

DACORUM BOROUGH COUNCIL**THE BOROUGH OF DACORUM (WATER GARDENS (NORTH),
HEMEL HEMPSTEAD) (OFF-STREET PARKING PLACES)
(AMENDMENT NO. 4) ORDER 2019**

Dacorum Borough Council, pursuant to arrangements made with the Hertfordshire County Council under section 19 of the Local Government Act 2000^a and the Local Government (Arrangements for Discharge of Functions) (England) Regulations 2012^b, and in exercise of the powers conferred on that County Council under sections 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984^c ("the Act of 1984") and of all other enabling powers, and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order:

1. This Order may be cited as "The Borough of Dacorum (Water Gardens (North), Hemel Hempstead) (Off-Street Parking Places) (Amendment No. 4) Order 2019" and shall come into force on 29 March 2019.
2. (1) In this Order:-
 - "Council" means Dacorum Borough Council;
 - "enactment" means any enactment, whether public general or local, and includes any order, bye-law, rule, regulation, scheme or other instrument having effect by virtue of an enactment; and
 - "the Order of 2017" means The Borough of Dacorum (Off-Street Parking Places) Order 2017^d.
- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- (3) Unless the context otherwise requires, any expression used in this Order which is also used in the Order of 2017 shall be construed as having the same meaning as given in that Order.
- (4) The Interpretation Act 1978^e shall apply for the interpretation of this Order as it applies for the Interpretation of an Act of Parliament.

^a 2000 c.22

^b SI 2012/1019

^c 1984 c.27

^d Dacorum BC (10th April 2017)

^e 1978 c.30

3. Without prejudice to anything done or any liability incurred in respect of any act or omission before the coming into force of this Order, the Order of 2017 shall have effect as though:-
- (a) in Article 3(3) of that Order, for the definition of "bay markings" and "hand-held device" there were substituted the following:-
- "bay markings" means white, yellow or red lines marked on the surface of a parking place to indicate the limits of each individual parking bay;
- "hand-held device" means a wireless hand-held computer which is programmed to interface with the telephone or electronic payment system or the parking permit management system and indicate whether payment of a parking charge has been accepted, the expiry time of a parking period and the vehicles in respect of which virtual permits are granted and whether those permits are valid;"
- (b) in Article 3(3) of that Order there were added the following definitions:-
- "parking permit management system" means an electronic system using a telephone connection or electronic application set up and maintained by the Council or Service Provider to indicate the vehicles in respect of which virtual permits are granted;
- "Red Zone", in relation to the Water Gardens (North) Car Park, Hempstead means the area of the Upper Deck of that car park on which there are red bay markings;
- "Red Zone permit" means a permit granted in accordance with Article 17A;
- "virtual permit" means a permit granted by the Council or an agent acting on their behalf which although not in actual form is nevertheless a permit to park in a parking place by virtue of the vehicle displaying its vehicle registration mark, and by that mark appearing on a list of vehicles authorised by the Council or an agent acting on their behalf to be left in that parking place;
- "White Zone", in relation to the Water Gardens (North) Car Park, Hempstead means the area of the Upper Deck of that car park on which there are white bay markings;
- "White Zone permit" means a permit granted in accordance with Article 17B of this Order;
- (c) for Article 7(j) of that Order there were substituted the following:
- "(j) when a vehicle has left a parking place after waiting therein, it shall not return to that parking place and be left therein again, unless a period exceeding two hours has elapsed since its leaving, unless it either displays in the relevant position a valid permit or hard-copy season ticket or there has been granted in respect of that vehicle and parking

place a virtual season ticket, a Red Zone Permit or a White Zone permit and that season ticket or permit, as the case may be, is valid;”;

(d) for Article 7(k) of that Order there were substituted the following:

“(k) when a vehicle has left a parking bay after waiting therein, it shall not return to that parking bay or any other parking bay in the same parking place, unless a period exceeding two hours has elapsed since its leaving unless either it displays in the relevant position a valid permit or hard-copy season ticket or there has been granted in respect of that vehicle and parking place a virtual season ticket, a Red Zone permit or a White Zone permit and that season ticket or permit, as the case may be, is valid;”;

(e) in Article 8(a) of that Order, in the proviso numbered (ii), there were added the following paragraphs:-

“(G) a vehicle which is left in a parking bay in the Red Zone of the Water Gardens (North) Car Park, Hemel Hempstead provided that a Red Zone permit has here has been granted in respect of that vehicle and a hand-held device shows an indication that such a permit has been granted and that it is valid;

(F) a vehicle which is left in a parking bay in the White Zone of the Water Gardens (North) Car Park, Hemel Hempstead provided that a White Zone permit has here has been granted in respect of that vehicle and a hand-held device shows an indication that such a permit has been granted and that it is valid;”;

(f) there were added to Article 8(e) of that Order the following sub-paragraphs:

“(iii) a vehicle displaying a ticket that indicates payment of the parking charge specified in column 8 of the Schedule in relation to the Red Zone or a vehicle the details of which appear on a hand-held device that indicates payment of that parking charge, shall not be left in the part of the parking place which comprises the White Zone;

(iv) a vehicle displaying a ticket that indicates payment of the parking charge specified in column 8 of the Schedule in relation to the White Zone or a vehicle the details of which appear on a hand-held device that indicates payment of that parking charge, shall not be left in the part of the parking place which comprises the Red Zone;

(v) a vehicle in respect of which a hand-held device indicates that a Red Zone permit has been granted shall not be left in the part of that parking place which comprises the Lower Deck nor shall it be left in the White Zone on the Upper Deck of that parking place;

(vi) a vehicle in respect of which a hand-held device indicates that a White Zone permit has been granted shall not be left in the part of that parking place which comprises the Lower Deck nor shall it be left in the Red Zone on the Upper Deck of that parking place;”

- (g) after Article 17 of that Order there were inserted the following two Articles:
- "Application for, granting of and conditions relating to Red Zone permits for use on the Upper Deck of the Water Gardens (North) Car Park, Hemel Hempstead"

17A. (1) Where in column 8 of the Schedule in relation to a part of the Water Gardens (North) Car Park, Hemel Hempstead, there is specified the words "Red Zone Permit", any employee of a tenant located at The Forum, Hemel Hempstead who is the owner of a vehicle of the class specified in relation to that part of the parking place in column 4 of the Schedule, may apply to the Council or agent acting on their behalf for the granting of a virtual permit in respect of that vehicle for the use of the Red Zone and any such application shall be made on a form obtainable from the Council or agent on line and shall include the particulars and information required by such form to be supplied.

- (2) Upon receipt of an application duly made under the provisions of paragraph (1) of this Article and the charge specified in paragraph (3) of this Article, and upon being satisfied that the applicant is an employee of a tenant located at The Forum, Hemel Hempstead and who is the owner of a vehicle of the class referred to in paragraph (1) of this Article, the Council or agent acting on their behalf may, entirely at their discretion, grant to the applicant one Red Zone virtual permit which, subject to the provisions of this Order, shall allow the vehicle in respect of it is granted to be left in a parking bay in the Red Zone, without displaying a valid ticket:

Provided that the Council shall not issue a Red Zone permit in respect of a vehicle if it would be valid for any period during which any other Red Zone permit granted in respect of that vehicle, is or would be valid.

- (3) The charge for a permit referred to in paragraph (2) of this Article shall be the amount specified in column 8 of the Schedule in relation to the Water Gardens (North) Car Park, Hemel Hempstead (Upper Deck), immediately after the words "Red Zone Permit".
- (4) The Red Zone permit referred to in paragraph (2) of this Article shall be valid for the time period specified in column 8 of the Schedule, immediately following the charge payable for that permit, beginning with the day on which that permit first becomes valid.
- (5) The granting of a Red Zone permit does not entitle the holder of that permit, or as the case may be the vehicle in respect of which that permit is granted, to a reserved parking bay nor can a parking bay be guaranteed.

