

BRAINTREE DISTRICT COUNCIL
(OFF-STREET PARKING PLACES) ORDER 2019

Braintree District Council of Causeway House Bocking End Braintree Essex (the "Council") in exercise of its powers in relation to parking places in Schedule 1 and acting on behalf of Hatfield Parish Council in Schedule 2 under Sections 32 and 35 of the Road Traffic Regulation Act 1984 (as amended) and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, The Traffic Management Act 2004 and all Regulations and Orders made in exercise of the powers conferred under the Traffic Management Act 2004 and of all other enabling powers, with the consent of Essex County Council in accordance with Section 39(3) of the Road Traffic Regulation Act 1984 and after consultation with the Chief Officer of Police in accordance with Paragraph 20, Part III of Schedule 9 to the Road Traffic Regulation Act 1984, hereby makes the following Order:-

PART I
CITATION AND INTERPRETATION

1 Citation

This Order shall come into operation on _____ 2019 and may be cited as the Braintree District Council (Off-Street Parking Places) Order 2019.

2 Interpretation

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

"The 1984 Act" means the Road Traffic Regulation Act 1984 (as amended);

"The 2004 Act" means The Traffic Management Act 2004 (as amended);

"authorised officer" means the Corporate Director - Operations for the Council, a Civil Enforcement Officer or any other officer of the Council or person duly authorised by the Council to act on its behalf (to whom the Council has delegated all relevant powers) to be designated by the Council;

"authorised user" means user of parking place/s as authorised by Braintree District Council;

"charging period" means any period specified in Column 6 of Schedule 1 in respect of which a charge is specified in Part III;

"Civil Enforcement Officer" means any officer who is authorised to supervise and control vehicles in the parking places and appointed to enforce the provisions of this Order pursuant to section 63A of the 1984 Act and has the same meaning as in Section 76 of the 2004 Act;

"Council" means the Braintree District Council or other local authority duly authorised to act on its behalf;

"disabled person's badge" means any badge issued, or having effect as if issued, under any regulations for the time being in force under section 21 of the Chronically Sick and Disabled Persons Act 1970;

"disabled person's vehicle" means any vehicle lawfully displaying a disabled person's badge and has the same meaning as in Section 142 of the 1984 Act;

“driver” means the person driving the vehicle at the time it was left in that parking place and in relation to a vehicle leaving a parking place means the person who was driving the vehicle at the time it leaves the parking place or in the case of a trailer means the person who was driving the vehicle which towed the trailer into the parking place at the time it entered the parking place;

“electric vehicle” means a vehicle that is propelled by one or more electric motors using electrical energy stored in batteries or another energy storage device or a hybrid vehicle which utilises a traditional internal-combustion engine and a fuel tank, as well as one or more electric motors and a battery;

“employee” means an employee of Braintree District Council who holds a permit to park in the Council’s car parks;

“enforcement authority” has the same meaning as in Paragraph 8 of Part 2 of Schedule 8 of the 2004 Act and is the Braintree District Council in the case of this Order;

“heavy goods vehicle” has the same meaning as a “heavy commercial vehicle” in Section 138 of the 1984 Act;

“invalid carriage” has the same meaning as in Section 136 of the 1984 Act;

“light van” means a light commercial motor vehicle constructed or adapted solely for the purpose of carrying goods, but not exceeding 3500 kgs unladen weight;

“market trader” means an individual or individuals who have been permitted in writing by the Council to trade on its market sites at Braintree and/or Witham;

“minibus” means a motor vehicle which is constructed or adapted to carry more than 8 but not more than 16 seated passengers in addition to the driver;

“motor car” means a mechanically propelled vehicle not being a motor cycle or a disabled person’s vehicle which is constructed itself to carry a load or passengers and the weight of which unladen does not exceed two tons and includes an electric vehicle;

“motorcycle” has the same meaning as in Section 136 of the 1984 Act;

“overnight permits” means a pre-paid permit issued pursuant to Article 19 for the parking of a specified vehicle in a specified parking place for a specified date or dates without the requirement to make payment or obtain a parking ticket during the time for which the overnight permit is valid improper use of which will render the same void;

"owner" has the same meaning as in Section 92 of the 2004 Act;

“parking bay” means an area within a parking place marked out for the leaving of a vehicle and indicated by markings on the surface of the parking place;

“parking charge” means the charge paid by drivers to leave a vehicle in a parking place;

“parking contravention” has the same meaning as in Part 1 of Schedule 7 of the 2004 Act;

“parking disc” has the same meaning as in the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2007;

“parking place” means any area of land specified by name in Column 1 of Schedule 1 or 2 provided by the Council under Section 32(1) of the 1984 Act or by agreement under Section 33 of the 1984 Act for use as a parking place;

“parking ticket” means a ticket issued by a pay and display machine pursuant to this Order;

“pay and display” in relation to a parking place means a parking place where the driver makes payment by the insertion of an appropriate sum of coins into a ticket machine in return for the issue of a parking ticket which must be exhibited on the vehicle or the driver purchases a virtual ticket;

“penalty charge” has the same meaning as in Section 92 of the 2004 Act and is set at a level in accordance with Band 2 in the regulations for the time being in force under Section 77 and Schedule 9 of the 2004 Act as published from time to time and is an additional amount payable regardless of the period for which a vehicle is left;

