

BOROUGH OF BROXBOURNE

**THE BOROUGH OF BROXBOURNE (BOROUGH OFFICES BISHOPS COLLEGE NORTH
& SOUTH) (OFF STREET PARKING PLACES) ORDER 2024**

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BOROUGH OF BROXBOURNE

THE BOROUGH OF BROXBOURNE (BOROUGH OFFICES BISHOPS COLLEGE NORTH & SOUTH) (OFF STREET PARKING PLACES) ORDER 2024

The Council of the Borough of Broxbourne (“the Council”), pursuant to arrangements made under Section 19 of the Local Government Act 2000 and the Local Government (Arrangements for Discharge of Functions) (England) Regulations 2000 with Hertfordshire County Council (“the County Council”) and in exercise of the powers conferred by Sections 32 and 35 of the Road Traffic Regulation Act 1984 (“the 1984 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:

Part 1 – General

Citation and commencement

1. This Order may be cited “The Borough of Broxbourne (Borough Offices Bishops’ College North & South) (Off Street Parking Places) Order 2024 and shall come into effect on _____

Revocation

2. The following orders are hereby revoked:

The Borough of Broxbourne (Borough Offices Bishops’ College Car Park North) (Off Street Parking Places Order) 2019

The Borough of Broxbourne (Borough Offices Bishops’ College Car Park South) (Off Street Parking Places Order) 2019

The Borough of Broxbourne (Borough Offices Bishops’ College Car Park South) (Off Street Parking Places Order) (Amendment) Order 2021

Interpretation

3. (1) 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

(2) 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 of any subsequent enactment.

(3) In this order:

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

“Bay Markings” – means white or yellow lines marked on the surface of a parking place to indicate the limits of each individual parking bay;

“Charging Hours” – in relation to a parking place, means the period specified in the Schedule to this Order;

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

“Credit card and debit card” – have the same meaning as in section 35A(6) of the 1984 Act;

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

“Electric Vehicle” – unless the context otherwise requires, means a vehicle designed and constructed to be propelled by electricity, supplied by a battery or other form of electrical cell or reservoir, or a plug – in hybrid electric vehicle;

“Electric Vehicle Charging Point” – means a purpose-built unit designed specifically for charging electric vehicles;

“goods vehicle” has the same meaning as in Schedule 1 to the Traffic Signs Regulations and General Directions 2016;

“Hand – Held Device” – means a wireless hand – held computer which is programmed to interface with the Council’s database of virtual permits and programmed to interface with the telephone of electronic payment system;

“motorcycle” has the same meaning as in section 136 of the Road Traffic Regulation Act 1984;

“Operational Times” – in relation to a parking place means the period as detailed in the Schedule to this Order, excluding any time during which that operation of the parking place is suspended under the provisions of Article 16;

“Parking Bay” – means an area within a parking place which is provided for the leaving of one vehicle only and indicated by bay markings;

“Parking Charge” – means the charges, as detailed in the Schedule to this Order, paid by drivers to leave a vehicle in a parking place during the charging hours;

“Parking Place” – means an area of land or building that is provided by the Council under section 32 of the 1984 Act for use as an off-street parking place and is specified in column 1 of the Schedule to this Order;

“Parking Period” – means a period of time specified in the Schedule to this Order for which payment of the parking charge specified in relation thereto has been made in respect of a vehicle, and during which, subject to the provisions of this Order, that vehicle may be left in a parking place during the charging hours;

“passenger vehicle” means a motor vehicle (other than a motor cycle) 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” – shall mean a notice issued by a Civil Enforcement Officer 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 Traffic Management Act 2004.

“Permit Holder” means a person whom a staff virtual permit has been issued or granted by the Council or authorised officer under the provisions of this Order;

“Postal Packet” shall bear the same meaning as in section 65 of the Postal Services Act 2011;

“Provision of a universal postal Service” shall bear the same meaning as in Section 65 of the Postal Services Act 2011.

“Relevant Position” – has the same meaning as in Regulation 4 of The Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

“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;

“Staff Virtual Permit” - means a permit issued under the provisions of Article 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 parking place or for a specified parking period by use of a debit card 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.

