

## **EDEN DISTRICT COUNCIL (OFF-STREET PARKING PLACES) ORDER 2010**

The Council of the District of Eden ("the Council") in exercise of its powers under Sections 32 and 35 of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to the Act and of all other enabling powers, with the consent of the County Council of Cumbria in accordance with Section 39 (3) of the Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:

### **DEFINITIONS AND INTERPRETATION**

1. In this Order unless stated or the context requires otherwise:
  - 1.1. not used
  - 1.2. "coach" means public service vehicle within the meaning of section 1 of the Public Passenger Vehicles Act 1981
  - 1.3. "Councillor parking permit" means a permit issued pursuant to article 20 to an elected member of the Council for the parking of a specified vehicle in a specified parking place or places
  - 1.4. "disabled person's badge" has the meaning given in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000
  - 1.5. "driver" in relation to a vehicle waiting in a parking place means the person who was driving the vehicle at the time it entered 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
  - 1.6. "goods vehicle" has the meaning given in section 138(3) of the Act
  - 1.7. "increased amount" shall mean the increased amount specified in Part III of the Schedule
  - 1.8. "invalid carriage" has the meaning given in Section 136(5) of the Act
  - 1.8A "Leisure Centre User Permit" means a permit issued pursuant to Article 22A for use by a specific vehicle for a specified period of time in the parking place at Penrith Leisure Centre improper use of which shall render the same void
  - 1.9. "Market Traders' Permit" means a permit issued pursuant to Article 19 for use on market days by a specified vehicle in a specified parking place improper use of which shall render the same void
  - 1.10. "motor car" has the meaning given in section 136(2)(a) of the Act
  - 1.11. "motor cycle" has the meaning given in section 136(4) of the Act
  - 1.12. "motor vehicle" has the meaning given in section 136(1) of the Act
  - 1.13. "owner", in relation to a vehicle, means the person by whom such vehicle is kept and used;
  - 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; and

- 1.15. "parking place" means any area of land specified by name in column 1 of Part 1 of the Schedule provided by the Council under section 32(1) of the Act for use as a Parking place
- 1.16. "parking device" has the meaning given in section 35(3B) of the Act
- 1.17. "penalty charge" means the charge specified in Part III of the Schedule
- 1.18. "penalty charge notice" means the notice specified in Article 25
- 1.19. "pre-paid ticket" means a ticket obtained from an automatic ticket machine for collecting charges and installed in a parking place
- 1.20. "private light goods vehicle" means a motor vehicle constructed or adapted for use for the conveyance of goods or burden of any description and which has an unladen weight not exceeding 3050 kilograms
- 1.21. "reduced sum" shall mean the reduced sum specified in Part III of the Schedule
- 1.22. "relevant position" means:
- a) In the case of a disabled person's badge:
    - i) In the case of a vehicle fitted with a facia panel or dashboard exhibited thereon so that part 1 of the badge is legible from the outside of the vehicle, or
    - ii) In the case of a vehicle not fitted with a dashboard or facia panel exhibited in a conspicuous position so that part 1 of the badge showing the date of expiry is legible from outside the vehicle
  - b) In the case of any other badge permit prepaid ticket or other parking device mentioned in this order:
    - i) In the case of a vehicle fitted with a front windscreen exhibited thereon with the face of the device facing forwards such that the date time and other details confirming the validity thereof are legible from outside the vehicle, or
    - ii) In the case of a vehicle not fitted with a front windscreen 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 such that the date time and other details confirming the validity thereof are legible from outside the vehicle
- 1.23. "restricted hours" means any period specified in column 6 of Part I of the Schedule in respect of which a charge or permit is specified in column 8 of Part I of the Schedule ;
- 1.24. "season ticket" means a numbered permit issued pursuant to Article 18 for the parking of a specified vehicle or vehicles in a specified parking place improper use of which shall render the same void
- 1.25. "staff parking permit" means a permit issued to a person employed by the Council pursuant to article 21 for the parking of a specified vehicle in a specified parking place or places

- 1.26. "temporary parking permit" means a permit issued pursuant to article 23 for the parking of a specified vehicle in a specified Parking place for a specified date or dates improper use of which will render the same void
- 1.27. "trailer" means a trailer within the meaning of section 136(1) of the Act and shall include a caravan
- 1.28. words importing the masculine include the feminine and vice versa
- 1.29. any reference to a condition clause schedule or plan is to one in to or attached to this Order
- 1.30. in the absence of contrary provision any reference to a statute or Statutory provision shall be construed as reference to that statute or Statutory provision as from time to time amended modified extended replaced or re-enacted including reference to any subordinate legislation made under it from time to time.

