

# THE BOROUGH OF BROXBOURNE (CONTROL OF PARKING) (CONSOLIDATION) ORDER 2022

Date of Order 2 August 2022

The Council of the Borough of Broxbourne (hereinafter referred to as "the Council") in accordance with Section 21 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and pursuant to arrangements made under Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 with Hertfordshire County Council ("the County Council") in exercise of the powers conferred by Sections 1 to 4, 32, 35, 45, 46, 47, 49 and 53 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act") (as amended by the Road Traffic Regulation (Parking) Act 1986) and section 43 and Schedule 3 of the Road Traffic Act 1991 ("the 1991 Act") and the provisions of Part 6 of the Traffic Management Act 2004 ("the 2004 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 1984 Act hereby make the following Order, the purpose of which is to incorporate all on street parking place and prohibition and restriction of waiting Orders specified in the Schedule hereto into one Order.

## PART I - GENERAL

### Commencement Citation and Revocations

- This Order shall come into operation on 2<sup>nd</sup> August 2022 and may be cited as "The Borough of Broxbourne (Control of Parking) (Consolidation) Order 2022" hereinafter referred to as "this Order".
  - The Borough of Broxbourne On-Street Parking and Waiting Plans ("the On-Street Plans") and the Schedules to this Order are incorporated into this Order.
- This Order revokes, re-enacts and consolidates the restrictions imposed by the various Orders listed within Schedule 1 to this Order insofar as they relate to on-street Designated Parking Places and Prohibition and Restriction of Waiting within the Borough of Broxbourne.

### Interpretation

- Save as otherwise defined within this Order, each and every expression shall have the meaning assigned to it by the Traffic Signs Regulations and General Directions 2016 SI 362.
  - The following expressions shall have the meaning as assigned to them -
    - "access way" means an access way that enables vehicles to gain access to or egress from a parking place;
    - "authorised market stall" means any stall licenced or authorised by the Council to be erected with the boundary of a market within the Borough of Broxbourne;
    - "civil enforcement officer" has the same meaning as in Section 76 of the 2004 Act and be appointed by the Council;
    - "council" means the Council of the Borough of Broxbourne and includes any parking services, contractors or authorised agent appointed by and acting on behalf of the Council for the purposes of any function under the provisions of this Order;
    - "delivering" and "collecting" in relation to goods include checking the goods for the purpose of their delivery or collection;
    - "disabled persons badge" and "parking disc" have the same meaning as in the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

“driver” means the person driving or having control or charge of the Vehicle at any given time and in particular in relation to a Vehicle waiting in a Parking Place the person driving at the time it was left in that Parking Place;

“general prohibition” means the prohibition as set out in Article 4 of this Order;

“goods” means goods of any kind whether animate or inanimate and includes postal packets of any description;

“goods carrying vehicle” or \*goods vehicle” means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

“footway” means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only;

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

“heavy commercial vehicle” means any Goods Vehicle the gross laden weight of which exceeds 5 tonnes;

“initial charge” means the charge that shall be paid upon entry to each pay and display parking place at a ticket machine to obtain a parking ticket, as specified in Schedule 2 to this Order;

“key” means the key attached to the On-Street Plans to be read in conjunction with the On-Street Plans;

“market trader” means a person issued a Market Traders Parking Permit to run a market stall in the Borough of Broxbourne;

“market trader’s parking permit” means a permit which has been issued and validated by the Council;

“market trader’s vehicle” means a vehicle owned or kept by a market trader being used at the time in connection with the setting up, running or dismantling of an authorised market stall and on which is displayed in a prominent position on the front windscreen thereof a valid market trader’s parking permit issued by the Council so that all of the details contained on it are clearly visible from outside the vehicle;

“motor car” has the same meaning as in Section 136 (2) of the 1984 Act;

“motor cycle” means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the weight unladen does not exceed 410 kilograms;

“motor vehicle” has the meaning as given by Section 136(1) of the 1984 Act;

“no return” means no return to a Parking Place within the same named Road within the period specified in the On-Street Plans;

“on-street plans” means the Borough of Broxbourne On-Street Parking and Waiting Plans including the Key which are incorporated in to this Order pursuant to Article 1(b) hereof;

“owner” has the meaning assigned to it by Section 82 (2) and (3) of the 1991 Act;

“parking bay” means an area contained within a Parking Place delineated by white markings or contrasting surfacing to indicate the position in which a Vehicle may be parked;

“parking place” means any place where Vehicles, or Vehicles of any class, may wait as set out in Section 32 (4)(b) of the 1984 Act and as shown in the Key to the On-Street Plans;

“parking ticket” means a ticket issued by a ticket machine for use at a Pay and Display Parking Place;

“passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

"penalty charge" shall have the same meaning as a charge set by the Council in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 of the 2004 Act;

"penalty charge notice" has the same meaning as given in The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;

