

**WOKING BOROUGH COUNCIL**

**WOKING BOROUGH COUNCIL (ST JOHN'S LYE CAR PARK)**  
**(OFF-STREET PARKING PLACES) ORDER 2017**

Woking Borough Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 32 and 35 and Part III 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 and 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 of the Act, hereby makes the following Order.

**PART I**

**GENERAL**

**Article**  
**No.**

1. **Commencement and Citation**

This Order shall come into operation on 9 January 2017 and may be cited as the Woking Borough Council (St John's Lye Car Park) (Off-Street Parking Places) Order 2017.

2. **Definitions, Interpretation and General**

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

"controlled hours" means the controlled periods between 06.00 hours and 18.00 hours on Mondays to Fridays inclusive;

"civil enforcement officer" means a person authorised by or on behalf of the Council to patrol and issue penalty charge notices in any parking place.

"Council" means Woking Borough Council;

"designated space" means a parking space designated by the Council for use by a particular class of vehicle or driver and which is enclosed by a yellow line;

"disabled person's badge" has the same meaning as in the Disabled Persons' (Badges for Motor Vehicles) (England) Regulations 2000 and any amendments or re-enactment thereof;

"disabled person's vehicle" means any:-

- (i) invalid carriage;
- (ii) vehicle issued to a disabled person by the Department of Health and Social Security in lieu of an invalid carriage;
- (iii) vehicle which bears in the relevant position a disabled persons' 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;

"heavy goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods of any description which exceeds 2.25 metric tonnes gross laden weight or a trailer so constructed or adapted;

"goods vehicle" means a vehicle which is constructed or adapted for use for the carriage of goods or burdens of any description;

"owner", in relation to a vehicle, means the person by whom such vehicle is kept. It shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

"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 table in Schedule 1 to this Order and provided by the Council under Section 32(1) of the Act of 1984 for use as a parking place;

"passenger vehicle" means a vehicle constructed or adapted solely for the carriage of passengers and their effects, including a "station wagon" or "estate car" which is not being used for the carriage of goods commercially;

"penalty charge" means the charge set by the Council under the provisions of the Traffic Management Act 2004 which is to be paid to the Council following the issue of a Penalty Charge Notice within 28 days of the issue of that Notice.

"vehicle" means any vehicle as defined in the classes of vehicles permitted to wait in the parking places as set out in Schedule 1 to this Order whether or not it is in a fit state for use on the public highway and includes any chassis or body with or without wheels, appearing to have formed part of such a vehicle and any load carried by and anything attached to such a vehicle.

- (b) For the purpose of this Order, a vehicle shall be regarded as displaying a disabled persons badge in the relevant position if the badge is exhibited in the manner prescribed in 'The Blue Badge Scheme' advisory leaflet "The Blue Badge Scheme: rights and responsibilities in England" published by the Department for Transport or in the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000.
- (c) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

## PART 2

### AUTHORISATION AND USE OF PARKING PLACES

Article  
No.

3. Use of Parking Places

- (a) Each of the areas specified in Column 1 of the table in Schedule 1 to this Order is authorised to be used, subject to the following provisions of this Order, as a parking place for such vehicles or classes of vehicles as referred to in the said Schedule and, on such days and during such hours as are specified in relation to that parking place in the said Schedule.
- (b) Consent to use the Parking Places specified in Column 1 of the table in Schedule 1 to this Order is withdrawn if the terms and conditions of the Order or of the conditions shown on the car park conditions of use boards sited in the Parking Places are not complied with.
- (c) Where in Schedule 1 to this Order a parking place is described as available for vehicles of a specified class or on specified days or during specified hours the driver shall not permit it to wait in that parking place:-
  - (i) unless it is of a specified class or by prior arrangement
  - (ii) on days or during hours other than those specified
  - (iii) in any position except wholly within a marked parking bay delineated by surface applied line markings, embedded contrasting-colour paving elements, barrier posts or other indication of parking bay. All road wheels of the vehicle must be contained within one individual marked bay.
  - (iv) in such a position as to obstruct access to the parking place or obstruct the access roads within the parking place.
- (d) Where, within a parking place there is a sign or surface marking which indicates that a parking bay is provided 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.

4. Closing and Setting Aside Parking Places

- (a) Nothing in this Order shall prevent the Council, by notice displayed at a parking place:-
  - (i) from closing the parking place or any part thereof for any period.
  - (ii) from setting aside for special use or for use only by specially authorized vehicles of any part or parts of the parking place on all days or on certain days or during certain parts of certain days.
- (b) The driver of a vehicle shall not, except with and subject to the terms of any permission in writing from the Council in the particular case, cause or permit it:-
  - (i) to wait in the parking place or any part thereof at any time when the parking place or that part (as the case may be) has been closed under Article 4(a)(i) of this Order.
  - (ii) to wait in any part of the parking place at a time when that part has

been set aside for special use or for use by a specially authorised vehicle in accordance with Article 4(a)(ii) of this Order, unless the vehicle is so authorised.

