

WOKING BOROUGH COUNCIL

**WOKING BOROUGH COUNCIL (WOKING PARK)
(OFF-STREET PARKING PLACES) ORDER 2005**

Woking Borough Council (hereinafter referred to as "the Council") in exercise of its powers under sections 32 and 35 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act"), and the Road Traffic Act 1991 (as amended) where generally or in relation to the Council's area (the 1991 Act) and of all other enabling powers with the consent of the County Council of Surrey in accordance with section 39(3) of the Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

PART I

GENERAL

Commencement and Citation

1. (a) This Order shall come into operation on the 25th day of July 2005, and may be cited as the Woking Borough Council (Woking Park) (Off-Street Parking Places) Order 2005.
- (b) The Woking Borough Council (Woking Park) (Off-Street Parking Places) Order 2003 is hereby revoked.

Definitions, Interpretation and General

2. (a) In this Order except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"coaches" as defined in the Road Vehicles (Construction and Use) Regulations 1986;

"charging hours" means the period between 8 a.m. and 6 p.m. on Mondays to Fridays inclusive;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (S.I. 2000 No. 682) and 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 displayed in the manner prescribed by regulation 12 of those Regulations;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge;

"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;

"invalid carriage" has the same meaning as in section 136 of the Act;

“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 of the areas of land mentioned in column 2 of Schedule I to this Order being areas provided by the Council under section 32(1) of the Act for use as parking places;

"penalty charge" means the charge set by Surrey County Council under the provisions of the Road Traffic Act 1991 which is to be paid to the Council following the issue of a Penalty Charge Notice within twenty-eight days of the issue of that Notice;

“permit” means a parking permit issued by the Council at its discretion;

"relevant position" means

- (i) in the case of a vehicle fitted with a front windscreen, on the inside of the windscreen facing forward;
- (ii) in the case of a vehicle not fitted with a front windscreen, on the front or near side of the vehicle in such a position as to be readily visible;

“reserved bay” means a bay which is reserved for a particular vehicle or class of vehicles, or for a particular person or class of persons, and which, by a sign or other writing, is designated a reserved bay;

“season ticket” means a ticket issued by the Council at a charge indicated in Article 10(b) of this Order;

"scale of charges" means the charges set out in Schedule II to this Order;

“ticket machine” means an apparatus designed to issue tickets indicating the date, time of entry and time of departure being apparatus approved for such purpose by the Secretary of State for the Environment, Transport and the Regions.

- (b) Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- (c) 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.
- (d) Section 47(3) of the Act shall apply to this Order and references therein to “parking meter” shall be construed as references to “ticket machine”.

- (e) The Council reserves the right:-
 - (i) to suspend all or part of this Order by means of appropriate signing;
 - (ii) to close the parking place, or any part of it, for any period and for any reason, and no driver of any vehicle shall use the parking place, or any part of it, when it is so closed.

PART II

USE OF PARKING PLACE

- 3. (a) The parking places specified by name in column 2 of Schedule I to this Order and as shown on drawing no. WCP/CH/1 may be used, subject to the following provisions of this Order, as parking places for such classes of vehicles, in such positions and on such days and during such hours as are specified in relation to those parking places in the said Schedule.
- (b) If a vehicle (other than a motor cycle or a coach or a vehicle mentioned in Article 12) is left in a parking place the driver shall pay the appropriate charge as set out in the Scale of Charges and in accordance with Article 9, being a charge for the estimated period within the charging hours during which the vehicle will remain in the parking place.
- (c) Where a vehicle is left in any parking place during the charging hours the driver or person in charge of the vehicle shall not cause or permit the vehicle to leave the parking bay in which it is left and return to the same parking bay or to any other parking bay or parking place within one hour.
- (d) 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 which displays in the relevant position a valid disabled person's badge.
- (e) (i) Where, within a parking place, there is a sign which indicates that certain areas are available only for the holders of car park season tickets between specific times, the driver of a vehicle shall not permit it to wait in such areas unless it is a vehicle on which is displayed in the relevant position a season display ticket which is valid at that date in that parking place.
 - (ii) The driver of such vehicle as mentioned in (e) (i) above, shall not permit it to wait in areas where there is a sign which indicates that such areas are not available for season ticket holders.
- (f) The driver of a vehicle which has been issued with a permit by the Council must park in the designated long stay area of parking place No. 1 (i.e. 1B) or in parking place Nos. 5 to 7 as specified in column 2 of Schedule I to this Order unless there are no vacant parking bays.
- (g) The driver of a vehicle shall not permit it to wait in a reserved bay within a parking place unless the bay has been specifically reserved (as indicated by a sign or other writing) for his or her particular class of vehicle or person.

