

HARLOW DISTRICT COUNCIL

THE DISTRICT OF HARLOW (WYCH ELM CAR PARK) (OFF STREET PARKING PLACES) ORDER 2000

Harlow District Council (hereinafter referred to as 'the Council') in exercise of their powers under Section 35(1) of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Section 124 and Schedule 9 of the Act and with the consent of Essex County Council in accordance with Section 39 (3) of the Act hereby make the following Order :

PART 1

GENERAL

Commencement and Action

1. (a) This Order shall come into operation on **Monday 4th day of May 2000** and may be cited as the District of Harlow (Wych Elm Car Park) (Off Street Parking Places) Order 2000.
- (b) It is intended that this Order shall revoke the District of Harlow (Wych Elm Car Park) (Off Street Parking Places) Order 1998 in its entirety.

Definitions and Interpretation

2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :-

'Driver' in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place;

'Owner' in relation to a vehicle means the person by whom such vehicle is kept and used;

'Parking Place' means any area of land, specified by name in column 1 of the Schedule, provided by the Council under Section 32 (1) of the Act for use as a parking place; with the provision of parking bays.

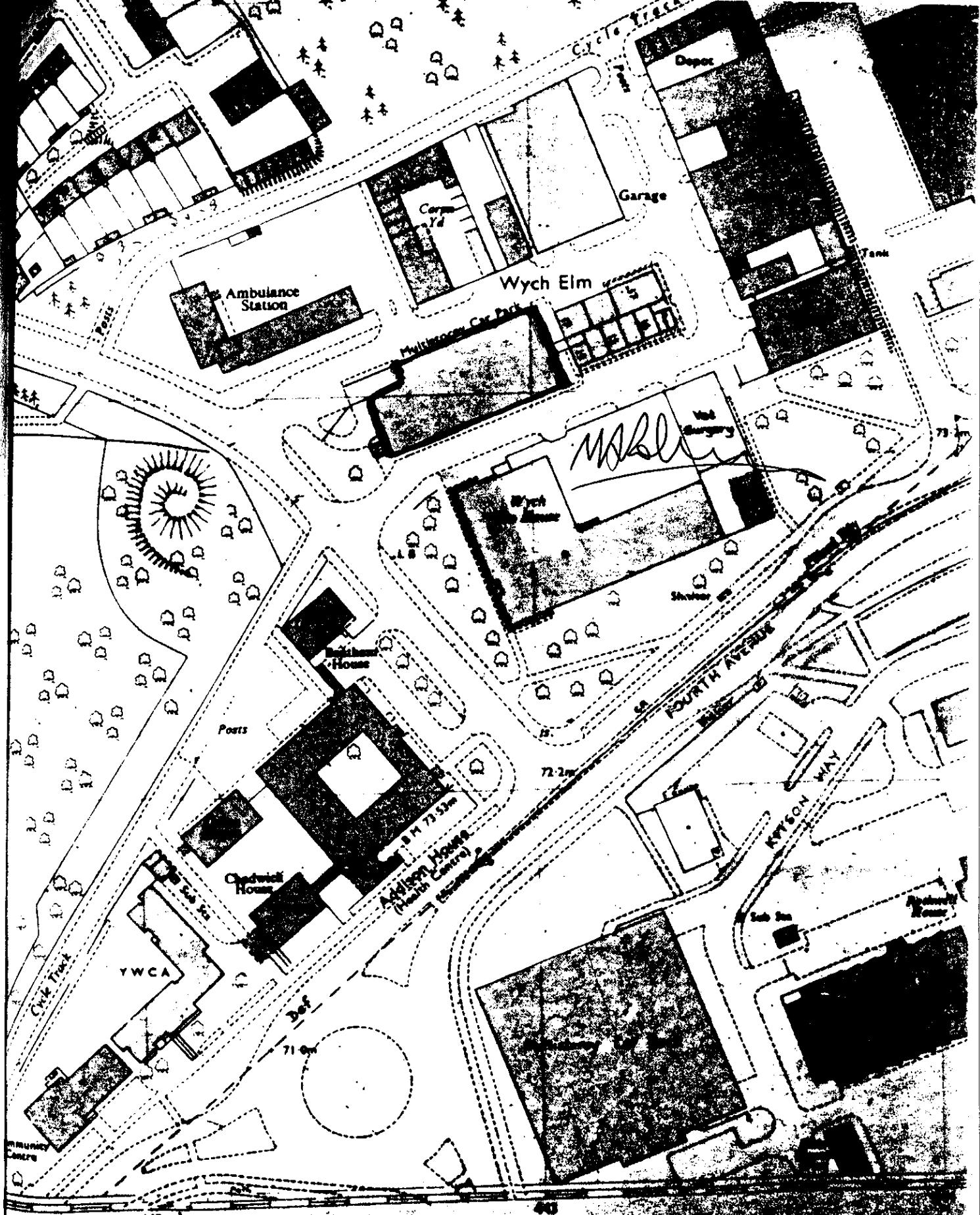
'Parking Bay' means any part of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;