“penalty charge notice” means a notice described in Section 78 of the 2004 Act having effect as if issued or served by a Civil Enforcement Officer or posted by the enforcement authority under any regulations for the time being in force under Section 78 of the 2004 Act;

“permit” means a document issued by the Council permitting the permit holder to park a vehicle in a specified parking place or places for a specified date or dates without the requirement to make a payment or obtain a parking ticket during the time for which the permit is valid under the provisions of Article 19, improper use of which will render the same void;

“permit holder” means a person to whom a permit, overnight permit or season ticket has been issued under the provisions of Article 19 of this Order;

“relevant position” means

- (i) in the case of a disabled person’s badge:-
 - (a) the disabled person’s badge is exhibited on the dashboard or facia of the vehicle, or
 - (b) where the vehicle is not fitted with a dashboard or facia, the disabled person’s badge is exhibited in a conspicuous position on the vehicle,

so that the side of the disabled person’s badge onto which the expiry details serial number and other details confirming the validity thereof are printed is fully and clearly legible from the outside of the vehicle, and

- (ii) in the case of a parking disc:-
 - (a) the parking disc is exhibited on the dashboard or facia of the vehicle, or
 - (b) where the vehicle does not have a dashboard or facia, the parking disc is exhibited in a conspicuous position on the vehicle,

so that, when marked to show the time during which a period of waiting began, that period is clearly legible from the outside of the vehicle, and

- (iii) in the case of any parking ticket issued on payment of the parking charge or season ticket overnight permit or permit the parking ticket, season ticket overnight permit or permit shall be attached to the vehicle in respect of which it was issued -
 - (a) in the case of a two-wheeled motor cycle having a side-car attached thereto in a conspicuous position on the near side of the vehicle in front of the driving seat; or
 - (b) in the case of any other vehicle –
 - (i) where the vehicle is fitted with a front glass windscreen extending across the vehicle to the nearside, facing forwards on the near side of the glass of such windscreen behind the glass; or
 - (ii) where the vehicle is not fitted with a front glass windscreen, on the near side of the vehicle

so that all the details shown on the side of the said parking ticket season ticket overnight permit or permit onto which the expiry details serial number and other details confirming the validity thereof are printed is fully and clearly legible to a person standing at the near side of the vehicle provided that the foregoing need not apply in the case of a valid virtual ticket where available;

“residents-only” in relation to a parking place means a parking place which is designated for use only by residents and where a residents’ permit must be exhibited on a vehicle left in that parking place;

“season ticket” means a pre-paid permit issued to a person pursuant to Article 19 for the parking of a specified vehicle in a specified parking place or places for a specified date or dates without the requirement to make a payment or obtain a parking ticket during the time for which the season ticket is valid improper use of which will render the same void;

“tenants” means a tenant of Braintree District Council who holds a permit to park in the Council’s car parks;

“ticket machine” means an apparatus of a type and design which indicates the time by a clock and issues parking tickets to show that a payment has been made of an amount or for a period specified thereon and which specifies the date and either the time of such payment or the time at which the vehicle must leave the parking place;

“time” in relation to a parking disc means either the ¼ hour period shown or the minute of the hour of arrival shown on the parking disc;

“trailer” means a trailer within the meaning of Section 136(1) of the 1984 Act and shall include a caravan and a boat;

“vehicle” means a mechanically propelled vehicle intended or adapted for use on roads (motor vehicle as defined in Section 136(1) of the 1984 Act) and a vehicle drawn by a motor vehicle (trailer as defined in Section 136(1) of the 1984 Act);

“virtual ticket” means an electronic form of parking ticket purchased on arrival in the parking place or in advance (as an alternative to a parking ticket from a ticket machine) in relation to a parking place which is issued to an electronic device carried by a Civil Enforcement Officer. To be valid the virtual ticket must be registered by the

driver on account in an electronic database approved by the Council with the agreement of the driver to make payment by electronic means of an amount or for a period specified being completed by the driver. Once completed the driver will not be required to display a parking ticket in the relevant position;

2.2 Except where otherwise stated, any reference in this Order to a numbered Article, Paragraph or Schedule is a reference to the Article Paragraph or Schedule bearing that number in this Order.

2.3 Save where the contrary is indicated, any reference in this Order to:-

(a) This Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;

(b) A Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted.

PART II USE OF OFF STREET PARKING PLACES

3 Designation

Each area of land specified in Column 1 of Schedule 1 or 2 and shown on the plans to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles, in such positions and on such days and during such hours and on payment of such charges as are specified in relation to that area in the said Schedule PROVIDED THAT the Council may individually authorise any vehicle to be left in any parking place without compliance with this Order and provided further that the driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.

4 Indications by signs and markings

The driver of a vehicle shall comply with any instruction given by a sign or surface marking authorised to be placed by the Council except that an authorised officer may authorise or require the driver of any vehicle to take any action other than that specified.

5 Class and position of vehicles

Where in Schedule 1 or 2 a parking place is described as available for vehicles of a specified class or in a specified position the driver of a vehicle SHALL NOT permit it to wait in that parking place:-

- (a) unless it is of the specified class;
- (b) in a position other than that specified;
- (c) where parking bays are marked out, within a parking place other than completely within the bay markings of a single parking bay;
- (d) where it is causing a nuisance or obstruction

EXCEPT THAT any authorised officer may authorise or require the driver of any vehicle to park that vehicle in a position other than that specified.

