### THE BOROUGH OF BROXBOURNE (PAY AND DISPLAY PARKING PLACES) CONSOLIDATION ORDER 2005

Borough of Broxbourne

**Borough Offices** 

Bishops' College

Churchgate

Cheshunt

Herts

EN8 9XB

#### THE BOROUGH OF BROXBOURNE

## (PAY AND DISPLAY PARKING PLACES) CONSOLIDATION ORDER 2005

THE COUNCIL OF THE BOROUGH OF BROXBOURNE (hereinafter called "the Council) acting in accordance with Regulation 21 of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 and in exercise of its powers under Section 32 and Section 35 of the Road Traffic Regulation Act 1984 (hereinafter called "the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act and with the consent of the Hertfordshire County Council in accordance with Section 39 (3) of the Act hereby make the following Order:-

#### **OPERATION DATE**

- 1. This Order shall come into operation on the 9 May 2005 and may be cited as the Borough of Broxbourne (Pay and Display Parking Places) Consolidation Order 2005.
- 2. The Borough of Broxbourne (Pay and Display Parking Places) Order 2004 and The Notice of Variation of Charges dated 17 February 2005 are hereby revoked.

#### **DEFINITIONS**

- 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) In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-
    - <u>"Authorised Officer"</u> means an officer authorised in writing by the Council's Chief Executive Officer or Director of Environmental Services.
    - "Charging Hours" in relation to a Parking Place means the period during which a charge for parking is made as specified in Column 5 of the Schedule to this Order.
    - "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 this order and of any legal proceedings taken hereunder if on the date a Vehicle is left in a Parking Place a person is shown to have been the registered owner or keeper thereof by notification in writing from the Driver and Vehicle Licensing Agency or other appropriate authority he shall be deemed to have been the Driver of the Vehicle on that date unless the contrary is shown.

<u>"Parking Place"</u> - means any area of land or premises described in Column 1 of the Schedule hereto.

<u>"Parking Space"</u> - means a part of a Parking Place marked out by means of white lines or otherwise for the leaving of a Vehicle.

<u>"Parking Attendant"</u> - means a person authorised by or on behalf of the Council to supervise any Parking Place.

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

"Motor car", "motor cycle" 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 sidecar attached.

<u>"Relevant Position"</u> - has the same meaning as in Regulation 4 of The Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000.

<u>"Vehicle"</u> means any vehicle specified in Column 3 of the Schedule.

(3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

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

- 4. Each Parking Place specified in Column 1 of the Schedule may be used subject to the following provisions of this Order as a Parking Place for such classes of Vehicles in such manner and in such positions on such days and during such hours and on payment of such charges as are specified in relation thereto in the Schedule.
- 5. Where in the Schedule a Parking Place is described as available for Vehicles of a specified class the Driver of a Vehicle shall not permit it to wait in that Parking Place unless it is of the specified class

- 6. (1) The Driver of a Vehicle shall not permit it to wait in a Parking Space that has been reserved by means of a sign or surface marking specifically for use by a disabled person unless
  - (a) the Vehicle is displaying in the Relevant Position a badge issued in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations (England) 2000 and
  - (b) the Vehicle is carrying a registered disabled person at the time the Vehicle enters and leaves the Parking Space and that person (whether the Driver or a passenger) is the person to whom the badge was issued.
  - (2) The Driver of a Vehicle shall not permit it to wait in a Parking Space that has been reserved by means of a sign or surface markings specifically for use by a solo motor cycle unless it is a solo motor cycle.
  - (3) The Driver of a Vehicle shall not permit it to wait in a Parking Space that has been reserved by means of a sign or surface marking specifically for use by a nominated authorised person, company, organisation or statutory body.
  - (4) The Driver of a Vehicle, other than a Borough of Broxbourne Licensed Hackney Carriage, shall not permit it to wait in a Parking Space that has been reserved by means of a sign or surface marking specifically for use by a "Borough of Broxbourne Licensed Hackney Carriage".
  - (5) A Driver of a Vehicle shall not permit it to wait in a Parking Place unless the Vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the Vehicle by the Driver such policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.

