

WATFORD BOROUGH COUNCIL

THE BOROUGH OF WATFORD
(OFF-STREET PARKING PLACES) ORDER 2007

The Council of the Borough of Watford ("the Council") pursuant to arrangements made under Section 19 of the Local Government Act 2000 and the Local Government (Arrangements for Discharge of Functions) (England) Regulations 2000 with the Hertfordshire County Council and in exercise of the powers conferred on that County under Sections 32 and 35 of the Road Traffic Regulation Act 1984 and the Road Traffic Act 1991 and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:

PART 1 - PRELIMINARY

Citation and Commencement

1. This Order shall come into operation on 14th December 2007 and may be cited as "The Borough Of Watford (Off-Street Parking Places) Order 2007".

Interpretation

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

"1984 Act" means The Road Traffic Regulation Act 1984.

"charging hours" means the period as specified in column 6 of Schedule 1, 2 or 3 in respect of which a charge is specified in Article 5;

"Council" means Watford Borough Council and includes any parking services contractors or authorised agent appointed by and acting on behalf of the Council for the purposes of any function under the provisions of this Order;

"designated long-term bay" means a parking bay which is available for the sole use of long-term / all-day parking;

"designated officer" means an officer of Watford Council nominated by the Head of Planning and Development or equivalent to carry out Council functions associated with the provisions of this Order;

"disabled person's badge" and "disabled person's vehicle" have the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1992 and as amended by the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000.

"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;

"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;

"initial charge" means the charge payable in respect of the initial period, as contained in column 7 of Schedule 1, 2; or 3

"initial period" means the maximum time period a vehicle may wait, as contained in column 6 of Schedule 1, 2 or 3;

"initial ticket" means the first ticket obtained when using the parking place

"motor-cycle" has the same meaning as that in the Road Vehicles (Construction and Use) Regulations 1986;

"operational time" means the hours and days contained in columns 4 and 5 of Schedule 1, 2 or 3;

"owner", in relation to a vehicle, means the person by whom such vehicle is kept and used;

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

"parking bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;

"parking place" means any area of land specified by name in column 1 of the Schedule provided by the Council under s.32 (1) of the 1984 Act for use as a parking place;

"penalty charge" has the same meaning as in Section 82(1) of the Road Traffic Act 1991;

"reserved bay" means any area of a parking place, as specified in column 1 of Schedule 1, 2 or 3 that is reserved solely for the use of permit holders.

- (a) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.
- (b) 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 virtue of any subsequent enactment.

- (c) For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when it is so regarded for the purposes of Regulation 3 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986, as amended by the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000.

PART II - USE OF LAND AND PARKING PLACE

3. (1) Each area of land specified by name in column 1 of Schedule 1, 2 or 3 may be used, subject to the following provisions of this Order, as a parking place for such classes of the vehicles, in such positions on such days and during such hours as are specified in relation to that area in Schedule 1, 2 or 3.
- (2) Where in Schedule 1, 2 or 3 a parking place is described as available for vehicles of a specified class or in a specific position, the driver of a vehicle shall not permit it to wait in that parking place unless it is of a class and in the position so specified.
- (3) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person's vehicle, displaying a disabled person's badge.
- (4) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a motorcycle, the driver of a vehicle shall not permit it to wait in that parking bay unless it is a motorcycle.
- (5) In so far as a vehicle is left in a parking place during the charging hours, the driver thereof shall pay such a charge or charges as are specified in Article 5 of this Order.
4. (1) At the expiry of the period for which the initial ticket is valid, the vehicle shall be removed from the parking place.
- (2) When a vehicle has left a parking place after waiting therein, the driver thereof shall not, within one hour after its leaving, permit it to wait again in that parking place.

PART III - AMOUNT OF INITIAL CHARGE AT PARKING PLACES

5. (1) This Article applies to the parking places specified in column 1 of Schedule 1, 2 or 3.
- (2) The initial charge for a vehicle left in a parking place during the charging hours shall be as specified in column 7 of the Schedule.

