

THE BOROUGH OF EPSOM AND EWELL
THE EPSOM (HUDSON HOUSE)
PARKING ORDER 2009

T R A F F I C O R D E R

in respect of The
Hudson House Car Park

Made: 18th March 2009

Coming into operation: 23rd March 2009

Epsom & Ewell Borough Council
Town Hall
The Parade
EPSOM
KT18 5BY

EPSOM AND EWELL BOROUGH COUNCIL

EPSOM (HUDSON HOUSE)

PARKING ORDER 2009

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 hereby make the following Order:

PART 1

GENERAL

1. This order shall come into operation on the 23rd day of March two thousand and nine and may be cited as the Epsom (Hudson House Centre) Parking Order 2009
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 a numbered Schedule is a reference to the Schedule bearing that number in this Order

(2) In this Order except where the context otherwise requires the following expressions have the meaning hereby respectively assigned to them: -

"the Act of 1984" means that 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;

"civil enforcement officer" have the same meanings as in Section 76 of the Traffic Management Act 2004;

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

"entry device" means the remote operating device or pass card

"invalid carriage", "motor car" and "motor cycle", have respectively the same meaning as in Section 136 of the Road Traffic Regulation Act 1984;

"motor car", "motorcycle" and "invalid carriage" have the same meanings as in Section 136 of the Road Traffic Regulation Act 1984;

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

"parking apparatus" means any or all of the following items described in Part iii of this Order,

- (i) the rising arm at the entrance to a parking place
- (ii) the rising arm at the parking place exits

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

"parking bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by white lines or other markings on the surface of the parking place for leaving of a vehicle other than a motor

cycle or pedal cycle;

"parking place" means any of the parking places named in Column 1 of Schedule I to this and edged in red on the plans attached hereto

"pedal cycle" means a pedal bicycle or pedal tricycle not being in either case a mechanically propelled vehicle.

"pass card" shall mean a card issued by the Council for use in accordance with Article 21 hereof in the pass card acceptance machines and the exit machines.

"penalty charge" and "penalty charge notice" have the same meanings as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007

"permit holder" means the person entitled to park in the designated parking place