"permitted hours" means a period specified for each parking place during which the waiting of vehicles of a specific class is permitted as specified in the Key to the On-Street Plans;

"public service vehicle" has the same meaning as assigned to it by Section 1 of the Public Passenger Vehicles Act 1981;

"restricted area" means the area shown on the On-Street Plans and identified in the key thereon as an area in which vehicles are prohibited from stopping and waiting, as specified in the labels to those On-Street Plans;

"restricted hours" means the hours that waiting or loading are restricted as shown on the On-Street plans and identified and defined in the Keys to the On-Street plans;

"restricted road" means an area on a road where waiting is restricted as shown on the On-Street plans and identified and defined in the Keys to the On-Street plans;

"relevant position" means on the dashboard or fascia of the vehicle or where the vehicle is not fitted with a dashboard or fascia in a conspicuous position on the nearside of the vehicle or if the vehicle is one being used by a disabled person displayed in such a position as described in Regulation 4 of The Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000 SI 683 and in all cases displayed in such a position as for the details to be clearly visible from outside the vehicle's front or nearside;

"road" means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes as set out in Section 142 (1) of the 1984 Act;

"school term time" has the meaning – as those days of the year which have been determined by the education authority, or where applicable the governing body, as school days in accordance with the provisions of Section 32 of The Education Act 2002;

"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, pay and display parking place and parking period in respect of which that payment has been made using the telephone or electronic payment system;

"taxi" has the same meaning as given in The Traffic Signs Regulations and General Directions 2016, Part 2 (Traffic Signs Regulations 2016) Schedule 1 Regulation 2;

"telecommunication system" and "telecommunication apparatus" have the same meaning as in the Telecommunications Act 1984 (c.12);

"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 pay and display 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 record such payment together with the parking period

for which payment has been made, the pay and display parking place in which the vehicle is left and the registration mark of the vehicle in respect of which payment has been made;

“ticket machine” means an apparatus of a type and design approved by the Secretary of State, designed to indicate the time of issue, the payment of the initial charge referred to in Article 6 of this Order and the periods in respect of which the initial charge has been paid;

“traffic sign” means a device or object as prescribed or authorised under, or having effect as though prescribed or authorised under section 64 of the 1984 Act;

“universal service provider” and “universal postal service” have the same meanings as that assigned to them in Section 65 Postal Services Act 2011;

“vehicle” has the same meaning as that assigned to “motor vehicle” in Section 136 (1) of the 1984 Act;

- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- (3) Any reference in this Order to a numbered Article shall, unless the context otherwise requires, be construed as a reference to the Article bearing that number in this Order.

#### **General Prohibition on Stopping, Waiting or Loading of Vehicles and restriction on use of Parking Places**

4. (a) Save as provided in Article 9 of this Order no person shall, except upon the direction of or with the permission of a Police Constable in uniform or with the permission of a Civil Enforcement Officer, cause or permit any Vehicle to stop or to wait on any part of a Road where stopping or waiting is prohibited as shown on the On-Street Plans and identified and defined in the Key to the On-Street Plans.
- (b) Save as provided in Article 9 of this Order no person shall, except upon the direction of or with the permission of a Police Constable in uniform or with the permission of a Civil Enforcement Officer, cause or permit any vehicle to wait on any restricted road during the restricted hours as shown on the On-Street Plans and identified and defined in the Key to the On-Street Plans.
- (c) Save as provided in Article 9 of this Order no person shall, except with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait on any restricted road in respect of which there is shown on the On-Street Plans and identified and defined in the Key to the On-Street Plans a period during the restricted hours in which waiting is allowed,
  - (i) for a period longer than specified on the On-Street Plans, or
  - (ii) if a period less than that specified on the On-Street Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same length of road.
- (d) Save as provided in Article 9 no person shall, except with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait during the restricted hours in any loading area as shown on the On-Street Plans and identified and defined in the Key to the On-Street Plans unless it is of the specified class and except for the loading and unloading of goods.
- (e) Where there is shown on the On-Street Plans and identified and defined in the Key to the On-Street Plans a maximum period during the restricted hours for which loading or unloading is permitted, no person shall, except with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait on any loading area,
  - (i) for a period longer than specified on the On-Street Plans; or

