

**THE BOROUGH OF BROXBOURNE COUNCIL**

**(Pindar Car Park, Cheshunt,  
Cheshunt Country Walk Car Park, Cheshunt,  
Old Mill & Meadows Car Park, Broxbourne)  
(Parking Places Order)**

**ORDER 2018**

Borough of Broxbourne

Borough Offices

Bishops' College

Churchgate

Cheshunt

Herts

EN8 9XB

**THE BOROUGH OF BROXBOURNE COUNCIL**

**(Pindar Car Park, Cheshunt,  
Cheshunt Country Walk Car Park, Cheshunt,  
Old Mill & Meadows, Broxbourne)  
(Parking Places Order)**

**ORDER 2018**

**THE COUNCIL OF THE BOROUGH OF BROXBOURNE** (hereinafter called “the Council) acting in exercise of its powers under Section 32 and Section 35 of the Road Traffic Regulation Act 1984 (hereinafter called “the Act”) and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act and with the consent of the Hertfordshire County Council in accordance with Section 39 (3) of the Act hereby make the following order:-

**OPERATION DATE**

1. This order shall come into operation on the 22<sup>nd</sup> November 2018 and may be cited as the Borough of Broxbourne Council (Pindar Car Park, Cheshunt, Cheshunt Country Walk Car Park, Cheshunt, Old Mill & Meadows, Broxbourne) (Parking Places Order) Order 2018.
2. Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to “the Schedule” is a reference to the Schedule to this Order.
3. In this Order except where the context otherwise requires the following expressions have the meaning hereby respectively assigned to them:

**“Authorised Officer”** – means an officer authorised in writing by the Chief Executive or the Director of Finances of the Council.

**“Charging Hours”** – in relation to a Parking Place means the period during which a charge for parking is made.

**“Civil Enforcement Officer”** – means a person authorised by or on behalf of the Council pursuant to Section 76 of the Traffic Management Act 2004.

**“Disabled Person’s Badge”** has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations (England) 2000.

**“Driver”** – in relation to a Vehicle waiting in a Parking Place means the person who was driving the Vehicle at the time it was left in the Parking Place and for the purposes of the Order and of any legal proceedings taken hereunder if on the date a Vehicle is left in a Parking Place a person is shown to have been the registered owner or keeper thereof by notification in writing from the Driver and Vehicle Licensing Agency or other appropriate authority he shall be deemed to have been the Driver of the Vehicle on the date unless the contrary is shown.

**“Parking Place”** – means any area of land or premises described in Column 1 of the Schedule hereto.

**“Parking Space”** – means a part of a Parking Place marked out by means of white lines or otherwise for the leaving of a Vehicle.

**“Parking Ticket”** – means the ticket issued by means of a ticket machine in accordance with Article 8 (1)(a) hereto.

**“Penalty Charge”** – means the amount of charge indicated in Column 7 of the Schedule payable in respect of a Penalty Charge Notice.

**“Motor car”, “motor cycle”, “invalid carriage” and “trailer”** – have respectively the same meanings as in Section 136 of the Act provided that for the purpose of this Order the term

**“Motor Cycle”** shall be deemed to include a solo motor cycle and a motor cycle with a sidecar attached.

**“Permit”** means a permit issued by an Authorised Officer which entitles the Driver to park in a specified Parking Place without displaying a Parking Ticket.

**“Relevant Position”** means:

(a) In the case of a Disabled Persons Badge has the same meaning as in Regulation 4 of The Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000.

(b) In the case of a Parking Ticket, Season Ticket or Permit means;

- (i) in the case of a vehicle fitted with a front windscreen it is exhibited on the inside surface thereof with the face of the Parking Ticket, Season Ticket or Permit facing forwards such that the vehicle registration number, date and time of validity are legible and clearly visible from outside the vehicle; or
- (ii) in the case of a vehicle not fitted with a front windscreen it is exhibited in a conspicuous position on the front of the vehicle or as far as possible towards the front of the vehicle on the nearside thereof with the face of the Parking Ticket, Season Ticket or Permit facing towards such that the vehicle registration number, date and time of validity are legible and clearly visible from outside the vehicle.

**“Season Ticket”** means a season ticket issued by an Authorised Officer which entitles the Driver to park a specified Vehicle in a specified Parking Place without displaying a Parking Ticket.

