

GREEN TEXT DENOTES NEW ENTRIES/MINOR AMENDMENTS

CUMBERLAND COUNCIL

(VARIOUS ROADS, ASPATRIA, SILLOTH, WIGTON AND SURROUNDING AREAS)
(CONSOLIDATION AND PROVISION OF TRAFFIC REGULATIONS) ORDER 20><

Cumberland Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1), 2(1) to (4), 19, 32, 35, 35A, 38, 45, 46, 47, 49, 51, 53 and 64 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") and all other enabling powers after consultation with the Chief Constable of Cumbria in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

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PART I
GENERAL

1. This Order shall come into operation on >< day of >< 20><, and may be cited as Cumberland Council (Various Roads, Aspatria, Silloth, Wigton and Surrounding Areas) (Consolidation and Provision of Traffic Regulations) Order 20><

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

“2000 Regulations” means the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (SI 2000 No. 683);

“agricultural machine” means: -

- (a) an agricultural tractor – a tractor used on the public roads solely for the purposes relating to agriculture, horticulture, forestry or activities falling within cutting verges bordering public roads, cutting hedges or trees bordering public roads or bordering verges which border public roads;
- (b) an off road tractor – a tractor which is not an agricultural tractor and which is designed or constructed primarily for use otherwise than on roads; and incapable by reason of its construction of exceeding a speed limit of 25 miles per hour on the level under its own power;
- (c) agricultural engine – a machine specially designed and or converted to perform an agricultural operation on the land (eg. a combine harvester).
- (d) light agricultural vehicle – a vehicle which has a revenue weight not exceeding 1,000 kg and is designed and constructed so as to seat only the driver, is designed and constructed primarily for use otherwise than on roads, and is used solely for the purposes relating to agriculture, horticulture or forestry;
- (e) agricultural list and loading vehicles – vehicles that are designed for off road use; designed to load; and used solely in agriculture, horticulture and forestry.

“ambulance” means a vehicle which:-

- (a) is constructed or adapted for, and used for no other purpose than, the carriage of sick, injured or disabled people to or from welfare centres or places where medical or dental treatment is given; and

(b) is readily identifiable as a vehicle used for the carriage of such people by being marked 'Ambulance' on both sides.

"authorised vehicle" means a passenger vehicle or a goods carrying vehicle the overall height of which does not exceed 2.28 metres.

"certificate of exemption" means a certificate issued by the local authority in accordance with the Protocol attached as Appendix 1 to this Order.

"civil enforcement officer" shall mean the person or persons duly authorised in writing in that behalf (from time to time) by the council or local authority;

"council" means, for the purposes of this Order, the County Council;

"disabled person" means a person who holds a disabled persons' badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682) or any re-enactment thereto;

"disabled person's badge" means a badge issued in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended) (in particular Regulation 11 and the Schedule thereto) or under regulations having effect in Scotland and Wales under Section 21 of the Chronically Sick and Disabled Persons Act 1970 as referred to currently by the Local Authorities Traffic Orders (Exemptions for Disabled) (England) Regulations 2000 (No. 683) or any subsequent further re-enactments thereof;

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

"Fast Agricultural Tractors" means – Fastrac-type agricultural tractors capable of pulling substantial loads at speeds of up to 40 miles per hour on public roads.

"goods" includes goods or burden of any description;

"hackney carriage" means a vehicle that is licensed to ply for hire and does not include private hire vehicles;

"hackney carriage stand" means an area of carriageway reserved for use by hackney carriages plying for hire;

"junction" means, unless otherwise indicated in this Order, the intersection of the general alignment of the carriageway boundaries of two roads;

"local authority" means, for the purposes of this Order, the Council;

"one way street" means a highway in which vehicles are prohibited at all times from proceeding in any other than one direction;

"owner" in relation to a vehicle means the person by whom such vehicle is kept and used;

"parking place" means any part of a road authorised by this Order to be used as a parking place;

"post office" and any reference to "post office vehicle" or "postal packets" shall be construed in the context of the Postal Services Act 2000 and the Consequential Amendments Order 2001 (No. 2001/648) ;

"prescribed hours" means those hours and on those days during which there are limitations on parking, waiting, loading, unloading and vehicle width;

"the Protocol" means the "Protocol for the management and operation of Residents Parking Exemption Scheme and Visitor Parking Scheme" relating to this Order area, which attached as Appendix 1.

