

DACORUM BOROUGH COUNCIL

THE BOROUGH OF DACORUM (DURRANTS HILL, HEMEL HEMPSTEAD)
(OFF-STREET PARKING PLACES) ORDER 2007

The Council of the Borough of Dacorum ("the Council") pursuant to arrangements made under Section 19 of the Local Government Act 2000 and the Local Government (Arrangements for Discharge of Functions) (England) Regulations and all other powers enabling with the Hertfordshire County Council, and in exercise of the powers conferred on that County under sections 1, 2, 3, 4, 32 and 35 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 Act, hereby makes the following Order:

PART 1

GENERAL

1. This Order shall come into operation on 4th June 2007
2. This Order may be cited as "The Borough of Dacorum (Durrants Hill, Hemel Hempstead) (Off-Street Parking Places) Order 2007".

PART II

DEFINITIONS

3. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order, and any reference in this Order to "Schedule 1 or 2" is a reference to this Order.

- (2) In this Order:

"charging hours" means the period as specified in column 5 of Schedule 1 or 2 in respect of which a charge is specified in Article 6;

"designated all-day bay" means a parking bay which is available for the sole use of long-term/all-day parking;

"disabled person's badge" and "disabled person's vehicle" have the same meaning as in the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England and Wales) 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, means the person driving the vehicle at the time it was left in the parking place;

"enactment" means any enactment, whether public, general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument

having effect by virtue of an enactment;

“initial charge” means the charge payable in respect of the initial period, as contained in column 7 of Schedule 1 or 2;

“initial period” means the maximum time period a vehicle may wait, as contained in column 6 of Schedule 1 or 2;

“initial ticket” means the first ticket obtained when using the parking place

“motor-cycle” has the same meaning as that in the Road Vehicles (Construction and Use) Regulations 1986;

"operational time" means the hours and days contained in column 4 and 5 of Schedule 1 or 2;

"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 any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;

"parking place" means any area of land specified by name in column 1 of Schedule 1 or 2 provided by the Council under s.32 (1) of the Act for use as a parking place;

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

"reserved bay" means any area of a parking place, as specified in column 1 of Schedule 1 or 2 that is reserved solely for the use of permit holders.

PART III

USE OF LAND AND PARKING PLACE

4. (1) Each area of land specified by name in column 1 of Schedule 1 or 2 may be used, subject to the following provisions of this Order, as a parking place for such classes of the vehicles, in such positions on such days and during such hours as are specified in relation to that area in Schedule 1 or 2.

- (2) Where in Schedule 1 or 2 a parking place is described as available for vehicles of a specified class or in a specific position, the driver of a vehicle shall not permit it to wait in that parking place unless it is of a class and in the position so specified.
 - (3) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person's vehicle, displaying a disabled person's badge.
 - (4) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a motorcycle, the driver of a vehicle shall not permit it to wait in that parking bay unless it is a motorcycle.
 - (5) In so far as a vehicle is left in a parking place during the charging hours, the driver thereof shall pay such a charge or charges as are specified in Article 6 of this Order.
- 5.
- (1) At the expiry of the period for which the initial ticket is valid, the vehicle shall be removed from the parking place.
 - (2) When a vehicle has left a parking place after waiting therein, the driver thereof shall not, within two hours after its leaving, permit it to wait again in that parking place.

PART IV

AMOUNT OF INITIAL CHARGE AT PARKING PLACES

- 6.
- (1) This Article applies to the parking places specified in column 1 of Schedule 1 or 2.
 - (2) The initial charge for a vehicle left in a parking place during the charging hours shall be as specified in column 7 of Schedule 1 or 2.
 - (3) The charge referred to in Article 6. (2) of this Order shall be payable by the insertion of an appropriate coin or coins into the apparatus or device provided, being an apparatus or device approved in accordance with s.35 (3) of the Act.
 - (4) Any ticket issued on payment or otherwise of the charge referred to in Article 6. (2) of this Order, shall be displayed in a conspicuous position by means of attachment to the windscreen of the vehicle in respect of which it was issued.