- (ii) if a period less than that specified on the On-Street Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same length of road.
- (f) Save as provided in Article 9 no person shall, except with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle except an authorised Market Trader's vehicles to stop or wait with two or more wheels on any part of the restricted area as shown on the On-Street Plans and identified and defined in the Key to the On-Street Plans.
- (g) Save as provided in Article 9 of this Order no person shall cause or permit any vehicle to stop or wait on areas of road or sides of the road as shown on the On-Street Plans as parking places or parking bays in contravention of the provisions imposed on those parking places or parking bays as identified and defined in the Key to the On-Street Plans.
- (h) Where a vehicle is parked in a parking bay within a parking place as shown on the On-Street Plans and identified and defined in the Key to the On-street Plans the driver of that vehicle shall not permit the vehicle to wait in that parking bay unless it is wholly parked within the marked limits of the bay.
- (i) Where there is shown on the On-Street Plans and identified and defined in the Key to the On-Street Plans a maximum period during the permitted hours for which parking is permitted, no person shall, except with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to park in any parking place,
  - (i) for a period longer than specified on the On-Street Plans; or
  - (ii) if a period less than that specified on the On-Street Plans as being the period in which the vehicle shall not return has elapsed since a previous period of parking by the same vehicle in a parking place in the same road.
- (j) Save as provided in Article 9 of this Order no person shall cause or permit any vehicle to stop or wait on areas of road or sides of the road as shown on the On-Street Plans and identified and defined in the Key to the On-Street Plans as permit parking places unless it,
  - (i) is a market trader's vehicle,
  - (ii) displays thereon in the relevant position a valid market trader's parking permit issued by the Council, and
  - (iii) is wholly parked within the marked limits of a parking bay.
- (k) Save as provided in Article 9 of this Order no person shall cause or permit any vehicle to stop or wait on areas of road or sides of the road as shown on the On-Street Plans and identified and defined in the Key to the On-Street Plans as disabled persons parking places unless it is,
  - (i) a disabled persons vehicle on which is displayed in the relevant position a disabled persons badge, and
  - (ii) wholly within the limits of the disabled persons parking place.

## **PART II – PROVISIONS APPLYING TO PAY AND DISPLAY PARKING PLACES**

### **Designation of Pay and Display Parking Places**

5. (a) Subject to the provisions of this Order, Pay and Display parking places may be used during the permitted hours for the leaving of vehicles of the following class, that is to say, passenger vehicles and goods carrying vehicles (the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres), motor cycles and disabled persons vehicles (on which must be displayed the relevant disabled persons badge and parking disc).
- (b) Save as provided in Articles 9, 13 and 17 of this Order, no person shall, except upon the direction of or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to be left in a Pay and Display parking place during the permitted hours without a valid Parking Ticket being displayed in the relevant position on that vehicle.

- (c) With prejudice to the provisions of Article 6 of this Order no vehicle which has been left or been taken away from a parking place during the permitted hours after an initial charge has been incurred shall not until the expiration of the no return period as specified on the On-Street Plans from the time it left or was taken away again stand in the parking place during the permitted hours.
- (d) Where a motor vehicle is parking in contravention of Article 5(b) of this Order, the driver of any such motor vehicle shall be issued a penalty charge notice. The absence of a Parking Ticket from a motor vehicle left in a Pay and Display parking place shall be evidence of the fact that a Parking Ticket has not been purchased by the driver of the vehicle.

#### **Amount of initial charge**

- 6. The initial charge for a vehicle (other than a vehicle otherwise exempted by this Order) left in a Pay and Display parking place during the permitted hours shall be as set out in column 3 of Schedule 2 to this Order and are subject to variation at the Council's discretion giving notice in accordance with section 46A of the 1984 Act.

#### **Payment of initial charge in connection with the use of parking tickets and pay and display parking places and indication of such charge**

- 7. (a) The initial charge referred to in Article 6 shall be paid upon entry to each pay and display parking place:
  - (i) by the insertion of coin or coins in the ticket machine provided in the pay and display parking place; or
  - (ii) by 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.
- (b) Payment of the initial charge for the vehicle left in a pay and display parking place shall be indicated:
  - (i) by the issue of a numbered parking ticket showing the day and time of expiry of the parking charge and the whole registration mark (numbers only), where payment was made in accordance with the provision of paragraph (a)(i) of this Article, and by the exhibition of that parking ticket on the vehicle in accordance with paragraph (d) of this Article; or
  - (ii) 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 payment system and an indication of the date and time of expiry of the parking period for which that parking charge has been paid.
- (c) Any parking ticket purchased in accordance with paragraph (a) of this Article is not transferable between one vehicle and another and may only be used in the pay and display parking place for which it was issued.
- (d) Upon payment of a parking charge in accordance with paragraph (a)(i) of this Article the driver shall exhibit in the vehicle the parking ticket issued by the ticket machine at that time:
  - (i) in the case of a vehicle which is fitted with a transparent windscreen by placing the parking ticket in a conspicuous position where it can be clearly seen through the front windscreen, or
  - (ii) 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 place in which the vehicle is parked.
- (e) No refund shall be payable by the Council in respect of any parking ticket surrendered to the Council unless a refund is given at the discretion of the Council.

- (f) No person shall leave any vehicle (other than a vehicle otherwise exempted by this Order) in a pay and display parking place during the permitted hours for longer than the initial period for which payment has been made by the initial charge.