#### AMOUNT AND PAYMENT OF CHARGE

- 7. The Driver of a Vehicle who leaves a Vehicle in a Parking Place during the Charging Hours shall on leaving the Vehicle in a Parking Place immediately pay such charge or charges as are set out in Column 6 of the Schedule to this Order.
- 8. (1) The charge referred to in Article 7 shall be paid upon entry to each Parking Place by the insertion in the ticket machine provided in the Parking Place of a coin or coins of the following denominations: 5p 10p 20p 50p £1.00 £2.00 dependent upon the period for which payment is being made provided that if

- any payment is made over the appropriate charge the charge together with the amount of overpayment shall be deemed to be the charge.
- (2) Payment of the charge for the Vehicle left in a Parking Place shall be indicated by the issue by a ticket machine of a numbered ticket showing the day and time of expiry of the charge and the Vehicle registration mark (numbers only), and by the exhibition of that ticket on the Vehicle in accordance with paragraphs (4) and (5) of this Article.
- (3) Any ticket purchased in accordance with paragraphs (1) and (2) of this Article is not transferable between one Vehicle and another and may only be used in the Parking Place in which it was issued.
- (4) Upon payment of a charge the Driver shall exhibit on the Vehicle the ticket issued by the ticket machine at that time:
  - (a) in the case of a Vehicle which is fitted with a transparent windscreen by affixing a ticket to the inside surface of the windscreen so that it is facing forwards and can easily be seen from the front of the Vehicle, or
  - (b) in the case of a Vehicle which is not fitted with a transparent windscreen by affixing the ticket on the front of the Vehicle and not more than 2 metres or less than 0.75 metres above the surface of the Parking Space in which the Vehicle is parked.
- (5) The ticket shall be so exhibited that the time and other particulars shown thereon are clearly visible from outside the Vehicle.
- (6) The date and the time of expiry of the charge paid, and details of the Vehicle registration mark (numbers only), as stated on the ticket shall be conclusive evidence of those facts for the purposes of this Order and any legal proceedings taken thereunder.

#### PENALTY CHARGE

- 9. If a Vehicle is left in a Parking Place a Penalty Charge of the amount specified in Column 7 of the Schedule hereto shall be payable for each and every contravention referred to in Articles 8(1) and 8(2) below:-
  - (1) if a Vehicle is left in a Parking Place during the Charging Hours:-

- (a) after the period for which payment was made in accordance with Article 7(1) has expired; or
- (b) without having a ticket exhibited on it in accordance with Article 7(2), 7(4)(a) or (4)(b) and (5);
- (2) (a) if a Vehicle left in a Parking Place is not parked wholly within a Parking Space; or
  - (b) if a Vehicle is left in a Parking Space specifically reserved for disabled persons and is not displaying a valid disabled persons badge in accordance with Article 6(1) above;
  - (c) if in relation to a Vehicle left in a Parking Place a Driver has returned to that Parking Place with that Vehicle within a period of less than one hour from the end of the previous period of waiting by that Vehicle;
  - (d) if an unauthorised Vehicle is left in a Parking Space specifically reserved by means of sign(s) or surface marking(s) for a nominated person, company, organisation, statutory body or Borough of Broxbourne Licensed Hackney Carriage.

#### PENALTY CHARGE NOTICE

- 10. In the case of a Vehicle in respect of which a Penalty Charge may have been incurred it shall be the duty of a Parking Attendant to attach to the Vehicle in a conspicuous position a notice (hereinafter called "a Penalty Charge Notice") which shall include the following particulars:-
  - (a) the registration mark of the Vehicle or where the Vehicle is being used under a trade licence the number of the trade plate carried by the Vehicle;
  - (b) the grounds on which the Parking Attendant believes that a Penalty Charge is payable in respect of the Vehicle;
  - (c) the time and date at which the Parking Attendant first noticed that a Penalty Charge had been incurred;
  - (d) a statement that a Penalty Charge of the amount specified in column 7 of the Schedule hereto for that class of Vehicle in that Parking Place is required to be paid before the end of the period of 28 days beginning with the date of the Penalty Charge Notice;