6 Maximum period

No person shall cause or permit a vehicle to wait in a parking place specified in column 1 of Schedule 1 or 2 during the charging period specified in column 6 of Schedule 1 or 2 for longer than the period for which any payment made in accordance with Article 8 in relation to column 7 of Schedule 1 or 2 was made and shall not cause or permit the vehicle to return to that parking place within the period specified in column 5 of Schedule 1 or 2 of leaving the parking place or to remain there longer than the maximum period specified in column 5 of Schedule 1 or 2.

7 Disabled parking bays

No person shall cause or permit a vehicle to wait in a parking bay within a parking place where there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle unless that vehicle has a valid disabled person's badge and parking disc displayed in the relevant position.

8 Employee parking bays

Where within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a vehicle being used by an employee, no person shall cause or permit a vehicle to wait in that parking bay on the days and hours set out in Column 6 of Schedule 1 or 2 unless the driver is an employee and displays an employees' permit.

9 Motor cycle parking bays

Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a motor cycle, no person shall cause or permit a vehicle to wait in that parking bay unless it is a motor cycle.

10 Market trader parking bays

Where within a parking place, there is a sign or surface marking which indicates that an area of the parking place or a number of parking bays are available only for a vehicle being used by a market trader, no person shall cause or permit a vehicle to wait in a parking bay in that area on the days set out in Column 6 of Schedule 1 or 2 unless the driver is a market trader and displays a market traders' permit.

11 Electric vehicle parking bays

Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for an electric vehicle, no person shall cause or permit a vehicle to wait in that parking bay unless it is an electric vehicle.

12 Residents-only

Where, within a parking place, there is a sign or surface marking which indicates that the parking place or a parking bay is available for residents'-only, , no person shall cause or permit a vehicle to wait in that parking place or parking bay unless it is a vehicle displaying a valid unexpired residents' permit.

PART III
AMOUNT OF CHARGE AT PARKING PLACES

13 Pay & Display

The driver of a vehicle upon entering a parking place and having parked in an empty parking bay in the parking place within the charging period shall purchase a virtual ticket or a parking ticket at the parking charge and for the period indicated in accordance with the scale of charges specified in Column 7 of Schedule 1 or 2 PROVIDED THAT no charge shall be payable by the driver of a vehicle left in that parking place who exhibits in the relevant position a valid unexpired season ticket, overnight permit or permit issued in respect of that vehicle in accordance with the provisions of Article 12 and provided further that the Council may individually and specifically authorise any vehicle to be left in any parking place without compliance with all or any of this Order.

14 Method of payment

14.1 The parking charge shall be paid on the leaving of a vehicle in a parking place and may be paid by insertion of coins of the appropriate denomination into a machine or where available by purchasing a virtual ticket.

14.2 At certain parking places described in Column 1 of Schedule 1 or 2 where Column 7 in Schedule 1 or 2 states no charge then no parking charge shall be payable.

14.3 Except for the charging period specified in column 6 of Schedule 1 or 2, no parking charge shall be payable.

15 Expiry of parking period

Subject to Article 6 the expiry time is the time exhibited on the parking ticket displayed on a vehicle or the expiry of the virtual time purchased. The period will have expired when the time indicated on the clock of the ticket machine that issued the parking ticket is later than the time indicated on the parking ticket, or in the case of a virtual ticket an electronic device carried by a Civil Enforcement Officer, any vehicle displaying such a ticket shall be deemed to be in contravention of this Order.

16 Non-transferable

A parking ticket purchased from a ticket machine under Article 13 above is not transferable between vehicles or between different parking places.

17 Indications as evidence

The indications given by any machine or any parking ticket issued by it shall be treated as evidence of the facts which the machine or ticket purports to record.

18 Absence of ticket machine

If at any time when a vehicle is left in a pay and display parking place during the charging period there is no working ticket machine at the parking place or all ticket machines in that parking place carry notices placed on them by the Council indicating that they are out of order, the driver of that vehicle shall be exempt from purchasing a

parking ticket during the charging period for up to the maximum period of stay in the parking place.

19 Season tickets, permits and overnight permits

- 19.1 The Council may issue season tickets, permits or overnight permits. Different season tickets permits and overnight permits may be issued for different charges and on different criteria as determined from time to time by the Council. The season ticket, permit or overnight permit shall, subject to any conditions upon which it is issued, be valid in respect of that vehicle in such parking places specified by the Council during the hours days or period for which it is issued.
- 19.2 A season ticket permit or overnight permit issued under paragraph 19.1 of this Article is only valid in the parking places for which it is issued and authorised.
- 19.3 The Council will issue a duplicate permit, overnight permit or season ticket in place of a permit, overnight permit or season ticket which may be destroyed, lost, mutilated or upon which the figures or particulars have become illegible, on payment of a fee paid to the Council, subject always to the Council being satisfied as to the reasons for replacement the cost to be subject to a reasonable administrative charge determined by the Council from time to time. Upon such issue, the original permit, overnight permit or season ticket shall be cancelled and become null and void.
- 19.4 A season ticket permit or overnight permit shall not be considered valid for the purposes of this Order if defaced or obstructed so that it cannot be read from outside the vehicle or if it has expired by the passing of time, or if it has been declared invalid by the Council following any payment for that ticket or permit being dishonoured.
- 19.5 The issue by the Council of a permit or an overnight permit shall be subject to the provision of such information as the Council shall require.
- 19.6 A season ticket permit or overnight permit shall be in such a form and containing such information as the Council may determine.
- 19.7 Permits, overnight permits and season tickets issued under this Order shall not be transferable from one vehicle to another without the prior approval of the Council and any vehicle exhibiting a permit, overnight permit or a season ticket indicating a registration mark issued pursuant to the Vehicle Excise and Registration Act 1994 other than that borne by the vehicle on which the said permit, overnight permit or season ticket is exhibited, shall be deemed not to be exhibiting a valid unexpired permit, overnight permit or season ticket.
- 19.8 Subject to the discretion of the Council, it may issue to its employees, or authorised officers a permit for use only whilst engaged on official duties.
- 19.9 Subject to the discretion of the Council, it may issue permits to any persons or group of persons it deems appropriate.

