

BARROW-IN-FURNESS BOROUGH COUNCIL

The Council of the Borough of Barrow-in-Furness (Off-Street Parking Places) Order 2018

**The COUNCIL OF THE BOROUGH OF BARROW-IN-FURNESS
(OFF STREET PARKING PLACES) ORDER 2018**

The Council of the Borough of Barrow-in-Furness (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 (“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 (“The 2004 Act”) 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.

Definitions and Interpretation

1. In this Order unless stated or the context requires otherwise:
 - 1.1 “The Act” means the Road Traffic Regulation Act 1984.
 - 1.2 “Civil Enforcement Officer” has the meaning given in Section 76 of the Traffic Management Act 2004.
 - 1.3 “Coach” means a public service Vehicle within the meaning of Section 1 of the Public Passenger Vehicles Act, 1981.
 - 1.4 “Council” means The Council of the Borough of Barrow-in-Furness
 - 1.5 “Daily Charge” means the charge imposed by the Council for parking in a Parking Place on any one day and for a specified period of time as is identified in the scale of charges specified by notice in the Parking Place; and listed in Schedule 4.
 - 1.6 “Disabled Person’s Badge” has the meaning given in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, SI 2000/682 (“the 2000 Regulations”) as amended.
 - 1.7 “Driver” in relation to a Vehicle waiting in a Parking Place means the person who was driving the Vehicle at the time it entered in the Parking Place or in the case of a trailer means the person who was driving the Vehicle which towed the trailer into the Parking Place at the time it entered the Parking Place.
 - 1.8 “Higher Level Contravention” has the meaning given in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (SI 2007/3487).
 - 1.9 “Lower Level Contravention” has the meaning given in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (SI 2007/3487).
 - 1.10 “Motor Cycle” has the meaning given in Section 136(4) of the Act.

- 1.11 "Motor Vehicle" has the meaning given in Section 136(1) of the Act.
- 1.12 "Owner", in relation to a Vehicle, has the same meaning as in the Act.
- 1.13 "Paid Early" means the Penalty Charge discounted by 50% when paid within 14 days from the date on which the Penalty Charge was issued.
- 1.14 "Parking Bay" means any area of a Parking Place which is provided for the leaving of a Vehicle and indicated by markings on the surface of the Parking Place.
- 1.15 "Parking Dispensation Permit" - means a Permit issued pursuant to paragraph 48 of this Order for the parking of a specified Vehicle in a specified Parking Place for a specified date or dates.
- 1.16 "Parking Place" means any area of land specified by name in column 1 of the Schedule 3 of this Order, which are provided by the Council under Section 32(1) of the Act for use as a Parking Place.
- 1.17 "Parking Device" has the meaning given in Section 35(3B) of the Act.
- 1.18 "Pay and Display Ticket" means a valid ticket purchased from a Ticket Machine installed in the Parking Place in which the Vehicle has been parked.
- 1.19 "Penalty Charge" is the Band 2 level of charge and means a charge imposed for contravening the parking regulations of this Order and is set out in Part III and has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, SI 2007/3483 as amended.
- 1.20 "Penalty Charge Notice" has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 SI 2007/3483 as amended.
- 1.21 "Permit" means a Permit issued pursuant to paragraphs 45 to 52 of this Order for the parking of a specified Vehicle in a specified Parking Place for a specified date, dates or period.
- 1.22 "Registered Keeper" in relation to a vehicle means the person in whose name the vehicle is registered on the Relevant Date under the Vehicle Excise and Registration Act 1994
- 1.23 "Relevant Date" means the date on which the contravention or non compliance with the provisions of this Order occurred.
- 1.24 "Relevant Position" means:
- a) in the case of a Disabled Person's Badge and clock:
 - i) in the case of a Vehicle fitted with a front windscreen, the badge and clock are exhibited on the dashboard or fascia of the

Vehicle so that the front of the badge and clock are facing forwards and the date, time of arrival and time of expiry and other details confirming the validity thereof are clearly legible from the outside of the Vehicle.