### **PART III – SUPPLEMENTARY PROVISIONS**

#### **Contravention of General Prohibitions, or use of Parking Places**

8. (1) Where a person contravenes any provision of this Order, and the vehicle does not fall into any one of the exemptions contained within Articles 9, 13 or 17 of this Order, the owner of the vehicle in question shall incur a penalty charge as set by the Council in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 the Traffic Management Act 2004.
- (2) That charge shall be payable to Broxbourne Borough Council in accordance with the instructions contained on the Penalty Charge Notice

#### **Exemptions to the provisions of this Order**

9. (1) The following Vehicles are exempt from the General Prohibition and Parking Places as set out in Articles 4 and 5 of this Order :-
- (a) a Vehicle waiting for no longer than may be necessary and which is required for use in connection with any of the following, namely:-
- (i) the removal of any obstruction to traffic;
  - (ii) the laying, erection, alteration, repair or cleaning in or near the Road, the side or length of the Road, of any sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus kept or installed for the purposes of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position;
  - (iii) any building operation or demolition work provided that the Vehicle cannot conveniently be used in any other Road;
  - (iv) constructing, improving, maintaining or , of any street furniture.
- (b) to enable a Vehicle (which for the purposes of this sub-clause shall be deemed not to include a Motor Car) in the service of the Council, the County Council or any other local authority if it cannot conveniently be used for such purpose in any other Road and which is necessarily required for use in connection with:-
- (i) highway works, highways and parking enforcement, inspection works, waste collection or street cleansing activities;
  - (ii) the maintenance, improvement or reconstruction on the areas of Road or sides of Road.
- (c) a Vehicle which is:-
- (i) required by law to stop; or
  - (ii) obliged to stop so as to prevent an accident, avoid injury or damage to persons or property; or
  - (iii) prevented from proceeding by circumstances outside the drivers control; or
  - (iv) caused or permitted to stop or wait upon the direction or with the permission of a Police Constable in uniform; or with permission of a Civil Enforcement Officer.
- (d) a Public Service Vehicle whilst waiting at an authorised stopping place.
- (e) a marked vehicle whilst being used by a Universal Service Provider in the course of the provision of a Universal Postal Service which is stationary only for so long as may be reasonably necessary for the delivery/collection of postal packets.

- (f) a Vehicle being used for fire brigade, ambulance or police purposes.
  - (g) save as on the areas of Road or sides of the Road where loading or unloading are specifically regulated as shown on the On-Street Plans and identified and defined in the Key to the On-Street Plans, a Vehicle on which is displayed in the Relevant Position a valid Disabled Persons Badge and where applicable parking disc in the circumstances prescribed in regulations 7, 8 or 9 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683, but subject to the limitations set out in Articles 4 and 5 of this Order.
  - (h) a Vehicle that is waiting only for so long as to enable goods to be loaded on or unloaded from the Vehicle save for the areas of Road or sides of the Road where loading or unloading are specifically regulated as shown on the On-Street Plans and identified and defined and for the periods stipulated in the Key to the On-Street Plans.
  - (i) a Vehicle that is waiting only for so long as is necessary to enable a person to board or alight from that Vehicle or load and unload there from their personal luggage, save for the areas of Road or sides of the Road as shown on the On-Street Plans and identified and defined as no stopping, waiting, loading or unloading in the Key to the On-Street Plans.
  - (j) to enable the Vehicle to be used in connection with a valid street trading consent issued by the Council pursuant to Schedule 4 Local Government (Miscellaneous Provisions) Act 1982.
- (2) If and insofar as a Vehicle referred to in Article 9(1)(g) above is parked in the circumstances described in Regulation 8(4) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 there is also displayed on the Vehicle in the Relevant Position a Parking Disc in accordance with the said Regulation 8(4)

#### **Alteration of a position of a vehicle in a parking place**

10. Where any vehicle is standing in a parking place in contravention of the provisions contained within this Order, a Civil Enforcement Officer may cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

#### **Removal of a vehicle from a parking place**

11. Where a Civil Enforcement Officer is of the opinion that any provisions contained within this Order have been contravened or not complied with in respect of a vehicle left in any part of a parking place or restricted waiting area, they may remove or cause to be removed that vehicle from the parking place or restricted waiting area and where it is removed shall provide for the safe custody of the vehicle and its contents.

#### **Movement of a vehicle in a parking place in an emergency**

12. A Civil Enforcement Officer or a Police Constable in uniform may move or cause to be moved in case of an emergency, to a place they think fit, any vehicle left in a parking place or restricted waiting area.

#### **Exemption from initial charges**

13. (a) A disabled persons vehicle which displays in the relevant position a valid disabled persons badge issued by any Local Authority and a parking disc may be left in a Pay and Display parking place at any time and are exempt from the initial charges as set out in Article 6.
- (b) Without prejudice to the generality of this Article and notwithstanding the provisions of this Order a vehicle to which paragraph (a) of this Article applies shall stand in the pay and display parking place in accordance with the provisions of Article 14 and wholly within the limits of that pay and display parking place.

