

BROXBOURNE BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE BOROUGH OF BROXBOURNE (WHIT HERN COURT)(PARKING PLACES AND WAITING RESTRICTIONS) ORDER 2019

The Council of the Borough of Broxbourne ("the Council"), pursuant to arrangements made under Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 with Hertfordshire County Council ("the County Council") and in exercise of the powers conferred by Sections 1-4, 32, 35, 46, 49 and 53 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:

1. This Order may be cited as "The Borough of Broxbourne (Whit Hern Court)(Parking Places and Waiting Restrictions) Order 2019" and shall come into effect on 12th March 2020.

2. The Borough of Broxbourne (Whit Hern Court)(Parking Places and Waiting Restrictions) Order 2019 numbered BOB/2019/0901 herein referred to as 'the plan' is incorporated into this Order as Schedule 1.

3. In this Order except where the context otherwise requires the following expressions have the meaning hereby respectively assigned to them:

"Authorised Officer" – means an officer authorised in writing by the Chief Executive or the Director of Finances of the Council.

"Bay Markings" – means white or yellow lines marked on the surface of a parking place to indicate the limits of each individual parking space.

"Civil Enforcement Officer" – means a person authorised by or on behalf of the Council pursuant to Section 76 of the Traffic Management Act 2004.

"Disabled Person's Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

"Disabled Person's Vehicle" has the same meaning as in Section 142(1) of the 1984 Act.

"Driver" – in relation to a Vehicle waiting in a Parking Place means the person who was driving the Vehicle at the time it was left in the Parking Place and for the purposes of the Order and of any legal proceedings taken hereunder if on the date a Vehicle is left in a Parking Place a person is shown to have been the registered owner or keeper thereof by notification in writing from the Driver and Vehicle Licensing Agency or other appropriate authority they shall be deemed to have been the Driver of the Vehicle on the date unless the contrary is shown.

"Hand-held Device" – means a wireless hand-held computer which is programmed to interface with the Council's database of Virtual permits.

"Operational Times" – in relation to a parking place, means the hours between 7.30am and 5.30pm, Monday to Friday, excluding any time during which the operation of the parking place is suspended under the provision of Article 11.

"Parking Disc" – has the same meaning as given by Regulation 8(5) of The Local Authorities' Traffic

Orders (Exemption for Disabled Persons) (England) Regulations 2000.

“Parking Place” – means the area marked as ‘Parking Place’ on the plan numbered BOB/2019/0901 incorporated into this Order.

“Parking Space” – means a part of a Parking Place marked out by means of white lines or otherwise for the leaving of a Vehicle.

“Parking Permit” means a permit issued by the Council or by an Authorised Officer which entitles the respective vehicle to which the parking permit was issued to park in the parking place by virtue of the vehicle displaying that parking permit in the relevant position.

“Parking Zone” refers to all the Parking Places in a specified area indicated by name or alphanumeric code which are to be used only by vehicles displaying a valid Parking Permit for that specified area during the specified hours of operation, or by vehicles to which a Virtual permit has been issued

“Permit Holder” means a person to whom a Parking Permit or a Virtual Permit has been issued.

“Relevant Position” means:

(a) In the case of a Disabled Persons Badge has the same meaning as in Regulation 4 of The Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000.

(b) In the case of a Parking Permit means;

(i) In the case of a vehicle fitted with a front windscreen it is exhibited on the inside surface thereof with the face of the Parking Permit facing forwards such that the vehicle registration number, date and time of validity are legible and clearly visible from outside the vehicle; or

(ii) In the case of a vehicle not fitted with a front windscreen it is exhibited in a conspicuous position on the front of the vehicle or as far as possible towards the front of the vehicle on the nearside thereof with the face of the Parking Permit facing forwards such that the vehicle registration number, date and time of validity are legible and clearly visible from outside the vehicle.

“Vehicle” means a motor car (not exceeding 2 metres in height) without trailers, motorcycles with or without side cars attached, invalid carriages.

“Virtual Permit” means a permit granted by the Council or Service Provider to park in the parking place by virtue of the vehicle displaying its vehicle registration mark, and by that mark appearing on a list of vehicles authorised by the Council or Service Provider to be left in the parking place.

4. Save as provided in Articles 9 and 10 of this Order, no person shall cause or permit any vehicle to wait at any time in those lengths and sides of road in Whit Hern Court, Cheshunt as shown on ‘the plan’ BOB/2019/0901 and indicated in the key to that plan as ‘No waiting at any time’.

5. Save as provided in Article 9 of this Order, no person shall, cause or permit any vehicle to wait, load or unload at any time in those lengths and sides of road as shown on ‘the plan’ BOB/2019/0901 and indicated in the key to that plan as ‘No waiting, loading or unloading at any time’.

6. Save as provided in Article 9 of this Order, no person shall cause or permit any vehicle to wait in those lengths and sides of road in Whit Hern Court, Cheshunt as shown on ‘the plan’ BOB/2019/0901 and indicated in the key to that plan as ‘Parking Place’ unless every part of the vehicle is positioned wholly within markings of a Parking Space.

