

DACORUM BOROUGH COUNCIL

THE BOROUGH OF DACORUM (WATERHOUSE STREET, HEMEL HEMPSTEAD) (ON-STREET CHARGING) ORDER 2003

Dacorum Borough Council, pursuant to arrangements made under Section 101 of the Local Government Act 1972 with the Hertfordshire County Council, and in exercise of the powers confirmed on that County under sections 1, 2, 4, 45, 46, 47, 49, 51 and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and the Road Traffic Act 1991 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, makes the following Order:

PART 1 – PRELIMINARY

Citation and Commencement

1. This Order may be cited as “The Borough of Dacorum (Waterhouse Street, Hemel Hempstead) On-street Charging Order 2003 and shall come into operation on 6 October 2003.

Interpretation

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

“Council” means Dacorum Borough Council and includes any parking services contractors or authorised agent appointed by and acting on behalf of the Council for the purposes of any function under the provisions of this Order;

“designated officer” means an officer of Dacorum Borough Council nominated by or equivalent to carry out Council functions under the provisions of this Order;

“disabled person’s badge” and “disabled person’s vehicle” have the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 and the Disabled Persons (Badges for Motor Vehicles) Amendment Regulations 1992 and as amended by the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

“driver” in relation to a vehicle waiting in a parking place or restricted waiting area, means the person driving the vehicle at the time it was left in the parking place or restricted waiting area;

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

“goods” means goods of any kind whether animate or inanimate and includes postal packets of any description; and “delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection;

“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;

“owner” in relation to a vehicle, means the person by whom such vehicle is kept and used;

“parking attendant” means a person authorised by or on behalf of the Council to supervise any parking place;

“parking bay” means a parking area with the parking place as defined in Article 5(2);

“parking place” means any area the highway designated as a parking place by this Order;

“Parking Ticket” means a ticket issue by a ticket parking meter for any parking place referred to in Schedule 1”

“Passenger vehicle” means a motor vehicle (other than a motor-cycle or invalid carriage) constructed or adopted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

“penalty charge” has the same meaning as in Section 82(1) of the Road Traffic Act 1991;

“Ticket Parking Meter” means an apparatus of a type and design approved by the Secretary of State and installed for the purposes of this Order being an apparatus designed to indicate the time of issue, the payment of the initial charge referred to in Article 31 and the periods in respect of which the initial charge has been paid;

- (a) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires be construed as a reference to the Article or Schedule bearing that number in this Order.
- (b) 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.
- (c) For the purposes of this Order a vehicle shall be regarded as displaying a disabled person’s badge in the relevant position when it is so regarded for the purposes of Regulation 3 of The Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England and Wales) Regulations 1986.

PART II – RESTRICTIONS AND PARKING PLACES

Section 1 – Provisions of the Order

Designation of parking places

- 3 (1) Each area on a highway comprising the length of carriageway of a street specified in column 3 of Schedule 1 unless otherwise so specified, bounded on one side of that length by the edge of the carriageway and having a width throughout of 1.8 metres, is hereby designated as a parking place.
- (2) Each area on a highway comprised within a parking place and marked out for the purposes of parking in accordance with the provisions of this Order and not comprised within a restricted waiting area, is hereby designated as a parking bay.

Parts of Parking Places in which vehicles may not be left

- 4 No person shall cause or permit any vehicle to wait in an area designated as a parking place unless authorised by the subsequent provisions of this Order.
- 5 Nothing in Article 6 shall render it unlawful for a person to cause or permit any vehicle to wait on the sides of the road or in the lengths of the road referred to therein if it shall be upon the direction or with the permission of designated officer.

