

WOKING BOROUGH COUNCIL

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

Woking Borough Council (hereinafter referred to as “the Council”) in exercise of its powers under sections 32, 33(2) and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act”), Part IV of Schedule 9 to the Act and the Road Traffic Act 1991 (as amended) whether 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 consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

**PART 1**

**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 (Off-Street Parking Places) Order 2005 (hereinafter referred to as “the Order”).
- (6) The Woking Borough Council (Off-Street Parking Places) Order 2002 is hereby revoked.

**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:

”disabled person’s badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, 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 appointed 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 the Schedule, being areas provided by the Council under section 32(1) and 33(2) 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;

"schedule" means the Schedule annexed to this Order.

- (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) The Council reserves the right:-
  - (i) to suspend all or part of this Order by means of appropriate signing;
  - (ii) to close a 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 PLACES**

- 3. (a) The parking places specified by name in column 2 of the Schedule 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 Schedule.
- (b) 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.

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 the Schedule; or
  - (b) in a position other than that so specified in column 3 of the Schedule; or
  - (c) in a position where waiting is by notice declared to be prohibited;
  - (d) in such a position as to cause a nuisance or obstruction to other vehicles and/or pedestrians;
  - (e) positioned in or across bays or areas of land marked with yellow hatching;
  - (f) in excess of the limits specified in column 4 of the Schedule to this Order.
  
5. 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 the Schedule 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 a 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 in 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 whilst 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.
10. 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 the Schedule.

### **Penalty Charge Notice**

11. If a vehicle (other than a motor cycle or vehicle referred to in Article 10) is left in a parking place either:
- (a) for longer than the maximum period permitted for waiting specified in column 6 of the Schedule; or

- (b) in contravention of Article 3(b);
- (c) in contravention of Articles 4(a), 4(b), 4(c), 4(d), 4(e), or 4(f);

an amount (which amount is hereinafter referred to as the “penalty charge”) shall be payable by the driver, such amount being £30 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 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.

12. 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.
13. 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 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.
14. Where a penalty charge has been attached to a vehicle in accordance with Article 12, no person shall remove such ticket or notice from the vehicle during the period of waiting of that vehicle in a parking place.

## **Removal of vehicle Left in a parking Place**

15. 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 Articles 4 (b), 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.

16. 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.
17. Any person removing a vehicle by virtue of Articles 15 or 16 of this Order may do so by towing or driving the vehicle or in such other manner as he/she may think necessary and may take such measures in relation to the vehicle as he/she may think necessary to enable him/her to remove it as aforesaid.
18. 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/she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
19. Where a vehicle is clamped in a parking place in pursuance of Article 16, 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.
20. A vehicle clamped and/or towed away from a parking place in pursuance of Article 16 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.
21. 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 16, 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.

22. Upon the disposal of a vehicle by the Council, the Council shall apply the proceeds of such proposal in or towards the satisfaction of any costs incurred by them in connection with the disposal including removal and storage.
23. In the event of any costs incurred by them in connection with the disposal of the vehicle not being satisfied by virtue of Article 22, 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 21 except where that person satisfies the Council that he 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.
24. Any sums received by the Council on a sale of the vehicle after deducting any sum applied by virtue of Article 22 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.
25. Where a vehicle left in a parking place in contravention of Article 4(f) 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.
26. Where a vehicle left in a parking place except in contravention of Article 4(f) 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.
27. A vehicle clamped in a parking place in pursuance of Articles 25 and 26 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.
28. 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**

29. 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 15, 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 any regulations made thereunder, 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 July 2005        )

Mayor

Chief Executive



## SCHEDULE

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 style="text-align: center;"><u>Broadway, Knaphill</u></p> <p>(Land between Redding Way and Broadway, with the entrance off Broadway)</p>	Wholly within the lines of demarcation indicated by white lines on the ground	All classes, the height of which does not exceed 2.1 metres	All Days	24 consecutive hours
2.	<p style="text-align: center;"><u>Church Street, Old Woking</u></p> <p>Land situated between The Cloisters and the rear of No. 172 High Street)</p>	In an orderly manner not obstructing movement of either vehicles or pedestrians	All classes	All Days	24 consecutive hours
3.	<p style="text-align: center;"><u>Englefield Road, Knaphill</u></p> <p>(Land between Englefield Road and Queens Road)</p>	Wholly within the lines of demarcation indicated by white lines on the ground	All classes, the height of which does not exceed 2.1 metres	All days	24 consecutive hours

4.	<u>High Road, Byfleet</u>  (Land bounded by High Road, Oyster Lane and Royston Avenue, Byfleet)	Wholly within the lines of demarcation indicated by white lines on the ground	All classes	Monday – Friday	Not exceeding 2 hours in any period of 4 hours between the hours of 8.00a.m. and 6.00p.m.
5.	<u>High Road, Byfleet</u>  (Land between High Road and Parvis Road, west of the War Memorial)	Wholly within the lines of demarcation indicated by white lines on the ground	All classes except trailers as defined in section 136(1) of the Road Traffic Regulation Act 1984	All Days	24 consecutive hours
6.	<u>High Street, Woking</u>  (Land outside Albion House opposite entrance to Woking railway station)	Wholly within the lines of demarcation indicated by white lines on the ground	Private motor cars and invalid carriages only, i.e. excluding goods vehicles as defined in section 192(1) Road Traffic Act 1988, hackney carriages and private hire vehicles as defined in section 80(1) Local Government (Miscellaneous Provisions) Act 1976, and public service vehicles as defined in section 1 Public Passenger Vehicles Act 1981	Monday – Saturday	Not exceeding 30 minutes within any period of 60 minutes between the hours of 8.00a.m. and 6.00p.m.

7.	<p><u>Manor Way, Old Woking</u></p> <p>Land situate to the north of no. 165 High Street and bounded to the west and east by the units at Manor Way Industrial Estate and the rear of properties in St Peter's Road</p>	<p>In an orderly manner not obstructing movement of either vehicles or pedestrians</p>	<p>Motor cars, motor cycles and invalid carriages not exceeding 2.1 metres in height, but excluding trailers, as respectively defined in section 136(1) of the Road Traffic Regulation Act 1984</p>	<p>All Days</p>	<p>24 consecutive hours</p>
8.	<p><u>Redding Way, Knaphill</u></p> <p>(Land between Redding Way and Alexandra Gardens with the entrance off Alexandra Gardens)</p>	<p>Wholly within the lines of demarcation indicated by white lines on the ground</p>	<p>All classes</p>	<p>All days</p>	<p>24 consecutive hours</p>