

THE BOROUGH OF BROXBOURNE

THE BOROUGH OF BROXBOURNE (BOROUGH OFFICES OFF-STREET PARKING PLACES ORDER No. 2) ORDER 2018

THE COUNCIL OF THE BOROUGH OF BROXBOURNE (hereinafter called "the Council") acting in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 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 of 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:

Commencement and Citation

1. This Order may be cited as The Borough of Broxbourne (Borough Offices Off-Street Parking Places Order No.2) Order 2018 and shall come into effect on the 21st January 2019.

Revocation

2. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before coming into operation of this Order, THE BOROUGH OF BROXBOURNE (BOROUGH OFFICES) OFF-STREET PARKING PLACES ORDER (No 1) 2006 is hereby revoked.

Interpretation

3. 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.
4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue or any subsequent enactment.

5. 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” means the period of time specified in relation to a parking place or part thereof in column 5 of the Schedule;

“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/she shall be deemed to have been the Driver of the Vehicle on the date unless the contrary is shown;

“hand-held device” means a wireless hand-held computer which is programmed to interface with the telephone or electronic payment system;

“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;

“operational times”, in relation to a parking place means the times specified in relation to that parking place in column 4 of the Schedule, excluding any time during which the operation of the parking place is suspended under the provision of Article 13;

“parking period” means a period of time for which a vehicle is stationary in a parking place during the charging hours;

“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;

“penalty charge” has the same meaning as in Section 92 of the Traffic Management Act 2004;

“relevant position” in relation to the display of a disabled person's badge means that the badge is exhibited on the dashboard or facia of the vehicle, or where the vehicle is not fitted with a dashboard or facia, the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is clearly legible from the outside of the vehicle;

"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 the 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 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 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;

“vehicle” means any motor car, invalid carriage, motor cycle, or any goods vehicle having a gross laden weight not exceeding 3.5 tonnes .

Contravention of this order

6. A vehicle left in a parking place at any time in contravention of the provisions 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.
7. The amount of the Penalty Charge payable is in addition to any parking charge that may have been already paid.

Condition of use of a parking place during its operational times

8. During the operational times of parking places:

(a) no vehicle shall enter or be left in that parking place unless the vehicle is of the class specified in relation thereto in column 3 of the Schedule;

(b) except with the permission of an Authorised Officer, no vehicle shall be left in that parking place unless every part of the vehicle is positioned wholly within the markings of a parking space;

(c) except with the permission of an Authorised Officer, no vehicle shall wait on any yellow line or to cause an obstruction or to wait other than in a parking space;

(d) where in the Schedule 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;

(e) when a Vehicle has left the parking place after waiting therein the driver thereof shall not permit the Vehicle to wait again in the parking place before the expiration of 1 hour from the previous period of waiting;

(f) 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;

(g) where, within that parking place, there is a sign or surface marking which indicates that a parking bay is available only for a vehicle displaying a disabled person's badge, a vehicle shall not be left in that parking place unless 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;

(h) where, within that parking place, there is a sign or surface marking which indicates that a parking bay is available only for vehicles for the purpose of loading and unloading, a vehicle shall not be left in that parking place unless for the purpose of enabling goods to be loaded on or unloaded from the vehicle;

(i) where, within that parking place, there is a sign or surface marking or collapsible bollard which indicates that the parking bay is available only for use by a vehicle of an authorised person, company, organisation or statutory body, a vehicle shall not be left in that parking places unless the driver is so authorised and such authorisation shall be indicated by the appearance of the vehicle registration mark in respect of the authorised vehicle on a hand-held device .