"quarter hour period" means in relation to Part II of this Order a period of quarter of an hour starting at any hour or fifteen, thirty or forty-five minutes past the hour which can be shown on the parking disc;

"relevant position" means exhibited on the dashboard or fascia of the vehicle, or, where the vehicle is not fitted with a dashboard or fascia, exhibited in a conspicuous position on the vehicle, so that the front is clearly legible from the outside of the vehicle;

"resident" means for the purpose of this Order a person whose normal residence is at premises the postal address of which is specified in Schedule 1;

"road" means any length of highway or of any other road to which the public has access, and includes any bridge over which a road passes;

"school bus" is a vehicle that is adapted or constructed to carry more than 8 passengers and is used in conveying children to and from school during the school term;

"trailer" shall have the meaning assigned to it by Section 138(3) of the 1984 Act;

"vehicle" means a mechanically propelled vehicle;

- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

- (3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 38 of that Act this Order were an Act of Parliament and the Orders and Byelaws revoked by Article 40 of this Order were Acts of Parliament thereby repealed.
3. (1) Nothing in this Order shall render it unlawful to cause any vehicle to wait during the prescribed hours for the lengths of road, on the side of road referred to therein, or in any part of a parking place, if the use of that part has not been suspended, for a period no longer than is necessary for:
- (a) a person to board or alight from the vehicle or load thereon or unload there from his or her personal luggage; or
 - (b) goods to be loaded on or unloaded from a vehicle, where the vehicle is necessary for the collection or delivery of those goods; or
 - (c) a vehicle directly used in connection with any of the following operations, namely:
 - (i) undertaking any building operation, demolition or excavation;
 - (ii) the collection of waste by a local authority;
 - (iii) removing an obstruction to traffic;
 - (iv) undertaking works in relation to a road, a traffic sign or road lighting; or
 - (v) undertaking works in relation to a sewer or water main or in relation to the supply of gas, electricity, water or communications services
 - (d) a vehicle, not being a passenger vehicle, being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties and is displaying a valid dispensation issued by the Council for the vehicle to wait in the place in which it is waiting; or
 - (e) a vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953; or
 - (f) a vehicle to wait at or near to any premises situated on or adjacent to the said side or any of the said lengths of road or parking place for so long as such waiting by that vehicle is reasonably necessary in connection with a funeral; or
 - (g) the vehicle is an ambulance or is to be used for fire brigade or police purposes; or
 - (h) a vehicle displaying a valid dispensation issued by the Council or Local Authority.

- (2) Nothing in this Order shall render it unlawful to cause any hackney carriage, to wait upon a hackney carriage stand while plying for hire.
 - (3) Nothing in this Order shall render it unlawful to cause a vehicle, to wait in accordance with the provisions contained in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000 (SI 2000 No. 683) and any amendments thereto, namely: -
 - (i) Disabled persons' badge holders may usually park on single or double yellow lines for up to three hours, except where there is a ban on loading or unloading; and
 - (ii) for as long as they wish where others may park only for a limited time, unless there is an Order in place specifically time-limiting parking for disabled persons' badge holders.
 - (4) Nothing in this order shall render it unlawful to cause any school bus, to wait for so long as reasonably necessary to allow children to board or alight from the vehicle.
4. Every vehicle left in a parking place in accordance with the provisions of this Order shall stand so that its wheels are wholly within the parking place and it does not obstruct a vehicle or pedestrian access to the premises adjacent to the side of the road on which the vehicle is standing.
 5. During the period of operation of a parking place specified in this Order no person shall without the written consent of the council or local authority and subject to such conditions as the council or local authority from time to time decide use any vehicle while it is in the parking place, in connection with any commercial activities, or the advertisement or 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.
 6. Any person duly authorised by the council, local authority or the Chief Officer of Police for Cumbria may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for:
 - (a) the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) the erection maintenance or removal of any traffic sign adjacent to that parking place;
 - (c) the purpose of any building operation, demolition or excavation in or adjacent to any parking place or the maintenance improvement or reconstruction of any such parking place or the laying erection alteration removal or repair in or adjacent to the designated parking place of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any telegraphic line or traffic sign;
 - (d) the cleansing of gullies in or adjacent to that parking place;
 - (e) the convenience of occupier of premises adjacent to any parking place on any occasion of the removal of furniture from one dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;

- (f) any occasion of any public procession rejoicing or illumination, or where the streets are thronged or liable to be obstructed.
7. Where a police constable in uniform or civil enforcement officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle he may remove or cause to be removed the vehicle and, where it is so removed, shall provide for the safe custody of the vehicle.
8. Where a police constable in uniform or civil enforcement officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle he may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.
9. A Police Constable in uniform or civil enforcement officer may move or cause to be moved, in case of emergency, to any place he thinks fit any vehicle left in a parking place.
10. Where a Police Constable in uniform or civil enforcement officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle he may wish to immobilise or cause to be immobilised the vehicle by fixing a device authorised by the Council for this purpose to the wheel of the vehicle.