**“Vehicle”** means any vehicle specified in Column 3 of the Schedule.

**“Service Provider”** means the contractor authorised by the Council to accept payment of the parking charge on its behalf and to keep a record of that parking charge and the vehicle, parking place and parking period in respect of which that payment has been made using telephone or electronic payment system.

**“Telephone or Electronic Payment System”** means an electronic system, using a telephone connection or electronic application set up and maintained by the service provider whereby:

- (a) the driver of a vehicle, or some other person authorised by that driver on their behalf, uses a telephone or an electronic device to communicate with the service provider and make payment of the parking charge in respect of a specified vehicle, a specified Parking Place and for a specified parking period by use of a debit or credit card; and
- (b) the service provider, on behalf of the Council, accepts payment of the parking charge by the method referred to in paragraph (a) of this definition and such records such payment together with the parking period for which payment has been made, the parking place in which the vehicle is left, and the registration mark of the vehicle in respect of which payment has been made.

#### **USE OF PARKING PLACES**

- 4. (1) Each Parking Place specified in Column 1 of the Schedule may be used subject to the provisions of this Order as a Parking Place for such classes of Vehicles in such a manner and in such positions on such days and during such hours as are specified in relation thereto in the Schedule.
- (2) Except with the permission of an Authorised Officer a Driver shall not permit a Vehicle to wait in a Parking Place unless every part of the Vehicle is positioned wholly within the markings of a Parking Space.

(3) Except with the permission of an Authorised Officer a Driver shall not in any Parking Place permit a Vehicle to wait on any yellow line or to cause an obstruction nor to wait other than in a Parking Space.

(4) Where in the Schedule of the Parking Place is described as being subject to a maximum period of waiting the Driver of the Vehicle shall not permit it to wait in the Parking Place beyond the maximum period specified in the Schedule.

(5) When a Vehicle has left the Parking Place after waiting therein the Driver thereof shall not permit the Vehicle to wait again in that same Parking Place before the expiration of 1 hour from the previous period of waiting.

5. Where in the Schedule, a Parking Place is described as available for Vehicles of a specified class the Driver of a Vehicle shall not permit it to wait in that Parking Place unless it is of the specified class.

6. (1) The Driver of a Vehicle shall not permit it to wait in a Parking Space that has been reserved by means of a sign or surface marking specifically for use by a disabled person unless;

(a) the Vehicle is displaying in the Relevant Position a Disabled Persons' Badge issued in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations (England) 2000.

(2) The Driver of a Vehicle shall not permit it to wait in a Parking Space that has been reserved by means of a sign or surface marking or collapsible bollard specifically for use by an authorised person, company, organisation or statutory body unless the Driver is so authorised.

## AMOUNT AND PAYMENT OF CHARGE

7. The Driver of a Vehicle who leaves a Vehicle in a Parking Place during the Charging Hours shall on leaving the Vehicle immediately pay such a charge or charges as set out in a Column 6 of the Schedule to this Order, unless there is displayed, on the Vehicle, in the Relevant Position a valid Season Ticket or Permit or there is an exemption from the charges by virtue of Article 18.
  
8. (1) The charge referred to in Article 7 shall be paid upon entry to each Parking Place:
  - (a) by the insertion of an appropriate coin or coins in to the apparatus or device provided, being an apparatus or device in accordance with s.35 (3) of the 1984 Act and the provisions of s.47 (5) of the 1984 Act shall apply in respect of such apparatus; or
  - (b) by the telephone or electronic payment system.
  
- (2) Payment of the charge for the Vehicle left in a Parking Place shall be indicated:
  - (a) by the issue of a numbered Parking Ticket showing the day and time of expiry of the charge and the Vehicle registration mark, where payment was made in accordance with the Article 1 (a), and by the exhibition of that Parking Ticket on the Vehicle in in the relevant position; or
  - (b) by the appearance on a device (hand-held or otherwise) of an indication that the parking charge has been paid in respect of that vehicle by the telephone or electronic payment system and an indication of the date and time of expiry of the parking period for which that parking charge has been paid.

(3) Any Parking Ticket purchased in accordance with paragraphs (1) and (2) of the Article is not transferable between one Vehicle and another and may only be used in the Parking Place in which it was issued.