- (3) The charge referred to in Article 5 (2) of this Order shall be payable by the insertion of an appropriate coin or coins into 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 Section 47(5) of the 1984 Act shall apply in respect of such apparatus.
- (4) The owner of a vehicle may on application to the Council purchase a season ticket in respect of that vehicle for a charge as set out in column 8 of the Schedule and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued.
- (5) The Council may, at its discretion, issue staff and member passes, residents or shopkeeper permits or other permits to essential car park users and such passes or permits shall be issued at such charges and such conditions of use as regards parking places, days and hours and maximum stay as the Council may determine.
- (6) Any ticket issued on payment or otherwise of the charge referred to in Article 5 (2) of this Order, or season ticket issued in accordance with Article 5 (4) of this Order, or pass or permit issued in accordance with Article 5 (5) of this Order shall be displayed in a conspicuous position by means of attachment to the windscreen of the vehicle in respect of which it was issued. A vehicle shall not be left in a parking place if it displays an out of date ticket, season ticket, pass or permit.

PART IV - AMOUNT OF PENALTY CHARGE AT PARKING PLACES

6. (1) If a vehicle is left in a parking bay during the charging hours for longer than the initial period for which the initial ticket was obtained, or does not display a ticket, season ticket, pass or permit in accordance with Article 5 (6) hereof, or is parked in a parking place reserved for the sole use of vehicles of an exempted class when it is not of the exempted class in accordance with Article 3(2) hereof, or is parked in a place other than a designated parking bay or is parked in a reserved bay for a specified class when it is not of that class, the driver shall pay a penalty charge of £60 or of £30 if the amount is paid within 14 days of the penalty charge being incurred.
- (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by Section 66 (3) of the Road Traffic Act 1991 may be issued by a parking attendant in uniform in accordance with the requirement of Section 66 (1) of the said Act.

- (3) The penalty charge shall be paid to the Council by cheque or such other method deemed appropriate by the Council which shall be delivered or sent by post to the Council at the address indicated on the penalty charge notice and in accordance with the instructions on that notice, to arrive not later than:-
- (a) the twenty-eighth day from the date of the notice; or
 - (b) in the case of a reduced penalty charge, the fourteenth day from the date of the notice;
- Provided that, if the said twenty-eighth day, or as the case may be, fourteenth day, falls upon a Sunday or public holiday or a day on which the said Council's offices are closed, the period within which payment of the said charge shall be made shall be extended until the next full day on which the said offices are open.
- (4) The particulars as to the time at which a ticket was obtained from the parking apparatus specified on the ticket issued by parking apparatus and affixed in accordance with Article 5 (6) of this Order shall be evidence of the particulars so verified.

PART V - RESTRICTION ON REMOVAL OF NOTICES

7. When a notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the notice from the vehicle.

PART VI - OTHER PROVISIONS

8. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle (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.
9. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the 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.
10. (1) No person shall, except with the permission of a designated officer, use a vehicle, while it is in a 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.

- (2) No person shall use any part of a parking place or any vehicle left in a parking place:-
 - (a) for sleeping or camping or cooking;
 - (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.
11. The driver of a vehicle using a parking place shall not sound any horn or similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
12.
 - (1) Where any vehicle is standing in a parking place in a position other than in accordance with the provisions of Article 3, a parking attendant may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.
 - (2) Where a parking attendant is of the opinion that any of the foregoing provisions of this Order have been contravened or not complied with in respect of a vehicle left in any part of a parking place they may remove or cause to be removed the vehicle from the parking place.
 - (3) For the purpose of meeting the requirements of an emergency, a parking attendant 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 other 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 paragraph (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.
13. 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,

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- no person shall drive 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 so specified.
14. No person shall, except with the permission of a designated officer, drive or permit to be driven any vehicle in a parking place for any purpose other than 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.
 15. Nothing in Articles 3, 5 and 6 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge to wait in a designated parking bay referred to in the said Articles, but the driver shall pay such a charge or charges as are specified in Article 5 of this order.
 16. Nothing in Articles 3, 5 and 6 of this Order shall render it unlawful to cause or permit a motor-cycle to wait in a designated parking bay or in a designated motorcycle bay referred to in the said Articles, for any period of time and at no initial charge.
 17. This Order revokes those provisions of The Borough of Watford) (Off-Street Parking Places) Order 1990, as amended, that refer solely to Town Hall Car Park and / or The Avenue Car Park, Watford.