PART II

AUTHORISATION AND USE OF PARKING PLACES

11. Save as provided in Articles 3 (1) and 3 (3) no person shall, except upon the direction or with the permission Police Constable in uniform, or of a civil enforcement officer, cause any vehicle, other than an authorised vehicle, to wait in any of the lengths of road, and for the times specified in Schedule 1 to this Order, and which are thereby authorised for use as parking places, nor may a vehicle return to any such parking space in the same parking place until the expiry of the time specified for that parking place below.
- (1) between the hours of 8 am and 6pm Monday to Saturday in the lengths of road or sides of road specified in **Schedule 1** of this Order:-
- (a) for a longer period than 1 hour; or
- (b) if a period of less than 1 hour has elapsed since the termination during the said 1 hour of the last period of waiting (if any) by that vehicle in that length of road.
12. Save as provided in Articles 3 (1) (a) to (g) inclusive and 3 (3) no person shall, except upon the direction or with the permission of a Police Constable in uniform, or of a civil enforcement officer, cause any vehicle, other than an authorised vehicle, to wait in any of the lengths of road, and for the times specified in Schedules 2, 3 and 4 to this Order, and which are thereby authorised for use as parking places, nor may a vehicle return to any such parking space in the same parking place until the expiry of the time specified for that parking place below.

- (1) between the hours of 8.30 am and 6 pm Monday to Saturday in the lengths of road or sides of road specified in **Schedule 2** of this Order: -
 - (a) for a longer period than 2 hours; or
 - (b) if a period of less than 2 hours has elapsed since the termination during the said 2 hours of the last period of waiting (if any) by that vehicle in that length of road.
 - (2) in the lengths of road or sides of road specified in **Schedule 3** of this Order:-
 - (a) for a longer period than 2 hours; or
 - (b) if a period of less than 2 hours has elapsed since the termination during the said 2 hours of the last period of waiting (if any) by that vehicle in that length of road;
 - (3) between the hours of 8.00 am and 7.00 pm Monday to Saturday in the lengths of road or sides of road specified in **Schedule 4** of this Order:-
 - (a) for a longer period than 20 minutes; or
 - (b) if a period of less than 2 hours has elapsed since the termination during the said 2 hours of the last period of waiting (if any) by that vehicle in that length of road;
13. Nothing in Article 12 (2) of this Order shall apply so as to prevent an authorised trader from providing a catering service from any vehicle licensed as such in any part of the length of road specified as item 3 of Schedule 3.

DISPLAY OF CERTIFICATES OF EXEMPTION OR PARKING DISCS

14. A vehicle that is parked in a parking place in the lengths of road specified in Schedule 1 of this Order and displays a certificate of exemption in the relevant position will be exempt from during the prescribed hours from compliance with any limitation of time during which a vehicle may be left in such a parking place.
15. (1) A vehicle that is parked in a parking place in the lengths of road specified in Schedules 1 and 2 of this Order and does not display a certificate of exemption must display a parking disc in the relevant position and set the disc so that it indicates the quarter of an hour period during which the vehicle arrived at the parking place and shall not remove a parking disc from the vehicle unless authorised to do so by the driver of the vehicle.
 - (2) Where a vehicle having been left on a side of a road remain there at the beginning of the prescribed hour then the vehicle shall be treated as if it had arrived in any of the lengths of road or any sides of road specified at Schedules 1 and 2 inclusive to this Order at the beginning of those hours.
16. The driver of a two wheeled motor cycle not having a side car attached thereto shall be exempt from the provisions of Article 15(1) of this Order.

17. No person shall:
- (1) Alter the parking disc exhibited on the vehicle has been set in accordance with Article 15(1) of this Order, alter the indications given by that parking disc whilst the said vehicle remains in any of the lengths of road or any sides of road specified at Schedules 1 and 2 inclusive to this Order; or
 - (2) Exhibit on any vehicle any parking disc which has been altered, defaced, mutilated or added to or upon which the figures or particulars have become illegible.

PART III

PROHIBITION AND RESTRICTION OF WAITING

18. Save as provided in Articles 3 (1) (a) to (g) inclusive and 3 (3) of this Order no person shall except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait:-
- (1) at any time in the lengths of road or sides of road specified in **Schedule 5** of this Order
 - (2) between the hours of 8 am and 6 pm on any day in the lengths of road or sides of road specified in **Schedule 6** of this Order;
 - (3) between the hours of 8.30 am and 6 pm on a Monday to Saturday inclusive, in the lengths of road or sides of road specified in **Schedule 7** of this Order;
 - (4) between the hours 8 am to 6 pm on a Monday to Saturday inclusive, in the lengths of road or sides of road specified in **Schedule 8** of this Order
 - (5) between the hours of 8 am and 5 pm on a Monday to Friday inclusive, in the lengths of road or sides of road specified in **Schedule 9** of this Order

PART IIIA

AUTHORISATION AND USE OF DISABLED PARKING PLACES

- 18A. Subject to Articles 18B of this Order, that part of the road specified in **Schedule 9A** to this Order is authorised to be used between the hours of 8.30 am and 6.00 pm, Monday – Saturday inclusive as a parking place for a disabled persons' vehicle which displays a disabled person's badge and a parking disc in the relevant position: -
- (a) for a period not exceeding three hours, providing that, where a vehicle has left a parking place specified in Schedule 9A of this Order after waiting thereon, the driver thereof shall not within 3 hours after its leaving permit it to wait again upon that parking place.

