

BROXBOURNE BOROUGH COUNCIL

TRAFFIC REGULATION ORDER

**THE BOROUGH OF BROXBOURNE (VARIOUS ROADS, CHESHUNT) (ON-STREET
PAY AND DISPLAY PARKING PLACES) ORDER 2019**

DATE:

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Schedule

Schedule Number	Description
1	Pay and display parking places

THE BOROUGH OF BROXBOURNE (VARIOUS ROADS, CHESHUNT) (ON-STREET PAY AND DISPLAY PARKING PLACES) ORDER 2019

The Borough of Broxbourne Council, pursuant to arrangements made under Section 101 of the Local Government Act 1972(a) with the Hertfordshire County Council, and in exercise of the powers conferred on that County Council under sections 45, 46, 49 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("Act of 1984"), and of all other enabling powers after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Road Traffic Regulation Act 1984 hereby make the following Order:

Citation and commencement

1. This Order may be cited as The Borough of Broxbourne (Various Roads, Cheshunt) (On-Street Pay and Display Parking Places) Order 2019 and shall come into effect on DDMMYYYY.

Interpretation

2. 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;

"Council" means Broxbourne Borough Council and includes any parking services contractor or authorized 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;

"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" means goods of any kind whether animate or inanimate and includes postal packets of any description; delivering and collecting in relation to goods includes checking the goods for the purpose of their delivery or collection;

"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;

"hand-held device" means a wireless hand-held computer which is programmed to interface with the telephone or electronic payment system;

"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;

"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 a parking area delineated within a parking place as defined in Article 3 of this Order;

"parking disc" has the same meaning as given in Regulation 8(5) of The Local Authorities Traffic Orders(Exemption for Disabled Persons)(England) Regulations 2000;

"parking ticket" means a ticket issued by a parking meter for any parking place referred to in the Schedule to this Order;

"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;

"Penalty Charge Notice" has the same meaning as given in Regulation 8 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"permitted hours" means those hours listed in Column 3 of the schedule to this Order;

"relevant position" has the same meaning as given in Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulation 2000;

"ticket parking meter" means an apparatus of a type and design approved by the secretary of state and installed for the purposes of this Order being an apparatus designed to indicate the time of issue, the payment of the initial charge referred to in Article 17 of this Order and the periods in respect of which the initial charge has been paid;

"Telecommunications System" has the same meaning as in the Telecommunications Act 1984;

"universal service provider", "provision of a universal postal service" and "postal packet" shall bear the same meanings as the in the Postal Services Act 2011;

"operating times" in relation to the Parking place, means the days and times specified in column 3 of the schedule, excluding any time during which the parking place is either closed, suspended or reserved under the provisions of Article 12;

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.

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.

PART 2- RESTRICTIONS AND PARKING

PLACES Section 1 - Provisions of the Order

Designation of Parking Places

3. (1) Each area on a highway comprising of a length of carriageway of a street specified in the schedule to this Order bounded on one side of that length by the edge of the carriageway and having a width throughout of 1.8 metres is hereby designated as a pay and display parking place between 9:00am and 6:00pm Monday to Saturday (excluding Bank Holidays).
- (2) Each area on a highway comprised within a parking place and marked out for the purpose of parking in accordance with the provision of this order and not comprised within a restricted waiting area is hereby designated as a parking bay.

Parts of a parking place in which vehicles may not be left

4. (1) No person shall cause or permit any vehicle to wait in an area designated as a parking place or a parking bay during permitted hours unless authorised by the subsequent provision of this Order or with the permission of a Civil Enforcement Officer.
- (2) Where a person contravenes the provision set out in paragraph (1) of this Article the owner of the vehicle in question shall incur a penalty charge as stipulated in Article

17 of this Order.

