

WATFORD BOROUGH COUNCIL**TRAFFIC REGULATION ORDER****2016 No 802****THE BOROUGH OF WATFORD (BUSHEY ARCHES, WATFORD) (OFF-STREET
PARKING PLACE) ORDER 2016**

The Watford Borough Council, in exercise of the powers conferred under sections 32, 35, 35A and 124 to the Road Traffic Regulation Act 1984 ("the 1984 Act") and Schedule 3 of the Road Traffic Act 1991 ("the 1991 Act") and in accordance with the provisions of Part 6 of the Traffic Management Act 2004 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 (Bushey Arches, Watford) (Off-Street Parking Place) Order 2016 and shall come into force on or after 5th May 2016.

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 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;

"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;

"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.

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

"charging posts" means an installation adjacent to a parking place for the purposes of recharging the batteries of an electric vehicle or hybrid vehicle by means of a connecting lead.

"operating times" in relation to the Parking place, means the days and times specified in column 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 9.

"Order map" means the drawing numbered WBC/TRO/802/JY/01, 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 Exercise 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 Bushey Arches Car park as depicted on the Order map, comprising of marked parking bays with numbers 1- 31 and including access ways, 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 10;

"permit holder" means a person to whom a permit has been issued under the provisions of Article 10;

"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;

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

- (a) the badge is clearly displayed in the relevant position 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.

Use of the parking place during operating times

3. The parking place may only be used, subject to the provisions of this Order, as a parking place for such classes of vehicles, in such positions on such days and during such hours as are specified in relation to that area in the Schedule to this Order.

Conditions of use of the parking place during its operating times

4.

- (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 3:

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 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, no person shall leave any vehicle in that parking bay either than an electric or hybrid vehicle which is connected to a charging post by means of a connecting lead for the purpose of recharging the batteries of the said vehicle

- (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.
5. During the hours of operation of the Parking Place as specified in columns 4 and 5 of the Schedule no person shall cause or permit any vehicle to be left in the Parking Place unless displaying a valid permit issued by the Council under the provisions of Article 10.
6. no person shall cause or permit a vehicle to wait longer than the maximum period specified in column 6 of the Schedule.

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 one permit per household to an applicant from property numbers 1- 31 Chalk Hill and flats above property number 33-35 Chalk Hill 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.

(4) 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.

(5) 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. (1). If a vehicle is left in the parking place at any time, without complying with the 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 and a penalty charge shall be payable.

(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 Traffic Management Act 2004 may be issued by a civil enforcement officer in uniform in accordance with the requirement of section 66(1) of the said Act.

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.

SCHEDULE 1 – SHORT STAY 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 to Sun Inclusive)
<p align="center">1</p> <p>Bushey Arches car park comprising of parking bays labeled, 1,2,3,4,5,6,7,8,9,10 as shown on drawing number WBC/TRO/802/JY/01 dated December 2015</p>	<p align="center">2</p> <p>Wholly within a parking bay</p>	<p align="center">3</p> <p>(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.</p>	<p align="center">4</p> <p>Monday-Saturdays</p>	<p align="center">5</p> <p>8am- 6.30pm</p>	<p align="center">6</p> <p>Maximum stay 2hours No return within 4hrs</p>	<p align="center">7</p> <p>Non Specified</p>	<p align="center">8</p> <p>None Specified</p>

SCHEDULE 2 – 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	Season Tickets (Mon to Sun Inclusive)
1 Bushey Arches car park comprising of parking bays labeled, 11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26, and 27 as shown on drawing number WBC/TRO/802/JY/01 dated December 2015	2 Wholly within a parking bay	3 (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.	4 Mondays-Saturdays	5 8am - 6.30pm	6 Maximum stay 24hours Any day	7 £20 per permit	8 None Specified

SCHEDULE 3- DISABLED 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
Bushey Arches car park comprising of parking bays labeled 30 and 31 as shown on drawing number WBC/TRO/802/JY/01 dated December 2015	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 2 hours No return within 4hrs	Non Specified	None Specified

SCHEDULE 4 – ELECTRIC CHARGING VEHICLES

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 Bushey Arches car park comprising of parking bays labeled 28 and 29 as shown on drawing number WBC/TRO/802/JY/01 dated December 2015	2 Wholly within a parking bay	3 (i) Electric or hybrid vehicles that are 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.	4 All days	5 All hours	6 Maximum stay 4hours No return within 4hrs	7 Non Specified	8 None Specified