detailed in Schedule 5 will apply after the expiry of 3 hours if waiting continues beyond that period

Schedule 4 Off Street Parking Places for disabled Blue Badge holders

(1) Name and location of Parking Place	(2) Position in which Vehicle may be parked	(3) Classes of Vehicles that may use the parking places	(4) Days and times of operation and maximum period a vehicle may wait	(5) Scale of charges and exemptions
County Council’s Office car park, Carlisle CA1 1SL	As directed on signs displayed at the parking place and wholly within the parking place	All vehicles displaying a blue badge except: C,D,E,F,G	6.00pm on Friday to midnight on Sunday – including public and bank holidays Blue badge holders free for a maximum stay of 3 hours. No return within 1 hour for a further free period. Any additional waiting must be paid for as per the current pay & display tariff	Blue badge holders free for maximum of 3 hours – current pay & display and pay by phone tariff detailed in Schedule 5 will apply after the expiry of 3 hours if waiting continues beyond that period

Schedule 5 Off Street Pay & Display and Pay by Phone charges

Hours of operation	Name and location of parking place	Charges as from 1 October 2016
6.00pm on Friday to midnight on Sunday (including public and bank holidays)	County Council's office car park, Carlisle CA1 1SL	Up to 1 hour - £1.00 1 – 2 hours - £1.60 2 – 3 hours - £2.10 3 – 4 hours - £2.50 4 – 6 hours - £3.00 All Day - £3.50 Any period between 6.00pm and midnight and between midnight and 8.00am - Free Blue Badge holders: – Free for first 3 hours (No return within 1 hour of waiting). Any additional waiting to be paid for in accordance with the charges outlined above.

Annual and monthly Parking Permit Tariff

Annual and Monthly permits are not valid for Cumbria County Council's Office car park

Pay by Phone

Pay by phone is an alternative payment method to paying via the automated ticket issuing machine

Blue Badge Holders

Disabled Badge Holders may park for up to a maximum period of 3 hours, free of charge in any bay marked bay.

A clock disc must be clearly displayed set at the "time of arrival" along with a valid Disabled Person's Badge.

There is no return to the car park within one hour of leaving.

For stays of over 3 hours the normal hourly charges apply.

Penalty Charge Notice

Level of Penalty Charge Notice	If paid within 14 days	If paid between 15 days and service of Notice to Owner	If paid between service of Notice to Owner and service of Charge Certificate	If paid after service of Charge Certificate
Lower Level £50.00	£25.00	£50.00	£50.00	£75.00
Higher Level £70.00	£35.00	£70.00	£70.00	£105.00

Appendix 3 – The County of Cumbria (Cecil Street, Carlisle) (Off Street Parking Places) Order 2016

The County of Cumbria (Cecil Street, Carlisle) (Off Street Parking Places) Order 2016

The County Council (“the Council”) in exercise of its powers under Sections 32(1), 33(1,2,3) and (7), 34, 35, 35A, and 35C and 39 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the 1984 Act”) and Part III of Schedule 9 of the said Act of 1984 and in exercise of its powers under Part 6 of the Traffic Management Act 2004 (Civil Enforcement Area) and all other enabling powers, and after consulting with the Chief Officer of Police in accordance with paragraph 20 of Schedule 9 to the 1984 Act hereby make the following Order.

Part I General

1. (1) Provisions of this Order shall come into operation on 2016 and may be cited as “The County of Cumbria (Cecil Street, Carlisle) (Off-Street Parking Places) Order 2016”
- (2) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:-

“**annual permit**” means a permit purchased privately for the purpose for which the appropriate fee was paid to park within the relevant parking places which are detailed in Schedule 3 to this Order and the types of and charges for annual permit are set out in Schedule 5 to this Order. Improper use of the annual permit in contravention of this Order will render it void;

“**appropriate manner**” means in relation to the display of pre-paid tickets and parking permits that such pre-paid tickets and parking permits will be displayed in such a position:-

- b) Inside the vehicle and in such a manner that any date and time symbols or permit details thereon are clearly visible from the front or nearside of the vehicle;

“**automatic ticket issuing machine**” means in relation to equipment designed for collecting charges in exchange for paper pre-paid tickets that will validate parking at the specified location displayed on the ticket at the time of purchase for a specified time on a specified date;

“**caravan**” means a trailer constructed to include living accommodation and equipment;

