

**The County of Cumbria**

**(Off-Street Parking Places) (Jackson Court, Brampton)  
Order 2019**

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  
20<sup>TH</sup> DAY OF JUNE 2019

## CUMBRIA COUNTY COUNCIL

### THE COUNTY OF CUMBRIA (OFF STREET PARKING PLACES) (JACKSON COURT, BRAMPTON) ORDER 2019

Cumbria County Council (“the Council”) in exercise of its powers under Sections 32(1), 33(1), (2), (3) and (7), 34, 35, 35A, 35C and 39 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and Part III of Schedule 9 of the 1984 Act and in exercise of its powers under Part 6 of the Traffic Management Act 2004 (Civil Enforcement Area) and all other enabling powers, 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) The provisions of this Order shall come into operation on 1 July 2019 and the Order may be cited as The County of Cumbria (Off-Street Parking Places) (Jackson Court, Brampton) Order 2019

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

“**ambulance parking bay**” means an area of a parking place marked for the sole use of an ambulance;

“**appropriate manner**” means in relation to the display of pre-paid tickets and parking permits that such pre-paid tickets and permits will be displayed in such a position inside the vehicle and in such a manner that any date and time symbols or permit details thereon are clearly visible from the front or nearside of the vehicle;

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

“**charging hours**” means the days and times of operation and maximum period a vehicle may stay stipulated in Column 4 of Schedules 3, 4 and 5;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**“parking device”** has the same meaning given in Section 35(3B) of the Act, and includes the clock disc referred to in the following definition of “relevant position” below

**“Parking Permit”** means any document, voucher or warrant for parking issued and authorised by the Council showing the Council logo, the relevant date and location of the authorisation. Improper use of the Parking Permit will render it void. The term ‘Parking Permit’ includes staff permits and temporary permits issued by Moot Lodge Care Home staff and authorised by the Council for the use specified thereon;

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

**“parking place”** means an area of land off a road authorised by this order and specified by name in Column 1 of Schedules 3, 4 and 5 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 2004

**“penalty charge notice”** a notice of a penalty charge which is issued in accordance with the provisions of Part IV of this Order and detailed in Schedule 6 to this Order

**“permitted hours”** means in relation to a parking place, the period during which a vehicle may stay as detailed in column 4 of Schedules 3, 4 and 5 to this Order

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

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

**“relevant position”** – means

- (i) if the vehicle is fitted with a front windscreen the parking permit or disabled persons badge and disabled parking disc shall be exhibited with the side containing the details relevant to make the ticket or permit valid facing forwards on the near side of the vehicle and immediately behind the windscreen either attached to it or upon the dashboard or fascia so that the same is readable from the outside of the vehicle; or

- (ii) in the case of a vehicle not fitted with a front windscreen or dashboard or fascia the parking permit shall be exhibited in a conspicuous and readable position on the vehicle;
  - (a) in connection with the display upon a vehicle of a permit;
    - (i) the particulars of the permit shall contain the Council logo, the date and location of the authorisation and vehicle registration where applicable
  - (b) in connection with the display upon a vehicle of a disabled person's badge and disabled person's parking disc;
    - (i) the particulars of the blue badge that shall be displayed in the manner previously detailed as it is dictated in the most up to date version of the disabled persons blue badge scheme: rights and responsibilities in England
  - (c) in connection with the display upon a vehicle of a clock disc;
    - (i) the clock disc will be displayed in the manner listed above showing the time of arrival to the nearest quarter of an hour and shall be for no longer than the maximum time limit displayed on the signage displayed in the area which the vehicle is parked

**“staff permit”** means a permit issued pursuant to Article 27 and authorised by the Council for a member of staff (Moot Lodge Care Home staff) to park within a parking place specified on the permit for the period listed on the permit, improper use of the permit will render it void

**“temporary permit”** means a permit issued pursuant to Article 26 and authorised by the Council for the parking of a specified vehicle in a specified parking place on a specified date or dates, for a limited time specified in column 4 of Schedule 3, improper use of which will render the same void