Condition of use of a parking place during the charging hours

9. During the charging hours of a parking place at all times during which a vehicle is left in that parking place:

(a) the parking charge as set out in Column 6 of the Schedule in this Order shall be payable by the driver of that vehicle or a person authorised by the driver to act on their behalf, instructing the service provider to accept payment of the parking charge for a specified parking period in respect of a specified vehicle by using the telephone or electronic payment system and by the service provider accepting such payment;

(i) where, in column 6 of the Schedule in relation to a parking place or part thereof the parking charge is free, the parking period shall be recorded by the driver of that vehicle or a person authorised by the driver to act on their behalf, instructing the service provider to record the parking period in respect of a specified vehicle by using the telephone or electronic payment system;

(ii) provided that nothing in the article 9(a) and 9(a)(i) shall apply in relation to:

(A) a vehicle displaying a disabled person's badge in the relevant position;

(B) a vehicle left in a parking place where, within that parking place, there is a sign or surface marking which indicates that a parking bay is available only for vehicles for the purpose of loading and unloading;

(C) a vehicle left in a parking place where, within that parking place, there is a sign or surface marking or collapsible bollard which indicates that the parking bay is available only for use by a vehicle of an authorised person, company, organisation or statutory body;

10. Where payment of a parking charge has been made in accordance with the Article 9(a):

(a) such payment shall be indicated by the appearance on a hand-held device 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 the time of the expiry of the parking period for which that charge has been paid;

(b) the expiry of the parking period in respect of a vehicle left in the parking place shall be indicated when there is displayed on the hand-held device an indication that the parking period for which payment of the parking charge has been made has expired.

11. Where a parking period has been recorded in accordance with the Article 9(a)(i):

(a) such record shall be indicated by the appearance on a hand-held device of an indication that the parking period has been recorded in respect of that vehicle by the telephone or electronic payment system and an indication of the date and the time of the expiry of the parking period;

(b) the expiry of the parking period in respect of a vehicle left in the parking place shall be indicated when there is displayed on the hand-held device an indication that the parking period that has been made has expired.

12. Any payment made in accordance with paragraph 9(a) or parking period recorded in accordance with paragraph 9(a)(i) is not transferable between one vehicle and another and may only be used in the Parking Place for which it was issued.

Suspension of the operation of a parking place

13. Notwithstanding the foregoing provisions of this Order, the Council may, by notice or sign displayed at or near a parking place or by the entrance to a parking place, suspend the operation of that parking place or any part thereof, for any purpose.

14. When the operation of a parking place is suspended pursuant to Article 13, no vehicle shall enter or to be left in the parking place or any part thereof, without the written authorisation of the Council, except for any vehicle being used for ambulance, fire brigade or police purposes or any vehicle permitted or directed by a police officer in uniform.

Exemption for emergency services vehicles

15. Nothing in the provision of this Order shall apply in respect of a vehicle being used for ambulance, fire brigade or police purposes in an emergency.

Other provisions

16. (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.

17. 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/she is the Driver or person authorised to do so by the Driver or a Civil Enforcement Officer.

18. (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 in that behalf 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 18 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.

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 in 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 unreasonably to 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.

