

## **THREE RIVERS DISTRICT COUNCIL**

### **THE THREE RIVERS (HENBURY WAY CAR PARK AND BRIDLINGTON ROAD CAR PARK, SOUTH OXHEY) (OFF-STREET PARKING PLACE) ORDER 2017**

Three Rivers District Council, pursuant to arrangements made with Hertfordshire County Council under Section 19 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and in exercise of the powers conferred upon said County Council by Sections 32, 35 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act") and under and in accordance with the provisions of Part 6 of The Traffic Management Act 2004 ("the 2004 Act") makes the following Order:

#### **Citation and commencement**

1. This Order may be cited as The Three Rivers (Henbury Way Car Park and Bridlington Road Car Park, South Oxhey) (Off-Street Parking Place) Order 2017 and shall come into force on 6<sup>th</sup> November 2017.

#### **Revocation**

2. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into force of this Order, item 11 in the Schedule to the Three Rivers (Off-Street Parking Places) Order 1994 as it relates to Bridlington Road car park, South Oxhey is hereby revoked in its entirety.

#### **Interpretation**

3. (1) In this Order:-

"access way" means an access way that enables vehicles to gain access to or egress from a parking place;

"charging post" means an installation adjacent to a parking bay for the purposes of recharging the batteries of an electric vehicle or hybrid vehicle by way of a connecting lead;

"civil enforcement officer" means a civil enforcement officer appointed by the Council under section 76 of the Traffic Management Act 2004;

"Council" means Three Rivers District Council and includes any parking services contractor or authorised agent appointed by and acting on behalf of the Council for the purposes of any function or provision provided under the provisions of this Order;

"designated officer" means an officer of the Council nominated by the person or committee with relevant powers delegated under the constitution of the Council to carry out Council functions associated with the provisions of this Order;

"disabled person's badge" has the same meaning as in regulation 3(1) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

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

"electric vehicle" means a vehicle in which the motive power is derived from an electrical storage battery which is not connected to any source of power when the vehicle is in motion;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"hybrid vehicle" means an electric vehicle which has at least one other energy source for traction purposes;

"invalid carriage" has the same meaning as in section 136(5) of the 1984 Act;

"loading area" means an area within the parking place or part thereof which is provided solely for the purpose of loading or unloading a vehicle and is indicated as such by signs or markings placed on the surface of the car park;

"maximum waiting period" means the maximum period of time a vehicle may wait in a parking bay during the operating times, as contained in column 6 of the Schedule;

"motor car" has the same meaning as in s.136(2) (a) of the 1984 Act;

"motor cycle" has the same meaning as in s.136(4) of the 1984 Act.;

"operating times" in relation to the Parking Place, means the days and hours of operation contained in columns 4 and 5 of the Schedule, excluding any time during which the parking place is either closed, suspended or reserved under the provisions of Article 10;

"Order map" means the drawing numbered 1000003108-2-SK02-01 dated 10/05/2017, which accompanies this Order;

"owner", in relation to a vehicle, means the person by whom the vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (c.22) is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered;

"parking bay" means any area within the parking place or part thereof which is provided for the leaving of one vehicle only at a time, unless specifically provided for more than one vehicle, and is indicated as such by markings placed on the surface of the parking place to show the limits of each individual parking bay;

"parking place" means the Henbury Way Car Park, South Oxhey which is depicted on the Order map, being an area of land, including any access way, that is provided by the Council under section 32 of the 1984 Act for use as an off-street parking place;

"relevant position" means –

- (a) in relation to the display on a vehicle of a disabled person's badge, when it is displayed in accordance with the provisions of Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
- (b) in relation to the display on a vehicle of a valid ticket or permit, on the front or nearside of the vehicle as specified in relation thereto in the definition of "valid" hereafter;

"Schedule" , unless otherwise specified, means the Schedule to this Order;

"solo motor cycle" means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 3 wheels, of which the weight unladen does not exceed 410 kilograms;