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

- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- (4) Any reference in this Order to a numbered 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

### CONDITIONS OF USE OF LAND AND PARKING PLACES

#### 2. Save as provided in Article 3

- (1) Each area of land specified by name in Column 1 of Schedules 3, 4 and 5 may be used, subject to the following provisions of this Article as a parking place.
- (2) Where in columns 2 and 3 of Schedules 3, 4 and 5 a parking place is described as available for vehicles of a specified class or in a specified position the driver of the vehicle shall not permit it to wait in that parking place unless it is of a class and in the position so specified.
- (3) Where in columns 4 and 5 of Schedules 3 and 4 a parking place is described as available within permitted hours no driver waiting within the permitted hours shall permit a vehicle to wait in that parking place unless a permit, obtained in accordance with Articles 26 or 27 is displayed in the relevant position and appropriate manner.
- (4) No person shall permit a vehicle to be left/wait in a parking place for longer than the maximum period permitted for waiting specified in column 4 of Schedules 3 and 4 to this Order.
- (5) No person shall permit a vehicle to be left/wait in a disabled parking bay specified in Schedule 4 to this Order, unless such vehicle correctly displays a disabled persons badge and disabled persons parking disc, which is set to indicate the time of arrival.
- (6) No person shall permit a vehicle to be left/wait in a ambulance parking bay specified in Schedule 5 to this Order, unless the vehicle is an ambulance.

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

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

(3) Nothing in Article 2 shall apply to the following: -

- (i) vehicles being used in connection with building, demolition, repair or maintenance of car parks;
- (ii) vehicles being used for police, fire brigade or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority or

water authority which is being used in pursuance of statutory powers or duties;  
or

(iii) vehicles authorised by the Council for specified purposes;

- (5) Where in a parking place signs are displayed and or surface markings are laid for the purpose of indicating that a part thereof in the parking place is reserved for use by: -
- (i) a disabled persons vehicle which displays in the relevant position a disabled persons badge and disabled persons parking disc;
  - (ii) permit holders only; or (iii) an ambulance,

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

4. Where a parking permit, disabled badge, or parking disc has been displayed on a vehicle in the relevant position, no person, not being the driver of the vehicle, shall remove such parking permit, disabled badge or parking disc from the vehicle unless authorised to do so by the driver of the vehicle.
5. No vehicle shall be sold, offered or exhibited for sale whilst it is in a parking place.
6. No work of building, construction, cleaning, engineering, maintenance or repair of any nature shall be carried out in a parking place, except such as may be necessary to enable a vehicle to be moved from the parking place, nor shall any plant or equipment or materials be deposited in a parking place other than with the express permission of the Council and payment of such a fee as may be determined by the Council.
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 including vehicles displaying a valid disabled person's badge and disabled person's parking disc.
9. (1) Where in a parking place signs are erected and/or surface markings are laid for the purpose of indicating a parking bay the driver of that vehicle will ensure that the vehicle is parked wholly within the markings of the bay or space, no person shall cause or permit a vehicle to wait in that part of the parking place with one or more wheels over the lines of that marked parking bay.

- (2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from the parking place or arrange for such removal. The costs of such removal and any subsequent storage of the vehicle shall be recoverable from the driver or owner of that vehicle.
  - (3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a Police Officer in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
  - (4) Any person altering, or causing the alteration of the position of a vehicle by virtue of paragraphs (2) or (3) of this Article, or removing or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article shall make such arrangements as considered to be reasonably necessary for the safety of the vehicle in the place to which it is removed.
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 of any article to persons in or near the parking place or in connection with selling or offering for hire of his skills or services, unless prior written authorisation is sought and granted from the Council.
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. No vehicle shall be left in a parking place for longer than the maximum period permitted for waiting specified in column 4 schedules 3 and 4;
20. No caravan shall use a parking place unless otherwise authorised;
21. No trailer shall use a parking place unless otherwise authorised;
22. No minibus or motor caravan shall use a parking place unless otherwise authorised;
23. No coach shall use a parking place unless otherwise authorised;
24. No heavy commercial vehicle shall use any part of a parking place unless otherwise authorised
25. 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 III**