- (6) If, during any period in which a Red Zone permit granted in accordance with this Article is valid, any of the particulars or information referred to in paragraph (1) of this Article should change, the holder of that permit shall provide the updated information to the Council or agent acting on their behalf, upon which there may be a charge levied for the change of such details on the parking management system.
- (7) The holder of a Red Zone permit who surrenders such a permit to the Council or agent acting on their behalf whether before or after it becomes valid shall not be entitled to a refund of any charge paid in respect of that permit, unless the Council or agent in its discretion considers that there are exceptional circumstances to justify a refund in full or in part.
- (8) The Council or agent acting on their behalf may, at their discretion, and by notice served on the holder of a Red Zone permit at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode or employment, cancel a Red Zone permit granted by them.
- (9) The holder of a Red Zone permit shall not be entitled to a refund of any charge paid in respect of such a permit.
- (10) No more than 300 Red Zone permits shall be granted at any one time.

"Application for, granting of and conditions relating to White Zone permits for use on the Upper Deck of the Water Gardens (North) Car Park, Hemel Hempstead"

- 17B. (1) Where in column 8 of the Schedule in relation to a part of the Water Gardens (North) Car Park, Hemel Hempstead, there is specified the words "White Zone Permit", an employee or contractor of the Council or a person providing a voluntary service on behalf of the Council who is the owner of a vehicle of the class specified in relation to that part of the parking place in column 4 of the Schedule, may apply to the Council or agent acting on their behalf for the granting of a virtual permit in respect of that vehicle for the use of the White Zone and any such application shall be made on a form obtainable from the Council or agent on line and shall include the particulars and information required by such form to be supplied.
- (2) Upon receipt of an application duly made under the provisions of paragraph (1) of this Article and the charge specified in paragraph (3) of this Article, and upon being satisfied that the applicant is an employee of a tenant located at The Forum, Hemel Hempstead and who is the owner of a vehicle of the class referred to in paragraph (1) of this Article, the Council or agent acting on their

behalf, entirely at the discretion of the Council, grant to the applicant one White Zone virtual permit which, subject to the provisions of this Order, shall allow the vehicle in respect of it is granted to be left in a parking bay in the White Zone, without displaying a valid ticket:

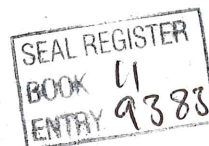
Provided that the Council shall not issue a White Zone permit in respect of a vehicle if it would be valid for any period during which any other White Zone permit granted in respect of that vehicle, is or would be valid.

- (3) The charge for a permit referred to in paragraph (2) of this Article shall be the amount specified in column 8 of the Schedule in relation to the Water Gardens (North) Car Park, Hemel Hempstead (Upper Deck), immediately after the words "White Zone Permit".
- (4) The White Zone permit referred to in paragraph (2) of this Article shall be valid for the time period specified in column 8 of the Schedule, immediately following the charge payable for that permit, beginning with the day on which that permit first becomes valid.
- (5) The granting of a White Zone permit does not entitle the holder of that permit, or as the case may be the vehicle in respect of which that permit is granted, to a reserved parking bay nor can a parking bay be guaranteed.
- (6) If, during any period in which a White Zone permit granted in accordance with this Article is valid, any of the particulars or information referred to in paragraph (1) of this Article should change, the holder of that permit shall provide the updated information to the Council or agent acting on their behalf, upon which there may be a charge levied for the change of such details on the parking management system.
- (7) The holder of a White Zone permit who surrenders such a permit to the Council whether before or after it becomes valid shall not be entitled to a refund of any charge paid in respect of that permit, unless the Council in its discretion considers that there are exceptional circumstances to justify a refund in full or in part.
- (8) The Council or Service Provider may, at their discretion, and by notice served on the holder of a White Zone permit at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode or employment, cancel a White Zone permit granted by them.
- (9) The holder of a White Zone permit shall not be entitled to a refund of any charge paid in respect of such a permit.”;

- (h) for the item in the Schedule to that Order numbered 23 there were substituted the item similarly numbered and set out in the Schedule to this Order.

