

Allerdale Borough Council

(OFF-STREET PARKING PLACES) ORDER 2018

ALLERDALE BOROUGH COUNCIL

(OFF-STREET PARKING PLACES) ORDER 2018

Allerdale Borough Council ('the Council') in exercise of its powers under Sections 32, 33, 35a and 38 and Parts I, III, IV, V, VI of Schedule 9 of the Road Traffic Regulation Act 1984 ('the 1984 Act') and the Traffic Management Act 2004 ('the 2004 Act') and all Regulations and Orders conferred by the 2004 Act and of all other enabling powers, with consent of the Cumbria County Council in accordance with Section 39(3) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act and the Area Traffic Commissioner under Part V of Schedule 9 of the 1984 Act, hereby makes the following order:-

PART 1 – GENERAL

Commencement and Citation

1. This Order shall come into operation on the 28/05/2019 and may be cited as the 'Allerdale Borough Council (Off-Street Parking Places) Order 2018.
2. Schedule 2 of this order identifies areas of enforcement as agreed with the landowners and does not represent ownership responsibility by Allerdale Borough Council for lands shown.

Revocations

3. The following Orders are hereby revoked:

Allerdale Borough Council (Off-Street Parking Places) Order 2015 and all other previous Orders.

Interpretation

4. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
5. The headings in this Order are inserted for convenience only and shall not affect its construction or interpretation.
6. In this Order, except where context otherwise requires, the following expressions have the meanings hereby assigned to them:

"Authorised Officer" means a Civil Enforcement Officer or any person as defined by the relevant legislation duly authorised by or on behalf of the Council to supervise and enforce the operation of the Car Park or any part thereof;

"Bicycle" means a non-powered vehicle normally with two wheels (but up to four) attached to a frame, to include, but not exclusively a tricycle;

“Car Park” means the area or areas of land, specified by name in Schedule 1 or Schedule 2 and defined by the plans included in that Schedule;

“Car Park Notice” means the notice that is displayed in each Car Park and describes the conditions contained in Schedule 1 and Schedule 2 of this Order under which a Motor Vehicle may be left in the Car Park;

“Cashless Parking” means a system to facilitate and monitor the payment of Parking Charges using telephone communication and/or a Hand-held Device with the Service Provider in accordance with instruction indicated on the Car Park Notice located at each Car Park where the system is operation.

“Charging Hours” means any period for which a charge is specified in Schedule 1 or Schedule 2, as appropriate.

“Civil Enforcement Officer” means a person authorised by or on behalf of the Council to enforce the regulations in any Car Park listed in Schedules 1 and 2 of this Order and enforce the provisions of this Order pursuant to Part 6, section 76 of the Traffic Management Act 2004.

“Coach Bay” means any area of a Car Park which is provided for the parking of a Coach and indicated by markings on the surface of the Car Park.

“Conditions of Use for Parking Permits” means the terms and conditions issued with the Permit at the time that it is granted.

“Controlled Hours” means the hours during which enforcement may be carried out;

“Council” means Allerdale Borough Council;

“Disabled Parking Space” means an area of a Car Park indicated by a sign or marking for the leaving of a Motor Vehicle of a specified class, where an occupant of the Motor Vehicle is in possession of a Disabled Persons’ Badge.

“Disabled Person’s Badge” means, a badge in the form prescribed by Regulation 11 in The 2000 Regulations, issued by a local authority for display on a Motor Vehicle driven by a disabled person, or used for the carriage of a disabled person, and includes a replacement badge issued in accordance with Regulation 7 of those Regulations and is currently in force;

“Dispensation” means an authorisation, in writing issued by the Council that entitles a specified Motor Vehicle to park in a Car Park for a defined time.

“Driver” in relation to a Motor Vehicle in a Car Park means the person driving the Motor Vehicle at the time it was driven into and/or left the Car Park and for the purposes of the Order and any legal proceedings taken thereunder, if, on the date a Motor Vehicle is driven into and/or left in a Car Park a person is shown to have been the Owner thereof by notification from the DVLA that person shall be deemed to have been the Driver of the Motor Vehicle on that date unless the contrary is shown.

“DVLA” means the Driver and Vehicle Licensing Agency.