9. Upon payment of a charge in accordance with the Article 8 (1)(a), the Driver shall exhibit on the Vehicle, the Parking Ticket:

(a) In the case of a Vehicle which is fitted with a transparent windscreen by placing the Parking Ticket on the dashboard or by affixing the Parking ticket to the inside surface of the windscreen, so that it is facing forwards and can easily be seen from the front of the Vehicle; or

(b) in the case of a Vehicle which is not fitted with a transparent windscreen by affixing the Parking Ticket on the front of the Vehicle and not more than 2 metres or less than 0.75 metres above the surface of the Parking Space in which the Vehicle is parked.

10. The Parking Ticket shall be so exhibited that the time and other particulars shown thereon are clearly visible from the outside of the Vehicle.

11. The date and time of expiry of the charge paid, and details of the Vehicle registration mark, as stated on the Parking Ticket, shall be conclusive evidence of those facts for the purposes of this Order and any legal proceedings taken thereunder.

### **SEASON TICKETS**

12. (1) The owner of a Vehicle may at the absolute discretion of the Council purchase from the Council for the charge specified in the Column (6) of the Schedule a Season Ticket in respect of that Vehicle and such Season Ticket shall be valid for the Vehicle the Parking Place and for the period specified thereon.



(2) The Council may at its absolute discretion issue a Permit for the parking of a specified Vehicle at a specified Parking Place.

(3) The Council may at its absolute discretion issue to any trader at a market operated by the Council a Market Traders Permit for the parking of a vehicle in a specified Parking Place on a day when the trader is at such a market.

(4) Any Season Ticket or Permit shall not be transferable between vehicles or Parking Places and shall be valid only for the Parking Place and for the period specified thereon.

#### **CONTRAVENTION OF THIS ORDER**

13. A vehicle left in a Parking Place at any time in contravention of the provision of this Order shall incur a Penalty Charge Notice in accordance with the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004.
14. The amount of the Penalty Charge payable is in addition to any parking charge that may have already been paid.

#### **PERIOD FOR WHICH VEHICLES MAY BE LEFT AFTER PENALTY CHARGE INCURRED**

15. (1) The period for which a Vehicle may be left in a Parking Place during the Charging Hours after a Penalty Charge has been incurred shall not exceed four hours;  
(2) If a Vehicle is left in a Parking Place during the Charging Hours for more than four hours after the Penalty Charge has been incurred it shall be the duty of the Civil Enforcement Officer to attach to the Vehicle in a conspicuous position a further Penalty Charge Notice and note the time at which the Civil Enforcement Officer first noticed that the Vehicle had been left in the Parking Place for more than four hours after the Penalty Charge had been incurred.

## **RESTRICTION ON REMOVAL OF NOTICES**

16. (1) When a Penalty Charge Notice has been attached to a Vehicle in accordance with any of the foregoing provisions of this Order, no person, not being the Driver or person in charge of the Vehicle shall remove the notice from the Vehicle or interfere with the notice unless he is the Driver or person authorised to do so by the Driver or a Civil Enforcement Officer;

(2) Where a Parking Ticket has been exhibited on a Vehicle in accordance with the provisions of Article 7 above no person other than the Driver or a person authorised by the Driver on their behalf shall remove the Parking Ticket from the Vehicle.

## **MOVEMENT AND REMOVAL OF VEHICLES**

17. (1) Where a vehicle is left in a Parking Place in contravention of any of the provisions contained in this Order a person authorised by the Council may remove the vehicle or arrange for it to be removed from that Parking Place PROVIDED that if a vehicle is waiting in a Parking Place in a position other than that specified in Column 2 of the Schedule a person authorised by the Council may alter or cause to be altered the position of the Vehicle in order that its position shall comply with that provision;

(2) Any Civil Enforcement Officer or other person duly authorised by the Council or a police constable in uniform may move or cause to be moved in the case of an emergency to any place he/she thinks fit any vehicle left in a Parking Place;

(3) Any person removing or altering the position of a vehicle by virtue of Article 17 of this Order may do so by towing or driving the vehicle or in such other manner as he/she may think necessary and may take such measures in relation to the vehicle as he/she may think necessary to enable him/her to remove it or alter its position as aforesaid;

(4) Any person removing or arranging for the removal of a vehicle by virtue of the provisions of this Article shall make such arrangements as he/she considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed and the Council shall not be liable for any loss or damage caused to the vehicle or its contents as a result of its being moved within the Parking Place or removed from the Parking Place under the provision of this Article;

(5) All reasonable expenses including administrative expenses incurred by the Council in the removal of a vehicle by virtue of this Article shall be reimbursed to the Council by the Driver of the vehicle.

### **EXEMPTION FROM PARKING AND CHARGING RESTRICTIONS**

18. (1) The Driver of a Vehicle on which is displayed in the Relevant Position a valid Disabled Person's Badge in accordance with Article 6(1)(a) shall be exempt from any limitation of time and from the payment of any charge specified in this Order and the Schedule hereto.

(2) An authorised Vehicle which is parked in a Parking Space reserved by means of a sign or surface marking or collapsible bollard for an authorised person, company organisation or statutory body or subject to a valid leasing agreement with the Council shall be exempt from the payment of any charge or time limits specified in this Order and the Schedule hereto.

(3) The Driver of a Vehicle on which is displayed a valid Permit shall be exempt from the charges specified in the Schedule hereto.

(4) The Driver of a Borough of Broxbourne Licensed Hackney Carriage which is parked in a Parking Space reserved by means of a sign or surface marking specifically for use by a Borough of Broxbourne Licensed Hackney Carriage is exempt from the payment of any charges or time limits specified in this Order and the Schedule hereto provided the Vehicle has affixed to it a valid Borough of Broxbourne Hackney

Carriage Licence Plate and the Driver thereof is in the Hackney Carriage and is plying for trade.

### **OTHER PROVISIONS**

19. (1) The Driver of a Vehicle using a Parking Place is not permitted to drive any Vehicle without due care and consideration or in a manner likely to endanger any other person.
- (2) No person shall drive or ride (otherwise than in a side-car) on a motor cycle in a Parking Place without wearing protective headgear within the meaning of the Motor Cycles (Protective Helmets) Regulations 1980 PROVIDED that this paragraph of this Article shall not apply to any person driving or riding on a motor cycle in any of the circumstances mentioned in Regulation 4(2) of those Regulations.
20. Any person using a Parking Place as a means of passage proceeding from one road to another road or for access purposes to a property or land adjacent to but not forming any part of the Parking Place and not having a right of way in that respect shall be deemed to be so using by licence of the Council and not as of right.
21. Where in a Parking Place signs are erected or surface markings are laid for the purpose of indicating:
- (a) the entrance to or exit from the Parking Place or
  - (b) that a Vehicle using the Parking Place shall proceed in a specified direction within the Parking Place.
  - (c) No person shall drive or cause or permit to be driven any Vehicle:
    - (i) so that it enters the Parking Place otherwise than by an entrance or leaves the Parking Place otherwise than by an exit so indicated; or
    - (ii) in a direction other than that specified as the case may be

22. Where in the Schedule a Parking Place is described as available for Vehicles of a specified class and/or in a specified position a driver of a vehicle shall not permit that vehicle to wait in that parking place:
  - (a) if it is not the specified class or
  - (b) if it is a position other than that specified
  - (c) if the Council have closed that Parking Place and have exhibited notice of such closure at or near the Parking Place
23. A Driver of a Vehicle shall not use a Parking Place so as to unreasonably prevent access to any premises adjoining the Parking Place or so as to be a nuisance to the Council or the owners or occupiers of any adjoining property or to any persons using a Parking Place.
24. A Driver of a Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in position in the Parking Space and shall not start the engine except when about to change position of the Vehicle or to depart from the Parking Place.
25. No person shall without prior consent in writing of the Council use a Vehicle while it is in a Parking Place in connection with the sale of any article or purchase of any article from other persons or in connection with the selling or offering for hire of his/her skill or services whether in or near the Parking Place.
26. The Driver of a Vehicle using a Parking Place shall not sound any horn, musical equipment or other similar instrument whilst the Vehicle is stationary.
27. No person shall service, overhaul, carry out work of construction or repair to a Vehicle while it is in a Parking Place or allow or permit the same except such as may be necessary to enable the Vehicle to be removed from the Parking Place.
28. No person shall unless having a right of way over the Parking Place or except with the permission of a person duly authorised by the Council drive any vehicle in a Parking Place other than for the purpose of leaving that vehicle in the Parking Place

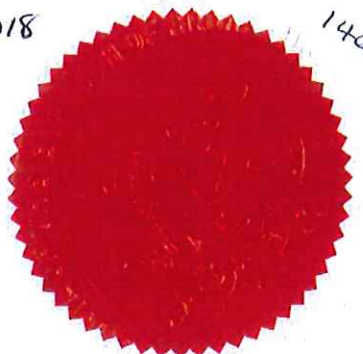
in accordance with the provisions of this Order or for the purpose of departing from the Parking Place.