- 18B. For the avoidance of doubt, the driver of a vehicle shall not permit it to wait in the parking place specified in Schedule 9A to this Order unless the vehicle is: -
- (a) a disabled person's vehicle which displays a disabled persons badge; and
 - (b) a parking disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began); and
 - (c) is wholly within the limits of the parking place as indicated by the markings on the carriageway.

Exemptions

- 18C. (1) Nothing in Article 18A of this order shall restrict the power of the Council for preventing obstruction of the street by Order on the occasion of any public procession rejoicing or illumination or where the street is thronged or liable to be obstructed to close the parking places specified in Schedule 9A to this Order.
- (2) Nothing in Article 18A of this order shall render it unlawful for a vehicle to wait in the parking places specified therein:-
- (a) if it is being used for Police, Fire Brigade or Ambulance purposes;
 - (b) waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accidents;
 - (c) if its is being used in the service of a local authority or water authority which is being used in pursuance of statutory powers or duties; or
 - (d) waiting to enable it to be used in connection with the removal of any obstruction to traffic;

PART IIIB

NO WAITING EXCEPT MOTOR CYCLES

- 18D. No person shall cause or permit any vehicle, other than a motor cycle, to wait, at any time, on any day, in the length of road specified in **Schedule 9B** to this Order.

PART IV

PROHIBITION AND RESTRICTION OF LOADING AND UNLOADING

19. Save as provided in Articles 3 (1) (c) to (g) inclusive of this Order, no person shall cause or permit any vehicle to wait nor to allow goods to be loaded or unloaded at any time in the lengths of road specified in **Schedule 10** of this Order.

PART IVA

LOADING/UNLOADING AREAS

- 19A That area of the highway as specified in **Schedule 10A** to this Order is authorised to be used between the hours of 6.00 am and 6.00 pm, seven days a week, subject to the provisions of Article 3(1) of this Order, as a parking place for goods vehicles which are loading onto or unloading from that vehicle.

PART V

NO STOPPING ON SCHOOL ENTRANCE MARKINGS

20. Save as provided in Articles 3 (1) (c), 3 (1) (e) to (g) inclusive and 3 (4), no person shall, except upon the direction or with the permission of a police constable in uniform cause or permit any vehicle to stop on any school entrance markings, specified in **Schedule 11** of this Order between 8:00 am and 6:00 pm on Mondays to Fridays inclusive.

PART VA

NO STOPPING ON "KEEP CLEAR" MARKINGS

- 20A. Save as provided in Articles 3 (1) (c) and 3 (1) (g) no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to stop on any "Keep Clear" markings, specified in **Schedule 11A** of this Order, at any time, on any day.

PART VI

ONE-WAY TRAFFIC

21. No person shall cause or permit any vehicle to proceed in the lengths of road or sides of road specified in columns 1 to 3 of **Schedule 12** to this Order other than in the direction specified in column 4 of the said schedule.

PART VII

WIDTH RESTRICTIONS

22. Save as provided in Articles 24 (1) and (2) of this Order, no person shall cause or permit any vehicle the width of which, inclusive of any load on the vehicle, exceeds 6'6" between the hours of 8.00 am and 7.00 pm on a Monday to Saturday inclusive, to proceed in any lengths of road specified in **Schedule 13** of this Order.
23. Save as provided in Article 24 (1) of this Order, no person shall cause any vehicle the width of which, inclusive of any load on the vehicle, exceeds 6'6", to proceed in any lengths of road specified in **Schedule 14** of this Order.
24. (1) Nothing in Articles 22 and 23 of this Order shall apply so as to prevent any person from causing or permitting any vehicle to proceed in any part of the length of road specified in the said Article if the vehicle is:-
- (a) being used for the conveyance of persons, goods or burden to or from premises situated on or adjacent to that length of road;
 - (b) being used in connection with the carrying out on, or on premises situated on or adjacent to the lengths of road of any of the following operations, namely:-
 - (i) in the removal of obstructions to traffic;
 - (ii) in the maintenance, improvement or reconstruction of roads;
 - (iii) in the laying, erection, alteration or repair in, or in land adjacent to, that length of road of any sewer or of any main pipe or apparatus for the supply of water, gas or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984.
 - (iv) in building, industrial or demolition operations;

- (c) being used for Fire Brigade, Police or Ambulance purposes;
 - (d) being used in the service of a local authority or a water or sewerage undertaker which is being used in pursuance of statutory powers or duties;
 - (e) being used for or in connection with mechanical road cleansing or mechanical refuse collection;
 - (f) being used for agricultural purposes and is applied to vehicles licensed as an agricultural machine not being Fast Agricultural Tractors of the Fastrac type which have either their origin or destination within 2 miles of each end of the lengths of road;
- (2) Nothing in Article 22 of this Order shall apply so as to prevent any person from causing or permitting any vehicle to proceed in any part of the length of road specified in the said Article if the vehicle is:-
- (a) adapted to carry more than 8 passengers and is being used to provide a local bus service;
 - (b) adapted or constructed to carry more than 8 passengers and is a school bus conveying children to and from school during the school term, except that this exception shall not apply to the conveyance of children for the purpose of school trips;
- (3) Nothing in Article 22 of this Order shall apply to agricultural vehicles, vehicles being used to transport livestock or goods or burden to/from the proposed new auction martsite on Syke Road, Wigton, only during those hours when the auction mart is in operation.