“Electric Charging Point” means an installation adjacent to a Parking Space for the purposes of recharging the supply of an Electric Vehicle by way of a connecting lead;

“Electric Vehicle” means a Motor Vehicle that is powered entirely or partially by electricity and is capable of being charged from an external source;

“Electric Vehicle Parking Space” means bays designed for use by Electric Vehicles in order to recharge their supply, using an Electric Charging Point, defined by lines, symbols and/or signage located within the boundaries of the Parking Space;

“Enforcement Authority” means Allerdale Borough Council.

“Hand-held Device” means a wireless hand-held computer or mobile telephone used by a Civil Enforcement Officer which is programmed to interface with Cashless Parking;

“Higher Level Contraventions” are as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

“Location Identification Number” means the unique number assigned to each Car Park where Cashless Parking is operational.

“Lower Level Contraventions” means all Parking Contraventions which are not Higher Level Contraventions;

“Maximum Period for which Vehicles may stay” means the maximum period for which a Motor Vehicle may stay in each Car Park as defined in Schedules 1 and 2.

“Motor Cycle Space” means any area of a Car Park which is provided for the parking of a Motor Cycle and indicated by markings on the surface of the Car Park.

“Motor Vehicle” means (unless the context otherwise provides) any class or description of motor vehicle and without prejudice to the above shall include a caravan or trailer.

“Motor Car” shall have the same meaning as in section 136 of the Road Traffic Regulation Act 1984 and not exceeding 1.98 metres in height, 5.5 metres in length or 2.5 metres wide. “Heavy Motor Car”, “Motor Cycle”, “Motor Tractor”, “Heavy Locomotive” and “Light Locomotive” have the same meaning as in section 136 of the Road Traffic Regulation Act 1984. “Public Service Vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981. For the purpose of this Order “Public Service Vehicles” and Motor Vehicles with 16 seats or more shall be referred to as “Coaches”. “Heavy Motor Cars”, “Motor Tractor”, “Heavy Locomotive” and “Light Locomotive” shall be referred to as “Commercial Vehicles”.

“Notice to Owner” means a notice served on the Owner of a Motor Vehicle pursuant to the Traffic Management Act 2004 in the event that a Penalty Charge Notice is not paid within 28 days of it being issued.

“Owner” means the keeper of the Motor Vehicle as registered with the DVLA.

“Parent and Child Space” means an area of a Car Park indicated by a sign or marking for the leaving of a Motor Vehicle of a specified class, where the adult is accompanied by a child under the age of 14 and that child is less than 1.35m in height”.

“Parking Charge” means the charge (if any) currently in operation at the Car Park in accordance with the Scale of Charges as displayed and in operation at a Car Park and as stated in Schedule 1 and Schedule 2 to this Order

“Parking Contravention” means an offence as specified in paragraph 4 of Schedule 7 to The Traffic Management Act 2004; or where a Motor Vehicle is left in a Parking Space during the Charging Hours without complying with the provisions of this Order

“Parking Period” in relation to the Car Park, means the period during which the Motor Vehicle is parked in the Parking Space.

“Parking Space” means a space in the Car Park, marked on the surface of the Car Park by lines or indicated by the Car Park Notice, which is provided for the parking of Motor Vehicles;

“Parking Ticket” means the ticket issued by means of the Ticket Machine;

“Pay on Exit” is a car park where payment of duration of car parking is made upon exit of the car park by any agreed methodology as stated on the car park and as designated by the Authority;

“Penalty Charge” is defined in Article 34 of this Order.

“Penalty Charge Notice” means a Penalty Charge Notice as defined in regulation 8 (1) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007. The Penalty Charge Notice will contain:

- a) the registration mark of the Motor Vehicle, or where the Motor Vehicle is being used under a trade licence, the number of the trade plate carried by the Motor Vehicle;
- b) The name of The Enforcement Authority
- c) a description of the Parking Contravention of this Order which has been observed;
- d) the date and time at which the Civil Enforcement Officer observed that the Parking Contravention occurred;
- e) a statement that the Penalty Charge is required to be paid;
- f) the amount of the Penalty Charge
- g) the date the Penalty Charge Notice is issued; and
- h) the manner in which, and the time within which, the Penalty Charge should be paid.

“Permit” means any permit of a type and design issued by the Council in accordance with the Council’s Conditions of Use for Parking Permits, which entitle a Motor Vehicle to park in the Car Park(s) specified on that Permit without displaying a Parking Ticket. “Permit” includes (but not exclusively) Season Permits, Reserved Parking Permits and Virtual Permits.