“**commercial vehicle**” means any mechanically propelled vehicle which is constructed or adapted for the carriage of goods;

“**charging hours**” means the days and times of operation and maximum period a vehicle may stay stipulated in Column 4 of Schedules 3 and 4;

“**Civil Enforcement Officer (Parking)**” means a person as defined in Section 63A of the Road Traffic Regulation Act, 1984 and Part 6 of the Traffic Management Act 2004;

“**coach**” means a chartered long distance single-decker bus constructed to carry more than 16 seated passengers in addition to the driver;

“**contravention**” means a contravention of the provisions of this Order and a contravention may result in a Penalty Charge Notice being issued as detailed in accordance with Schedule 2 of this Order;

“**credit card**” means a written authorisation issued by a bank or other financial institution allowing the holder to obtain credit within a specified limit in order to make direct payment for goods or services;

“**debit card**” means a written authorisation issued by a bank or other financial institution allowing the holder to make direct payment for goods or services from an account held with that bank or other financial institution;

“**designated agent**” means a company or an Authority authorised to act on the Councils behalf and Authority may include a district or borough council

“disabled parking bay” means an area of a parking place marked for the sole use of persons displaying a valid disabled person’s badge indicated by displayed signs and/or surface markings;

“disabled person’s badge” (also referred to herein as a “blue badge”) shall have the meaning assigned to it by Section 2(1) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“disabled person’s parking disc” means a parking disc which will be displayed in a vehicle also displaying a disabled person’s badge in the position set out in Section 4 of the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulation 2000;

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

“enactment” means any enactment, whether public, general or local, and includes any order, bylaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“heavy commercial vehicle” has the same meaning as in Section 138(1) of the Road Traffic Regulation Act 1984;

“heavy motor car” has the same meaning as in section 136(3) of the Road Traffic Regulation Act 1984;

“marked bay” means a bay marked out and indicated by either different coloured paving blocks, surface studs, kerbs, signs or painted markings on the surface of the parking place within which vehicles of the appropriate class may park;

“minibus” means a small passenger carrying motor vehicle not exceeding 5.5m in length capable of carrying more than 8 but not more than 16 passengers whether or not the same is either a motor car or a heavy motor car as the case may be;

“monthly permit” means a permit purchased privately for the purpose for which the appropriate fee was paid to park within the relevant parking places which are detailed in Schedule 3 to this Order and the types of and charges for monthly permit are set out in Schedule 5 to this Order. Improper use of the monthly permit in contravention of this Order will render it void;

“motor car” has the same meaning as in Section 185 (1) of the Road Traffic Act 1988;

“motor caravan or camper” means a vehicle which provides fixed sleeping arrangements whether or not the same is either a motor car or heavy motor car as the case may be

“motor cycle” has the same meaning as in Section 185 (1) of the Road Traffic Act 1988

“motor vehicle” means any vehicle as defined in Section 136(1) of the Road Traffic Regulation Act 1984

“owner” has the same meaning as in Section 92(1) of the Traffic Management Act 2004

“parking charge” means the charge as described in Article 2 (3) of this Order and column 5 Schedule 3 of the Order

“parking permit” means any document, voucher or warrant for parking issued and authorised by the Council showing the Council logo, the relevant date and location of the authorisation. Improper use of the parking permit will render it void. The term ‘parking permit’ includes annual permits, monthly permits, Permit A, Permit B, Permit C and Permit D and temporary permits issued and authorised by the Council for the use specified thereon;

“parking disc” means an approved device which is capable of showing the quarter hour period during which a period of waiting begins and has the same meaning as in regulation 8(5) of the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

“parking place” means an area of land off a road authorised by this order and specified by name in Column 1 of Schedules 3 and 4 to this Order provided by the Council under Section 32(1) of the Act for use as a parking place

“pay & display” means a system of payment for parking of motor vehicles used at car parks where pre-paid tickets obtained from an automatic ticket issuing machine must be displayed in the appropriate manner and in the relevant position within the vehicle before the period of waiting begins

“pay by phone” means a system of payment for parking of motor vehicles used at car parks where the period of waiting can be validated with a virtual pay & display ticket or parking permit obtained only using this method

“penalty charge” means a charge issued in compliance with the provisions of Part 6 of the Traffic Management Act 2004

“penalty charge notice” a notice of a penalty charge which is issued in accordance with the provisions of Part IV of this Order and detailed in Schedule 5 to this Order

“permitted hours” means in relation to a parking place, the period during which a vehicle may stay as detailed in column 4 of Schedules 3 and 4 to this Order

“Permit A”, “Permit B”, “Permit C” and “Permit D”, means a permit issued by the council to a qualifying person, group of persons or vehicle, improper use of which will render it void.