- ii) in the case of a Vehicle not fitted with a front windscreen, the badge and clock are exhibited in a conspicuous position so that the front of the badge and clock as described above, are clearly legible from outside the Vehicle.
 - b) in the case of any other badge, Permit, ticket or other parking device mentioned in this Order:
 - i) in the case of a Vehicle fitted with a front windscreen, the said badge, Permit, prepaid ticket or other Parking Device are exhibited on the dashboard or fascia of the Vehicle with the front of the badge, Permit, prepaid ticket or other device, facing forwards so that the date, time of arrival and time of expiry, amount paid and other details confirming the validity thereof are clearly legible from outside the Vehicle, or
 - ii) in the case of a Vehicle not fitted with a front windscreen, the said badge, Permit, prepaid ticket or other Parking Device are exhibited in a conspicuous position on the front of the Vehicle or as far as possible towards the front of the Vehicle on the near side of the Vehicle so that the date, time of arrival and time of expiry, amount paid and other details confirming the validity thereof are clearly legible from outside the Vehicle.
- 1.25 "Restricted Hours" means any period specified in column 4 of Schedules 3 in respect of which the relevant badge, Permit, pay and display ticket or other Parking Device is required to be displayed.
- 1.26 "Season Ticket" and "Contract Permit" mean a numbered Permit issued pursuant to paragraph 45 for the parking of a specified Vehicle or Vehicles in a specified Parking Place.
- 1.27 "Ticket Machine" means an apparatus as described in Section 35(3) of the Act for the purpose of the Parking Places specified in the Schedules, being apparatus designed to indicate the time by a clock and to issue tickets indicating the payment of a charge if applicable and the day and time at which the charge was paid;
- 1.28 "Trailer" means a trailer within the meaning of Section 136(1) of the Act and shall not include a caravan.
- 1.29 "Vehicle" means any one of the specified classes of Vehicle defined in paragraph 12 and Schedule 1 of this Order.
- 1.30 Any reference to a condition, clause, schedule, paragraph or plan is to one detailed in this Order or attached to this Order.

- 1.31 In the absence of contrary provision, any reference to a statute, statutory provision or statutory instrument shall be construed as reference to that statute, statutory provision or statutory instrument as from time to time amended, modified, extended, replaced or re-enacted.
- 1.32 Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting a person shall include either gender, bodies corporate, unincorporated associations and partnerships and all other legal entities.
- 1.33 The Interpretation Act 1978 shall apply in the interpretation of this Order.

Commencement and Revocations

2. This Order shall come into operation on 1st April 2018 and may be cited as The Council of the Borough of Barrow-in-Furness (Off-Street Parking Places) Order 2018
3. The following Orders are hereby revoked:
 - a. The Barrow Borough Council (Off-Street Parking Places) Order 2013

Provision and Use of Parking Places

4. Each of the areas of land specified by name in Column 1 of Schedule 3 to this Order may be used, as a Parking Place for such Vehicles or classes of Vehicles, in such positions, for such period, on such days and during such hours, as are specified in relation to that Parking Place in columns 2, 3 and 4 of Schedule 3 and in accordance with the terms of this Order.
5. Where in Columns 2 to 4 of Schedule 3 a Parking Place is described as having been provided for Vehicles of a specified class or in a specified position or during a specified period (including any provisions specifying particular positions or periods for specific classes of Vehicle), the Driver of a Vehicle shall not permit it to wait in that Parking Place otherwise than in accordance with such provisions.
6. Where, within a Parking Place, there are surface markings which indicate Parking Bays, the Driver of a Vehicle shall not permit it to wait otherwise than wholly within such a Parking Bay, except in accordance with the provisions of paragraph 42 and the Council may at any time change the location or number of such Parking Bays within a Parking Place.
7. Where specified Columns 2 to 4 of Schedule 3, a Parking Place is described as available on specified days, during specified hours or for a maximum period of stay, no person shall cause or permit a Vehicle to park in that Parking Place on any day, during such hours or for any period other or longer than those specified in this Order.
8. Where by notice in the Parking Place and as specified in Columns 2 to 4 of Schedule 3 a Parking Place is described as having a period within which a Vehicle may not return, no person shall cause or permit the Vehicle to wait again in that Parking Place until the expiry of that specified period.
9. Where, within a Parking Place, there are roadways and other areas which are not available for the parking of Vehicles, the Driver of a Vehicle shall not permit it to wait or park at any location other than wholly within a marked Parking Bay specific to that class of Vehicle, except in accordance with the provisions of paragraph 42.
10. No person shall cause or permit any Vehicle to park in such part of a Parking Place as is marked by signs, lines, studs or other indications so as to indicate its provision as a parking bay for:
 - a) a disabled persons Vehicle, unless there is displayed on the Vehicle in the Relevant Position a disabled person badge and clock in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and the registered disabled person is either the Driver or a passenger in the Vehicle,
 - b) motorcycles,
 - c) Permit holders only bay