“Public Service Vehicle” means a Motor Vehicle suitable for carrying nine or more passengers and doing so for hire or reward;

“Public Holiday” means Bank Holidays and all present and future Public Holidays defined by the Cambridge dictionary;

“Relevant Position” means a conspicuous position where the Parking Ticket or Permit must be exhibited, ensuring that the font is clearly legible from the outside of the Motor Vehicle or Trailer. This must be on the dashboard or fascia of the Motor Vehicle, or in the case of Trailers:

- on the dashboard or fascia of the accompanying Motor Vehicle, or
- on the Trailer if not attached or accompanied by a Motor Vehicle.

“Relevant Legislation” means the Road Traffic Regulation Act 1984, the Traffic Management Act 2004 and any Regulations made thereunder and any other enabling powers.

“Reserved Parking Permit” means a Permit issued by the Council, which entitles a Motor Vehicle to park in the Car Park and Parking Space specified on that Permit.

“Reserved Parking Space” means a marked Parking Space specifically reserved for use, by a designated Reserved Parking Permit holder only, available on the payment of the required fee and the period for which the Reserved Parking Permit is valid.

“Scale of Charges” means the scale of charges displayed and in operation at a Car Park and as stated in Schedule 1 and Schedule 2 to this Order.

“Season Permit” means the Permit issued by the Council indicating the vehicle registration mark/registration marks of the Motor Vehicle/Motor Vehicles on which it can be used, the Car Park in which it may be used and the period of its validity.

“Serve” in respect of a Penalty Charge Notice means the forms of Serve specified in Regulations 9 and 10 of the Civil Enforcement of Parking Contravention (England) General Regulation 2007 or any amendment or re-enactment thereof, including the service of PCN’s by post or any amendment or re-enactment thereof;

“Service Provider” means the company authorised and appointed by the Council to operate, administer and maintain the payment of Parking Charges using Cashless Parking;

“The Act of 1984” means the Road Traffic Regulation Act 1984 (as amended);

“The 2000 Regulations” means The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI No. 685); as amended by SI 200/1507;

“The 2004 Act” means Traffic Management Act 2004;

“Ticket Machine” means any apparatus operated by the insertion of coins, bank notes, tokens, credit or debit cards and that issues Parking Tickets indicating the payment of a charge, the date and time at which that charge was paid and the time by which the Motor Vehicle must leave the Car Park;

“Trailer” means an independent non-powered towable apparatus not exceeding 1.98 metres in height, 5.5 metres in length or 2.5 metres wide;

“Trailer Unit” means a Trailer remaining attached to a Motor Vehicle whilst parked.

“Virtual Permit” means an electronic car park Permit issued for use in off street Car Parks instead of a paper Permit, the validity details of which can be viewed online by Civil Enforcement Officers without the need for a Permit to be displayed in the Motor Vehicle. Any Permit noted in this Order may be issued as a Virtual Permit.

PART 2 – REGULATIONS

Use of land and Car Park

7. Each area of land specified by name in Schedule 1 or Schedule 2 may be used at all times subject to the following provision of this Order as a Car Park for Motor Vehicles on such days and for such periods as are specified in the relevant schedule. No person shall unless authorised in writing by the Council use any Car Park for any other purpose.
8. In so far as a Motor Vehicle is parked in a Car Park during the Charging Hours specified in the relevant schedule of this Order, the Driver thereof shall purchase a Parking Ticket, Virtual Permit, Season Permit or Reserved Parking Permit paying such charge or charges as are specified in the provisions of this Order including Schedule 1 and Schedule 2, and on the relevant Car Park Notice.
9. The Driver of the Motor Vehicle shall:
 - 1) purchase and display for the entire period that the Motor Vehicle is parked in the Parking Space, the Parking Ticket, Season Permit or Reserved Parking Permit issued on payment of the charge. This shall be displayed in the Relevant Position on the Motor Vehicle in respect of which it was issued so that the Parking Ticket is clearly visible in the front of the Motor Vehicle and displays the validity of the Parking Ticket; or
 - 2) make payment for stay by use of authorised Cashless Parking system allowing for the Motor Vehicle to be exempt from 9.1; or