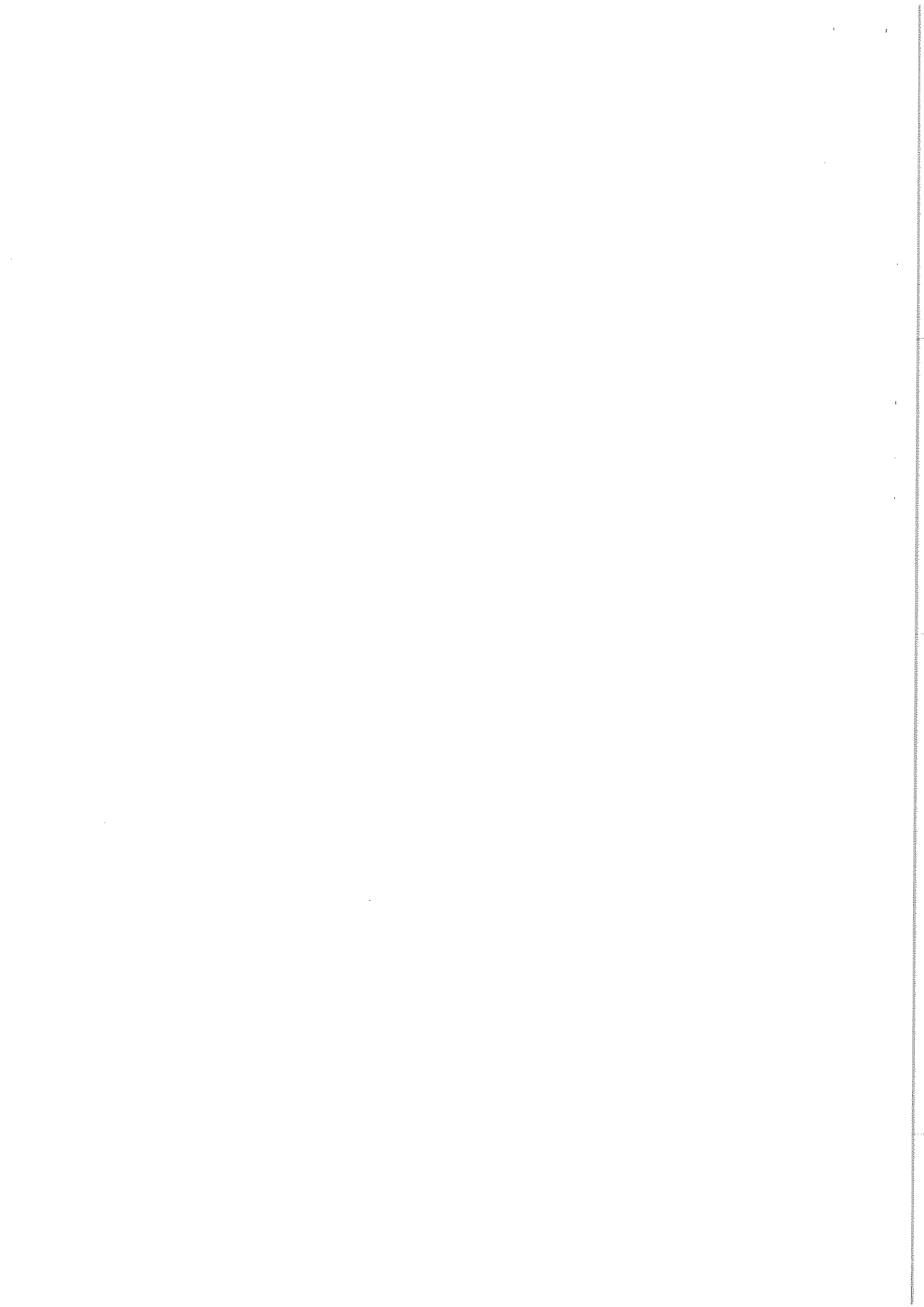
32. No person shall in a Parking Place whether inside or outside of any vehicle light or cause or permit to be lit any fire.
33. No person in a Parking Place shall erect or cause to be erected any booth stand or building or other structure without the prior written consent of the Council.
34. No person 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 is 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.

IN WITNESS whereof the Common Seal of the Council of the Borough of Broxbourne has hereunto been affixed this on *10th day of January 2019*