11. Nothing in this Order shall restrict the power of the Council to close any Parking Place or any part thereof when such Parking Place or part thereof is required for any purpose of the Council or any purpose authorised by the Council.
12. In this paragraph, "specified classes" means the following classes of Vehicle:
 - a) Motor Vehicles and Trailers as defined within the provisions of Section 136 of the Act
 - b) Motor Cycles as defined in Section 136(4) of the Act
 - c) invalid carriages as defined on Section 136 of the Act
 - d) disabled person's Vehicles.

and specified classes shall be construed accordingly.

Use of Parking Place

13. Any Vehicle using or remaining in any Parking Place shall be at the Registered Keeper or Owner's or Driver's risk and the Council, its agents, officers or employees shall not be liable for loss or damage caused to it or to its contents or accessories howsoever arising.
14. The time shown as the arrival time or departure time on any Parking Device, Permit or Pay and Display Ticket displayed in or on a Vehicle in Parking Place shall constitute conclusive evidence of the time the Vehicle was parked in the Parking Place or the time by which the Vehicle was required to leave the Parking Place respectively.
15. The Driver of a Motor Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in a position in the Parking Place in which a Vehicle may wait in accordance with the provisions of this Order, and shall not start the engine except when about to change the position of the Vehicle in, or to depart from, the Parking Place.
16. No Vehicle shall park in a Parking Place in such a way as to cause an obstruction to others.
17. No Vehicle shall be sold, offered or exhibited for sale while it is in a Parking Place.

18. No person shall use a 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 the selling or offering for hire of his skill or services without the prior written consent of the Council.
19. No person shall drive a Vehicle into or in a Parking Place unless:-
- a) he is the holder of a licence authorising him to drive a Motor Vehicle of its class or description on a road, or
 - b) he is the holder of a provisional licence and is accompanied in that Vehicle by a person holding a licence of the type mentioned in paragraph 19(a) above.
20. The Driver of the Vehicle shall not permit that Vehicle to park in a Parking Place unless the Vehicle is licensed in accordance with the provisions of Section 1 of the Vehicles Excise and Registration Act 1994 and unless there is in relation to the use of the Vehicle by the Driver such a policy of insurance as complies with the requirements of the Road Traffic Act 1988, as amended.
21. No person, without the written permission of the Council, shall use any part of a Parking Place or any Vehicle parked in a Parking Place:
- a) for recreation or sleeping or camping or cooking, or
 - b) for the purpose of advertising or promoting any cause, event or other matter whatsoever or for the distribution of leaflets or other materials, or
 - c) for the erection of any tent, booth, stand, building or other structure, or
 - d) for the playing of ball games, or
 - e) for roller-skating, skate boarding, go-karting, the use of mini-motorbikes, or
 - f) for the purpose of operating radio controlled machines, or
 - g) for the purpose of servicing, maintaining, repairing or washing any Vehicle or any part thereof other than so far as is reasonably necessary to enable that Vehicle to depart from the Parking Place, or
 - h) to play or cause or permit to be played any radio, cassette, compact disc, instrument or similar item in such manner as may become a nuisance to other users of the Parking Place or to the owners or occupiers of properties adjoining the Parking Place, or
 - i) for any other purpose other than the designated purpose of the Parking Place.
22. In a Parking Place no person shall:-

- a) light or cause or permit to be lit any fire;
 - b) fill any Vehicle or container with petrol, diesel, oil or other form of fuel or inflammable liquid other than so far as is reasonably necessary to enable that Vehicle to depart from the Parking Place.
 - c) soil or defile, remove, displace or damage any part of the Parking Space or wall or fence in or enclosing the Parking Place or any building, barrier, post, notice, sign, railing or other erection therein;
 - d) throw down, drop or otherwise deposit in any Parking Place any item or article of rubbish or waste material so as to contribute to or tend to lead to the defacement of that Parking Place by litter.
23. No person in a Vehicle using a Parking Place shall sound any horn or other similar instrument except when about to change position of a Vehicle in or depart from the Parking Place.
24. Save as provided in this Order no persons shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any Vehicle in a Parking Place for any purposes other than the purpose of leaving that Vehicle in the Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place.
25. No person shall except with the permission of any person authorised by the Council drive any Vehicle into a Parking Place when there is exhibited at the entrance to that Parking Place a notice indicating that the Parking Place is full.