"Universal Service Provider" – shall bear the same meaning as in Section 65 of the Postal Services Act 2011;

"Vehicle" – has the same meaning as that assigned to "motor vehicle" in Section 136 (1) of the 1984 Act.

Contraventions

4. If a vehicle is left in a parking place without complying with the provisions of Part II, III or V of this Order, then a contravention of or non-compliance with this Order shall be deemed to have occurred, and a parking contravention within Part 1 of Schedule 7 to the Traffic Management Act 2004 in so far as that Part is applicable, shall be deemed to have occurred.

PART II – CONDITIONS OF USE OF PARKING PLACES

Conditions of use of a parking place during its operational times (including alteration of position and removal of a vehicle)

5. During the operational times of a parking place –
- (a) No vehicle shall enter or be left in a parking place unless the vehicle is of the following class, that is: passenger vehicles, goods vehicles, motorcycles and disabled persons vehicles;
 - (b) No vehicle shall be left in a parking place other than in a position wholly within the limits of a parking bay, with no more than one vehicle left in each parking bay;
 - (c) Subject to Article 6, no person shall cause or permit a vehicle to wait in a parking bay during the operational times without a valid staff virtual permit showing on the hand held device;
 - (d) 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 bay unless it is displaying a disabled person's badge in the relevant position;
 - (e) Where, within that parking place, there is an electric vehicle charging point provided, the electric vehicle charging point is for use by Broxbourne Council vehicles and staff only.

- (f) Where, within that parking place, there is a sign or surface marking which indicates that a parking bay is available only for an electric vehicle, a vehicle shall not be left in that parking bay unless it is an electric vehicle: provided that as soon as it is reasonable possible to do so, that electric vehicle is connected to the electric charging point provided at that parking bay for the purpose of recharging that vehicle's battery, until immediately prior to it being taken away from that parking bay;
- (g) No vehicle shall be left in that parking place in such a position that it causes an obstruction;
- (h) If a vehicle is left in that parking place in a position other than in accordance with the provisions of sub-paragraph (b) of this Article, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with those provisions;
- (i) If a vehicle is left in that parking place in contravention of any provision contained in Part II, III or V of this Order, a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal and all reasonable expenses including the administrative expense 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;
- (j) For the purposes of meeting the requirements of an emergency, a Civil Enforcement Officer or other person duly authorised by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from the parking place;
- (k) Any person altering, or causing the alteration of, the position of a vehicle by virtue of sub-paragraph (h) of this Article, or removing, or causing the removal of, a vehicle by virtue of sub-paragraph (i) or (j) of this Article, may do so by towing or driving the vehicle or in such a manner as they may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed;
- (l) Any person removing or arranging for the removal of a vehicle by virtue of sub-paragraph (i) or (j) of this Article shall make such arrangements as he considers reasonably necessary for the safety of the vehicle in the place to which it is removed.

Conditions of use of a parking place during the charging hours

6. During the charging hours relating to a parking place:

- (a) At all times during which a vehicle is left in a parking place, there shall be an indication via a hand-held device that the parking charge has been duly paid in respect of that vehicle using the electronic payment system.

Provided that nothing in this paragraph shall apply in relation to:

- (i) a valid staff virtual permit, the details of that permit in respect of that vehicle shall be shown on the hand-held device;
- (ii) a vehicle displaying a valid disabled persons badge in the relevant position;
- (iii) a motorcycle

- (b) No vehicle shall be left in a parking place or part thereof for longer than the parking period specified in relation to column 4 of the Schedule to this Order.
- (c) Provided that nothing in this sub-paragraph shall apply in relation to a vehicle specified in proviso to paragraph (a) of this Article.

PART III

PARKING CHARGES AND INDICATIONS

Payment of the parking charge using the service provider

- 7. (a) Subject to Article 9, the parking charge for a vehicle left in a parking place of part thereof at any time during the charging hours shall be the amount specified in relation thereto in the Schedule to this Order. The parking charge may be varied from time to time at the Council's discretion;

(b) Subject to Article 9, the parking charge shall be payable on leaving of a vehicle in a parking place or part thereof at any time during the charging hours by, where the telephone or electronic payment system is available for use in that parking place, the driver of the vehicle, or a person authorised by the driver to act on their behalf, instruct the Service Provider to accept payment of the parking charge for a specified parking period by using the telephone or electronic payment system and by the Service Provider accepting such payment.