THE COMMON SEAL of DACORUM)
BOROUGH COUNCIL was hereunto)

affixed on the 28th day of February 2019
in the presence of:



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Authorised Signatory

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Authorised Signatory

SCHEDULE

Item No.	Parking Place or part thereof	Position in which vehicle must be left	Classes of vehicle	Operational times of parking place	Charging hours	Maximum period for which vehicles may wait	Scale of Charges
1	2	3	4	5	6	7	8
23.	Water Gardens (North) Car Park, Hemel Hempstead (1) the part which comprises the Lower Deck	Wholly within the limits of a parking bay, with no more than one vehicle in each parking bay	Motor cars, motor cycles, small goods vehicles and invalid carriages	At all times (including Sundays and public holidays)	8.00am to 6.00pm on Mondays to Saturdays inclusive (including public holidays)	Not Applicable	<u>Parking period and parking charge:</u> (i) up to and including 1 hour - £0.80; (ii) over 1 hour and up to and including 2 hours - £1.40; (iii) over 2 hours and up to and including 3 hours - £2.00; (iv) over 3 hours and up to and including 4 hours - £2.50; (v) up to and including 10 hours - £3.50.

SCHEDULE (continued)

Item No.	Parking Place or part thereof	Position in which vehicle must be left	Classes of vehicle	Operational times of parking place	Charging hours	Maximum period for which vehicles may wait	Scale of Charges
1	2	3	4	5	6	7	8
	Water Gardens (North) Car Park, Hemel Hempstead (continued)						
	(2) the part which comprises the Upper Deck and is in the Red Zone	Wholly within the limits of a parking bay indicated by red bay markings with no more than one vehicle in each parking bay	Motor cars, motor cycles, small goods vehicles and invalid carriages	At all times (including Sundays and public holidays)	8.00am to 6.00pm on Mondays to Fridays inclusive (including public holidays)	Not Applicable	Red Zone permit £25.00 per year
					8.00am to 6.00pm on Saturdays or Sundays	Not Applicable	<u>Parking period and parking charge:</u> (i) up to and including 1 hour - £0.80; (ii) over 1 hour and up to and including 2 hours - £1.40; (iii) over 2 hours and up to and including 3 hours - £2.00; (iv) over 3 hours and up to and including 4 hours - £2.50; (v) over 4 hours and up to and including 10 hours - £3.50.

SCHEDULE (continued)

Item No.	Parking Place or part thereof	Position in which vehicle must be left	Classes of vehicle	Operational times of parking place	Charging hours	Maximum period for which vehicles may wait	Scale of Charges
1	2	3	4	5	6	7	8
	Water Gardens (North) Car Park, Hemel Hempstead (continued)						
	(3) the part which comprises the Upper Deck and is in the White Zone	Wholly within the limits of a parking bay indicated by white bay markings with no more than one vehicle in each parking bay	Motor cars, motor cycles, small goods vehicles and invalid carriages	At all times (including Sundays and public holidays)	8.00am to 6.00pm on Mondays to Fridays inclusive (including public holidays)	Not Applicable	<u>White Zone permit</u> 25.00 per year
					8.00am to 6.00pm on Saturdays or Sundays	Not Applicable	<u>Parking period and parking charge:</u> (i) up to and including 1 hour - £0.80; (ii) over 1 hour and up to and including 2 hours - £1.40; (iii) over 2 hours and up to and including 3 hours - £2.00; (iv) over 3 hours and up to and including 4 hours - £2.50; (v) over 4 hours and up to and including 10 hours - £3.50.

