

THE BOROUGH OF CHELTENHAM (OFF-STREET PARKING PLACES) ORDER 2020

Cheltenham Borough Council (hereinafter referred to as “the Council”) in exercise of its powers under sections 32, 33, 35 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter referred to as “the 1984 Act”), under the Road Traffic Act 1991 (hereinafter referred to as “the 1991 Act”), under the Traffic Management Act 2004 (hereinafter referred to as “the 2004 Act”) and all of other enabling powers and after consultation with the Chief Officer of Police in accordance with the 1984 Act hereby makes the following Order:

1 PART ONE - GENERAL

1.1 Commencement and citation

This Order shall come into force on the 10th day of February two thousand and twenty and may be cited as “The Borough of Cheltenham (Off-Street Parking Places) Order 2020”.

1.2 Revocations

Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into force of this Order:-

The Borough of Cheltenham (Off-Street Parking Places) Order 2007, and all related orders and variations are hereby revoked.

1.3 Definitions

In this Order:

“2004 Act” means the Traffic Management Act 2004

“Appropriate Ticket Machine” in respect of a Parking Place means a Ticket Machine situate in that Parking Place;

"Authorised Agent" means a parking services contractor appointed by and acting on behalf of the Council for the purposes of the supervision and enforcement of the provisions of this Order;

“Business” means any activity carried on from any Business Property by an individual or by a body or persons whether corporate or unincorporated;

“Business Property” means any property situate in the Borough of Cheltenham which is shown in the local non-domestic rating list from time to time in force;

“Car Park Attendant” means a person appointed by the Council to operate and ensure the correct operation of a Parking Place in relation to which the words ‘Automatic Barrier’ appears in column 9. A Car Park Attendant may not perform the duties of a Civil Enforcement Officer;

“Charging Hours” in respect of a Parking Place means the period of hours which appear in relation to that Parking Place in column 4;

“Charging point supplier” is a third party supplier that provides and services the charging infrastructure equipment.

“Civil Enforcement Officer” means a person appointed by the Council under section 76(1) of the Traffic Management Act 2004 (hereinafter referred to as “the 2004 Act”)

“Column” means a column within Schedule 1 unless otherwise stated.

“Credit Card” and “Debit Card” have the same meanings as are assigned to them by section 35A(6) of the Road Traffic Regulation Act 1984;

“Disabled Person’s Badge” has the same meaning as is in Regulation 3(1) of the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000 and “relevant position”, in relation to the display of a disabled person’s badge, has the same meaning as in Regulation 4 of those Regulations;

“Disabled Person’s Parking Space” means any Parking Space which is marked as being available for the use only of a vehicle displaying a Disabled Person’s Badge in the relevant position;

“Driver of a vehicle” means the person who was driving the vehicle in question at the time it was left in a Parking Place;

“Cashless Parking System” means a system using electronic records and electronic communication methods (e.g. mobile phone, internet, apps etc.) set up and maintained by the Service Provider to accept and record payment of Parking Charges on behalf of the Council;

“Electric Vehicle” means an electrically propelled vehicle.

“Hybrid Vehicle” means a vehicle using two different forms of power, such as an electric motor and an internal combustion engine, or an electric motor with a battery and fuel cells for energy storage.

“Identifier” is the number assigned to the Parking Place by Cheltenham Borough Council Parking Services when issuing permits;

“Invalid Carriage” has the same meaning as is assigned to it by section 136(5) of the 1984 Act;

“Maximum Period of Waiting” in relation to a Parking Place means the period (if any) as appears against the Parking Place in column 7 of Schedule 1;

“Maximum Vehicle Dimensions” means that unless otherwise stated the vehicle cannot exceed:-

5.25m in length

2.20m in width (including wing mirrors)

2.20m in height

2.75 tonnes in weight

“Motorcycle” means a powered two-wheeled motor vehicle which includes both mechanical and/or electrical power. For the purpose of this Order this definition is to include all other forms of powered two-wheeled motor vehicle such as mopeds or scooters;

“Off-Street Resident’s Parking Permit” means a Permit for the leaving of a vehicle in a Parking Place issued by the Council pursuant to an application under Article 13.1;

“Off-Street Resident’s Parking Permit Holder” means a person who is a holder of a valid Resident’s Parking Permit.

