

EPSOM AND EWELL BOROUGH COUNCIL

EPSOM (ASHLEY CENTRE)

PARKING ORDER 1986

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The Council of the Borough of Epsom and Ewell (hereinafter referred to as "the Council") in exercise of the powers conferred upon them by Section 35 of the Road Traffic Regulation Act 1984 and of all other powers them enabling in that behalf and after consultation with the Chief Officer of Police and with the consent of Council of the County of Surrey hereby make the following Order:

PART I

GENERAL

1. This Order shall come into operation on the 11<sup>th</sup> day of August One thousand nine hundred and eighty-six and may be cited as the Epsom (Ashley Centre) Parking Order 1986
2. (1) In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-
  - "the Act of 1984" means the Road Traffic Regulation Act 1984
  - "authorised vehicle" means a vehicle of a class specified in column 3 of the Schedule hereto
  - "day" means the period of twenty-four hours from 8am to 8am
  - "parking place", means any of the parking places described in Column 1 of the Schedule to this Order

and shown edged red on the plans annexed hereto;

"parking bay", means any part of a parking place marked out by means of white lines or otherwise, for the leaving of a vehicle other than a motor cycle;

"parking area", means any part of a parking place marked out by means of white lines or otherwise, for the leaving of motor cycles;

"parking attendant", means a person authorised by or on behalf of the Council to supervise any parking place;

"invalid carriage" and "motor cycle", have respectively the same meanings as in Section 136 of the Act of 1984;

"motor car" means a mechanically propelled vehicle, ~~not being a motor cycle or an invalid carriage or a~~ commercial vehicle, the weight of which unladen does not exceed 30 cwt, which is constructed itself to carry a load or passengers;

"charging hours", in relation to a parking space means the period specified as such in column 5 of the Schedule to this Order;

"driver" in relation to an authorised vehicle waiting in the parking place means the person driving the said vehicle at the time it was left in the parking place;

"owner" includes an owner within the meaning of section 142(1) of the Act of 1984;

"disabled persons vehicle" means a vehicle specified

in Article 20 of this Order;

"parking apparatus" means any or all of the following items described in Part III of this Order, being apparatus of a type and design approved for the purpose of this Order by the Secretary of State for the Department of the Environment:-

- (i) the rising arm and/or step barriers at the entrance to a parking place
- (ii) the ticket issuing machines, being apparatus which issues an entry ticket to the driver of an authorised vehicle entering a parking place which indicates the time at which the said vehicle enters the parking place
- (iii) the ticket acceptance and pay machines
- (iv) the exit machines
- (v) the pass card acceptance machines
- (vi) the rising arm and/or step barriers at the parking place exits

"pass card" shall mean a card issued by the Council for use in accordance with Article 22 hereof in the pass card acceptance machines and the exit machines.

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

## PART II

### GENERAL USE OF PARKING PLACE

3. Subject to the following provisions of this Order a

parking place may be used as a parking place by such vehicles in such positions and on such days and during such hours as are specified in the Schedule hereto

4. Notwithstanding the provisions of this Order the Council may by notice displayed at or near a parking place close the parking place or part thereof for any period and no driver of any vehicle shall use such parking place or part thereof when it is so closed

5. (i) Where in the Schedule to this Order a parking place is described as available for vehicles of a specified class and in a specified position, the driver of a vehicle shall not permit it to wait in that parking place unless it is:-

(a) of the specified class; and

(b) in the specified position

(ii) The driver of a vehicle shall not without the permission of a person duly authorised in that behalf by the Council cause the vehicle to enter the Ashley Centre Parking Place unless its overall height is less than 6'3".

6. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in that 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.

7. No person shall use any vehicle while it is in a parking place for or in connection with the sale of any article (including the vehicle itself) to any person in or near the parking place or for or in connection with the selling or offering for hire of his or any other persons skill, services or goods.
9. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicles (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1972.
10. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
11. No person shall, except with the permission of any 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.
12. No person shall in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
13. No person shall in a parking place 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.

14. No person shall use any part of a parking place or any vehicle left in a parking place:-

- (a) for sleeping or camping purposes;
- (b) for eating or cooking purposes;
- (c) for the purpose of servicing, washing, cleaning, constructing, maintaining or repairing any vehicle or part thereof other than as is reasonably necessary to enable that vehicle to depart from the parking place; or

- (d) for washing any part of his person.

15. No person shall use a parking place as a means of passage proceeding from one road to another road.

16. Where in a parking place signs are erected or surface markings are laid for the purpose of:-

- (a) indicating the entrance to or exit from the parking place, or
- (b) indicating 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.

17. In a parking place no person shall:-

- (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council;
- (b) light or cause or permit to be lit any fire, stove or cooker.