### **CITATION AND REVOCATIONS**

2. This Order shall come into operation on 12 July 2010 and may be cited as the Eden District Council (Off-Street Parking Places) Order 2010.
3. The Eden District Council (Off-Street Parking Places) (Consolidation) Order 2008 is hereby revoked.
4. not used.
5. not used.
6. not used.

### **PROVISION AND USE OF PARKING PLACES**

7. Each of the areas of land specified by name in column 1 of Part I of the Schedule and shown for identification purposes only edged by bold black lines on plans 1 to 7 attached hereto may be used, subject to the following provisions of this Order, 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 Part I of the Schedule.
8. Where in columns 2 to 7 of Part I of the Schedule 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.
9. Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is designated for the parking of vehicles within a particular class such as for a disabled person's vehicle, coach or motor cycle, the driver of a vehicle shall not permit it to wait in that parking bay unless the vehicle is within that class.
10. No vehicle shall be left in a parking place for longer than the maximum period permitted for waiting specified in column 7 of Part I of the Schedule in relation to that parking place.

11. Nothing in article 7 of 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. No parking place or any part thereof shall be used outside the hours of operation specified in column 5 of Part I of the schedule or when such parking place or part has been closed by the Council in accordance with article 11.

#### **CHARGES FOR PARKING**

13. Whenever a vehicle occupies any parking place during the restricted hours for that parking place specified in column 6 of part I of the Schedule the driver shall pay such charge or shall display such badge permit or ticket as is specified in column 8 of Part I of the schedule in such manner as provided in this Order.
14. Outside the restricted hours but within the hours of operation of the parking place specified in column 5 of Part I of the schedule the classes of vehicle specified may park in the parking place free of charge and without the need to display any season ticket permit or other device but subject to the other provisions of this order.
15. Where a charge is payable in relation to the parking of a vehicle it shall be paid by obtaining of a pre-paid ticket by the insertion of an appropriate coin or coins into the apparatus or device provided in the parking place, being an apparatus or device approved in accordance with section 35(3) of the Act.
16. If a pre-paid ticket is required it shall be purchased immediately following the parking of the vehicle in the said parking place in respect of the period (not being longer than the maximum period for waiting in that parking place) during which the vehicle is intended to be parked in that parking place and such pre-paid ticket shall be displayed in the relevant position through the said period.
17. Where the parking of a vehicle in any parking place is authorised by a pre-paid ticket under the provisions of articles 15 and 16 such vehicle shall not be left in the parking place for longer than the period permitted by the pre-paid ticket.

#### **BADGES PERMITS AND SEASON TICKETS**

18. The owner of a motor car may at the discretion of the Council purchase a season ticket in respect of that vehicle or vehicles for the charge and for the use in one of the parking places specified in Part II of the Schedule and that season ticket shall be valid in relation to such vehicle or vehicles for such period and in such parking place as is specified thereon.
19. At the discretion of the Council any trader at a market in Penrith may be granted a permit for the parking of a specified vehicle in a specified parking place on the day on which the trader is trading at the market.
20. Each member of the Council shall be entitled on request to a permit for the parking of a specified vehicle in a specified parking place or places.
21. Each employee of the Council 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.

22. At the discretion of the Council any guest or visitor to the Council's offices or any other person may be issued with a temporary parking permit for the parking of a specified vehicle in a specified parking place on a specified date or dates.
- 22A At the discretion of the Council any person who can show that they are attending Penrith Leisure Centre to use the facilities thereat may be issued with a permit for the parking of a specified vehicle on the specified date and for the specified period of time in the parking places at the said Leisure Centre.
23. Any ticket or permit issued pursuant to Articles 18 to 22 shall be non-transferable between the vehicle or vehicles in respect of which it was issued and any other vehicle unless specifically stated to the contrary and shall be valid only in the parking place and for the date or dates specified.

