

**THE ELMBRIDGE BOROUGH COUNCIL (OXSHOTT HEATH PARKING PLACE)
ORDER 2015**

Elmbridge Borough Council, in exercise of the powers under Sections 32, 35 and Schedule 9 of the Road Traffic Regulation Act 1984 (as amended) ("the 1984 Act"), the Traffic Management Act 2004 ("the 2004 Act") and of all other Regulations and Orders made in exercise of the powers conferred by the 2004 Act and all other enabling powers, with the consent of Surrey County Council given under Section 39(3) of the 1984 Act and after consulting with the Chief Officer of Police in accordance with Paragraph 20 of Schedule 9 of the 1984 Act, hereby makes the Elmbridge Borough Council (Oxshott Heath Parking Place) Order 2015.

PART I – GENERAL

Commencement and Citation

1. This Order may be cited as the Elmbridge Borough Council (Oxshott Heath Parking Place) Order 2015.

Definitions

2. In this Order, except where the context otherwise requires, the following expressions shall mean:–

“Civil Enforcement Officer” means a person as defined by the 2004 Act to supervise and enforce *inter alia* the provisions of this Order;

“Class of Vehicle” means a type of vehicle allowed to park in the Parking Place, being restricted to Passenger Vehicles (as defined), Goods Vehicles (as defined), Motorcycles (as defined), trailers and Horseboxes (as defined).

“Council” means the Council of the Borough of Elmbridge;

“Days and Hours of Operation” means the days and times that the Parking Order is in force and are shown as Days and Hours in the Schedule;

“Driver”, in relation to a vehicle left in the Parking Place, means the person driving the vehicle at the time it was parked in the Parking Place;

“Goods Vehicle” means a motor vehicle which is constructed or adapted solely for use for the carriage of goods or burden of any description the total height of which does not exceed 2.44 metres and the unladen weight of which does not exceed 2540 kilogrammes, excluding Horseboxes;

“Hand Held Computer” a device used by a Civil Enforcement Officer for verifying the correct time of day, for recording evidence electronically and for issuing a Penalty Charge Notice;

“Horsebox” means any motor vehicle or trailer that is used for the transport of any pony or horse to or from the Parking Place that it might be exercised therefrom;

“Maximum Height” is the restriction by means of a height restriction barrier at the Parking Place entrance/ exit, physically preventing vehicles over this height from entering;

“Maximum Stay” means the longest period of time that a vehicle can park in the Parking Place;

“Motorcycle” refers to a 2-wheeled mechanically propelled vehicle including a sidecar where fitted;

“Owner” of a vehicle, means the registered keeper for the purposes of the Vehicle Excise and Registration Act 1994 or the person who had use of the vehicle in the course of his/her employment and was entitled to the use of such vehicle as if he/ she were the registered keeper;

“Park” means leaving a vehicle in a stationary position for any period, whether or not the Driver, or other person, is in, or in the vicinity of, the vehicle;

“Parking Place” means land provided by the Council under section 32 of the 1984 Act for use as an off-street Parking Place as defined by section 142(1) of the 1984 Act and specified in the Schedule;

“Pass” means a permit issued by the Council that permits a vehicle to Park in the Parking Place in accordance with its terms and conditions of use. A Pass may include a Council member’s Pass and a Council officer’s Pass;

“Passenger Vehicle” means a motor vehicle (other than a Motorcycle) constructed or adapted solely for the carriage of not more than eight passengers (exclusive of the Driver), without a trailer attached;

“Penalty Charge” has the same meaning as in section 92 of the 2004 Act and shall be set at Band 2 in Section 1 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;

“Penalty Charge Notice” means a notification of a Penalty Charge pursuant to the provisions of Section 78 of the 2004 Act and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Relevant Position” means in a conspicuous position inside the windscreen, or in the case of a vehicle not fitted with a dashboard, fascia or front windscreen, in a conspicuous position on the vehicle, such that the front face and all the information including any expiry time and date, any date of validity and any reference number can be read easily;

“Reserved”, in respect of the Parking Place, means not available for parking by the public, or otherwise reserved for a specified Class of Vehicle, or purpose, or a vehicle for which a specific scale of charge has been paid or to which a maximum period of stay applies;

3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;
4. The Interpretation Act 1978 shall apply to this Order.

PART II – USE OF PARKING PLACE

5. The Parking Place may be used to Park of any Class of Vehicle, subject to the provisions of this Order and the Controls specified in the Schedule thereto.

Maximum height

6. Where a Height Restriction Barrier is installed at the entrance or exit to the Parking Place, vehicles exceeding the maximum height are not permitted to enter and Park.

Disabled Person's Badge ('Blue Badge')

7. A Disabled Person's Badge, where used, must be displayed in the vehicle in the Relevant Position and used only in accordance with the terms of issue.

Power to close or suspend the Parking Place

8. Nothing in this Order shall prevent the Council from closing/ suspending the use of the whole or part of the Parking Place for any period without notice if necessary. The Council will place or erect signs, notices and/ or barriers setting out the terms of the closure/ suspension.
9. No person shall cause or permit a vehicle to be parked in the Parking Place contrary to signs, notices and/ or barriers pursuant to Article 8.

Parking Pass

10. No daily maximum period of stay or period of no return restrictions shall be applicable in respect of a vehicle left displaying in a Relevant Position a Pass issued by the Council valid for the Parking Place.

PART V – CONTRAVENTIONS AND PENALTY CHARGES

Contravention

11. Any vehicle left in the Parking Place in contravention of any Article of this Order shall be subject to a Penalty Charge and/or removal of the vehicle from the Parking Place.

PART VI – REMOVAL OF VEHICLES

Relocation/ removal of a vehicle

12. Where a Civil Enforcement Officer or other person authorised by the Council believes that a vehicle in the Parking Place is in contravention of any of the provisions of this Order, or is left in such a manner so as to cause danger or

obstruction, or has been abandoned, they may effect relocation of the position of the vehicle, or its removal to a place of safe-keeping.

PART VII RESTRICTIONS ON USE

13. No person shall in the Parking Place or any part of the Parking Place without the express written permission of the Council:-
- (a) use a vehicle, in connection with the sale of any article, including the vehicle itself, or in connection with the selling or offering for hire of goods, skills or services;
 - (b) cook/ heat food;
 - (c) sleep/ camp;
 - (d) wash, valet, service or repair any vehicle or part thereof, other than is reasonably necessary to enable that vehicle to depart from the Parking Place;
 - (e) erect or cause to be erected, any tent, booth, stand, building or other structure;
14. Where signs are erected for the purposes of indicating the: entrance(s) to or exit(s) from the Parking Place; or specifying the direction in which vehicles are to proceed, a person shall not drive or cause any vehicle to be driven;
- (a) so that it enters the Parking Place otherwise than by an entrance, or leaves the Parking Place otherwise than by an exit;
 - (b) in a direction other than that specified;
 - (c) in a manner, or at a speed, so as to cause danger to any person in the Parking Place.

PART VIII – EXCLUSION OF LIABILITY

18. The use of the Parking Place is undertaken at the risk of the Owner and Council accepts no liability for the damage to/ loss from any vehicle.

Given under the Common Seal of Elmbridge Borough Council

This nineteenth day of April 2016

THE COMMON SEAL OF
ELMBRIDGE BOROUGH COUNCIL
was hereunto affixed in the presence of

A handwritten signature in black ink, consisting of stylized initials followed by a long horizontal line.

Head of Legal Services



THE ELMBRIDGE BOROUGH COUNCIL (OXSHOTT HEATH PARKING PLACE)

ORDER 2015

Schedule

Applicable to any Class of Vehicle permitted to use the Parking Place under the Order.

Parking Place / Car Park	Days and Hours	Controls
Oxshott Heath Car Park	a) All days b) All hours	Monday – Friday (inclusive) - 4 hours maximum stay, no return within 3 hours.