18. No person shall leave any trolley, trailer or other wheeled article not being an authorised vehicle or part thereof in a parking place except in those positions marked out for the leaving of such articles.

19. If at any time in a parking bay or bays or area or areas there is displayed a notice that a particular bay or bays or area or areas is/are reserved for the leaving of disabled persons' vehicles or for the leaving of motor cycles, no person shall leave a vehicle in any such parking bay or such parking area other than a vehicle of the description so specified.

20. For the purpose of this order the term 'disabled person's vehicle' mean the following vehicles:-

- (i) an invalid carriage;
- (ii) a vehicle issued to a disabled person by a Government Department in lieu of an invalid carriage;

(iii) a vehicle left by the driver thereof who is a person who on account of his severe physical disability has been given a notice in writing by the Council under this paragraph provided that the said notice is displayed on the vehicle in a conspicuous position;

(iv) a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) Regulations 1975 or a badge having effect under those Regulations as if it were a disabled person's badge .

### PART III

#### PAY ON FOOT SYSTEM

21. The charge for an authorised vehicle left in a parking place during the charging hours shall subject as hereinafter provided be that specified in column 6 of the Schedule hereto, save that where in a parking place there is erected by the Council a notice indicating that in respect of any day or any part of any day specified therein no charge will be made or a lesser charge will be made than that specified in column 6 of the Schedule hereto then the appropriate charge shall be as specified in the said notice.

22. (a) The Council may on the application of the

owner of an authorised vehicle issue a pass card to the said owner or on the application of a lessee of the office accommodation adjoining the Ashley Centre parking place issue pass cards in respect of authorised vehicles for which such application is made on payment of a charge agreed between the Council and the applicant and not exceeding the aggregate amount of the charges payable in accordance with the Schedule hereto if the holder were to park in the parking place during the total number of days or parts of days for which the pass card is agreed to be valid.

(b) Subject to Article 4 of this Order a pass card so issued shall be valid during the period agreed between the Council and the applicant therefor.

(c) The driver of a vehicle who uses a pass card in a parking place shall upon demand by a parking attendant produce the pass card to the parking attendant for inspection

(d) The pass card shall not be used except by the person to whom it has been issued or if issued to the lessee of office accommodation adjoining the said Ashley Centre parking place by a person duly authorised by the said lessee

23. The following provisions shall govern the method of

payment of the charge by drivers who are not pass card holders in a parking place

- (i) The driver of an authorised vehicle who intends to park the said vehicle in a parking place shall stop at the rising arm or rising step barrier at the entrance to the parking place
- (ii) The driver shall then take from the ticket issuing machine the ticket tendered to him by the said machine (hereinafter called "the entry ticket") and shall retain it
- (iii) The driver shall immediately upon the raising of the rising arm barrier or the lowering of the rising step barrier as indicated by the lighting of the green traffic signal at the entrance to the parking place drive the said vehicle to a parking bay
- (iv) When the driver intends to remove the said vehicle from the parking place he shall proceed on foot to the machine provided (hereinafter called "the ticket acceptance and pay machine") and insert the entry ticket into the slot indicated
- (v) Upon the ticket acceptance and pay machine indicating the charge to be paid the driver shall pay the charge so indicated by inserting the appropriate coin or coins into the said machine
- (vi) After the driver has complied with paragraph

or any other cause whatsoever or being responsible for damage to either ticket he shall be liable to pay the charge specified in column 6 of the Schedule hereto

- (x) If a period of 10 minutes has elapsed from the expiration of the period allowed for the insertion of the exit ticket in the exit machine prescribed by paragraph (vii) above the exit machine shall reject the exit ticket and the driver shall immediately proceed to a ticket acceptance and pay machine and insert the exit ticket into the slot provided on the said machine and the driver shall then comply with paragraphs (v) to (viii) of this Article

24. The following provisions shall govern the use of a parking place by the driver of a vehicle who is entitled to use a pass card in accordance with Article 22 hereof

- (i) The driver of an authorised vehicle who intends to park the vehicle in the parking place shall stop the vehicle at the rising arm or rising step barrier at the entrance to the parking place
- (ii) The driver shall then insert the pass card into the slot in the machine provided for the acceptance of pass cards (hereinafter called "the pass card acceptance machine")
- (iii) The driver shall then take the pass card from the pass card acceptance machine and retain it

(v) above the said machine shall issue to the driver a ticket which shall be retained by the driver to permit exit from the parking place (hereinafter called "the exit ticket")

(vii) The driver shall retain the exit ticket issued and immediately drive the said vehicle to the rising arm or rising step barrier at the exit from the parking place and there insert the exit ticket into the machine provided (hereinafter called "the exit machine") If the driver fails to drive the said vehicle immediately to the rising step barrier at the exit from the parking place and because of such delay the exit machine does not accept the exit ticket issued in accordance with paragraph (vi) above he shall be liable to pay the balance of charges then due as specified in column 6 of the Schedule hereto in accordance with paragraphs (iv) to (vi) of this Article