#### **Manner of Standing in a Parking Place**



14. (a) Every vehicle left in a parking place as identified and defined in the Key to the On-Street Plans and in accordance with the foregoing provisions of this Order shall so stand that the nearside of the vehicle is adjacent to the left hand edge of the carriageway and that the distance between the edge of the carriageway and the nearest wheel of the vehicle is no more than 300 millimetres.
- (b) Every vehicle left in a parking place as identified and defined in the Key to the On-Street Plans and in accordance with the foregoing provisions of this Order shall stand so that the whole of the vehicle is within a marked parking bay.

**Power to suspend the use of a Parking Place**

15. (a) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary;
  - (i) For the purpose of facilitating movement of traffic or promoting its safety.
  - (ii) For the purpose of the maintenance, improvement or reconstruction of a road; constructing, improving, maintaining or cleaning of any street furniture' or the laying erection, alteration, repair or cleaning of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus kept or installed for the purpose of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position.
  - (iii) For the convenience of occupiers of premises adjacent to the parking place on any occasion for the removal of furniture to and from one office or dwelling house adjacent to the parking place from or to a depository or other office or dwelling house.
  - (iv) On any occasion by which it is likely by reason of some special attraction, public procession, rejoicing or illumination, that any road will be thronged or obstructed; or
  - (v) For the convenience of occupiers of premises adjacent to the parking place at time of weddings, funerals or on other special occasions.
- (b) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (a) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place a traffic sign indicating that waiting by vehicles is prohibited.
- (c) No person shall cause or permit a vehicle to wait in any parking place or any part thereof during any such period of suspension implemented in accordance with paragraph (b) of this Article, however nothing shall apply in respect of;
  - (i) any vehicle being used for Fire and Rescue, Police or Ambulance purposes; or
  - (ii) anything done with the permission of the person suspending the use of the parking place or part thereof in accordance with paragraph (a) of this Article.

**Restriction on the use of a Parking Place**

16. During the permitted hours no person shall use any parking place or any vehicle while it is in a parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in any handicraft or their services in any other capacity:

Provided that nothing in this Article shall prevent the sale of goods from a vehicle –

- (a) if the vehicle is a passenger vehicle, a goods carrying vehicle, a motor cycle or a disabled persons vehicle and the goods are immediately delivered at or taken into the premises adjacent to the vehicle from which that sale is affected; or
- (b) if the vehicle is one to which Article 17(1)(h) applies.

**Restriction on Waiting by a vehicle in Parking Place**

17. (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any parking place or any part of a parking place if the use of that parking place has not been suspended and if;
- (a) The vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from the vehicle or load and unload there from their personal luggage.
  - (b) The vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or such waiting being necessary in order to avoid an accident.
  - (c) The vehicle is being used for Fire and Rescue, Police or Ambulance purposes or not being a passenger vehicle is being used in the service of a local authority in pursuance of statutory duties provided that in all circumstances it is reasonably necessary in exercise of such duties.
  - (d) The vehicle is waiting for so long as maybe reasonably necessary to enable it to be used in connection with the removal of any obstruction to traffic.
  - (e) A marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be delivered or collected.
  - (f) The vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose specified in Article 15(a)(ii).
  - (g) The vehicle is in actual use in connection with the removal of furniture to or from any premises adjacent to the parking place.
  - (h) In any other case the vehicle is waiting for the purpose of delivery or collecting goods or loading or unloading the vehicle at premises adjacent to the parking in which the vehicle is waiting and the period of waiting does not exceed 20 minutes.
- (2) No initial charge or charge specified in the provisions of this Order shall be payable in respect of any vehicle waiting in a pay and display parking place in accordance with the foregoing provisions of this Article.
- (3) Except as provided by this Order the driver or person in charge of a vehicle shall not cause or permit a vehicle to waiting in pay and display parking place during permitted hours.
- (4) Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulation made or having effect as if made under section 35 of the 1984 Act.

#### **Penalty charge**

18. (a) If a vehicle (other than a vehicle otherwise exempted by this Order) is left in a parking place or length of restricted road as shown on the On-Street Plans and in conjunction with the Key to the On-Street Plans, during the permitted hours or restricted hours, without complying with the provisions of this Order, then a contravention of or failure to comply with the provisions of this Order shall be deemed to have occurred and a penalty charge shall be payable.
- (b) In the case of a vehicle in respect of which a penalty charge is payable, a Penalty Charge Notice may be issued by a Civil Enforcement Officer in uniform in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.
- (c) The Penalty Charge shall be paid to Broxbourne Borough Council in accordance with the instructions and within the time limits specified on the Penalty Charge Notice.

