

**THE COPELAND BOROUGH
COUNCIL
(OFF STREET PARKING PLACES)
ORDER 2020**

THE COPELAND BOROUGH COUNCIL (OFF STREET CAR PARKING PLACES) ORDER 2020

The Council of the Borough of Copeland (hereinafter referred to as “the Council”) in exercise of its powers under Sections 32, 33, 35, 35A and 39 of the Road Traffic Regulation Act 1984 (“the Act”) and Part III of Schedule 9 to the Act and of the Traffic Management Act 2004 and of all other enabling powers and with the consent of Cumbria County Council in accordance with section 39 of the Act hereby makes the following Order.

PART 1 GENERAL

Operative date and name of order

1. This Order shall come into Operation, at the earliest date following consent by Executive as the decision making body on 15th June, and, following a further statutory 21 days consultation period and may be cited as “**The Copeland Borough Council (Off Street Parking Places) Order 2020**”

Revocation

2. On the day this Order is brought into force this Order is intended to repeal and replace “The Copeland Borough Council (Off Street Parking Places) Order 2002”.

Interpretation

3. In this Order unless stated or the context requires otherwise:
 - a. “Apparatus and Device” means an apparatus or device provided in accordance with Section 35 of the Act, and the provisions of Section 35A of the Act shall apply in respect of such apparatus or device.
 - b. “Authorised Agent” means any agent appointed by the Council to enforce the parking regulations contained within this Order.
 - c. “Cashless Parking” means a cashless prepayment made via a telephone, smartphone, computer or other method, allowing

a vehicle to park for a period of time. Before the time runs out the vehicle is required to leave the Parking Place

- d. "Charging Hours" means the charging period as stated in schedule 1. There is a maximum charging period of 24 hours permissible.
- e. "Civil Enforcement Officer" shall have the same meaning as in section 76 of the Traffic Management Act 2004 with the reference to "the authority" in subsection 2 thereof being a reference to the Council.
- f. "Class of Vehicle" means the types of vehicle permitted to park in a Parking Place. These are passenger vehicles, goods vehicles and motorcycles. Exclusions are Goods vehicles exceeding 1500kg unladen weight, passenger vehicles adapted to carry more than 12 passengers exclusive of driver, caravans, motorhomes, and trailers exceeding 3m in length and/or 1500 kg.
- g. Coach parking is not permitted within this order; there is no provision for coach parking bays, permission for parking of coaches can be pre-arranged with the Council in advance of requirement.
- h. "Credit Card" means a method of payment issued by a financial institution, use of which enables the holder to defer payment by him/her of the charge for parking a vehicle
- i. "Debit Card" means a method of payment issued by a financial institution, use of which enables the holder to defer payment by him/her of the charge for parking a vehicle.
- j. "Disabled Persons Badge" means [subject to paragraph (1A),] [a badge of a form specified or approved by the Secretary of State and] 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'. The Disabled Persons (Badges for Motor Vehicles),(England) Regulations 2000 as amended, applies.
- k. "Driver", in relation to a vehicle waiting in a Parking Place, means the person who was driving the vehicle at the time it was left in the Parking Place;

- l. “Electric vehicle” means any vehicle as herein defined which is propelled entirely or partially by electricity and is capable of being charged from an external source.
- m. “Electric vehicle charging point” means an installation adjacent to an electric vehicle parking bay for the purpose of recharging the batteries of electric vehicles by way of connection leads
- n. “Electric vehicle parking bay” mean an area of a parking place provided solely for recharging the battery of an electric vehicle by means of an electric vehicle charging point and defined as such by means of a sign, surface marking or other indication.
- o. “Hand Held Device” means a wireless hand-held computer used by a Civil Enforcement Officer that is programmed to interface with the Electronic Payment Parking System.
- p. “Higher Level Contravention” has the meaning given in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (No. 3487).
- q. “Lower Level Contravention” has the meaning given in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007 (No. 3487)
- r. “Initial Charge” means the charge and fees for parking as specified by the Council from time to time.
- s. “Notice to Owner” means a notice served on the owner of a 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;
- t. “Owner” in relation to a vehicle, means the person by whom such a vehicle is kept and used.
- u. “Parking Bay” means any area of a Parking Place which is provided for the leaving of a vehicle and indicated by markings or other physical indication measures on the surface of the Parking Place
- v. “Parking Place” means any area of land specified by name in Column 1 of Schedule 1 to this Order provided by the Council under section 32(1) of the Act for use as a parking place and access way thereto.

