

WATFORD BOROUGH COUNCIL**TRAFFIC REGULATION ORDER****2015 No 771****THE BOROUGH OF WATFORD (HAINES WAY OFF-STREET PARKING PLACE)
ORDER 2015**

The Watford Borough Council, in exercise of the powers conferred under sections 35 and 124 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 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 (Haines Way Off-Street Parking Place) Order 2015 and shall come into force on 13th February 2015.

Interpretation

2. (1) In this Order:-

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

"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 Planning 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;

"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;

“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;

“minibus” means a motor vehicle which is constructed to carry more than 8 but not more than 16 seated passengers in addition to the driver;

“motor cycle” means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the weight unladen does not exceed 410 kilograms;

“operating times” in relation to the Parking place, means the times shown at the various locations on drawing number WBC/TRO/771/JY/01, 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 WBC/TRO/771/JY/01 dated 16th September 2014, 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 Haines Way Car Park which is depicted on the Order map, being an area of land divided into zones 1, 2,3 and 4, 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;

“passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

“permit” means a permit issued under the provisions of Article 9;

“permit holder” means a person to whom a permit has been issued under the

provisions of Article 9;

"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 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 permit means that –

- (a) the 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 permit is displayed in a conspicuous position on the vehicle so that the front of the permit is clearly legible from the outside of the vehicle; and
- (c) the date of expiry of the permit has not elapsed or that the permit has not been surrendered or withdrawn.

(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.

(4) Each area of land specified in column 1 of the schedules 1, 2, 3 or 4 May be used to the provisions of this order as a parking place for such classes of vehicles, in such positions on such days during such hours and for such maximum lengths of stay and return periods as specified in relation to that area

in schedules 1,2,3 or 4.

Use of the parking place during operating times

5. The parking place may only be used, subject to the provisions of this Order, for the leaving during the operating times of such vehicles as are passenger vehicles, goods carrying vehicles, motor cycles or invalid carriages.

Conditions of use of the parking place during its operating times

6. During the operating times of the parking place –

- (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 5:

Provided that nothing in this paragraph shall apply in relation to a vehicle being used for fire brigade, ambulance or police purposes, or in the service of the Council whilst being used in 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 either a parking bay, loading area or solo motor cycle area, as appropriate;
- (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 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 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;
- (d) 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;
- (e) 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;
- (f) no person shall cause or permit any vehicle to be left in the parking place so as to cause an obstruction;
- (g) 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.

Movement of a vehicle in the parking place

7. 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

8. (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

9. (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

10. (1) Subject to such terms and conditions as the Council shall think fit, they may issue a permit to an applicant for the leaving during the operating times in a parking bay reserved for vehicles displaying a permit for a vehicle to which such permit relates.

(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

11. If a vehicle is left in the parking place at any time, without complying with the above-mentioned provisions of this Order, then a contravention of or a failure to comply with the provisions of this Order shall be deemed to have occurred.

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.

SCHEDULES

SCHEDULE 1 – WHEELCHAIR USER PERMIT HOLDERS PARKING BAYS

Name of Parking Place	Position in which a vehicle may wait	Classes of vehicles	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
Zone 1- Wheelchair users	Wholly within a parking bay	(i) Invalid Carriages; Wheelchair users vehicles	All days	All hours	Maximum stay 24hours Anyday	Non Specified	Non Specified

SCHEDULE 2- DALE COURT RESIDENT AND RESIDENT VISITOR PERMIT HOLDERS ONLY PARKING BAYS

Name of Parking Place	Position in which a vehicle may wait	Classes of vehicles	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
Zone 2- Dale Court Resident and Resident Visitors	Wholly within a parking bay	(i) Motor cars within the provisions of s.136(2)(a) of the 1984 Act. (ii) Motor cycles with side cars (iii) Invalid Carriages; disabled persons vehicles.	All days	All hours	Maximum stay 24hours Anyday	Non Specified	Non Specified

SCHEDULE 3- SHORT STAY PARKING BAYS MON – FRI 8AM TO 4PM, MAX 1HOUR NO RETURN WITHIN 4HOURS

Name of Parking Place	Position in which a vehicle may wait	Classes of vehicles	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
Zone 3- Short stay bays for all members of the public	Wholly within a parking bay	(i) Motor cars within the provisions of s.136(2)(a) of the 1984 Act. (ii) Motor cycles with side cars (iii) Invalid Carriages; disabled persons vehicles	Mondays - Fridays	8am – 4pm	Maximum stay 1 hour no return within 4 hours	Non Specified	Non Specified

SCHEDULE 4- SHORT STAY PARKING BAYS MON – SUN 8AM TO 4PM, MAX 1HOUR NO RETURN WITHIN 4HOURS

Name of Parking Place	Position in which a vehicle may wait	Classes of vehicles	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
Zone 4- Short stay bays for Shoppers Only	Wholly within a parking bay	(i) Motor cars within the provisions of s.136(2)(a) of the 1984 Act. (ii) Motor cycles with side cars (iii) Invalid Carriages; disabled persons vehicles	Mondays - Fridays	8am – 4pm	Maximum stay 1 hour no return within 4 hours	Non Specified	Non Specified

THE COMMON SEAL of THE WATFORD)
BOROUGH COUNCIL was hereunto)
affixed on this 13th day of February 2015)
In the presence of:



5078/15

Carl Chen
Head of Democracy and Governance

VERIFIED	
MIN	<i>Del 6</i>
No	<i>4</i>
CO	<i>10/2/15</i>
	<i>RS</i>