7. Save as provided in Articles 6, 8, 9 those lengths of Whit Hern Court, Cheshunt as shown on 'the plan' BOB/2019/0901 and indicated in the key to the plan as parking places, are hereby authorised for use as Parking Places between 7.30am and 5.30pm Monday to Friday inclusive.

8. Save as provided in Article 9 of this Order, no person shall cause or permit any vehicle to wait between the hours of 7.30am and 5.30pm, Monday to Friday in those lengths and sides of road in Whit Hern Court, Cheshunt as shown on 'the plan' BOB/2019/0901 and indicated in the key to that plan as 'Parking Place':

(i) Without displaying a valid Parking Permit in the relevant position, or

(ii) Without Virtual Permit being granted to the vehicle

(iii) Without displaying a valid Disabled Badge in the relevant position

9. (1) Nothing in Articles 4, 5, 6, 7 and 8 of this Order applies to the lengths of road restricted by those Articles in relation to:

(a) A vehicle being used for Fire and Rescue, Ambulance or Police purposes;

(b) Anything done with the permission of or at the direction of a Police Constable in uniform or with permission of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Broxbourne Borough Council;

(c) A vehicle which is prevented from proceeding by circumstances beyond the driver's control or which has stopped in order to avoid injury or damage to persons or property or when required to do so by law;

(d) A vehicle which is stationary in order that it may be used for one or more of the purposes specified in sub-Article (2) of this Article and which cannot reasonably be used for such a purpose without stopping in the restricted area;

(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;

In this Article:

The expressions "universal service provider", "provision of a universal postal Service" and "postal packet" shall bear the same meanings as in Section 65 of the Postal Services Act 2011.

(2) The "purposes" referred to in sub-Article (1)(d) of this Article are –

(a) Any operation involving building, demolition or excavation;

(b) The removal of any obstruction to traffic;

(c) The maintenance, improvement or reconstruction of a road;

(d) Constructing, improving, maintaining, or cleaning of any street furniture; or

(e) 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.

10. Nothing in Article 4 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc, to wait at any time in any lengths of road as show on 'the plan' BOB/2019/0901 for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road).

11. (1) The Council may by notice or sign displayed at or near the Parking Place close, suspend or reserve for particular vehicles the use of the Parking Place or any part thereof for any purpose.

(2) No person shall cause or permit any vehicle to be in the Parking Place or any part thereof if there is a notice or sign indicating that the use of the Parking Place or part thereof is closed, suspended or reserved for particular vehicles or a particular purpose. Provided that nothing in this sub-paragraph shall apply in relation to a vehicle in respect of which the Parking Place or part thereof has been reserved.

12. Parking Permits and Virtual Permits are issued at the discretion of the Council to Borough of Broxbourne employees, contractors and tenants of the Bishops' College complex. Without prejudice to the generality of the Council's discretion, the following circumstances may be relevant to an application:

(a) The applicant's association with the Council

(b) The applicant's association with the Borough of Broxbourne Council and the Bishops College complex.

13. (1) Application for a Parking Permit or Virtual Permit shall be made in writing and must include the applicant's name, the applicant's postal or email address, the vehicle registration number in respect of which the application is being made and include grounds for the application. The Council may reasonably request to verify any particulars or information given to them.

(2) On receipt of an application for a Parking Permit or a Virtual Permit, the Council shall inform the applicant in writing that the Parking permit or the Virtual Permit has been issued to the vehicle, or that the application has been rejected.

14. (1) Parking Permit shall be in writing and shall include the following particulars:

i) A serial number by which the permit holder may be identified;

ii) The registration number(s) of the vehicle(s) in respect of which the Parking Permit is issued;

iii) The expiry date;

iv) Authentication that the parking permit has been issued by the Council;

v) An alphanumeric code to identify the Parking Zone.

(2) Virtual Permit shall be deemed to be issued to a vehicle upon the Councils confirmation in accordance with Article 13 (2) that such permit has been issued and by adding the vehicle's registration mark to the Council's database of Virtual Permits issued for the parking place and by that vehicle registration mark appearing on the Hand-held Device.

15. The Council may by notice served via email or by post on the permit holder at the address shown by that person on the application form or at any address believed to be that person's place of abode, withdraw a Parking permit or a Virtual Permit. The withdrawal is at the discretion of the Council and

the permit holder's circumstances specified in Articles 12(a) and 12(b) will be considered by the Council.

16. If a Parking Permit is lost or destroyed, or its details as described in Article 14(1) are not legible, a new application for a Parking Permit or a Virtual Permit shall be submitted to the Council, as specified in Article 13(1).

17. A parking permit will be only valid if:

- a) All the details on the Parking Permit as described in Article 14(1) are legible and the permit is displayed in the relevant position;
- b) Displayed on the vehicle to which the parking permit relates;
- c) It has not been withdrawn as specified in Article 15.

18. A Virtual permit will be only valid if:

- a) The vehicle registration mark in relation to which the Virtual Permit was issued appears on a Handheld Device;
- b) It has not been withdrawn as specified in Article 15.