- (h) The driver of a vehicle purchasing a ticket to park in excess of 4 hours must park in the designated long-stay area of parking place No. 1 (i.e. 1B) unless there are no vacant parking bays.
4. The driver of a vehicle shall not permit it to wait in a parking place if it is:-
 - (a) of a class other than that specified in relation to that parking place in Schedule I to this Order; or
 - (b) in excess of the limits specified in column 4 of Schedule I to this Order; or
 - (c) in a position other than that so specified in column 3 of Schedule I to this Order; or
 - (d) in a position where waiting is by notice declared to be prohibited; or
 - (e) in such a position as to cause a nuisance or obstruction to other vehicles and/or pedestrians; or
 - (f) positioned in or across bays marked with yellow hatching.
 5. Irrespective of whether a penalty charge is incurred or paid the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in column 6 of Schedule I to this Order in relation to that parking place.
 6.
 - (a) No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a parking place other than for 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.
 - (b) 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 within or to depart from the parking place.
 7. No person shall in a parking place:-
 - (a) play any ball game or game using a ball;
 - (b) ride any bicycle, moped, scooter or motor cycle unless proceeding directly to or from an area designated or otherwise permitted to be used for the parking of these vehicles;
 - (c) be in the parking place other than for the purpose of parking a vehicle or purposes connected thereto;
 - (d) use any roller skates or blades, skate or snake board; or
 - (e) remain in the car park after being told to leave by an officer, employee or person engaged by the Council or police officer.
 8. No person or company shall in a parking place:-

- (a) 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 or in connection with the selling or offering for hire of his skills or services unless such person has been so authorised by the Council in writing;
 - (b) offer a vehicle for sale while it is in a parking place;
 - (c) carry out or permit the carrying out of any work of construction, repair or maintenance (including washing) on or to a vehicle in a parking place, except such as may be necessary to enable it to be moved from the parking place;
 - (d) place or cause to be placed on a vehicle while it is in a parking place any leaflet, handbill or advertising material other than a ticket or notice authorised elsewhere in this Order or by or on behalf of the Council.
 - (e) use any part of a parking place or any vehicle left in the parking place for sleeping or camping or cooking purposes.
 - (f) light any fire in a parking place, or erect any tent, booth, stand, building or other structure in a parking place without the written consent of the Council.
 - (g) use any part of a parking place or any vehicle left in the parking place for vending including sales of food and car boot sales without the written consent of the Council.
9. Where, in any parking place, signs are erected or surface markings are laid for the purpose of:-
- (i) indicating the entrance to or exit from the parking place; or
 - (ii) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place;

no person shall drive or permit to be driven any vehicle so that it enters or leaves the parking place otherwise than by using the entrance or exit indicated, or is driven in a direction other than the specified direction.

Charge

10. (a) Subject to Article 10(b), a charge at the rate specified in Schedule II to this Order shall be paid by the driver of a vehicle (other than a motor cycle or a coach or a vehicle mentioned in Article 12):-
- (i) at the time of leaving the vehicle in the case of a vehicle left in a parking place during the charging hours; or

- (ii) on or before the commencement of the next ensuing charging hours in the case of a vehicle left in a parking place outside the charging hours and which vehicle remains in the parking place during the charging hours.
 - (b) No charge shall be payable by the driver of a vehicle left in a parking place:-
 - (i) if the driver has been issued with a permit at the discretion of the Leisure Centre Manager for a period in excess of four hours provided that the permit is valid at that date and is affixed to the vehicle in the relevant position so that the particulars shown thereon are clearly visible from the outside the vehicle;
 - (ii) if otherwise authorised by the Council; or
 - (iii) who affixes a season display ticket issued in accordance with Article 11(f) in respect of that vehicle which is valid at that date in that parking place, to the vehicle in the relevant position so that the particulars shown thereon are clearly visible from outside the vehicle.
11. (a) The charge referred to in Article 10(a) shall be paid by the insertion in a ticket machine provided in a parking place of a credit card/debit card accepted by visa or master card or delta or american express or of a coin or coins of the denomination of five pence, ten pence, twenty pence, fifty pence or one pound.
- (b) Where a charge is specified for a period the whole of that charge shall be due and payable for the use of the parking place for any part of that period.
- (c) The amount of the charge paid for the vehicle left in a parking place shall be indicated by the issue by the ticket machine following insertion of the credit card/debit card or coins, in accordance with Articles 11(a) and (b), of a ticket and the exhibition of that ticket on the vehicle in accordance with Articles 11(d) and 11(e).
- (d) Following payment of the charge the driver shall immediately exhibit on the vehicle the ticket issued by the ticket machine by affixing the ticket to the vehicle in the relevant position.
- (e) The ticket referred to in Article 11(d) shall be so exhibited that the time and other particulars shown thereon are clearly visible from outside the vehicle.
- (f) The owner of a vehicle may subject to such limit or limits on the number of season tickets to be issued as may from time to time by resolution of the Council be determined, on application to the Council purchase a season ticket with related season display ticket in respect of that vehicle for a charge of £650.00 for 12 months, £170 for 3 months and £60 for a month and that season ticket shall be valid in such parking places as are specified thereon during the period for which it is issued.