(viii) When at the exit of the parking place the rising arm barrier is raised or the rising step barrier is lowered and the green light signal is displayed the driver shall immediately drive the vehicle from the parking place

(ix) In the event of a driver of an authorised vehicle being unable to produce either the entry ticket or the exit ticket through loss

(iv) When the rising arm barrier is raised or rising step barrier lowered as indicated by the showing of a green traffic signal the driver shall immediately drive the vehicle to a parking bay

(v) When the driver intends to remove the vehicle from the parking place he shall drive the vehicle to and stop at the rising arm barrier or the rising step barrier and traffic signal at the exit from the parking place

(vi) The driver shall then insert the pass card in the slot provided for pass cards in the exit machine

(vii) The driver shall then retrieve the pass card from the exit machine and retain it

(viii) Upon the raising of the rising arm barrier or the lowering of the rising step barrier and the display of the green light signal the driver shall immediately drive the vehicle from the parking place

#### PART IV

##### ENFORCEMENT PROVISIONS

25. (1) If a vehicle is left in a parking place in contravention of Article 5 or 19 hereof an additional amount (which additional amount is hereinafter referred to as "the excess charge") shall be payable

(2) The amount of the excess charge shall be £5

if payment is received within 14 days of the date of the contravention of article 5 or £20 if payment is not received by the Council within 14 days after the date of such contravention

26. In the case of a vehicle in respect of which an excess 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 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 on the vehicle;
- (b) the time at which he first noticed that an excess charge was payable;
- (c) a statement that an excess charge is required to be paid;
- (d) the manner in which, and the time within which, the excess charge should be paid; and
- (e) a statement that it is an offence under Section 35 (4) of the Act of 1984 for the driver of a vehicle who has left a vehicle in a parking place to fail duly to pay the excess charge.

27. The excess charge shall be paid to the Council either by cheque, banker's draft, money order or postal order which shall be delivered or sent by post or by cash in person to the Treasurer's Department of the Council at the Town Hall, The

Parade, Epsom, quoting the reference number of the excess charge notification

28. Where a notice has been attached to a vehicle in accordance with the provisions of Article 26 of this Order, no person, not being the driver of the vehicle or a duly authorised representative of the Council shall remove the notice from the vehicle unless authorised to do so by the driver.

29. (1) Where any vehicle is standing in a parking place in contravention of any of the provisions contained in this Order, a parking attendant or other person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle and he may remove the vehicle from the parking place or cause it to be removed and, where it is so removed, shall provide for its safe custody.

(2) Any person removing or altering the position of a vehicle by virtue of the foregoing provisions of this Article may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position, as the case may be.

30. 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

emergency to any place he thinks fit, vehicles left in the parking place.

31. The provisions of sub-sections (4) and (5) of Section 47 of the Road Traffic Regulation Act 1984 shall apply to any proceedings for an offence under Section 35(4) of the said Act for contravention of or non-compliance with the provisions of this order as the said sub-sections apply to offences under the said Section 47.

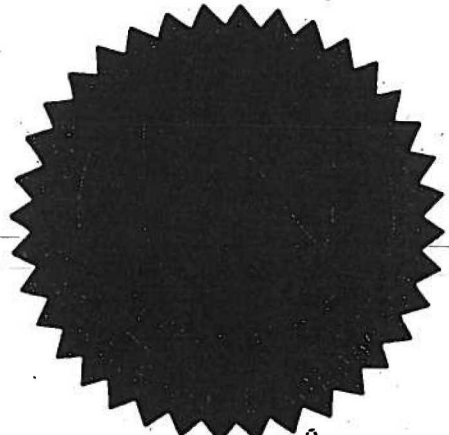
THE COMMON SEAL of THE )  
COUNCIL OF THE BOROUGH OF )  
EPSOM AND EWELL was )  
hereunto affixed this )  
30 day of July 1986 )

*H. J. Smith*

Mayor

*David E. Smith*

Town Clerk and Chief Executive



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SCHEDULE



SCHEDULE

1	2	3	4	5	6
Name of Parking Place	Position in which vehicle may wait	Class of vehicle	Days and Hours of operation of parking place	Charging Hours	Daily Charges
Ashley Centre Cont.	Wholly within a marked parking bay	Disabled persons' vehicles ) ) ) )			Lost or damaged ticket £5.00
	Wholly within the parking area marked as being reserved for motor cycles and pedal cycles	Motor cycles and pedal cycles ) )	All days All hours	Ditto	Nil

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