29. No person shall in a Parking Place wantonly shout or otherwise make any loud noise or use any threatening abusive or insulting language gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
30. No Person shall use or permit or allow to be used any part of a Parking Place or any vehicle left in a Parking Place for sleeping or camping purposes or for providing any form of overnight accommodation.
31. No person shall use any part of a Parking Place or any vehicle left in a Parking Place for cooking purposes.
32. No person shall in a Parking Place whether inside or outside of any vehicle light or cause or permit to be lit any fire.
33. No person in a Parking Place shall erect or cause to be erected any booth stand or building or other structure without the prior written consent of the Council.
34. No person shall deposit in a Parking Place any vehicles goods equipment matter or materials so as to obstruct any part of the Parking Place.
35. The Council does not undertake to supervise the Parking Places specified in Column 1 of the Schedule and entry to and exit from and use of the Parking Spaces specified as aforesaid is entirely at the users' risk and although the Council its servants or agents do not attempt to exempt themselves from their common law duty of reasonable skill and care of their obligations under the Occupiers Liability Act 1957 and 1984 the Council its servants and agents do not accept liability for any damage to or loss of Vehicles or their contents which arise from acts or omissions outside their reasonable control.

36. A person to whom a Permit has been issued shall comply with the terms and conditions of the Permit and failure to do so shall result in the cancellation of the Permit.

**IN WITNESS** whereof the Common Seal of the Council of the Borough of Broxbourne has hereunto been affixed this *on 16<sup>th</sup> November 2018*

The Common Seal of **THE COUNCIL**  
**OF THE BOROUGH OF BROXBOURNE**  
was hereunto affixed in the presence of:



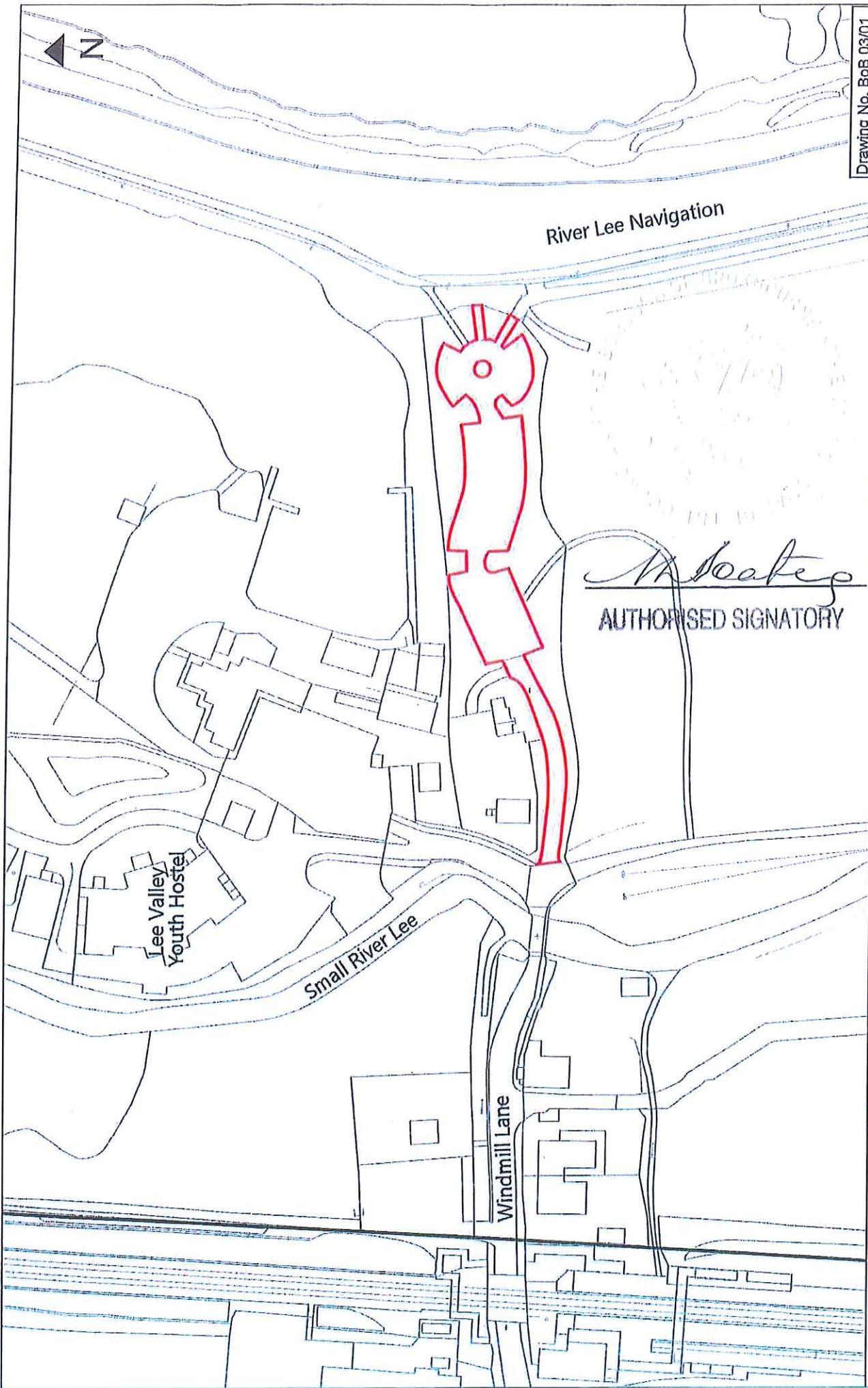
*M. Soater*

**AUTHORISED SIGNATORY**  
Head of Legal Services

**SCHEDULE**

(1) Name and Location of Parking Place	(2) Position in which vehicles may wait	(3) Classes of vehicles	(4) Days and hours of operation	(5) Charging hours and maximum hours of waiting	(6) Scale of charges	(7) Penalty charges
Pindar Car Park, Cheshunt Cheshunt Country Walk Car Park, Cheshunt Old Mill & Meadows Car Park, Broxbourne	Wholly within marked Parking Spaces	Motor cars (not exceeding 2 metres in height) without trailers, motorcycles with or without side cars attached, invalid carriages	Monday to Sunday, including Bank Holidays 8.30am to 7.30pm in April 8.30am to 8.30pm in May 8.30am to 9pm in June, July, August 8.30am to 8.30pm in September 8.30am to 9pm in October 8.30am to 8.30pm in November 8.30am to 7.30pm in December 8.30am to 6.30pm in January, February, March 8.30am to 5.30pm in December, January, February, March	8.30am to 7.30pm in April 8.30am to 8.30pm in May 8.30am to 9pm in June, July, August 8.30am to 8.30pm in September 8.30am to 7.30pm in October 8.30am to 6.30pm in November 8.30am to 5.30pm in December, January, February, March No return for 1 hour	Up to 2 hours - £1.60 Up to 3 hours - £2.40 Up to 4 hours - £3.40 Over 4 hours - £4.40	In respect of a Penalty Charge Notice issued, the Penalty Charge payable shall be such as is set by and notice of which has been published by the Council from time to time pursuant to Section 77 and Parts 1 and 3 of Schedule 9 to the Traffic Management Act 2004





Drawing No. BoB 03/01

 Park Boundary  
 Lease Area

# Proposed Lease Plan of Pindar Car Park, Cheshunt

Produced by: Corporate GIS (AB)