"the 1984 Act" means the Road Traffic Regulation Act 1984;

"valid", in relation to a disabled person's badge means that –

- (a) the badge is clearly displayed on the vehicle left in the parking place; and
- (b) the date of expiry of the badge has not elapsed;

"valid", in relation to a ticket or permit means that –

- (a) the ticket or permit is clearly displayed on the dashboard or fascia of the vehicle; or
- (b) where the vehicle is not fitted with a dashboard or fascia, the ticket or permit is displayed in a conspicuous position on the vehicle so that the front of the ticket or permit is clearly legible from the outside of the vehicle;
- (c) in the case of a permit the date of expiry of the permit has not elapsed or that the permit has not been surrendered or withdrawn; and
- (d) In the case of a ticket the time and date of expiry of the ticket has not expired.

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

- (3) Any reference in this Order to a numbered Article shall, unless the context otherwise requires, be construed as a reference to the Article bearing that number in this Order.

#### **Use of the parking place**

4. The parking place specified in column 1 of the Schedule may only be used, subject to the provisions of this Order, for the leaving of such vehicles as are motor cars, solo motor cycles, motor cycles or invalid carriages as specified in column 3 of the Schedule.

#### **Amount of parking charge in the parking place**

5. (a) The parking charge for a vehicle left in the parking place during the operating times shall be as specified in column 7 of the Schedule.
- (b) The charge referred to in Article 5(a) of this Order shall be payable by the insertion of an appropriate coin or coins in to the apparatus or device provided, being an apparatus or device approved in accordance with s.35 (3) of the 1984 Act and the provisions of s47(5) of the 1984 Act shall apply in respect of such apparatus.
- (c) Any ticket issued on payment or otherwise of the charge referred to in Article 5(a) of this Order shall be displayed in the relevant position.

#### **Conditions of use of the parking place at all times**

6. At all times:
- (a) no person shall cause or permit any vehicle to enter or be left in the parking place or part thereof unless the vehicle is of a class specified in Article 4 or a vehicle being used for fire brigade, ambulance or police purposes, or in the service of the Council whilst being used in the pursuance of statutory powers or duties;
- (b) no person shall cause or permit any vehicle to be left in the parking place other than wholly within the limits of a parking bay in accordance with column 2 of the Schedule;
- (c) where there is a sign or surface marking within or adjacent to a parking bay indicating that the parking bay may be used only by –
- (i) vehicles displaying a disabled person's badge, no person shall leave any vehicle in that parking bay other than a vehicle displaying a valid disabled person's badge in the relevant position;
- (ii) vehicles displaying a permit, no person shall leave any vehicle in that parking bay other than a vehicle displaying a valid permit in the relevant position;

- (iii) solo motor cycles, no person shall leave any vehicle in that parking bay other than a solo motor cycle;
  - (iv) electric or hybrid vehicles for the purpose of recharging, no person shall leave any vehicle in that bay other than an electric vehicle or hybrid vehicle connected by a cable to a charging post for the purposes of recharging the batteries of the said vehicle.
- (d) where there is a sign or surface marking within or adjacent to an area of the parking place or a parking bay, indicating that the area or parking bay may only be used by certain other specified vehicles, no person shall leave a vehicle in that area or parking bay, unless that vehicle is one of the specified vehicles;
- (e) where there is a sign or surface marking within the parking place indicating that an area may only be used for the purpose of loading and unloading a vehicle, no person shall leave any vehicle in that area other than for the purposes of such loading and unloading;
- (f) where in the parking place signs or surface markings are placed for the purpose of indicating –
- (i) the entrance to or exit from the parking place, no person shall cause or permit any vehicle to enter the parking place other than by that entrance so indicated or to leave the parking place other than by the exit so indicated;
  - (ii) the direction in which or the speed at which a vehicle shall proceed, no person shall cause or permit any vehicle to proceed in the parking place otherwise than in the direction or at the speed indicated, as the case may be;
- (g) no person shall cause or permit any vehicle to be left in the parking place so as to cause an obstruction;
- (h) no person shall cause or permit any vehicle to be left or to wait at any time, including waiting for the purposes of loading or unloading that vehicle, in the parking place or access way, otherwise than in a parking bay or loading area.