“pre-paid ticket” means a ticket obtained from an automatic ticket issuing machine for collecting charges installed at any of the parking places referred to in column 1 of Schedule 3 and Schedule 4

“registered keeper” means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994

“relevant date” means the date upon which any vehicles is or was parked in any parking place referred to in this Order or upon which any event occurs or occurred in breach of any of the provisions of this Order or to which this Order relates;

“relevant position” – means

- (i) if the vehicle is fitted with a front windscreen the pay & display ticket, parking permit or disabled persons badge and disabled parking disc shall be exhibited with the side containing the details relevant to make the ticket or permit valid facing forwards on the near side of the vehicle and immediately behind the windscreen either attached to it or upon the dashboard or fascia so that the same is readable from the outside of the vehicle; or
 - (ii) in the case of a vehicle not fitted with a front windscreen or dashboard or fascia the parking ticket or parking permit shall be exhibited in a conspicuous and readable position on the vehicle;
- (a) in connection with the display upon a vehicle of a pay & display ticket;
- (i) the particulars of the pay and display ticket including the time and date of purchase and the car park for which the ticket is valid shall be displayed so that these details can be viewed from the outside of the vehicle
- (c) in connection with the display upon a vehicle of a parking permit;
- (i) the particulars of the permit shall contain the Council's logo, the date and location of the authorisation and vehicle registration where applicable
- (c) in connection with the display upon a vehicle of a disabled person's badge and disabled person's parking disc;
- (i) the particulars of the blue badge that shall be displayed in the manner previously detailed as it is dictated in the most up to date version of the disabled persons blue badge scheme: rights and responsibilities in England
- (d) in connection with the display upon a vehicle of a clock disc;
- (i) the clock disc will be displayed in the manner listed above showing the time of arrival to the nearest quarter of an hour and shall be for no longer than the maximum time limit displayed on the signage displayed in the area which the vehicle is parked

“**trailer**” has the same meaning as in Section 138(3) of the Road Traffic Regulation Act 1984;

“**transaction fee**” means any additional charge payable to the Council’s designated agent for services associated with the pay-by-phone service;

“**virtual permit**” means an electronic notification from the Council’s designated agent that the appropriate fees have been paid in relation to time purchased for parking in any of the parking places set out in Schedules 3 and 4 to this Order

- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- (4) Any reference in this Order to a numbered clause or Schedule shall, unless the context otherwise requires, be construed as reference to the clause or Schedule bearing that number in this Order.

Part II

Use of land and parking places

3. Save as provided in clause 3 in this Part II

- (1) Each area of land specified by name in Column 1 of Schedules 3 and 4 may be used, subject to the following provisions of this clause as a parking place.
- (2) Where in columns 2 and 3 of schedules 3 and 4 a parking place is described as available for vehicles of a class specified in Schedule 1 of this Order or in a specified position the driver of the vehicle shall not permit it to wait in that parking place unless it is of a class and in the position so specified.
- (3) Where in columns 4 and 5 of Schedules 3 and 4 a parking place is described as available within permitted hours and subject to a scale of charges no driver waiting within the permitted hours shall permit a vehicle to wait in that parking place unless a parking charge has been paid in accordance with clause 4 of this Part II and the pre-paid ticket, or permit obtained in accordance with that clause is displayed in the relevant position and appropriate manner. PROVIDED THAT nothing in this clause 2(3) shall apply in respect of:-
 - (i) a motor vehicle which displays in the appropriate manner and the relevant position a valid parking permit.
- (4) No person shall permit a vehicle to be left/wait in a parking place for longer than the maximum period for waiting specified in column 4 of Schedules 3 and 4 to this Order

3. (1) The Council may, by notice placed in or near a parking place, suspend the use of or close that parking place or any part thereof for any period and the driver of a vehicle shall not, without consent of the Council, cause or permit that vehicle to wait in that parking place or any part thereof which is suspended or closed.