Vehicles for which parking places are designated

5. (1) Subject to the provisions of this Order, parking places may be used for the leaving during permitted hours of vehicles of the following class, that is to say, passenger vehicles and goods carrying vehicles (the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres), motorcycles, and disabled persons vehicles (on which must be displayed the relevant disabled persons badge and parking disc)

"service provider" means the contractor authorised by the Council to accept payment of the parking charge on its behalf and to keep a record of that parking charge and the vehicle, parking place and parking period in respect of which that payment has been made using the telephone or electronic payment system;

"telephone or electronic payment system" means an electronic system, using a telephone connection or electronic application set up and maintained by the service provider whereby:

(a) the driver of a vehicle, or some other person authorised by that driver on their behalf, uses a telephone or electronic device to communicate with the service provider and make payment of the parking charge in respect of a specified vehicle, a specified Parking Place and for a specified parking period by use of a debit or credit card; and

(b) the service provider, on behalf of the Council, accepts payment of the parking charge by the method referred to in paragraph (a) of this definition and records such payment together with the parking period for which payment has been made, the parking place in which the vehicle is left and the registration mark of the vehicle in respect of which payment has been made.

- (2) Parking Places referred to in the Schedule to this order may be used for leaving during the permitted hours of such vehicles of the class specified in paragraph (1) above provided that vehicle are not contravening other provisions of this Order.

Alteration of a position of a vehicle in a parking place

6. Where any vehicle is standing in a parking place in contravention of the provisions of Article 11 or of the provisions of Article 12(3) a Civil Enforcement Officer may cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of a vehicle from a parking place

7. Where a Civil Enforcement officer is of the opinion that any provisions contained within this Order has been contravened or not complied with in respect of a vehicle left in any part of a parking place or restricted waiting area, they may remove or cause to be removed that vehicle from the parking place or restricted area and where it is removed shall provide for the safe custody of the vehicle and its contents.

Movement of a vehicle in a parking place in an emergency

8. A Civil Enforcement Officer or Police Constable may move or cause to be moved in case of an emergency, to a place they think fit, any vehicle left in a parking place or restricted waiting area.

Exemptions from charges under this Order

9. (1) A disabled persons vehicle which displays in the relevant position a valid disabled persons badge issued by any local Authority and a parking disc may be left in a parking bay referred to in the Schedule to this Order at anytime.
- (2) Without prejudice to the generality of this Article and notwithstanding the provisions of this Order a vehicle to which sub article (1) of this Article applies shall stand in the parking bay in accordance with the provisions of Article 11 and wholly within the limits if that parking bay.

Restrictions Revoked by this Order

10. The provisions of the following Order are hereby revoked but only in so far as they are affected by the restrictions imposed by this Order.

The Borough of Broxbourne (Control of Parking) (Consolidation) Order 2013

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PART III — SUPPLEMENTARY PROVISIONS

Section 1 — General

Manner of Standing in a Parking Place

11. (1) Every vehicle left in a parking place described in the Schedule to this Order in accordance with the foregoing provisions of this Order shall so stand that the nearside of the vehicle is adjacent to the left hand edge of the carriageway and that the distance between the edge of the carriageway and the nearest wheel of the vehicle is no more than 300 millimetres.
- (2) Every vehicle left in a parking place described in the schedule to this Order in accordance with the foregoing provision of this order shall stand so that the whole of the vehicle is within a marked parking bay.

Power to Suspend the Use of a Parking Place

12. (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary;
 - (a) For the purpose of facilitating movement of traffic or promoting its safety.
 - (b) For the purpose of the maintenance, improvement or reconstruction of a road; constructing, improving, maintaining, or cleaning of any street furniture; or the laying, erection, alteration, repair or cleaning of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus kept or installed for the purposes of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position.
 - (c) For the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to and from one office or dwelling house adjacent to the parking place from or to a depository or other office or dwelling house.
 - (d) On any occasion by which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) For the convenience of occupiers of premises adjacent to the parking place at times of weddings, funerals or on other special occasions.
- (2) Any person suspending the use of a parking place or any part thereof in accordance with the provision of paragraph (1) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place a traffic sign indicating that waiting by vehicles is prohibited.
- (3) No person shall cause or permit a vehicle to wait in any parking place or any part thereof during any such period of suspension implemented in accordance with paragraph (2) above, however nothing shall apply in respect of;
 - (a) any vehicle being used for Fire and Rescue, Police or Ambulance purposesOr
 - (b) anything done with the permission of the person suspending the use of the parking place or part thereof in accordance with paragraph (1) of this Article.