Vehicles for which parking places are designated

- 6 (1) Subject to the provisions of this Order, parking places may be used for the leaving during the permitted hours of vehicles of the following class, that is to say, passenger vehicles, goods carrying vehicles (the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres), motor-cycles and invalid carriages.
- (2) parking places referred to in Schedule 1 may be used for the leaving during the permitted hours of such vehicles of the class specified in paragraph (1) above -
- (a) as display in the manner specified in Article 30 a valid parking ticket for no longer than a period specified for each parking place in column 6 of Schedule 1 and not return to the same parking place within a period of 2 hour; or

Alteration of position of a vehicle in a parking place

- 7 Where any vehicle is standing in a parking place in contravention of the provisions of Article 13(3) or of the provisions of Article 20, a parking attendant may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of a vehicle from a parking place

- 8 Where a parking attendant is of the opinion that any of the provisions contained in Articles 23(3), 32, 35 or 37 have been contravened or not complied with in respect of a vehicle left in any part of a parking place; or restricted waiting area they may remove or cause to be removed the vehicle from the parking place or restricted area and, where it is so removed, shall provide for the safe custody of the vehicle.

Movement of a vehicle in a parking place in an emergency

- 9 A parking attendant may move or cause to be moved, in case of emergency, to any place they think fit, any vehicle left in a parking place, or restricted waiting area.

Exemptions from charges under this Order

- 10 (1) A disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any Local Authority may be left in a parking bay referred to in Schedules 1 provided that the use of that parking bay in which the vehicle is left has not been suspended and no initial charge shall be incurred in respect of that vehicle.
- (2) Without prejudice to the generality of this Article, and notwithstanding the provisions of this Order, a vehicle to which this Article applies shall stand in a parking place in accordance with the provisions of Article 20 (a) or (b) and wholly within the limits of that parking place.

Waiting Restrictions Revoked within the Controlled Parking Zone Area

- 11 The relevant provisions of the following Orders are hereby revoked:
- (i) the Dacorum Borough Council (Hemel Hempstead Town Centre) (Prohibition and Restriction of Waiting) Order 1993 relating to the length of Waterhouse Street as set out in Column 3 of Schedule 2 to this Order.

PART III - SUPPLEMENTARY PROVISIONS

Section 1 - General

- 20 Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand:
- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are specified in column 3 of the Schedule 1 as to be in accordance with those provisions;
- (b) in the case of any other parking place -
- (i) if the parking place is not in a one-way street, that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway; and

- (ii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres.

Power to suspend the use of a parking place

- 21 (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider 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 adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration 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 system or the placing, maintenance or removal of any traffic sign;
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depository, another office or dwelling-house;
 - (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.
- (2) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.
- (3) No person shall cause or permit a vehicle to be waiting a parking place or any part thereof during which such period as there is in or adjacent to that parking place or part thereof a traffic sign placed in pursuance of paragraph (2) above provided that nothing in this paragraph shall apply -
- (a) in respect to any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 21(1)(b), (d) or (e); or
 - (b) to anything done with permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article.

Restriction on the use of a parking place

- 22 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 their skill in handicraft or their 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 23(1)(h) apply.

Restriction on waiting by a vehicle in a parking place

- 23 (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:
- (a) the vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from the vehicle or load thereon or unload therefrom their personal luggage;
 - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
 - (c) the vehicle is being used for fire brigade, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
 - (d) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (e) the vehicle is waiting -
 - (i) while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered; or
 - (ii) while postal packets are being collected for the loading on the vehicle from premises or posting boxes adjacent to the parking place in which the vehicle is waiting or, having been so collected, are being unloaded thereon;
 - (f) the vehicle not being a passenger vehicle is waiting only for as long as may be reasonably necessary to enable it to be used for the purpose specified in Article 21(1)(b);
 - (g) the vehicle is in actual use in connection with the removal of furniture to or from one office to a dwelling-house adjacent to the parking place from or to a depository, another office or dwelling-house;
 - (h) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for a period exceeding twenty minutes or for such longer period as a parking attendant may approve.