#### **STAFF PERMITS AND TEMPORARY PERMITS**

26. At the discretion of the Council a temporary parking permit may be issued by Moot Lodge Care Home staff to any person for the parking of a specified vehicle in a specified parking place on a specified date or dates.
27. At the discretion of the Council a staff permit (for Moot Lodge Care Home staff) may be issued by Moot Lodge Care Home staff for the parking of a specified vehicle in a specified parking place or places specified in Schedules 3 or 4.
28. Any permit issued pursuant to Articles 26 or 27 shall be non-transferable between the vehicle or vehicles in respect of which it was issued and any other vehicle specifically stated to the contrary and shall be valid only in respect of the parking place and for the date or dates specified.

## **PART IV**

### **PENALTY CHARGE AT PARKING PLACES**

29. (1) If a vehicle is left in a parking place in contravention of or non-compliance with any of the relevant provisions of this Order it shall be the duty of a Civil Enforcement Officer (Parking) to issue a Penalty Charge, pursuant to the provisions of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007(Statutory Instrument Number 2007/3483) or such other Act or Regulation or Statutory Instrument as shall replace or repeal all or part of the said Statutory Instrument Number 2007/3483 (“hereinafter referred to as SI 2007/3483”)
- (2) The Penalty Charge Notice shall be payable by the owner for each day of the said contravention or non compliance to the Council. The amount of the charge being any amount recommended by the Secretary of State and approved by Members of the Council as set out in Schedule 5 to this Order;
30. The Contents of a penalty charge notice served under the provisions of this Order will contain all relevant information set out in regulation 9 or 10 of SI 2007/3483
31. The contraventions under which a Penalty Charge Notice can be issued are set out in Schedule 2 to this Order;
32. (1) Payment of the penalty charge to the Council shall either be by cash, cheque, postal order, credit or debit card;
- (2) in the event of payment being received in relation to any Penalty Charge Notice having been correctly served within 14 days of the date the Penalty Charge Notice was issued the amount payable of the Penalty Charge Notice shall be reduced to an amount recommended by the Secretary of State and approved by the Council; the said payment shall be accepted in full settlement of the Penalty Charge Notice payable under the terms hereof;
- (3) Payments can be delivered, sent by post, by telephone or via the internet as appropriate so as to reach the relevant department/office of the Council or the Councils contractor as stated on the Penalty Charge Notice;
- (4) Payment must be made by the date specified on the Penalty Charge Notice but should the said Council department/office or the office of the Councils contractor be closed on the said date specified the period for receiving payment will be extended until the next full working day;
- (5) Payment of the Penalty Charge Notice (whether or not the same is reduced under the provisions of paragraph 2 hereof) will not exonerate any persons from payment of any expenses recoverable in respect of the removal and disposal of the vehicle pursuant to the provisions for the time being in force or from any claim to damages

which the Council may have in respect of damage incurred in relation to the parking of the vehicle howsoever arising;

- 33. The particulars detailed on the Penalty Charge Notice, notified in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.
- 34. The enforcement of Penalty Charges will be carried out in accordance with the provisions of Part V of SI 2007/3483
- 35. The registered keeper at the relevant date shall, pursuant to the provisions of Vehicle Excise and Registration Act 1994, be deemed to be responsible for any contravention or non-compliance with this Order unless the registered keeper can prove in any proceedings:-
  - (i) that the registered keeper was neither the owner nor the keeper of the vehicles at the time of the contravention; or
  - (ii) that the vehicle was being used on that date without the consent of the registered keeper;

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

**PART V**

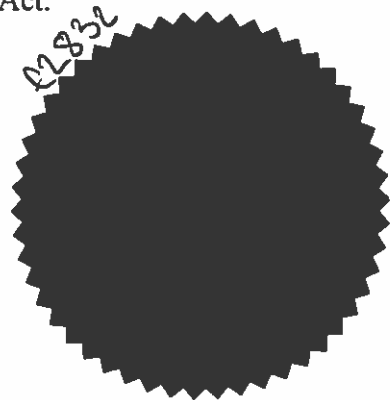
**LIABILITIES AND PENALTIES**

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

THE COMMON SEAL OF )  
CUMBRIA COUNTY COUNCIL )  
was hereunto affixed )  
in the presence of:- )

*P Brodie*

Authorised Signatory .....