Supermarket Trolleys

26. No person shall leave any trolley, basket on wheels or other similar receptacle designed for the carrying of merchandise in such a position in any Parking Place so as to cause an obstruction nuisance or annoyance to other users of the Parking Place but shall ensure that such trolleys, baskets on wheels or receptacles are returned to the premises of the owners of such trolleys, baskets on wheels or receptacles or to such collection points in the Parking Place as may be provided by the said owners or by the Council.

Nuisance

27. No person shall do anything to interfere with the use or enjoyment of any Parking Place by other users of the Parking Place.
28. No person shall in any Parking Place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.

29. No person shall use or permit to be used in a Parking Place a Vehicle dangerously, carelessly or in an inconsiderate manner or in such a way as to cause any excessive noise which could have been avoided by the exercise of reasonable care on the part of the Driver.

Right of Way

30. No person shall use a Parking Place as a means of passage or of proceeding from one road to another road.
31. Save as provided in this Order the right of passage within a Parking Place provided by the Council is available to a person driving or being conveyed in Motor Vehicles and does not extend to pedestrians other than the Drivers of Vehicles and their passengers leaving or returning to their Vehicles and no rights of way whatsoever over the said Parking Place other than for the purpose of parking or removing Vehicles shall be deemed to have been granted by the Council.
32. Nothing in this Order shall render it unlawful for pedestrians or persons driving or being conveyed in any Vehicle to exercise the right of passage over a right of way formally agreed and approved by the Council over any Parking Place provided by the Council.

Action After Accident

33. If in any case owing to the presence of a Vehicle in a Parking Place an accident occurs whereby personal injury is caused to a person other than the Driver of that Vehicle or damage is caused to a Vehicle other than that Vehicle or to any other property whatsoever, including the Parking Place, the Driver of the Vehicle shall stop if required to do so by a person authorised by the Council in that behalf or any other person having reasonable grounds for so requiring giving his or her name and address and also name and address of the owner and the identification marks of the Vehicle and his or her certificate of insurance.

Cycling

34. No person shall ride or cause to be ridden any pedal-cycle or tricycle in any Parking Place other than so far as is reasonably necessary to enable that cycle or tricycle to park in or depart from the Parking Place

Direction of Travel

35. Where in a Parking Place signs are erected 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 permit to be driven any Vehicle:

- a) 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
 - b) in a direction other than so specified except by express prior written agreement with the Council for the purpose of gaining access to or from or of loading or unloading goods or passengers at any premises adjoining the Parking Place.
36. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any Vehicle in a Parking Place for any purpose other than the purpose of leaving that Vehicle in that Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place.

Charges for Parking.