'Vehicle' means a motor vehicle as defined in Section 136 of the Act.

'Invalid Carriage' 'Motor Car Trailer' and 'Motorcycle' have respectively the same meanings as in Section 136 of the Act;

'Goods Vehicle' means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, or a trailer so constructed or adapted;

'Excess/Penalty Charge' means an amount of money, payable in the circumstances set out in Article 28 of this Order as specified in column 7 of the Schedule to this Order;



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This plan is not necessarily up to date in all details. It is for general information only. Information about administrative boundaries and land use may be obtained from the Harlow District Council. For further information regarding this plan see O.S. sheet 100/1000 Advance Edition, Harlow.

'Neighbourhood Manager' means the said Manager for the time being of the Council or other duly authorised officer;

'Parking Attendant' means a person authorised by or on behalf of the Council to supervise any parking place;

'Disabled Persons Badge' has the same meaning as in Regulation 3 of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 as amended by the Disabled Persons (Badge for Motor Vehicles (Amendment) Regulations 1991;

'Disabled Persons Vehicle' means a motor vehicle driven by or used for the carriage of a disabled person or any of the descriptions prescribed by Regulation 5 of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 as amended by the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991;

'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;

'Ticket Machine' means an apparatus designed to issue parking tickets indicating the payment of a charge and the date and time at which the charge expires, being apparatus provided by the Council and approved for such purpose pursuant to Section 35 of the Act.

PART II

USE OF PARKING PLACE

Use of land and parking places

3. Each area of land specified in Column 1 of the Schedule to this Order ("the Schedule") may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, on such days and during such hours as are specified in relation to that area in the Schedule.
4. Where in the Schedule a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not without the permission of the Council, permit it to wait in that parking place unless it is of the class and in the position so specified.
- 5 (1) The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in Column 5 of the Schedule to this Order in relation to that parking place, or outside the period specified as the days and hours of operation of the parking place in Column 4 of the Schedule to this Order in relation to that parking place.

(2) When a vehicle has left a parking place specified in the Schedule to this Order after waiting therein, the period for which payment was originally made having expired, the driver thereof shall not, within one hour after its leaving, permit it to wait again in that parking place.
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 within, or to depart from, the parking place.