PART VIII

WEIGHT RESTRICTIONS

25. Save as provided in Article 29 (1) to this Order, no person shall cause or permit any vehicle the maximum gross vehicle weight of which, inclusive of any load on the vehicle, exceeds 7.5 tonnes, to proceed in the lengths of road specified in **Schedule 15** to this Order;
26. Save as provided in Article 29 (2) to this Order, no person shall cause or permit any vehicle the maximum gross vehicle weight of which, inclusive of any load on the vehicle, exceeds 10 tonnes, to proceed in the lengths of road specified in **Schedule 16** to this Order;
27. Save as provided in Article 29 (2) to this Order, no person shall cause or permit any vehicle the maximum gross vehicle weight of which, inclusive of any load

on the vehicle, exceeds 18 tonnes, to proceed in the lengths of road specified in **Schedule 17** to this Order;

28. Save as provided in Article 29 (2) to this Order, no person shall cause or permit any vehicle the maximum gross vehicle weight of which, inclusive of any load on the vehicle, exceeds 26 tonnes, to proceed in the lengths of road specified in **Schedule 18** to this Order;

29. (1) Nothing in Article 25 of this Order shall apply so as to prevent any person from causing or permitting any vehicle to proceed in any part of the length of road specified in the said Article if the vehicle is:-
- (a) being used for the conveyance of persons, goods or burden to or from premises situated on or adjacent to that length of road;
 - (b) being used in connection with the carrying out on, or on premises situated on or adjacent to the lengths of road of any of the following operations, namely:-
 - (i) in the removal of obstructions to traffic;
 - (ii) in the maintenance, improvement or reconstruction of roads;
 - (iii) in the laying, erection, alteration or repair in, or in land adjacent to, that length of road of any sewer or of any main pipe or apparatus for the supply of water, gas or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984.
 - (iv) in building, industrial or demolition operations;
 - (c) being used for Fire Brigade, Police or Ambulance purposes;
 - (d) being used in the service of a local authority or a water or sewerage undertaker which is being used in pursuance of statutory powers or duties;
 - (e) being used for or in connection with mechanical road cleansing or mechanical refuse collection
 - (f) being used for agricultural purposes and is applied to vehicles licensed as agricultural machine not being Fast Agricultural Tractors of the Fastrac type which have either their origin or destination within 2 miles of each end of the lengths of road.
- (2) Nothing in Articles 26 to 28 inclusive of this Order shall apply so as to prevent any person from causing or permitting any vehicle to proceed in any part of the length of road specified in the said Article if the vehicle is being used for Fire Brigade, Police or Ambulance purposes.

PART IX

PROHIBITION OF MOTOR VEHICLES EXCEPT FOR ACCESS

30. Save as provided in Article 31 of this Order, no person shall cause or permit any motor vehicle to proceed in the lengths of road specified in **Schedule 19** to this Order.
31. Nothing in Article 30 of this Order shall apply so as to prevent any person from causing or permitting any vehicle to proceed in any part of the length of road specified in the said Article if the vehicle is:-
- (a) being used for the conveyance of persons, goods or burden to or from premises situated on or adjacent to that length of road;
 - (b) being used in connection with the carrying out on, or in premises situated on or adjacent to that length of road of any of the following operations, namely:-
 - (i) in the removal of obstructions to traffic;
 - (ii) in the maintenance, improvement or reconstruction of roads;
 - (iii) in the laying, erection, alteration or repair in, or in land adjacent to, that length of road of any sewer or of any main pipe or apparatus for the supply of water, gas or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984.
 - (iv) in building, industrial or demolition operations;
 - (c) being used for Fire Brigade, Police or Ambulance purposes;
 - (d) being used in the service of a local authority or a water or sewerage undertaker which is being used in pursuance of statutory powers or duties;
 - (e) being used for or in connection with mechanical road cleansing or mechanical refuse collection

PART X

PROHIBITION OF MOTOR VEHICLES

32. No person shall cause or permit any motor vehicle to proceed in any part of the lengths of road specified in **Schedule 20** to this Order at any time.

PART XI

PROHIBITION OF ALL VEHICLES

33. No person shall cause or permit any vehicle to proceed in any part of the lengths of road specified in **Schedule 21** to this Order at any time.