37. Whenever a Vehicle occupies any Parking Place specified in this Order during the Restricted Hours, as specified in Column 4 of Schedule 3, the Driver of the Vehicle shall pay such Daily Charge as is specified in Column 5 of Schedule 3, or other subsequent Notice of Variation of Charges as attached to this Order, or shall display such Permit, Pay and Display Ticket, badge or other Parking Device as is specified and in such manner as provided in this Order and shall comply with any other provisions of this Order.
38. Outside the Restricted Hours, specified in Column 4 of Schedule 3, the classes of Vehicle specified may park in the Parking Place free of charge but subject to the other provisions of this Order.
39. Where the Daily Charge is payable in relation to the parking of a Vehicle it shall be paid by obtaining a Pay and Display Ticket by the insertion of an appropriate coin, coins, or notes into the Ticket Machine. Alternatively the parking Daily Charge may be made by credit card or debit card by way of mobile telephone communication to the Council's agent. In such circumstances there is no requirement to display a ticket or receipt showing proof of payment of the Daily Charge.
- (a) Where payment of the Daily Charge is made 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 Daily 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
 - (b) Where payment of a Daily 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 of the details specified in paragraph 39(a)
 - (c) At any time after a Daily Charge has been paid in accordance with the preceding paragraphs of this paragraph in respect of a parking period that parking period may be increased on further payment of the additional Daily Charge and the appropriate transaction fee paid always provided that the maximum permitted parking period for that parking place is not exceeded.
 - (d) The payee of a Daily Charge in accordance with the preceding paragraphs of this paragraph 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.
 - (e) The Council shall display a notice in every car park where the option of payment of the Daily Charge by credit or debit card is available, such Notice shall display the location number of the car park in which it is sited and provide operational guidance on the payment of the Daily Charge.
40. If a Pay and Display Ticket is required it shall be purchased immediately following the parking of the Vehicle in the said Parking Place in respect of the period, during which the Vehicle is intended to be parked in that Parking Place and such Pay and Display Ticket shall be displayed in the Relevant Position throughout the said period.
41. Where the parking of a Vehicle in any Parking Place is authorised by a Pay and Display Ticket under the provisions of paragraphs 39 and 40, such Vehicles shall not be left in the Parking Place for longer than the period permitted by the Pay and Display Ticket.
42. Where a Vehicle occupies more than one Parking Bay where the parking of a Vehicle is authorised by a Pay and Display Ticket under the provisions of paragraphs 39 and 40, such a Vehicle shall display a Pay and Display Ticket for each Parking Bay wholly or partly occupied for the appropriate length of stay of that Vehicle, and will be exempt of the requirement to park wholly within a marked bay as specified in paragraphs 6 and 9 and column 2 of Schedule 3 to this Order.
43. A Vehicle displaying Pay and Display Tickets for different lengths of stay in accordance with paragraph 42 will be subject to the time restriction displayed on the Pay and Display Ticket due to expire first.
44. A disabled person's Vehicle which displays in the Relevant Position a valid disabled person's blue badge and clock and left in a parking bay in accordance

with Column 2 and 4 of Schedule 3, provided that the Vehicle immediately before or after the act of parking has been used or is about to be used by the person in respect of whom the badge is issued, shall be exempt from the payment of the Daily Charge for a period not exceeding three hours (no return within 2 hours) in any one Parking Space.

The Daily Charge shall be payable in respect of a Vehicle displaying a permit issued by the Council not parked in a parking bay specifically marked for the permit.

Season Ticket/Contract Permit

45. The owner of a motor Vehicle may, at the discretion of the Council, purchase a Contract Permit or Season Ticket in respect of that Vehicle or Vehicles for the charge and for the use in the Parking Place specified in Schedule 4 and subject to conditions as determined from time to time by the Council and that Contract Permit or Season Ticket shall be valid in relation to such Vehicle or Vehicles for such period and in such Parking Place as is specified thereon.

Other Permits

46. At the discretion of the Council, a Visitor Parking Permit may be issued as a substitute for a Pay and Display Ticket. The permit must be validated by showing the Vehicle Registration Details and the date of use and such permit shall be displayed in the Relevant Position throughout the permitted period.
47. Employees of the Council, and such other persons as the Council may think fit, may at the discretion of the Council be given a permit for the parking of a specified Vehicle in a specified Parking Place or places, subject to such conditions, as determined from time to time by the Council.
48. Parking dispensation permits, will be issued at the discretion of the Council at such charge as determined by the Council, to enable appropriate works to be carried out, to promote functions of the Council and any relevant partner as it is seen fit, subject to such conditions, as determined from time to time by the Council.
49. Any Permit issued pursuant to paragraphs 45 to 52 shall be displayed in the Relevant Position throughout the period during which the Vehicle is parked in the Parking Place.
50. Any Pay and Display Ticket or Permit (with the exception of Contract Permits and Season Tickets) issued pursuant to paragraphs 40 to 49 shall:
 - be non-transferable between the Vehicle or Vehicles in respect of which it was issued and any other Vehicles unless specifically stated to the contrary, and
 - be valid only in the Parking Place and for the date or dates and times

- specified;
- be valid only if used in accordance with such conditions attached to the permit

and any improper use of the Permit or ticket or breach of any the conditions attached to the Permit shall render the same void.