(2) The Council may, by notice placed in or near a parking place, designate that parking place or any part thereof for free use by vehicles waiting in connection with functions or purposes authorised by the Council and the driver of a vehicle shall not cause or permit that vehicle to wait in that parking place or part thereof so designated unless in connection with that function or purpose.

(3) Nothing in clause 2 of this Part II shall apply to the following –

- (iv) vehicles in use for works of building, demolition, repair or maintenance to car parks;
- (v) vehicles of the emergency services while in use for such purposes; or
- (vi) vehicles authorised by the Council for specified purposes;

- (4) Nothing in clause 2(3) of this Part II relating to the payment of charges shall apply to the following:
- (i) Solo motor cycles (a two wheeled mechanically propelled vehicle not having a side car or trailer) attached thereto in designated bays and;
 - (ii) Vehicles using a disabled parking bay or a standard pay and display bay; correctly displaying a disabled persons badge and disabled persons parking disc for a maximum of 3 hours no return within 1 hour;
 - (iii) Vehicles displaying a valid Parking permit issued or authorised by the Council;
- (5) Where in a parking place signs are displayed and or surface markings are laid for the purpose of indicating that a part thereof in the parking place is reserved for use by –
- (i) a disabled persons vehicle which displays in the relevant position a disabled persons badge and disabled persons parking disc;
 - (ii) motorcycles;
 - (iii) coaches;
 - (iv) caravans;
 - (v) Parking permit holders only;

no person shall cause or permit a vehicle to wait in that part of the parking place unless the vehicle is of that class.

4. Save as provided in clauses 6 and 7 of this Part II, the driver of a vehicle using a parking place at any time during which a charge is payable shall upon leaving the vehicle in the parking place pay the charge specified in Column 5 of Schedules 3 and 4 as appropriate by the insertion in an automated ticket issuing machine relating to that parking place of a coin or coins where more than one coin is required for payment of that charge. The coins shall be inserted in the automatic ticket issuing machine one immediately after the other. Provided that no such charge shall be payable by the driver of a vehicle left in that parking place which displays a valid parking permit issued in respect of that vehicle by the Council. The parking charge may be made by credit card or debit card by way of mobile telephone communication to the Council's designated agent. In such circumstances there is no requirement to display a ticket or receipt showing proof of payment of the parking charge.
5. Where a pre-paid ticket, parking permit, disabled badge, or parking disc has been displayed on a vehicle in the relevant position, no person, not being the driver of the vehicle, shall remove such ticket or parking permit, disabled badge or parking disc from the vehicle unless authorised to do so by the driver of the vehicle.
6. Pre-paid tickets issued on payment of the parking charge are only available for use in the parking place where they are issued and are not transferable either between the parking places or users of that parking place.
7. (1) Where payment of a parking charge is made to the designated agent by credit card or debit card by way of mobile telephone communication the payee shall disclose the;
- (i) call number of the mobile telephone
 - (ii) identification number and any such other detail as may be requested by or on behalf of the Council relating to the credit card or debit card against which the parking charge is being paid.
 - (iii) location number of the parking place in respect of which payment is being made
 - (iv) registration number of the motor vehicle being parked
- (2) Where payment of a parking charge is made by credit card or debit card by mobile phone
- (i) The transaction fee shall be payable at the time
 - (ii) The parking period shall commence on receipt by the Council or designated agent of the details specified in Article 7(1)

- (3) At any time after a parking charge has been paid in accordance with the preceding paragraphs of this Article In respect of a parking period that parking period may be increased on further payment of the additional parking charge and the appropriate transaction fee always provided that the maximum permitted parking period for that parking place is not exceeded.
 - (4) The payee of a parking charge in accordance with the preceding paragraphs of this Article may request to be informed by a text message as to the imminent expiry of the parking period provided that where such text message is sent the appropriate transaction fee as advertised at each site has been paid.
 - (5) The Council shall display a Notice in every car park where the option of payment of the parking charge by credit or debit card is available, such Notice shall display the location number of the parking place in which it is sited and provide operational guidance on the payment of the parking charges.
8. No vehicle shall be sold, offered or exhibited for sale whilst it is in a parking place.
 9. No work of building, construction, cleaning, engineering, maintenance or repair of any nature shall be carried out in a parking place, except such as may be necessary to enable a vehicle to be moved from the parking place, nor shall any plant or equipment or materials be deposited in a parking place other than with the express permission of the Council and payment of such a fee as may be determined by the Council.