7. No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article (including the vehicle itself) to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services, except with the permission of the Council.
8. 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 force in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part V1 of the Road Traffic Act 1988.
9. 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.
10. No person shall, except with the permission of the Council or any person duly authorised by them, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in a parking bay in accordance with the provisions of this Order or for the purpose of departing from the parking place.
11. Any person who persistently contravenes the provisions of this Order shall be liable to himself/herself and/or his/her vehicle being prohibited from the use of any car parks of the Council as the Council may determine.
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 without the permission of the Council use any part of a parking place or any vehicle left in a parking place.
 - (a) for sleeping or camping purposes, or
 - (b) for cooking purposes, or
 - (c) for the purpose of servicing, washing, cleaning, constructing, maintaining or repairing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
 - (d) for the carrying on of any business activity including the storage of any vehicle in connection with the future sale of that vehicle (whether or not the said vehicle has a number plate).
15. Any person using a parking place as a means of passage proceeding from one road to another road shall be deemed to be doing so by licence of the Council and not as of right.
16. 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 leave the parking place otherwise than by 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; or
 - (b) light or cause or permit to be lit any fire, stove or cooker.
18. The driver of a vehicle drawing a trailer having a combined length exceeding 5.5 metres shall not permit the vehicle or the trailer to wait in a parking place unless they have been disconnected, and unless the registration number of the vehicle is clearly displayed on the trailer, and for the purposes of this Order the vehicle and the trailer shall be deemed to be separate vehicles and the said driver shall be deemed to be the driver of each of the said vehicles and liable to a parking charge accordingly.
19. No vehicle shall be left in any parking place if its length exceeds 5.5 metres except where specific provision is made for such vehicles or with the permission of the Council.
20. No vehicle shall be left or parked at the parking place other than in a parking bay.
21. Notwithstanding the provisions of this Order the Council may by notice displayed at or near a parking place close or reserve for any purpose such a parking place or parking bay or part thereof for any period and no driver of any vehicle shall use such parking place or parking bay or part thereof when it is so closed or reserved except with the prior permission of the Council.
22. If at any time in or on a parking space or spaces or in any position adjacent thereto there is displayed a notice that a particular space or spaces is or are reserved for use by a disabled person vehicle or for a motor cycle, or for the use of any other person or category of persons authorised by the Council, no person shall leave a vehicle in any such parking spaces other than for the purposes so specified.
23. The Council does not undertake to supervise the parking places specified in Column 1 of the Schedule to this Order. Vehicles are parked entirely at the risk of the owner and/or driver and the Council accepts no liability for any loss or damage howsoever caused either to the vehicle or its contents.
24. The Council may issue season tickets at its sole discretion and may designate any part of the parking place for particular season ticket holders or class of season ticket holder.

Amount and Method of Payment

25. The driver of a vehicle who leaves that vehicle in a parking place during the charging hours shall, on leaving the vehicle in the parking place, pay such charge as may be set out in Column 6 of the Schedule to this Order or such varied charge as is subsequently decided by the Council.
- 26 (1) The charge referred to in Article 25 of this Order shall be paid by the insertion in the ticket machine provided in the parking place of a coin or coins, dependent on the period for which payment is being made and the class of vehicle, provided that if any payment is made in excess of the appropriate charge the charge together with the amount of the excess payment 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 from a ticket machine of a numbered ticket showing the day and time of expiry of the charge and by the exhibition of that ticket on the vehicle in accordance with paragraphs (3) and (4) of this Article.
- (3) Upon payment of the charge the driver shall exhibit on the vehicle the ticket issued by the ticket machine.
- (a) in the case of a vehicle which is fitted with a transparent windscreen, by affixing the ticket to the inside surface of the windscreen so that it is facing forwards and can be easily 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 facing forwards not more than 2 metres and not less than 1 metre above the surface of the parking space in which the vehicle is parked.
- (4) The ticket shall be so exhibited that the time and other particulars shown thereon are clearly visible from outside the vehicle.
- (5) No person shall insert in the ticket machine any coins additional to those inserted on originally entering the parking place by way of payment of the charge in accordance with paragraph (1) of this Article.
27. A vehicle of which the driver has been given a permit in writing by or on behalf of the Council, subject to such conditions as the Council think fit, shall be exempt from any limitation on time and from payment of any charge specified in Columns 5 and 6 of the Schedule to this Order if the permit is exhibited on the vehicle in the manner described in Articles 26 (3) (a), 26 (3) (b) and 26 (4) of this Order.

Excess Charge

28. If a vehicle is left in a parking place during the charging hours either -
- (a) after the period for which payment was made in accordance with Article 26 (1) of this Order has expired; or
- (b) without having a ticket exhibited on it in accordance with Article 26 (3) and (4) of this Order,

An excess charge of the amount specified in Column 7 of the Schedule to this Order shall be payable by the driver or owner of the vehicle.