- (2) No initial charge or charge specified in the provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article.
 - (3) Except as provided by this Order, the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a parking place during the permitted hours.
 - (4) Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under section 25 of the Road Traffic Regulation Act 1984.
- 24 No person shall cause or permit a vehicle to wait in a parking place by virtue of the provisions of paragraph (1)(e), (f), (g), or (h) of the last preceding Article otherwise than:
- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are so specified in column 3 of Schedule 1 so that the vehicle shall stand:
 - (i) unless the length of the vehicle precludes compliance with this sub-paragraph, in accordance with those provisions and so that every part of the vehicle is within the limits of the parking place; or
 - (ii) if the length of the vehicle does preclude compliance with the last preceding sub-paragraph, so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres; and
 - (b) in the case of any other parking place, so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres; and
 - (c) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting.

For the purposes of the last preceding sub-paragraph, the expression “premises” shall not include any premises to or from which any furniture is being removed by virtue of the provisions of paragraph (1)(g) of the last preceding Article or to or from which goods are being delivered or collected by virtue of the provision of paragraph (1)(h) of that Article.

Placing of traffic signs etc

- 25 The Council shall:
- (a) place and maintain traffic signs indicating the limits of each parking place and each parking bay;
 - (b) place and maintain in or in the vicinity of each parking bay traffic signs of a design approved by the Secretary of State the Department for Transport indicating that

such parking bays may be used during the permitted hours for the leaving only of the vehicles specified in Article 6; and

- (c) carry out such other work as it reasonably required for the purposes of the satisfactory operation of a parking place.

Section 2 - Parking Tickets

Parking tickets to be displayed on vehicles left in parking bays

- 30 (1) At all times during which a vehicle (other than a vehicle otherwise exempted by this Order) is left in a parking bay during the permitted hours, the driver thereof, before leaving the vehicle, shall cause to be displayed -
- (a) in the case of a vehicle fitted with a front windscreen, a valid parking ticket so that the obverse face is directed outwards from immediately behind the window adjacent to the windscreen and nearest the edge of the carriageway and so that all the particulars referred to in paragraph (2) are readily visible from the front or nearside of the vehicle;
 - (b) in the case of a vehicle not fitted with a front windscreen, a valid parking ticket so that the obverse face is directed outwards on the front or on the side nearest to the edge of the carriageway and so that all the particulars referred to in paragraph (2) are readily visible from the front or nearside of the vehicle.
- (2) A valid parking ticket shall indicate on the obverse face, in accordance with the instructions on the reverse face, the month, the date in the month, the day of the week, the time of the day at which the ticket was purchased and the time at which the ticket ceases to be valid.

Amount of the initial charge at parking bays

- 31 (1) The initial charge for a vehicle (other than a vehicle otherwise exempted by this Order) left in a parking bay referred to in Schedule 1 during the permitted hours shall be as specified in column 7 of Schedule 1.

Payment of the initial charge in connection with the use of parking tickets at parking bays

- 32 (1) Subject to the provisions of Articles 22 and 23, the initial charge shall be payable not later than on the first leaving of a vehicle (other than a vehicle otherwise exempted by this Order) in a parking bay during the permitted hours, by the purchase of a parking ticket from a ticket parking meter provided by the Council.
- (2) Payment of the initial charge for a vehicle (other than a vehicle otherwise exempted by this Order) shall be indicated by the display of one valid parking ticket, bearing the indication that an initial charge has been paid in accordance with the provisions of Article 30.

- (3) No refund shall be payable by the Council in respect of any parking ticket surrendered to the Council unless a refund is given at the discretion of the Council.
- (4) No person shall leave any vehicle (other than a vehicle otherwise exempted by this Order) in a parking bay during the permitted hours for longer than the initial period for which payment was made by the initial charge.

Liability for penalty charge

- 33
- (1) If a vehicle (other than a vehicle otherwise exempted by this Order) is left during the permitted hours in contravention of any provision of this Order a penalty charge shall be payable.
 - (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice showing the information required by section 66(3) of the Road Traffic Act 1991 may be issued by a parking attendant in uniform in accordance with the requirement of section 66(1) of the said Act.