- (d) The period for which a vehicle may be left in a parking place during the permitted hours after a Penalty Charge has been incurred shall not exceed one hour.

**Restrictions on the removal of parking tickets and penalty charge notices**

19. (a) Where a parking ticket has been displayed on a vehicle in accordance with the provisions of Article 7 no person not being the driver of the vehicle shall remove any parking ticket from the vehicle unless authorised to do so by the driver of that vehicle.
- (b) Where a penalty charge notice has been attached to a vehicle in accordance with Article 18 no person not being the driver of the vehicle shall remove the notice from the vehicle unless authorised to do so by the driver of that vehicle.
- (c) Provided that nothing herein shall apply to a Civil Enforcement Officer or Police Constable in uniform or person removing the vehicle in pursuance of an arrangement made by a Police Constable in uniform or under the regulations in pursuance of powers contained in sections 99, 100, 101 and 102 of the 1984 Act.

**Restrictions on the use of Disabled Persons parking places**

20. (a) Save as provided in Article 17(1)(a) - (d) no person shall cause or permit any vehicle to remain in a disabled persons parking place for longer than the maximum period specified for that parking place on the On-Street Plans.
- (b) Whereas indicated on the On-Street Plans there is a limit on the time of stay on a disabled persons parking place, the driver of the vehicle shall upon leaving the vehicle in the disabled persons parking place, display in the relevant position a disabled persons badge and parking disc, on which has been marked the time at which the period of waiting began and shall remove that vehicle from the said parking place within the maximum time specified.
- (c) Where a period within which a vehicle must not be left again in a disabled persons parking place is specified on the On-Street Plans, no person shall cause or permit the vehicle to wait again in that parking place until the expiry of that specified period.
- (d) A driver of a vehicle shall not use a disabled persons parking place,
- (i) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance.
- (ii) when for preventing obstruction of the road the Council shall by order or by notice made on the occasion of any public procession, rejoicing or illumination or when the roads are thronged or liable to be obstructed have close that parking place and exhibited notice of such closing on or near the parking place.
- (e) The driver of a motor vehicle using a disabled persons parking place shall stop the engine as soon as the vehicle is in a position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
21. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the Interpretation of an Act of Parliament.
22. 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 other regulations made or having effect as if made under the 1984 Act or by or under any other enactment.

**SCHEDULE 1**

**List of Orders to be Consolidated and Re-enacted into the 2022 Consolidation Order**

**CONSOLIDATION**

The Borough of Broxbourne (Control of Parking) (Consolidation) Order 2013

## **BROXBOURNE**

The Hertfordshire (Clarendon Road, Rowlands Field, Cheshunt and Swanfield Road, Waltham Cross) Order 2020 - Order No.8386

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order 2020

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order No.2 2020

The Borough of Broxbourne (Monson Road, Broxbourne) (Revocation of Restriction of Waiting) Order 2019

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order No.2 2019

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order 2019

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order No.2 2018

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order 2018

The Hertfordshire (Various Roads, Waltham Cross and Cheshunt) (Restriction of Waiting) Order 2018 - Order No. 8188

The Hertfordshire (Various Roads, Broxbourne, Hoddesdon and Wormley) (Restriction of Waiting) Order 2018 - Order No. 8187

The Hertfordshire (Walton Road and Rumbold Road, Hoddesdon and Mill Lane, Cheshunt) (Restriction of Waiting) Order 2017 - Order No. 8133

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order No. 2 2017

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order No. 2017

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order No.2 2016

The Borough of Broxbourne Council (Various Roads, Hoddesdon, Broxbourne, Cheshunt, Turnford and Waltham Cross) (Restriction of Waiting) and (Revocation) Order 2016

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order No. 2016

The Borough of Broxbourne (Various Roads, Hoddesdon, Broxbourne, Cheshunt and Waltham Cross) (Restriction of Waiting) Order 2015

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order No. 2 2015

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order 2015

The Hertfordshire (Various Roads, Cheshunt, Waltham Cross and Hoddesdon) (Restriction of Waiting) Order 2015 - Order No. 7995

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order No.2 2014

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order No. 2014

The Hertfordshire (Rowlands Close, Cheshunt, Vancouver Road, Turnford, Winterscroft Road and Langton Road, Hoddesdon) (Restriction of Waiting) Order 2013 - Order No. 7831

The Hertfordshire (Rose Vale, Park View, and Beech Walk, Hoddesdon and Goff's Lane and Doverfield, Goff's Oak) (Restriction of Waiting) Order 2013 - Order No. 7810

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order No.2 2013

The Borough of Broxbourne (Various Roads, Waltham Cross, Cheshunt and Goffs Oak) (Restriction of Waiting) Order 2013

The Borough of Broxbourne (Various Roads, Hoddesdon, Cheshunt and Wormley) (Parking Places) Order 2012