20 Surrender, withdrawal and validity of Season Tickets/Permits

- 20.1 A permit holder who surrenders a permit overnight permit or season ticket to the Council before it becomes valid shall be entitled to a refund of the charge paid in respect of the issue thereof.
- 20.2 A permit holder who surrenders a permit overnight permit or season ticket to the Council after it has become valid shall be entitled to a refund of that part of the

charge paid in respect of the issue thereof as is attributable to the period beginning with the first day of the month following receipt by the Council of the surrendered permit to the expiry of the period for which it was issued.

- 20.3 Where a permit overnight permit or season ticket is used by anyone other than the permit holder or a person otherwise authorised by the Council to use such permit overnight permit or season ticket pursuant to this Order then such a permit overnight permit or season ticket shall be invalid and the permit holder and the user shall be liable to a penalty charge under the provisions hereof.
- 20.4 The Council may at any time require a permit holder to produce to an authorised officer such evidence in respect of any permit overnight permit or season ticket issued by them as they may reasonably require.

21 No ticket on display

If at any time while the driver of a vehicle has left that vehicle in a parking bay in a parking place during the charging period no valid parking ticket, season ticket permit or overnight permit is displayed in the relevant position then unless a virtual ticket has been purchased, it shall be deemed to be in contravention of this Order.

22 Disabled persons' vehicles

Disabled persons' vehicles displaying a disabled person's badge (regardless of whether the disabled person's vehicle is left in a parking bay which has specifically been reserved for a disabled person's vehicle) shall be entitled to an additional 1 hour from the time of expiry of the pay and display parking ticket or virtual ticket before a penalty charge notice will be issued.

23 Alteration

No person shall knowingly exhibit on any vehicle any parking disc, season ticket, permit, overnight permit or parking ticket which have been altered, defaced, mutilated or added to or upon which the figures or particulars have become illegible. Such discs, season tickets, permits, overnight permits or parking tickets shall be deemed invalid for the purposes of this Order.

PART IV SUSPENSION AND CLOSURE OF PARKING PLACE

24. The Council or an authorised officer may close or suspend any parking bay, parking place or part thereof either temporarily or permanently and by way of signs, cones or barriers shall exhibit notice of such closing on or near the parking bay or parking place or the part closed or suspended as the case may be, and no vehicle shall wait in that parking bay or parking place or part thereof so closed or suspended unless an authorised officer authorises the driver of that vehicle to take any action other than that specified.

PART V CONTRAVENTION OF ORDER

25 Contravention and Penalty Charge

25.1 (1) For the avoidance of doubt, and in addition to other articles and paragraphs of this Order, a contravention of this Order shall be deemed to have occurred by a vehicle –

- (a) Being parked without payment of the parking charge (as provided for in Article 13);
 - (b) Being used in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited (as provided for in Article 29);
 - (c) Being parked for longer than the maximum period permitted (as provided for in Article 6);
 - (d) Being parked in a restricted area in a car park (as provided for in Article 24);
 - (e) Being parked after the expiry of paid for time (as provided for in Article 15);
 - (f) Being parked in a car park without clearly displaying a valid pay & display parking ticket, season ticket, permit, overnight permit or purchasing a virtual ticket (as provided for in Article 21);
 - (g) Being parked beyond the bay markings (as provided for in Article 5);
 - (h) Being parked in a bay reserved for a disabled person's vehicle without clearly displaying a valid disabled person's badge (as provided for in Article 7);
 - (i) Being parked in a parking bay reserved for a class of persons or vehicle where the driver or vehicle is not of that class of persons or vehicle specified (as provided for in Articles 8, 9, 10 and 11);
 - (j) Being parked in a parking place or parking bay for residents-only without clearly displaying a valid unexpired residents' permit (as provided for in Article 12);
 - (k) If the vehicle parked exceeds maximum weight and/or height and/or length permitted in the area (as provided for in in Article 5);
 - (l) Being parked in a car park or area not designated for that class of vehicle (as provided for in Article 5);
 - (m) Being re-parked within a specified time of leaving a parking bay or space in a parking place (as provided for in Article 6)
 - (n) Being parked causing an obstruction (as provided for in Article 5);
 - (o) Being parked in car park when closed (as provided for in Article 24);
 - (p) Being parked in a parking place for a purpose other than the designated purpose for the parking place (as provided for in Articles 29, 34 or 35);
 - (q) Being parked with engine running where prohibited (as provided for in Article 31);
- (2) If a vehicle is left in a parking place in contravention of any article or paragraph of this Order where a penalty charge notice may be served or issued by a Civil Enforcement Officer or sent by post by the enforcement authority by virtue of the provisions of the 2004 Act or any Regulations made thereunder then a penalty charge in accordance with Band 2 of the aforesaid Regulations shall be payable and/or the vehicle may be removed from that location or parking place.
- (3) If a person (who may or may not be an individual but is conclusively presumed to be the registered keeper of any vehicle involved unless that person can prove otherwise) does not comply with any article or paragraph of this Order other than that covered by 17.1 (2) then the person responsible

shall be guilty of an offence under Section 35A of the 1984 Act and/or any vehicle involved may be removed from that location or parking place.