# SCHEDULE 1

## CLASSES OF VEHICLES

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

**SCHEDULE 2**  
**OFF STREET CONTRAVENTIONS INCURRING A PENALTY CHARGE**

<b>CONTRAVENTION CODE</b>	<b>DESCRIPTION</b>	<b>CLASS APPLICABLE</b>
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	A,B,C,D,E,F,G
80	Parked for longer than the maximum period permitted	A,B,C,D,E,F,G
81	Parked in a restricted area	A,B,C,D,E,F,G
85	Parked in a permit bay without clearly displaying a valid permit	A,B,C,D,E,F,G
86	Not parked correctly within the markings of a bay or space	A,B,C,D,E,F,G
87	Parked in a disabled persons parking space without clearly displaying a disabled persons badge	A,B,C,D,E,F,G
90	Re parked within the no return period after leaving a bay or space in a car park	A,B,C,D,E,F,G
91	Parked in a car park or area not designated for that class of vehicle	A,B,C,D,E,F,G
92	Parked causing an obstruction	A,B,C,D,E,F,G
93	Parked in a car park when closed	A,B,C,D,E,F,G
95	Parked in a parking place for a purpose other than the designated purpose for the parking place	A,B,C,D,E,F,G
96	Parked with the engine running where prohibited	A,B,C,D,E,F,G

## SCHEDULE 3 PERMIT HOLDERS ONLY PARKING PLACES

(1) Name and location of Parking Place	Car park category	(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 & exemptions
Jackson Court, Brampton	PHO	Any vehicle to be parked wholly within a marked parking space	All vehicles <u>except</u> :- D, E, F, G Class C for deliveries only	24 Hours a Day, 7 days a Week  For vehicles displaying a valid staff permit (Moot Lodge Care Home staff) there is no time limit  For vehicles displaying a temporary permit there is no time limit	There is no charge to park.  Please see Article 3(2) of the Order for relevant exemptions to the use of parking places

## SCHEDULE 4 OFF STREET DISABLED BADGE PARKING PLACES

(1) Name and location of Parking Place	Car Park Category	(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 & exemptions
Jackson Court, Brampton	PHO	As directed on signs displayed at the parking place and wholly within the disabled persons parking place	All vehicles except: - C, D, E, F, G  PROVIDING that vehicles display a disabled persons badge and disabled persons parking disc set to indicate the time of arrival <b>AND</b> a temporary permit issued by Moot Lodge Care Home Staff.	24 Hours a Day, 7 days a Week  Waiting limited to 3 hours  For vehicles displaying a valid staff permit (Moot Lodge Care Home staff) there is no time limit	There is no charge to park.  Please see Article 3(2) of the Order for relevant exemptions to the use of parking places.

**SCHEDULE 5  
OFF STREET AMBULANCE ONLY PARKING PLACE**

(1) Name and location of Parking Place	Car park category	(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 & exemptions
Jackson Court, Brampton	PHO	As directed on signs displayed at the parking place and wholly within the disabled persons parking place	Ambulances only.	24 Hours a Day, 7 days a Week  Waiting Unlimited	There is no charge to park.  Please see Article 3(2) of the Order for relevant exemptions to the use of parking places.



## SCHEDULE 6

### PENALTY CHARGE NOTICE

PENALTY CHARGE	SERIOUS CONTRAVENTIONS 74, 81, 85, 87, 91, 92	LESS SERIOUS CONTRAVENTIONS 80, 86, 90, 93, 95, 96
The Penalty Charge shall be	£70.00	£50.00
The reduced sum shall be	£35.00	£25.00
The increased amount shall be	£105.00	£75.00