THE COMMON SEAL of the WATFORD)
BOROUGH COUNCIL was hereunto)
affixed on this 19th day of October)
2007 in the presence of:



Angele Kerth
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Head of Legal and Democratic Services

Legal Services Manager

VERIFIED	
MIN No	001 added to No 020
O/O S/M	RS
	15/10/07
	<i>[Signature]</i>

SCHEDULE ONE

All Purpose Car Parks

SCHEDULE ONE – All Purpose Car Parks

Name of Parking Place	Position in which vehicle may wait	Classes 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 (Mon to Sun inclusive)
1	2	3	4	5	6	7	8
Town Hall Car Park (comprising 115 marked spaces including 'disabled persons' bays as indicated on Plan No. TP 1114 – August 2007))	Wholly within a parking bay	(i) Motor cars within the provision of s.136(2)(a) of the 1984 Act; (ii) Motor cycles with sidecars; (iii) invalid carriages; disabled persons vehicles	All days.	All hours; but only pass holders are admitted between 7am and 3.59pm on Monday to Friday	Maximum stay 24 hours. Monday to Friday: any period between 4.00pm and midnight at all other times. Saturday, Sunday and Bank Holiday: between 7.00am and 5.59pm Up to 1 hour 1 to 2 hours 2 to 3 hours 3 to 4 hours in excess of 4 hours. any period between 6.00pm and midnight at all other times	£1.00 no charge 60p £1.20 £1.80 £2.40 £3.00 £1.00 no charge	Season tickets not available

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Name of Parking Place	Position in which vehicle may wait	Classes 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 (Mon to Sun inclusive)
1	2	3	4	5	6	7	8
<p>The Avenue Car Park</p> <p>(comprising 123 spaces including 6 'disabled' bays as indicated on Plan No. TP 1113 – August 2007)</p>	<p>Wholly within a parking bay</p>	<p>(i) Motor cars within the provisions of s.136(2)(a) of the 1984 Act; (ii) Motor cycles with sidecars; (iii) invalid carriages; disabled persons vehicles</p>	<p>All days</p>	<p>All hours</p>	<p>Maximum stay 24 hours. Any day: any period between 7.00am and 5.59pm Up to 1 hour 1 to 2 hours 2 to 3 hours 3 to 4 hours Any period greater than 4 hours between 7.00am and 5.59pm any period between 6.00pm and midnight at all other times</p>	<p>60p £1.20 £1.80 £2.40 £3.00 £1.00 no charge</p>	<p>£300 per six months period</p>

SCHEDULE TWO

Short Stay Car Parks (up to 4 hours)

SCHEDULE TWO - Short Stay Car Parks (up to 4 hours)

Name of Parking Place	Position in which vehicle may wait	Classes 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 (Mon to Sun inclusive)
1	2	3	4	5	6	7	8
None specified	Wholly within a parking bay	(i) Motor cars within the provisions of s.136(2)(a) of the 1984 Act; (ii) Motor cycles with sidecars; (iii) invalid carriages; disabled persons vehicles	All days	All hours	Maximum stay four hours. Any day:	None specified	None specified

SCHEDULE THREE

Long Stay Car Parks (up to 24 hours)

SCHEDULE THREE - Long Stay Car Parks (up to 24 hours)

Name of Parking Place	Position in which vehicle may wait	Classes 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 (Mon to Sun inclusive)
1	2	3	4	5	6	7	8
None specified	Wholly within a parking bay	(i) Motor cars within the provisions of s.136(2)(a) of the 1984 Act; (ii) Motor cycles with sidecars; (iii) invalid carriages; disabled persons vehicles	All days	All hours	Maximum stay 24 hours. Any day:	Non specified	Non specified