- (e) a statement that if the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the Penalty Charge Notice the amount of the Penalty Charge will be reduced by 50%;
- (f) the manner in which the Penalty Charge should be paid.
- 11. A Penalty Charge shall be paid to the Council by one of the following methods:-
  - (a) By credit or debit card, cash, personal cheque or postal order (crossed and made payable to the Borough of Broxbourne), to the value specified in Column 7 of the Schedule and paid in person at the Borough Offices, Bishops College, Churchgate, Cheshunt, Hertfordshire; the Hoddesdon One Stop Shop, Unit 42, The Tower Centre, Hoddesdon; the Civic Hall, High Street, Hoddesdon; the Wolsey Hall One Stop Shop, Windmill Lane, Cheshunt; or the Waltham Cross One Stop Shop, High Street, Waltham Cross (or if closed by posting through the letter box at the Borough Offices aforesaid) by no later than the end of the 28<sup>th</sup> day from the date of issue of the Penalty Charge Notice
  - (b) By cash, personal cheque or postal order (crossed and made payable to the Borough of Broxbourne) to the value specified in Column 7 of the Schedule and sent by post to BCPC, PO Box 44, Environmental Services, Waltham Cross, Hertfordshire EN8 8XL so as to reach that address by no later than the end of the 28<sup>th</sup> day from the date of issue of the Penalty Charge Notice
  - (c) By debit or credit card by no later than the end of the 28<sup>th</sup> day from the date of issue of the Penalty Charge Notice by telephoning 01992 785577 between the hours of 8.30am and 5.30pm Mondays to Thursdays, 8.30am and 5pm on Fridays and 9am and 1pm on Saturdays

**PROVIDED THAT** if the Penalty Charge shall have been paid in the manner specified in Articles 11(a)(b) or (c) above by not later than the end of the 14<sup>th</sup> day from the date of issue of the Penalty Charge Notice the amount of such Penalty Charge shall be reduced by 50%

**AND PROVIDED FURTHER THAT** if the said 28<sup>th</sup> or 14<sup>th</sup> day falls on a day on which the said Council premises are closed the period within which payment shall be made shall be extended until 5.00 pm on the next full day on which the said premises are open (3pm on the last Thursday of the month if payment is to be made at one of the One Stop Shops referred in Article 11(a) above)

12. The amount of the Penalty Charge payable is in addition to any parking charge that may have already been paid

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

- 13. (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 a Parking Attendant to attach to the Vehicle in a conspicuous position a further Penalty Charge Notice which shall include the particulars specified in Article 10 of this Order and also the time at which the Parking Attendant first noticed that the Vehicle had been left in the Parking Place for more than four hours after the Penalty Charge had been incurred.

#### RESTRICTION ON REMOVAL OF NOTICES

- 14. (1) When a Penalty Charge Notice has been attached to a Vehicle in accordance with any of the foregoing provisions of this Order, no person, not being the Driver or person in charge of the Vehicle shall remove the notice from the Vehicle or interfere with the notice unless he is the Driver or a person authorised to do so by the Driver or a Parking Attendant;
  - (2) Where a ticket has been exhibited on a Vehicle in accordance with the provisions of Article 8 above no person other than the Driver or a person authorised by the Driver in that behalf shall remove the ticket from the Vehicle.

#### MOVEMENT AND REMOVAL OF VEHICLES

15. (1) Where a vehicle is left in a Parking Place in contravention of any of the provisions contained in this Order a person authorised in that behalf 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 Parking Attendant 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 in such other manner as he/she may think necessary and may take such measures in relation to the vehicle as he/she may think necessary to enable him/her to remove it or alter its position as aforesaid;
- (4) Any person removing or arranging for the removal of a vehicle by virtue of the provisions of this Article shall make such arrangements as he/she considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed and the Council shall not be liable for any loss or damage caused to the vehicle or its contents as a result of its being moved within the Parking Place or removed from the Parking Place under the provision of this Article;
- (5) All reasonable expenses including administrative expenses incurred by the Council in the removal of a vehicle by virtue of this Article shall be reimbursed to the Council by the Driver of the vehicle.

