

HERTSMERE BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

Date of Order: xxxxxxxxxx2013
Order No.279

THE HERTSMERE BOROUGH COUNCIL (HIGH ROAD, BUSHEY HEATH) (ON STREET PAY AND DISPLAY PARKING) ORDER 2013

Hertsmere Borough Council (hereinafter referred to as “the Council”) pursuant to arrangements made with Hertfordshire County Council (“the County Council”) under Section 19 of the Local Government Act 2000 and the Local Government (Arrangements for Discharge of Functions) (England) Regulations 2000 in exercise of the powers on the said County Council by Sections 1, 2, 3, 4, 33, 45, 46, 47, 48, 49, 51, 52 and 53 to the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act of 1984”), Part IV of Schedule 9 of the Act of 1984 and of all other enabling powers 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:

Commencement and Citation

1. This Order shall come into operation on xxxxxxxx2013 and may be cited as The Hertsmere Borough Council (High Road, Bushey Heath) (On Street Pay and Display Parking) Order 2013 hereinafter referred to as “this Order”.

Interpretation

2. Save as otherwise defined within this Order each and every expression shall have the meaning assigned to it by the Traffic Signs Regulations and General Directions 2002.

“Civil Enforcement Officer” means an officer as defined by the Traffic Management Act 2004 and appointed by Hertsmere Borough Council;

“Controlled Parking Zone (CPZ)” means either an area in which, except where parking places have been provided, every road has been marked with road markings and into which each entrance for vehicular traffic has been indicated by signs; or an area in which signs have been placed on each side of every road; and into which each entrance for vehicular traffic has been indicated by the signs.

“Delivering” and “Collecting” in relation to goods including checking the goods for the purpose of their delivery or collection;

“Disabled Person” means a disabled person of a description prescribed by Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

“Disabled Persons Badge”, “Blue Badge” have the same meaning as given in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

“Disabled Person's Vehicle” means a vehicle lawfully displaying a Disabled Person's Badge and which is a vehicle which, immediately before or after any

period of waiting allowed by virtue of a provision of a kind required by Regulation 8 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683, has been or is to be driven by a Disabled Person or, as the case may be, has been or is to be used for carrying Disabled Persons as passengers;

"Driver" means the person driving or having control or charge of the Vehicle at any given time and in particular in relation to the Vehicle waiting in a Parking Bay or Parking Place the person driving at the time it was left in that Parking Place;

"Goods Vehicle" means a motor vehicle that is constructed or adapted for use for the carriage of goods or burden of any description;

"Motorcycle" has the meaning as in Section 185(1) of the Road Traffic Act 1988;

"Motor Vehicle" is a "Mechanically Propelled Vehicle" and has the same meaning as in the Section 136(1) of the Act of 1984;

"Owner" in relation to a Vehicle means the person by whom such Vehicle is kept and or used.

"Parking Bay" means an area contained within a Parking Place in which a vehicle of any class, not larger than 2.3 metres in height and 5.25 metres in length may be parked, marked in accordance with The Traffic Signs Regulations and General Directions 2002 as designated in Article 4 of this Order and listed in Schedules 1 and 2 to this Order;

"Parking Place" means any place where a Vehicle, or Vehicles of any class, not larger than 2.3 metres in height and 5.25 metres in length may be parked, marked in accordance with The Traffic Signs Regulations and General Directions 2002 as designated in Article 4 of this Order and listed in Schedules 1 and 2 to this Order.

"Parking Ticket Machine" means an apparatus of a type and design approved by the Secretary of State and installed for the purposes of the Order being an apparatus to indicate the time of issue, the payment of the initial charge and the periods in respect of which the initial charge has been paid;

"Parking Ticket" means a ticket issued by a Parking Ticket Machine for any of the Parking Places referred to in Schedules 1 and 2;

"Passenger Vehicle" means a motor vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than sixteen passengers exclusive of the Driver, and not drawing a trailer;

"Penalty Charge" shall have the meaning as a charge set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 and the provisions of Part 6 and Schedule 9 the Traffic Management Act 2004 and Part 2 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007. "Permit" means Exemption Permits, and Business Permit.

“Permit Holder” means a person to whom a Permit/s have been issued by Hertsmere Borough Council.

“Permitted Hours” means the hours and days of the week specified in Schedule 1 and 2 to this Order.

“Relevant Position” means on the dashboard or fascia of the Vehicle or where the Vehicle is not fitted with a dashboard or fascia in a conspicuous position on the nearside of the Vehicle or if the Vehicle is one being used by a Disabled Person displayed in such a position as described in the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 2000 SI 682 and in all cases displayed in such a position as to be clearly visible from outside the Vehicle’s front or nearside. Motorcycles are not required to display permits; “Relevant Position” for a Parking Ticket Issued by a Parking Ticket Machine means a) in the case of a Vehicle fitted with a windscreen, by affixing the ticket to the inside surface of the windscreen so that it is facing forwards and can be easily seen from the front of the Vehicle; or b) in the case of a Vehicle which is not fitted with a windscreen by affixing the ticket on the front of the Vehicle facing forwards not more than 1.75 metres or less than 0.75 metres above the surface of the Parking Place which the Vehicle is parked;

“Vehicle” means passenger motor vehicle or motorcycle not larger than 2.30 metres in height and 5.25 metres.

“Zone” refers to the road(s) identified in Schedule 1 and 2 of this Order.

Parking Places

3. (1) Save as provided in articles 26 (1) to (3) of this Order those lengths of road specified in Schedules 1 and 2 to this Order are authorised for use as Parking Places as specified in Schedules 1 and 2 to this Order.

(2) Nothing in this article shall apply to a Motor Vehicle parked in those lengths of road as specified in Schedule 2 to this Order which is displaying in the Relevant Position a valid Business Permit as provided in Article 14 (a) to (e).
4. Save as provided in articles 26 (1) to (3) of this Order where in this article a length of road is described as authorised for use as a Parking Place, the Driver of a Vehicle shall not permit the Vehicle to wait in that Parking Place unless it;
a) is wholly parked within the marked limits of the Parking Place and
b) is displaying in the Relevant Position a valid parking Permit issued in accordance with the provisions of this Order.
c) is displaying a parking ticket for the relevant zone in the relevant position.

Designation of Permit parking Zones

5. Each length of road listed in Schedule 1 and 2 to this Order is designated as a Parking Place on the days and between the hours as specified in that schedule.
6. Save as provided in Articles 3(1), 3(2), 26(1) to (3) of this Order no Vehicle (excluding Motorcycles) may be parked in a Parking Place during the specified hours without displaying a valid Business Permit or valid Parking Ticket in the Relevant Position for that Vehicle which has been issued in respect of that Zone.

7. Where a Vehicle (excluding Motorcycles) is parked in contravention of Article 6 to this Order the Driver of any such Vehicle shall be issued with a Penalty Charge notice.
8. The absence of a Parking Permit on a Vehicle (excluding Motorcycles) left in a Permit Parking Zone shall be evidence of the fact that a Parking Permit has not been issued to the owner or driver of the Vehicle.

Eligibility for Parking Permits

9. Any Driver who is the Owner of a Vehicle or has access to a company Vehicle or hired Vehicle may apply to the Council for the issue of a Business Permit for each such Vehicle in their ownership or control subject to the maximum parking Permit allocation per person (or per business) as specified in Schedule 1 to this Order.

Application for a Parking Permit/s

10. Application for a Business Permit/s will be made on a form issued by and obtainable from the Council. The form must be completed and returned accompanied by a payment for the charge specified in Schedule 1 of this Order and by such documentary evidence of entitlement in respect of an application for a Parking Permit/s made to them as the Council may reasonably request to verify any particulars or information given to them.
11. On receipt of a properly completed application and fee where appropriate the Council shall issue to the appropriate applicant a Parking Permit/s provided that the applicant qualifies for the Parking Permit/s.
 - a) Where Parking Permit/s are issued to any person upon receipt of a cheque or credit/debit card details and the payment is subsequently dishonoured, the parking Permit/s shall immediately cease to be valid.
 - b) The Council will serve notice by recorded delivery on the person to whom the Parking Permit/s was issued at the address shown by the applicant on the application form or at any other address believed to be the applicant's place of abode, requiring that person to surrender the parking Permit/s, to the Council within 48 hours of the receipt of the notice.

Charges for Parking Permits

12. The charges for a Parking Permit/s shall be as specified in Schedule 1 to this Order.
13. The charges for a Parking Permit/s and Parking Machine Tickets may be amended by the Local Authority giving notice in accordance with Section 46 A of the Act of 1984.

Form of Parking Permit/s

14. Business Permit shall be in writing and shall include the following particulars:
 - (a) a serial number by which the Permit Holder may be identified;

- (b) the registration number of the Vehicle for which the Parking Permit is issued;
- (c) the expiry date;
- (d) an authentication that the Parking Permit has been issued by the Council;
- (e) an alphanumeric code to identify the Parking Zone or Parking Place to which it applies.

Form of Exemption Permits

15. Any person who is employed by either Hertsmere Borough Council or Hertfordshire Highways and has a valid need to park in the Parking Places as referred to in Schedules 1 and 2. On issuing the Exemption Permit the Council may specify the purpose for which it may be used and shall specify the period for which it is valid. The Exemption Permit shall be displayed in the Relevant Position.
 - (a) A yellow card shall be issued to Hertsmere Borough Council employees and this Exemption Permit shall include an indication that the Exemption Permit has been issued by the Council and a serial card number.
 - (b) Exemption Permits issued to Hertfordshire Highways employees shall contain relevant details at the discretion of the Council.

Surrender, Withdrawal and Validity of a Parking Permit/s

16. (1) A Permit Holder may surrender a Parking Permit/s to the Council at any time and shall surrender a Permit to the Council on the occurrence of any one of the events set out in Article 17.

(2) The Council may by notice served by recorded delivery on the Permit Holder at the address shown by that person on the application form or at any other address believed to be that person's place of abode, withdraw a Parking Permit(s), if it appears to the Council that any of the items in Article 17 apply:-
17. The events referred to in the foregoing provisions of this Article are –
 - (a) The Permit Holder has ceased to be eligible to hold a Parking Permit/s under the provisions of Articles 9 to 11 of this Order
 - (b) The Vehicle or Motorcycle in respect of which a Parking Permit was issued has been adapted or used in such a manner that it is no longer a Vehicle for which a Parking Permit can be issued;
 - (c) The details on the Parking Permit/s as described in Articles 14 (a) to (e) of this Order have been deliberately altered
18. A parking Permit will be valid only if displayed on the Vehicle (excluding motorcycles) to which the parking Permit relates in the Relevant Position.
 - (a) A Business Permit will be valid only if displayed on a Vehicle (excluding Motorcycles) to which it was issued, in the Relevant Position correctly marked in accordance with the instructions for validation on the front face.
 - (b) A parking Permit shall cease to be valid at midnight on the specified expiry date or on the date the Council withdraws the parking Permit by notice, whichever is the earlier.

- (c) The Council will make refunds for Business Permits who surrender a Permit to the Council before it becomes valid shall be entitled to a refund of 50% of the charge paid in respect thereof.
- (d) A Business Permit holder who surrenders a permit to the Council after it has become valid shall be entitled to refund of part of the charge paid in respect thereof calculated in accordance with the provisions of the following paragraph.

The part of the charge which is refundable under the provisions of the last foregoing paragraph shall be calculated as follows:

In the case of a Business Permit for which a yearly charge was paid shall be entitled to a refund of 50% in respect of each complete six months of the period specified thereon as the period during which it shall be valid which remains unexpired at the time when the Permit is surrendered to the Council or 25% in respect of any period less than six months but greater than three months. Less than three months, no refund. For Business Permits valid for six months only a refund of 50% for each completed three months of the remaining unexpired. There will be no refunds for Permits having only three months duration.

Application for and the issue of a Duplicate Parking Permit

- 19. The Council will issue a duplicate or replacement Parking Permit in the following circumstances:
 - (a) If a Parking Permit is mutilated or accidentally defaced or the figures or particulars on it have become illegible or the colour of the Parking Permit has faded or altered, the Permit Holder shall surrender it to the Council. If the Parking Permit is accompanied by an application for a replacement Parking Permit, a duplicate Parking Permit shall be issued and the original Parking Permit shall become invalid.
 - (b) If a Parking Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue of a duplicate. If the Council is satisfied as to the loss or destruction of the Parking Permit, a duplicate will be issued.
 - (c) If a Permit Holder acquires a new Motor Vehicle or Motorcycle, the Permit Holder shall surrender the original Parking Permit to the Council and make an application for a new Parking Permit and the original Parking Permit shall become invalid.

Restriction on the removal of a Parking Permit

- 20. Where a Parking Permit/s has been displayed on or attached to a Motor Vehicle in the Relevant Position, no person other than the Driver of the Motor Vehicle or a Civil Enforcement Officer shall remove the Parking Permit/s from the Motor Vehicle unless authorised to do so by the Driver of the Motor Vehicle.

Manner of standing in a parking place

- 21. (1) Every Vehicle left in a Parking Place described in Schedule 1 and 2 to this Order shall so stand so that the whole of the Vehicle is within the marked bay.

Power to suspend use of Parking Places and Permit Parking Zones

22. Any person authorised by the Council or a Police Constable in uniform may suspend the use of a Parking Place or Permit parking Zone whenever he considers such suspension reasonably necessary;
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place or the laying, erection, alteration, removal or repair in or adjacent to the Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus or traffic sign; or
 - (c) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion for the removal of furniture from one office or dwelling house to another place; or
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals or on other special occasions; or
 - (f) for the purpose of facilitating the cleansing of the Parking Place.

Parking Ticket Machine Parking Places

23. (a) The Driver of a Vehicle who leaves that Vehicle in a Parking Place specified in Schedule 1 and 2 during the Permitted Hours shall obtain a ticket from the Parking Ticket Machine following the instructions thereon and immediately display it in the Relevant Position on the Vehicle, even when the first period of parking is free of charge.
- (b) Where a Parking Ticket is not displayed in the Relevant Position it will be deemed not to have been paid. Where a ticket is displayed the amount of the charge shall be deemed to be that shown on the ticket.
- (c) Any Parking Machine Ticket is not transferable between one Vehicle and another.
- (d) The following Vehicles will be exempt from payment of any charge whilst parked in a Parking Place specified in this Order. a) an invalid carriage, b) a Motorcycle, c) a Vehicle displaying a Disabled Persons Badge providing the Vehicle is carrying a registered Disabled Person at the time the Vehicle enters and leaves the Parking Place and that person (whether Driver or passenger) is the person to whom the badge was issued.

Movement of a vehicle in a parking place in an emergency

24. A Police Constable in uniform or a Civil Enforcement Officer may cause to be moved, in case of emergency, to any place he thinks fit any vehicle left in a parking bay.

Restriction on the use of a parking place

25. During the permitted hours no person shall use any parking place or any vehicle while it is in a parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with

the selling or offering for sale of his skill in handicraft or his services in any other capacity;

Provided that nothing in this Article shall prevent the sale of goods from a vehicle -

- (a) If the vehicle is a passenger vehicle, a goods carrying vehicle, a motor cycle or an invalid carriage and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
- (b) If the vehicle is one to which the provisions of Article 24(1)(h) apply.

Exemptions to the provisions of this Order

26. (1) It shall not contravene Articles 3, 4 and 6 of this Order to cause or permit any Vehicle to wait in the parts of the road referred to therein for so long as may be reasonably necessary to enable:
- (a) goods to be loaded on or unloaded from the Vehicle
 - (b) a person to board or alight from the Vehicle;
 - (c) the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - I. building, industrial or demolition operations;
 - II. the removal of any obstructions to traffic;
 - III. the maintenance, improvement or reconstruction of the said roads
 - IV. the laying, erection, alteration, repair or cleaning of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus kept or installed for the purposes of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position.
 - (d) The Vehicle if it cannot conveniently be used for such purpose in any other road to be used in the service of a local authority or water authority in pursuance of statutory powers or duties.
 - (e) The Vehicle to be used for fire brigade, ambulance or police purposes;
 - (f) The Vehicle to be used by a universal service provider in the course of the provision of a universal postal service for the purpose of delivering or collecting postal packets.
 - (g) Nothing in this Order save as Article 4 of this Order shall render it unlawful to cause or permit a Disabled Person's Vehicle, which displays in the Relevant Position a Disabled Person's Badge, to wait in any of the lengths of road as shown in Schedules 1 and 2 to this Order up to a maximum time of three hours.
 - (h) In any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at a premises adjacent to the parking place in which the vehicle is waiting and does not wait for a period exceeding twenty minutes or for such longer period as a police constable in uniform or a Civil Enforcement Officer may approve.

In this Article –

The expressions “universal service provider”, “provision of a universal postal Service” and “postal packet” shall bear the same meanings as in the Postal Services Act 2000.

- (2) It shall not contravene Articles 3, 4 and 6 of this Order to cause or permit a Vehicle to wait in the part of the road referred to therein if the Vehicle is prevented from proceeding by circumstances beyond the Driver's control or if the Driver of

the Vehicle has stopped in order to avoid injury or damage to persons or property or is required to do so by law.

- (3) Nothing in Articles 3, 4 and 6 of this Order applies to anything done at the direction of or with the permission of a Police Constable in uniform or with permission of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Hertsmere Borough Council.

Interval before a vehicle may again be left in a Parking Place

27. No vehicle which has been left or been taken away from a Parking Place during the permitted hours, after the initial charge has been incurred shall, until the expiration of two hours from the time it left or was taken away again stand in that parking place during the permitted hours.

Contraventions of this Order

28. Where a Motor Vehicle is parked in contravention of any of the Articles to this Order the driver of any such Motor Vehicle shall be issued with a Penalty Charge notice in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 and the provisions of Part 6 and Schedule 9 the Traffic Management Act 2004 and Part 2 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007
29. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

Revocation

30. The provisions of the following Order is hereby revoked but only in so far as they are affected by the restrictions imposed by this Order;
The Borough of Hertsmere (Control of Parking) (Consolidation) Order 2012

SCHEDULE 1

**High Road, Bushey Heath –
Pay and Display Ticket Machine Parking Charges**

Parking Ticket Machine Charges	Monday to Friday 08.30 AM – 6.30 PM (Excluding Bank Holidays)
Up to 30 minutes	Free
Up to 1 hour	£0.20

SCHEDULE 2

HIGH ROAD, BUSHEY HEATH

High Road (East side)	1. From a point approximately 4metres south west of the common boundary between property numbers 18 and 20 High Road, south westwards for a distance of approximately 8metres.
High Road (East side)	2. From a point approximately 7metres south west of the south west boundary of property number 38-40 High Road, south westwards for a distance of approximately 17metres
High Road (East side)	3. From a point approximately 2metres south west of the north east boundary of property number 54-56 High Road, south westwards for a distance of approximately 17metres
High Road (East side)	4. From a point approximately 13metres south west of the common boundary between property numbers 60 and 62-64 High Road, south westwards for a distance of approximately 6metres
High Road (East side)	5. From a point approximately 3metres south west of the common boundary between property numbers 72a and 74 High Road, south westwards for a distance of approximately 17metres
High Road (East side)	6. From a point approximately 5metres south west of the common boundary between property numbers 82 and 82a High Road, south westwards for a distance of approximately 32metres.
High Road (East side)	7. From a point approximately 6metres south west of the common boundary between property numbers 110 and 112-114 High Road, south westwards for a distance of approximately 13metres.
High Road (East side)	8. From a point approximately 4metres south west of the common boundary between property numbers 118 and 120 High Road, south westwards for a distance of approximately 22metres
High Road (East side)	9. From a point approximately 5metres south west of the common boundary between property numbers 122 and 124 High Road, south westwards for a distance of approximately 22metres
High Road (West side)	10. From a point approximately 3m north west of the common boundary between property numbers 61 and 63 High Road north westwards for a distance of approximately 34metres
High Road (West side)	13. From a point approximately 29metres north west of the common boundary between property numbers 45 and 47 High Road north westwards for a distance of approximately 18metres

High Road (west side)	14.From a point approximately 7metres south east of the south east boundary of property number 21 High Road north westwards for a distance of approximately 17m
High Road (West side)	15.From a point approximately 4metres north west of the south east boundary of property number 1Warren Road south eastwards for a distance of approximately 40m
High Road (West side)	16.From a point approximately 1metres north west of the south east boundary of property number 19 High Road south eastwards for a distance of approximately 10m
High Road (West side)	17.From a point approximately 6metres north west of the south east boundary of property number 19 High Road north westwards for a distance of approximately 21m

High Road (Service Road)

Service Road (East side)	1. From a point approximately 3m north west of the common boundary between property numbers 45 and 47 High Road(Service Road) north westwards for a distance of approximately 36metres
Service Road (East side)	2. From a point approximately 7m north west of the common boundary between property numbers 35 and 37 High Road (Service Road) north westwards for a distance of approximately 7metres

IN WITNESS whereof the Common Seal of the Hertsmere Borough Council was hereunto affixed
This..... day of 2013.

The Common Seal of the
Hertsmere Borough Council
was hereunto affixed in the
presence of :-

Director Of Resources