Indications by hand-held device

- 8. Where payment of the parking charge has been made in accordance with Article 7 sub paragraph (b):
 - (i) Such payment shall be indicated by the appearance on a hand-held device of an indication that a 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;
 - (ii) 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 and indication that the parking period for which payment of the parking charge has been made has expired.

Exemptions from the parking charge

- 9. Notwithstanding the provisions of Articles 7 and 8, a vehicle left in a parking place during the charging hours and displaying in accordance with the proviso to Article 6 (a) a valid disabled person's badge or having been granted a valid staff virtual permit issued in respect of that vehicle and that parking place may be left therein without time limit and without payment of the parking charge.

Stopping the engine of a vehicle within a parking place

10. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is parked in the parking place, and shall not start the engine, except when about to change the position of the vehicle in the parking place or when about to depart from the parking place.

PART IV

PERMITS

Application for and issue of virtual permits for use in parking place

11. (a) The Council may use its absolute discretion to authorise a virtual permit, with or without charge, for use in a parking place by any vehicle of the class specified in Article 5 (a)

(b) Any virtual permit shall not be transferable between vehicles or parking places and shall be valid only for the parking place and for the period specified by the Council.

12. Virtual permits are issued at the discretion of the Council to Borough of Broxbourne employees, contractors and tenants of the Bishops' College complex. Without prejudice to the generality of the Council's discretion, the following circumstances may be relevant to an application:

(a) The applicant's association with the Council; or

(b) The applicant's association with the Borough of Broxbourne Council and the Bishops' College Complex

13. (1) Applications for a virtual permit shall be made in writing and must include the applicant's name, the applicant's email address, the vehicle registration number in respect of which the application is made and include the grounds for application. The Council may reasonably request to verify any particulars or information given to them.

(2) On receipt of an application for a virtual permit, the Council shall inform the applicant in writing that the virtual permit has been issued to the vehicle or that the application has been rejected.

(3) A virtual permit shall be deemed to be issued to a vehicle upon the Council's confirmation in accordance with Article 14 (2) that such permit has been issued and by adding the vehicles registration mark to the Council's database of virtual permits issued for the parking place and by that vehicle registration mark appearing on the hand-held device.

Replacement of and surrender of permits

14. Replacements of staff virtual permits are issued at the discretion of the Council.

15. (1) A permit holder shall surrender their permit to the Council on the occurrence of one or more of the events set out in paragraph (2) of this Article;

(2) The events referred to in paragraph (1) of this Article are:

(a) a staff holder ceasing to be a member of staff; or

(b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued.

PART V

POWER OF THE COUNCIL TO SUSPEND A PARKING PLACE

Suspension of the operation of a parking place

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

(2) When the operation of a parking place is suspended pursuant to paragraph (1) of this Article, no vehicle shall enter or 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.

(3) If at any time the Council requires exclusive use of a parking place or part thereof for any purpose whatsoever, then the right of any person to leave a vehicle in that parking place shall immediately terminate until the Council no longer requires exclusive use of that parking place or part thereof.

PART VI

EXEMPTION FOR EMERGENCY SERVICE VEHICLES

Exemption for emergency service vehicles

17. Nothing in the provisions of this Order shall apply in respect of a vehicle be used for ambulance, fire brigade or police purposes in an emergency.

PART VII

PENALTY CHARGE

18. A vehicle left in a parking place at any time in contravention of any 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.

19. (1) In respect of the parking places specified in the Schedule to this Order, if a vehicle is left thereat during the charging hours either:-

- (a) after expiry of the period for which payment was made in accordance with Article 7 (b), or
- (b) where a parking session has not been booked using the Council's pay by phone service provider in accordance with Article 7 (b), or
- (c) where a virtual permit is not shown to be in operation as recorded in the Council's database in accordance with Article 13 (3),
a penalty charge shall be payable.

(2) if a vehicle left in a parking place is not parked wholly within a parking bay a penalty charge shall be payable.

(3) If a vehicle left in a parking bay in a parking place specifically reserved for a disabled person's vehicle is not displaying a valid disabled person's badge a penalty charge shall be payable.