#### EXEMPTION FROM PARKING AND CHARGING RESTRICTIONS

- 16 (1) The Driver of a Vehicle which is parked in a designated disabled person's space in accordance with Article 6(1) shall be exempt from any limitation of time and from the payment of any charge specified in this Order and the Schedule hereto
  - (2) The Driver of a market trader's Vehicle parked in designated car parks displaying a valid exemption permit issued by the Borough of Broxbourne in connection with the approved town centre markets of the Council.
  - (3) The Driver of a Vehicle on which is displayed a valid parking permit issued by the Borough of Broxbourne in connection with the 'Long Stay' Parking Places specified in Column 1 of Schedule 7.
  - (4) The Driver of an authorised Vehicle parking in a Parking Space subject to a valid leasing agreement with the Council.
  - (5) The Driver of a Vehicle on which is displayed a valid permit issued by the Borough of Broxbourne in connection with Council activities shall be exempt from the charges specified in the Schedule hereto

(6) The Driver of a Vehicle which is parked in a space allocated for Borough of Broxbourne Licensed Hackney Carriages provided the Vehicle has affixed to it a valid Borough of Broxbourne Hackney Carriage Licence Plate.

#### OTHER PROVISIONS

- 17. (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.
- 18. Any person using a Parking Place as a means of passage proceeding from one road to another road or for access purposes to 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.
- 19. 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

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
- 20. 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 of the specified class or

- (b) if it is a position other than that specified
- (c) if the Council have closed that Parking Place and have exhibited notice of such closure at or near the Parking Place
- 21. 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.
- 22. 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.
- 23. No person shall without the 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 to or purchase of any article from other persons or in connection with the selling or offering for hire of his skill or services whether in or near the Parking Place.
- 24. 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.
- 25. 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.
- 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 or 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 a Parking Place.
- 33. The Council does not undertake to supervise the Parking Places specified in Column 1 of the Schedule and entry to and exit from and use of the Parking Spaces specified as aforesaid is entirely at the users' risk and although the Council its servants or agents do not attempt to exempt themselves from their common law duty of reasonable skill and care or their obligations under the Occupiers Liability Acts 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
- A Driver of a Vehicle shall not misuse and shall comply with the terms and conditions of a parking permit issued by the Borough of Broxbourne

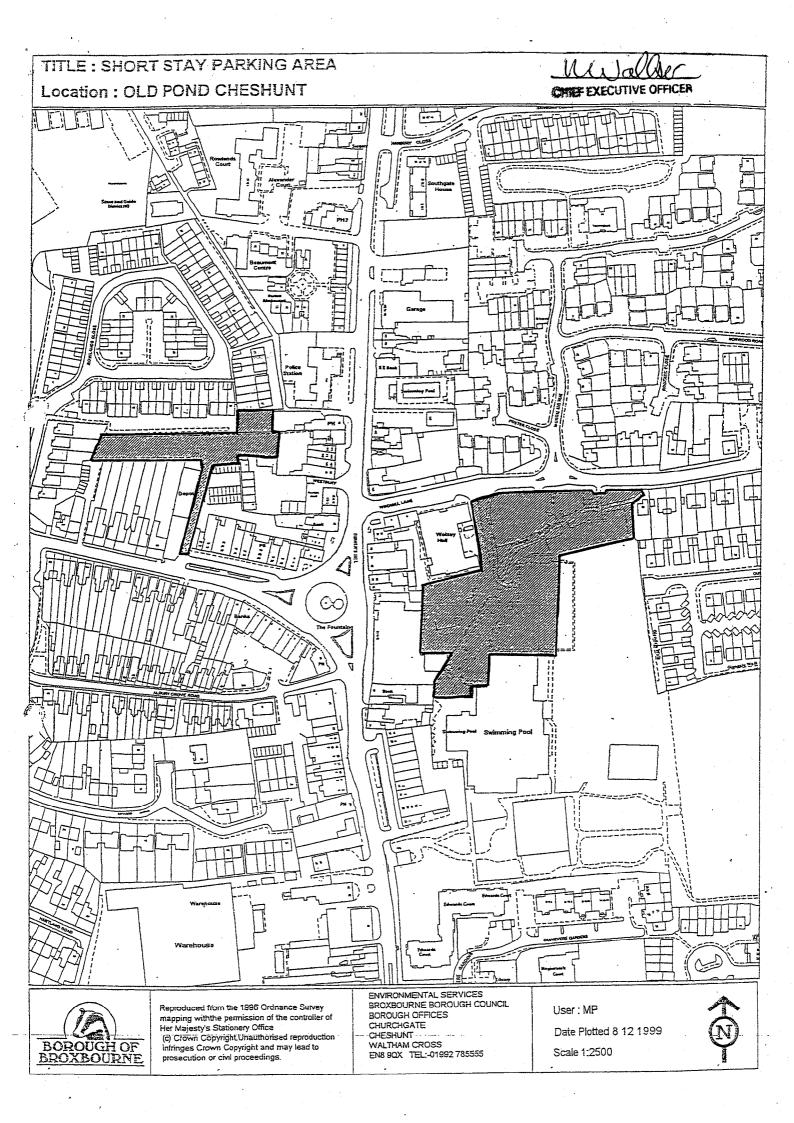
**IN WITNESS** whereof the Common Seal of the Council of the Borough of Broxbourne has hereunto been affixed this 11<sup>th</sup> day of April 2005.