26 Penalty charge notice

- 26.1 In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position or serve or the enforcement authority send by post a notice in accordance with the provisions contained in the 2004 Act or any Regulations made thereunder.
- 26.2 The penalty charge shall be paid to the Council in accordance with the instructions contained on the penalty charge notice.

27 Indications as evidence

The particulars given in the penalty charge notice attached to a vehicle or served by a Civil Enforcement Officer or sent by the enforcement authority in accordance with this part shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

28 Restriction on removal of a penalty charge notice

Where a penalty charge notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order, no person, not being the owner or person in charge of the vehicle, a person authorised by the driver of the vehicle, a Civil Enforcement Officer or some other person duly authorised by the Council shall remove the penalty charge notice from the vehicle unless authorised to do so by the owner or person in charge of the vehicle.

Part VII GENERAL PROVISIONS

29 Use of vehicle and parking places

- 29.1 No person shall without the written consent of the Council or an authorised officer use a vehicle, while it is in a parking place or parking bay, 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.
- 29.2 No person shall use any part of a parking place, parking bay or any vehicle left in a parking place or parking bay:
- (a) for sleeping or camping purposes;
 - (b) for cooking purposes;
 - (c) for the purpose of carrying on any business or trade; or
 - (d) for the purpose of repairing, servicing or washing any vehicle part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place or parking bay.

other than with the express permission of the Council in writing.

- 29.3 No person shall, except with the permission of the Council or an authorised officer, drive or permit to be driven 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.
- 29.4 No vehicle shall use a parking place as a means of passage to proceed from one road to either the same road or another road unless the vehicle has in the meantime been properly parked therein and the appropriate fee paid.

30 Traffic control

Where in a parking place signs are erected or surface markings are laid for the purpose of:

- (a) indicating the entrance to or exit from the parking place; or
- (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place; or
- (c) the maximum speed of vehicles using the parking place; or
- (d) indicating that parking is not permitted in that area
- (e) no person shall drive or cause 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 that specified, as the case may be; or
 - (iii) at a speed greater than that indicated; or
 - (iv) parks in a prohibited area delineated by lines, signs or cones.

31 Stop engine

The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in a parking bay 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.

32 No sound horn

The driver of a vehicle using a parking place shall not sound any horn or other similar device except when about to change the position of the vehicle in or to depart from the parking place.

33 Movement or Removal of vehicles

- 33.1 When a vehicle is left in a parking place or parking bay in contravention of any of the provisions contained in this Order, an authorised officer or some other person duly authorised by the Council may alter or cause to be altered the position of the vehicle so that its position shall comply with the provisions of the Order or remove the vehicle or arrange for it to be removed from the parking place.
- 33.2 Any person removing or altering the position of a vehicle by virtue of the last preceding Article of this Order 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.

- 33.3 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 Order he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- 33.4 In the event of an emergency, any authorised officer or a Police Constable on duty may move or cause to be moved to any place he thinks fit vehicles left in the parking place.
- 33.5 The Council shall be entitled to recover its reasonable expenses incurred under the preceding paragraphs in accordance with the relevant legislation in the removal, storage and disposal of the vehicle from the keeper thereof.

34 Nuisance

- 34.1 No person shall in a parking place shout or make any loud noise or play loud music which causes disturbance or annoyance to users of the parking place or residents of premises in the neighbourhood.
- 34.2 No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct 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.

35 Further provisions

- 35.1 In a parking place or parking bay no person shall:
- (a) erect or permit to be erected any tent, booth, stand, building or other structure, machine or device without the written consent of the Council;
 - (b) light or cause or permit to be lit any fire or heating device;
 - (c) except with prior written permission of the Council, affix any advertising material to the fabric structure or equipment of any parking place nor any vehicle parked therein;
 - (d) replenish a fuel tank in any parking place;
 - (e) drain any fuel or effluent tank either onto a parking place or into the drainage system or watercourse therein;
 - (f) misuse or interfere with the use or enjoyment by others of any parking place nor obstruct any part of the structure, signage, stairways doors or walkways of any parking place;
 - (g) smoke.

PART VIII REVOCATION

- 36 The Braintree District Council (Off-Street Parking Places) Order 2014 is hereby revoked in its entirety.