"remote operating device" mean any device to operate the parking apparatus

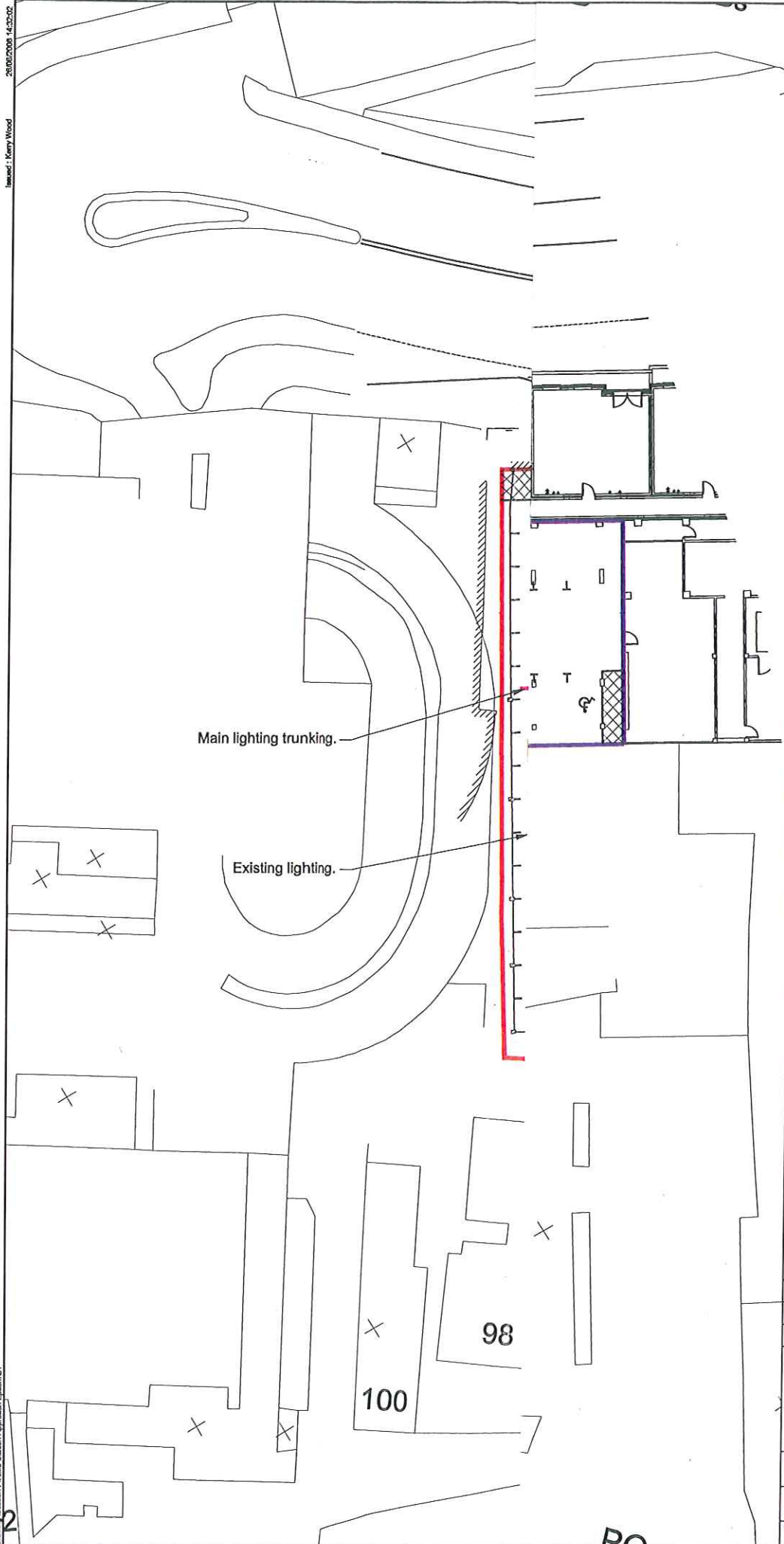
(3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(4) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended applied consolidated re-enacted by or as having effect by nature of any subsequent enactment.

20/05/2008 14:35:02

Issued: Kerry Wood

Drawing location: 12052 Station Approach, Epsom/S1



NOTES:

D	Bay 38 deleted and chevroned. Combined bays 41 & 42, 45 & 46, & 47 & 48 and made into disabled bays. Bays 42, 45 and 48 deleted. Added M/C (motor cycle bay) to bay 44. All as per D. Jones / B. Blincoe mark-ups.	KDW	28.08.08
C	Lighting, Cable trays, lighting trunking and private O/H supplies added. Public Parking Area revised to 53 spaces. All as per D. Jones / B. Blincoe mark-ups.	KDW	18.08.08
B	Boundary amended and drawing re-scaled	ADH	10.05.08
A	Amended to suit local authority comments	DB	01.05.08
REV	AMENDMENTS	BY	DATE

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Drawn:	ADH	Date:	Sept 2007
Scale:	1:200 @ A1	Section:	Infrastructure
Checked:	DMc	Approved:	

Title:		Car Park Management Agreement Areas of Responsibility	
Job:		Station Approach, Epsom	
Drawn No:	FNH293/31.2		Rev: D
Draw file name:	31.2.dwg		A1

PART II
GENERAL USE OF PARKING PLACE

4. Subject to the following provisions of this Order a parking place may be used as a parking place by such vehicles designated by the Council
5. 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.
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.
8. 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 1988.
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 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 a parking place to the disturbance or annoyance of the users of the parking place or residents of premises in the neighbourhood for the purposes of skateboarding, bicycle riding, ball games or similar activities.
15. 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.

16. No person shall use a parking place as a means of passage proceeding from one road to another road.
17. Where in a parking place signs are erected or surface markings are laid for the purpose of:-
- (a) indicating the entrance to or exit 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.
18. 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.
19. 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.
20. 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.