- 29 (1) If a vehicle is left in a parking place in contravention of any provision contained in this Order an excess charge of the amount specified in Column 7 of the Schedule to this Order shall be payable in addition to any other action the Council may take under the terms of this Order.
- (2) In the case of a vehicle in respect of which any contravention of this Order has occurred it shall be the duty of a parking attendant, or any other duly authorised officer who shall be empowered, 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 by the vehicle;
 - (b) the time at which they first noticed that an excess charge had become payable;
 - (c) a statement that an excess charge of the amount specified in Column 7 of the Schedule to this Order for the class of vehicle in that parking place 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 (3) - (5) of the Act of 1984 for the driver of a vehicle who has left the vehicle in a parking place to fail to pay the excess charge.
30. An excess charge shall be paid to the Council and shall be delivered or sent by post so as to reach the Neighbourhood Manager of the Council at the address specified in Column 8 of the Schedule to this Order not later than 4.30 p.m. on the twenty eighth day following the day on which the excess charge was incurred. If the excess charge reaches the office within fourteen days it will be reduced to the level given in Column 7 of the Schedule provided that if the said twentyeighth or fourteenth day respectively falls on a day on which the said office is closed, the period within which payment shall be made will be extended until 4.30 p.m. on the next full day on which the said office is open.
- 31(1) Where a ticket has been exhibited on a vehicle in accordance with the provision of article 26 of this Order no person, not being the owner or driver of the vehicle, shall remove the ticket from the vehicle, unless authorised to do so by the owner or driver.
- (2) Where a notice has been attached to a vehicle in accordance with Article 29 (2) of this Order, no person, not being the owner or driver of the vehicle or a parking attendant, shall remove the notice from the vehicle unless authorised to do so by the owner or driver.

Movement of vehicle left in parking place

- 32 (1) 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 case of emergency, to any place he thinks fit, any vehicle left in a parking place.

- (2) 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 on that behalf of 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.
- (3) 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 to enable him to remove it or alter its position, as the case may be.
- (4) Any person removing or arranging for the removal of a vehicle by virtue of paragraph (2), (2), or (3) of this Article shall make such arrangements as he 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 provisions of this Article.
- (5) Any necessary administrative expenses incurred in the removal of a vehicle by virtue of this article shall be repaid to the Council by the driver or owner of the vehicle.

Incorporation of Section 47 of the Act of 1984

- 33. The provisions contained in subsections (4) - (6) of Section 47 of the Act of 1984 shall apply to the parking spaces mentioned in Column 1 of the Schedule to this Order.

Disposal of Vehicles abandoned in a Parking Place

- 34. The Council may as respects any vehicle which has been or could at any time be removed from a parking place in pursuance of Article 32 of this Order if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle in the manner provided by and subject to the provisions of the Refuse Disposal (Amenity) Act 1978, whether or not the parking place is covered and may subject as aforesaid recover the expenses and charges therein mentioned from any person responsible as therein defined.
- 35. References to any Act referred to in this Order apply to any future statutory re-enactment or modification of that Act.

Modifications or Re-enactments

- 36. The Acts and Regulations referred to in this Order shall be deemed to include any statutory modifications or re-enactments thereof.

THE COMMON SEAL of the)
 HARLOW DISTRICT COUNCIL)
 was hereunto affixed on this 25th)
 day of April 2000 in the presence of:)

D. Farrell
 Duly Authorised Officer

HARLOW DISTRICT COUNCIL
THE DISTRICT OF HARLOW (WYCH ELM CAR PARK) (OFF STREET PARKING PLACES) ORDER 2000

1. Name and location of parking place	2. Position in which vehicle may wait.	3. Classes of vehicle	4. Days and hours of operation	5. Charging hours and maximum period of waiting	6. Scale of parking charges	7. Excess penalty charge	8. Address of Neighbourhood Manager.
Wych Elm car park, Wych Elm, Harlow as shown edged red on the attached plan to this order.	Wholly within marked parking bay	Vehicles including motor cycles and goods vehicles (up to 1525kg)	07:00am to 19:00pm Monday to Saturday not including Bank Holidays and Public Holidays.	07:00am to 19:00pm Maximum period 12 hours	60p upto 2 hours, £1 upto 3 hours, £2 upto 4 hours and £6 over four hours.(Monday-Fridays) £1.00(Saturdays) The council may vary the charge after giving the appropriate statutory notice. Disabled persons vehicle displaying a valid disabled persons badge may park for free. Permits approved and issued by the Council will allow the holder to park their vehicle in any available vacant parking place.	£40.00 or £10 if paid within 14 days.	Neighbourhood Manager. Hare Street & Little Parndon Neighbourhood Office, Town Hall The High Harlow.
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