Dated this 2019

THE COMMON SEAL of the)
BRAINTREE DISTRICT COUNCIL)
was hereunto affixed by Order:)

Authorised Signatory

Schedule 1 – Off Street Parking Places (prices are shown gross (inclusive of VAT) at the appropriate prevailing rate)

1	2	3	4	5	6	7
Location, name and type of parking place	Position in which vehicle may wait	Classes of Vehicle	Days and Hours of Operation of Parking Places	Maximum period for which vehicles may wait	Charging Period (excludes Public and Bank Holidays)	Scale of Charges
1 Braintree George Yard Multi-storey Car Park, Braintree Pay and Display Season Ticket Permit Multi- storey	Wholly within a parking bay	Motor cycle	All Days	24 hours	All days all hours	<u>Season Tickets</u>
		Motor car	All Hours			Quarterly £145.00
		Invalid carriage				Annual £550.00
		Light van				
	subject to height restriction of 2.2m				All days 7am – 7pm	<u>Day Rates</u>
						up to 1 hr £1.00
						1 to 3 hrs £2.00
						3 to 6 hrs £3.50
					over 6 hrs (daily rate) £6.00	
					All days 7pm – 7am next day	<u>Overnight Rates</u>
						Overnight charge £0.50
						Valid 7pm to 7.30am
					All days 7pm – 7am next day	<u>Overnight Permits</u>
						Valid 7pm to 7.30am
						Quarterly £30.00
						Six months £55.00
						Annual £100.00
	Wholly within an electric vehicle parking bay	Electric vehicles	All Days	1 hour*	All days 7am – 7pm	<u>Day rates</u> £1.00
			All Hours			Maximum 1 hour*
					All days 7pm – 7am next day	<u>Overnight rate</u> £0.50
						Maximum 1 hour*
						*users may stay for a longer period by purchasing a ticket in accordance with the scale of charges above but must move their vehicle after 1 hour to a normal parking bay

1	2	3	4	5	6	7
Location, name and type of parking place	Position in which vehicle may wait	Classes of Vehicle	Days and Hours of Operation of Parking Places	Maximum period for which vehicles may wait	Charging Period (excludes Public and Bank Holidays)	Scale of Charges
2. Braintree George Yard Surface car park, Braintree Season Ticket Surface Car Park	Wholly within a parking bay	Motor cycle Motor car Invalid carriage Light van	All Days All Hours	24 hours	All days all hours	<u>Season Tickets</u> Quarterly £145.00 Annual £550.00
3. Braintree Station Approach car park, Braintree Pay and Display Season Ticket Permit Surface Car Park	Wholly within a parking bay	Motor cycle Motor car Invalid carriage Light van	All Days All Hours	24 hours	All days all hours <u>Monday to Friday</u> 7am – 7pm <u>Saturday</u> 7am – 7pm <u>Monday to Friday</u> (up to 24 hrs) <u>Saturday</u> (up to 24 hrs) <u>Sunday</u> 7am – 7pm after which the overnight rate applies.	<u>Season Tickets</u> Quarterly £145.00 Annual £550.00 <u>SHORT STAY</u> Up to 1hr £1.00 1 to 3hrs £2.00 3 to 6 hrs £3.00 Up to 1hr £1.00 Over 1hr – <u>long stay</u> Saturday day rate applies. <u>LONG STAY</u> Daily charge £4.50 Daily charge £2.00 Daily charge £0.50

1	2	3	4	5	6	7
Location, name and type of parking place	Position in which vehicle may wait	Classes of Vehicle	Days and Hours of Operation of Parking Places	Maximum period for which vehicles may wait	Charging Period (excludes Public and Bank Holidays)	Scale of Charges
Station Approach contd...					All days 7pm to 7am next day	<u>OVERNIGHT</u> Overnight charge £0.50 (valid 7pm to 7.30am)
					All days 7pm – 7am next day	<u>Permits</u> (Valid 7pm to 7.30am) Quarterly £30.00 Six months £55.00 Annual £100.00
	Wholly within a parking bay	Market trader vehicles being: Motor car; Light van; Heavy goods vehicle subject to unladen weight restriction of 10 tonnes	All Days All Hours	24 hours	<u>Wednesday and Saturday</u> All hours	Daily charge £1.50 <i>Market traders only</i>
4. Braintree Manor Street Car Park, Braintree Pay and Display Permit Surface Car Park	Wholly within a parking bay	Motor cycle Motor car Invalid carriage Light van	All Days All Hours	24 hours	<u>Monday to Saturday</u> 7am – 7pm	Up to 1 hr £1.00 1 to 3 hrs £2.00 3 to 6 hrs £3.50 over 6 hrs (daily rate) £6.00
					<u>Sunday</u> 7am – 7pm	Daily charge £0.50
					All days 7pm – 7am next day	Overnight charge £0.50 Valid 7pm to 7.30am
					All days 7pm – 7am next day	<u>Overnight Permit</u> Valid 7pm to 7.30am Quarterly £30.00 Six months £55.00 Annual £100.00

1	2	3	4	5	6	7	
Location, name and type of parking place	Position in which vehicle may wait	Classes of Vehicle	Days and Hours of Operation of Parking Places	Maximum period for which vehicles may wait	Charging Period (excludes Public and Bank Holidays)	Scale of Charges	
5. Braintree Victoria Street, Braintree Pay and Display Season Ticket Permit Surface Car Park	Wholly within a parking bay.	Motor cycle	All Days	24 hours	All days all hours	<u>Season Tickets</u>	
		Motor car	All Hours			Quarterly £145.00 Annual £550.00	
		Invalid carriage					
		Light van			<u>Monday to Saturday</u> (Up to 24 hrs)	Daily charge £4.50	
					<u>Sunday</u> 7am to 7pm after which the overnight rate applies.	Daily charge £0.50	
					All days 7pm – 7am next day	Overnight Charge £0.50 Valid 7pm to 7.30am	
	All days 7pm – 7am next day	<u>Overnight Permit</u> Valid 7pm to 7.30am Quarterly £30.00 Six months £55.00 Annual £100.00					
	Wholly within the area set aside for market traders' vehicles	Market trader vehicles being: Motor car Light van Heavy goods vehicle subject to unladen weight restriction of 10 tonnes	Wednesday and Saturday All Hours	24 hours	<u>Wednesday and Saturday</u> All hours	Daily charge £1.50 <i>Market traders only</i>	

