

DATED 1st August 2006

**THE BOROUGH OF BROXBOURNE
(BOROUGH OFFICES) OFF-STREET
PARKING PLACES ORDER (No 1) 2006**

Borough of Broxbourne
Borough Offices
Bishops' College
Churchgate
Cheshunt
Herts
EN8 9XB

THE BOROUGH OF BROXBOURNE

(BOROUGH OFFICES) OFF-STREET PARKING PLACES ORDER (No 1)

2006

THE COUNCIL OF THE BOROUGH OF BROXBOURNE (hereinafter called "the Council") acting 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 7 August 2006 and may be cited as the Borough of Broxbourne (Borough Offices) Off-Street Parking Places Order (No 1) 2006.

DEFINITIONS

2. (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:-

"Authorised Officer" – means an officer authorised in writing by the Council's Chief Executive Officer.

"Bishops College Complex" means the Bishops College, Ingram House, The Huntingdon Suite, the Beaufort Suite, and the Spanish Ambassador's Suite.

"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 and for the purposes of this order and of any legal proceedings taken in respect thereof 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.

"Loading and Unloading" means the loading/unloading of goods to or from the Borough Offices or the Bishops College Complex and shall be deemed to include the collection by refuse freighters or recycling vehicles of material from the Borough Offices and the Bishops College Complex or refuse/recycling facilities situated in the Parking Place.

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

"Parking Place" - means the area of land described in Column 1 of the Schedule.

"Parking Space" - means a part of the Parking Place marked out by means of granite sets white lines or otherwise for the leaving of a Vehicle.

"Penalty Charge" - means the amount of charge indicated in Column (4) of the Schedule payable in respect of a Penalty Charge Notice.

"Motor car" "invalid carriage" and "Motor cycle" - 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.

"Relevant Position" - has the same meaning as in Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

"Universal Service Provider" and "Universal Postal Service" have the same meanings as that assigned to them in Section 4(3) of the Postal Services Act 2000;

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

- (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

- 3 (1) The 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 the classes of vehicles specified in the Schedule.

- (2) Except with the permission of an Authorised Officer a Driver shall not permit a vehicle to wait at any time on any yellow line(s) or to cause an obstruction in the Parking Place.
4. Where in the Schedule the Parking Place is described as available for Vehicles of a specified class the Driver of a vehicle shall not except with the consent of the Authorised Officer permit it to wait in the Parking Place unless it is of the specified class.
 5. (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
 - (i) by a disabled person unless
 - (a) the vehicle is displaying in the Relevant Position a Disabled Person's Badge
 - (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.
 - (ii) for loading and unloading unless the vehicle is being loaded or unloaded.
 - (2) A Driver shall not permit a vehicle to wait in a Parking Space or in any part of the Parking Place that has been reserved by means of a sign or surface marking or collapsible bollards specifically for use by an authorised person, company, organisation or statutory body unless the Driver is so authorised.

PENALTY CHARGE

6. If a vehicle is left in the Parking Place a Penalty Charge of the amount specified in Column (4) of the Schedule hereto shall be payable for each and every contravention referred to below:-
 - (a) if a vehicle is parked on any yellow line(s) ;
 - (b) if a vehicle is left in a Parking Space specifically reserved for disabled persons and is not displaying a valid disabled person's badge in accordance with Article 5(1) above;
 - (c) if an unauthorised vehicle is left in a Parking Space or part of the Parking Place which is specifically reserved by means of

sign(s) or surface marking(s) or collapsible bollards for a authorised person, company, organisation or statutory body;

- (d) if a vehicle is parked so as to cause an obstruction;
- (e) if a vehicle is left in the Parking Place or any part thereof when it has been closed by the Council and there is exhibited notice of such closure at or near the Parking Place or part thereof as the case may be;
- (f) if a vehicle exceeds the maximum weight as specified in this Order.

PENALTY CHARGE NOTICE

7. 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 and the time and date on which the Penalty Charge Notice was issued;
- (d) a statement that a Penalty Charge of the amount specified in column (4) of the Schedule is required to be paid before the end of the period of 28 days beginning with the date of issue 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 issue 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.

8. 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 4 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 28th day beginning with 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 4 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 28th day beginning with the date of issue of the Penalty Charge Notice
- (c) By debit or credit card by no later than the end of the 28th day beginning with 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 Article 8 above by not later than the end of the 14th day beginning with 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 28th or 14th 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 8 (a) above)

EXEMPTIONS

- 9. (a) The following vehicles are exempt from the provisions of this Order:-
 - (1) a vehicle having a gross vehicle weight in excess of 3.5 tonnes which is waiting for no longer than may be necessary for the purposes of Loading and Unloading that vehicle to/from the Borough Offices or the Bishops College Complex provided that such vehicle shall not wait at any time on any yellow lines(s);
 - (2) 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 to/from the Borough Offices or the Bishops College Complex;

- (3) a marked security vehicle whilst being used in the course of the provision of security services to/from the Borough Offices or the Bishops College Complex which is stationary only for so long as may be reasonably necessary for the provision of those security services;

RESTRICTION ON REMOVAL OF NOTICES

10. 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;

MOVEMENT AND REMOVAL OF VEHICLES

11.
 - (1) Where a vehicle is left in a Parking Place in contravention of any of the provisions of this Order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from the Parking Place PROVIDED that if a Vehicle is waiting in the 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 the provisions of this Article 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.