19. Where a Parking permit has been displayed on or attached to a vehicle, no person other than the driver of the vehicle or a Civil Enforcement Officer shall remove the Parking Permit from the vehicle unless authorised to do so by the driver of the vehicle.

20. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

22. A vehicle left in contravention of any provision of this Order shall incur a Penalty Charge Notice in accordance with the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004.

22. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

SCHEDULE 1

Plan incorporated into this Order – The Borough of Broxbourne (Whit Hern Court)(Parking Places and Waiting Restrictions) Order 2019

Plan numbered BOB/2019/0901 is incorporated into this Order

IN WITNESS whereof the Common Seal of the Council of the Borough of Broxbourne was hereunto been affixed this 5th March 2020

The Common Seal of THE COUNCIL
OF THE BOROUGH OF BROXBOURNE
was hereunto affixed in the presence of:

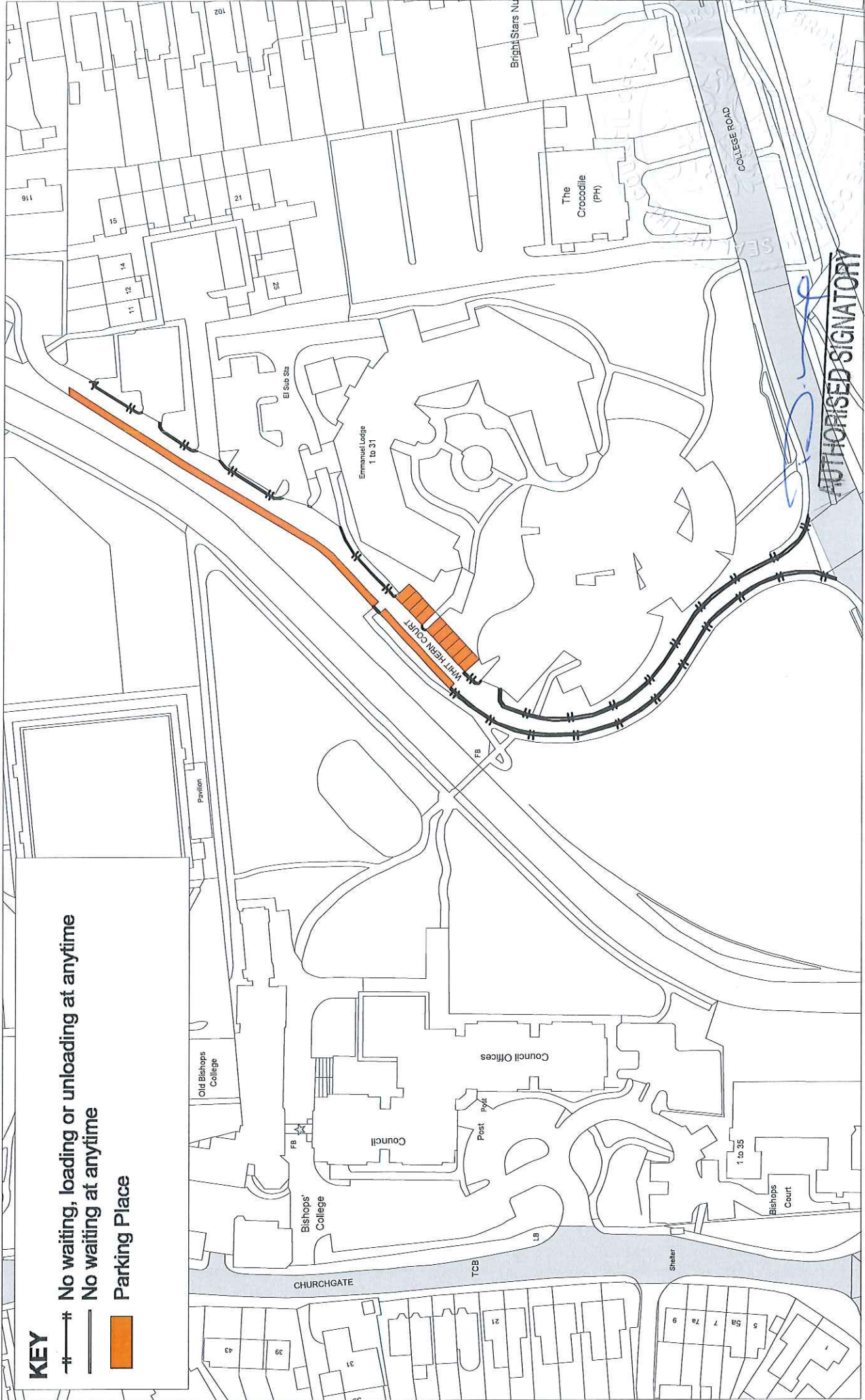


Authorised Signatory

**Project: THE BOROUGH OF BROXBOURNE (WHIT HERN COURT)
(PARKING PLACES AND WAITING RESTRICTIONS) ORDER 2019**

KEY

- # — No waiting, loading or unloading at anytime
- No waiting at anytime
- █ Parking Place



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 USER: S.Bates/ER DATE 10 September 2019 SCALE: 1/1,250