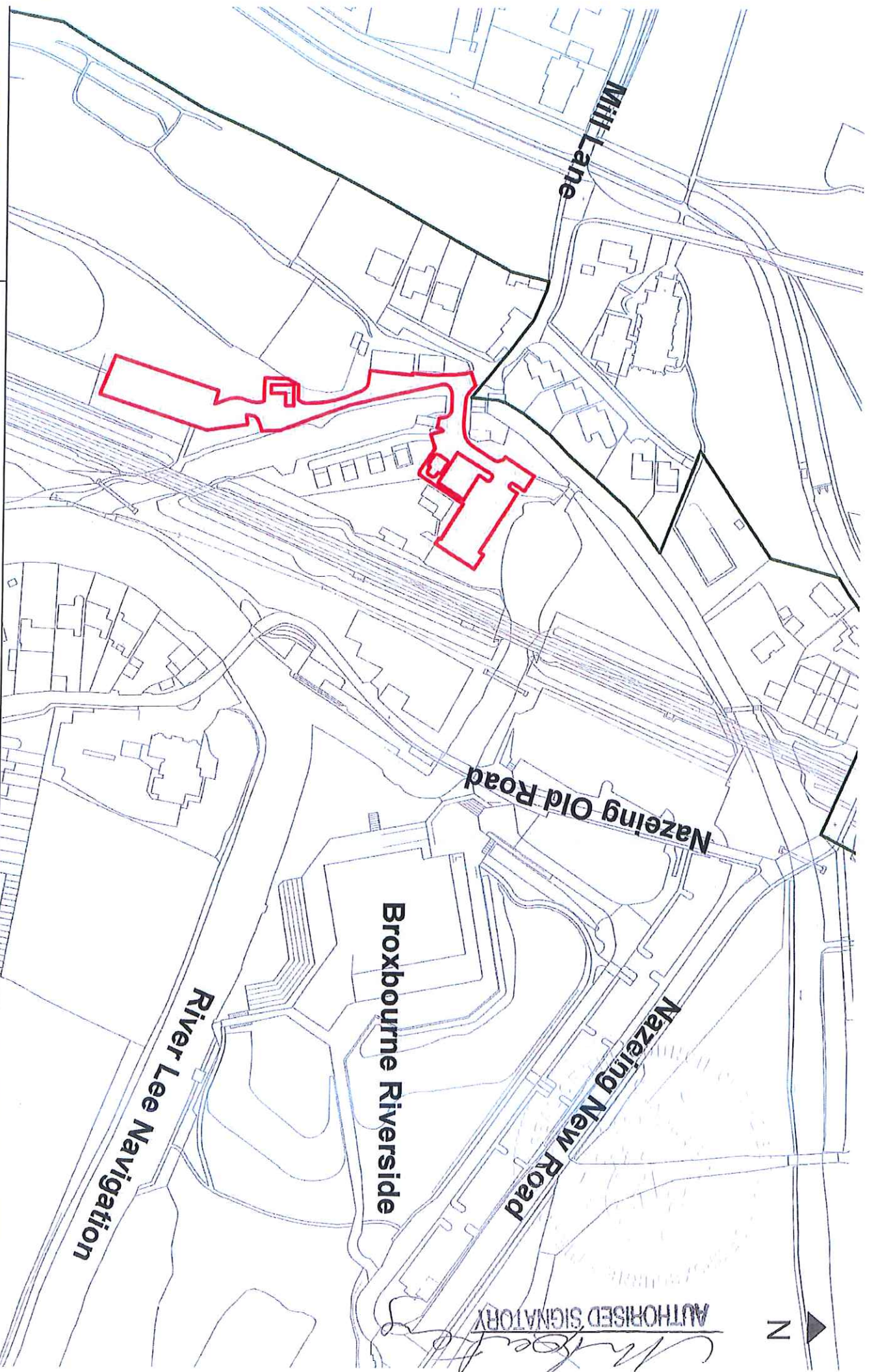
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*M. Soates*  
 AUTHORIZED SIGNATORY