Article  
No.

5. Licensing and Insurance

- (a) The driver of a vehicle shall not drive in or permit it to wait in a parking place unless it exhibits a current vehicle licence disc issued under the Vehicles (Excise) Act 1994 and any amendment or re-enactment thereof, or exhibits in the prescribed manner trade plates and a current trade licence issued under vehicles (Excise) Act 1994 and any amendment or re-enactment thereof.
- (b) The driver of a vehicle shall not drive in or permit it to wait in a parking place unless there is in relation to the use of the vehicle by the driver such a current policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988 and any amendment or re-enactment thereof.

6. Use of vehicle in parking places

- (a) The driver of a motor vehicle using a parking place shall stop the engine and apply the handbrake as soon as the vehicle is in position in the parking place and shall not release the handbrake or start the engine except when about to change the position of the vehicle in or to depart from the parking place.
- (b) The driver of a vehicle using a parking place shall not drive the vehicle recklessly or at a speed or in a manner which is dangerous to other users of that parking place or without due care and attention or without reasonable consideration for other users of that parking place.
- (c) No person shall sell or attempt to sell or use any 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 skill or services or provision of facilities without the prior written consent of the Council.
- (d) Where in a 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

- (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 as the case may be.
- (iii) at an excess speed.
- (e) No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in the 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.

- (f) No person shall use a parking place as a means of passage by a vehicle proceeding from one road to another.
- (g) No person shall, except with the prior consent of the Council, permit to be driven any vehicle in a parking place for the purpose of Learner Driver training except for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of entering or departing from the parking place.
- (h) The driver of a vehicle using a parking place shall not sound a horn or other similar instrument:-
  - (i) In the case of a motor vehicle which is stationary, at any time, other than at times of danger due to another moving vehicle in or near the parking place, or
  - (ii) In the case of a vehicle which is in motion, between 23.00 hours and 07.00 hours the following morning.
- (i) No person shall use any part of a parking place or any vehicle or appurtenance left in a parking place:-
  - (i) for sleeping or camping or cooking or washing purposes; or
  - (ii) without the prior written consent of the Council 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.

Article  
No.

7. Advertising and Promotional Material

- (a) Except with the written consent of the Council, no person shall use a parking place for the purpose of displaying or distributing advertising promotional or campaigning material;
- (b) Part (a) of this Article shall apply:-
  - (i) to any person who engages in the distribution of advertising promotional or campaigning material in a parking place;
  - (ii) to any person who engages any other person to distribute advertising promotional or campaigning material in a parking place;
  - (iii) to any person whose goods, trade, business or other concerns receive publicity by the display of such advertising promotional or campaigning material;

provided that a person shall not be guilty of an offence under part (a) of this Article by reason only that his goods, trade, business or other concerns are given publicity by the advertising material if he proves that it was displayed without his knowledge or consent.

Article  
No.

8. Other Uses of a Parking Place

- (a) In a parking place no person shall:-
- (i) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council;
  - (ii) light or cause or permit to be lit any fire , stove or cooker;
  - (iii) place or cause to be placed any advertising promotional or campaigning information on any vehicle: or
  - (iv) transfer or cause to be transferred any type of fuel from one vehicle to another vehicle.
- (2) No person shall in a parking place without the written consent of the Council (which may be given on such terms and conditions as it thinks fit):-
- (i) sell or offer for sale anything whatsoever;
  - (ii) make any collection of money or articles for charitable or other purposes;
  - (iii) Advertise or publish by any means any event, display, entertainment, sale, business, shop, organisation or other thing.