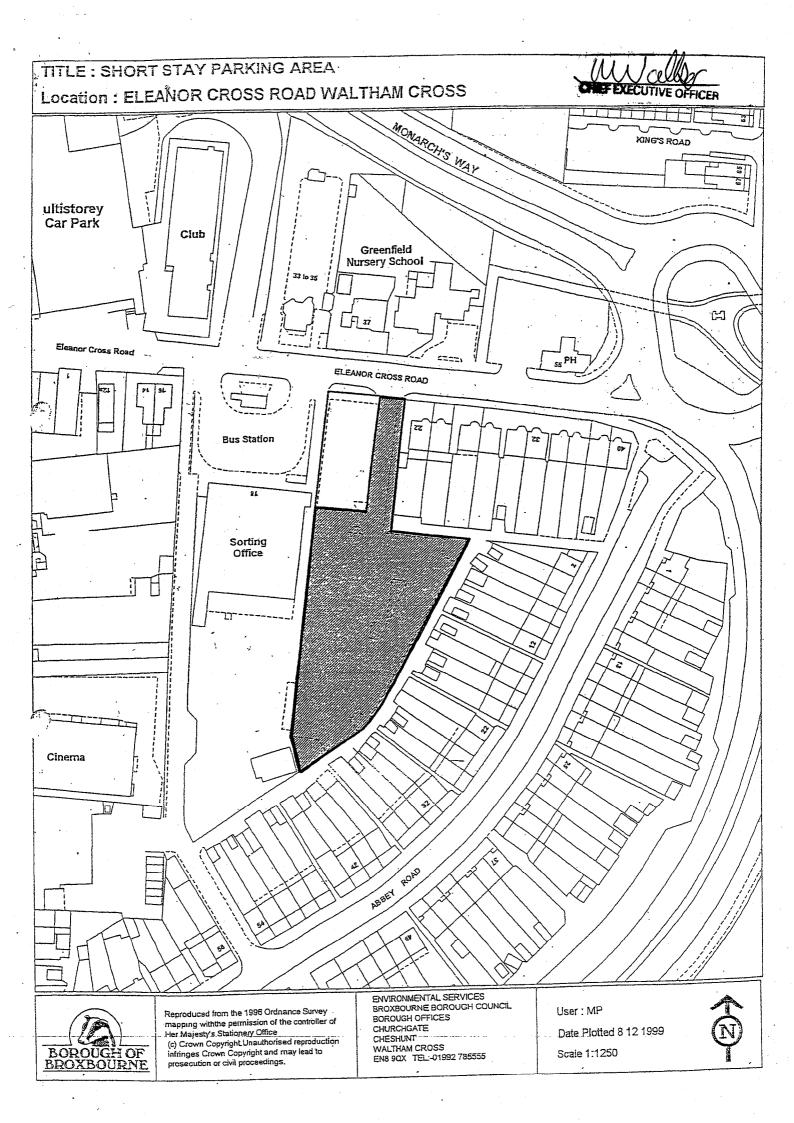
The Common Seal of **THE COUNCIL OF THE BOROUGH OF BROXBOURNE**was hereunto affixed in the presence of:

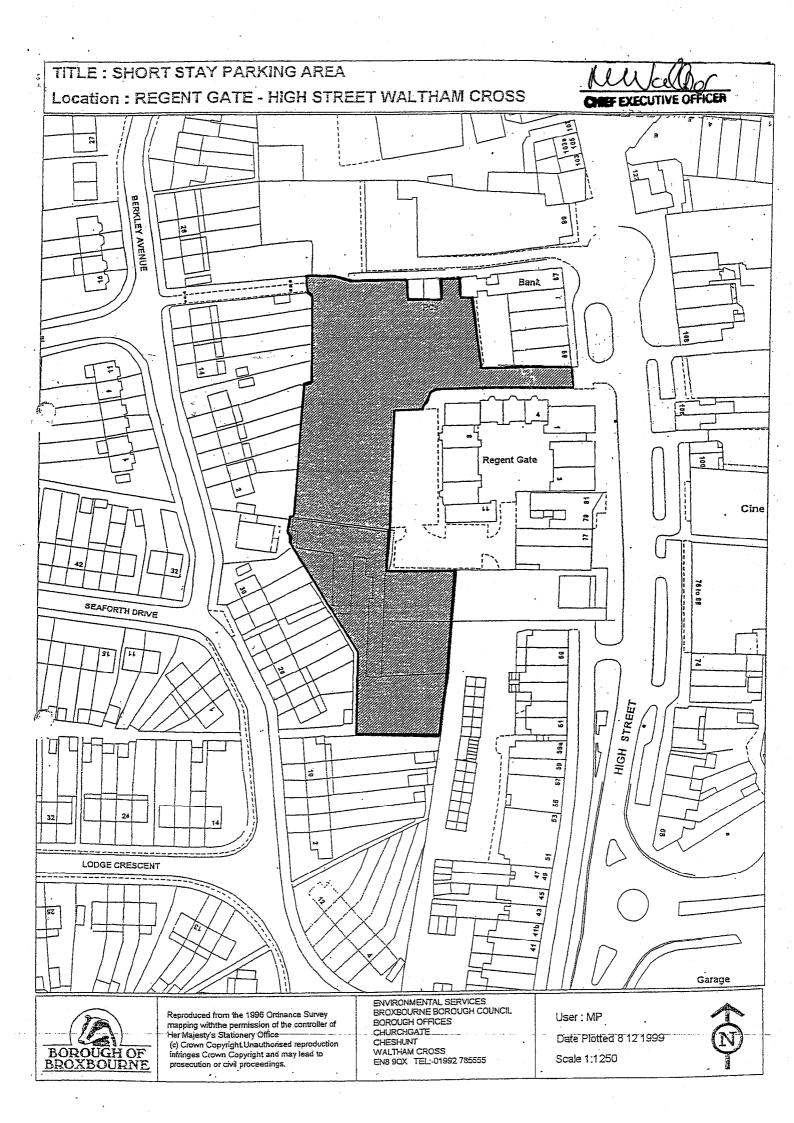
Chief Executive Officer

# SCHEDULE

(7)	Penalty Charges	£60 for each Penalty Charge Notice issued reduced by 50% if paid within 14 days of the date of the issue of the Penalty Charge Notice	as above	as above	as above	as above	as above	as above	as above	as above	as above	as above	as above	as above
(9)	Scale of Charges	Up to 20 minutes -30p Up to 1 hour – 50p Up to 2 hours – 80p Up to 3 hours – £1.20 Up to 4 hours - £2.10 Over 4 hours - £4.80	as above	as above	as above	as above	as above	as above	as above	as above	as above	Daily £4.80 13 weekly £140.00 Annual £415.00	as above	U to 20 minutes -30p Up to 1 hour – 50p Up to 2 hours – 80p Up to 3 hours – £1.20 Up to 4 hours - £2.10 Up to 6 hours - £6.50
(5)	Charging Hours and maximum period of waiting	6 am - 6.30 pm Mondays to Fridays inclusive 6 am - 5 pm Saturdays and Sundays Public and Bank Holidays. No charge Maximum period of waiting 24 hours	As above	as above	as above	as above	as above	as above	as above	as above	as above	as above	as above	6 am - 6.30 pm Mondays to Fridays inclusive 6 am - 5 pm Saturdays and Sundays Public and Bank Holidays: No charge Maximum period of waiting 6 hours
(4)	Days and Hours Of Operation	All days All hours	as above	as above	as above	as above	as above	as above	as above	as above	as above	as above	as above	as above