#### **Conditions of use of the parking place during the operating times**

7. (a) No person shall cause or permit a vehicle authorised to use the parking place as set out in Article 4 to wait in a parking bay for a period exceeding the maximum waiting period as specified in column 6 of the Schedule.
- (b) Where a vehicle has left the parking place after waiting therein, the driver shall not permit it to wait again in the parking place for a minimum period of time as specified in column 6 of the Schedule.

(c) No person shall cause or permit a vehicle authorised to use the parking place as set out in Article 4 to be left in the parking place without it displaying a valid permit or a ticket issued by a device provided as specified in Article 5(b) of this Order and displayed in the relevant position when such a device is provided by the Council at the parking place for that purpose.

#### **Movement of a vehicle in the parking place**

8. Any designated officer may, in an emergency, move, cause or permit to be moved any vehicle left in the parking place to any place they think fit.

#### **Removal of a vehicle from the parking place**

9. (1) Where a civil enforcement officer is of the opinion that any of the provisions of this Order have been contravened or not complied with, they may remove or cause or permit to be removed the vehicle from the parking place and where it is so removed, shall provide for the safe custody of the vehicle.
- (2) Where a vehicle has been removed from the parking place in accordance with the provisions of paragraph (1) of this Article, a fee shall be payable to the Council in respect of the removal of that vehicle and a daily charge shall be payable in respect of the storage of that vehicle.

#### **Closure or suspension of the parking place or any part thereof**

10. (1) The Council may by notice or sign displayed at or near the parking place close, suspend or reserve for particular vehicles the use of the parking place or any part thereof for any purpose.
- (2) No person shall cause or permit any vehicle to be in the parking place or any part thereof if there is a notice or sign indicating that the use of the parking place or part thereof is closed, suspended or reserved for particular vehicles:

Provided that nothing in this sub-paragraph shall apply in relation to a vehicle in respect of which the parking place or part thereof has been reserved.

#### **Contravention of this Order**

11. If a vehicle is left in a parking place without complying with the provisions of this Order, then a contravention of, or failure to comply with, the provisions of this Order shall be deemed to have occurred and the owner of the vehicle in question shall be liable for a penalty charge as set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 and the provisions of Part 6 and Schedule 9 the Traffic Management Act 2004.

### Other supplementary provisions

12. (1) The driver of a motor vehicle using the parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine again except when about to change the position of the vehicle in or to depart from the parking place.
- (2) No person shall, except with the permission of a designated officer, use a vehicle while it is in the parking place, in connection with the sale of any article to persons in or near the parking place (except in a demonstration of goods given with the express consent of the Council at which no sale takes place) or in connection with the selling or offering for hire of that person's skills or services.
- (3) No person shall use any part of the parking place or any vehicle left in the parking place –
- (a) for sleeping or camping or cooking purposes;
- (b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
- (4) No person shall, except with the permission of a designated officer, allow a vehicle to be left in the parking place overnight, outside the opening and operating times.
- (5) The driver of a motor vehicle using the parking place shall not sound any horn or similar instrument except when about to change the position of a vehicle in or to depart from the parking place.

THE COMMON SEAL of the THREE RIVERS )  
DISTRICT COUNCIL was hereunto )  
affixed on this thirtieth day of October 2017 )  
In the presence of: )



Solicitor to the Council



13/17

### **SCHEDULE**

Name of parking place	Position in which vehicles to wait	Class of vehicle	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait	Charge payable for each period of waiting
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
Henbury Way	Wholly within a parking bay	(i) Motor cars (ii) Motor cycles with side cars (iii) invalid carriages (iv) Solo motorcycles	Monday to Saturday (inclusive)	8:30 a.m. to 6:30 p.m.	4 hours with no return within 2 hours	None specified