The Borough of Broxbourne (Various Roads Hoddesdon, Cheshunt and Wormley) (Prohibition and Restriction of Waiting) Order 2012

The Hertfordshire (Various Roads, Hoddesdon and Broxbourne) (Prohibition and Restriction of Waiting) Order 2012 - Order No. 7727

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order 2012

The Borough of Broxbourne (Various Roads) (Disabled Persons' Parking Places) Order 2011

### **HODDESDON**

The Hertfordshire (Essex Walk, Hoddesdon) (Restriction of Waiting) Order 2020 - Order No.8405

The Hertfordshire (Rye Road, Cranborne Road, Aylsham Road and Stortford Road, Hoddesdon) (Restriction of Waiting) Order 2020 - Order No. 8363

The Hertfordshire (Taverners Way, Hoddesdon) (Restriction of Waiting) Order 2019 - Order No. 8288

The Hertfordshire (Various Roads, Hoddesdon) (Restriction of Waiting) Order 2018 - Order No. 8156

The Hertfordshire (Stanstead Road (Service Road), Hoddesdon) (Parking Places) Order 2017 - Order No. 8086

The Hertfordshire (Various Roads, Hoddesdon) (Restriction of Waiting) Order 2017 - Order No. 8085

The Borough of Broxbourne (High Street, Amwell Street and Conduit Lane, Hoddesdon) (Disabled Persons Parking Bays) Order 2017

The Borough of Broxbourne (High Street and Lord Street, Hoddesdon) (Prohibition of Stopping and Waiting on Footways) Order 2017

The Borough of Broxbourne (High Street, Hoddesdon) (Parking Places) Order 2017

The Borough of Broxbourne (High Street, Conduit Lane and Burford Street, Hoddesdon) (Goods Vehicle Loading Bays) Order 2017

The Hertfordshire (Salisbury Road, Hoddesdon) (Restriction of Waiting) Order 2015 - Order No. 8056

The Hertfordshire (Hertford Road and Westfield Road, Hoddesdon) (Restriction of Waiting) Order 2014 - Order No. 7837

The Hertfordshire (Burford Street, Haslewood Avenue and Amwell Street, Hoddesdon) (Prohibition and Restriction of Waiting) Order 2012 - Order No. 7752

The Hertfordshire (Amwell Street, Hoddesdon) (Prohibition of Stopping and Waiting Except Taxis) Order 2012 - Order No. 7751

The Hertfordshire (Burford Street, Hoddesdon) (Goods Vehicle Loading Bay) Order 2012 - Order No.7750

The Hertfordshire (Pauls Lane, Amwell Street, High Street, Burford Street and Brewery Road, Hoddesdon) (Prohibition of Stopping and Restriction of Waiting) Order 2013 - Order No.7737

The Hertfordshire (Amwell Street and Brewery Road, Hoddesdon) (Parking Places) Order 2013 - Order No. 7736

The Hertfordshire (Amwell Street, High Street and Burford Street, Hoddesdon) (Prohibition of Stopping and Waiting on Footways) Order 2013 - Order No. 7734

The Hertfordshire (High Street, Hoddesdon) (Goods Vehicle Loading Bay) Order 2013 - Order No. 7733

### **CHESHUNT**

The Hertfordshire (Blinman's Lane, Clarendon Road, Southmead Crescent and Marshcroft Drive, Cheshunt) (Restriction of Waiting) Order 2019 - Order No.8384

The Hertfordshire (Debenham Road, Longfield Lane, Cavell Road and Peakes Way, Cheshunt) (Restriction of Waiting) Order 2020 - Order No. 8352

The Borough of Broxbourne (Various Roads, Cheshunt) (On-Street Pay and Display Parking Places) Order 2019

The Borough of Broxbourne (Winton Drive, Cheshunt) (Restriction of Waiting) Order 2019

The Hertfordshire (Hillside Crescent, Cheshunt) (Restriction of Waiting) Order 2019 - Order No. 8316

The Hertfordshire (Bury Green Road and Tudor Avenue, Cheshunt) (Restriction of Waiting) Order 2019 - Order No. 8312

The Hertfordshire (Jacksos Drive, Cheshunt) (Restriction of Waiting) Order 2019 - Order No. 8278

The Hertfordshire (Oaklands Road and Southview Close, Cheshunt) (Restriction of Waiting) Order 2019 - Order No. 8265

The Hertfordshire (Turners Hill and Albury Grove Road, Cheshunt) (Restriction of Waiting) Order 2019 - Order No. 8243

The Borough of Broxbourne (Winton Drive, Cheshunt) (Restriction of Waiting) Order 2018

The Hertfordshire (Churchgate, College Road and Pengelly Close, Cheshunt) (Restriction of Waiting) Order 2018 - Order No. 8222

The Hertfordshire (Various Roads, Cheshunt) (Restriction of Waiting) Order 2016 - Order No. 8069