Part III Other Provisions

10. Where in a parking place signs are erected and/or surface markings are laid for the purpose of:-
 - (a) indicating the entrance to or exit from the parking place, or
 - (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,

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.

11. Where in a parking place signs are erected and/or surface markings are laid for the purpose of indicating that waiting is prohibited or that access to premises is to be kept clear no person shall cause or permit a vehicle to wait in that part of the parking place including vehicles displaying a valid disabled person's badge and disabled person's parking disc.
12. (1) Where in a parking place signs are erected and/or surface markings are laid for the purpose of indicating a parking bay the driver of that vehicle will ensure that the vehicle is parked wholly within the markings of the bay or space. No person shall cause or permit a vehicle to wait in that part of the parking place with one or more wheels over the lines of that marked parking bay
- (2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from the parking place or arrange for such removal. The costs of such removal and any subsequent storage of the vehicle shall be recoverable from the driver or owner of that vehicle
- (3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a Police Officer in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
- (4) Any person altering, or causing the alteration of the position of a vehicle by virtue of paragraphs (2) or (3) of this Article, or removing or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article shall make such arrangements as considered to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

13. The driver of a vehicle shall not permit that vehicle to use a parking place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by a driver such a policy of insurance as complies with the requirement of Part VI of the Road Traffic Act 1988.
14. The driver of a motor 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 depart from the parking place.
15. No person shall use the 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 selling or offering for hire of his skills or services, unless prior written authorisation is sought and granted from the Council.
16. No person shall use any part of the parking place or any vehicle left in a parking place –
 - (d) for sleeping or camping purposes;
 - (e) for eating or cooking purposes; or
 - (f) for the purposes of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
17. No person shall use a parking place as a means of passage proceeding from one road to another road.
18. The driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument except if necessary when about to change the position of the vehicle in or to depart from the parking place.
19. No person shall except as otherwise provided by this Order drive any vehicle in a parking place other than for the purpose of leaving the vehicle in a parking place for the purpose of departing from the parking place, or for access to premises adjacent to the parking place.
20. No person shall in a parking place wantonly shout or otherwise make or cause to be made any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
21. In a parking place no person shall –
 - (c) erect or cause or permit to be erected any tent, booth, stand, building, or other structure without the written consent of the Council; or
 - (d) light or cause or permit to be lit any fire.
22. No vehicle shall be left in a parking place for longer than the maximum period permitted for waiting specified in column 4 Schedules 3 and 45;
23. No caravan shall use a parking place unless otherwise authorised;
24. No trailer shall use a parking place unless otherwise authorised;
25. No minibus or motor caravan shall use a parking place unless otherwise authorised;
26. No coach shall use a parking place unless otherwise authorised;
27. No heavy commercial vehicle shall use any part of a parking place unless otherwise authorised
28. The Council may suspend the application of all or any of the foregoing provisions to any parking place or part thereof and may consent to the use of that parking place or part thereof for specified purposes.

Part IV
Penalty Charge at Parking Places

29. (1) If a vehicle is left in a parking place in contravention of or non-compliance with

Any of the relevant provisions of this Order it shall be the duty of a Civil Enforcement Officer (Parking) to issue a Penalty Charge, pursuant to the provisions of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007(Statutory Instrument Number 2007/3483) or such other Act or Regulation or Statutory Instrument as shall replace or repeal all or part of the said Statutory Instrument Number 2007/3483 (“hereinafter referred to as SI 2007/3483”)

(2) The Penalty Charge Notice shall be payable by the owner for each day of the said contravention or non compliance to the Council. The amount of the charge being any amount recommended by the Secretary of State and approved by Members of the Council as set out in Schedule 9 to this Order;

30. The Contents of a penalty charge notice served under the provisions of this Order will contain all relevant information set out in regulation 9 or 10 of SI 2007/3483

31. The contraventions under which a Penalty Charge Notice can be issued are set out in Schedule 2 to this Order;

32. (1) Payment of the penalty charge to the Council or its designated agent shall either be by cash, cheque, postal order, credit or debit card;

(2) in the event of payment being received in relation to any Penalty Charge Notice having been correctly served within 14 days of the date the Penalty Charge Notice was issued the amount payable of the Penalty Charge Notice shall be reduced to an amount recommended by the Secretary of State and approved by the Council; the said payment shall be accepted in full settlement of the Penalty Charge Notice payable under the terms hereof;

