

WATFORD DISTRICT COUNCIL

THE BOROUGH OF WATFORD (CASSIOBURY PARK GADE AVENUE CAR PARK, WATFORD) (OFF-STREET PARKING PLACE) ORDER 2016

Watford Borough Council, in exercise of the powers conferred under sections 32, 35 and 124 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("The 1984 Act") and of all other enabling powers, and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to that Act, hereby makes the following Order:-

Citation and commencement

1. This Order may be cited as The Borough of Watford (Cassiobury Park Gade Avenue Car Park, Watford) (Off-Street Parking Place) Order 2016 and shall come into force on Monday 22 May 2017.

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;

"coach" means a motor vehicle constructed or adapted to carry more than 8 passengers in addition to the driver;

"Council" means Watford Borough 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 Head of Regeneration and Development or equivalent 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;

"goods carrying vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

"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 stay 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 to this Order;

"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.;

"operational period" in relation to the Parking Place, means the days and hours contained in columns 4 and 5 of the Schedule to this Order excluding any time during which the parking place is either closed, suspended or reserved under the provisions of Article 8;

"Order map" means the drawing numbered 806/1 dated August 2016, 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 Cassiobury Park, Gade Avenue Car Park, Watford which is depicted on the Order plan numbered 811/01 and dated August 2016, 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;

"permit" means a permit issued under the provisions of Article 11;

"permit holder" means a person to whom a permit has been issued under the provisions of Article 11;

"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;

"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; and
- (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.
- (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 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.

Amount of initial charge in the parking place

5. (a) The initial charge for a vehicle left in the parking place during the operational period 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) Where no initial charge is specified in column 7 of the Schedule a ticket shall be obtained from an 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.
- (d) Any ticket issued on payment of the charge referred to in Article 5(a) of this Order or otherwise 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;
- (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 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 operational period

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 stay period as specified in column 6 of the Schedule to this Order.

- (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 to this Order.
- (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. A civil enforcement 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 or any other duly authorised Council 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.

Permits for the use of the parking place

11. (1) Subject to such terms and conditions as the Council shall think fit, they may issue a permit to an applicant for the leaving of a vehicle in a marked parking bay within the parking place during the operational period.
- (2) A permit shall be valid for such period as the Council shall think fit, but in any event no longer than a period of twelve months running from the date the permit first becomes valid.
- (3) The Council may either issue a permit free of charge or may make such a charge as appears to be reasonable in the circumstances of each application.
- (4) A permit holder who surrenders a permit to the Council whether before or after it becomes valid, shall not be entitled to a refund of any charges paid, unless the Council in its discretion considers that there are exceptional circumstances to justify refunding that charge, either in full or in part.
- (5) The Council may by notice in writing served on the permit holder by sending the same by recorder delivery service or similar to the permit holder at the address shown by that person on the application for the permit or any other address believed to be that person's place of abode, withdraw a permit if it appears to the Council that there are sufficient reasons to justify such withdrawal having regard to the circumstances of the permit holder, so far as they may be known, and the permit holder shall surrender the permit within 48 hours of receipt of the aforementioned notice.
- (6) A permit shall be in writing and shall include the following particulars –
 - (a) the registration mark of the vehicle in respect of which the permit was issued unless, at the discretion of the Council, the permit is issued as an open permit;
 - (b) the period during which the permit shall remain valid;
 - (c) an indication that the permit has been issued by the Council; and
 - (d) an indication of the car park or parks within which it is valid.

Contravention of this Order

12. A vehicle left in the parking place at any time in contravention of the provisions of this Order shall incur a penalty charge.

Other supplementary provisions

13. (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 WATFORD
BOROUGH COUNCIL was hereunto
affixed on this 18th day of May 2017
In the presence of:



Carol Chen
Carol Chen
Head of Democracy and Governance

VERIFIED	
MIN No	D/A 17.12.16
O/O S/H	

SCHEDULE

Name of parking place	Position in which 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	Season tickets
1	2	3	4	5	6	7	8
Cassiobury Park, Gade Avenue	Wholly within a parking bay	(i) Motor cars (ii) Motor cycles with side car (iv) Solo motorcycles (iii) invalid carriages	Mon-Sat	10a.m. to 6 p.m.	6 hours with no return within 2 hours	None specified	None specified