PART XII

PROHIBITION OF ALL VEHICLES EXCEPT FOR ACCESS

34. Save as provided in Articles 35 of this Order, no person shall cause or permit any vehicle to proceed in any part of the lengths of road specified in **Schedule 22** to this Order on Thursdays and Sundays between the hours of 8.00 am and 6.00 pm.
35. Nothing in Article 34 of this Order shall apply so as to prevent any person from causing or permitting any vehicle to proceed in any part of the length of road specified in the said Article if the vehicle is: -
- (a) being used for the conveyance of persons, goods or burden to or from premises situated on or adjacent to that length of road;
 - (b) being used in connection with the carrying out on, or in premises situated on or adjacent to that length of road of any of the following operations, namely:-
 - (i) in the removal of obstructions to traffic;
 - (ii) in the maintenance, improvement or reconstruction of roads;
 - (iii) in the laying, erection, alteration or repair in, or in land adjacent to, that length of road of any sewer or of any main pipe or apparatus for the supply of water, gas or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984.
 - (iv) in building, industrial or demolition operations;
 - (c) being used for Fire Brigade, Police or Ambulance purposes;
 - (d) being used in the service of a local authority or a water or sewerage undertaker which is being used in pursuance of statutory powers or duties;
 - (e) being used for or in connection with mechanical road cleansing or mechanical refuse collection
 - (f) being used for market trading purposes; and has permission of the Market Superintendent;
 - (g) an invalid carriage, namely a mechanically propelled vehicle the weight of which unladen does not exceed five hundred weight, and is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person.

PART XIII
PROHIBITION OF ENTRY

36. No person shall cause or permit any vehicle to enter the lengths of road specified in **Schedule 23** to this Order at any time.

PART XIV
SUPPLEMENTARY PROVISIONS

Indication of Parking Places and Signage

37. (1) It is hereby declared that (for the avoidance of doubt) that the Council shall (in its sole discretion) have the power to carry out the following actions, namely:-
- (i) to cause the limits of each and any parking place designated by this Order to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size colour and type prescribed or authorised under Section 64 of the 1984 Act;
 - (ii) to place and maintain on or in the vicinity of each such parking place, traffic signs of any size colour and type prescribed or authorised under Section 64 of the 1984 Act indicating that such parking place may be used during the prescribed hours for the leaving of vehicles only as specified in this Order; and
 - (iii) to carry out such work as is reasonably required for the purposes of the satisfactory operation of these designated parking places.

Powers to Suspend Use of Parking Places

- (2) Any civil enforcement officer or other person duly authorised by the Council may suspend the use of any parking place or any part thereof whenever he or she considers such suspension reasonably necessary as follows:-
- (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the erection maintenance or removal of any traffic sign adjacent to that parking place;
 - (iii) for the purpose of any building operation, demolition or excavation in or adjacent to any parking place or the maintenance improvement or reconstruction of any such parking place or the

laying erection alteration removal or repair in or adjacent to the designated parking place of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any telegraphic line or traffic sign;

- (iv) for the cleansing of gullies in or adjacent to that parking place;
 - (v) for the convenience of occupiers of premises adjacent or close by to any parking place on any occasion of the removal of furniture from one dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository, or on the occasion of works being carried out to or within any such premises;
 - (vi) on any occasion of any public procession rejoicing or illumination, or where the streets are thronged or liable to be obstructed.
- (3) Without prejudice to the generality of any other statutory provision, a Police Constable in uniform may suspend for not longer than 24 hours the use of any parking place or any part thereof designated by this Part of this Order whenever he or she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

Traffic Signs and Cones

- (4) (i) Any person, civil enforcement officer in uniform, Police Officer in uniform, or other authorised person who causes the suspension of the use of any parking place or any part thereof in accordance with Articles 87(2) and 79(3) of this Order, shall thereupon place or cause to be placed in or adjacent to that designated parking place or the part thereof, the use of which is suspended, a traffic sign or cone indicating that waiting by motor vehicles is prohibited.
- (ii) No person shall cause or permit a motor vehicle to be left in any part of a parking place so long as during such period there is in or adjacent to that designated parking place a traffic sign or cone placed in pursuance the preceding Articles of this Order.

Powers to remove vehicles in Parking Places

- (5) (i) It is hereby declared for the avoidance of doubt and in pursuance of statutory powers in that behalf, if any vehicle is left in a position other than in accordance with the forgoing provisions of this Order, then a Police Constable in uniform, a civil enforcement officer in uniform or other person authorised by the Council in that behalf:-

- (a) may alter or cause to be altered, the position of the vehicle so that its position is in accordance with the said provisions; or
 - (b) may alter or cause to be altered, the position of the vehicle or remove or arrange for the removal of the vehicle to a secure place in the manner and on the basis set out in this Article.
- (ii) Any person or persons altering, or causing the alteration of, the position of any vehicle by virtue of paragraph (1) (i) or (1)(ii) of this Article, may do so by towing or driving the vehicle or in such other manner as he or she or they may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
 - (iii) Any person or persons removing or arranging for the removal of any vehicle by virtue of paragraph (1) (i) or (1)(ii) of this Article shall make such arrangements as he/she or others considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.
- (6) No person shall, except with the permission of a Police Constable in uniform, civil enforcement officer in uniform or other person duly 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 the parking place in accordance with the provisions of this Order or for the purposes of departing from the parking place.