(3)	Classes of Vehicle	Motor cars (not exceeding 2 metres in height) without trailers motorcycles with or without side cars attached invalid carriages	as above	as above	as above	as above	as above	as above	as above	as above	as above	as above	as above	as above
(2)	Position in which Vehicles may wait	Wholly within marked Parking Space.	as above	as above	as above	as above	as above	as above	as above	as above	as above	as above	as above	as above
(1)	Name and Location of Parking Places	Rear of Newnham Parade, Cheshunt, Herts	Eleanor Cross Road, Waltham Cross, Herts	Rear of High Street, Waltham Cross, Herts	Goffs Oak Library, Valley View, Goffs Oak, Herts	Taverners Way (Lord Street to Amwell Street), Hoddesdon, Herts	Taverners Way (Lord Street to Brocket Road), Hoddesdon, Herts	Burford Street, (Part) Hoddesdon, Herts (24 Spaces)	Broxbourne Civic Hall, Cock Lane, Hoddesdon, Herts	Theobalds Grove (Part), Waltham Cross, Herts (60 spaces)	Community Hospital, King Arthur Court, Cheshunt, Herts	Burford Street (Part), Hoddesdon,Herts (25 Spaces) (Long stay)	Theobalds Grove (Part), Waltham Cross, Herts (80 Spaces) (Long stay)	Windmill Lane, Cheshunt, Herts





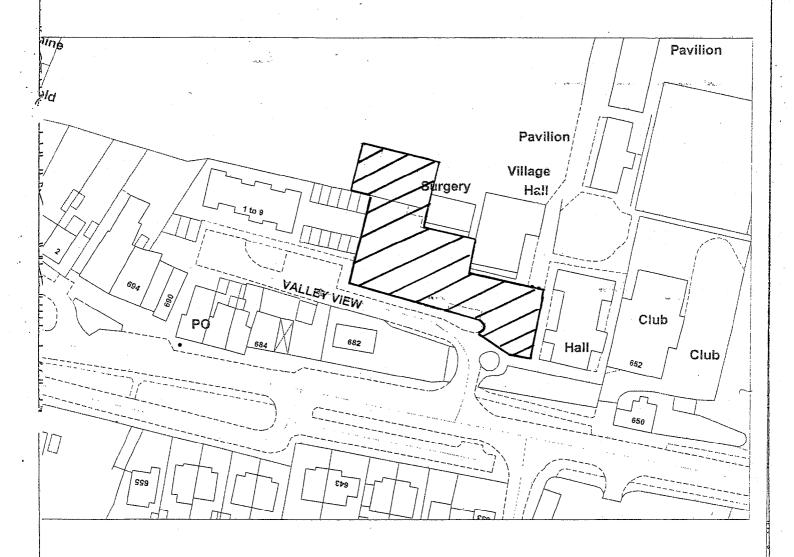


TITLE: SHORT STAY PARKING AREA

Location : GOFFS OAK LIBRARY, VALLEY VIEW, GOFFS OAK

Mollo

CHIEF EXECUTIVE OFFICE





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BOROUGH OFFICES
CHURCHGATE
CHESHUNT
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User: MP

Date Plotted 8 12 1999

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