(3) Payments can be delivered, sent by post, by telephone or via the internet as appropriate so as to reach the relevant department/office of the Council or the Councils contractor as stated on the Penalty Charge Notice;

(4) Payment must be made by the date specified on the Penalty Charge Notice but should the said Council department/office or the office of the Councils contractor be closed on the said date specified the period for receiving payment will be extended until the next full working day;

(5) payment of the Penalty Charge Notice (whether or not the same is reduced under the provisions of paragraph 2 hereof) will not exonerate any persons from payment of any expenses recoverable in respect of the removal and disposal of the vehicle pursuant to the provisions for the time being in force or from any claim to damages which the Council may have in respect of damage incurred in relation to the parking of the vehicle howsoever arising;

33. The particulars detailed on the Penalty Charge Notice, notified in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

34. The enforcement of Penalty Charges will be carried out in accordance with the provisions of Part V of SI 2007/3483

35. The registered keeper at the relevant date shall, pursuant to the provisions of Vehicle Excise and Registration Act 1994, be deemed to be responsible for any contravention or non-compliance with this Order unless the registered keeper can prove in any proceedings:-

(iii) that the registered keeper was neither the owner nor the keeper of the vehicles at the time of the contravention; or

(iv) that the vehicle was being used on that date without the consent of the registered keeper;

Provided that the Council shall be entitled to proceed against any other persons who the Council proves to be either the owner or the keeper or the driver of the vehicle at the time of the contravention instead of the registered keeper.

Part V
Liabilities and Penalties

- 36.** The Council accepts no liability for the loss or damage to vehicles or other property left in any vehicle waiting in the parking places referred to in this Order.
- 37.** (1) Any person who contravenes or fails to comply with any provision of Part III this Order shall be guilty of an offence pursuant to Section 35A of the 1984 Act.
- (2) Any person who with intent to defraud interferes with an automatic ticket issuing machine or pay station or operates or attempts to operate it by the insertion of objects other than current coins of the appropriate denomination shall be guilty of an offence pursuant to Section 35A of the 1984 Act.

THE COMMON SEAL OF)

CUMBRIA COUNTY COUNCIL)

was hereunto affixed)

in the presence of:-)

Authorised Signatory

Schedule 1 Classes of Vehicles

Code	Class of vehicles
A	solo motorcycles
B	motor car – private or light goods passenger vehicles capable of carrying up to 7 passengers
C	commercial vehicle and heavy commercial vehicles – a vehicle constructed to carry goods of burden
D	Coaches – a vehicle adapted to carry more than 16 passengers excluding the driver
E	caravan – a trailer constructed to include living accommodation and equipment
F	minibus and small passenger vehicle – a vehicle capable of carrying 8 or more passengers but no more than 16 passengers
G	motor caravan or camper – a vehicle which provides fixed sleeping arrangements

Schedule 2 Off Street Contraventions incurring a Penalty Charge

Contravention Code	Description	Class Applicable
73	Parked without payment of the parking charge	A, B, C, D, E, F, G
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	A, B, C, D, E, F, G
80	Parked for longer than the maximum period permitted	A, B, C, D, E, F, G
81	Parked in a restricted area	A, B, C, D, E, F, G
82	Parked after the expiry of time for in a pay & display car park	A, B, C, D, E, F, G
83	Parked in a Pay & display car park without clearly displaying a valid pay & display ticket	A, B, C, D, E, F, G
84	Parked with additional payment made to extend the stay beyond the time first purchased	A, B, C, D, E, F, G
85	Parked in a permit bay without clearly displaying a valid permit	A, B, C, D, E, F, G
86	Not parked correctly within the markings of a bay or space	A, B, C, D, E, F, G
87	Parked in a disabled persons parking space without clearly displaying a disabled persons badge	A, B, C, D, E, F, G
89	Vehicle parked exceeds maximum weight and/or height permitted in the area	A, B, C, D, E, F, G
90	Re parked within the no return period after leaving a bay or space in a car park	A, B, C, D, E, F, G
91	Parked in a car park or area not designated for that class of vehicle	A, B, C, D, E, F, G
92	Parked causing an obstruction	A, B, C, D, E, F, G
93	Parked in a car park when closed	A, B, C, D, E, F, G
94	Parked in a pay & display car park without clearly displaying two valid pay & display tickets when required	A, B, C, D, E, F, G
95	Parked in a parking place for a purpose other than the designated purpose for the parking place	A, B, C, D, E, F, G
96	Parked with the engine running where prohibited	A, B, C, D, E, F, G