- w. "Parking Permit" means a physical permit issued by the Council for display on a motor vehicle whilst it is left in a Parking Place for the purposes of this Order (or of the Orders revoked and replaced by this Order). Parking Permit can also refer to Council issued electronic permits which may not require a physical permit to be displayed in the motor vehicle whilst parked.
- x. "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 the Schedule to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 no.3483 as amended and has the same meaning as in Schedule 9 Part 3 of the Road Traffic Management Act 2004.
- y. "Penalty Charge Notice" means a penalty charge notice issued or served by a Civil Enforcement Officer or posted by the enforcement authority pursuant to the provisions of Section 78 and Section 78A Road Traffic Management Act 2004 and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 no. 3483.
- z. "Reduced Penalty Charge" means a 50% reduction of the Penalty Charge provided payment is received by the Council or the Authorised Agent (as indicated on the Penalty Charge Notice) not later than the last day of the period of 14 days beginning with the date on which the Penalty Charge Notice was served.
- aa. "Relevant Position" shall be defined and interpreted as follows: A Vehicle shall be regarded as displaying a permit, ticket or disc as they case may be in the relevant position when:
 - i. In the case of a vehicle fitted with a front windscreen the permit, ticket, or disk is exhibited on the near side of the vehicle immediately behind the windscreen so as to be legible from outside the vehicle; or
 - ii. In the case of a vehicle not fitted with a front windscreen the permit, ticket or disc is exhibited in a

conspicuous position on the vehicle so as to be easily legible from outside the vehicle.

- iii. In the case of a disabled person's badge where either:
 1. In the case of a vehicle fitted with a dashboard or a fascia panel the badge is exhibited thereon so that Part I of the badge is legible from outside the vehicle; or
 2. In the case of a vehicle not fitted with a dashboard or fascia panel the badge is exhibited in a conspicuous position on the vehicle so that Part I of the badge is legible from outside the vehicle; and
- iv. In ALL cases so that the payment and time details displayed thereon are clearly visible from outside the vehicle.

4. 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.
5. 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.
6. The Interpretation Act 1978 shall apply in the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of that Act this Order were an Act of Parliament and the Orders revoked by Article 5 were Acts of Parliament thereby repealed.

Part II Regulations

Use of Land and Parking Place

7. Each area of land specified in column 1 of Schedule 1 to this Order and shown for identification purposes edged in bold red lines on the plans attached hereto may be used subject to the following provisions of this Order as a parking place during the prescribed hours for such classes of vehicle on such days and on payment of such charges as are specified in relation to that parking place in Schedule 1.
8. The Driver of a vehicle shall:
 - (a) Observe and comply with all Council signage displayed at the car parking site.
 - (b) Display the Parking Ticket or permit issued on payment of the charge in the relevant position on the vehicle in respect of which it was issued so that the ticket is clearly visible on the dashboard at the front of the vehicle and displaying the validity of the ticket and
 - (c) Ensure that a parking ticket, season ticket or permit is purchased and displayed to cover the entire period that the vehicle is parked in the parking space.
 - (d) For Disabled Person's badge holders the badge 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 blue badge.
9. In so far as a vehicle is left in the Parking Place during the Charging Hours the Driver thereof shall pay such charge or charges as specified in this Order subject to the exemptions specified in Article 44.
10. Where in Schedule 1 to this Order a Parking Place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that Parking Place unless:
 - (a) it is of the specified class; and
 - (b) in the position so specified
11. If Vehicles are parking in a Parking Place where the wheelbase of the Vehicle prohibits it from parking along the length of one designated

parking space then tickets should be purchased for both designated adjacent spaces.

12. The Driver of a vehicle shall not permit it to wait in a Parking Place for longer than the maximum period permitted for waiting specified in Schedule 1 to this Order in relation to that Parking Place and that type of vehicle.
13. 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 to depart from the Parking Place.
14. 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 express permission of the Council.
15.
 - (a) If a vehicle is left in a Parking Place in a position other than in accordance with the provisions of Article 7 of this Order, 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.
 - (b) For the purposes of meeting the requirements of an 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 the Parking Place or remove or arrange for the removal of a vehicle from the Parking Place.
 - (c) Any person altering or causing the alteration of the position of a vehicle by virtue of paragraphs (a) or (b) of this Article, or removing the vehicle by virtue of paragraphs (b) of this Article, 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.

