



LONDON BOROUGH OF WALTHAM FOREST

TRAFFIC MANAGEMENT ORDER

2020 No. --

The Waltham Forest (Off-Street Parking Places) (Amendment No. --)
Order 2020

Made * 2020

Coming into operation * 2020

The Council of the London Borough of Waltham Forest, after consulting the Commissioner of Police of the Metropolis, in exercise of the powers conferred by sections 45, 46, 49 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984¹, as amended and all other powers enabling, hereby makes the following Order:-

1. Citation and Commencement

1.1 This Order shall come into operation on ** 2020 and may be cited as The Waltham Forest (Off-Street Parking Places) (Amendment No. --) Order 2020.

2. Interpretation

2.1 In this Order

“Council” means the Council of the London Borough of Waltham Forest;

“the Order of 2009” means The Waltham Forest (Off-Street Parking Places) Order 2009².

2.2 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.

2.3 Unless the context otherwise requires, any expression used in this Order which is also used in the Order of 2009 shall have the same meaning as in that Order.

3. Amendments to the Order of 2009

3.1 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, the Order of 2009 shall have effect as though:

(a) in Article 3 to that Order, for the expression “permitted hours” and meaning assigned to that expression there were substituted the following:

“permitted hours” means “times of operation of parking place”;

¹ 1984 c.27

² LBWF 2009/001

- (b) There were added to Article 3 to that Order, the following expressions and meanings assigned to those expressions:

“business permit” means a business permit granted under the provisions of Article 76, which although not in actual form, is nevertheless a permit granted by the Council or authorised agent for the leaving of a vehicle in a parking bay within a parking place to which such permit relates and “valid” in relation to such a permit means the vehicle’s registration mark appears on a list of vehicles authorised by the Council or authorised agent to be left in such parking bays within that parking place and the permit identifier specified in column 4 of Schedule 5 in relation to a parking place specified in column 1 of that Schedule is the same as that which appears on a sign placed in relation to that parking bay within that parking place;

“business permit holder” means a person or company or organisation to whom either a business permit or business pool permit has been granted by the Council or authorised agent;

“business pool permit” means a business pool permit granted under the provisions of Article 76 which although not in actual form, is nevertheless a permit granted by the Council or authorised agent for the leaving of a vehicle in a parking bay within a parking place to which such permit relates and “valid” in relation to such a permit means the vehicle’s registration mark appears on a list of vehicles authorised by the Council or authorised agent to be left in such parking bays within that parking place and the permit identifier specified in column 4 of Schedule 5 in relation to a parking place specified in column 1 of that Schedule is the same as that which appears on a sign placed in relation to that parking bay within that parking place;

“business user” means in respect of the parking place specified in column 1 of Schedule 6, a person who occupies premises the postal address of which is specified in relation thereto in column 2 of that Schedule and who uses such premises for non-residential purposes;”;

- (c) There were added as Article 13A to that Order and the heading to that Article, the following:

“Business permits or business pool permits to have been granted in respect of vehicles left in a parking bay marked out as for the use of business permit holders in certain parking places

13A. (1) At all times during which a vehicle is left in a parking bay marked out as for the use of business permit holders in a parking place specified in Schedule 5 to this Order during the permitted hours, it shall have been granted a valid business permit or business pool permit.”;

- (d) There were added as Article 75A to that Order and the heading to that Article, the following:

“Exemption from restriction on the period of waiting in a parking place

75A. The provisions of Article 75 shall not apply to a vehicle that has been granted a valid business permit or business pool permit left in a parking place marked out as for the use of business permit holders in a parking place specified in Schedule 5 to this Order.”;

- (e) There were added as Articles 76 to 79 inclusive to that Order and the headings to those Articles, the following:

“Application for the grant of business permits or business pool permits

76. (1) Any business user who is the owner or user of a vehicle of the following class, that is to say a passenger vehicle, a goods vehicle the maximum gross weight of which does not exceed 1950 kilograms or a motor cycle may apply to the Council or authorised agent for the grant of a business permit in respect of that vehicle and any such application shall be made online or on a form issued by and obtainable from the Council or authorised agent, as determined by the Council or authorised agent, and shall include the particulars and information required by such application to be supplied.

(2) Any business user who is the owner of multiple vehicles of the class referred to in

paragraph (1) of this Article, may apply to the Council or authorised agent for the grant of a business pool permit in respect of any of those vehicles and any such application shall be made online or on a form issued by and obtainable from the Council or authorised agent, as determined by the Council or authorised agent, and shall include the particulars and information required by such application to be supplied:

Provided that where a business pool permit has been granted in respect of those multiple vehicles, that permit can only be used in respect of one of those vehicles at any one time.

- (3) The Council or authorised agent may at any time require an applicant for a business permit or a business pool permit or a business permit holder to produce to an officer of the Council or authorised agent such evidence in respect of an application for a business permit or business pool permit, as the case may be, made to them as they may reasonably call for to certify any particulars or information given to them in respect of such permit granted by them as they may reasonably call for to verify that such permit is valid.
- (4) Upon receipt of an application duly made under the foregoing provisions of this Article, and upon receipt of the appropriate charge specified in paragraph (6) of this Article, the Council or authorised agent upon being satisfied that the applicant is a business user and is the owner or user of a vehicle of the class specified in paragraph (1) of this Article, shall grant to the applicant one business permit for the leaving during the permitted hours in any parking bay within a parking place to which such permit relates of the vehicle to which such permit relates by the owner or user of such vehicle or by any person using such vehicle with the consent of the aforementioned owner or user other than a person to whom such vehicle has been let for hire or reward by the aforementioned owner or user.

Provided that the Council or authorised agent may, at its discretion, determine the maximum number of business permits that may be granted to any business user.

Further provided that the Council or authorised agent shall not grant a business permit to a business user who has one or more uncontested penalty charge notices issued by or on behalf of the Council, until all such related penalty charges are paid in full.

- (5) Upon receipt of an application duly made under the foregoing provisions of this Article, and upon receipt of the appropriate charge specified in paragraph (7) of this Article, the Council or authorised agent upon being satisfied that the applicant is a business user and is the owner of a vehicle of the class specified in paragraph (1) of this Article, shall grant to the applicant one business pool permit for the leaving during the permitted hours in any parking place to which such permit relates of any one vehicle at any one time to which such permit relates by the owner or user of such vehicle or by any person using such vehicle with the consent of the aforementioned owner or user other than a person to whom such vehicle has been let for hire or reward by the aforementioned owner or user;

Provided that the Council or authorised agent may, at its discretion, determine the maximum number of business pool permits that may be granted to any business user.

Further provided that the Council or authorised agent shall not grant a business pool permit to a business user who has one or more uncontested penalty charge notices issued by or on behalf of the Council, until all such related penalty charges are paid in full.

- (6) The charge referred to in paragraph (4) of this Article shall be as set out in the following table –

1	2	3
In respect of vehicles registered before 1 st March 2001: Cylinder capacity of vehicle's engine	In respect of vehicles registered on or after 1 st March 2001. Carbon dioxide gas emissions in grams per kilometre driven (g/km)	Business permit valid for a period of 12 months
-	Up to and including 100g/km	£225
1549cc or below	From 101g/km to 170g/km inclusive	£435
1550cc or above	171g/km or above	£645

- (7) The charge referred to in paragraph (5) of this Article shall be £645 for a business pool permit valid for a period of 12 months.
- (8) The period specified in paragraph (7) of this Article or in column 3 of the table in paragraph (6) of this Article being the period during which a permit is valid and each period shall run from the date on which the permit first becomes valid.

Amendment or transfer of permits

77. (1) Where a business permit holder applies to the Council or authorised agent for an amendment of any details relating to a business permit or business pool permit, such as but not limited to the registration mark of a vehicle to which the business permit or business pool permit relates, a charge of five pounds shall be payable for administration.
- (2) The provisions of this Order shall apply to an amended permit and an application therefor as if it were a business permit or business pool permit, as the case may be, or an application therefor.

Commented [RP1]: Add for consistency with Article 78

Refund of charge paid in respect of business permit or business pool permit

78. (1) A business permit holder who cancels a business permit or business pool permit before it becomes valid shall be entitled to a refund of the fee paid in respect thereof.
- (2) Subject to the provisions of paragraph (1) of this Article a business permit holder who voluntarily cancels a business permit or business pool permit after it becomes valid shall be entitled to a refund of part of the charge paid in respect thereof calculated as a sum in respect of each complete month of unexpired time of that period referred to in Article 76(8) at the time when the permit is cancelled, less any charge of ten pounds for administration.

Cancellation, withdrawal and validity of permits

79. (1) A business permit holder may cancel a business permit or business pool permit at any time and shall cancel such permit on the occurrence of any one of the events set out in paragraph (3) of this Article.

- (2) The Council or authorised agent may, by notice in writing served on the business permit holder, by sending the same by the recorded delivery service to that business permit holder at the address shown by that person or company on the application for that business permit or business pool permit, as the case may be, or at any other address believed to be that person's place of business, withdraw a permit if any one of the events set out in paragraph (3) of this Article has occurred.
- (3) The events referred to in the foregoing provisions of this Article are:
- (a) the business permit holder ceasing to be a business user;
 - (b) the business permit holder ceasing to be the owner or user, as the case may be, of a vehicle in respect of which that permit was issued;
 - (c) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 78(1);
 - (d) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.
- (4) Without prejudice to the foregoing provisions of this Article, a business permit or business pool permit shall cease to be valid at the expiration of the period for which payment of the charge specified in Article 76(6) or (7) has been made or on the occurrence of any one of the events set out in paragraph (3)(a), (b), (c) or (d) of this Article, whichever is the earlier.
- (5) Where a business permit or business pool permit is granted to a person or company/organisation upon receipt of a cheque and the cheque is subsequently dishonoured, the business permit or business pool permit shall cease to be of any effect.”;
- (f) There were added as Schedule 5 to the Order of 2009 the Schedule similarly numbered and set out in Schedule 1 this Order; and
- (g) There were added as Schedule 6 to the Order of 2009 the Schedule similarly numbered and set out in Schedule 2 this Order.

Dated this * day of * 2020.

Mr K. Valavan
Director of Highways and Traffic Management
(The officer appointed for the purpose)

SCHEDULE 1 (See Article 3.1(f) of this Order)

SCHEDULE 5 (to the Order of 2009)
("Free and business permit" Car Parks)

1 Name of Parking Place	2 Times of operation of parking place	3 Maximum Stay and 'no return' period	4 Permit identifier
1. Rolls Sports Ground, E4	All days, all hours	3 hours maximum stay, no return on the same day	RP

SCHEDULE 2 (See Article 3.1(g) of this Order)

SCHEDULE 6 (to the Order of 2009)
(definition of 'business user' – see Article 3(1))

1 Name of Parking Place	2 Address for purpose of definition of 'business user'
1. Rolls Sports Ground, E4	Any premises at 14 Hickman Avenue, Higham Park, London E4 9JG

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes amendments to the Waltham Forest (Off-Street Parking Places) Consolidation Order 2009 to introduce provisions for the application for, granting and use of business permits and business pool permits and introduces the Rolls Sports Ground 'Free and business permit' Car Park, within the London Borough of Waltham Forest.