### **PENALTY CHARGES**

24. If there is any contravention of any of the provisions of articles 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 23, 33, 34, 35, 36, 37, 38, 39, 40, 41 and any of the provisions of Part I of the Schedule of this Order then a penalty charge shall be payable to the Council.
25. In the case of a vehicle in respect of which a penalty charge may have been incurred, a parking attendant shall attach to the vehicle in a conspicuous position or give to the person who appears to be in charge of the vehicle a notice which shall include the following particulars:
- a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
  - b) a description of the contravention of this order which has been observed
  - c) the date and time at which the parking attendant observed that the contravention occurred;
  - d) a statement that the penalty charge is required to be paid; and
  - e) the date the penalty charge notice is issued;
  - f) the manner in which, and the time within which, the penalty charge should be paid.
26. Subject to Article 27 the penalty charge shall be paid to the Council within 28 days of the day on which the penalty charge notice was issued.
27. 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 issued the reduced sum shall be accepted in full settlement of the penalty charge.
28. If the penalty charge remains unpaid after 56 days from the date the penalty charge notice was issued and a charge certificate is issued the penalty charge payable shall be the increased amount.

29. Payment of a penalty charge shall not relieve a person from payment of any expenses recoverable by the Council pursuant to the provisions of articles 42 to 47 and any statutory provisions for the time being in force or from any claim for damages which the Council may have in respect of damage incurred in relation to the parking of the vehicle howsoever arising.
30. 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.
- 30A 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 and the contravention is continuing.

### **OTHER PROVISIONS**

31. The registered keeper of the vehicle shall be deemed to be responsible for any contravention or non-compliance with the provisions of this order and shall be responsible for the payment of any charges unless he can show that
- a) he was neither the owner nor the keeper 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 keeper or driver of the vehicle on the relevant date instead of the registered keeper.
- 31A The time shown as the arrival time or departure time on any parking device displayed in or on a vehicle in a 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.
32. Any vehicle using or remaining in any parking place shall be at the 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 including damage caused directly or indirectly as a result of a vehicle being removed from the Parking place under the provisions of articles 42 to 46.
33. not used.
34. 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 as specified in column 2 of Part I of the Schedule, and shall not start the engine except when about to change the position of the vehicle in, or to depart from, the parking place.
35. No vehicle shall park in a parking place in such a way as to cause an obstruction to others.
36. No vehicle shall be sold offered or exhibited for sale whilst it is in a parking place.

37. 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.
38. No person shall use any part of a parking place or any vehicle left in a parking place:
- a) for sleeping or camping or cooking; or
  - b) for the purpose of servicing, maintaining, repairing or washing any vehicle or part thereof other than so far as is reasonably necessary to enable that vehicle to depart from the parking place
39. not used.
40. 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 (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 so specified.
41. 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.

## **REMOVAL OF VEHICLES**

42. If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 7 and column 2 of Part I of the Schedule, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
43. 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 that parking place or arrange for such removal.
44. For the purpose of meeting the requirements of any emergency, a person authorised in that behalf by the Council or a police constable 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.
45. Any person altering, or causing the alteration of, the position of a vehicle by virtue of Articles 42 or 44, or removing, or causing the removal, of a vehicle by virtue of Articles 43 or 44, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

46. Any person removing or arranging for the removal of a vehicle by virtue of Articles 43 or 44 shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.
47. Any costs incurred pursuant to Articles 42 to 46 shall be recoverable from the owner of the vehicle.

Dated this 12<sup>th</sup> day of July 2010

The **COMMON SEAL** of  
**EDEN DISTRICT COUNCIL**  
was hereunto affixed  
in the presence of:

Chairman

Director of Corporate and Legal Services



# Schedule

## Part I

Name of Parking place	Position in which Vehicle may wait	Classes of Vehicle	Days of operation of Parking place	Hours of operation of Parking place	Restricted Hours	Maximum period for which vehicles may wait	Scale charge or applicable permit
1	2	3	4	5	6	7	8
Bluebell Lane Car Park	wholly in a parking bay	(i) motor cars (ii) motor cycles (iii) private light goods vehicles (iv) invalid carriages	All days except Sundays and Bank Holidays	All Hours	8.00am to 6.00pm	24 consecutive hours	Disabled person's badge or Up to 2 hours £1.70 Up to 4 hours £3.00 Up to 10 hours £4.40
Bluebell Lane Car Park	wholly in a parking bay	(i) motor cars (ii) motor cycles (iii) private light goods vehicles (iv) invalid carriages	Sundays and Bank Holidays	All Hours	8.00am to 6.00pm	24 consecutive hours	Disabled person's badge or £1.00