Manner of payment of a penalty charge

- 34
- The penalty charge shall be paid to the Council either by cash (in person only), credit card, debit card, cheque, bankers draft, money order or postal order which shall be taken in person, delivered or sent by post to reach The Parking Centre, PO Box 921, 81 Marlowes, Hemel Hempstead, HP1 1ZP (payments by credit card or debit card are also accepted on the Payment Line (01442 263935)), to arrive not later than:-
- (a) the twenty-eighth day from the date of the notice; or
 - (b) in the case of a reduced penalty charge, not later than 4.00pm on the fourteenth day from the date of the notice;

Provided that, if the said twenty-eighth day or, as the case may be, fourteenth day, falls upon a Sunday or public holiday or a day which the said Council's offices are closed, the period within which payment of the said charge shall be extended until the next full day on which the said offices are open.

Period for which a vehicle may be left after the penalty charge has been incurred

- 35
- The period for which a vehicle may be left in a parking place during the permitted hours after the penalty charge has been incurred shall not exceed one hour.

Restriction on the removal of parking tickets and notices

36. (1) Where a parking ticket has been displayed on a vehicle in accordance with the provisions of Article 36, no person, not being the driver of the vehicle, shall remove any parking ticket from the vehicle unless authorised to do so by the driver of the vehicle.
- (2) Where a notice has been attached to a vehicle in accordance with the provisions of Article 33(2), no person, not being the driver of the vehicle, shall remove the notice from the vehicle unless authorised to do so by the driver of the vehicle.

Provided that nothing therein shall apply to a parking attendant or a person removing the vehicle in pursuance of an arrangement made by under the regulations in pursuance of powers, contained in sections 99, 100, 101 and 102 of the Road Traffic Regulation Act 1984.

Interval before a vehicle may again be left in a parking place

37. with prejudice to the provisions of Article 33, no vehicle which has 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 was taken away again be left in that parking place during the permitted hours.

THE COMMON SEAL of DACORUM)
BOROUGH COUNCIL was hereunto)
affixed on the)
in the presence of:

.....

Solicitor to the Council

SCHEDULE 1

**Parking Bays for Pay and Display
Monday to Saturday inclusive 8.00am to 6.00pm**

SCHEDULE 1

Schedule 1: Parking Bays for Pay and Display, Monday to Saturday inclusive 8.00am to 6.00pm

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
STREET NAME	SIDE OF STREET	LOCATION	DAYS OF OPERATION OF PARKING PLACE	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
Waterhouse Street	East side	<p>Marked Parking Bays:</p> <p>From a point 5 metres south of the southern kerbline of its junction with The Waterhouse access road southwards for a distance of 45 metres.</p> <p>From the northern boundary of no.97 south westwards for a distance of 45 metres.</p> <p>From a point 5 metres south-west of the southern kerbline of its junction with the Swan Court access road southwards for a distance of 31 metres.</p>	Monday to Saturday inclusive	8.00am to 6.00pm	<p>up to 15 minutes</p> <p>15 to 30 minutes</p> <p>Before 8.00am and after 6.00pm and on Sundays</p>	<p>£0.25</p> <p>£0.50</p> <p>Free of Charge</p>

SCHEDULE 2

Restrictions Hereby Revoked

SCHEDULE 2

Schedule 2: Restrictions Hereby Revoked: Waiting Restricted: Monday to Saturday inclusive: 8.30am to 6.30pm

Column 1	Column 2	Column 3
STREET NAME	SIDE OF STREET	LOCATION
Waterhouse Street	East side	From a point 5 metres south of the southern kerbline of its junction with The Waterhouse access road southwards for a distance of 45 metres.
Waterhouse Street	East side	From the northern boundary of no.97 south westwards for a distance of 40 metres.
Waterhouse Street	East side	From a point 10 metres south-west of the southern kerbline of its junction with the Swan Court access road southwards for a distance of 26 metres.