16. The Driver of a 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 (as amended) 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).
17. The Driver of a motor vehicle using the Parking Place shall not sound any horn or other similar instrument except when it is reasonable to do so because the driver is about to change the position of the vehicle in or to depart from the Parking Place.
18. No person shall, except in the course of exercising a lawful right of way to or from land adjoining the Parking Place, or with the permission of any person duly authorised by the Council, drive or permit to be driven any vehicle in a Parking Place for any purpose other than for 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.
19. No person shall in a Parking Place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the Parking Place or residents of premises in the neighbourhood.
20. No person shall in a 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.
21. No person shall use any part of a Parking Place or any vehicle left in a Parking Place –
 - (a) for recreation, sleeping or camping purposes; or
 - (b) for eating or cooking purposes provided that this Article shall not be construed so as to prevent the consumption of food or drink within a parked motor vehicle; or

- (c) for the purpose of repairing, servicing, maintaining or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place.

- 22. 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 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.

- 23. 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;
 - (b) light or cause or permit to be lit any fire; or
 - (c) Engage in any activity which causes disturbance or annoyance to users of the Parking Place, occupiers of neighbouring premises or passers-by.

- 24. Where within a Parking Place there is a sign or surface marking which indicates that a Parking Bay is available only for a disabled person's vehicle the Driver of a vehicle shall not permit it to wait in that Parking Bay unless a registered and current Disabled Person's Badge is displayed on that vehicle in a conspicuous manner.

- 25. In so far as a vehicle is left in a Parking Place during the Charging Hours the Driver thereof shall pay such charge or charges as are specified in the following provisions of this Order subject to the exemptions specified by Article 44 of this Order.

- 26. A parking permit (ticket) is not transferrable/interchangeable from one vehicle to another for the duration of the allotted time purchased .

27. If at any time when a vehicle is left during charging hours in a parking space 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 permit (ticket) shall be obtained from another machine within that car park (where more than one machine is provided on the same car parking site).
28. All council car parks enable payment by a variety of methods, those being cash, card, contactless payment and mobile phone app. Any one of these methods deployed can and will facilitate a valid payment method for parking charges incurred. In the exceptional event that it is deemed a parking machine is out of order and where no valid parking ticket can be obtained as a result of all the ticket machines in an individual car park being designated as out of order in accordance with Article 27 and the relevant notice being displayed on all machines in said car park, then vehicles may be left in a car park but may not be left for longer than the maximum daily charging period.
29. No Motor vehicle or Bicycle shall be driven at a speed exceeding 10 mph whilst within the boundaries of any car park.
30. Where within the Car Park there is a sign or surface marking that indicates a parking space is available only for use by permit holders, no vehicle shall be permitted to stand or wait in the parking space unless it is displaying a valid permit in the relevant position.
31. The council may issue pre-paid seasonal or residential parking permits for use in any parking place specified on the permit of a specified car park. The permit must be displayed in the relevant position, failure to display the permit issued will result in a penalty charge notice being served, irrespective that the vehicle owner may be the holder of a pre-paid permit.

32. No vehicle other than an electric vehicle which is connected via a manufacturer recommended safe charging lead to an electric vehicle charging point, and is being charged, shall be left in any electric vehicle parking bay designated for that sole intended use of vehicle charging.
33. An electric vehicle shall only be left in an electric vehicle parking bay for the period required to charge the battery of the vehicle, and/or upto the maximum stay as indicated on the purchased permit (ticket).

Amount of Initial Charge at Parking Places

34.
 - (a) The Initial Charge for a vehicle left in a Parking Place during the Charging Hours shall be in accordance with the relevant scale in Schedule 2 to this Order.
 - (b) Save as to the provisions set out in Article 27 to this Order, at all Parking Places the Initial Charge referred to in paragraph (a) of this Article shall be payable by the insertion of appropriate coinage, bank notes, credit card, debit card, other approved electronic transaction cards or using the mobile app contact details as displayed.
 - (c) Any permit issued on payment of the Initial Charge referred to in paragraph (a) of this Article shall be displayed in a relevant position to the vehicle in respect of which it was issued.
 - (d) Permits (tickets) issued on payment of the Parking Charge, are only available for use in the Parking Place where issued and not transferable either between Parking Places or users of the Parking Place.