PART XV

REVOCATION OF EXISTING ORDERS

38. The Order specified in Schedule 24 to this Order is hereby revoked in its entirety unless otherwise specified therein, and to the extent that the provisions of this Order are inconsistent with, or incompatible with, the provisions of any other Order, Byelaws or enactment relating to traffic regulation in Aspatria, Silloth, Wigton and surrounding areas, Cumbria not specifically referred to in the said Schedules, the provisions of this Order shall prevail for all purposes.

Dated this >< day of >< 20><

THE COMMON SEAL OF)
 CUMBERLANDCOUNCIL)
 was hereunto affixed)
 in the presence of:)

Authorised Signatory

CUMBERLAND COUNCIL

**PROTOCOL FOR THE MANAGEMENT AND OPERATION OF
RESIDENTS PARKING
EXEMPTION SCHEME AND VISITOR PERMIT SCHEME**

Cumberland Council (“the Council”) is the highway authority and the traffic authority for the Cumberland area and is responsible for de-criminalised parking enforcement on the Roads subject to this Order.

The following criteria, terms and conditions, shall be applied to the operation of The Residents Parking Exemption Scheme/Visitor Permit Scheme on the Roads subject to this Traffic Regulation Order (“the Scheme”), unless and until replaced by further terms and conditions

1 Preamble

- 1.1 The Scheme shall exempt vehicles displaying a permit from the time limited parking restrictions with exemptions which are in force by reason of the Traffic Regulation Order to which this Protocol is attached.
- 1.2 Residents of any “household”, being any property with a discrete postal address, may apply for a Permit. Any Permit that is issued for the purpose of exempting the holder from time limited parking restrictions shall be valid only in the Zone in which the household is situated or the street which the permit is issued for.
- 1.3 Any Permit that is issued under the terms of the Scheme shall not imply an exclusive right for the holder to park in any place nor overcome the legitimate rights of other users of any public roads and highways.

2 Residents Parking Exemption Areas

- 2.1 The areas in which the Scheme shall apply are listed in the current Traffic Regulation Orders which are in force for the following areas:
 - (a) Keswick and surrounding area.
 - (b) Cockermouth and surrounding area.
 - (c) Aspatria, Silloth, Wigton and surrounding area (formerly known as the North Allerdale area)
 - (d) Maryport and surrounding area.
 - (e) Workington and surrounding area.

3 Eligibility and Conditions for the Issue of Residents Permits

3.1 The criteria for eligibility and the conditions of operation of the Scheme are set out in Schedule 1 of this Document.

4 Appeal

4.1 There shall be a right of Appeal as detailed at clause 8 of the Scheme. The decision of the Council shall be final and binding upon the appellant.

Schedule 1

Criteria for the Entitlement to Permits

1 Application of Protocol

- 1.1 The following criteria shall be equally applied to all applications for the issue of any Residents Permits and Visitors Permits.

2 Entitlement to Residents Permits.

- 2.1 Save as provided in paragraphs 2.5 and 2.6, residents of a household abutting a road which is affected by time limited parking restrictions shall be entitled to receive a maximum of two (2) permits "Residents Permits".
- 2.2 Each Residents Permit shall be issued in respect of a specific vehicle. Where additional vehicles are owned or operated by the same household the details of such vehicles may be added to one of the Permits, provided that only the vehicle that is displaying the Residents Permit shall be exempt from the time limited parking restrictions at any time.
- 2.3 Where any household has a need to park a vehicle that is associated with their employment a Residents Permit may be issued in respect of that vehicle but such issue will be included in the total entitlement of the household as referred to at paragraph 2.1 above.
- 2.4 Where any household has less than two (2) vehicles there shall be no transferable entitlement of Residents Permits to any other household or persons whatsoever.
- 2.5 Notwithstanding the provisions of paragraph 2.1 above, where the household has the benefit of any off-street parking at the property, the entitlement to Residents Permits shall be reduced to one (1) only.
- 2.6 Notwithstanding the provisions of paragraph 2.1 above, where the household has benefit of an off-street driveway and a garage at the property, there shall be no entitlement to any Residents Permits whatsoever.
- 2.7 Business premises which are located on a road which is affected by time limited parking restrictions shall not be entitled to a Residents Permit except in the case where the premises contain living accommodation for which Council Tax is paid and providing also that the occupier is registered for Council Tax at the premises.

3 Visitors and Tradesmen

- 3.1 Each household abutting a road in the Scheme which is affected by time limited parking restrictions shall be issued with one (1) "Visitors Permit" capable of holding the details of a maximum of 60 'visits' by tradesmen or other visitors. Proof of residency must be supplied before a Visitors Permit is issued. Additional Visitor Permits may be issued in exceptional circumstances.
- 3.2 Provided that the details of the date of the visit and details of the vehicle are completed and that the Visitors Permit is clearly displayed in the front windscreen of the same vehicle, the Visitors Permit shall exempt that vehicle from the time limited parking restrictions for the whole of the date as is recorded upon the Visitors Permit.
- 3.3 Tradesmen with business at a household abutting a road which is affected by time limited parking restrictions may use the residents Visitors Permit with the permission of the resident provided that it is completed and displayed as above for the duration of their stay.
- 3.4 Business premises shall not be entitled to receive or use a Visitors Permit in respect of the same address as the business.
- 3.5 A Visitors Permit that has been altered, overwritten, contains erasures or is illegible shall not be valid.
- 3.6 When there is a requirement for a replacement Visitors Permit it shall be a requirement that the old Permit is handed in.