(4) If a vehicle left in a parking place specifically reserved for electric/hybrid vehicle charging is not an electric/hybrid vehicle a penalty charge shall be payable.

(5) In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position or to hand to the person appearing to him/her to be in charge of the vehicle, a Penalty Charge Notice.

(6) (A) The Penalty Charge shall be paid to the Council either by credit card, debit card, cheque, bankers draft, money order or postal order which shall be hand delivered, sent by post or made using the Council's payment system on the Council's website to reach the Council at:

Borough of Broxbourne

Parking Services

Bishops College

Churchgate

Cheshunt

Hertfordshire

EN7 9XQ

- (i) To arrive no later than the last day of the period of twenty eight days beginning with the date on which the Penalty Charge Notice was served;
- (ii) In the case of a reduced penalty charge, no later than the last day of the period of fourteen days beginning with the date on which the penalty charge notices is served;

(B) Payments by credit card or debit card are also accepted by telephone (01992 785555) or on line (www.broxbourne.gov.uk/parking), to arrive no later than:

(i) the last day of the period of twenty eight days beginning with the date on which the Penalty Charge Notice was served; or

(ii) in the case of a reduced penalty charge the last day of the period of fourteen days beginning with the date on which the Penalty Charge Notice is served;

(C) Provided that, if the said twenty-eighth day, or as the case may be, fourteenth day, fall upon a Sunday or public holiday or a day with the said Council's offices are closed, the period for payment of the said charge shall be extended until the next full day on which the said offices are open.

20. The amount of penalty charge payable is in addition to any parking charge that may have already been paid.

21. (1) The period for which a vehicle may be left in a parking place during the operational times after a Penalty Charge has been incurred shall not exceed twenty four hours;

(2) If a vehicle is left in a parking place during the operational times for more than twenty four hours after the Penalty Charge Notice has 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 notice that the

vehicle has been left in the parking place for more than twenty four hours after the penalty charge notice had been incurred.

22. 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 they are the driver or the person authorised to do so by the driver or a Civil Enforcement Officer.

PART VIII

OTHER PROVISIONS

23. No person shall without prior consent in writing from 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 in connection with the selling or offering for hire of his/her skill or services whether in or near the parking place;
24. The driver of a vehicle using the parking place shall not sound any horn, musical equipment or other similar instrument whilst the vehicle is stationary;
25. No person shall service, overhaul or 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;
26. 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;
27. 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;
28. 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;
29. No person shall use any part of a parking place or any vehicle left in a parking place for cooking purposes;
30. No person shall, in a parking place, whether inside or outside of any vehicle, light, cause or permit to be lit any fire;
31. No person in a parking place shall erect or cause to be erected any booth, stand, building or other structure without the prior written consent of the Council;
32. 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;

33. The Council shall not be liable for any damage to or theft of a vehicle, or any of its parts of contents, while a vehicle is left in a parking place.

IN WITNESS whereof the Common Seal of the Council of the Borough of Broxbourne was hereunto been affixed to this _____

The common seal of THE COUNCIL
OF THE BOROUGH OF BROXBOURNE
Was hereunto affixed in the presence of:

Authorised Signatory

SCHEDULE 1

Name and Location of Parking Places	Operational Times	Charging hours	Parking Charges
Borough Offices North Car Park	Monday to Sunday, at all times, including all public holidays.	Monday to Friday, 5:30pm – 7:30am, Saturday and Sunday, and all public holidays, at all times	Up to 1 hour £1.30 Up to 2 hours £2.40 Up to 3 hours £3.50 Up to 4 hours £4.50 Up to 5 hours £6.50 Up to 6 hours £7.00 Over 6 hours (up to midnight) £12.00
Borough Offices South Car Park	Monday to Sunday, At all times, including all public holidays.	Monday to Friday, 5:30pm – 7:30am, Saturday and Sunday and all public holidays at all times.	Up to 1 hour £1.30 Up to 2 hours £2.40 Up to 3 hours £3.50 Up to 4 hours £4.50 Up to 5 hours £6.50 Up to 6 hours £7.00 Over 6 hours (up to midnight) £12.00