51. Any Permit, shall at all times remain the property of the Council and shall be returned to the Council within seven days after the expiry of the period for which they are valid, or upon request by the Council.

Penalty Charges

52. If a Vehicle is parked in a Parking Place without complying with the requirements of this Order or any conditions attached to any Permit issued by the Council a contravention shall have occurred and a Penalty Charge Notice shall be issued.
53. In the case of a Vehicle in respect of which a Penalty Charge may become payable, a Civil Enforcement Officer shall attach to the Vehicle in a conspicuous position or give to the person who appears to be in charge of the Vehicle, in accordance with the Civil Enforcement of Parking Contravention (England) General Regulations 2007 (No.3483), a Penalty Charge Notice which shall include the particulars as required by these regulations.
54. A Penalty Charge Notice may be served by first class post in accordance with the Civil Enforcement of Parking Contravention (England) General Regulations 2007 and Civil Enforcement of Parking Contravention (England) Representations and Appeals Regulations 2007 if :
 - a) a Civil Enforcement Officer attempted to serve a Penalty Charge Notice in accordance with paragraph 53 but was prevented from doing so by some person; or
 - b) a Civil Enforcement Officer had begun to prepare a Penalty Charge Notice for service in accordance with paragraph 53 but the Vehicle concerned was driven away from the Parking Place before the Civil Enforcement Officer had finished preparing the Penalty Charge Notice.
55. The Penalty Charge shall be paid to the Council within 28 days of the day on which the Penalty Charge Notice was served.
56. In the event that the Penalty Charge is paid to the Council within 14 days of the date of the Penalty Charge Notice having been served, it shall be treated as being Paid Early and a reduced sum shall be accepted in full settlement of the Penalty Charge at the discounted rate of 50%.
57. If the Penalty Charge remains unpaid after 56 days from the date the Penalty Charge Notice was served and a Charge Certificate is issued, the Penalty Charge shall increase by 50%.

58. When a Penalty Charge Notice has been attached to a Vehicle in accordance with any of the foregoing provisions of this Order, no person other than a person authorised by the Council in that behalf or the Driver or a person authorised by the Driver in that behalf shall remove the notice from the Vehicle.
59. In the case of any contravention in respect of which a Vehicle is in a Parking Place and a Penalty Charge is payable, a separate Penalty Charge shall be payable on each day that the Vehicle remains in the Parking Place.
60. The Registered Keeper of the Vehicle shall be deemed to be the person responsible for any contravention or non-compliance with the provisions of this Order and shall be responsible for the payment of the Penalty Charge unless he can show that:

- a) he was neither the Owner nor the Registered Keeper nor the Driver of the Vehicle on the Relevant Date or
- b) that the Vehicle was being used on the Relevant Date without his consent,

provided that the Council shall be entitled to recover any charge from and proceed against any other person who is shown to the Council's satisfaction to have been the Owner, Registered Keeper or Driver of the Vehicle on the Relevant Date .

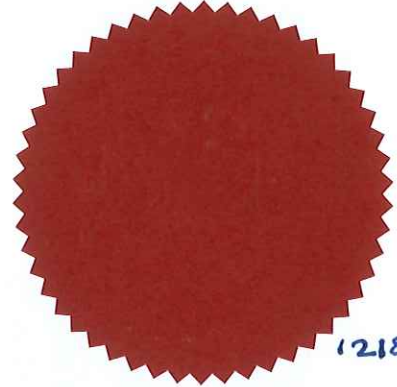
Given under the Common Seal of Barrow in Furness Borough Council
this day of 2018

THE COMMON SEAL OF BARROW IN FURNESS
BOROUGH COUNCIL was hereunto affixed

In the presence of:-



Phil Huck
Executive Director



12183

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
80	Parked for longer than the maximum period permitted
81	Parked in a restricted Parking Place
82	Parked after the expiry of time paid for in a pay and display Parking Place
83	Parked in a Parking Place without clearly displaying a valid Pay and Display Ticket
84	Parked with additional payment made to extend the stay beyond the time first purchased
85	Parked in a Parking Bay without clearly displaying a valid Permit
86	Parked beyond the Parking Bay markings
87	Parked in a disabled persons Parking Bay without clearly displaying a Disabled Persons Badge
89	Vehicle parked exceeds maximum weight and/or height permitted in the Parking Place
90	Parked within the no return period after leaving a Parking Bay in a Parking Place
91	Parked in an area not designated for that class of Vehicle
92	Parked causing an obstruction
93	Parked in a Parking Place when closed

