



**The Borough of Brentwood (Off-Street Parking Places)  
Order 2023**

Coming into operation: 03 January 2024

**BRENTWOOD BOROUGH COUNCIL**

## **The Borough of Brentwood (Off-Street Parking Places) Order 2023**

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**BRENTWOOD BOROUGH COUNCIL**

**The Borough of Brentwood (Off-Street Parking Places) Order 2023**

Brentwood Borough Council ("the Council") in exercise of its powers under sections 32, 33, 34, 35, 39 and 124 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 and of all other enabling powers and after consultations in accordance with Part III of Schedule 9 to the said Act hereby make the above Order.

## **PART 1 – GENERAL**

### **Commencement and Citation**

1. This Order shall come into operation on 27 December and may be cited as The Borough of Brentwood (Off-Street Parking Places) Order 2023.

### **Interpretation**

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

**"the Act"** means the Road Traffic Regulation Act 1984;

**"Authorised Officer"** means a person authorised (by name or designation or both) in writing by the Managing Director of the Council;

**"Barrier Controlled Parking Place"** means a Parking Place in which a Driver must follow the procedure as stipulated in Article 27 of this Order;

**"Charging Hours"** in relation to a Parking Place means the period during which a charge for parking is made, as specified in Column 5 of Schedule 1 to this Order;

**"Civil Enforcement Officer"** has the same meaning as a Civil Enforcement Officer in the Traffic Management Act 2004 Part 6 Section 76;

**"Controlled Hours"** in relation to:

(a) Payment Parking Places means the Charging Hours as specified in Column 5 of Schedule 1; and

(b) Permit Only Parking Places, Season Ticket Only Parking Places and Free Parking Places means the Operational Hours as specified in Column 4 of Schedule 1;

**"Council"** means the Brentwood Borough Council;

**"Digital Permit"** means an electronic record of a Permit confirmed by the Council or other authorising Agent accessible on a Handheld Device, to exempt a Vehicle from a restriction in the provisions of this Order;

**"Disabled Person's Badge"** and **"Disabled Person's Vehicle"** have the same meaning as stated in Regulation 3 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 Statutory Instrument No. 683);

**"Driver"** in relation to a Vehicle in a Parking Place means the person driving or having control or charge of the Vehicle, or the person having driven or having had control or charge of the Vehicle at the material time; in relation to a Vehicle shall mean the person whose name the Vehicle was or is at the time registered under the Vehicle (Excise) Act 1971 (or any statutory replacement thereof) and references to the address of such person shall be taken to refer to the address recorded in the record kept under the Act with respect to that Vehicle as being that person's address;

**"Electric Vehicle"** means a Motor Vehicle which is propelled by electric energy (battery-only powered Vehicle) from rechargeable batteries. The batteries provide the power to propel the Vehicle and to power the lights and all accessories within the Vehicle. Hybrid Vehicles, that combine an internal combustion engine with one or more electric motors powered by rechargeable batteries, which require charging, are included in this category;

**"Electric Vehicle Charging Bay"** means a Parking Bay designated for the sole use by an Electric Vehicle for continuous charging time, subject to any maximum period of stay;

**“Electric Vehicle Charging Point”** means a purpose-built unit adjacent to a Parking Bay designed specifically for Electric Vehicle charging;

**“Enactment”** means any Enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue an Enactment and 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;

**“Handheld Device”** means a device used to access a Parking Payment or Permit record recorded on the Council’s Parking Payment Application;

**“Invalid Carriage”, “Motor Vehicle”, “Motorcycle” and “Trailer”** have respectively the same meanings as in Section 136 of the Act provided that for the purpose of this Order the term “Motorcycle” shall be deemed to include only a solo Motorcycle;

**“Limited Waiting Parking Place”** means a Parking Place in which a Driver must not Wait in for more than the maximum period as stipulated in Schedule 1 to this Order;

**“No Return”** means No Return of a Vehicle to a given Parking Place within a specified period;

**“Off-Street Plans”** means the Borough of Brentwood Off-Street Parking Plans which are incorporated into this Order in Schedule 4;

**“Operational Hours”** means the days and hours prescribed by this Order during which a Vehicle may park in a Parking Place in accordance with the conditions in this Order;