9. Noise, Disturbance and Anti-social Activity

- (a) No person shall in a parking place wantonly shout or otherwise make any loud noise (including the use of any in-vehicle or portable sound systems or amplifying equipment) to the disturbance or annoyance of users of the parking place or residents or occupiers of premises in the neighbourhood.
- (b) No person shall in a parking place:-
- (i) obstruct the Civil Enforcement Officers in the exercise of their duties, threaten or otherwise intimidate them;
  - (ii) use any threatening, abusive or insulting language, gesture or conduct which is offensive and/or with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned;
  - (iii) without the consent of any person duly authorised by the Council, leave or cause to be left unattended in any parking place other than in a designated trolley park any shopping or supermarket trolley;
  - (iv) deposit any litter or engage in any activity which can reasonably be expected to result in the deposit of litter;
  - (v) willfully, carelessly or negligently deface, damage or destroy any part of the parking place, any tree or shrub growing therein or any wall, fence or barriers enclosing any parking place or any fitting or equipment in or on the parking place;
  - (vi) urinate or defecate in a parking place or any part thereof otherwise

than in a public convenience specifically provided and set apart for such purpose;

- (vii) cause or permit any dog or other animal belonging to him or his charge to:-
  - (i) enter or remain in the parking place unless such dog or animal is on a lead and under proper control and effectively restrained from causing annoyance to any person and from worrying and disturbing any other animal;
  - (ii) foul the parking place;
- (viii) except with the written consent of the Council, no person in a parking place shall:-
  - (i) park or drive or ride any vehicle of any description which is not expressly authorised in accordance with the provisions of this Order;
  - (ii) tether, drive or ride any animal;
  - (iii) play any game or sport or undertake any recreational activity.

Article  
No.

10. Supervision of Parking Places

The Council does not undertake to supervise the parking places specified in Column 1 of the table in Schedule to this Order and vehicles are parked entirely at the owner's and/or driver's risk and the Council will not accept any liability for any loss or damage howsoever caused either to the vehicle or its contents or injury to persons unless caused by negligence of the Council, its servants or its agents.

11. Maximum Waiting Period

A driver of a vehicle shall not permit that vehicle to wait in a parking place for longer than the period specified in Column 2 of the table in Schedule 1 to this Order.

## PART 3

### CONTROLLED PERIODS AND PENALTY

#### CONTROLLED PERIODS

Article  
No.

- 12.
- (A) The controlled periods are Monday to Friday 06.00 hours to 18.00 hours.
  - (B) Vehicles are permitted to park for up to 4 (four) hours during the controlled periods and cannot return to the car park for a period of 1 (one) hour.
  - (C) Vehicles may not be left for longer than the maximum period of waiting in that parking place as specified in the Schedule.

#### CONTRAVENTION AND PENALTY CHARGES

Article  
No.

- 13.
- (1) If a vehicle is left in a parking place referred to in the Schedule 1 without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable.
  - (2) In the case of a vehicle in respect of which the penalty charge may have been incurred, it shall be the duty of the Civil Enforcement Officer to attach to the vehicle in a conspicuous position a Penalty Charge Notice which shall include the information required by the 2004 Act:
  - (3) A penalty charge Notice fixed to a vehicle in accordance with the preceding Article shall not be removed or interfered with except by or under the authority of:
    - (i) the owner, or person in charge of, the vehicle;
    - (ii) the Authority for the place in which the vehicle in question was found

#### PAYMENT OF PENALTY CHARGES

Article  
No.

14. Payment of a Penalty Charge of the standard amount shown in Schedule 2 shall be made to Woking Borough Council as provided below by not later than 16.00 hours on the 28<sup>th</sup> (twenty eighth) day following the day on which the penalty charge was incurred or where payment is sent by post, shall be sent so as to reach the Council not later than the said 28 (twenty eight) days, provided that if the said twenty eighth day falls upon a day when the Council Offices are closed to the public, the period within which payment of the penalty charge shall be made to the Council shall be extended until 16.00 hours on the next full day on which the Council Offices are open.

The manner of payment shall be:-

- (a) by telephone by Credit or Debit Card ; or,
- (b) by Credit or Debit Card via the Website [www.woking.gov.uk](http://www.woking.gov.uk).
- (c) by Postal Order delivered or sent by post to The Director of Finance, Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey GU21 6YL;

15. Where payment of a penalty charge is received by the Council within a period of 14 (fourteen) days following the day on which the penalty charge was incurred, the amount of the Penalty Charge payable will be the Reduced Amount shown in Column 3 of Schedule 2 to this Order, provided that if the 14<sup>th</sup> (fourteenth) day falls upon a day on which the said Council Offices are closed, the period for payment of the reduced sum shall be extended until 16.00 hours on the next full day on which the Council Offices are open.
16. If the owner fails to pay the penalty charge by the end of the 28 (twenty eight) day period, a Notice to Owner will be served; and if the penalty charge is then not paid within a further 28 (twenty eight) days it may be increased by 50%.
17. Where a challenge against the issue of a penalty charge notice is made in writing and is received by the Council within fourteen days of the issue of that notice and where that notice is rejected, the payment of the Reduced Amount will be accepted where that payment is received by the Council within fourteen days following the day of notification in writing by the Council that the notice is upheld and payment is due.