- (g) If the holder of a car park season ticket loses that ticket issued in accordance with Article 11(f), the Council may in its absolute discretion issue a replacement season ticket and shall be entitled to charge an administrative charge of £24.50 and to declare the original lost ticket as invalid.
12. The driver of a vehicle on which is displayed in the relevant position a disabled person's badge or the driver of an invalid carriage, shall be exempt from any limitation of time specified in Schedule I to this Order and from the payment of any charge specified in the Scale of Charges.

Penalty Charge Notice

13. (1) If a vehicle (other than a motor cycle or vehicle mentioned in Article 12) is left:
- (a) in a parking place during the charging hours either:-
 - (i) longer than the period for which payment was made as shown by the ticket exhibited on the vehicle in accordance with Articles 11(d) and 11(e); or
 - (ii) at a time when no ticket is exhibited on the vehicle in accordance with Articles 11(d) and 11(e) (unless Article 10(b) applies to the vehicle); or
 - (iii) at a time when no valid season display ticket is exhibited on the vehicle in accordance with Article 10(b) (iii); or
 - (b) in a parking place:-
 - (i) specified in Schedule I to this Order for longer than the maximum period permitted for waiting for pay and display parking specified in column 6 of that Schedule; or
 - (ii) specified in Schedule I to this Order for longer than the maximum period for which free parking is permitted during the charging hours; or
 - (iii) in contravention of Articles 3(c), 3(d) or 3(f); or
 - (iv) where the exhibition of a ticket issued by a ticket machine is not in accordance with Articles 11(d) and (e); or
 - (v) in contravention of Articles 4(a), 4(b), 4(c), 4(d), 4(e) or 4(f); or
 - (c) in the designated passenger drop off/collection area of parking place No. 1 (i.e. IC) where there is no period for waiting as specified in column 6 of that Schedule; or
 - (d) in the designated waiting area of parking place No. 1 (i.e. ID) for longer than the maximum period permitted for waiting specified in column 6 of that Schedule;

an additional amount in cases 13(1)(a) or 13(1)(b) or 13(1)(c) or 13(1)(d) which additional amount is hereinafter referred to as the "penalty charge") shall be payable by the driver, such amount being £30 in cases 13(1)(a)(i) and 13(1)(a)(ii) and (iii), (b), (c) and (d) above if payment is made not later than the fourteenth day following the day on which the penalty charge was incurred and £60 if payment is made after the fourteenth day following the day on which the penalty charge was incurred. Provided that if the said fourteenth day falls on a day on which the Civic Offices of the said Council are closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.45 p.m. on the next full day on which the Civic Offices are open.

- (2) In the case of a vehicle in respect of which a penalty charge has been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-
 - (a) the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle;
 - (b) the amount of the penalty charge which is payable;
 - (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
 - (d) that, if the penalty charge is paid before the end of a period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion (as determined from time to time by the Council);
 - (e) that, if the penalty charge is not paid before the end of the 28 day period, a notice to owner may be served by the Council on the person appearing to them to be the owner of the vehicle; and
 - (f) the address to which payment of the penalty charge must be sent.
14. The penalty charge shall be paid to the Council either in cash or by cheque, banker's draft, money order or postal order which shall be delivered or sent by post or if payment is made by debit or credit card the details of which are telephoned to the Council so as to reach the Head of Environmental Services of the Council at the Civic Offices, Gloucester Square, Woking, not later than 4.45 p.m. on any day in the period within which payment of the said charge shall be made.
15. Where a ticket has been exhibited on a vehicle in accordance with Articles 11(d) and 11(e) or a notice has been attached thereto in accordance with Article 13 no person shall remove such ticket or notice from the vehicle during the period of waiting of that vehicle in a parking place.
16. (1) If at any time while a vehicle is left in a parking place during the charging hours it is indicated by the ticket, exhibited on the vehicle in accordance with Articles 11(d) and 11(e), that the vehicle has been left longer than the period for which payment was made it shall be presumed unless the contrary is proved that the period allowed for parking time has been exceeded; and