Schedule 3 Off Street Pay & Display Parking Places – Cecil Street Car Park, Carlisle

(4) Name and location of Parking Place	(5) Position in which Vehicle may be parked	(6) Classes of Vehicles that may use the parking places	(4) Days and times of operation and maximum period a vehicle may wait	(5) Scale of charges and exemptions
Cecil Street car park, Carlisle, CA1 1NT	Any vehicle to be parked wholly within a marked bay on the parking place	All vehicles except: C, D, E, F, G	<p>All day, Monday to Sunday (i.e. 24 hours each day) (including public and bank holiday)</p> <p>Blue badge holders free for a maximum stay of 3 hours. No return to the parking place within 1 hr for a further free period. Any additional waiting must be paid for as per the current pay & display tariff</p> <p>Motorcycles park free in designated bays</p>	<p>Permits Holders A, B, C and D are exempt from parking charges only on the days for which the permit is valid (i.e. Monday to Friday)</p> <p>Current pay & display and pay by phone tariff as advertised – tariff detailed in Schedule 5</p> <p>Annual and monthly permit holders are exempt from the tariff detailed in Schedule 5 only on the days the permit is valid</p> <p>Blue badge holders free for maximum of 3 hours – current pay & display and pay by phone tariff detailed in Schedule 5 will apply after the expiry of 3 hours if waiting continues beyond that period</p>

Schedule 4 Off Street Parking Places for disabled Blue Badge holders

(1) Name and location of Parking Place	(2) Position in which Vehicle may be parked	(3) Classes of Vehicles that may use the parking places	(4) Days and times of operation and maximum period a vehicle may wait	(5) Scale of charges and exemptions
Cecil Street car park, Carlisle CA1 1SL	As directed on signs displayed at the parking place and wholly within the parking place	All vehicles displaying a blue badge except: C,D,E,F,G	<p>All day, Monday to Sunday (i.e. 24 hours) (including public and bank holidays)</p> <p>Blue badge holders free for a maximum stay of 3 hours. No return within 1 hour for a further free period. Any additional waiting must be paid for as per the current pay & display tariff</p>	Blue badge holders free for maximum of 3 hours – current pay & display and pay by phone tariff detailed in Schedule 5 will apply after the expiry of 3 hours if waiting continues beyond that period

Schedule 5 Off Street Pay & Display and Pay by Phone charges

Hours of operation	Name and location of parking place	Charges as from 1 October 2016
All day, Monday to Sunday (i.e. 24 hours) (including public and bank holidays)	Cecil Street car park, Carlisle CA1 1NT	Up to 1 hour - £1.00. 1 – 2 hours - £1.60 2 – 3 hours - £2.10 3 – 4 hours - £2.50 4 – 6 hours - £3.00 All Day - £3.50 Any period between 6.00pm and midnight and between midnight and 8.00am - Free Blue Badge holders: – Free for first 3 hours (No return within 1 hour of waiting). Any additional waiting to be paid for in accordance with the charges outlined above.

Annual Parking Permit Tariff

Monday to Friday - £250.00

Monday to Sunday - £350.00

Monthly Parking Permit Tariff

Monday to Friday - £26.00

Monday to Sunday - £29.00

Pay by Phone

Pay by phone is an alternative payment method to paying via the automated ticket issuing machine

Blue Badge Holders

Disabled Badge Holders may park for up to a maximum period of 3 hours, free of charge in any bay marked bay.

A clock disc must be clearly displayed set at the “time of arrival” along with a valid Disabled Person’s Badge.

There is no return to the car park within one hour of leaving.

For stays of over 3 hours the normal hourly charges apply.

Penalty Charge Notice

Level of Penalty Charge Notice	If paid within 14 days	If paid between 15 days and service of Notice to Owner	If paid between service of Notice to Owner and service of Charge Certificate	If paid after service of Charge Certificate
Lower Level £50.00	£25.00	£50.00	£50.00	£75.00
Higher Level £70.00	£35.00	£70.00	£70.00	£105.00