Name of Parking place	Position in which Vehicle may wait	Classes of Vehicle	Days of operation of Parking place	Hours of operation of Parking place	Restricted Hours	Maximum period for which vehicles may wait	Scale charge or applicable permit
1	2	3	4	5	6	7	8
Sandgate Bus Station Car Park	Wholly in a parking bay	(i) motor cars	All days except Sundays and Bank Holidays	All Hours	8.00am to 6.00pm	24 consecutive hours	Disabled person's badge or Up to 2 hours £1.70
		(ii) motor cycles					Up to 4 hours £3.00
		(iii) private light goods vehicles					Up to 10 hours £4.40
		(iv) invalid carriages					
Sandgate Bus Station Car Park	Wholly in a parking bay	(i) motor cars	Sundays and Bank Holidays	All Hours	8.00am to 6.00pm	24 consecutive hours	Disabled person's badge or £1.00
		(ii) motor cycles					
		(iii) private light goods vehicles					
		(iv) invalid carriages					

Name of Parking place	Position in which Vehicle may wait	Classes of Vehicle	Days of operation of Parking place	Hours of operation of Parking place	Restricted Hours	Maximum period for which vehicles may wait	Scale charge or applicable permit
1	2	3	4	5	6	7	8
Sandgate Bus Station Car Park	Wholly within a parking bay marked for the parking of coaches	motorhomes and motor cars pulling caravans, which are too large to fit in the standard parking bays available for motor cars	All days except Sundays and Bank Holidays	All Hours	8.00am to 6.00pm	24 consecutive hours	Disabled person's badge or Up to 2 hours £1.70 Up to 4 hours £3.00 Up to 10 hours £4.40
Sandgate Bus Station Car Park	Wholly within a parking bay marked for the parking of coaches	motorhomes and motor cars pulling caravans, which are too large to fit in the standard parking bays available for motor cars	Sundays and Bank Holidays	All Hours	8.00am to 6.00pm	24 consecutive hours	Disabled person's badge or £1.00
Sandgate Bus Station Car Park	Wholly within a parking bay marked for the parking of coaches	C oaches	All days	All hours	None	24 consecutive hours	N/A

Name of Parking place	Position in which Vehicle may wait	Classes of Vehicle	Days of operation of Parking place	Hours of operation of Parking place	Restricted Hours	Maximum period for which vehicles may wait	Scale charge or applicable permit
1	2	3	4	5	6	7	8
Princes Street Car Park	Wholly in a parking bay	(i) motor cars	All days except Sundays and Bank Holidays	All Hours	8.00am to 6.00pm	2 hours within the restricted hours	Disabled person's badge or Up 1 hour £1.20 Up to 2 hours £1.90
		(ii) motor cycles					
		(iii) private light goods vehicles					
		(iv) invalid carriages					
Princes Street Car Park	Wholly in a parking bay	(i) motor cars	Sundays and Bank Holidays	All Hours	8.00am to 6.00pm	24 consecutive hours	Disabled person's badge or £1.00
		(ii) motor cycles					
		(iii) private light goods vehicles					
		(iv) invalid carriages					

Name of Parking place	Position in which Vehicle may wait	Classes of Vehicle	Days of operation of Parking place	Hours of operation of Parking place	Restricted Hours	Maximum period for which vehicles may wait	Scale charge or applicable permit
1	2	3	4	5	6	7	8
Broad Close, Appleby	Wholly in Parking Bay	(i) motor cars (ii) motor cycles (iii) private light goods vehicles (iv) invalid carriages (v) trailers the unladen weight of which do not exceed 1 tonne	All days except Sundays and Bank Holidays	All hours	8.00am to 6.00pm	24 consecutive hours	Season ticket or Disabled person's badge or Up to 2 hours £1.30 Up to 10 hours £3.00
Broad Close, Appleby	Wholly in Parking Bay	(i) motor cars (ii) motor cycles (iii) private light goods vehicles (iv) invalid carriages (v) trailers the unladen weight of which do not exceed 1 tonne	Sundays and Bank Holidays	All hours	8.00am to 6.00pm	24 consecutive hours	Disabled person's badge or £1.00

Name of Parking place	Position in which Vehicle may wait	Classes of Vehicle	Days of operation of Parking place	Hours of operation of Parking place	Restricted Hours	Maximum period for which vehicles may wait	Scale charge or applicable permit
1	2	3	4	5	6	7	8
Mansion House (front)	Wholly in Parking Bay	(i) motor cars (ii) motor cycles (iii) private light goods vehicles (iv) invalid carriages (v) trailers the unladen weight of which do not exceed 1 tonne	Mondays to Fridays except Bank Holidays	All hours	7.00am to 7.00pm	12 consecutive hours	Councillor Parking Permit or Staff Parking Permit or Temporary Parking permit
Mansion House (front)	Wholly in Parking Bay	(i) motor cars (ii) motor cycles (iii) private light goods vehicles (iv) invalid carriages (v) trailers the unladen weight of which do not exceed 1 tonne	Saturdays, Sundays and Bank Holidays	All hours	None	48 consecutive hours	N/A

Name of Parking place	Position in which Vehicle may wait	Classes of Vehicle	Days of operation of Parking place	Hours of operation of Parking place	Restricted of Hours	Maximum period for which vehicles may wait	Scale charge or applicable permit
1	2	3	4	5	6	7	8
Mansion House (rear)	Wholly in Parking Bay	(i) motor cars (ii) motor cycles (iii) private light goods vehicles (iv) invalid carriages (v) trailers the unladen weight of which do not exceed 1 tonne	Mondays to Fridays except Bank Holidays	7.00am to 7.00pm	7.00am to 7.00pm	12 consecutive hours	Councillor Parking Permit or Staff Parking Permit or Temporary Parking Permit
Mansion House (rear)	Wholly in Parking Bay	(i) motor cars (ii) motor cycles (iii) private light goods vehicles (iv) invalid carriages (v) trailers the unladen weight of which do not exceed 1 tonne	Saturdays, Sundays and Bank Holidays	All hours	None	48 consecutive hours	N/A

Name of Parking place	Position in which Vehicle may wait	Classes of Vehicle	Days of operation of Parking place	Hours of operation of Parking place	Restricted Hours	Maximum period for which vehicles may wait	Scale charge or applicable permit
1	2	3	4	5	6	7	8
Town Hall	Wholly in Parking Bay	(i) motor cars (ii) motor cycles (iii) private light goods vehicles (iv) invalid carriages	Monday to Friday except Bank Holidays	All hours	7.00am to 7.00pm	12 consecutive hours	Councillor Parking Permit or Staff Parking Permit or Temporary Parking Permit
Town Hall	Wholly in Parking Bay	(i) motor cars (ii) motor cycles (iii) private light goods vehicles (iv) invalid carriages	Saturday, Sunday and Bank Holidays	All hours	None	48 consecutive hours	N/A



Name of Parking place	Position in which Vehicle may wait	Classes of Vehicle	Days operation of Parking place	Hours of operation of Parking place	Restricted Hours	Maximum period for which vehicles may wait	Scale charge or applicable permit
1	2	3	4	5	6	7	8
Penrith Leisure Centre	Wholly in Parking Bay other than one allocated and marked for use by disabled people	(i) motor cars (ii) motor cycles (iii) private light goods vehicles (iv) invalid carriages	All days	All hours	12 midnight to 3.45 pm	12 consecutive hours	Staff Parking Permit or Disabled Person's Badge or Leisure Centre User Permit
Penrith Leisure Centre	Wholly in Parking Bay allocated and marked for use by disabled people	(i) motor cars (ii) motor cycles (iii) private light goods vehicles (iv) invalid carriages	All days	All hours	All hours	12 consecutive hours	Disabled person's badge

## **PART II**

### **SEASON TICKET CHARGES**

The charges for a Season Ticket shall be:

In Broad Close Appleby

£150 - 12 months

£85 - 6 months

## **PART III**

### **PENALTY CHARGE**

The Penalty Charge shall be	- £60.00
The Reduced Sum shall be	- £30.00
The Increased Amount shall be	- £90.00