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

M. Soater
AUTHORISED SIGNATORY

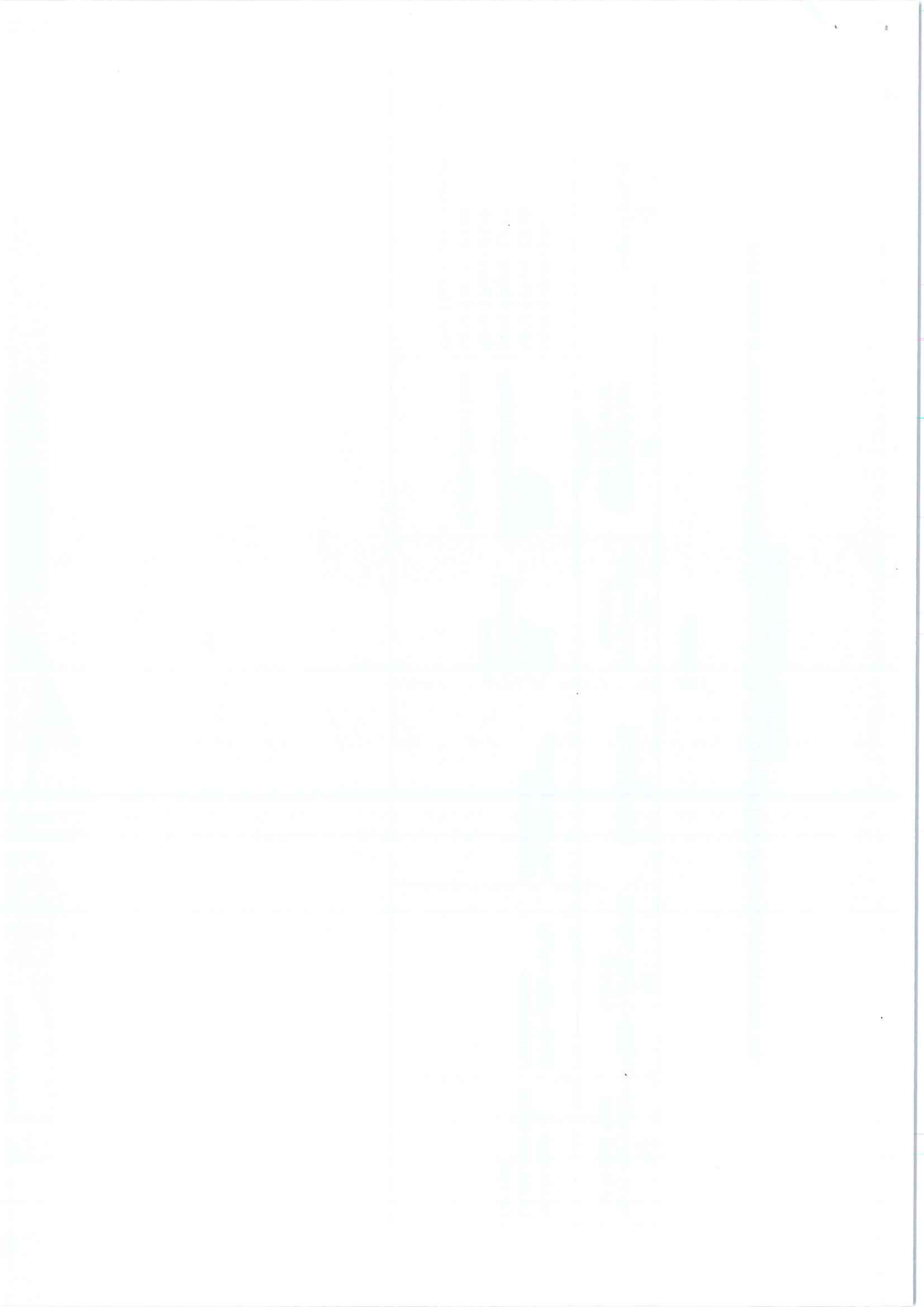


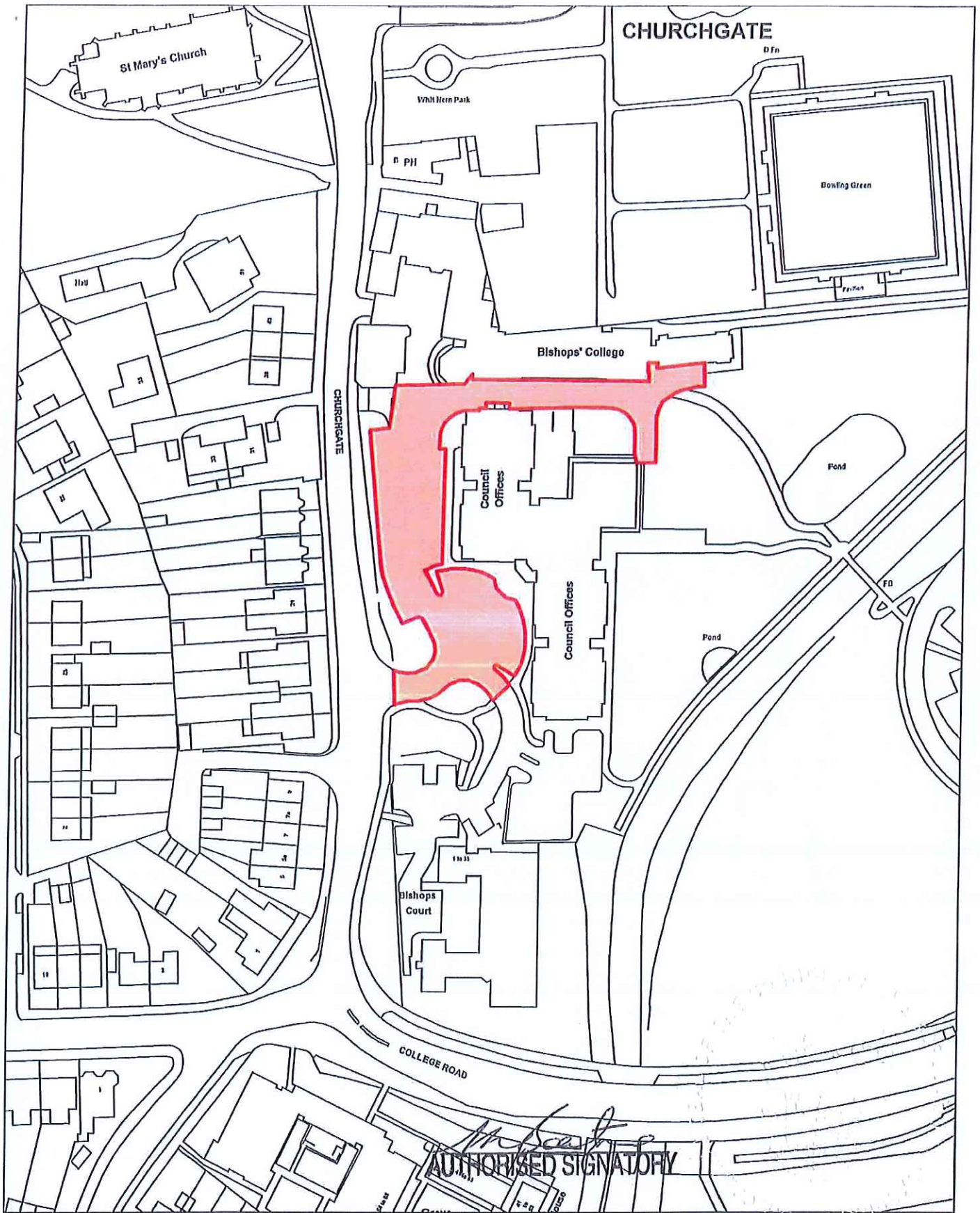


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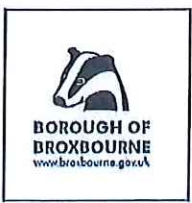
SCHEDULE

(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
The Borough of Broxbourne Offices Car Park	Wholly within marked Parking Spaces	Vehicles as defined in Article 5 hereof	All days All hours Including Bank Holidays	All days All hours Including Bank Holidays No return within 1 hour	Up to 2 hours - Free Up to 3 hours - £2.40 Up to 4 hours - £3.40 Up to 5 hours - £4.40 Up to 6 hours - £5.40 Over 6 hours (up to midnight) - £10.00





[Signature]
AUTHORISED SIGNATORY



Title CAR PARKING

Location Borough Offices, Churchgate, Cheshunt