1	2	3	4	5	6	7
Location, name and type of parking place	Position in which vehicle may wait	Classes of Vehicle	Days and Hours of Operation of Parking Places	Maximum period for which vehicles may wait	Charging Period (excludes Public and Bank Holidays)	Scale of Charges
6 Braintree Causeway House, Braintree Permit Pay & Display at weekends Surface Car Park	Wholly within a parking bay marked and allocated for employees tenants or visitors	Employee and visitor vehicles being:- Motor cycle Motor car Invalid carriage Light van	Monday to Friday All hours	Employee and tenant Bays 24 hours Visitor Bays 2 hours, no return within 2 hours	<u>Monday to Friday</u> All hours	No charge
	Wholly within a parking bay	Motor cycle Motor car Invalid carriage Light van	Saturday and Sunday	24 hours	<u>Saturday</u> 7am – 7pm	up to 1 hr £1.0 1 to 3 hrs £2.00 3 to 6 hrs £3.50 over 6 hrs (daily rate) £6.00
					<u>Sunday</u> 7am – 7pm	Daily charge £0.50
					<u>Saturday and Sunday</u> 7pm – 7am next day	Overnight charge £0.50 Valid 7pm to 7.30am
Wholly within a parking bay	Market trader vehicles being: Motor car Light van Heavy goods vehicle subject to unladen weight restriction of 10 tonnes	Saturday only	24 hours	<u>Saturday</u> All hours	Daily charge £1.50 <i>Market traders only</i>	
7 Braintree	Wholly within a parking	Heavy goods vehicles.	All Days	23 hours	All Days	No charge

1	2	3	4	5	6	7
Location, name and type of parking place	Position in which vehicle may wait	Classes of Vehicle	Days and Hours of Operation of Parking Places	Maximum period for which vehicles may wait	Charging Period (excludes Public and Bank Holidays)	Scale of Charges
Lorry Park, Springwood Drive, Braintree Surface Car Park	bay		All Hours		All Hours	
8 Braintree Car Park Springwood Drive Braintree Surface Car Park	Wholly within a parking bay	Motor cycle Motor car Invalid carriage Light Van	All Days All Hours	23 hours	All Days All Hours	No charge
9 Braintree Car Park, Silks Way, Braintree Surface Car Park	Wholly within a parking bay	Motor cycle Motor car Invalid carriage Light van	All Days All Hours	2 hours	All Days All Hours	No charge
10 Braintree Permit only Car Park, Silks Way, Braintree Permits Surface Car Park	Wholly within a parking bay	Motor cycle Motor car Invalid carriage Light van	All Days	At any time during the validity of the permit	All Days All Hours	<u>Permits</u> Annual £350.00
11 Braintree	Wholly within a parking	Motor cycle	All Days	24 hours	All Days	No charge

1	2	3	4	5	6	7
Location, name and type of parking place	Position in which vehicle may wait	Classes of Vehicle	Days and Hours of Operation of Parking Places	Maximum period for which vehicles may wait	Charging Period (excludes Public and Bank Holidays)	Scale of Charges
Braintree Leisure Centre, Braintree Surface Car Park	bay	Motor car Invalid carriage Light van Minibuses	All Hours		All Hours	
12 Witham Mill Lane, Witham Pay & Display Season tickets Permits Surface Car Park	Wholly within a parking bay.	Motor cycle Motor car Invalid carriage Light van	All Days All Hours	24 hours	All days all hours <u>Monday to Saturday</u> 7am – 7pm <u>Sunday</u> 7am – 7pm All days 7pm – 7am next day All days 7pm – 7am next day	<u>Season Tickets</u> Quarterly £145.00 Annual £550.00 up to 1 hr £1.00 1 to 3 hrs £2.00 3 to 6 hrs £3.50 over 6 hrs (daily rate) £6.00 Daily charge £0.50 Overnight charge_ £0.50 Valid 7pm to 7.30am <u>Overnight Permit</u> Valid 7pm to 7.30am Quarterly £30.00 Six months £55.00 Annual £100.00
13 Witham Newlands Drive, Witham	Wholly within a parking bay.	Motor cycle Motor car	All Days All Hours	24 hours	All days all hours	<u>Season Tickets</u> Quarterly £145.00 Annual £550.00