Restriction on the Use of a Parking Place.

13. (1) During the permitted hours no person shall use any parking place or any vehicle while it is in a parking place or in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in any handicraft or their services in any other capacity:
- (2) Provided that nothing in this Article shall prevent the sale of goods from a vehicle —
- (a) if the vehicle is a passenger vehicle, a goods carrying vehicle, a motorcycle or a disabled persons vehicle and the goods are immediately delivered at or taken into the premises adjacent to the vehicle from which that sale is affected;
- Or
- (b) if the vehicle is one to which Article 14(1)(h) applies.

Restriction on Waiting by a Vehicle in a Parking Place

14. (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any parking place or any part of a parking place if the use of that parking place has not been suspended and if;
- (a) The vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from the vehicle or load and unload there from their personal luggage;
- (b) The vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their own control or such waiting being necessary in order to avoid an accident.
- (c) The vehicle is being used for Fire and Rescue, Police or Ambulance purposes or not being a passenger vehicle is being used in the service of a local authority in pursuance of statutory duties provided that in all circumstances it is reasonable necessary in exercise of such duties.
- (d) The vehicle is waiting for so long as maybe reasonably necessary to enable it to be used in connection with the removal of any obstruction to traffic.
- (e) A marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be delivered or collected.
- (f) The vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose specified in Article 12(1)(b).
- (g) The vehicle is in actual use in connection with the removal of furniture to or from any premises adjacent to the parking place.
- (h) In any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the period of waiting does not exceed 20 minutes.
- (2) No initial charge or charge specified in the provision of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article.
- (3) Except as provided by this Order the driver or person in charge of the vehicle shall not cause or permit a vehicle to wait in a parking place during permitted hours.

- (4) Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under section 25 of the Act of 1984.

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Section 2 — Parking Tickets

Amount of initial charge

15. The initial charge for a vehicle (other than otherwise exempted by this Order) left in a parking bay during permitted hours shall be as specified in column 4 of the Schedule to this Order.

Payment of initial charge in connection with the use of parking tickets at parking bays and indication of such charge

16. (1) The charge referred to in Article 15 shall be paid upon entry to each parking place:
- (a) by the insertion of coin or coins in the ticket machine provided in the parking place; or
 - (b) by instructing the service provider to accept payment of the parking charge for a specified parking period in respect of a specified vehicle by using the telephone or electronic payment system.
- (2) Payment of the charge for the vehicle left in a parking place shall be indicated:
- (a) by the issue of a numbered parking ticket showing the day and time of expiry of the charge and the Vehicle registration mark (numbers only), where payment was made in accordance with the provision of paragraph (1)(a) of this Article, and by the exhibition of that Parking Ticket on the Vehicle in accordance with the paragraph (4) of this Article; or
 - (b) by the appearance on a hand-held device of an indication that the parking charge has been paid in respect of that vehicle by the telephone payment system and an indication of the date and time of expiry of the parking period for which that parking charge has been paid.
- (3) Any Parking Ticket purchased in accordance with the paragraphs (1) of this Article is not transferable between one Vehicle and another and may only be used in the Parking Place for which it was issued.
- (4) Upon payment of a charge in accordance with the article (1)(a) the driver shall exhibit in the vehicle the parking ticket issued by the ticket machine at that time:
- (a) In the case of a Vehicle which is fitted with a transparent windscreen by placing the Parking ticket in a conspicuous position where it can be clearly seen through the front windscreen, or
 - (b) in the case of a Vehicle which is not fitted with a transparent windscreen by affixing the Parking Ticket on the front of the Vehicle and not more than 2 metres or less than 0.75 metres above the surface of the Parking Space in which the Vehicle is parked.
- (5) No refund shall be payable by the Council in respect of any parking ticket surrendered to the Council unless a refund is given at the discretion of the Council.
- (6) No person shall leave any vehicle (other than a vehicle otherwise exempted by this Order) in a parking bay during permitted hours for longer than the initial period for which payment has been made by the initial charge.