SCHEDULE 3 PARKING PLACES AND CHARGES

(1) Name of Parking Place (parking designation)	(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
Channelside Haven Car Park (Free Parking)	Any Vehicle to be wholly within a bay marked on the parking place.	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm Maximum stay 3 hours. No return within 3 hours.	No charge
Church Street (Contract Only)	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	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm	£600 + VAT = £720

(1) Name of Parking Place (parking designation)	(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
Craven House (Contract Only)	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	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm	£600 + VAT = £720
Dock Museum Visitor Car Park (Free Parking)	Any Vehicle to be wholly within a bay marked on the parking place.	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm Maximum stay 3 hours. No return within 3 hours.	No charge

(1) Name of Parking Place (parking designation)	(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
Emlyn Street (Long Stay)	<p>Wholly within a parking bay.</p> <p>Contract holders in spaces marked with a letter "C" or otherwise indicated as only available for contract holders.</p> <p>Disabled parking - displaying a disabled person's badge and clock set to the time of arrival.</p>	<p>Motor Car</p> <p>Motor Cycle</p> <p>No non-motorised vehicles, HGV's or coaches</p>	<p>Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm</p> <p>Maximum stay 10 hours</p> <p>or</p> <p>3 hours in a designated disabled person's parking bay as indicated by a sign or surface markings. No return within 2 hours.</p>	<p>Up to 1 hour - £1.30</p> <p>Up to 2 hours - £2.30</p> <p>Up to 4 hours - £3.00</p> <p>Up to 10 hours - £6.00</p>

(1) Name of Parking Place (parking designation)	(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
Fell Street (Short Stay)	Wholly within a parking bay. Disabled parking - displaying a disabled person's badge and clock set to the time of arrival.	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm Maximum stay 3 hours or 3 hours in a designated disabled person's parking bay as indicated by a sign or surface markings. No return within 2 hours.	Up to 20 mins – 0.40p Up to 1 hour - £1.30 Up to 2 hours - £2.30 Up to 3 hours - £3.00 Motor Cycle – no charge
Grange and Cartmel Crescent (Contract Only) (Residents Only)	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	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm	No charge

(1) Name of Parking Place (parking designation)	(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
Hall Street (Short Stay)	Wholly within a parking bay. Disabled parking - displaying a disabled person's badge and clock set to the time of arrival. Motor Cycles – wholly within the dedicated parking bay as indicated by a sign or surface markings	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm Maximum stay 3 hours or 3 hours in a designated disabled person's parking bay as indicated by a sign or surface markings. No return within 2 hours.	Up to 20 mins – 0.40p Up to 1 hour - £1.30 Up to 2 hours - £2.30 Up to 3 hours - £3.00 Motor Cycle – no charge
High Street (Contract Only)	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	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm	£600 + VAT = £720

(1) Name of Parking Place (parking designation)	(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
Hindpool Road (Contract Only)	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	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm	£600 + VAT = £720
Holker Street (Contract Only)	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	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm	£600 + VAT = £720
Holker Street North (Contract Only)	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	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm	No charge to contract holders

(1) Name of Parking Place (parking designation)	(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
Market Street (Long Stay)	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 Disabled parking - displaying a disabled person's badge and clock set to the time of arrival.	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm Maximum stay 10 hours or 3 hours in a designated disabled person's parking bay as indicated by a sign or surface markings. No return within 2 hours.	Up to 1 hour - £1.30 Up to 2 hours - £2.30 Up to 4 hours - £3.00 Up to 10 hours - £6.00 Motor Cycle – no charge
McClean Close	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	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm	No charge

(1) Name of Parking Place (parking designation)	(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
Oldham Street A (Short Stay)	Wholly within a parking bay. Disabled parking - displaying a disabled person's badge and clock set to the time of arrival.	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm Maximum stay 3 hours or 3 hours in a designated disabled person's parking bay as indicated by a sign or surface markings. No return markings. No return within 2 hours.	Up to 20 mins – 0.40p Up to 1 hour - £1.30 Up to 2 hours - £2.30 Up to 3 hours - £3.00 Motor Cycle – no charge
Oldham Street B (Disabled Parking)	Wholly within a parking bay - disabled persons as marked displaying a disabled persons badge and clock set to the time of arrival	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm 3 hours in a designated disabled person's parking bay as indicated by a sign or surface markings. No return within 2 hours.	No charge