“Parking Charge” means an amount specified in column 5 which is payable either at a Ticket Machine, via the Cashless Parking System or, in the case of a Parking Place in relation to which the words ‘Automatic Barrier’ appear in column 9, a Parking Charge Payment Machine, subject to the provisions of this Order, in respect of a vehicle parked in a Parking Place for the Parking Period specified in relation to that Parking Charge;

“Parking Charge Payment Machine” means an apparatus used as a means of collecting any Parking Charge payable in respect of a vehicle that has been parked in a Parking Place in relation to which the words “Automatic Barrier” appear in column 9, being designed to receive a ticket issued by a Ticket Dispensing Machine after a period of parking by a vehicle and to accept coins or other methods of payment of the Parking Charge in respect of that vehicle and thereafter to facilitate the operation of a barrier at the exit of the Parking Place;

“Parking Period” means a period of time specified in column 6 for which payment of the Parking Charge specified in relation thereto has been made and during which, subject to the provisions of this Order, a vehicle may be parked in a Parking Place during the Charging Hours;

“Parking Permit” means a Permit or Season Ticket of any description issued by the Council under this Order and under such conditions as shall be prescribed by the Council in relation to that Permit;

“Parking Permit Holder” means a person who is a holder of a valid Parking Permit;

“Parking Place” means an area of land or building, including any access way, designated as a Parking Place by virtue of Article 5 for the purpose of leaving vehicles. They are provided by the Council and are specified by name in column 1;

“Parking Space” means a space in a Parking Place which is provided for the leaving of a vehicle and is indicated as such by markings on the surface of the Parking Place;

“Parking Ticket” means a ticket issued by the Appropriate Ticket Machine in accordance with Article 2.2.7 which indicates that the Parking Charge has been paid and the day and time by which the Parking Period for which the Parking Charge has been paid will expire;

“Pedal Cycle” means an unpowered two, three or four wheeled vehicle which may include electrical assistance. Only two wheeled vehicles are permitted in racks marked as pedal cycles only;

“Penalty Charge” means a charge set in accordance with the provisions of the 2004 Act payable to the Council following the issue of a Penalty Charge Notice;

"Penalty Charge Notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of the 2004 Act;

“Period of Stay” in relation to a vehicle left in a Parking Place means the period beginning at the time of arrival of the vehicle in that Parking Place and extending until the time of its departure therefrom;

“Prescribed Position” means the position in which a vehicle may wait in a Parking Place as specified in column 3 in relation to that Parking Place;

“Registered Keeper” in relation to a vehicle means the person whose name appears on the vehicle’s registration documents and in whose name the vehicle is registered at the Driver and Vehicle Licensing Agency; or where the vehicle is registered in the name of a Business the person who has the permanent use of the vehicle; or where the vehicle is registered in the name of a Business and it is used by multiple persons then the Company Secretary;

“Replacement Permit” means a replacement Permit issued Article 4.6

“Schedule” means Schedule 1 unless otherwise stated

“Service Provider” means either the Council or such company or contractor authorised and appointed by the Council to operate, administer and accept payment of any parking charges on its behalf by way of the Cashless Parking System;

“System Member” means a person who has entered into an agreement with the Service Provider to pay them the amount of any Parking Charge which is payable for a specific vehicle when left in a Parking Place during the Charging Hours by using the Cashless Parking System and has provided them with the information necessary to enable the Cashless Parking System to be utilised when that vehicle is so left.

“Ticket Machine” means any apparatus or device of a type and design approved by the Secretary of State for Transport as a means to accept payment of the Parking Charge in respect of a vehicle left in a Parking Place and to issue a Parking Ticket in respect thereof.

