

BARROW BOROUGH COUNCIL

The Barrow Borough Council

(Off-Street Parking Places) Order 2009

**MADE BY THE COUNCIL UNDER SECTION 35 OF THE ROAD TRAFFIC
REGULATION ACT, 1984 AND PART 6 AND SCHEDULES 8 AND 9 OF
THE TRAFFIC MANAGEMENT ACT 2004 ON THE
20th DAY OF July 2009**

BARROW BOROUGH COUNCIL

THE BARROW BOROUGH COUNCIL (OFF STREET PARKING PLACES) ORDER 2009

The Barrow Borough Council (hereinafter called "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 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, with the consent of Cumbria County Council in accordance with Section 39(3) of the 1984 Act 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 1

GENERAL

1. (1) This Order shall come into operation on 20th July 2009 and may be cited as the Barrow In Furness (Off-Street Parking Places Order) 2009

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

"charging hours" means the time or times stipulated in Column 4 of Schedule 3

"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 eight seated passengers in addition to the driver;

"Council" means Barrow Borough Council;

"contract/parking permit" means a permit issued by the Council pursuant to the provisions of Article 6;

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

"disabled persons 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 vehicle" has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 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;

"invalid carriage" has the same meaning as in Section 185(1) of the Road Traffic Act

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

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

"owner" has the same meaning as in Section 111(3) of the Act;

"Parking charge" means the charge as described in Article 3 (3) of this Order;

"designated parking bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by either different coloured paving blocks, surface studs, kerbs, signs or painted markings on the surface of the parking place;

"designated agent" means a company authorised to act on the Councils behalf;

"parking disc" 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 any area of land specified by name in Column 1 of Schedule XX to this Order provided by the Council under Section 32(1) of the Act for use as a parking place;

"penalty charge" means a charge issued in compliance with the provisions of Part 6 of the Traffic Management Act;

"permitted hours" means in relation to a parking place, the period during which a charge is payable at that parking place;

"relevant position" – means

(a) in connection with the display upon a vehicle of a parking ticket or parking permit:-

- (i) if the vehicle is fitted with a front windscreen the parking ticket or parking permit shall be exhibited with the obverse side 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;

(b) In connection with the display upon a vehicle of a disabled persons badge or parking disc means the position defined in Section 4 of the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulation 2000;

"ticket" means a ticket issued by a ticket parking meter related to the parking placed in which the vehicle is left;

- (2) 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.
- (3) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as reference to the Article or Schedule bearing that number in this Order.

PART II

USE OF PARKING PLACES

2. Save as provided in Article 3(5)

(1) Each area of land specified by name in Column 1 of Schedule 3 may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions on such days and during such hours as are specified in relation to that area in the Schedule.

(2) Where in Schedule 3.(Columns 2 and 3) a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place unless it is of a class and in the position so specified and during the permitted hours subject to any maximum stay referred to in Column 4 of Schedule 3.

3. (1) The Council may, by notice placed in or near a parking place, suspend the use of 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, notwithstanding the provisions of Article 5(3) and the following paragraphs of this Article.

(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, notwithstanding the provisions of Article 3 and the other paragraphs of this Article.

(3) Nothing in Article 3(2) relating to the position in which a vehicle may wait as specified in column 2 of Schedule 3 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 Article 3(2) relating the permitted class of vehicles as specified in Column 3 of Schedule 3 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

(5) Nothing in Article 3(3) relating to the payment of charges shall apply to the following –

- (i) vehicles of the emergency services while in use for such purposes;
- (ii) vehicles authorised by the Council for specified purposes;

- (iii) solo motor cycles (a two wheeled mechanically propelled vehicle not having a side car or trailer) attached thereto;
 - (iv) vehicles in use for works of building, demolition, repair or maintenance to car parks; or
 - (v) vehicle using a disabled parking bay or a standard pay and display bay; correctly displaying a disabled persons badge and time clock for a maximum of 3 hours no return within 2 hours.
- (6) 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 parking disc;
 - (ii) motorcycles; or
 - (iii) permit/contract holders only bay.

No person shall cause or permit a vehicle to wait in that part of the parking place unless the vehicle is of that kind, notwithstanding the provisions of Article 3(1) and Schedule 4(3).

4. Save as provided in Article 6,

(1) 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 Schedule 3 as appropriate by the insertion in a ticket parking meter relating to that parking place of a coin or coins, notes or debit/credit card payment together making up the amount of the charge and, where more than one coin is required for payment of that charge, the coins shall be inserted in the ticket parking meter 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.

5. Where a ticket, a parking permit or contract has been displayed on a vehicle in accordance with Article 2(a) no person, not being the driver of the vehicle, shall remove such ticket or permit from the vehicle unless authorised to do so by the driver of the vehicle.
6. 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.

PART III

OTHER PROVISIONS

7. 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.

8. 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.

9. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 3 (2), a Civil Enforcement Officer or other person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position of the vehicle so that it is in accordance with the said provisions.

(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 (1) 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.

(5) Any person removing or arranging for 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.

(6) The Council may as respects a vehicle which has been removed from a parking place in pursuance of Article 10 (4) if it appears to it to have been abandoned, sell or otherwise dispose of the vehicle in accordance with the Removal and Disposal of vehicles Regulations 1986 as amended from time to time.