4 Application for a Residents Permit

- 4.1 All applications for the issue or renewal of any Residents Permit shall be in writing using the form provided and such forms shall be taken to or sent to a Council office together with all of the proofs of residential qualification and vehicle ownership that are required.
- 4.2 Upon receipt of any such application the Council's staff shall check the proofs provided and note these onto the Application form which documentation shall be passed to the Council's Parking Services for processing.
- 4.3 Provided that all details on the Application Form have been completed and all proofs have been duly seen and noted by the Council's staff they may then issue a "Temporary Permit", valid for fourteen (14) days only, to cover the processing time required for each application. Temporary Permits shall not be renewed or replaced with further Temporary Permits once an application has been made except in the case where the Council's Parking Service has been incapable of processing an Application and then only with the expressed authority of the Council's Parking Service.
- 4.4 Duly completed applications which satisfy the conditions as set out herein shall result in the issue of a formal Residents Permit, which will be sent by the Council to the applicant's home address by Post within 14 days. Where any

Application is refused the applicant shall be informed of this in writing together with information regarding appeals.

5 Proofs of Entitlement

- 5.1 At the time of receipt of an Application for a Residents Permit applicants shall supply the Council's staff with the following proofs of entitlement;
- a) Proof of payment of Council Tax (not NNDR) at the same address as that for which the Residents Permit is required **or** Rent Book showing the status of the applicant as a paid up tenant provided that the tenant shall not be the same person as the Landlord.
 - b) Proof of ownership and registration of the vehicle at the same address as that for which a Residents Permit is required
 - c) In the case of leased vehicles or business vehicles, proof of leasing at the same address **or** a certificate provided by the Leasing Company or the vehicle owner that states that the vehicle is normally operated by the applicant and is required to be operated from his address.
 - d) The expired Permit, which will be retained and replaced with a temporary Permit as described at 4.3 above.
 - e) Any other proof that is capable of demonstrating a 'Residential' entitlement, or legitimate use of the vehicle at the specified address.

6 Qualifying Vehicles

- 6.1 Residents Permits shall only be issued in respect of self propelled vehicles, **including motorcycles with or without sidecars**, that are demonstrably for personal daily use and which do not exceed the following dimensions;
- i) Height - 2.1m
 - ii) Width - 2.1m
 - iii) Length - 5.5m.

Caravans and trailers do not qualify for a Residents Permit

7 Validity of Residents Permits

- 7.1 The period of validity of any Residents Permit shall be at the discretion of the Council. Normally a Residents Permit shall be valid for not less than one (1) calendar year
- 7.2 Each Residents Permit shall be marked with an Expiry Date. It is the responsibility of the user to note the expiry date and to make appropriate timely arrangements for its renewal.
- 7.3 The period of validity of any Visitor's Permit shall be unlimited provided that there is remaining space in it for entry of further visitors' vehicle details, (without deletions or alterations in any way to the Visitors Permit).
- 7.4 A Residents Permit, or Temporary Permit, or Visitor Permit shall be invalid for any of the following reasons;
- a) Where it is displayed in a Zone for which it has not been issued

- b) From the 5th working day following the date of expiry.
- c) If it is displayed in such a manner that it is not clearly visible and able to be read by an Attendant standing outside the vehicle
- d) If it is displayed on any vehicle whose Registration Mark is different to the registration mark shown on the Permit
- e) If the Permit has been defaced or altered in any way
- f) If the Permit has been copied or reproduced or the image has been electronically manipulated in any way
- g) If it has been declared lost or stolen
- h) If it has been sold-on with the vehicle for which it was originally issued
- i) Where it is subsequently found that an Application form contains deliberate omissions or false statements and the resident has been informed that the Permit is withdrawn.
- j) Where the Permit has been withdrawn for any other reason and a notice of this has been sent to the address given by the resident.

8 Appeals against a refusal to issue a Permit

- 8.1 Where an Application for issue or renewal of a Residents Permit has been made and rejected by the Council's Parking Service there shall at all times be a means of Appeal to the Cumberland Traffic Team Leader.
- 8.2 All Appeals must be made in writing to:
 - Traffic Team Leader*
 - Cumberland Council*
 - Highways Depot*
 - Joseph Noble Road*
 - Lillyhall Industrial Estate*
 - Workington*
 - CA14 4JH*
- 8.3 The determination of any Appeal must be given in writing to both the appellant and the Council's Parking Service within 10 working days.
- 8.4 No further Temporary Permits shall be issued to an applicant whilst an Appeal is being considered.
- 8.5 The decision of the Cumberland Council Traffic Team Leader or his appointed agent shall be final and binding upon the applicant.