

BOROUGH OF BROXBOURNE COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE BOROUGH OF BROXBOURNE (WHIT HERN COURT) (PARKING PLACES AND WAITING RESTRICTIONS) ORDER 2019 (AMENDMENT) ORDER 2024

The Council of the Borough of Broxbourne (“the Council”), 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”) and in exercise of the powers conferred by Sections 1-4, 32, 35, 46, 49 and 53 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 of the 1984 Act, hereby make the following order:

1. This order may be cited as “The Borough Of Broxbourne (Whit Hern Court) (Parking Places and Waiting Restrictions) Order 2019 (Amendment) Order 2024” and shall come into effect on _____ .

2. This Order amends the Borough of Broxbourne (Whit Hern Court, Cheshunt) (Parking Places and Waiting Restrictions) Order 2019 as follows:

- (a) the following definitions are hereby added to Article 3:

“**Charging Hours**” – in relation to a parking place means the period specified in Schedule 2 to this Order.

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

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

“**Parking Charge**” – means the charges, as detailed in Schedule 2 to this Order, paid by drivers to leave a vehicle in a parking place during the charging hours;

“**Parking Period**” – means a period of time specified in Schedule 2 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;

“**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;

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

- (b) the definition in Article 3 for “Hand – Held Device” is hereby substituted for the following:

“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 or electronic payment system;

- (c) the definition in Article 3 for “Operational Times” is hereby substituted for the following:

“Operational Times” – as detailed in Schedule 2 to this Order, in relation to a parking place, means at any time, excluding any time during which the operation of the parking place is suspended under the provision of article 11.

- (d) it removes Article 7 and replaces it with the following:

7. Save as provided in Article 9, those lengths of Whit Hern Court, Cheshunt as shown on the plan BOB/2019/0901 and indicated in the key to that plan as parking places, are hereby authorised for use as parking places at any time.

(e) it removes Article 8 and replaces it with the following:

8. (1) Save as provided in sub-paragraph (2) of this Article and Article 9 to this Order, no person shall cause or permit any vehicle to wait during the operational hours in those lengths and sides of road in Whit Hern Court, Cheshunt as shown on the plan BOB/2019/0901 and indicated in the key to that plan as parking places:
 - (i) without displaying a valid parking permit in the relevant position;
 - (ii) without a virtual permit being granted to the vehicle; or
 - (iii) without displaying a valid Disabled Badge in the relevant position;
- (2) Save as provided in Article 9, no person shall cause or permit any vehicle to wait during the charging hours in those lengths and sides of road in Whit Hern Court, Cheshunt as shown on the plan BOB/2019/0901 and indicated in the key to that plan as parking places:
 - (i) without displaying a valid parking permit in the relevant position;
 - (ii) without a virtual permit being granted to the vehicle;
 - (iii) without displaying a valid Disabled Badge in the relevant position; or
 - (iv) without a valid parking charge being paid to the Council via the Service Provider;

(f) it removes the following Article numbered "22." in that Order and replaces it with the following Article numbered "21":

21. A vehicle left 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.

(g) it adds the following as Article 23:

23. (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 midnight on the same chargeable day;
- (2) If a vehicle is left in a parking place during the operational times up until midnight on the same chargeable day, where a Penalty Charge Notice has been incurred it shall be the duty of the Civil Enforcement Officer to attach to the vehicle in a conspicuous positions a further penalty charge notice on the next chargeable day and note the time at which the Civil Enforcement Officer first noticed that the vehicle had been left in the Parking Place.

(h) it adds the following as Article 24:

24. 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 person authorised to do so by the driver or a Civil Enforcement Officer.

(i) it adds the following as Article 25:

25. (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 fully within the markings of the

parking place a person authorised by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision;

- (2) Any Civil Enforcement Officer or other person duly authorised by the Council or a police constable in uniform may move or cause to be moved in the case of an emergency to any place he/she thinks fit any vehicle left in a parking place.
- (3) Any person removing or altering the position of a vehicle by virtue of Article 15 of this Order may do so by towing or driving the vehicle or such other manner as he/she may think necessary and make 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 removal of a vehicle by virtue of the provisions of the 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 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) it adds the following Schedule as Schedule 2 to that Order:

SCHEDULE 2 – PARKING PLACES

Operational Times	Charging hours	Scale of charges	
At all times, including Saturday, Sunday and all public holidays.	Monday to Friday, 5:30pm – 7:30am, Saturday and Sunday, and all public holidays, at all time	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

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