1	2	3	4	5	6	7
Location, name and type of parking place	Position in which vehicle may wait	Classes of Vehicle	Days and Hours of Operation of Parking Places	Maximum period for which vehicles may wait	Charging Period (excludes Public and Bank Holidays)	Scale of Charges
Pay & Display Season Tickets Permits Surface Car Park		Invalid carriage Light van			<u>Monday to Saturday</u> 7am – 7pm	up to 1 hr £1.00 1 to 3 hrs £2.00 3 to 6 hrs £3.50 over 6 hrs (daily rate) £6.00
					<u>Sunday</u> 7am – 7pm	Daily charge £0.50
					All days 7pm – 7am next day	Overnight charge £0.50 Valid 7am to 7.30pm
					All days 7pm – 7am next day	<u>Overnight Permit</u> Valid 7pm to 7.30am Quarterly £30.00 Six months £55.00 Annual £100.00
	Wholly within a parking bay	Market trader vehicles being: Motor car Light van Heavy goods vehicle subject to unladen weight restriction of 10 tonnes	Saturday All hours	24 hours	<u>Saturday</u> All hours	Daily charge £1.50 <i>Market traders only</i>
14 Witham Market Site off Lockram Lane, Witham Season Tickets Permits Surface Car Park	Wholly within a parking bay	Motor cycle Motor car Invalid carriage Light van	Monday to Friday and Sunday All hours	24 hours	<u>Monday to Friday and Sunday</u> All hours	<u>Season Tickets</u> Quarterly £121.00 Annual £473.00

1	2	3	4	5	6	7
Location, name and type of parking place	Position in which vehicle may wait	Classes of Vehicle	Days and Hours of Operation of Parking Places	Maximum period for which vehicles may wait	Charging Period (excludes Public and Bank Holidays)	Scale of Charges
15 Witham White Horse Lane, Witham Pay & Display Permit Surface Car Park	Wholly within a parking bay	Motor cycle Motor car Invalid carriage Light van	All Days All hours	24 Hours	<u>Monday to Friday</u> (Up to 24 hrs)	Daily charge £5.50
					<u>Saturday</u> (Up to 24 hrs)	Daily charge £2.00
					<u>Sunday</u> (7am to 7pm after which the overnight rate applies).	Daily charge £0.50
					All days 7pm- 7am next day	Overnight charge £0.50 Valid 7pm to 7.30am
					All days 7pm- 7am next day	<u>Overnight Permit</u> Valid 7pm to 7.30am Quarterly £30.00 Six months £55.00 Annual £100.00
16 Witham Car Park, Mayland Drive, Witham Pay & Display Season Tickets Permits Surface Car Park	Wholly within a parking bay.	Motor cycle Motor car Invalid carriage Light van	All Days All hours	24 hours	All days, All hours	<u>Season Tickets</u> Quarterly £145.00 Annual £550.00
					<u>Saturdays</u> 7am – 7pm	Up to 1 hr £1.00 1 to 3 hrs £2.00 3 to 6 hrs £3.50 Over 6 hrs (daily rate) £6.00
					<u>Sunday</u> 7am to 7pm after which the overnight rate applies.	Daily charge £0.50

1	2	3	4	5	6	7
Location, name and type of parking place	Position in which vehicle may wait	Classes of Vehicle	Days and Hours of Operation of Parking Places	Maximum period for which vehicles may wait	Charging Period (excludes Public and Bank Holidays)	Scale of Charges
					<u>Saturday and Sunday</u> 7pm – 7am next day	Overnight charge £0.50 Valid 7pm to 7.30am
17. Witham Braintree Road, Witham Residents-Only Permits Surface Car Park "Resident" means a resident of Braintree Road, Witham, (unless otherwise authorised by the Council) who is permitted to park in the Car Park.	Wholly within a parking bay	Motor cycle Motor car Invalid carriage Light van	All days All hours	No limit	All days all hours	<u>Permits</u> £126 p.a. £10.50 per calendar month.
18 Witham Easton Road Car Park, Witham Pay & Display Surface Car Park	Wholly within a parking bay	Motor cycle Motor car Invalid carriage Light van	All Days All Hours	No limit	<u>Monday to Friday</u> 4.00am – 9.30am (Valid until 4am next day) 9.30am – 7pm (Valid until 4.00am next day)	Daily charge £6.50 Daily charge £3.50
					<u>Saturday & Sunday</u> (valid until 4am next day)	Daily charge £2.00

1	2	3	4	5	6	7
Location, name and type of parking place	Position in which vehicle may wait	Classes of Vehicle	Days and Hours of Operation of Parking Places	Maximum period for which vehicles may wait	Charging Period (excludes Public and Bank Holidays)	Scale of Charges
					Entry after 7pm (Valid until 4.00am next day)	Daily charge £1.00
					<u>Evening – all days</u> 7pm – 4am next day	Evening charge £1.00
19 Halstead Halstead Leisure Centre, Halstead Surface Car Park	Wholly within a parking bay	Motor cycle Motor car Invalid carriage Light van	All Days All Hours	23 Hours	All Days All Hours	No charge

Schedule 2 – Off Street Parking Places (prices are shown gross (inclusive of VAT) at the appropriate prevailing rate)

1	2	3	4	5	6	7
Location, name and type of parking place	Position in which vehicle may wait	Classes of Vehicle	Days and Hours of Operation of Parking Places	Maximum period for which vehicles may wait	Charging Period (excludes Public and Bank Holidays)	Scale of Charges
1 Hatfield Peverel Car Park Hadfelda Square, Hatfield Peverel Permits Surface Car Park	Wholly within a parking bay	Motor cycle Motor car Invalid carriage Light van	All Days All Hours	Mon to Fri 2 hours, no return within 3 hours except permit holders <u>Permit holders</u> 24 hours	<u>Monday to Friday</u> 7am – 6pm	Up to 2 hrs – no charge Over 2 hours – permit parking only <u>Permits</u> Annual £500.00