10. 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.

11. 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.

12. No person shall use the vehicle while it is in a parking place in connection with the sale or 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 from the Council.

13. 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.

14. No person shall use a parking place as a means of passage proceeding from one road to another road.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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

- 20.** If a vehicle is left in a parking place in contravention of or non-compliance with any Article of this Order a Penalty Charge shall be payable by the owner (subject to the provisions of Part 6 of the Traffic Management Act) for each day of the said contravention or non-compliance.
- 21.** (1) Payment of the penalty charge to the Council or its designated agent shall either be by cheque, postal order, credit or debit card.
- (2) 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.
- (3) 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.
- 22.** The particulars given in the Penalty Charge attached to a vehicle or handed to the driver or person deemed to be responsible for the vehicle, in accordance with Part 6 of the Traffic Management Act shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

PART V

LIABILITIES AND PENALTIES

- 29.** The Council accepts no liability for the loss or damage to vehicles or other property left in any vehicle of the Councils parking places to which this Order applies.
- (1) Any person who contravenes or fails to comply with any provision of this Order shall pursuant to Section 35A of the Act be guilty of a contravention.
- (2) Any person who with intent to defraud interferes with a ticket parking meter 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.

SCHEDULE 1

CLASSES OF VEHICLES

CODE	CLASS OF VEHICLE
A	Non-motorised vehicles
B	Solo motorcycles
C	Motor car
D	Commercial Vehicles & Heavy Goods Vehicles
E	Passenger vehicles adapted to carry more than 12 passengers excluding the driver

SCHEDULE 2

CONTRAVENTIONS INCURRING A PENALTY CHARGE

CONTRAVENTION CODE	DESCRIPTION	CLASS APPLICABLE
80	Parked for longer than the maximum period permitted	A, B, C, D
81	Parked in a restricted area	A, B, C, D
82	Parked after the expiry of time paid for in a pay and display car park	A, B, C, D
83	Parked in a Pay and Display car park without clearly displaying a valid pay and display ticket	A, B, C, D
84	Parked with additional payment made to extend the stay beyond the time first purchased	A, B, C, D
85	Parked in a permit bay without clearly displaying a valid permit	A, B, C, D
86	Parked beyond the bay markings	A, B, C, D
87	Parked in a disabled persons parking space without clearly displaying a disabled persons badge	A, B, C, D
89	Vehicle parked exceeds maximum weight and/or height permitted in the area	A, B, C, D
90	Re parked within the no return period after leaving a bay or space in a car park	A, B, C, D
91	Parked in an area not designated for that class of vehicle	A, B, C, D
92	Parked causing an obstruction	A, B, C, D
93	Parked in a car park when closed	A, B, C, D

**SCHEDULE 3
PARKING PLACES**

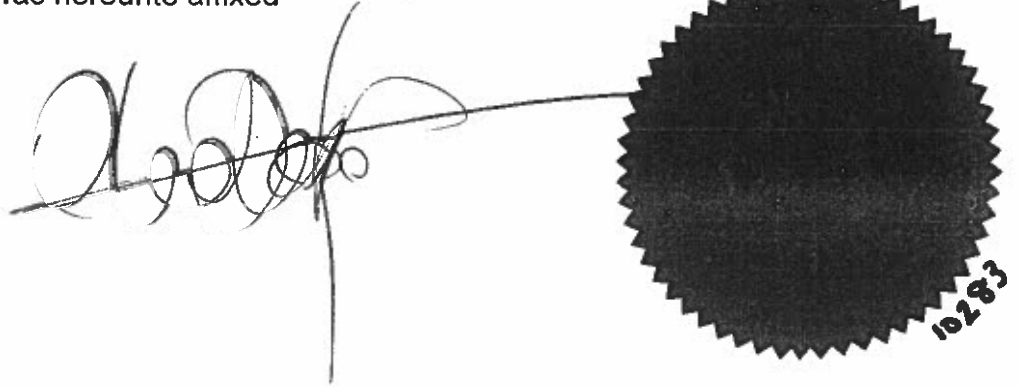
(1) Name of Parking Place	(2) Position in which vehicle may be parked	(3) class of vehicles	(4) Days and times of operation & maximum period a vehicle may stay	(5) scale of charges
Holker Street (North)	Any vehicle to be wholly within a bay marked on the parking place. Contract holders in spaces marked with a letter "C" or otherwise indicated as only available for contract holders	All vehicles except:- D) goods vehicles exceeding 15000kg unladen weight and E) passenger vehicles adapted to carry more than 12 passengers	Monday to Saturday 8.00am to 6.00pm A vehicle may stay Up to 10 hours	No charge to contract holders

Given under the Common Seal of Barrow in Furness Borough Council

This 20th of July 2009

THE COMMON SEAL OF BARROW IN FURNESS
BOROUGH COUNCIL was hereunto affixed
In the presence of:-

Director



A handwritten signature in black ink is written over a circular, serrated seal. The signature is cursive and appears to be 'A. D. F.'. The seal is a solid black circle with a jagged, sunburst-like edge. The number '10283' is printed in the bottom right corner of the seal.