“Ticket Dispensing Machine” means any apparatus or device of a type and design approved by the Secretary of State for Transport situated at the entrance to a Parking Place in relation to which the words “Automatic Barrier” appear in column 9 which dispenses a ticket in respect of a vehicle entering that Parking Place;

“Vehicle” means a ‘mechanically propelled vehicle intended or adapted for use on roads. (s.185(1) of the Road Traffic Act 1988 and s.136(1) of the Road Traffic Regulation Act 1984) and for the purpose of this Order includes vehicles with any form or combination of power sources, other than human or animal;

“Working Day” means any day other than a Saturday or a Sunday or a day which is either Christmas Day, Good Friday, a Bank or Public Holiday.

The name and boundary of each Parking Place is illustrated in Schedule 3.

1.4 Interpretation

1.4.1 For the purpose of this Order:

1.4.2 a vehicle shall be permitted to wait in a Parking Place if it is of the class or one of the classes of vehicle as appear in relation to that Parking Place in the Schedule column 2;a vehicle shall be parked in a Prescribed Position where:

- a) in a Parking Place in which Parking Spaces are provided it is parked in a position in which it may wait as set out in the Schedule column 3 or;
- b) in a Parking Place in which Parking Spaces are not provided it is parked in an orderly manner and so as not to obstruct the entrance or exit of the Parking Place or the access or egress of any other vehicle to or from the Parking Place.

1.4.3 Permits and Parking Tickets shall be displayed in a relevant position on a vehicle:-

- a) in the case of a vehicle fitted with a front windscreen when it is exhibited immediately behind the windscreen so as to be legible from outside the vehicle;
- b) in the case of a vehicle not fitted with a front windscreen when it is exhibited in a conspicuous position on the vehicle so as to be easily legible from outside the vehicle.

1.4.4 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the 1984 Act or by any other enactment.

1.4.5 Words importing one gender include all other genders and words importing the singular include the plural and vice versa.

1.4.6 Any references to a statute shall include any statutory extension, modification or re-enactment of such statute.

1.4.7 Without further designation references to any numbered Article are references to the Article of this Order so numbered and references to the Schedule are references to the Schedule to this Order.

2 PART TWO – DESIGNATION AND USE OF PARKING PLACES

2.1 Designation of Parking Places

2.1.1 Each Parking Place specified in Schedule 1, column 1 is hereby designated as Parking Place for the parking of such classes of vehicles, in such positions and on such days and hours of operation as are specified in relation to that Parking Place in columns 2, 3 and 8.

2.2 Amount and payment of Parking Charge

2.2.1 The Parking Charge for a vehicle left in the Prescribed Position in a Parking Place in which it is permitted to wait during the Charging Hours shall be the charge prescribed in relation to that Parking Place in column 5 for the Parking Period prescribed in column 6 in relation to that Parking Place.

2.2.2 The Parking Charge shall be payable on the parking of a vehicle in a Parking Place during the Charging Hours, by either:-

- a) the insertion in an Appropriate Ticket Machine of any coin or combination of coins accepted by that Ticket Machine, together making up the amount of the Parking Charge for the Parking Period for which payment is being made; or
- b) where applicable, a System Member, instructing the Service Provider, by any means made available by the Service Provider, to initiate the process of payment of the Parking Charge by means of any type of transaction made available by the Service Provider via the Cashless Parking System.

2.2.3 Upon payment of the Parking Charge in the manner specified in Article 2.2.2 the Driver of a vehicle shall display or cause to be displayed on the vehicle, in accordance with the provisions of Article 2.2.4, the Parking Ticket issued by the Ticket Machine following payment of the Parking Charge.

2.2.4 The Parking Ticket referred to in Article 2.2.3 shall be displayed in a relevant position on the vehicle in respect of which it was issued at all times during which that vehicle is parked in a Parking Place during the Charging Hours, so that all the particulars on that Parking Ticket are readily visible from outside the vehicle.

2.2.5 Upon entering a Parking Place in relation to which the words “Automatic Barrier” appears in column 9 during the Charging Hours, the Driver of the vehicle shall a) take the ticket issued in respect of that vehicle from the Ticket Dispensing Machine situated at the entrance to that Parking Place; or b) present a valid contactless payment card.

2.2.6 Immediately prior to returning to a vehicle for the purpose of exiting a Parking Place in relation to which the words “Automatic Barrier” appears in column 9, the Driver of the vehicle, or a person acting on their behalf, shall: -

- a) pay the amount of the Parking Charge, firstly by inserting the ticket previously issued in respect of that vehicle for which the Parking Charge is to be paid by the Ticket Dispensing Machine into a Parking Charge Payment Machine and secondly, by inserting the appropriate coin or coins or other methods of payment accepted by that Parking Charge Payment Machine, to make up the amount of that Parking Charge or

- b) where entry has been gained by contactless payment shall present the same card to facilitate exit.
- 2.2.7 Upon payment of the Parking Charge in accordance with Article 2.2.6 the Driver of the vehicle, or a person acting on their behalf, as the case may be, shall retrieve the ticket which has been validated and returned by the Parking Charge Payment Machine.
- 2.2.8 Upon exiting the Parking Place, the Driver of the vehicle, or a person acting on their behalf, as the case may be, shall: -
- a) insert the ticket which has been validated and returned by the Parking Charge Payment Machine into the apparatus that facilitates the operation of the barrier at the exit of the Parking Place; or
 - b) proceed to exit Parking Place where barrier raises automatically on automatic recognition of vehicle number plate.
- 2.2.9 Provided that if owing to the malfunction or non-operation of the Parking Charge Payment Machine, a substitute ticket is provided by a Car Park Attendant or Authorised Agent, that substitute ticket shall be inserted into the apparatus that facilitates the operation of the barrier instead.
- 2.2.10 If at the time that a vehicle is left in a Parking Place during the Charging Period there is no Appropriate Ticket Machine or all the Appropriate Ticket Machines display notices by the Council that they are out of order and, where appropriate, the Cashless Parking System is not available to the Driver of the vehicle who left it in the Parking Place, then no Parking Charge shall be payable in respect of that vehicle.
- 2.2.11 The Council shall provide any necessary equipment to exercise control of Parking Place or to collect any Parking Charge payable in respect of that Parking Place according to the method of control specified in column 9.
- 2.2.12 Indications by Parking Ticket and Ticket Machine or Record of Payment held by the Cashless Parking System that a payment has been made.
- 2.2.13 Where payment of the Parking Charge has been made at a Ticket Machine in accordance with Article 2.2.2 or by way of the Cashless Parking System in accordance with Article 2.2.2(b) -such payment in respect of a vehicle parked in a Parking Place during the Charging Hours shall be indicated either by the issue from a Ticket Machine of a Parking Ticket indicating that a Parking Charge has been paid and the day and time by which the Parking Period expires and by the display of that Parking Ticket in the manner specified in Articles 2.2.3 and 2.2.4; or by the Cashless Parking System containing a record that the process of payment of the Parking Charge to the Service Provider in respect of that vehicle in that Parking Place has been initiated by the System Member.
- 2.2.14 The expiry of the Parking Period in respect of a vehicle parked in a Parking Place during the Charging Hours shall be indicated either when there is displayed on the vehicle a Parking Ticket showing the day and time by which the Parking Period expired, and the day so shown is not the day on which the vehicle is so parked or the time shown on the clock of the Ticket Machine that issued the Parking Ticket is later than the expiry time shown on the Parking Ticket; or by the Cashless

Parking System holding a record that indicates that the Parking Period in respect of which the System Member has paid the relevant Parking Charge has expired.

- 2.2.15 Parking Ticket and Ticket Machine indications and Records of Payment held by the Cashless Parking System as evidence
- 2.2.16 If at any time while a vehicle is parked in a Parking Place during the Charging Hours, no Parking Ticket is displayed on that vehicle in accordance with the provisions of Article 2.2.3 and 2.2.4 and the Cashless Parking System does not contain a record that the process of payment of the Parking Charge to the Service Provider in respect of that vehicle in that Parking Place has been initiated at or before that time, it shall be presumed that the Parking Charge has not been duly paid.
- 2.2.17 If at any time while a vehicle is parked in a Parking Place during the Charging Hours either the Parking Ticket displayed on the vehicle in accordance with the provisions of Article 6.3 and 6.4 shows a day that is not the day on which the vehicle is parked or the time shown by the clock on the Ticket Machine that issued the Parking Ticket is later than the time shown on that Parking Ticket, and, where the Cashless Parking System indicates that the Parking Period in respect of which payment by the System Member of the Parking Charge for that vehicle has expired, it shall be presumed that the Parking Period has expired.
- 2.2.18 If it is presumed, in accordance with the provisions of Article 2.2.16 that the Parking Charge has not been duly paid, or in accordance with Article 2.2.17 that the Parking Period has expired, then these indications shall be evidence that a parking contravention within the meaning of paragraph 4 of Schedule 7 to the 2004 Act has occurred.
- 2.2.19 A Parking Ticket shall be presumed, in all cases, to have been issued on the day shown thereon.
- 2.2.20 Additional coins may be inserted in a Ticket Machine and additional payments may be made by way of the Cashless Parking System.
- 2.2.21 Where on the parking of a vehicle in a Parking Place payment of the Parking Charge has been made at a Ticket Machine and a Parking Ticket has been displayed on that vehicle in accordance with Article 2.2.3 and 2.2.4 an additional coin or coins may be inserted in that Ticket Machine or any other Ticket Machine by way of payment of a further Parking Charge in respect of that vehicle, so as to extend the Parking Period beyond that initially purchased provided that such additional payment does not extend the Maximum Period of Waiting beyond that specified in column 7 in relation to that Parking Place.
- 2.2.22 Where the Cashless Parking System holds a record of the process of payment of a Parking Charge by a System Member to the Service Provider in respect of a vehicle left in a Parking Place, an additional payment may be made by way of the Cashless Parking System in the manner specified in Article 2.2.2(b) provided that such additional payment does not extend the Maximum Period of Waiting beyond that specified in column 7 in relation to that Parking Place.

2.3 Restriction on removal of Parking Tickets and Permits

- 2.3.1 Where a Parking Ticket has been displayed on a vehicle in accordance with the provisions of Article 2.2.3 and 2.2.4, a Permit has been displayed on a vehicle in accordance with the provisions of

Article 5.2.1, no person, other than the Driver of a vehicle, shall remove that Parking Ticket or Parking Permit from the vehicle unless authorised to do so by the Driver of the vehicle.

- 2.3.2 Provided that nothing in Article 2.3.1 shall apply in relation to a Civil Enforcement Officer, an officer of the Council or a representative of the authorised agent who removes that Parking Ticket or Permit in the process of the vehicle being removed in accordance with Article 3.1.

2.4 Electric and Hybrid Vehicles

- 2.4.1 Any electric charging vehicle point will be clearly marked as such and will be for the exclusive use of electric and hybrid vehicles whilst connected to charging infrastructure.
- 2.4.2 Maximum stay of three hours is permitted during the operational hours of the car park.
- 2.4.3 The vehicle must be receiving a charge from the charging point in order to be parked legally.
- 2.4.4 The normal parking place tariffs apply to any vehicle taking electrical charge from the electrical charging infrastructure.
- 2.4.5 An additional charge from the charging point supplier may also apply.

2.5 Driving in Parking Places

- 2.5.1 Except with the permission of either the Council or a Civil Enforcement Officer, no person shall drive or permit any vehicle to be driven in Parking Place for any purpose other than for parking that vehicle in the Parking Place or departing therefrom following a period of parking therein.
- 2.5.2 No person shall use Parking Place as a means of passage from one highway to another.
- 2.5.3 Where Parking Place signs are erected or surface markings are laid for the purpose of regulating traffic within the Parking Place, no person shall drive or permit any vehicle to be driven so as to contravene the directions thereby given.

3 PART THREE – MOVEMENT AND REMOVAL OF VEHICLES

3.1 Movement and removal of vehicles

- 3.1.1 If a vehicle is left in Parking Place other than in a Prescribed Position a Civil Enforcement Officer or an officer of the Council may alter or cause to be altered the position of the vehicle so that it is then parked in a Prescribed Position.
- 3.1.2 If a vehicle is left in Parking Place in contravention of any of the provisions of this Order a Civil Enforcement Officer or an officer of the Council may remove the vehicle from the Parking Place or make arrangements for such removal to be carried out on their behalf.
- 3.1.3 In case of an emergency, either a Civil Enforcement Officer, a police constable in uniform or an officer of the Council may alter or cause to be altered the position of a vehicle in a Parking Place, or remove or arrange for the removal of such a vehicle.
- 3.1.4 Any person moving or removing a vehicle by virtue of this Article 3.1 may do so by towing or driving the vehicle or in such other manner as they may consider reasonably necessary to enable the position of the vehicle to be altered or for the vehicle to be removed.
- 3.1.5 Any person removing or arranging for the removal of a vehicle by virtue of this Article 3.1 shall make such arrangements as they consider being reasonably necessary for the safe custody of the vehicle in the place to which it is removed.
- 3.1.6 Any cost incurred in the process of the removal and safe custody of the vehicle will be payable by the registered owner/keeper prior to collection or return of vehicle.

4 PART FOUR – PARKING PERMITS

4.1 Application for Permits

- 4.1.1 In this Article 4.1 any reference to a column shall relate to Schedule 2 unless otherwise stated.
- 4.1.2 Any person or organisation specified in column 1 may apply to the Council or Authorised Agent for the issue to them of a Permit for the leaving of vehicles in the Parking Places specified in relation to that person or organisation in column 3 between the hours specified in columns 4 and 5 provided that such vehicles are of the class specified in column 2 in relation to that Parking Place.
- 4.1.3 A person or organisation is eligible for a permit if the person or organisations comply with the qualification criteria in column 2 for the Parking Place in column 3 for which the application has been made.
- 4.1.4 The person or organisation must pay the charges in column 6 for the period therein stated. Refunds for unused time will be made in accordance with Article 4.8 unless otherwise stated in column 7.
- 4.1.5 Where a person or organisation has been issued a Permit: -
- a) the person or organisation shall display the Permit in a relevant position (as described in 1.4.3) on the vehicle in respect of which it was issued at all times during which that vehicle is parked in a Parking Place during the Charging Hours, so that all the particulars on that Permit are readily visible from outside the vehicle; or
 - b) the Permit details will be recorded on the Cashless Parking System
- 4.1.6 Any application for the issue of a Permit made under this Order shall be made on the form obtainable from the Council or Authorised Agent being appropriate to the type of Permit for which the application is being made and shall be accompanied by a remittance for such charge as is specified in Article 4.8 as is appropriate to the application.
- 4.1.7 The Council may at any time require an applicant for a Permit to produce to an officer of the Council such evidence in support of their application as it may reasonably require to verify any of the information supplied by the applicant.

4.2 Issue of Permits

- 4.2.1 Subject to the provisions of Article 4.1.2 upon receipt of an application made in accordance with Article 4.1.3 the Council or Authorised Agent shall issue to the applicant a Permit of the type in respect of which the application was made.
- 4.2.2 The Council or Authorised Agent shall not at any time be under any obligation to issue a Permit to anybody and in particular (but without prejudice to the generality of the foregoing) it shall not be obliged to issue a Permit relating to Parking Place.

4.3 Surrender of Permits

- 4.3.1 A Permit Holder may surrender their Permit to the Council at any time, but shall surrender it immediately their circumstances change such that they or their vehicle would no longer qualify for or be issued with a Permit if an application were newly submitted
- 4.3.2 A Permit Holder shall surrender their Permit to the Council on demand on the occurrence of any of the following events:
- a) the issue to them by the Council of a Replacement Permit
 - b) the expiry of the period in respect of which the Permit was issued
 - c) the withdrawal of the Permit by the Council under Article 4.4

4.4 Withdrawal of Permits

- 4.4.1 The Council may, by notice in writing served upon a Permit Holder, temporarily withdraw any Permit issued to the Permit Holder if it appears to the Council that any of the events set out in Article 4.3 have taken place.
- 4.4.2 Unless a Permit Holder upon whom a notice has been served under Article 4.3 can demonstrate to the Council within two Working Days of the service of that notice that none of the events set out in Article 4.3.2 have taken place their Permit shall be considered to have been permanently withdrawn with effect from the day upon which notice was served under Article 4.4.1

4.5 Validity of Permits

- 4.5.1 A Permit shall cease to be valid:
- a) immediately it is surrendered to the Council
 - b) at the expiration of the period for which it was issued
 - c) immediately upon the occurrence of any of the events set out in Article 4.3.2
- 4.5.2 Where a Permit is issued upon receipt of a payment and that payment is subsequently dishonoured the Permit so issued shall immediately cease to be valid and shall be surrendered to the Council forthwith.

4.6 Replacement Permits

- 4.6.1 A Permit Holder may request a Replacement Permit:-
- a) in order to relate the Permit to a vehicle other than the vehicle to which it currently relates
 - b) to replace a Permit that has become mutilated or defaced
 - c) to replace a Permit which has been lost, stolen or destroyed.
- 4.6.2 An application for a Replacement Permit must be accompanied by the Permit which the Applicant is requesting be replaced (apart from 4.6.1 (c)) and a remittance of £14.00.
- 4.6.3 Upon receipt of an application made under Article 4.6 the Council at its absolute discretion may issue a Replacement Permit to the applicant.

4.6.4 The provisions of this Order shall apply to a Replacement Permit and to an application for a Replacement Permit as though the same respectively were a Permit and an application for a Permit.

4.7 Form of Permits

- 4.7.1 Save where an anonymous permit has been issued a Permit shall include the following particulars:
- a) An identifier of said Parking Places in respect of which it is issued and authentication that it was issued by the Council.
 - b) Where an anonymous permit has been issued a Permit shall include such particulars which allow Civil Enforcement Officers to identify the validity of such permits in relevant parking places.

4.8 Charges for the issue of Permits and Vouchers

- 4.8.1 The charges relating to each type of Permit are shown at column 6 of Schedule 2.
- 4.8.2 A Permit Holder who surrenders a Permit to the Council before the date on which the Permit would otherwise have come into force shall be entitled to a refund of the charge which they paid in respect of the Permit upon payment of an administration fee currently set at £14.00.
- 4.8.3 Subject to Articles 4.1 a Permit Holder who surrenders a Permit to the Council after the date on which it came into force shall be entitled to a refund of part of the charge which they paid for the Permit as follows:-
- a) in respect of a Permit which has 6 complete months or more remaining as unexpired following receipt by the Council of such Permit, the sum of one half of the charge paid to the Council for the issue of that Permit
 - b) in respect of a Permit which has 5 complete months or less remaining as unexpired following receipt by the Council of such Permit, the sum of one half of the pro rata charge paid to the Council for the issue of that Permit for each complete month remaining as unexpired.
- 4.8.4 No refund shall be payable in respect of Permits identified in column 7 of Schedule 2

5 PART FIVE - EXEMPTIONS

5.1 Parking Permits

- 5.1.1 Any vehicle which displays a valid Parking Permit in the relevant position shall be exempt from any of the provisions of this Order which would require a Parking Charge to be paid in respect of the leaving of that vehicle in a Parking Place to which that Parking Permit relates at such times as that Permit is in force. This is subject to the vehicle being parked in such a manner or location that is compliant (parking in marked parking space / not parking in a restricted area of the parking place)
- 5.1.2 For the purpose of Article 4.8.1 Parking Permits relate to any Parking Place the identifier of which appears on the Permit.

5.2 Disabled person's vehicles

- 5.2.1 A vehicle shall be exempt from any of the provisions of this Order which would require a Parking Charge to be paid in respect of the leaving of that vehicle in a Parking Place, for a maximum of three hours if that vehicle is a vehicle displaying a Disabled Person's Badge in the relevant position with a parking clock showing time of arrival.
- 5.2.2 The exemption in Article 5.2.1 shall not apply to the Regent's Arcade Parking Place in Blue Badge Parking Spaces or any other Parking Spaces.
- 5.2.3 If a vehicle displaying a Disabled Person's Badge is parked for longer than 3 hours, a valid parking ticket must be purchased and displayed at the time of parking, otherwise the vehicle is subject to enforcement action under clause 5.3.1

5.3 Maximum Period of Waiting

- 5.3.1 The driver of a vehicle shall not permit it to wait in a Parking Place for longer than the Maximum Period of Waiting as specified in column 7 of Schedule 1.
- 5.3.2 When after a period of stay a vehicle leaves a Parking Place to which a Maximum Period of Waiting applies, the vehicle shall not within the period specified in Column 7 of Schedule 1, after its leaving be left or caused or permitted to wait again upon that Parking Place.

6 PART SIX – CONTRAVENTION

6.1 Contravention of this Order

- 6.1.1 If a vehicle is parked in a Parking Place at any time without complying with the provisions of this Order, then a contravention shall be deemed to have occurred and a Penalty Charge shall be payable and a Penalty Charge Notice may be issued within the meaning of Paragraph 4 of Schedule 7 to the 2004 Act.
- 6.1.2 Such contravention or non-compliance shall be defined by the relevant contravention codes in force at the time.
- 6.1.3 These contraventions are defined by the PATROL Joint Committee (Parking and Traffic Regulation Outside London) of which Cheltenham Borough Council is a member. PATROL publishes the current contravention codes on the internet at the following address:

<https://www.patrol-uk.info/contravention.codes/>

7 PART SEVEN – MISCELLANEOUS PROVISIONS

- 7.1.1 Except with the express prior consent of the Council no person shall use a Parking Place, any part of a Parking Place, or any vehicle left in a Parking Place:
- a) for any purpose other than for leaving that vehicle in the Parking Place in accordance with the provisions of this Order or for the departing from the Parking Place after the period of parking
 - b) in connection with a business or for any form of advertising
 - c) for sleeping, camping, eating or cooking purposes
 - d) for the purpose of storing, repairing, servicing or washing any vehicle, save as may be necessary to enable that vehicle to leave the Parking Place.
- 7.1.2 Except with the express prior consent of the Council no person shall, in any Parking Place:
- a) use any vehicle in connection with the sale of any article to persons on or near the Parking Place, or in connection with the selling or advertising, or offering for hire, of their skills and services
 - b) erect or cause or permit to be erected any tent, booth, stand, building or other structure, whether temporary or permanent
 - c) light or cause or permit to be lit any fire
 - d) use a caravan, campervan or other mobile home of any description as a dwelling, or for any domestic or sanitary purpose.
- 7.1.3 The driver of a vehicle using a Parking Place: -
- a) shall stop the engine of the vehicle as soon as it is in position in the Parking Place
 - b) shall not re-start the engine unless they are about to change the position of the vehicle or leave the Parking Place
 - c) shall not sound any horn or similar instrument, save as may be necessary to warn other users of the Parking Place of any imminent danger.
- 7.1.4 No person shall permit or cause a trailer or caravan or any other form of unpowered vehicle (apart from a pedal cycle) to enter a Parking Place whether attached or unattached to a vehicle. If it enters attached to a vehicle it shall be deemed to be kept by the keeper of that vehicle.
- 7.1.5 At the absolute discretion of the council the availability of any Parking Place cited in this order maybe suspended. Best endeavours will be made to give seven calendar days' notice by means of posting notices at the parking place. Reasons for suspension include but not limited to, community events, maintenance and improvement works, access to adjoining sites and other reasons approved by the director with responsibility for Parking Services.