PART III

ENTRY SYSTEM

21. The entry device shall not be used except by the permit holder to whom it has been issued
22. The following provisions shall govern the use of a parking place by the driver of a vehicle who is entitled to use a entry device in accordance with Article 21 hereof

With remote operating device

- (i) The permit 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 permit holder will activate the remote operating device
- (iii) When the rising arm barrier is raised or rising step barrier lowered as indicated by the showing of a green traffic signal the permit holder shall immediately drive the vehicle to the designated parking bay
- (iv) When the permit holder 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 permit holder will activate the remote operating device
- (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 permit holder shall immediately drive the vehicle from the parking place.

PART IV

ENFORCEMENT PROVISIONS

23. (1) If a vehicle is left in parking place in a contravention of Article 6 or 21 a penalty charge notice of the amount set in the Schedule will be applied to a vehicle if:
- (a) A vehicle is left in parking place in a contravention of Article 6 or 21.
 - (b) A vehicle is left not wholly within a parking bay (unless as directed by a civil enforcement officer or an authorised officer of the Council)
 - (c) A vehicle is left in a parking bay that has been set aside or reserved for a particular user or purpose
 - (d) A vehicle is being used for the purpose of camping overnight or cooking (This applies if the act of cooking is taking place within or outside the vehicle) in the parking place.
 - (e) The vehicle is being used in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services. An article may include the vehicle itself or any part thereof or the contents or any goods of any description.
 - (f) Noise is being emitted from the vehicle howsoever caused in a way, which constitutes a noise nuisance or adversely effects the amenity of nearby residents or occupiers of adjacent land or premises.
- (2) In the case of a vehicle in respect of which an penalty charge may have been incurred, it shall be the duty of a civil enforcement officer or other duly authorised officer of the Council to display on the vehicle in a

conspicuous position a penalty charge notice which shall include the particulars prescribed in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007

24. 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
25. Where a notice has been attached to a vehicle in accordance with the provisions of Article 23 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.
26. (1) A penalty charge notice fixed to a vehicle in accordance Article 23 shall not be removed or interfered with except by or under the authority of—
 - (a) the owner or person in charge of the vehicle; or
 - (b) a civil enforcement officer or other person authorised in that behalf by the Council.(2) A person contravening paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
27. (1) If a vehicle is left in a parking place in a position other than in

accordance with the provisions of Articles 4 or 5, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.

(2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.

(3) For the purpose of meeting the requirements of an emergency, Any civil enforcement officer or other person duly authorised by the Council or a Police Constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.

(4) Any person altering, or causing the alteration of the position of a vehicle by virtue of Paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or in such a manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

(5) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (2) or (3) of this Article shall make such arrangements as he considers being reasonable necessary for the safety of the vehicle in the place to which it is removed.

(6) Where a vehicle is removed in accordance with the provisions of this Article, the Council may recover the reasonable costs of such removal and storage from the driver, owner or other person claiming the vehicle.

Notwithstanding the provisions of this Order the Council may by Notice displayed on or near the parking place close any parking place or any part hereof for any period and no driver of any vehicle shall use the parking place or any part thereof when it is so closed without the consent of the Council.

The Council accepts no responsibility, either at common law or under the Occupiers Liability Act 1957, or otherwise, for loss of or damage to vehicles or other property left in any of the Council's parking places.

THE COMMON SEAL of THE COUNCIL)
OF THE BOROUGH OF EPSOM AND)
EWELL was hereunto affixed)
this 19th day of March 2009)
in the presence of)


Mayor


Interim Chief Executive



SCHEDULE I

1 Name of Parking Place	2 Position in which vehicle may wait	3 Class of vehicle	4 Days and hours of operation of parking place	5 Charging hours	6 Daily Charges & Maximum Period of Stay
Hudson House Car Park	Wholly within a marked parking bay other than a parking bay reserved for disabled persons' vehicles	Motor cars not exceeding 6'4" overall height including disabled persons' vehicles	Monday to Sunday All hours	Annual Residents/Business Parking Permits Penalty Charges (off street): Higher level of contravention Lower level of contravention	£780.00 per space including VAT £70 (£35 if paid within 14 days) £50 (£25 if paid within 14 days)