- (2) If at any time while a vehicle is left in a parking place during the charging hours, no ticket is exhibited on that vehicle in accordance with Articles 11(d) and 11(e), and Article 10(b) does not apply to the vehicle, it shall be presumed unless the contrary is proved that no charge has been paid for the leaving of that vehicle.

Removal of Vehicle Left in a Parking Place

17. When a vehicle is left, or is being used, in a parking place in contravention of any of the provisions of Articles 4, 5 or 8, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place.

Provided that in the event of a vehicle waiting in the parking place in contravention of Article 4(c), 4(d), 4(e) or 4(f) such person may either remove or arrange for the removal of such vehicle from the parking place as aforesaid, or may alter or cause to be altered the position of such vehicle within the parking place.

18. Where a vehicle left in a parking place has accumulated three or more unpaid penalty charge notices and the registered keeper has not been identified a person authorised in that behalf by the Council and with the agreement of the Council's Parking Services Manager may clamp and/or tow away the vehicle.
19. Any person removing a vehicle by virtue of Articles 17 or 18 may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid.
20. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of this Part of the Order he or she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
21. Where a vehicle is clamped in a parking place in pursuance of Article 18 it shall be left in situ for a period of 72 hours from the date and time it was clamped and if not claimed the vehicle shall be towed away.
22. A vehicle clamped and/or towed away from a parking place in pursuance of Article 18 may be claimed upon payment of a charge levied on the person who was the last owner of the vehicle before it was clamped and/or removed from the parking place, such charge being determined by the Council and applicable when the vehicle is clamped.
23. The Council may, as respects a vehicle which has been or would at any time be towed away from a parking place in pursuance of Article 18, sell or otherwise dispose of the vehicle, depending upon its age and condition, and will endeavour to optimise the value of the disposal.

Provided that where a vehicle is towed away from a parking place a period of 28 days from the date of removal shall elapse before the Council can dispose of the vehicle.

24. Upon the disposal of a vehicle by the Council, the Council shall apply the proceeds of such disposal in or towards the satisfaction of any costs incurred by them in connection with the disposal including removal and storage.

25. In the event of any costs incurred by them in connection with the disposal of the vehicle not being satisfied by virtue of Article 24, the Council may recoup the balance of the costs from the person who was the last owner of the vehicle before it was removed from the parking place and disposed of in accordance with Article 23, except where that person satisfies the Council that he or she was not responsible for the vehicle being in the parking place from which it was removed, in which event the balance of the costs shall be payable by the person driving the vehicle at the time it was left in the parking place.
26. Any sums received by the Council on a sale of the vehicle after deducting any sum applied by virtue of Article 24 shall be payable to any person who satisfies the Council within a period of one year from the date of the sale of the vehicle that but for such sale the vehicle would have belonged to him and in so far as any such sums are not claimed within the said period they shall be paid into the general fund of the Council.
27. Where a vehicle left in a parking place in contravention of Article 4(b) has accumulated more than three unpaid penalty charge notices (excluding tickets which may be the subject of appeal) a person authorised in that behalf by the Council's Parking Services Manager may clamp the vehicle when next observed in any parking place regulated by the Council.
28. Where a vehicle left in a parking place except in contravention of Article 4(b) has accumulated more than six unpaid penalty charge notices (excluding tickets which may be the subject of appeal) and the keeper has been identified a person authorised in that behalf by the Council and with the agreement of the Council's Parking Services Manager may clamp the vehicle when next observed in any parking place regulated by the Council.
29. A vehicle clamped in a parking place in pursuance of Articles 27 and 28 may be released upon (a) payment of all unpaid parking tickets and (b) payment of a charge to be determined by the Council and applicable when the vehicle is clamped.
30. Any parking attendant or other person duly authorised by the Council or a police constable in uniform may move or cause to be moved in the case of an emergency to any place he thinks fit any vehicle left in a parking place.

PART III

DISPOSAL OF VEHICLES ABANDONED IN PARKING PLACES

31. The Council may, as respects a vehicle which has been or could at any time be removed from a parking place in pursuance of Article 17, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle in the manner provided by and subject to the provisions of sections 3, 4 and 5 of the Refuse Disposal (Amenity) Act 1978 and may subject as aforesaid recover the expenses and charges therein mentioned from any person responsible as therein defined.