PART V

AMOUNT OF PENALTY CHARGE AT PARKING PLACES

7. (1) If a vehicle is left in a parking bay during the charging hours for longer than the initial period for which the initial ticket was obtained, or does not display a ticket in accordance with Article 6. (4) hereof, or is parked in a parking place reserved for the sole use of vehicles of an exempted class when it is not of the exempted class in accordance with Article 4. (2) hereof, or is parked in a place other than a designated parking bay or is parked in a reserved bay for a specified class when it is not of that class, the driver shall pay a penalty charge of £60 or of £30 if the amount is paid within 14 days of the penalty charge being incurred.
- (2) In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-
- (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) the time at which the parking attendant first observed that the initial period for which payment was made by the initial charge had expired;
 - (c) a statement that the penalty charge of £60 or £30 if paid within 14 days is required to be paid;
 - (d) the manner in which, and the time within which, the penalty charge should be paid; and
 - (e) a statement that it is an offence under s.82(1) of the Road Traffic Act 1991 for the driver of a vehicle who had left the vehicle in a parking place to fail to pay the penalty charge.
- (3) 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)), not later than 4.00pm on the fourteenth day following the day on which the penalty charge was incurred. If the fourteenth day falls upon a day on which the said Parking Centre is closed the period within which the payment of the said penalty charge shall be made to the Council shall be extended to 4.00pm on the first full day thereafter on which the said Parking Centre is open.
- (4) The particulars as to the time at which a ticket was obtained from the parking apparatus specified on the ticket issued by parking apparatus and affixed in accordance with Article 6. (4) of this Order shall be evidence of the particulars so verified.

PART VI

RESTRICTION ON REMOVAL OF NOTICES

8. When a notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in the behalf shall remove the notice from the vehicle.

PART VII

OTHER PROVISIONS

9. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
10. (1) No person shall, except with the permission of any person duly authorised by the Council use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of that persons skills or services.
- (2) No person shall use any part of a parking place or any vehicle left in a parking place:-
- (a) for sleeping or camping or cooking or eating;
- (b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
- (3) In a parking place no person shall:-
- (a) erect or cause or permit to be erected any tent, booth, stand building or other structure without the written consent of the Council; or
- (b) light or cause or permit to be lit any fire.
11. Nothing in Article 4. (1) of this Order shall authorise the use of any part of the part of the parking place so as unreasonably to prevent access to any premises adjoining the car park or the use of any access by any person entitled to the use thereof.
12. No person shall, in a parking place, wantonly 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.
13. 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 so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.

14. The driver of a vehicle using a parking place shall not sound any horn or similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
15.
 - (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 4, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
 - (2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.
 - (3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from the parking place.
 - (4) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraph (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
 - (5) Any person removing or arranging for the removal of a vehicle by virtue of paragraph (2) or (3) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.
16. Where in a parking place signs are erected or surface markings are laid for the purpose of:-
 - (a) indicating the entrance to or exit from the parking place, or
 - (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,

no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.
17. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

- 18. Nothing in Articles 4, 6 and 7 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 a designated parking bay referred to in the said Articles for any period of time and at no initial charge.
- 19. Nothing in Articles 4, 6 and 7 of this Order shall render it unlawful to cause or permit a motor-cycle to wait in a designated parking bay referred to in the said Articles, but the driver shall pay such a charge or charges as are specified in Article 6 of this order.
- 20. Nothing in Articles 4, 6 and 7 of this order shall render it unlawful to cause or permit a motorcycle to wait in a designated motorcycle bay referred to in the said Articles for any period of time and at no initial charge.

Given under the Common Seal of Dacorum Borough Council the day of
2007

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

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Solicitor to the Council

SCHEDULE 1

Short Stay Car Parks (up to 4 hours)

SCHEDULE 1
Short Stay Car Parks (up to 4 hours)

Name of Parking Place	Position in which vehicle may wait	Classes of vehicle	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait	Scale of Charges
1	2	3	4	5	6	7
Durrants Hill Car Park (any marked spaces excluding disabled and reserved bays)	Wholly within a parking bay	Motor cars within the provision of s.136(2)(a) of the Act; Motor cycles as defined in s.136(4) of the Act; Motor vehicles constructed or adapted for the conveyance of goods or burden the unladen weight of which does not exceed 1525Kg; invalid carriages; disabled persons vehicles	Monday to Saturday inclusive (Excluding Bank Holidays)	8.00am to 6.00pm	Maximum stay four hours: Up to 1 hour 1 to 2 hours 2 to 3 hours 3 to 4 hours Before 8.00am and after 6.00pm and on Sundays and Bank Holidays	£0.20 £0.30 £0.40 £0.50 Free of Charge

SCHEDULE 2

Long Stay Car Parks (up to 24 hours)

SCHEDULE 2
Long Stay Car Parks (up to 24 hours)

Name of Parking Place	Position in which vehicle may wait	Classes of vehicle	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait	Scale of Charges
1	2	3	4	5	6	7
Durrants Hill Car Park (any marked spaces excluding disabled bays)	Wholly within a parking bay	Motor cars within the provision of s.136(2)(a) of the Act; Motor cycles as defined in s.136(4) of the Act; Motor vehicles constructed or adapted for the conveyance of goods or burden the unladen weight of which does not exceed 1525Kg; invalid carriages; disabled persons vehicles	Monday to Saturday inclusive (Excluding Bank Holidays)	8.00am to 6.00pm	All Day Before 8.00am and after 6.00pm and on Sundays and Bank Holidays	£1.20 Free of Charge