Amount of Penalty Charge at Parking Places

35. Save as provided with this Order, if a vehicle is left at a Parking Place in contravention of or in non-compliance with this Order, a contravention shall be deemed to have occurred and a Penalty Charge at level 1 of Band 2 as set out in Regulation 1 of the Civil Enforcement of Parking Contravention (Guidelines on levels and

Charges)(England)Order 2007 shall be payable for each day of the said contravention to the Council or the Authorised Agent (as indicated on the Penalty Charge Notice) under and subject to the provisions hereafter contained. The Penalty Charge Levels are set out in Schedule 3 to this Order. A Penalty Charge Notice may then be issued by a Police Community Support Officer (PCSO) in uniform or a Civil Enforcement Officer (CEO).

36. 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 it to a person who appears to be in charge of the Vehicle, in accordance with the Civil Enforcement of Parking Contravention (England) General Regulations 2007, a Penalty Charge which shall include the following particulars:
 - (a) The registration mark of the vehicle or where the vehicle is being used under a trade license, the number of the trade plate carried by the vehicle;
 - (b) The time at which he first observed either (i) that the initial period for which payment had been made by the Initial Charge had expired; or (ii) that no valid ticket was displayed on the vehicle as required by Article 29(4);
 - (c) The amount of the Penalty Charge and a statement that the Penalty Charge is required to be paid; and
 - (d) The manner in which, and the timeframe within which, the Penalty Charge must be paid.

37. 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) Civil Enforcement Officer attempted to serve a Penalty Charge Notice in accordance with Article 36 but was prevented from doing so by some person; or
 - (b) Civil Enforcement Officer had begun to prepare a Penalty Charge Notice for service in accordance with Article 36 but the Vehicle concerned was driven away from the Parking Place before the Civil

Enforcement Officer had finished preparing the Penalty Charge Notice.

38. The Penalty Charge shall be paid to the Council or the Authorised Agent (as indicated on the Penalty Charge Notice) within 28 days of the day on which the Penalty Charge Notice was served
39. In the event that the Penalty Charge is paid to the Council or the Authorised Agent (as indicated on the Penalty Charge Notice) 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%.
40. If the Penalty Charge remains unpaid after 28 days from the date the Penalty Charge Notice was served a Notice to Owner is issued. The Penalty Charge shall then increase by 50% 28 days after the Notice to Owner has been issued. In the event that the Penalty Charge remains unpaid, the Council will endeavour, by whatever means it deems appropriate, to recover the outstanding charge (debt) in full.
41. 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.
42. 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 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 or Registered Keeper of the Vehicle on the Relevant Date

Restriction on removal of Penalty Charge Notices

43. 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.

Part IV

Exemptions

44. The Driver of a vehicle on which a current Parking Permit issued by the Council in respect of that vehicle is displayed in a relevant position shall be exempt from any payment specified in Article 26 and Schedule 2 of this Order if and so long as the vehicle is left in the Parking Place in accordance with the terms and conditions upon which the Parking Permit was issued, and in particular (but without prejudice to the generality of the foregoing) in accordance with any terms and conditions concerning:
 - (a) The vehicle or vehicles on which the Parking Permit may be used;
 - (b) The Parking Places in which it may be used;
 - (c) The length of time for which the vehicle can be left in the Parking Place on any occasion;
 - (d) The number of occasions on which the vehicle can be left in the Parking Place on any day;
 - (e) The days on which the Parking Permit may be used;
 - (f) The length of time which must elapse after a vehicle leaves the Parking Place before it returns and is left there again; and
 - (g) The display of a device to indicate the time of day at which the vehicle was left in the Parking Place on any occasion.
45. Where under any circumstances a car park must be closed because of an emergency or works the Council shall not be required to give notice of such closure. Where a car park is to be closed and thus removed from the order a 28 day waiting period would come into force.

THE COMMON SEAL of)

Copeland Borough Council was)

Hereunto affixed the)

day of 2020)

In the presence of:)