- 3) payment made by the authorised Virtual Permit provider where Motor Vehicle details and parking duration are made without need to display any physical Permit; or
 - 4) agree to make payment for duration of stay upon exiting of a Car Park where 'Pay on Exit' is in operation.
 - 5) For Disabled Person's Badge Holders the badge and parking disc set to show the time of arrival must be displayed in the Relevant Position in accordance with the 'Blue Badge Scheme: rights and responsibilities in England', documents provided at the time of issue of the Disabled Person's Badge. The Motor Vehicle is exempt from the Parking Charge when parked in a Parking Space marked for Disabled Person's Badge holders or a Parking Space provided for the general public for the maximum period permitted for free parking for Disabled Person's Badge holders in that Car Park as shown in the Car Park Notice.
- 10.** A Parking Ticket is not transferrable from one Motor Vehicle to another and cannot be used in a Car Park other than the one in which it was purchased.
- 11.** In addition to the provisions of Article 7 to Article 9 of this Order each Parking Space referred to in Schedule 1 or Schedule 2 of this Order may also be used, where applicable, for such classes of Motor Vehicle in such positions, on such days, during such hours on payment of the relevant Parking Charge using Cashless Parking.
- 12.** If at any time while a Motor Vehicle is left in a Car Park and no Parking Ticket is displayed on that Motor Vehicle in the Relevant Position, it shall be deemed that the Parking Charge has not been paid and will be subject to the penalty provisions within this Order, unless the Motor Vehicle:-
- 1) Is displaying any other Permit that may be issued by the Council
 - 2) Is displaying a Disabled Person's Badge
 - 3) Has paid for the relevant Parking Charge using Cashless Parking.
- 13.** Cashless Parking information signs and relevant Location Identification Number signs will be located in each Car Park where Cashless Parking is in operation and will provide information in regard to the operation and use of Cashless Parking.
- 14.** The payment of a Parking Charge using Cashless Parking will relate only to the Car Park as indicated by the Location Identification Number displayed on the Location Identification Number sign.
- 15.** Where a Motor Vehicle has been left in a Car Park operating Cashless Parking an indication that the relevant Parking Charge has been made in respect of that Motor Vehicle using Cashless Parking together with an indication of the Parking Periods for which payment has been made shall appear on a Hand-held Device.

- 16.** Without prejudice to the provisions of Article 7 to Article 9 if at any time while a Motor Vehicle is left in a Car Park referred to in Schedule 1 or Schedule 2 of this Order no indication appears on a Hand-held Device that payment of the Parking Charge has been made using Cashless Parking, or a Hand-held device indicates that the payment period for which payment was made using Cashless Parking has expired it shall be presumed (as the case may be and unless contrary is proved) that either:
- a) The Parking Charge has not been duly paid in respect of that Motor Vehicle in accordance with the provisions of Article 7 of this Order; or
 - b) The Parking Period for which payment was made using Cashless Parking has expired
- and in either case a Civil Enforcement Officer may serve a Penalty Charge Notice.
- 17.** If at any time when the Motor Vehicle is left during Charging Hours in a Car Park and on the nearest Ticket Machine in that Car Park there is a notice placed by any person duly authorised by the Council, indicating that the Ticket Machine is out of order, then a Parking Ticket shall be obtained from another machine within that Car Park (where provided).
- 18.** Where no valid Parking Ticket can be obtained as a result of all Ticket Machines in an individual Car Park being designated as out of order in accordance with Article 17 and the relevant notice being displayed on all machines then a Motor Vehicle may be left in a Car Park but not left longer than the charging period for that day.
- 19.** No Motor Vehicle or Bicycle shall be driven at a speed exceeding 5mph whilst within the boundaries of any Car Park.
- 20.** Where within a Car Park there is a sign and/or surface marking that indicates a Parking Space is designated as an Electric Vehicle Parking Space, no Motor Vehicle or Electric Vehicle shall be permitted to stand or wait in the Parking Space unless it is connected to an Electric Charging Point for the entire duration.
- 21.** Where within a Car Park there is a sign or surface marking that indicates a Parking Space is available only for the use of Reserved Parking Permit Holders, no Motor Vehicle shall be permitted to stand or wait in the Parking Space unless it is displaying a valid Reserved Parking Permit in the relevant position.
- 22.** Where within a Car Park there is a sign or surface marking that indicates a Parking Space is designated as a Parent and Child Space, no Motor Vehicle shall be permitted to stand or wait in the Parking Space unless the adult is accompanied by a child under the age of 14 and that child is less than 1.35m in height.
- 23.** Where within a Car Park there is a sign or surface marking that indicates a Parking Space is designated as a Disabled Parking Space, no Motor Vehicle shall be permitted to stand or wait in the Parking Space unless the Driver or a passenger of the Motor Vehicle is in possession of a Disabled Person's Badge and disc and displays this in accordance with Article 9(5) of this Order.