Liability For Penalty Charge

17. (1) If a vehicle (other than a vehicle otherwise exempted by this Order) is left in a parking bay during permitted hours in contravention of any provision of this order 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 may be issued by a Civil Enforcement Officer in Uniform in accordance with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

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Manner of payment of a penalty charge

18. The penalty charge shall be paid to Broxbourne Borough Council in accordance with the instructions and within the time limits specified in the penalty charge notice.

Period for which a vehicle may be left after a penalty charge has been incurred

19. The period for which a vehicle may be left in a parking bay during permitted hours after a penalty charge has been incurred shall not exceed one hour.

Restrictions on the removal of parking tickets and notices

20. (1) Where a parking ticket has been displayed on a vehicle in accordance with the provisions of article 16 (2)(a) no person not being the driver of the vehicle shall remove any parking ticket from the vehicle unless authorised to do so by the driver of that vehicle.
- (2) Where a parking charge notice has been attached to a vehicle in accordance with article 17 no person not being the driver of the vehicle shall remove the notice from the vehicle unless authorised to do so by the driver of that vehicles.
- (3) Provided that nothing herein shall apply to a Civil Enforcement Officer or Police Constable in uniform or person removing the vehicle in pursuance of an arrangement made by police officer in uniform or under the regulations in pursuance of powers contained in sections 99,100, 101 and 102 of the Act of 1984.

Interval before a vehicle may again be left in a parking place

21. With prejudice to the provisions of Article 17 of this Order no vehicle which has been left or been taken away from a parking place during permitted hours after an initial charge has been incurred shall until the expiration of 1 hour from the time it left or was taken away again stand in the parking place during the permitted hours.

SCHEDULE: Pay and display parking place effective Monday to Saturday 9am to 6pm (excluding bank holidays) maximum stay 1 hr no return within 1hr.

1	2	3	4
Street	Location	Permitted Hours	Charges
Newham Parade, Cheshunt	North Side - from a point 4 metres west of a point in line with the boundary between 15 and 16 Newham Parade westwards for a distance of 19 metres to a point in line with the western flank wall of the building known as 1-28 Newham Parade North Side - from a	Monday to Saturday, 9am -6pm (excluding Bank Holidays) Maximum stay 1 hour, no return within 1 hour	Up to 30 mins – free Up to 1 hour - £1

	point 8.8 metres west of a point in line with the boundary between 10 and 11 Newham Parade westwards for a distance of 20.5 metres to a point 1 metre east of a point in line with the boundary between 14 and 15 Newham Parade		
Lynton Parade, Cheshunt	<p>East Side - from a point in line with the boundary between 7 and 8 Lynton Parade southwards for a distance of 46.5 metres to a point in line with the southern flank wall of No 1 Lynton Parade.</p> <p>West Side - from a point in line with the boundary between 7 and 8 Lynton Parade southwards for a distance of 16.4 metres to a point in line with the boundary between 4 and 5 Lynton Parade.</p>	<p>Monday to Saturday, 9am -6pm (excluding Bank Holidays)</p> <p>Maximum stay 1 hour, no return within 1 hour</p>	<p>Up to 30 mins – free</p> <p>Up to 1 hour - £1</p>
Windmill Lane, Cheshunt	South Side - from a point in line with the western flank wall of 6 Windmill Lane eastwards for a distance of 45 metres to a point 8 metres west of a point in line with the eastern flank wall of Wolsey Court Windmill Lane	<p>Monday to Saturday, 9am -6pm (excluding Bank Holidays)</p> <p>Maximum stay 1 hour, no return within 1 hour</p>	<p>Up to 30 mins – free</p> <p>Up to 1 hour - £1</p>

THE COMMON SEAL of BROXBOURNE) BOROUGH

COUNCIL was hereunto Affixed on this XX day of XXXX 201x

In the presence of:

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