OTHER PROVISIONS

12. Notwithstanding the provisions of this Order the Council may at any time by notice exhibited at or near the Parking Place close or reserve for any purpose the Parking Place or any part thereof for any period and a Driver of a Vehicle may not permit a vehicle to wait in the Parking Place or any part thereof while it is so closed without the prior written consent of an Authorised Officer
13. The Driver of a vehicle using Parking Place is not permitted to drive the vehicle without due care and consideration or in a manner likely to endanger any other person.
14. Where in the Schedule the 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
15. 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.
16. No person shall without the prior consent in writing of an Authorised Officer 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.
17. The Driver of a vehicle using a Parking Place shall not without the prior consent in writing of an Authorised Officer sound any horn, musical equipment or other similar instrument whilst the vehicle is stationary.
18. 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.
19. No person shall unless having a right of way over the Parking Place or except with the prior written consent of an Authorised Officer 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.

20. 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 an Authorised Officer.
21. 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.
22. The Council does not undertake to supervise the Parking Place and entry to and exit from and use of the Parking Place or any part thereof 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

IN WITNESS whereof the Common Seal of the Council of the Borough of Broxbourne has hereunto been affixed this 1st day of August 2006.

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

Gardner



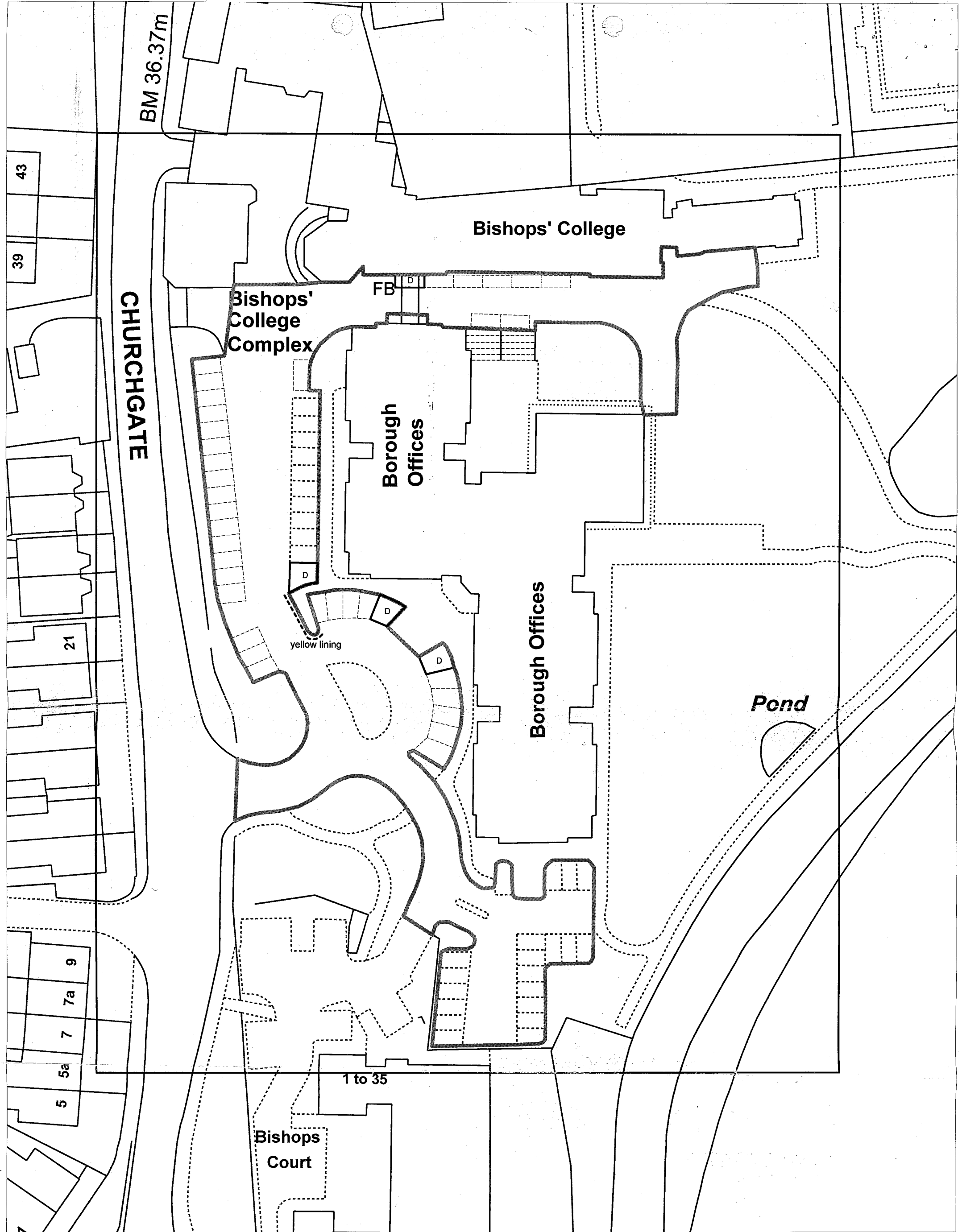
C1620

Arking

Chief Executive Officer

SCHEDULE

(1)	(2)	(3)	(4)
Name and Location of Parking Places	Classes of Vehicle	Days and Hours Of Operation	Penalty Charges
Car park at the front and sides of the Borough Offices, Churchgate, Cheshunt, Herts as shown for identification purposes only edged orange on the plan attached to the Order	vehicles as defined in Article 2 hereof	All days All hours	£60 for each Penalty Charge Notice issued reduced by 50% if paid by no later than the end of the 14th day beginning with the date of issue of the Penalty Charge Notice.



BROXBORNE BOROUGH OFFICE
 CHURCHGATE
 CHESHUNT
 HERTS
 EN8 9QX



BOROUGH OFFICES, CHURCHGATE, CHESHUNT
 CAR PARKING

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MP

Scale: 1/500

Date