**“Owner”** has the same meaning as in Section 92 of the Traffic Management Act 2004;

**“Parking Bay”** means an area contained within a Parking Place delineated by marking to indicate the position in which a Vehicle may be parked;

**“Parking Place”** means any area of land specified by name in column 1 of Schedule 1 the extent of which is indicated by a plan contained in Schedule 4;

**“Parking Ticket”** means either a ticket purchased from a Ticket Machine at a Payment Parking Place or taken from a Pay-on-Foot Parking Place entrance barrier or any other authorised Parking Device as the case may be;

**“Payment Parking Place”** means any Parking Place designated as such by this Order where a Parking Charge applies to the period of Waiting within the Parking Place;

**“Pay and Display Parking Place”** means a Parking Place in which a Driver must follow the procedure as stipulated in Article 28 of this Order;

**“Pay on Foot Barrier-Controlled Parking Place”** means a Parking Place in which a Driver must follow the procedure as stipulated in Article 27 of this Order;

**“Pay by Phone”** means the Telephone Payment Parking System provided by the Council and accessed through the payment app or QR Code on the signs in the Parking Place;

**“Penalty Charge”** has the same meaning as in Section 92 of the Traffic Management Act 2004 and 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 said 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 Traffic Management Act 2004 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 Traffic Management Act 2004;

**“Permit”** means any physical or Digital Permit identified by this Order as being a Valid Permit for use within a Parking Place during the Operational Hours;

**“Permit Charge”** means the charges set out in Schedule 3 to this Order;

**“Permit Holder”** means a person who holds a valid physical or Digital Permit;

**“Permitted Hours”** means the hours identified on Schedule 1 & 2 attached to this Order;

**“Police Vehicle”** has the same meaning as in the Traffic Signs Regulations and General Directions 2016;

**“QR Code”** means a barcode which can be scanned by a smartphone camera to provide the user with access to the Telephone Payment Parking System;

**“Relevant Position”** means

(a) in the case of a Disabled Person’s Badge:-

- (i) the Disabled Person’s Badge is exhibited on the dashboard or facia of the Vehicle, or
- (ii) 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

(b) in the case of any Parking Ticket issued on payment of the parking charge or Season Ticket or Permit, the Parking Ticket, Season Ticket or Permit shall be attached to the Vehicle in respect of which it was issued:-

- (i) where the Vehicle is fitted with a front glass windscreen extending across the Vehicle to the nearside, facing forwards of 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 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 in all cases.

**“Season Ticket”** means a pre-paid physical or Digital Permit issued to a person 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 via the Telephone Payment Parking System accessed through the payment app or QR Code or obtain a Parking Ticket during the time for which the Season Ticket is valid. Improper use of which will render the same void.

**“Service Provider”** means the company authorised and appointed by the Council to operate, administer and maintain the payment of parking charges using the Telephone Payment Parking System;

**“Telephone Payment Parking System”** means a system to facilitate and monitor the payment of parking charges using telephone communication with the Service Provider in accordance with instructions indicated on signs located at each Parking Place where the system is operational;

**“Ticket Machine”** means an apparatus designed to issue Parking Tickets indicating the payment of a charge and the date and time at which the charge expires, provided by the Council and approved for such purpose pursuant of Section 26 of the 1984 Act;

**“Vehicle”** means a Motor Vehicle as defined in Section 136 of the 1984 Act;

**“Visitor Permit”** means a physical or digital Permit issued to visitors of those eligible for a Parking Permit and identified by this Order as being a valid Permit for use within a Parking Place during the Operational Hours; and

**“Wait”** or **“Waiting”** refers to a Vehicle stopping and remaining stationary for any period of time whether or not with the intention of parking and a Vehicle shall be deemed to Wait for any period in the same Parking Place (as the case may be) if any part of it is below the Vehicle or the Vehicles load (if any) whether or not the Vehicle is moved during that period.

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

Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act and existing at the time when this Order comes into operation.

3. The prohibitions imposed by this Order shall be in addition to and not in degradation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as made under the Act, or by any other Enactment.
4. Save as 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.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

## **PART 2 – USE OF PARKING PLACES – GENERAL PROVISIONS**

### **Use of Parking Places**

6. Each of the Parking Places specified in Schedule 1 and as identified and defined in the Off-Street Plans in Schedule 4 may only be used for the parking of Vehicles of the class specified on the signs and lines for each Parking Bay subject to the following provisions of this Order.

### **Dimensions of Vehicles**

7. No Motor Vehicle shall be left in any Parking Place if:
  - (a) Its length exceeds 6 meters.
  - (b) Its height exceeds 2.1 meters.
  - (c) Its width exceeds 2.3 meters.

### **Manner of Standing in Parking Places**

8. Every Vehicle left in a Parking Place in accordance with the provisions of this Order shall stand so that every part of the Vehicle is within the limits of a Parking Bay.

### **Maximum Period for which a Vehicle may be left**

9. On the days and times upon which the Parking Place is regulated as stipulated in Schedule 1 to this Order, the Driver of a Vehicle shall not cause it to remain in such Parking Place for longer than the maximum period permitted.

### **No Return Period**

10. When a Vehicle has departed from a Parking Place after having been left therein that Vehicle shall not return to that Parking Place within the period stipulated in Schedule 1 to this Order.

### **Compliance with Direction Signs and Markings**

11. A driver shall comply with all signs and markings in a Parking Place that are either:
  - (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.

#### **Stop Engine in a Parking Place**

12. The driver of a Vehicle using a Parking Place shall stop the engine as soon as a Vehicle is correctly in the position in the Parking Place and shall not subsequently start the engine except when about to change the position of the Vehicle in or to depart from the Parking Place.

#### **Further Restrictions on Use of a Parking Place**

13. It is prohibited without the written consent of an authorised officer of the Council or his nominee for anyone to use a Parking Place or to use or allow to be so used any Vehicle left in a Parking Place:
- (a) to undertake (or allow to be undertaken) any cleaning, maintenance or repair of a Vehicle except such as may be necessary to enable the Vehicle to be removed from the Parking Place;
  - (b) for or in connection with the sale of any goods or services in the Parking Place;
  - (c) for sleeping, accommodation or camping purposes; or
  - (d) for eating or cooking purposes.

#### **Prohibition of Structures**

14. In a Parking Place no person shall erect or leave or cause to be erected or left any tent, stand, building, caravan, skip or other structure whether temporary or not without the written consent of the Council.

#### **Power to Make Exemptions or Withdraw Exemptions**

15. (a) The Council may determine from time to time to exempt any category of person or class of Vehicle from any or all of the provisions of this Order.
- (b) The Council may determine from time to time to withdraw an exemption from any category of person or class of Vehicle if it is satisfied there are reasonable grounds for doing so or if the person or Vehicle concerned has been guilty of an infringement of this Order.

#### **Exemptions for Disabled Persons' Vehicles and Motorcycles**

16. (a) Any Disabled Person's Vehicle which displays in the Relevant Position a valid Blue Badge shall be exempt from the provisions of Articles 9 and 28 of this Order, provided that the Waiting period does not exceed 3 hours and not being a period separated by an interval of less than 4 hours from a previous period of Waiting by the same Vehicle in that parking place.
- (b) Any Solo Motorcycle shall be exempt from the provisions of Articles 9 and 28 of this Order, provided that the Waiting period does not exceed 3 hours and not being a period separated by an interval of less than 4 hours from a previous period of Waiting by the same Vehicle in that parking place. This time limit does not apply to dedicated Motorcycle bays.
- (c) Without prejudice to the generality of this Article, a Vehicle to which this Article applies shall stand in the Parking Place in accordance with the provisions of Article 8 of this Order, and wholly within the limits of that place.

#### **Parking for Disabled Person's Badge Holders Only**

17. A Driver shall not cause or permit a Vehicle to Wait in a Parking Place or Parking Bay marked for a Disabled Person's Vehicle unless that Driver is either a Disabled Person or a Driver accompanying a Disabled Person and the Vehicle displays at all times while Waiting a Valid Disabled Person's Badge in the Relevant Position.



### **Parking for Motorcycles Only**

18. (a) A Driver shall not cause or permit a Motor Vehicle other than a Motorcycle to Wait in a Parking Bay marked as a Motorcycle Parking Place.
- (b) Solo Motorcycles may wait in Motorcycle Parking Places free of charge for a maximum period of 3 hours.
- (c) Motorcycles with a side car may wait in Motorcycle Parking Places provided the appropriate charge listed in Schedule 3 has been paid and the Parking Ticket is displayed in the Relevant Position.

### **Electric Vehicle Charging**

19. A Driver shall not cause or permit a Vehicle to Wait in a Parking Place or Parking Bay marked for Electric Vehicle charging unless the Vehicle is:
- (a) continuously connected to the Electric Vehicle Charging Point;
- (b) waits for no longer than the maximum period of Waiting stated in Column 6 of Schedule 1; and
- (c) does not return for a further period of Waiting before the expiry of any period of No Return following a period of Waiting as stated in Column 6 of Schedule 1.

### **Police Parking**

20. A Driver shall not cause or permit a Vehicle to Wait in any Parking Bay marked as a Police Parking Bay unless the Vehicle is a Police Vehicle.

### **Parking Permits**

21. (a) Those eligible may apply to the Council for the issue of a Permit or Visitor Permit, applications should be made through an online enquiry on the Council website or by contacting the Council parking department by email.
- (b) On receipt of a correctly completed application in the prescribed form with the required evidence as set by the Council and prescribed payment of the Permit Charge as indicated and provided that the applicant has satisfied all criteria, the Council may issue a Permit for the nominated Vehicle of an eligible applicant on such terms as the Council may from time to time determine.
- (c) No person shall cause or permit a Vehicle to Wait in any Parking Place where Permit Parking only is permitted, other than where a Valid Permit for that Parking Place is either displayed in the Relevant Position on the Vehicle.
- (d) The Council's Permit Terms must be observed as if they were terms in this Order applying to the Parking Place in respect of which the Vehicle is Waiting and failure to observe such terms is deemed to be a contravention of this Order for which a Penalty Charge Notice may be issued.
- (e) A Permit shall only be valid for the Parking Place for which it was issued or created and for the Vehicle or by the user in respect of which or by whom it was obtained or purchased, and shall neither be transferable to another Vehicle or user nor to another Parking Place.
- (f) The issue and availability of Permits shall be at the discretion of the Council and on such terms as the Council may from time to time determine.

### **Season Tickets**

22. (a) The Council may at its discretion issue Season Tickets.
- (b) The Council may at its discretion provide a duly appointed agent with Season Tickets for issue to such persons, or firms or companies upon such terms and conditions as may be agreed between the Council and such agent.

- (c) Applications for Season Tickets shall be made online and the applicant shall provide the details required by the Council or agent, accompanied with the appropriate fee as indicated in Schedule 2.
- (d) A Season Ticket may be used only in accordance with the terms and conditions laid down by the Council. The Council may vary the terms and conditions at its absolute discretion. Failure to observe such terms is deemed to be a contravention of this Order for which a Penalty Charge Notice may be issued.
- (e) Any Season Ticket issued by the Council remains the property of the Council and is non-transferable.
- (f) A Season Ticket shall only be valid for the Parking Place for which it was issued or created and for the Vehicle or by the user in respect of which or by whom it was obtained or purchased, and shall neither be transferable to another Vehicle or user nor to another Parking Place.
- (g) The issue and availability of Season Tickets shall be at the discretion of the Council and on such terms as the Council may from time to time determine.

#### **Residents' Discount Parking Card**

23. (a) The Residents' Discount Parking Card entitles Brentwood Borough Council Tax payers to park for 2 hours in the Parking Places indicated in Schedule 2 at a discounted rate as specified in that Schedule.
- (b) Any resident may apply to the Council for the issue of one Residents' Discount Parking Card per household and such application shall be made online, by phone or by post and the applicant shall provide their details and Council Tax reference number as required by the Council.
- (c) Applications for replacements of lost or damaged cards shall be made online, by phone or by post and should be accompanied by an administration fee of £10.
- (d) Residents' Discount Parking Card holders must display on the Vehicle in the Relevant Position, their Residents' Discount Parking Card alongside the Pay & Display ticket,
- (e) Any Vehicle displaying a Pay & Display ticket purchased at the discounted rate without a valid Residents' Discount Parking Card, may be served a Penalty Charge Notice.

#### **Penalty Charge**

24. Where a Driver contravenes an Article contained in this Order, the Owner of the Vehicle shall incur a Penalty Charge 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 Transport Management Act 2004 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**

25. In the case of a Vehicle in respect of which the 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 Transport Management Act 2004 or any Regulations made there under.
26. A Penalty Charge Notice fixed to a Vehicle shall not be removed or interfered with except by or under the authority of:
- (a) the Owner, or person in charge of the Vehicle; or
  - (b) the Council.

### **PART 3 – PAYMENT PARKING PLACES**

### **Pay on Foot Barrier Controlled Parking Places**

27. (a) The Driver of a Vehicle left in a Pay on Foot Barrier-Controlled Parking Place shall, subject to that which is provided for in Article 22, pay the appropriate charge as stipulated in Schedule 2 and follow the payment procedure for that Pay on Foot Barrier-Controlled Parking Place as set out in the following paragraphs.
- (b) Upon entering the Pay on Foot Barrier-Controlled Parking Place in a Vehicle, the Driver shall obtain from the machine situated at the entrance to the Pay on Foot Barrier-Controlled Parking Place, a Parking Ticket indicating the time of entry.
- (c) Prior to leaving the Pay on Foot Barrier-Controlled Parking Place in a Vehicle, the Driver shall insert the Parking Ticket into the payment machine located in the Pay on Foot Barrier-Controlled Parking Place, and pay the appropriate parking charge.
- (d) Upon paying the appropriate parking charge, the Driver shall leave the Pay on Foot Barrier-Controlled Parking Place in his Vehicle without delay, and within the time limit as stipulated on a notice situated near each payment machine.
- (e) The Driver in a Vehicle shall leave that Pay on Foot Barrier-Controlled Parking Place, by inserting the Parking Ticket in the machine situated at the exit from that Parking Place.
- (f) Where the Driver of a Vehicle has been issued with a valid Season Ticket, in accordance with Article 22, no charge shall be payable by that Driver for parking in a Pay on Foot Barrier-Controlled Parking Place so long as he produces or inserts the Season Ticket at the machine upon entering and at the machine upon leaving that Parking Place.
- (g) No person shall insert into any machine situated in a Pay on Foot Barrier-Controlled Parking Place, a coin or bank note, unless that coin or bank note is valid legal and correct currency for use in that machine.

### **Pay and Display Parking Places**

28. (a) Save as provided for in Articles 16, 22 & 29, no Vehicle shall be left in a Pay and Display Parking Place unless displaying, in a Relevant Position for the entire duration of parking, a valid and appropriate Parking Ticket obtained from a Pay and Display machine, or a valid and appropriate Season Ticket.
- (b) Parking Tickets are only valid for the Vehicle for which they were purchased and are not transferable between Vehicles.
- (c) Any Vehicle left in a Pay and Display Parking Place not displaying a valid and appropriate Parking Ticket or Season Ticket, or displaying a Parking Ticket for which the paid parking period has expired may be issued with a Penalty Charge Notice.

### **Cashless Parking**

29. (a) In addition to the provisions of Article 16 of this Order, where the service is available, each Parking Place referred to in Schedule 1 may also be used for such classes of Vehicles in such positions on such days during such hours on payment of the relevant parking charge using Pay by Phone.
- (b) Pay by Phone information signs and the relevant Location Identification Number and QR Code signs will be located in each Parking Place where Pay by Phone is in operation and will provide information in relation to the operation and use of Pay by Phone.
- (c) The payment of a parking charge using Pay by Phone will relate only to the Parking Places as indicated by the Location Identification Number displayed on the Location Identification Number sign situated in the Parking Place.
- (d) Where a Vehicle has been left in a Parking Place operating Pay by Phone an indication that the relevant parking charge has been made in respect of that Vehicle

using Pay by Phone together with an indication of the parking periods for which payment has been made shall appear on the Hand-Held Device.

(e) Without prejudice to the provisions of Article 16 and 28 of this Order if at any time while a Vehicle is left in a Parking Place referred to in Schedule 1 to this Order no indication appears on a Hand-Held Device that payment of the relevant parking charge has been made using Pay by Phone or a Hand-Held Device indicates that the payment period for which payment was made using Pay by Phone has expired it shall be presumed that either:

- (i) The relevant parking charge has not been duly paid in respect of that Vehicle in accordance with the provisions of Article 28 of this Order; or
- (ii) The parking period for which payment was made using Pay by Phone has expired;

and in either case a Civil Enforcement Officer may serve a Penalty Charge Notice.

#### **PART 4 – PERMIT PARKING PLACES**

##### **Designation of Permit Parking Places**

30. Each Parking Place which is identified as a Permit Parking Place in Schedule 1, Column 3 where Permit Parking only is permitted, or Permits are Valid, is hereby designated as a Permit Parking Place and is subject to the provisions of this Order.

##### **Times of Operation of Permit Parking Places**

31. Each Permit Parking Place specified in Schedule 1 may be used for parking during its Controlled Hours, as specified in Column 4 or 5 of Schedule 1.

##### **Use of Permit Parking Places**

32. Each Permit Parking specified in Schedule 1 may be used for parking by Vehicles with a valid Permit issued in respect of that Vehicle and that Parking Place as specified in Schedule, which either:

- (a) Display the Permit in the Relevant Position; or
- (b) Cause a record of the Permit:
  - (i) To appear on a Handheld Device; or
  - (ii) To be obtainable by a Civil Enforcement Officer from the Service Provider.

##### **Exemptions for Disabled Badge Holder Vehicles**

33. The failure to possess or display a Permit shall not prohibit any Disabled Person's Vehicle displaying a Valid Disabled Person's Badge in the Relevant Position from Waiting during the Controlled Hours in any Permit Parking Place.

##### **Contravention of Permit Parking Places**

34. The Waiting of a Vehicle in a Permit Parking Place other than in accordance with this Part will be a contravention of this Order and may result in a Penalty Charge Notice being issued.

#### **PART 5 – SEASON TICKET PARKING PLACES**

##### **Designation of Season Ticket Parking Places**

35. Each Parking Place which is identified as a Parking Place in Schedule 1 where Season Ticket Parking only is permitted, or Season Tickets are Valid, is hereby designated as a Season Ticket Parking Place and is subject to the provisions of this Order.

##### **Times of Operation of Season Ticket Parking Places**

36. Each Season Ticket Parking Place specified in Schedule 1 may be used for parking during its Controlled Hours, as specified in Column 4 or 5 of Schedule.

#### **Use of Season Ticket Parking Places**

37. Each Season Ticket Parking specified in Schedule 1 may be used for parking by Vehicles with a valid Season Ticket issued in respect of that Vehicle and that Parking Place as specified in Schedule, which either:
- (a) Display the Season Ticket in the Relevant Position; or
  - (b) Cause a record of the Season Ticket:
    - (iii) To appear on a Handheld Device; or
    - (iv) To be obtainable by a Civil Enforcement Officer from the Service Provider.

#### **Contravention of Season Ticket Parking Places**

38. The Waiting of a Vehicle in a Season Ticket Parking Place other than in accordance with this Part will be a contravention of this Order and may result in a Penalty Charge Notice being issued.

### **PART 6 – FREE PARKING PLACES**

#### **Designation of Free Parking Places**

39. Each Parking Place which is described in Schedule 1, Column 3 as “Free Parking” is hereby designated as a Free Parking Place, but may still be subject to a charge for Permits if Permits are valid for that Parking Place, and is subject to the terms of this Order.

#### **Use of Free Parking Places**

40. (a) Use of Free Parking Places other than during the Operational Hours specified in Column 4 of Schedule 1 and for any longer than the maximum stay as specified in Column 6 to that Schedule and returning within the No Return period specified in Column 6 to that Schedule and subject to the provisions of this Order is prohibited.
- (b) Nothing in Article 40(a) above shall prohibit a valid Permit holder Vehicle from parking in a Parking Place or Parking Bay if the Permit is a valid Permit for that Parking Place or Parking Bay.

### **PART 7 – CONDUCT OF PARKING PLACES**

#### **Power to Suspend Use of Parking Places**

41. (a) Any persons duly authorised by the Council may suspend the use of a Parking Place or any part thereof whenever he considers such suspension reasonable at the absolute discretion of the Council.
- (b) A police constable in uniform may suspend for not longer than twenty-four hours the use of a Parking Place of any part thereof whenever he considers such suspension reasonably necessary.
- (c) Any person suspending the use of a Parking Place or any part thereof in accordance with the provisions of paragraph (a) or paragraph (b) of this Article shall thereupon place or cause to be placed in or adjacent to that Parking Place or the part thereof the use of which is suspended a traffic sign indicating that Waiting by Vehicles is prohibited.
- (d) No person shall cause or permit a Vehicle to be left in any Parking Place or part of a Parking Place during such period as there is in or adjacent to that Parking Place or part of a Parking Place a traffic sign placed in pursuance of paragraph (c) of this Article, provided that nothing in this paragraph shall render it unlawful to cause or

permit any Vehicle being used for any purpose specified in Article 43 (a) of this Order.

#### **Suspension of Use of a Parking Place**

42. (a) Notwithstanding any of the provisions of this Order the Council may by notice displayed on or near a Parking Place close that Parking Place or any part thereof for any period and may use such Parking Place for any purpose.
- (b) No Driver of any Vehicle shall use the Parking Place or that part thereof in the circumstances described in paragraph (a) of this Article without the prior consent in writing of the Council.
- (c) The Council may at its absolute discretion temporarily suspend charging in a Parking Place and or impose temporary restrictions.
- (d) Notices explaining the temporary changes will be placed in prominent positions in the Parking Place before the changes come into effect and upon temporary restrictions being removed and or charging being reinstated.
43. (a) Nothing in this Order shall render it unlawful to cause or permit any Vehicle to Wait in any Parking Place specified herein:
- (i) to enable the Vehicle to be used for fire brigade, Ambulance or police purposes;
- (ii) upon the direction or with the permission of a police constable in uniform or a Civil Enforcement Officer.

#### **Removal and Disposal of Vehicles and Other Things from Parking Places**

44. (a) Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a Vehicle or other thing left in a Parking Place, that Civil Enforcement Officer or an Authorised Officer may remove or cause to be removed the Vehicle or other thing from the Parking Place, and where it is so removed, shall provide for the safe custody of the Vehicle or other thing.
- (b) Where a Vehicle or other thing has been removed from a Parking Place in accordance with paragraph (a) of this Article the Driver or Owner of the Vehicle or other thing or person authorised by the Owner in writing in that behalf shall be required to pay to the Council up to the maximum sum set out in The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) Regulations 1989 and furnish satisfactory proof of identity.
- (c) Following payment of the sum mentioned in paragraph (b) above and upon production of satisfactory proof of identity the Council shall issue a receipt, together with details of the place where the Vehicle or other thing has been impounded.
- (d) Upon production of the receipt given in accordance with paragraph (c) of this Article to an authorised person at the place of impound the Vehicle or other thing shall be released to the person producing the receipt.
- (e) Any Vehicle or other thing removed from the Parking Place in accordance with paragraph (a) of this Article which appears to the Council to be abandoned shall be disposed of in accordance with the provisions of the Refuse Disposal (Amenity) Act 1978 and its related Regulations.

#### **Method of Removing Vehicles**

45. Any person removing or altering the position of a Vehicle or other thing in pursuance of Article 44 of this Order may do so in any manner as he may think necessary and may take such measures in relation to the Vehicle or other thing as he may think necessary to enable him to remove it or alter its position; neither such person nor the Council shall be responsible for any loss or damage to the Vehicle or other thing or to anything contained therein or thereon arising from or in consequence of the exercise or the powers

contained in this Article and Article 44 other than such loss or damage occasioned by the negligence of such person or of the Council.

**Movement of Vehicles or Other Things in Parking Places in Emergencies**

46. A police constable in uniform or a Civil Enforcement Officer may move or cause to be moved, in case of emergency, to any place he thinks fit, any Vehicle or other thing left in a Parking Place.

**PART 8 – REVOCATIONS**

**Revocation of all Orders**

47. The following Orders are hereby revoked:

- (a) Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order all previous permanent Orders relating to Off-Street Parking Places managed by the Council and any Orders amending those Orders are hereby revoked.

Sealed with the Common Seal of Brentwood Borough Council  
This 29 day of December 2023

THE COMMON SEAL of the  
BRENTWOOD BOROUGH COUNCIL  
was hereunto affixed in the presence of:



