

EPSOM & EWELL BOROUGH COUNCIL
(OFF-STREET PARKING PLACES) ORDER APRIL 2020

T R A F F I C O R D E R

in respect of the Car Parks at

Adelphi Road
Alexandra Recreation Ground
Ashley Centre
Bourne Hall
Court Recreation Ground
Chessington Road
Depot Road
Dorset House
Epsom Gateway
Ewell Court House
Ewell High Street
Gibraltar Recreation Ground
Hook Road
Hope Lodge
Hudson House
Long Grove Park
Newplan House
Poole Road Recreation Ground
Rainbow Centre
Stoneleigh Parade
Town Hall
Upper High Street
West Hill

Made:

Coming into operation: 6 April 2020

Epsom & Ewell Borough Council
Town Hall
The Parade
EPSOM
KT18 5BY

EPSOM & EWELL BOROUGH COUNCIL
(Off-Street Parking Places) ORDER APRIL 2020

The Council of the Borough of Epsom and Ewell in exercise of its powers under Section 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended (“the 1984 Act”) and under the Traffic Management Act 2004 as amended (“the 2004 Act”) and of all other enabling powers, with the consent of the Surrey County Council in accordance with Section 39(3) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby make the following Order:

PART I

GENERAL

Commencement, Citation and Revocation

1. This Order shall come into operation on the **6** day of **APRIL Two Thousand and Twenty** and may be cited as the Epsom & Ewell Borough Council (Off-Street Parking Places) Order April 2020.
2. The Epsom & Ewell Borough Council (Off Street Parking Places) Order April 2019 and all amendments and variations are hereby revoked.

Interpretation

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

“**Article**” means an article of this Order

“**charging days**” in relation to a Parking Place means those days which are specified in column 4 of any item in Part I of the Schedule during which parking charges apply;

“**charging hours**”, in relation to a Parking Place means the period as specified as such in column 5 of Part I of the Schedule at each Parking Place during which a daily charge is required to be paid

“**CEO**” means a Civil Enforcement Officer appointed and authorised by the Council

under the provisions of the Traffic Management Act 2004 or other person authorised by or on behalf of the Council to supervise the Parking Places and enforce the restrictions imposed by this Order;

“Council” means Epsom and Ewell Borough Council

“disabled person’s parking bay” means a bay within a Parking Place identified by surface markings and/or other signage, for the parking (at any time) of vehicles displaying valid a disabled person’s badge;

“disabled person’s badge and disabled person” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England and Wales) Regulations 2000

“disabled person’s vehicle” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000

“driver” in relation to a vehicle waiting in a Parking Place means the person driving the vehicle at the time it was left in the Parking Place;

“expiry time” is the time indicated on the Pay and Display Ticket and is the time by which the parking period for which the parking ticket was paid for or obtained has expired

“owner” in relation to a vehicle means the person by whom such a vehicle is kept and used and who is recorded as the registered keeper by the Driver and Vehicle Agency on the date on which the vehicle was left in the Parking Place in question

“parking area”, means any part of a Parking Place marked out by means of white lines or otherwise, for the leaving of motor cycles or pedal cycles;

“parking bay” means any part of a Parking Place indicated by markings on the surface of the Parking Place or otherwise, for the leaving of a vehicle, other than a motor cycle or pedal cycle,

“parking permit” means a season ticket, a resident permit, business permit, staff permit, councillor permit, regular parker card and any other permit of a type and design issued by the Council for such period as the Council shall determine from time to time

on payment of the appropriate charge for a vehicle of a specified class and for a specified Parking Place subject to such terms and conditions as is determined by the Council from time to time

“Parking Place” means any area of land specified by name in column 1 of Part 1 of the Schedule and provided by the Council pursuant to the Road Traffic Regulation Act 1984 including any access roads thereto from the public highway, for use as a Parking Place for Vehicles subject to the terms of this Order

“parking ticket” means a ticket or token issued by a ticket machine for the payment of the appropriate parking charge (if any) relating to a Parking Place

“pay and display” a type of payment method in operation at a Parking Place whereby before leaving a permitted vehicle in a parking bay at such a Parking Place a parking ticket must be purchased or obtained at the appropriate level of charge (if any) and for the required period in accordance with the scale of charges at the Parking Place, as described in Article 29 and Article 32 of this Order. The parking ticket must be displayed in the relevant position on the vehicle in accordance with Article 35 of this Order

“pay on foot” means a type of payment method in operation at a Parking Place where at entry a parking ticket or token is taken at the entry barrier to access the Parking Place and prior to leaving the Parking Place the said ticket/token is inserted into a ticket machine located in the Parking Place and the correct payment (if any) for the time parked is made. The ticket machine produces an exit ticket/token which is inserted at the exit barrier so as to raise the barrier to exit the Parking Place.

“payment card” means methods of payment of the parking charge at such Parking Places as the Council may from time to time nominate and involving the use of a valid bank credit or debit card, discount card or pre payment card to be used where such a valid method of payment for the relevant time of use is provided in a Parking Place

“penalty charge” has the same meaning as in the Civil Enforcement of Parking

Contraventions (England) General Regulations 2007

“penalty charge and reduced penalty charge” means a charge set by the Council under the provisions of the Traffic Management Act 2004, which is to be paid to the Council within 28 days beginning on the date of the notice, or in 14 days in case of a reduced penalty charge, following the issue of a penalty charge notice both specified in Part 2 of the Schedule

“penalty charge notice” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007

“plans” means the plans annexed to this Order numbered 1-21 which identify the Parking Places affected by this Order edged by bold black lines

“relevant position” means:

- (a) In respect of a vehicle displaying a valid Disabled Person’s Badge:-
 - (i) In the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited face up thereon so that Part 1 on (the front of the badge) is legible from outside the vehicle; or
 - (ii) In the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited face up in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle
- (b) in respect of a vehicle displaying a pay and display ticket or parking permit:-
 - (i) The ticket or permit is exhibited face up on the inside surface of the windscreen or in a clearly visible position so that it is facing forwards and can be easily seen and read from the front or side of the vehicle; or
 - (ii) In the case of a vehicle that is not fitted with a transparent windscreen, the ticket or parking permit is exhibited face on the front of the vehicle facing forwards and clearly visible

“Schedule” means a schedule to this Order

“ticket machine” means an apparatus of a type and design approved by the appropriate

Minister for the purpose of The Road Traffic Regulation Act 1984, being apparatus designed for the purpose of payment for parking and to issue parking tickets/token which show that payment has been made of an amount (if any) or for a period specified thereon and which specify the date and, either the time of such payment, or the time at which the vehicle must leave the Parking Place

“**vehicle**” includes a motor car or van (which fits within a single marked parking bay), motorcycle and invalid carriage but does not include a trailer, caravan, stall, or other mobile structure

4. Except where the context requires, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order and any reference to a plan is a reference to the plans incorporated into this Order
5. 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. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting persons shall include either gender, bodies corporate, unincorporated associations and partnership.
6. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II

DESIGNATION AND USE OF PARKING PLACES

Designation

7. Each area of land or buildings, specified by name in column 1 of Part I of the Schedule and as shown for identification purposes only, edged by bold black lines on plans 1 to 21 attached hereto may be used, subject to the provisions of this Order, as a Parking Place for such vehicles or classes of vehicles, in such positions, for such period on such days and during such hours, as are specified in relation to that Parking Place in Part 1 of the

said Schedule

8. Where in column 3 of Part 1 of the Schedule a Parking Place is described as available for vehicles of a specified class, the driver of a vehicle shall not permit it to wait in that Parking Place unless it is of the specified class
9. A driver leaving a vehicle in a Parking Place shall not leave the vehicle in a restricted area within the Parking Place or in a position in the Parking Place in which it will obstruct access to the Parking Place, to any premises adjoining the Parking Place, to any access within the Parking Place or in such a manner where it causes an obstruction to any other users of the Parking Place
10. Every vehicle left in a Parking Place shall stand so that every part of the vehicle is wholly within the limits of any parking bay if so marked
11. Where, within a Parking Place, there is a sign or surface marking which indicates that a parking bay or parking area is available only for a particular type or class of vehicles, such as a disabled person's vehicle or for use by a parking permit holder, no driver shall leave a vehicle in any such parking bay or parking area other than of the type, class or for the use specified or as directed by a CEO. The Council may at any time change the location or number of such parking bays within a Parking Place
12. A driver leaving a vehicle in a Parking Place shall not leave the vehicle for longer than the maximum period specified in column 5 of Part 1 of the Schedule in relation to that Parking Place
13. A driver who has left a vehicle in a Parking Place for the maximum period for which vehicles may be left as specified in Article 12 shall immediately remove the vehicle from the Parking Place and shall not permit the vehicle to return to the Parking Place within the period specified in column 5 of the Part 1 of the Schedule
14. Subject to the provisions of this Order, a driver leaving a vehicle in a Parking Place referred to in the Schedule during the charging hours shall either:
 - (a) make a payment by payment card or cash

- (b) cause to be displayed at all times a valid parking ticket; or
 - (c) cause to be displayed at all times a valid parking permit
15. No Parking Place or any part thereof shall be used outside the hours of operation specified in column 4 of Part I of the Schedule or when such Parking Place or part thereof has been closed by the Council in accordance with Article 20.
16. 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; 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) proceeds in a direction other than that specified, as the case may be

Disabled person's parking bays

17. No person shall cause or permit a vehicle to park in a parking bay where there is a sign or surface marking which indicates that the parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in the parking bay unless the vehicle displays a valid disabled person's badge in the relevant position and unless the vehicle has been or is about to be used by the person(s) in respect of whom the disabled person's badge has been issued either immediately before or immediately after the act of parking. The driver of a vehicle displaying a valid disabled person's badge must pay for parking.

Loading bays

18. No person shall cause or permit a vehicle, or any goods vehicle, to park in a parking bay where there is a sign or surface marking which indicates that the parking bay is available only for loading purposes unless the bay is only used for a maximum of 20 minutes and

the driver returns to the vehicle at least every 10 minutes. Having used a loading bay no vehicle, or goods vehicle, shall be permitted to return to the loading bay for a 1 hour period.

Motorcycle parking bays

19. No person shall cause or permit a vehicle to park in a parking area marked for motorcycles unless the vehicle is a motorcycle.

Power to close or suspend Parking Places

20. Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in a Parking Place:

- (a) From closing a Parking Place or any part thereof for any period: and/or
- (b) From suspending by setting aside a Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations

21. Any person closing or suspending the use of the Parking Place or any part thereof is in accordance with the provisions of Article 20 shall thereupon place or cause to be placed in or adjacent to that Parking Place or that part thereof a notice or sign indicating that the use of that Parking Place or that part thereof is closed or suspended and that parking by vehicle is prohibited

22. No person shall cause or permit a vehicle to be left in a Parking Place or any part thereof during such periods that the use of that Parking Place or that part thereof is closed or suspended or during such period as there is in or adjacent thereto a notice or sign placed by or on behalf of the Council in pursuance of Article 21.

Use of Parking Place

23. No person shall, while a vehicle is in a Parking Place, use the Parking Place for any purpose other than parking that vehicle, boarding or alighting from the vehicle or taking articles out of or into the vehicle and in particular but without prejudice to the generality of the foregoing provisions of this Article no person shall:

- (a) carry out any work of construction overhauling cleaning or repair in respect of the vehicle except as may be necessary to enable the vehicle to be moved from the Parking Place;
 - (b) Use a vehicle while it is in a Parking Place in connection with the sale of any article (including the vehicle itself) to any persons in or near the Parking Place or in connection with the selling or offering for hire of his or any other person's skills or services or goods in any capacity, unless with the express written permission of the Council
 - (c) Except with the permission of an authorised officer of the Council or CEO, drive any vehicle in a Parking Place other than for the purpose of leaving that vehicle in the Parking Place or for the purpose of departing from the Parking Place in accordance with the provisions of this Order
 - (d) For sleeping, camping, cooking or for washing
 - (e) Erect or cause to be erected any tent, booth, stand, building structure or other thing or any other structure without written consent of the Council
 - (f) Display or distribute or cause to be displayed or distributed any notice, leaflet, booklet, book or other item or
 - (g) Park any caravan or trailer of any kind
 - (h) To carry out repairs or adaptation to the vehicle unless without it the vehicle could not be moved from the Parking Place
 - (i) Light or cause or permit to be lit any fire, stove or cooker
24. No person shall leave any trolley, trailer or other wheeled article not being an authorised vehicle or part thereof in a Parking Place except in those positions marked out for the leaving of such articles

Parked with engine running

25. The driver of a vehicle using a Parking Place shall stop the engine as soon as the vehicle is in position in the parking bay in which a vehicle may wait as specified in column 2 of

Part I of the Schedule and shall not start the engine except when about to change the position of the vehicle or to depart from the Parking Place

Period of no return

26. Where by notice at each Parking Place, a Parking Place is described as having a period within which a vehicle, after any period of parking in the Parking Place may not return, no person shall permit a vehicle to park in that Parking Place on any day during such period

Vehicle suitability

27. The driver of a vehicle shall not permit a vehicle to park in a Parking Place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicles (Excise) Act 1971 and there is in relation to use of a vehicle by a driver an insurance policy in place as complies with the requirements of Part VI of the Road Traffic Act 1988

Movement of Vehicles left in Parking Places

28. No person shall use a Parking Place as a means of vehicular passage proceeding from one road to another road

PART III

CHARGES FOR PARKING

Payment

29. The driver of a vehicle using a Parking Place shall on parking the vehicle in the Parking Place

- (a) pay the appropriate charge (if any) in accordance with the current charges for that Parking Place as specified in columns 5 and 6 of Part 1 of the Schedule during charging hours or shall display such badge, parking permit or parking ticket
- (b) the charges referred to in the preceding Article shall be payable in the manner displayed at the Parking Place and can include the insertion of appropriate coins or permit card into the apparatus or device provided in the Parking Place

Pay on Foot Parking Places

30. The driver of a vehicle using a Pay on Foot Parking Place shall upon arriving at the entry point either

- (a) take a parking ticket at the entry barrier to establish the time of entry at the Parking Place and shall on return to the vehicle prior to exit, pay such charge (if any) as is specified in column 6 of Part 1 of the Schedule, at the ticket machine by inserting the appropriate amount into the ticket machine to obtain a validated parking ticket and
- (b) on exit, insert the validated parking ticket into the apparatus at the exit barrier or
- (c) obtain entry and exit by means of a parking permit in accordance with the conditions of use of a parking permit

Pay on Foot – Lost Ticket or Unable to Pay

31. Should the driver of a vehicle using a pay on foot Parking Place lose the entrance parking ticket he/she will have to pay such sum as the Council may from time to time set

Pay and Display Parking Places

32. The driver of a vehicle using a Pay and Display Parking Place, or any parking bay within the Pay and Display Parking Place, shall upon parking the vehicle in a parking bay and prior to leaving the Parking Place purchase or obtain a pay and display ticket at the appropriate level of charge (if any) and for the period required in accordance with the scale of charges as specified in column 6 of Part 1 of the Schedule respectively and remove the vehicle from the Parking Place before the expiry time

Means of Payment

33. The charges referred to in Articles 29, 30, 31 and 32 shall be payable as specified in column 6 of Part 1 of the Schedule

Display of ticket

34. Once a vehicle has been parked within a Pay and Display Parking Place the driver of the vehicle shall:

- (a) Ensure that a valid Pay and Display Ticket has been obtained and is displayed at

all times when the vehicle is parked, to cover the entire period that the vehicle is parked in the Parking Place, and

- (b) Display the Pay and Display ticket issued at that Parking Place face up in the relevant position on the vehicle in respect of which it was issued.

Validity of pay and display tickets

- 35. A pay and display ticket is not transferable from one vehicle to another and on transfer the ticket ceases to be valid
- 36. A pay and display ticket is valid only in the pay and display Parking Places in which it was issued. This is defined by reference code of the ticket machine located in that Parking Place printed on the pay and display ticket

Expiry of parking period

- 37. The expiry of the period for use of a Parking Place shall be indicated when there is exhibited on the vehicle a pay and display ticket and the expiry date and time printed on the pay and display ticket is earlier than the date and time displayed on the clock of the issuing ticket machine

Feeding the Meter

- 38. Only one pay and display ticket must be displayed on a vehicle at any one time and the vehicle must be removed from the Parking Place before the expiry time. The driver of the vehicle shall not buy consecutive short term pay and display tickets after the initial period (commonly known as feeding the meter) to extend the stay in a Parking Place and in doing so avoid paying a longer stay tariff

No pay and display ticket displayed

- 39. If at any time while a vehicle is left in a Pay and Display Parking Place no pay and display ticket is displayed on that vehicle in the relevant position and in accordance with the provisions of Article 34, it shall be deemed that the charge (if any) has not been paid or an appropriate parking ticket has not been obtained
- 40. If at any time when a vehicle is left during the charging hours in a pay and display Parking

Place and on the nearest ticket machine in that Parking Place there is a notice placed by any person duly authorised by the Council indicating that the said ticket machine is out of order then a ticket shall be obtained from another ticket machine within the Parking Place (where another ticket machine is so provided) or obtained from a person nominated by the Council to issue such tickets. Otherwise Article 41 shall prevail where there is no ticket machine or all ticket machines are out of order, whether signed as such or not, or where no person has been so nominated by the Council

41. Where no valid pay and display ticket can be obtained and displayed pursuant to the circumstances described in Article 38 a vehicle may be left in a Parking Place but may not be left longer than the maximum period as specified in column 5 of Part 1 of the Schedule

Parking Permits

42. Parking permits are available from the Council at the appropriate fee, for a vehicle of a specific class and for a specific Parking Place subject to the terms and conditions determined by the Council
43. The driver shall abide by the terms and conditions stipulated by the Council for the use of the parking permit
44. A parking permit is only valid in the Parking Place in respect of which it was issued and up to the date of expiry shown on the parking permit
45. A parking permit remains the property of the Council and must be surrendered on request. In such instances where a refund fee is appropriate this will be provided in accordance with the Council's policies in place at the time

Display of parking permit

46. The driver of a vehicle shall display the parking permit in the relevant position on the vehicle in respect of which it was issued at all times during which the vehicle is left in the Parking Place.

Replacement parking permits

47. Damaged or lost parking permits may be replaced (at the Council's entire discretion) on application to the Council and on payment of an administrative fee applicable at the time. The damaged or lost parking permit will then be immediately invalid

Restrictions on removal

48. When a pay and display ticket or parking permit has been exhibited on a vehicle in the relevant position no person shall remove the pay and display ticket or parking permit from the vehicle until the vehicle is removed from the Parking Place
49. Where a penalty charge notice has been attached to a vehicle no person not being the driver of the vehicle or a person authorised by the Council in that behalf shall remove the penalty notice from the vehicle unless authorised to do so by the driver

PART IV

EXEMPTIONS FROM DAILY CHARGES

Exemptions for Motorcycles and Parking Permit Holders

50. No charge shall be payable in respect of
- (a) a motor cycle which is left in a marked motor cycle bay specified for such vehicle
or
 - (b) a vehicle left displaying in a relevant position a valid parking permit valid for that
Parking Place

PART V

RELOCATION AND REMOVAL OF VEHICLES

Emergencies

51. A CEO, a person authorised by the Council or a Police Constable in uniform may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any vehicle left in a Parking Place

Safe keeping

52. Any person removing a vehicle from a Parking Place under Article 52 shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle

PART VI

LIABILITIES /PENALTIES

Liability for Loss

53. Any vehicle using or remaining in any Parking Place shall be at the owner's or driver's risk and the Council, its agents, officers or employees shall not be liable for loss or damage caused to it or to its contents or accessories howsoever arising including damage caused directly or indirectly as a result of a vehicle being removed from the Parking Place under the provisions of Article 51. The Council accepts no liability for the loss or damage to vehicles or other property left in any of the Council's Parking Places to which this Order applies

Wilful damage

54. Any person who with intent to defraud interferes with the ticket machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination, or other approved method of payment, shall be liable to prosecution

PART VII

CONTRAVENTION AND PENALTY CHARGE

Contravention

55. If a vehicle is parked in a Parking Place specified in Part 1 of the Schedule at anytime without complying with the requirements of this Order then a contravention of this Order shall have occurred and a penalty charge shall be payable. A penalty charge notice

showing the information required by the Traffic Management Act 2004 may then be issued by a CEO in accordance with the requirement of the Traffic Management Act 2004 or any subsequent legislation

Penalty Charge Notice

56. In the case of a vehicle in respect of which the penalty charge may have been incurred it shall be the duty of a CEO to either hand the penalty charge notice to the driver of the vehicle, post the penalty charge notice to the owner of the vehicle or attach the penalty charge notice to the vehicle in a conspicuous place

Restrictions on removal of notices

57. A penalty charge notice attached to a vehicle in accordance with Article 56 above shall not be removed or interfered with except by or under the authority of:

- (a) the owner or person in charge of the vehicle
- (b) a person authorised by the Council

Manner of payment of Penalty Charge

58. The penalty charge shall be paid in accordance with the instructions contained on the penalty charge notice. The recipient of a penalty charge notice may be eligible to make representations or appeal against the penalty charge notice issued, as detailed on the penalty charge notice and in accordance with the requirements and procedures set out in the Traffic Management Act 2004 and in subordinate legislation

59. If the driver fails to pay the penalty charge by the end of the period of 28 days' beginning with the date the notice was served a notice to the owner may be served. If the charge is then not paid within a further 28 days beginning with the date the notice to owner was served the charge may be increased by 50% on the issue of a charge certificate in accordance with the provisions of section 21 of part 5 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, or such other percentage increase of charge as may be determined by amendments to the legislation from time to time. Continued failure to pay the penalty charge may result in judgement in the county court

against the owner to enable the Council to recover the payment due

60. Payment shall be received not later than 16.00 on the 28th day beginning on the day on which such penalty charge was incurred or the 14th day beginning on the day on which the charge was incurred if the specified proportion is paid

Indications as Evidence

61. The particulars given in the penalty charge notice attached to a vehicle in accordance with this Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge

PART VIII

REMOVAL OF VEHICLES

62. If a vehicle is left in a Parking Place specified in Part 1 of the Schedule in a position other than in accordance with the provisions of this Order a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions. If the vehicle is left in a Parking Place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle or arrange for its removal
63. Any person altering, or causing the alteration of, the position of a vehicle by virtue of Article 51 and 62, or removing, or causing the removal, of a vehicle by virtue of Article 51 and 62, may do so by towing or driving the vehicle or in such other manner as he/she may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle removed
64. Any person removing or arranging for the removal of a vehicle by virtue of Articles 51 and 62 shall make such arrangements as he/she considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed
65. The foregoing provisions of the above Articles relating to the removal of vehicles shall be applied to and have equal effect for the purposes of removal of trailers, caravans, stalls

or other mobile structures that are left in the Parking Place in contravention of the provisions of this Order

66. Any costs incurred pursuant to the above Articles shall be recoverable from the owner of the vehicle by virtue of this Article

PART IX

DISPOSAL OF VEHICLES

Disposal of vehicles abandoned in Parking Places

67. The Council may sell or otherwise dispose of a vehicle which has been or could be at any time moved or removed from a Parking Place pursuant to Articles 51 and 62 if the vehicle appears to have been abandoned, provided that this power of disposal shall not be exercisable unless the Council has taken such of the following steps as are applicable to the vehicle in question, and there has elapsed a period of six weeks beginning with the taking of the first of those steps

68. Where the vehicle carries a registration mark the Council shall ascertain from the appropriate body the name and address of the person who is the Registered Keeper of the vehicle pursuant to the Vehicle (Excise) Act 1971, unless the Council is satisfied that the true owner of the vehicle has identified himself to them

69. The Council shall, where by virtue of Articles 68, 70, and 73, it is aware of the name and address of a person who it appears may be the owner of the vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this part of this Order) unless it is in the meantime removed by or on behalf of the person from such place as is specified by the Council in the said notice or from such place as may be subsequently notified in writing by the Council to that person

70. If any person to whom a notice is sent in accordance with Article 69 informs the Council of the name and address of some other person who he/she alleges may be the owner of the vehicle, a notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the owner of the vehicle
71. Where a vehicle does not carry a registration mark the first step to be taken by the Council shall be to apply in writing to the Chief Officer of Police in whose area the Parking Place is situated enquiring whom the officer considers is the owner of the vehicle and the address of that person
72. The Council shall then make such further enquires as to ownership as it thinks fit
73. Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof and of any charges or payment to which it is entitled
74. In the event that any such costs incurred by the Council in connection with the disposal of the vehicle are not satisfied by virtue of the last preceding Article, the Council may recover those costs from the person who was the owner of the vehicle immediately before it was removed from the Parking Place, provided that that person was sent by the Council a notice under Article 69
75. Any sums received by the Council on the sale of a vehicle shall, after deducting any sum applied by virtue of Article 73, be payable within a period of one year from receipt hereof to any person to whom, but for such sale, the vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid into the General Fund of the Council
76. Where under the foregoing provisions of this Order a notice is required to be sent to a person the notice shall be sent by recorded delivery post

PART X
REVOCATIONS

Revocations

77. This Order will revoke the following Orders:

Epsom and Ewell Borough Council (Off-Street Parking Places) Order 2019 and all amendments thereto

Dated this 31 day of March 2020

The **COMMON SEAL** of)
EPSOM and EWELL BOROUGH)
COUNCIL was hereunto affixed)
In the presence of:)



Authorised Signatory



Chief Legal Officer