- 24.** 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 fee paid always provided that the 'Maximum Period for which Vehicles may stay' for that Car Park is not exceeded (as outlined in Schedules 1 and 2.

Exemptions from Payment

- 25.** Any Motor Vehicle left in a Parking Space that is displaying a Disabled Persons' Badge and parking disc set to show the time of arrival in the Relevant Position shall be exempt from payment of any charge specified in Schedule 1 or Schedule 2 to this order for the period specified in the relevant schedule.
- 26.** Any Motor Vehicle left in a Parking Space that is displaying a Permit, or Reserved Parking Permit (in the designated Reserved bay as indicated by Reserved Permit) in the Relevant Position shall be exempt from payment of any Parking Charge specified in Schedule 1 or Schedule 2 to this Order.
- 27.** Any Electric Vehicle, left in an Electric Vehicle Parking Space, connected to an Electric Charging Point.

Maximum Length of Stay for Motor Vehicle Using Car Parks

- 28.** No Motor Vehicle shall be allowed to remain in a Car Park for longer than the maximum time permitted during the Charging Hours for that Car Park, nor may a Motor Vehicle return to any Car Park until after the expiry of one hour from the termination of the previous Parking Ticket displayed in the Motor Vehicle, except for Drivers holding a Reserved Parking Permit or Season Permit, for that Car Park.
- 29.** Motor Cycles may park in any Designated Motor Cycle Space without payment.

Restrictions on Use of Car Parks

- 30.** Unless the Council's prior written consent is obtained, no person in a Car Park shall:-
- a) Use a Motor Vehicle in connection with the sale of any article to persons in or near the Car Park or in connection with the selling or offering for hire of his or her skills or services;
 - b) Erect or cause to be erected any tent, booth, stand, building or structure;
 - c) Light or cause or permit to be lighted any fire;
 - d) Display or distribute or cause to be displayed or distributed any notice, leaflet, handbill, booklet, book or other item.
- 31.** No person shall use any part of a Car Park or any Motor Vehicle parked in a Parking Space:-
- a) for sleeping or camping or cooking; or

- b) for the purpose of servicing or washing any Motor Vehicle or part thereof other than is reasonable, necessary to enable that Motor Vehicle to depart from the Car Park; or
- c) for any indecent, improper, offensive or obscene behaviour which may cause harassment, alarm or distress to users of the Car Park, occupants of neighbouring premises or passers-by.

32.

- 1) A Motor Vehicle shall not be permitted to wait in a Car Park other than in a Parking Space. Under no circumstance is parking permitted on single or double yellow lines.
- 2) Except with permission of the Council, every part of the Motor Vehicle must be within the limits of the Parking Space and not more than one Motor Vehicle shall occupy any such one Parking Space.
- 3) Except with the permission of the Council, every part of a Trailer must be parked within the limits of one Parking Space. A Trailer Unit must occupy no more than two Parking Spaces. Separate Parking Tickets must be purchased for both the Motor Vehicle and Trailer and must be displayed in relevant position(s).
- 4) Where within the Car Park there is a sign or surface marking that indicates a Parking Space is available only for the use of Disabled Person's Badge Holders, no Motor Vehicles shall be permitted to stand or wait in the Parking Space unless it is correctly displaying a valid Disabled Person's Badge in the Relevant Position.
- 5) Where within the Car Park there is a sign or surface marking that indicates a Parking Space is available only for the use of a particular class of Motor Vehicle, no Motor Vehicle shall be permitted to stand or wait in the Parking Space unless it is that class.
- 6) No Motor Vehicle may be parked in such a manner that it obstructs any other Motor Vehicle or pedestrian access.

33. Where in a Car Park or any part thereof, signs are erected or surface markings are laid for the purpose of:-

- a) indicating an entrance to or exit from the Car Park or any part thereof; or
- b) indicating that a Motor Vehicle using the Car Park or any part thereof shall proceed in a specific direction within the Car Park or any part thereof;

No person shall drive or permit to be driven any Motor Vehicle

- i. so that it enters the Car Park or any part thereof, otherwise than by the entrance, or leaves the Car Park or any part thereof, otherwise by the exit, so indicated, or
- ii. in a direction other than so specified.

34.

- a. No Motor Vehicle shall display a Parking Ticket that has been previously displayed on another Motor Vehicle or in another Car Park.
- b. No Motor Vehicle shall display any Parking Ticket, or any Permit, which has been altered, defaced, mutilated or added to, or upon which the figures or particulars have become illegible.
- c. No Motor Vehicle shall display any Parking Ticket or Permit, other than one issued by or explicitly authorised by the Council.
- d. If an Civil Enforcement Officer has reasonable cause to believe that a document or article carried on a Motor Vehicle, or by the Driver or person in charge of a Motor Vehicle, is a Parking Ticket or Permit to which this Article applies, or is a document designed to resemble a Parking Ticket or Permit, they may detain that Parking Ticket or Permit, and may for that purpose require the Driver or person in charge of the Motor Vehicle to deliver up the document or article to the Civil Enforcement Officer.

Penalty Charge for Use of Car Parks

35.

- 1) A Penalty Charge will be payable by the Driver of a Motor Vehicle left in contravention or non-compliance of any article or articles of this order.
- 2) The Penalty Charge or reduced Penalty Charge shall be in the sum of the following amounts:-
 - a) The Penalty Charge for Higher Level Contravention – band 2 as set out in Section 1 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time) subject to payment being received within 28 days beginning with the date of issue of the Penalty Charge Notice.
 - b) All other Parking Contraventions of the Order not so defined as Higher Level Contraventions in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof, will be set at the Lower Level Penalty Charge as defined in those Regulations.
 - c) The reduced Penalty Charge – a fifty percent reduction of the Penalty Charge subject to payment being received within 14 days beginning with the date of issue of the Penalty Charge Notice.
 - d) If no payment is made within 28 days of the serving of the Penalty Charge, the Council will apply to DVLA for vehicle ownership details and will then issue a Notice to Owner advising of the unpaid charge.

- e) If no payment is made within 28 days of the serving of the Notice to Owner the Council may issue a charge certificate in accordance with the provisions of Regulation 21 of The Civil Enforcement of Parking Contravention (England) General Regulation 2007 (as amended or as amended or superseded from time to time) this will result in the Penalty Charge being increased by fifty percent.
- 3) Service of a Penalty Charge Notice, Notice to Owner or charge certificate by post is deemed effective on the second working day after the day of posting.
- 4) Where an Civil Enforcement Officer believes that a Parking Contravention may have occurred, the Civil Enforcement Officer may attach to the Motor Vehicle in a conspicuous position or hand to the Driver a Penalty Charge Notice which shall comply with the requirements of Regulation 9 and the Schedule to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (as amended or superseded from time to time).
- 5) Where a Penalty Charge has been incurred, a Penalty Charge Notice may be issued by post by the Authorised Officer if the Owner of the Motor Vehicle drives the Motor Vehicle away before the Civil Enforcement Officer has served a Penalty Charge Notice or the Civil Enforcement Officer has been prevented from serving a Penalty Charge Notice. Such a Penalty Charge Notice shall comply with the requirements of Regulation 10 and the Schedule to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (as amended or superseded from time to time).

Power of the Council to Close Car Parks

36.

- 1) Nothing in this Order shall restrict the power of the Council by notice, to suspend the operation of a Car Park or any part thereof; or permanently end the operation of a Car Park or any part thereof and, when the operation of the Car Park or the part thereof is suspended or ended, the Council shall display a notice or notices to that effect at the Car Park and at the Ticket Machines.
- 2) When the operation of the Car Park is suspended pursuant to the paragraph (1) of this Article, no person shall cause any Motor Vehicle to enter, stand, wait or be left in a the Car Park in any part thereof, for the duration of the suspension without written authorisation of the Council, except for an ambulance or any Motor Vehicle being used in the service of a fire brigade or police force, or any Motor Vehicle with the permission of the police constable in uniform or when displaying a valid Dispensation.
- 3) If at any time the Council shall require a Car Park or part thereof for any purpose whatsoever (including its use as a private Car Park in connection with a particular event) then the right of any person to park any Motor Vehicle thereon shall immediately terminate until the Council shall no longer require the Car Park or part thereof.

Liability of the Council

- 37.** The Council shall not be liable in respect of loss or damage to any Motor Vehicle or the fitting or contents of any Motor Vehicle waiting or moving in or entering or otherwise using the Car Park.
- 38.** Any person who with intent to defraud interferes with a Ticket Machine 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

ALLERDALE BOROUGH COUNCIL

was hereunto affixed this

of 2019

in the presence of: