

# **HERTSMERE BOROUGH COUNCIL**

## **ROAD TRAFFIC REGULATION ACT 1984**

Date of Order: 5<sup>th</sup> December 2012  
Order No: 267

### **THE HERTSMERE BOROUGH COUNCIL (OFF-STREET PARKING PLACES) ORDER 2012**

The Hertsmere Borough Council (hereinafter referred to as "the Council") pursuant to arrangements made under Section 19 of the Local Government Act 2000 with the County Council of Hertfordshire in exercise of the powers of the said County Council under Sections 32, 33 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and section 43 and schedule 3 of the Road Traffic Act 1991 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:

#### **Citation and commencement**

1. (1) This Order shall come into operation on 5<sup>th</sup> December 2012 and may be cited as The Hertsmere Borough Council (Off-Street Parking Places) Order 2012, hereinafter referred to as "this Order".  
  
(2) The Hertsmere Borough Off-Street Plans ("the Off-Street Plans") and the Schedules to this Order are incorporated into this Order.

#### **Revocations**

2. The Order(s) listed within Schedule 1 are hereby revoked.

#### **Interpretation**

3. In this Order the following expressions have the meanings assigned to them except where the context requires otherwise:  
  
"the Act of 1984" means the Road Traffic Regulation Act 1984 as amended;  
  
"authorised vehicle" means a vehicle of a specified class authorised to use a parking place by virtue of Article 6 and as specified in the Schedule;  
  
"Business Permit" means a permit issued by the Council under Article 31 of this Order.  
  
"car park" means that area of land not being public highway and designated for the leaving of passenger vehicles as defined in Articles 23 and 24 of this Order in accordance with the provisions of this Order;  
  
"civil enforcement officer" means a person authorised by or on behalf of the Council to supervise any parking place;  
  
"Commuter Permit" means a permit issued by the Council under Article 31 of this Order.  
  
"Council" means the Council of the Borough of Hertsmere;

"disabled person" has the same meaning as a disabled person as described by the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended);

"disabled person's badge" has the same meaning as given in Regulation 3(1) of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons)(England) Regulations 2000;

"disabled persons vehicle" has the same meaning as in Section 142 (1) of the Act of 1984;

"driver" in relation to a vehicle in a parking place means the person driving or having control of the vehicle, or the person having driven or having had control or charge of the vehicle at the material time;

"goods carrying vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

"ibis permit" means a permit issued by the Ibis Hotel, Elstree Way, Borehamwood as set out in article 31(b);

"Initial Charge" shall have the same meaning as set out in Article 28 (2) and as specified in the Schedule to this Order;

"invalid carriage", "motor vehicles", "motor cycle" and "trailer" have respectively the same meanings as in section 136 of the 1984 Act provided that for the purpose of this Order the term "motor cycle" shall be deemed to include a solo motor cycle and a motor cycle with sidecar attached;

"no return" means no return of a vehicle to a given parking place within a specified period.

"Off-Street Plans" means the Hertsmere Borough Off-Street Plans which are incorporated into this Order pursuant to Article 1(2) and schedule 2 hereof;

"owner" in relation to a vehicle means the registered keeper thereof;

"parking bay" means any part of a parking place marked out, by means of white lines or otherwise, for the leaving of a vehicle;

"parking place" means the area of land specified by name in the plans of Schedule 2 of this Order provided by the Council under section 32 of the 1984 Act for use as a parking place;

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed or adapted solely for carriage of not more than twelve passengers (exclusive of the driver), and their effects and not drawing a trailer;

"Pay by phone" means payment by telephone whether mobile or otherwise or by any other electronic device capable of making payment. Instructions for pay by phone shall be displayed at ticket machine points. A record of pay by phone will be made electronically and no ticket will be required to be displayed.

"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 or any subsequent legislation so enabling;

"penalty charge notice or PCN" shall have the same meaning as set out in Article 38(5) .

"permit" means a permit issued under the provisions of Article 31 of this Order and references to "permit holder" shall be construed accordingly;

"permit holder" means a person to whom a permit has been issued under the provisions of Article 31;

"permitted hours" means the hours during which the charges are payable for parking in the parking place as set out in Schedule 3.

"protective cover" means a protective cover issued by the Council under the provisions of Article 31;

"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 inside from outside of the Vehicle's front or nearside.

"Schedules" means the Schedules to this Order;

- (1) Except where the context otherwise requires, references in this Order to Articles and Schedules are references to Articles of and Schedules to this Order.
- (2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (3) Any reference in this Order to any enactment, shall be construed as a reference to that enactment as amended by any subsequent enactment.

"School Permit" means a permit issued by the Council under Article 31 of this Order.

"ticket" means a ticket issued by a ticket machine located in the parking place in which the vehicle is parked whether for payment or for a free period of time;

"ticket machine" means an apparatus of a type and design for the purpose of this Order, being apparatus designed to indicate the time by a clock, and to issue tickets which show that a payment has been made of an amount, or for a period specified thereon, and which specify the date and the time at which the vehicle must leave the parking place;

"trailer" means a vehicle drawn by a motor vehicle as provided for in Section 136(1) of the 1984 Act;

"vehicle" means a passenger vehicle not larger than 2.30 metres in height and 5.25 metres in length.

### **Use of Parking Places**

4. Each parking place specified on the plans of Schedule 2 to this Order and as identified as the areas of land outlined and hatched on the Off-Street Plans may be used, subject to the provisions of this Order, as the parking place for such classes of vehicles in such positions on such days and during such hours and such periods and on payment of such charges as are specified in relation thereto in Schedules 2 and 3 to this Order.

5. Each parking place specified in Schedule 2 may be used, subject to the provisions of this Order and subject to the display of a valid permit in the manner specified by Article 36 as a parking place for such classes of vehicles in such positions as are specified in relation thereto in Schedule 2 and 3 to this Order.
6. Where in Schedule 2 a parking bay is described as available for vehicles of maximum permitted dimensions, the driver of a vehicle shall not permit it to wait in that parking bay unless its size is within the specified maximum permitted dimensions.
7. The driver of a vehicle shall not permit it to wait in a parking place other than in a parking bay and for this purpose, except with the permission of the Council, every part of the vehicle must be within the limits of the parking bay and not more than one vehicle shall occupy any one such parking bay.
8. The driver of a vehicle shall not permit it to wait in a parking place specified in Schedule 2 that has been reserved by means of a sign or surface marking specifically for use by disabled persons unless:
  - (a) the vehicle is displaying a disabled person's badge; and
  - (b) the vehicle is carrying a registered disabled person at the time the vehicle enters and leaves the parking bay and that person (whether the driver or a passenger) is the person to whom the badge was issued.
9. A vehicle which displays in the relevant position a disabled person's badge issued by any local authority may be left in a parking place specified in Schedule 2 provided that the use of the parking bay within that parking place in which the vehicle is left has not been suspended.
10. The driver of a vehicle shall not permit it to wait in a parking place specified in Schedule 2 for longer than the maximum period permitted for waiting, specified in Schedule 3 in relation to that parking place. When a vehicle has departed from a parking place after having being left therein that vehicle shall not return to that parking place within the period stipulated in Schedule 3.
11. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in that parking bay and shall not start the engine except when about to change the position of the vehicle within or to depart from the parking bay.

#### **Miscellaneous Prohibited Uses of Parking Place**

12. No person shall within a parking place, without prior consent of the Council:
  - (a) sell or offer for sale or for hire any article, skill or service;
  - (b) do anything in connection with the selling or hiring of any article, skill or service whether from a vehicle or otherwise;
  - (c) advertise any product or service;
  - (d) distribute any leaflet.
13. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless:
  - (a) the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle Excise and Registration Act 1994 and a valid licence is exhibited on the vehicle in the manner prescribed by that Act;
  - (b) registration plates are fitted to the front and rear of the vehicle; and

- (c) there is in force in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.
14. The driver of a motor vehicle using a parking place is not permitted to drive any vehicle without due care and consideration or in a manner likely to endanger any other person or at speeds in excess of 10 mph.
15. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except in the interests of safety.
16. No person shall, except with the permission of the Council or any person duly authorised by them, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in a parking bay in accordance with the provisions of this Order or for the purpose of changing position within or departing from the parking bay.
17. No person shall in a parking place without good cause shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
18. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
19. No person shall use any part of a parking place or any vehicle left in a parking place:
- (a) for sleeping or camping purposes; or
  - (b) for cooking purposes, including the lighting of a fire for any reason; or
  - (c) for the purpose of servicing, washing, cleaning, constructing, maintaining or repairing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
20. In a parking place, no person shall erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council.

### **Driving in Parking Places**

21. Any person using a parking place as a means of passage proceeding from one road to another road or for access purposes to property or land adjacent to but not forming any part of the parking place shall be deemed to be so using by licence of the Council and not as of right.
22. Where in a parking place signs are erected or surface markings are laid for the purpose of indicating:
- (a) the entrance to or exit from the parking place; or
  - (b) 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:-
- (c) 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
  - (d) in a direction other than that specified as the case may be.

### **Permitted Vehicles**

23. The driver of a vehicle drawing a trailer having a combined length exceeding 5.50 metres shall not permit the vehicle or the trailer to wait in a parking bay unless they have been disconnected, and unless the registration number of the vehicle is clearly displayed on the trailer and for the purpose of this Order, the vehicle and the trailer shall be deemed to be separate vehicles and the said driver shall be deemed to be the driver of each of the said vehicles. Unless the vehicle is a bus or coach used for the delivery or collection of passengers to or from a school or sporting facility nearby.
24. No vehicle shall be left in any parking bay if its length exceeds 5.50 metres or its height exceeds 2.30 metres or its unladen weight exceeds 1,525kg except with the written permission of the Council.
25. Notwithstanding the provisions of this Order, the Council may by notice displayed at or near a parking place close or reserve for any purpose such a parking place or part thereof for any period and no driver of any vehicle shall use such parking place or part thereof when it is so closed or reserved except with the permission of the Council.
26. If at any time in or on a parking bay or bays or in any position adjacent thereto a particular bay or bays is or are reserved by means of a sign or surface marking for the use of any person or category of persons authorised by the Council or for the leaving of solo motor cycles, no person shall leave a vehicle in any such parking bay other than for the purpose so specified.
27. The Council does not undertake to supervise any parking place and entry to and exit from and use of the parking bays is entirely at the users risk and the Council or its servants or agents does not accept any liability for any damage to or loss of vehicles or their contents which arise from any act or omission outside their reasonable control.

### **Ticket Machine Parking Places**

28.
  - (1) The driver of a vehicle who leaves that vehicle in a parking place specified in Schedule 2 during the permitted hours shall obtain a ticket from the Ticket machine and immediately display it in accordance with Article 29(5), 29(6) or display a valid permit, unless the driver has made payment by phone or other device. Instructions for making payment shall be displayed at ticket machine points. A record of pay by phone will be made electronically and no ticket will be required to be displayed.
  - (2) The driver of a vehicle who leaves that vehicle in a parking place specified in Schedule 2 during the permitted hours for the periods set out in Schedule 3 shall immediately pay the appropriate initial charge as set out in Schedule 3 or where a free period is permitted shall obtain and display a valid ticket or permit, unless pay by phone is made in accordance with instructions.
  - (3) The driver of a vehicle who leaves that vehicle in the parking place specified in Schedule 2 to this order during the permitted hours shall where the ticket machine displays instructions to that effect enter the registration number or part thereof as required of the vehicle to be left into the ticket machine in accordance with the instructions so displayed.
29.
  - (1) The initial charge referred to in Article 28 shall be paid by the insertion into the ticket machine provided in the parking place of a coin or coins of the denominations specified in Schedule 3 dependent on the period for which payment is being made and the class of vehicle, provided that if any payment is

made over the appropriate charge, the charge together with the amount of the overpayment shall be deemed to be the charge. Where pay by phone is available the appropriate charge will be taken by phone.

- (2) The Driver of a vehicle left in a parking bay shall not insert additional coins into the ticket machine after payment of the Initial Charge or display a parking ticket other than that obtained on payment of the Initial Charge or obtain an additional free ticket.
  - (3) Where a ticket is not exhibited on the vehicle in accordance with paragraphs (5) and (6) of this Article the charge shall be deemed not to have been paid and where a ticket is so displayed the amount of the charge shall be deemed to be that shown on the ticket, unless pay by phone is made in accordance with instructions.
  - (4) Any ticket issued by the ticket machine is not transferable between one vehicle and another.
  - (5) Upon payment of a charge or where a free ticket is applicable for the first period, the driver shall exhibit on the vehicle a ticket issued by the ticket machine unless pay by phone is made in accordance with instructions:
    - (a) in the case of a vehicle which is 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 bay in which the vehicle is parked;
  - (6) Where the ticket shall be so exhibited the time and other particulars shown thereon shall be clearly visible inside from outside of the vehicle.
30. The following vehicles left in a parking bay shall be exempt from the payment of any charge specified in Schedule 3 to this Order:
- (a) an invalid carriage;
  - (b) a motor cycle;
  - (c) a vehicle bearing a disabled person's badge provided the vehicle is carrying a registered disabled person at the time the vehicle enters and leaves the parking place and that person (whether the driver or a passenger) is the person to whom the badge was issued.

#### **Parking Places with Permits**

31. (1) Any person who is the owner of a vehicle which complies with Column 2 of Schedule 2 may apply to the Council for the issue of a permit for the leaving of that vehicle in a parking bay in a parking place which is specified in the Schedule and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
- (2) The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they may reasonably require to verify

any particulars or information given to them or in respect of any permit issued by them as they may reasonably require to verify that the permit is valid.

- (3) On receipt of an application duly made under the foregoing provisions of this Article, and of the fee specified in Sub-article (4) the Council, upon being satisfied that the applicant is either:
- (i) a person who has legitimate business within the Borough of Hertsmere where a Council ticket machine parking place is located and is the owner of a vehicle which complies with this article or;
  - (ii) a person who uses either a railway station located in the Borough of Hertsmere and the main line rail network to commute to and from their place of work and is the owner of a vehicle which complies with this article.
  - (iii) a person who is a parent or guardian of a child attending a nursery or school in the Borough of Hertsmere and who is the owner of a vehicle which complies with this article, may issue to the applicant with:
    - (a) one permit for the leaving of the vehicle to which the permit relates by the owner or by any other person using such vehicle with the consent of the owner for the purpose of their business, other than a person to whom such vehicle has been let for hire or reward, during the permitted hours in a parking place referred to in the Schedule:

Provided that, subject to the provisions of Article 34, the Council shall not issue a permit to any person which would be valid for any period during which any other permit issued to that vehicle is or would be valid;

- (b) one protective cover for the display therein of a permit.

- (4) The charges for Business, Commuter and School Permits shall be in accordance with Schedule 3 of this Order. In respect of a Business Permit which, subject to the provisions of this Order shall be valid for a period of twelve months, six months or three months respectively running from the beginning of the month in which the permit first becomes valid.

In respect of a Commuter Permit, which is applicable in Hertsmere Borough Council where a ticket machine parking place is located which, subject to the provisions of this Order shall be valid for a period of twelve months running from the beginning of the month in which the permit first becomes valid.

In respect of a School Permit, which is applicable in Hertsmere Borough Council where a ticket machine parking place is located which, subject to the provisions of this Order shall be valid for a period of twelve months running from the beginning of the month in which the permit first becomes valid.

- (5) Due to the limited number of off-street parking places available, the Council may at its discretion either grant the applicant a Business, Commuter or School Permit or refuse the applicant's application for a Business, Commuter or School Permit in accordance with the Council's guidelines.
- (6) The IBIS Hotel shall issue free of charge subject to agreement with the Council an IBIS Hotel permit for paying guests attending the IBIS Hotel, Elstree Way, Borehamwood.
- (7) The Council shall issue free of charge to any person employed by it a permit which shall be valid for the parking place specified in Schedule 2 at any time when such person is engaged on the business of the Council but not otherwise



and Article 31(3) thereof shall apply as if an application had been duly made and the fee paid.

### **Refund of charge paid in respect of a Permit**

32. (1) A Business or Commuter permit holder who surrenders a permit to the Council before it becomes valid shall be entitled to a refund of 50% of the charge paid in respect thereof.
- (2) A Business or Commuter 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 next following paragraph.
- (3) 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 or Commuter 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 complete three months of the period remaining unexpired. There will be no refunds for permits having only 3 months duration.

In the case of a School Permit, no refund.

### **Surrender, Withdrawal and Validity of Permits**

33. (1) A permit holder may surrender a Permit 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 Paragraph (3) of this Article.
- (2) The Council may, by notice in writing served on the Permit holder by sending the same by the recorded service delivery service to the Permit holder at the address shown by that person on the application for the Permit if it appears to the Council that any one of the events set out in Paragraph (3)(a), (3)(b) or (3)(d) of this Article has occurred and the Permit holder shall surrender the Permit to the Council within 48 hours of the receipt of the afore-mentioned notice.
- (3) The events referred to in the foregoing provisions of this Article are:
- (a) the Permit holder ceasing in the opinion of the Council to be a person who has legitimate business in the area mentioned in Article 31(1);
  - (b) the Permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
  - (c) the withdrawal of such Permit by the Council under the provisions of Paragraph (2) of this Article;
  - (d) 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 31;

- (e) the issue of a duplicate Permit by the Council under the provisions of Article 34(1) of this Order;
  - (f) the Permit ceasing to be valid pursuant to the provisions of Sub-article (4) of this Article.
- (4) Without prejudice to the foregoing provisions of this Article, a Permit shall cease to be valid at the expiration of the period specified thereon (which period shall be that in respect of which payment has been made) or on the occurrence of any one of the events set out in Paragraph (3)(a), (3)(b), (3)(c), (3)(d), (3)(e) of this Article, whichever is the earlier.

#### **Application for and Issue of Duplicate Permits**

34. (1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible, the Permit holder shall either surrender it to the Council or apply to the Council for the issue to him/her of a duplicate Permit and the Council, upon receipt of such application, shall issue a duplicate Permit so marked and upon such issue the original permit shall become invalid.
- (2) If a Permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a duplicate Permit and the Council, upon being satisfied as to such loss or destruction shall issue a duplicate Permit so marked and upon such issue the original Permit shall become invalid.
- (3) The provisions of this Order shall apply to a duplicate Permit and an application for a duplicate Permit as if it were a permit.
- (4) The Council will make a charge for the issue of a duplicate Permit in accordance with Schedule 3.

#### **Form of Permits**

35. A Permit shall be in writing and shall include the following particulars:
- (a) the registration mark of the vehicle in respect of which the permit has been issued;
  - (b) the period during which, subject to the provisions of Articles 33(4), the Permit shall remain valid;
  - (c) an indication that the Permit has been issued by the Council.

#### **Display of Permits**

36. At all times during which a vehicle is left in a parking place during the permitted hours there shall be displayed in the protective cover referred to in Article 31 in the relevant position on the front or near side of the vehicle a valid Permit issued in respect of that vehicle so that all the particulars referred to in Article 35 are readily visible from the front or near side of the vehicle.

#### **Restriction on the Removal of Permits**

37. Where a permit has been displayed on a vehicle in accordance with the provisions of Article 36 of this Order, no person, not being the driver of the vehicle, shall remove the Permit from the vehicle unless authorised to do so by the driver of the vehicle.

### **Penalty Charge**

38. (1) If a vehicle is left in a parking place during the hours of operation:
- (a) after the period for which payment was made in accordance with Article 28 has expired, a penalty charge shall be payable;
  - (b) without having a valid ticket exhibited on it in accordance with Article 29(5)(a) or (5)(b) and (6) a penalty charge shall be payable;
  - (c) without a valid Permit issued in accordance with Article 31 exhibited in it a penalty charge shall be payable;
  - (d) without payment having been made in accordance with Article 28, a penalty charge shall be payable.
- (2) If a vehicle left in a parking place is not parked wholly within a parking space a penalty charge shall be payable.
- (3) If a vehicle is left in a parking space specifically reserved for disabled persons in accordance with Article 8 is not displaying a disabled person's badge or the badge is being used fraudulently a penalty charge shall be payable.
- (4) If a vehicle is left in a parking place which has been closed or reserved in accordance with Articles 25 and 26 a penalty charge shall be payable.
- (5) If a vehicle is left in a parking place specified in schedule 2 during the charging hours without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable. A penalty charge notice conforming to the requirements of the appropriate legislation or any subsequent applicable legislation may then be served by a civil enforcement officer.
- (6) If full payment of a penalty charge is received by the Council not later than the last day of the period of fourteen days beginning with the date on which the penalty notice was served, the amount of the penalty charge will be reduced by the specified proportion stated on the charge notice.
- (7) If full payment is not received by the Council before the end of the twenty eight day period or the penalty charge notice is not successfully challenged the Council may serve a Notice to Owner on the owner/keeper of the vehicle requiring payment of the penalty charge and if the charge is then not paid within 28 days it may be increased by 50% on the issue of a Charge Certificate in accordance with the provisions of the 2004 Act.
- (8) Where a Charge Certificate has been served on any person and the increased penalty charge provided for in the Charge Certificate is not paid before the end of the period of fourteen days beginning with the date on which the Charge Certificate is served, the Council may, if a County Court so Orders, recover the increased charge as if it were payable under a County Court Order.

### **Manner of Payment of the Penalty Charge**

- 39 (1) Where a penalty charge in accordance with Article 38 is payable it shall be paid to the Council online through the Council website, over the phone or either by cheque or postal order which shall be delivered or sent by post so as to reach the Council not later than 4.00 pm on the 28th day following the day on which the penalty charge was incurred or in cash in person at the offices of the

Council not later than as aforesaid.

- (2) Notwithstanding paragraph (1) above, the penalty charge shall be deemed to have been paid to the Council if it shall have been so paid in the manner specified in paragraph (1) above not later than 4:00pm on the 14th day following the day on which the penalty charge was incurred and provided that it is paid without any dispute challenge request for information or correspondence of any kind in connection with the notice issued pursuant to Article 38.

Provided that, if the said 14th or 28th days falls upon a day on which the offices of the Council are closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.00pm on the next full day on which the said Department is open.

40. The amount of penalty charge payable is in addition to any parking charge that may have been already paid.

#### **Restrictions on Removal of Notices and Tickets**

41. (1) Where a ticket has been exhibited on a vehicle in accordance with the provisions of Article 29 (5) and (6) no person, not being the owner or driver of the vehicle, shall remove the notice from the vehicle unless authorised to do so by the owner or driver or a civil enforcement officer.
- (2) Where a notice has been attached to a vehicle in accordance with Article 38 no person, not being the owner or driver of the vehicle or a civil enforcement officer, shall remove the notice from the vehicle unless authorised to do so by the owner or driver or civil enforcement officer.

#### **Indications by Ticket Machine Ticket**

42. (1) Payment of the initial charge for a vehicle left in a parking place referred to in Schedule 3 shall be indicated by the issue of a ticket from a ticket machine indicating that the charge has been paid in respect of an initial period of one, two, three, four, five, and over five hours, and the day and time by which the initial period for which payment was made by the initial charge or where applicable a free ticket obtained, will expire, and by the display of that ticket.
- (2) The expiry of the initial period for which the initial charge has been paid in respect of a vehicle left in a parking place referred to in Schedule 3 shall be indicated when there is displayed on the vehicle a ticket issued by a ticket machine relating to that parking place showing the day and time by which the initial period for which payment was made by the initial charge will expire, and the day so shown is the day on which the vehicle is so left and the time shown on the clock of the said ticket machine is later than the time shown on the ticket.

#### **Ticket Machine indications as evidence**

- 43 (1) If at any time while a vehicle is left in a parking place referred to in Schedule 2 during the permitted hours no ticket issued by the ticket machine relating to the parking place and relating to the day on which the vehicle is left is displayed on that vehicle in accordance with the provisions of Articles 28 and 29 it shall be presumed unless the contrary is proved that the initial charge has not been duly paid, or where applicable pay by phone or a free ticket obtained and be evidence in any proceedings for an offence referred to in Article 38.

- (2) If at any time while a vehicle is left in a parking place referred to in Schedule 2 during the permitted hours the ticket issued by a ticket machine, unless pay by phone, relating to that parking place and displayed on the vehicle in accordance with the provisions of Articles 28 and 29 and the clock on the ticket machine by which such ticket was issued gives the indication mentioned in Article 42(2), it shall be presumed unless the contrary is proved that the initial charge or where applicable a free ticket obtained, has been duly paid in respect of that vehicle and that the initial period for which payment was made by the initial charge has already expired, or where applicable a free period has expired and that the penalty charge has been incurred and be evidence in any proceedings of an offence referred to in Article 38.

#### **Movement or Immobilisation of Vehicle left in a Parking Place**

- 44 (1) Any duly authorised Officer or agent of the Council or a police constable in uniform may move or cause to be moved, in case of emergency, to any place he/she thinks fit any vehicle left in a parking place.
- (2) Where any vehicle is standing in a parking place in contravention of any of the provisions contained in this Order, a person authorised in that behalf by the Council may cause to be altered the position of the vehicle or cause it to be removed.
- (1) Any person removing or altering the position of a vehicle by virtue of the foregoing provisions of this Article, may do so by towing or driving the vehicle or in such other manner as he may think necessary to enable him/her to remove it or alter its position, as the case may be.
- (2) Any person removing or arranging for the removal of a vehicle by virtue of Sub-articles (1), (2), or (3) of this Article 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 and the Council or its duly authorised agents shall not be liable for any loss or damage caused to the vehicle or its contents as a result of its being moved within the parking place or removed from the parking place under the provisions of this Article.

#### **Disposal of Vehicles abandoned in a Parking Place**

- 45 The Council, in respect of any vehicle which has been or could at any time be removed from a parking place in pursuance of Article 42, if it appears to them to have been abandoned, may sell or otherwise dispose of the vehicle and may recover any expenses and charges from any person responsible.

#### **Right to refuse entry to a Parking Place**

- 46 The Council or its civil enforcement officers may refuse entry to any person or to any vehicle.

#### **Incorporation of Section 47 of the Road Traffic Regulation Act 1984**

- 47 The provisions contained in sub-sections (4) and (6) of section 47 of the Road Traffic Regulation Act 1984 shall apply to the parking places in the schedules to this Order.

#### **Variation of Charges**

- 48 The Council may vary charges in the off-street parking places from time to time by means of a variation notice in accordance with Section 35C Road Traffic Regulations Act 1984.

### **SCHEDULE 1**

Hertsmere Borough Council (Off-Street Parking Places) Order 2005 (212)

The Hertsmere Borough Council (Off-Street Parking Places) (Amendment No. 1) Order 2007 (226)

The Borough of Hertsmere (Off Street Parking Places)(Amendment)(No.2)Order 2008 (233)

The Hertsmere Borough Council (Bushey Heath Off Street Parking Places) Order 2009 (242)

### **SCHEDULE 2**

The Hertsmere Borough Council Off-Street Plans

### **Schedule 3**

#### **Off Street Car Parking Areas – Scale of Charges/Permits/Permitted Hours**

##### **Borehamwood**

Period	Brook Road	Furzehill Road
Up to 1 hour	£0.50	£0.50
1-2 hours	£1.00	£1.00
2-3 hours	£1.50	£1.50
3-4 hours	£2.00	£2.00
4-5 hours	£3.00	£3.00
Over 5 hours	£5.00	£5.00

Period	Clarendon Road	Civic Offices
Up to 1 hour	£0.50	£0.50 (a)
1-2 hours	£1.00	£1.00 (a)
2-3 hours	£1.50	£1.50
3-4 hours	£2.00	£2.00
4-5 hours	£3.00	£3.00

Over 5 hours	£5.00	£5.00
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(a) Visitors to the Civic Officers and The Venue Leisure Complex refunded up to two hours

### **Radlett**

Period	Newberries Car Park
Up to 1 hour	Free
1-2 hours	£1.00
2-3 hours	£1.50
2-4 hours	
3-4 hours	£2.00
4-5 hours	£3.00
4-6 hours	
Over 5 hours	£5.00
Over 6 hours	

### **Potters Bar**

Period	Manor Road	Wyllyotts Place (Surface level)	Wyllyotts Place (Underground)
Up to 1 hour	£0.50	£0.50	£0.50
1-2 hours	£1.00	£1.00	£1.00
2-3 hours	£1.50	£1.50	£1.50
3-4 hours	£2.00	£2.00	£2.00
4-5 hours	£3.00	£3.00	£3.00
Over 5 hours	£5.00	£5.00	£5.00

Period	Salisbury Close	Highview Close	Barnet Road
Up to 1 hour	£0.50	£0.50	£0.50
1-2 hours	£1.00	£1.00	£1.00
2-3 hours	£1.50	£1.50	£1.50
3-4 hours	£2.00	£2.00	£2.00
4-5 hours	£3.00	£3.00	£3.00
Over 5 hours	£5.00	£5.00	£5.00

## **Bushey**

Period	High Road (The Rutts)	High Road (Opp St Peter's Church Hall)
Up to 1 hour	£0.50	£0.50
1-2 hours	£1.00	£1.00
2-3 hours	£1.50	£1.50
3-4 hours	£2.00	£2.00
4-5 hours	£3.00	£3.00
Over 5 hours	£5.00	£5.00

## **Permits**

<b>Business permits</b>	£400 per year £200 per 6 months £100 per 3 months £240 per year (valid for 3 days per week) £200 per year (valid for am or pm period)
<b>Issue of duplicate permit for lost or destroyed business permits</b>	£15
<b>Change of vehicle</b>	£15
<b>School permits</b>	£10
<b>School Permit Change of Vehicle</b>	£2.50
<b>IBIS Hotel permits</b>	Free

<b>Blue badge holders displaying a valid badge and motor cycles</b>	Free
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## **Permitted Hours of Car Park Operation**

<b>All parking places</b>	8.00 am to 6.30 pm	Every day except Sundays and public bank holidays
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## **Maximum Period for which vehicles may wait within permitted hours**

<b>All parking places</b>	10.5 hours
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## **Restrictions on return period**

<b>All parking places</b>	2 hours
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<b>Coin Denominations</b>	5p, 10p, 20p, 5p, £1.00 , £2.00
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IN WITNESS whereof the Common Seal of the Hertsmere Borough Council was hereunto  
affixed  
this 5<sup>th</sup> day of December 2012.

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



seal  
6065

A handwritten signature in black ink, consisting of stylized cursive letters, positioned above a horizontal line.

Director Of Resources

