

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

Westmorland and Furness Council ("the Council") is the highway and traffic authority and is responsible for de-criminalised parking enforcement within the Eden area.

The following criteria, terms and conditions, shall be applied to the operation of The Residents Parking Exemption Scheme / Visitor Permit Scheme ("the Scheme") specified within the Eden Traffic Regulation Order, 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 appended.
- 1.2 Residents of any "household", being any property with a discrete postal address and not specified within the exclusion list, 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 / zones in which the Scheme shall apply are listed in the current Traffic Regulation Orders which is in force for the Eden area with the exemption of Penrith.

### **3 Eligibility and Conditions for the Issue of Residents Permits**

- 3.1 The criteria for eligibility and the conditions of operation of the Scheme in the Eden area with the exemption of Penrith are set out in Schedule 1 of this Protocol.

### **4 Appeal**

- 4.1 There shall be a right of Appeal as detailed at clause 12 of the Protocol. The decision of the Council shall be final and binding upon the applicant with no further action being taken.

**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, Visitors Permits or Flexible Permits

**2     Entitlement to Residents Permits**

- 2.1     Save as provided in paragraphs 2.5, residents of a household abutting a road which is affected by time limited parking restrictions with resident exemptions shall be entitled to receive a maximum of two (2) permits known as “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 and such vehicles must be registered to the said property.
- 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 benefit of suitable and accessible off-street parking, i.e a driveway and/or garage at the property. The entitlement to Resident parking Permits will be reviewed depending on the residents needs and may result in no Resident Parking Permit entitlement.
- 2.6     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.
- 2.7     When there is no requirement for a Resident Permit it shall be a requirement that the Permit is handed back to the Council’s Parking Services Team.

**3     Visitors and Tradespeople**

- 3.1     Each household abutting a road specified within the Eden Traffic Regulation Order which is affected by time limited parking or resident only parking restrictions shall be issued with “Visitors Permit” capable of holding the details of a maximum of 60 ‘visits’ (limited to 1 calendar year) to be used by tradespeople or other visitors and/or one “Flexible permit” which will not be registered to any specific vehicle and can be used by tradespeople or other visitors to the property. Proof of residency must be supplied before any Permits are issued and assessments will be undertaken to identify the most suitable permit for the resident(s). Additional/replacement 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 Tradespeople undertaking 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 and that the vehicle being used does not exceed the height/weight threshold as indicated in the terms and conditions of use. Please note commercial parking waivers may also be obtained and purchased from the Council
- 3.4 Business premises shall not be entitled to receive or use a Visitors/Flexible 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 no requirement for a Visitors/Flexible Permit it shall be a requirement that the Permit is handed back to the Council's Parking Services Team.

#### **4 Resident Parking Only Areas**

- 4.1 Save as provided in paragraphs 4.5, residents of a household abutting a road which is affected by Resident Only parking restrictions shall be entitled to receive a maximum of two (2) permits known as "Residents Permits".
- 4.2 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.
- 4.3 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 4.1 above. Company vehicle use must be a condition of employment and so a letter / copy of employment contract, P11D form or a letter from the company insurance provider confirming that the vehicle is kept at your address overnight.
- 4.4 Where any household has less than two (2) vehicles, in exceptional circumstances, a flexible permit may be provided if required, the permit must be kept at the property for which it is registered to and can be used for visitors to the property.
- 4.5 Notwithstanding the provisions of paragraph 4.1 above, where the household has benefit of suitable and accessible off-street parking, i.e a driveway and/or garage at the property. The entitlement to Resident parking Permits will be reviewed depending on the residents needs and may result in no Resident Parking Permit entitlement.
- 4.6 Business premises which are located on a road which is affected by Resident Only 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.
- 4.7 When there is no requirement for a Resident Permit it shall be a requirement that the Permit is handed back to the Council's Parking Services Team.

## **5     Application for a Resident, Visitors or Flexible Permit**

- 5.1 All applications for the issue or renewal of a Resident, Visitor or Flexible Permit shall be made either online via the councils website or in writing, supported with the relevant documents providing proof of residential qualification and vehicle ownership/business use registered to the property being applied for.
- 5.2 Upon receipt of any such application the Council's staff shall check the proofs provided and make note of these to enable assessment and processing of the relevant Permits.
- 5.3 Provided that all details on the Application have been completed and all proofs have been verified and accepted by the Council's staff they may then issue a "Temporary Permit", valid for ten (10) 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 Team has been incapable of processing an Application.
- 5.4 Duly completed applications which satisfy the conditions as set out herein shall result in the issue of a formal Residents, Visitors or Flexible 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 the appeals process.

## **6.    Flexible Permits**

- 6.1 Residents of a household abutting a road which is affected by Resident Only parking restrictions or time limited parking restrictions with resident exemptions may be entitled to receive at the discretion of the Council a Flexible Permit. This Permit will not be registered to any specific vehicles and must be kept at the property to which it is registered, as per Paragraph 5.1, but may be used to facilitate parking for visitors to said property within the restricted sections of street.
- 6.2 Lost Flexible permits may not be replaced but consideration may be granted for a vehicle registration specific one until the next renewal date

## **7.    Second Homes**

- 7.1 Subject to provision under Paragraph 5.1, second home owners may make an application to the Council for a Visitor or Flexible permit and this may be approved, however this would be at the Council's discretion, and would be dependent on the available road space and the capacity for on-street parking provisions. This does not include properties used for business purposes such as holiday lets, air b n b's etc.

## **8.    Sustainable Transport or Shared Transport Users**

- 8.1 Sustainable Transport or Shared Transport users whose household abuts a road which is affected by Resident Only parking restrictions or time limited parking restrictions with resident exemptions shall be issued with "Visitors Permit" capable of holding the details of a maximum of 60 'visits' (limited to 1 calendar year) and may be entitled to receive at the discretion of the Council a Flexible Permit. This Permit will not be registered to any specific vehicles and must be kept at the property to which it is registered.

## **9. Qualifying Vehicles**

- 9.1 Resident 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 are registered to the property. Commercial vehicles which do not comply with the above stated criteria **will not** qualify for a Resident Permit.

Motorhomes, Caravans and trailers **do not** qualify for a Residents Permit.

## **10 Proofs of Entitlement**

- 10.1 At the time of receipt of an Application for a Resident, Visitors or Flexible 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 Permit is required **or** Tenancy Agreement 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 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) Any other proof or 'business case' that is capable of demonstrating a 'Residential' entitlement, or legitimate use of the vehicle at the specified address.

## **11 Validity of Residents Permits**

- 11.1 The period of validity of any Resident Permit shall be at the discretion of the Council. Normally a Resident Permit shall be valid for not less than one (1) calendar year.
- 11.2 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.
- 11.3 A Visitor Permit shall be valid for not less than one (1) calendar year. Each Visitor 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
- 11.4 A Flexible Permit shall be valid for not less than one (1) calendar year. Each Flexible 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
- 11.5 A Residents Permit, Temporary Permit, Visitor Permit or Flexible 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) If it is displayed in such a manner that it is not clearly visible and able to be read by a Civil Enforcement Officer standing outside the vehicle
  - c) If it is displayed on any vehicle whose registration mark is different to the registration mark shown on the Permit
  - d) If the Permit has been defaced or altered in any way
  - e) If the Permit has been copied or reproduced or the image has been electronically manipulated in any way
  - f) If it has been declared lost or stolen

- g) If it has been sold-on with the vehicle for which it was originally issued
- h) 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.
- i) Where the Permit has been withdrawn for any other reason (eg abuse to authorised officers) and a notice of this has been sent to the address given by the resident.
- j) If the vehicle does not have a current excise or MOT or valid motor insurance

## **12. Discretionary Powers**

- 12.1 Through the application process the Council may use their discretionary Powers when issuing a Resident, Visitor or Flexible Permit. These will include consideration of the following;
- a) Is the vehicles the main source of transportation
  - b) What is the available on street parking and road space provisions
  - c) Are there any alternative options such as a different permit, storage facilities or alternative parking provisions
- 12.2 The Council also reserves the right to withdraw permits that have been issued in error and such mistakes do not justify continued misapplication of permits, nor do they imply any form of unfair treatment.

## **13 Appeals against a refusal to issue a Permit**

- 13.1 Where an Application for issue or renewal of a Resident, Visitors or Flexible Permit has been made and rejected by the Council's Parking Services Team there shall at all times be a means of Appeal to the Westmorland and Furness Council Traffic Management Team Leader for Eden.
- 13.2 All Appeals must be made in writing to:
- Traffic Manager  
Westmorland and Furness Council  
Skirsgill Depot  
Penrith  
Cumbria  
CA10 2BQ*
- 13.3 The determination of any Appeal must be given in writing to both the appellant and the Council's Parking Service Team within 10 working days.
- 13.4 No further Temporary Permits shall be issued to an applicant whilst an appeal is being considered.
- 13.5 The decision of the Councils Traffic Manager or their appointed agent shall be final and binding upon the applicant with no further action being taken.