1:1250 @ A4  
 22.11.16



AUTHORISED SIGNATORY



 Park Boundary  Lease Area

**Proposed Lease of Car Parks at Broxbourne Mill & Meadows**

1:2000 @ A4  
28.11.16

Produced by: Corporate GIS (AAB)  
T.A. Departmental Maps\Property\Agreement Plans\Leases\CP Pay As You Go 2016\Brox Mill + Meadows (AB) 281116-PT  
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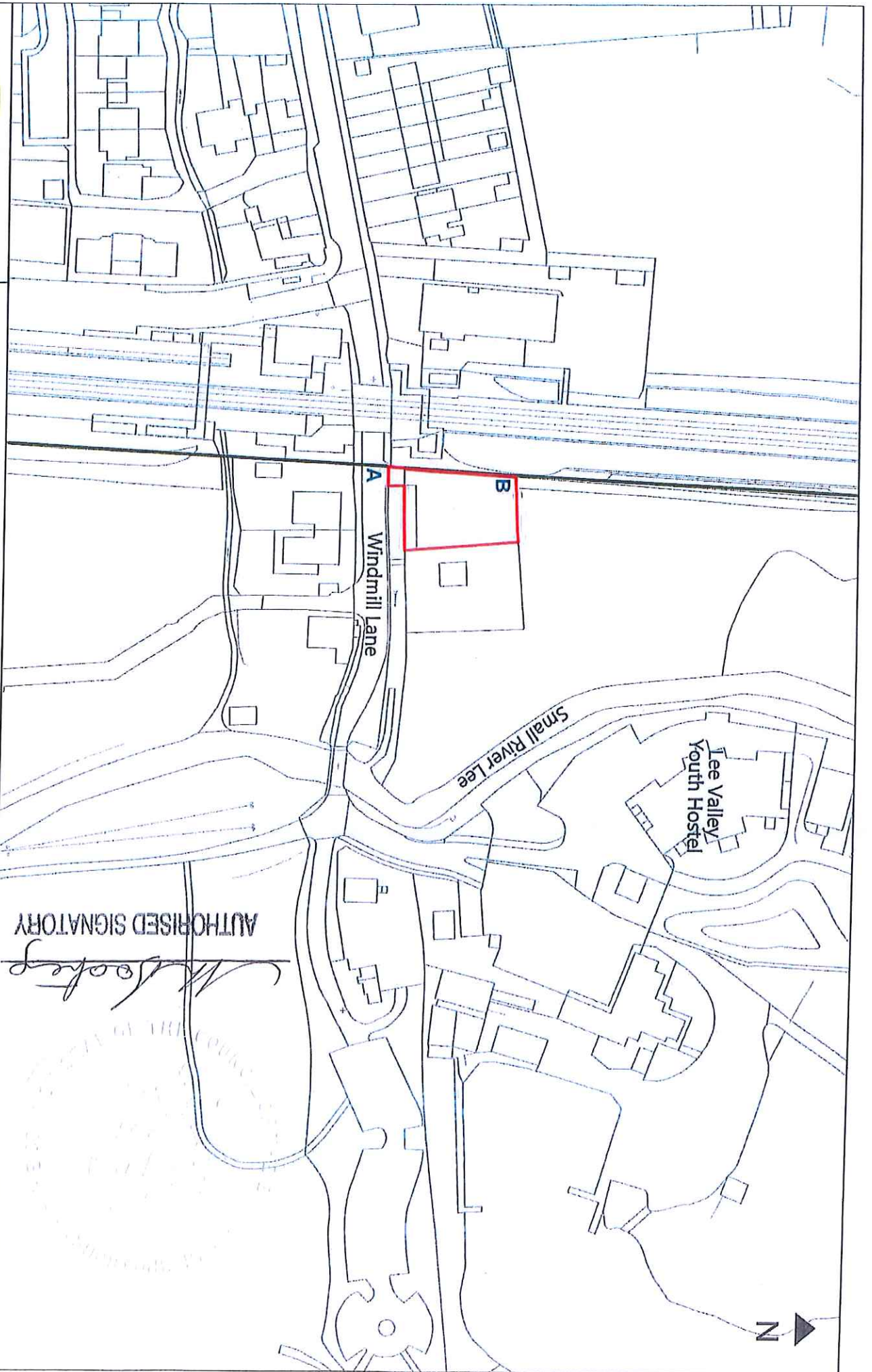
**Proposed Lease Plan of Cheshunt Walk Car Park, Cheshunt**

1:1250 @ A4  
22.11.16

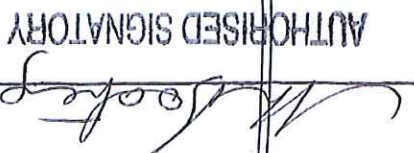
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AUTHORISED SIGNATORY



OFFICE OF THE CHIEF EXECUTIVE OFFICER  
LEE VALLEY REGIONAL PARK AUTHORITY  
CHESHUNT WALK CAR PARK  
CHESHUNT, ESSEX, SS8 5LW