GIVEN under the COMMON SEAL of)
WOKING BOROUGH COUNCIL)
dated this day of 2005)

Mayor

Chief Executive

SCHEDULE I

No (1)	Situation of Parking Place (2)	Position in which vehicles may wait (3)	Class of Vehicles (4)	Days of Operation of Parking Place (5)	Maximum Period for which vehicles may wait (6)
1.	<p><u>Woking Park Car Park Number 1</u> (Land between the main access road to Woking Park and Woking Leisure Centre.)</p>				
1A	General Parking Area - north-eastern section.	Wholly within the lines of demarcation indicated by varied surfacing or white lines on the ground.	Invalid carriages, motor cycles and motor cars as defined in section 136 of the Act, the height, length and weight of which does not exceed 2.1 metres, 5.25 metres and 3.5 tonnes respectively.	Monday-Friday	10 consecutive hours between 8 am and 6 pm
1B	Long-Stay Parking Area – south-western section.	- ditto -	- ditto -	- ditto -	- ditto -
1C	Passenger Drop-Off/Collection Area – adjacent to the path leading up to the Pool.	- ditto -	- ditto -	- ditto -	No waiting between 8 am and 6 pm
1D	Waiting Area – adjacent to the passenger drop-off/collection area and playground.	- ditto -	- ditto -	- ditto -	20 minutes between 8 am and 6 pm
2.	<p><u>Woking Park Car Park Number 2</u> (Land to the north-west of the main access road to Woking Park and adjoining the rear boundaries of Park View Court and Garden Close and</p>				

SCHEDULE I

No (1)	Situation of Parking Place (2)	Position in which vehicles may wait (3)	Class of Vehicles (4)	Days of Operation of Parking Place (5)	Maximum Period for which vehicles may wait (6)
3.	Whirlowdale, Poplar Grove.) General Parking Area - north-eastern section. Coach Parking and Overspill Parking Area - south-western section of General Parking Area.	- ditto - Vehicles to be parked in locations which maximise the spaces available and do not obstruct the exit and entrance.	- ditto - Invalid carriages, motor cycles and motor cars as defined in section 136 of the Act and coaches as defined in the Road Vehicles (Construction and Use) Regulations 1986.	- ditto - - ditto -	10 consecutive hours between 8 am and 6 pm - ditto -
4.	<u>Woking Park Car Park Number 4</u> (Land to the north-east of the main access road to Woking Park.)	Wholly within the lines of demarcation indicated by white lines on the ground.	Invalid carriages, motor cycles and motor cars as defined in section 136 of the Act displaying in the relevant position a disabled persons badge.	- ditto -	10 consecutive hours between 8 am and 6 pm
5.	<u>Woking Park Car Park Number 5</u> (Land adjoining the access road at the rear of Woking Leisure Centre.)	- ditto -	Invalid carriages, motor cycles and motor cars as defined in section 136 of the Act.	- ditto -	10 consecutive hours between 8 am and 6 pm
6.	<u>Woking Park Car Park Number 6</u> (Land to the south-east of Woking Leisure Centre and to the west of the access road from Elmbridge Lane.)	- ditto -	Invalid carriages, motor cycles and motor cars as defined in section 136 of the Act.	- ditto -	10 consecutive hours between 8 am and 6 pm

SCHEDULE I

No . (1)	Situation of Parking Place (2)	Position in which vehicles may wait (3)	Class of Vehicles (4)	Days of Operation of Parking Place (5)	Maximum Period for which vehicles may wait (6)
7.	<u>Woking Park Car Park Number 7</u> (Land adjacent to the Pool in the Park.)	- ditto -	Invalid carriages, motor cycles and motor cars as defined in section 136 of the Act displaying in the relevant position either a disabled persons badge or a Woking Park permit.	- ditto -	10 consecutive hours between 8 am and 6 pm

SCHEDULE II

Scale of Charges

Charges for
Vehicles except
Motor Cycles

- (a) On any day of the week not being a Saturday, Sunday or Bank Holiday between the hours of 8 am and 6 pm the charges shall be:-

Up to four hours	No charge
Up to five hours	£4.00p
Up to six hours	£5.50p
Up to seven hours	£6.50p
Up to nine hours	£7.50p
Up to ten hours	£8.00p

- (b) At all other times (including Bank Holidays)

No charge