The Hertfordshire (Downfield Road, Cheshunt) (Prohibition of Waiting on the Footway) Order 2015 - Order No. 8031

The Hertfordshire (Downfield Road, Cheshunt) (Prohibition of Stopping and Restriction of Waiting) Order 2015 - Order No.8030

The Hertfordshire (Kingsley Avenue and Churchgate Road, Cheshunt) (Restriction of Waiting) Order 2014 - Order No. 7902

The Hertfordshire (Various Roads, Cheshunt) (Restriction of Waiting) Order 2013 - Order No. 7816

The Hertfordshire (Crossbrook Street, Cheshunt) (Prohibition and Restriction of Waiting) Order 2013 - Order No. 7814

The Hertfordshire (Rosedale Way, Jackson Drive and Longfield Lane, Cheshunt) (Prohibition of Waiting and Loading) Order 2014 - Order No. 7793

The Borough of Broxbourne (Norwood Road, Moxom Avenue and Roberts Close, Cheshunt) (Restriction of Waiting) Order 2013

The Borough of Broxbourne (Glen Luce, Cheshunt) (Parking Place) Order 2013

The Hertfordshire (Elm Drive, Ashdown Crescent and Morland Way, Cheshunt) (Restriction of Waiting) Order 2012 - Order No. 7676

The Borough of Broxbourne (Hedworth Avenue and Clarendon Road, Cheshunt) (Waiting and Loading Restrictions) Order 1975

#### **GOFF'S OAK**

The Hertfordshire (Jones Road and Little Pipers Close, Goff's Oak) (Restriction of Waiting) Order 2014 - Order No. 7794

#### **TURNFORD**

The Hertfordshire (West Side, Turnford) (Restriction of Waiting) Order 2014 - Order No. 7820

#### **WALTHAM ABBEY**

The Hertfordshire (Lea Road and Gordon Road, Waltham Abbey) (Restriction of Waiting) Order 2018 - Order No. 8241

#### **WALTHAM CROSS**

The Hertfordshire (Bryanstone Road, Waltham Cross) (Prohibition and Restriction of Waiting) Order 2019 - Order No. 8419

The Borough of Broxbourne (High Street and Regent Gate Estate Road, Waltham Cross) (Prohibition of Waiting and Loading) Order 2019

The Hertfordshire (Northfield Road, Waltham Cross) (Parking Bays) Order 2019 - Order No.8301

The Hertfordshire (Northfield Road and Eastfield Road, Waltham Cross) (Restriction of Waiting) Order 2019 - Order No. 8300

The Hertfordshire (A121 Eleanor Cross Road/ Station Road, Waltham Cross) (Restriction of Waiting) Order 2019 - Order No. 8285

The Borough of Broxbourne (High Street Service Road Fronting No's 70-102, Waltham Cross) (Goods Vehicle Loading Bay) Order 2019

The Hertfordshire (Queens Way, Waltham Cross) (Restriction of Waiting) Order 2018 - Order No. 8237

The Hertfordshire (Various Roads, Waltham Cross) (Restriction of Waiting) Order 2017 - Order No.8078

The Hertfordshire (Royal Avenue, Gloucester Avenue, Central Avenue and Marsh Close, Waltham Cross) (Restriction of Waiting) Order 2014 - Order No. 7892

The Hertfordshire (Service Road Fronting 35 to 71 High Street, Waltham Cross) (Restriction of Waiting) Order 2014 - Order No. 7887

The Hertfordshire (Great Eastern Road and Park Lane, Waltham Cross) (Restriction of Waiting) Order 2013 - Order No. 7740

#### WORMLEY

The Hertfordshire (Cozens Lane East, Clyfton Close and Ferns Close, Wormley) (Restriction of Waiting) Order 2020 Order - No. 8353

#### **SCHEDULE 2**

<b>Street</b>	<b>Permitted Hours</b>	<b>Charges</b>
Newnham Parade, Cheshunt	Monday to Saturday, 9am to 6pm (excluding Bank Holidays) Maximum Stay 1 hour, no return within 1 hour	Up to 30 mins - free Up to 1 hour – £1.20
Lynton Parade, Cheshunt	Monday to Saturday, 9am to 6pm (excluding Bank Holidays) Maximum Stay 1 hour, no return within 1 hour	Up to 30 mins - free Up to 1 hour – £1.20
Windmill Lane, Cheshunt	Monday to Saturday, 9am to 6pm (excluding Bank Holidays) Maximum Stay 1 hour, no return within 1 hour	Up to 30 mins - free Up to 1 hour – £1.20

#### END OF SCHEDULES

IN WITNESS whereof the Common Seal of the Council of the Borough of Broxbourne was hereunto affixed this 2<sup>nd</sup> day of August 2022

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

  
Authorised Signatory