18. Indications as Evidence;

The particulars given in the penalty charge Notice attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

### MISCELLANEOUS PROVISIONS

Article  
No.

19. Power to Move or Remove Vehicles

- (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Articles 3 and 4, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
- (2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order, a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.
- (3) For the purpose of meeting the requirements of any emergency, a person authorised in that behalf by the Council or a uniformed police officer may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of the vehicle from the 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 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 Paragraphs (2) or (3) of this Article shall make such arrangements as they consider to be reasonably necessary for the safety of the vehicle in the place to which it is removed and the Council shall not be liable for any loss or damage caused to the vehicle or its contents as a result of its being moved within a parking place or removed from a parking place under the provisions of this Order, excepting that resulting from the negligence of the Council or its contractors.

21. The provisions of this Article shall apply to the parking places described in Column 1 of the table in Schedule 1 to this Order as "St Johns Lye Car Park".

Between 06.00 hours and 18.00 hours on the days of Monday to Friday inclusive excluding Christmas Day, no vehicle may be left in the parking place longer than 4 (four) hours. No vehicle shall be left in the parking place for a period exceeding 4 (four) hours and shall not return for a period of 1 (one) hour.

All other provisions of the Order shall apply to that Parking Place.

The Common Seal of the Borough)  
Council of Woking was here unto )  
Affixed on the day of            2017)  
in the presence of:-

Mayor

Head of Democratic and Legal Services

**WOKING BOROUGH COUNCIL (ST JOHN'S LYE CAR PARK)**  
**(OFF-STREET PARKING PLACES) ORDER 2017**

**SCHEDULE 1**

The following is a list of the classes of vehicles permitted to wait in the parking places named in this schedule.

- (i) Motor cars within the provisions of Section 136(2) of the Act of 1984
- (ii) Motorcycles as defined in Section 136(4) of the Act of 1984
- (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525 kg
- (iv) Invalid carriages within the provisions of Section 136(5) of the Act of 1984
- (v) Disabled persons' vehicles
- (vi) Goods Vehicles
- (vii) Heavy Goods Vehicles

**TABLE**

| <b>Location of Parking Place</b>                                   | <b>Maximum wait</b> | <b>Controlled Hours</b>    | <b>Controlled Days</b> | <b>Scale of Charges</b> |
|--|---------------------|----------------------------|------------------------|-------------------------|
| <b><u>WOKING</u></b>   |                     |                            |                        |                         |
| 1. St Johns Lye  | 4 hours             | 06.00 hours to 18.00 hours | Monday to Friday       | No charge               |
| <b>BLUE BADGE USE</b><br>In a bay reserved for blue badge holders. | Max stay 4 hours    | 06.00 hours to 18.00 hours | Monday to Friday       | No charge               |

**(OFF-STREET PARKING PLACES) ORDER 2017**

**SCHEDULE 2**  
**PENALTY CHARGES**

| <b>Contravention number and description</b>   | <b>Penalty Charge</b> | <b>Reduced amount if paid within 14 days of issue</b> | <b>Charge Certificate</b> | <b>Traffic Enforcement Centre Registration Fee</b> |
|---|-----------------------|---|---------------------------|--|
| 74 Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited           | £70                   | £35   | £105                      | £7.00  |
| 80 Parked for longer than the maximum period permitted  | £50                   | £25   | £75                       | £7.00  |
| 81 Parked in a restricted area of the car park  | £70                   | £35   | £105                      | £7.00  |
| 82 Parked after the expiry of paid for time   | £50                   | £25   | £75                       | £7.00  |
| 83 Parked in a car park without clearly displaying a valid pay and display ticket or voucher or parking clock                         | £50                   | £25   | £75                       | £7.00  |
| 85 Parked in permit bay without clearly displaying a valid permit   | £70                   | £35   | £105                      | £7.00  |
| 86 Parked beyond the bay markings   | £50                   | £25   | £75                       | £7.00  |
| 87 Parked in a designated disabled person's parking space without displaying a valid disabled persons badge in the prescribed manner. | £70                   | £35   | £105                      | £7.00  |
| 89 Vehicle parked exceeds maximum weight or height or length permitted in the area  | £70                   | £35   | £105                      | £7.00  |
| 91 Parked in a car park or area not designated for that class of vehicle  | £70                   | £35   | £105                      | £7.00  |
| 92 Parked causing an obstruction  | £70                   | £35   | £105                      | £7.00  |
| 95 Parked in a parking place for a purpose other than the designated purpose for the parking place                                    | £50                   | £25   | £75                       | £7.00  |

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