(1) Name of Parking Place (parking designation)	(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
Portland Walk Level A & B (Short Stay)	Any Vehicle to be wholly within a bay marked on the parking place. Disabled parking - displaying a disabled person's badge and clock set to the time of arrival.	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm Maximum stay 4 hours	Up to 2 hour - £2.30 Up to 3 hours - £3.00 Up to 4 hours - £4.00 Motor Cycle – no charge
Portland Walk Level C (Long Stay)	Any Vehicle to be wholly within a bay marked on the parking place. Disabled parking - displaying a disabled person's badge and clock set to the time of arrival.	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm Maximum stay 10 hours	Up to 2 hour - £2.30 Up to 3 hours - £3.00 Up to 4 hours - £4.00 Up to 10 hours - £6.00 Motor Cycle – no charge
Ramsden Hall (Contract Only)	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	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm	£600 + VAT = £720

(1) Name of Parking Place (parking designation)	(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
Slater Street 1, 2 & 3 (Contract Only)	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	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm	£600 + VAT = £720
Strand 1 & 2 (Contract Only)	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	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm	£600 + VAT = £720
Town Hall Courtyard (Disabled Parking)	Wholly within a parking bay - displaying a disabled persons badge and clock set to the time of arrival	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm 3 hours in a designated disabled person's parking bay as indicated by a sign or surface markings. No return within 2 hours.	No charge

(1) Name of Parking Place (parking designation)	(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
Town Hall Courtyard (Authorised vehicles only)	Permit holders only or otherwise indicated as only available for permit holders	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm	No charge
Tudor Square, Dalton (Free Parking)	Any Vehicle to be wholly within a bay marked on the parking place.	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm Maximum stay 2 hours. No return within 3 hours.	No charge

(1) Name of Parking Place (parking designation)	(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
Whittaker Street (Short Stay)	Wholly within a parking bay. Disabled parking - displaying a disabled person's badge and clock set to the time of arrival.	Motor Car Motor Cycle No non-motorised vehicles, HGV's or coaches	Monday to Saturday (Excluding Bank Holidays) 8.00am to 6.00pm Maximum stay 3 hours or 3 hours in a designated disabled person's parking bay as indicated by a sign or surface markings. No return within 2 hours.	Up to 20mins – 0.40p Up to 1 hour - £1.30 Up to 2 hours - £2.30 Up to 3 hours - £3.00 Motor Cycle – no charge

SCHEDULE 4
SEASON TICKET AND CONTRACT PERMIT CHARGES

Contract Car Park	Annual Cost
Craven House	£600 plus VAT = £720
Church Street	£600 plus VAT = £720
Emlyn Street	£600 plus VAT = £720
Hindpool Road	£600 plus VAT = £720
Holker Street	£600 plus VAT = £720
Holker Street (North)	£600 plus VAT = £720
Market Street	£600 plus VAT = £720
Ramsden Hall	£600 plus VAT = £720
Slater Street 1, 2 & 3	£600 plus VAT = £720
Strand 1 & 2	£600 plus VAT = £720

Season Ticket Car Park	Annual Cost
Portland Walk Level C*	£600 plus VAT = £720
Emlyn Street*	£600 plus VAT = £720

*Purchase of a Season Ticket for this type of parking Permit does not guarantee a Parking Bay space

Contract/Season Ticket Bulk Buy Discount

Number of Permits	Discount %
10-19	10%
20-29	20%
30+	30%

SCHEDULE 5

PENALTY CHARGE LEVEL

(The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (No. 3487) Band 2 Level of Charge.

The Penalty Charge shall be	-	£70.00 in respect of higher level contraventions £50.00 in respect of lower level contraventions
Paid Early	-	£35.00 in respect of higher level contraventions £25.00 in respect of lower level contraventions
Paid after service of charge certificate.	-	£105.00 in respect of higher level contraventions £75.00 in respect of lower level contraventions

