

EAST HERTFORDSHIRE DISTRICT COUNCIL
EAST HERTFORDSHIRE DISTRICT COUNCIL
(BISHOP'S STORTFORD) (OFF-STREET PARKING PLACES) ORDER 2014
(AMENDMENT) ORDER 2020

The East Hertfordshire District Council with the consent of Hertfordshire County Council under Section 39 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and under arrangements made with Hertfordshire County Council pursuant to Section 19 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and in accordance with the provisions of Part 6 of The Traffic Management Act 2004 ("the 2004 Act") and Regulation 21 of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and of all other enabling powers and after consultation with the Chief Officer of Police proposes to make an order under (a) the powers conferred by Sections 1, 2, 4, 32, 35, 46 and Parts IV and V of Schedule 9 of the 1984 Act and (b) Section 74 of the Road Traffic Act 1991 (as modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (East Hertfordshire District Council) Order 2005 and (c) in accordance with the Local Authorities Traffic Orders (Procedure) England and Wales) Regulations 1996 hereby makes the following Order:-

1. This Order shall come into operation on 3 August 2020 and may be cited as "East Hertfordshire District Council (Bishop's Stortford) (Off-Street Parking Places) Order 2014 (Amendment) Order 2020".
2. This Order amends the 'East Hertfordshire District Council (Bishop's Stortford) (Off-Street Parking Places) Order 2014' (herein after referred to as 'the Bishop's Stortford 2014 Order') as follows;
 - (a) It removes the Off-Street Plan identified as BSCP 03/03 from the Bishop's Stortford 2014 Order, replaces it with a new Off-Street Plan identified as BSCP 03/04 and inserts BSCP 14/03, incorporating the plans into the Bishop's Stortford 2014 Order.
 - (b) It removes Article 1 (b) and replaces it with a new Article 1 (b) as follows;

'The East Hertfordshire District Council Bishop's Stortford Off-Street Parking Place Plans
(“the Off-Street Plans”) identified as BSCP 01/03, BSCP 02/03, BSCP 03/04, BSCP 04/03, BSCP 05/03, BSCP 06/03, BSCP 07/01, BSCP 08/01, BSCP 09/02, BSCP 10/02, BSCP 11/02, BSCP 12/03, BSCP 13/03 and BSCP 14/03, are incorporated into this Order.'
 - (c) It inserts definitions for "car club", "car club permit" and "car club vehicle" into Article 3 (3) as follows;

"car club" means a car club operated by the Council or similar organisation authorised by the Council (including any person or organisation acting on behalf of such club);

"car club permit" means a permit issued by the Council to a car club vehicle authorised by the Council to park in a parking place;

"car club vehicle" means an electric vehicle of the type approved by the Council and provided by a car club or by the Council for the use of the persons who have paid any relevant membership or other car club fee and by means of a real-time or advance booking system may have use of the electric vehicle for a specified period and which displays the relevant identification issued and/or approved by the Council;

- (d) It removes the definitions for "Charrington's permit" and "Charrington's permit holder" within Article 3 (3).
- (e) It removes the definition for "electric vehicle" within Article 3 (3) and replaces it with a new definition as follows;

"electric vehicle" means a vehicle, not being a hybrid vehicle, which uses electrical energy from rechargeable batteries or other storage device via one or more electrical or traction motors for propulsion and is capable of recharging that electrical energy via a plug-in electrical lead;'
- (f) It inserts definitions for "final charges" and "non-charging hours" into Article 3 (3) as follows;

"final charges" means charges due at the termination of a period of stay when a post payment system is used;

"non-charging hours" means the period of time, where no payment is required, specified in relation to a parking place or part thereof in column 5 of Schedule 1;'
- (g) It removes the definition for "operational times" within Article 3 (3) and replaces it with a new definition as follows;

"operational times", in relation to a parking place, means the times specified in relation to that parking place in column 4 of Schedule 1, excluding any time during which the operation of the parking place is suspended under the provisions of Article 23;'
- (h) It removes the definition for "parking bay" within Article 3 (3) and replaces it with a new definition as follows;

"parking bay" or "parking space" means any area within a parking place which is provided for the leaving of one vehicle only and is indicated by the markings on the surface of the parking place;'
- (i) It removes the definition for "parking place" within Article 3 (3) and replaces it with a new definition as follows;

"parking place" or "car park" means an area of land or building, that is provided by the Council under section 32(1)(a) of the Act of 1984 for use as an Off-Street parking place and is specified by name in column 1 of Schedule 1;'
- (j) It removes the definition for "general permit" within Article 3 (3) and replaces it with a new definition as follows;

"permit" means any permit to park, issued under the terms of this Order and validated by the Council or a person authorised on behalf of the Council and includes car club permit, contractors permit, councillors permit, market trader permit, resident's permit, special permit, staff permit, tenant permit, tenant lease permit and virtual permit;'
- (k) It removes the definition for "general permit holder" within Article 3 (3) and replaces it with a new definition as follows;

"permit holder" means a person to whom a permit has been issued;'
- (l) It inserts definitions for "plugged-in", "post payment", "post payment machine" and "pre-register" into Article 3 (3) as follows;

"plugged-in" means the vehicles recharging lead is connected to the recharging post associated to that parking bay;

"post payment" also known as check-in check-out means a system of payment requiring pre-registration of the vehicle at the commencement of any period of stay and payment of final charges at the termination of that period of stay;

"post payment machine" means a ticket machine which provides for pre-registration and post payment;

"pre-register" means to commence a parking transaction by inputting the required information at a post payment machine as detailed on that machine or adjacent parking signage;

- (m) It removes the definition for "resident's permit" within Article 3 (3) and replaces it with a new definition as follows;

"resident's permit" means a permit issued under the provisions of Article 15;

- (n) It removes the definition for "staff permit" within Article 3 (3) and replaces it with a new definition as follows;

"staff permit" means a staff permit issued under the provisions of Article 16;

- (o) It inserts definitions for "tenant lease permit holder" and "tenant permit holder" into Article 3 (3) as follows;

"tenant lease permit holder" means a tenant of Charrington's House issued with permits to park who are subject to a lease holder agreement;

"tenant permit holder" means a tenant of Charrington's House issued with permits to park who are not subject to a lease holder agreement;

- (p) It removes Article 6 (h) and replaces it with a new Article 6 (h) as follows;

'where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a plugged-in electric vehicle, the driver of a vehicle shall not permit it to wait in that parking space unless such vehicle is an electric vehicle and that vehicle is plugged-in;'

- (q) It removes Article 6 (l) and replaces it with a new Article 6 (l) as follows;

'if a vehicle is left in that parking place in a position other than in accordance with the provisions of sub-paragraph (a) of this Article, 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 those provisions;'

- (r) It removes Article 6 (o) and replaces it with a new Article 6 (o) as follows;

'any person altering, or causing the alteration of, the position of a vehicle by virtue of sub-paragraph (l) of this Article, or removing, or causing the removal of, a vehicle by virtue of sub-paragraph (m) or (n) of this Article, may do so in such a manner as is deemed necessary;'

- (s) It inserts into Article 6 new paragraphs (p) and (q) as follows;

'(p) where, within a parking place, there is a sign or surface marking which indicates that a parking bay or area is reserved for the leaving of car club vehicles as authorised by written agreement with the Council, a vehicle shall not be left in that parking bay or area unless it is a car club vehicle identifiable as such;

- (q) where, within a parking place, there is a sign or surface marking which indicates that a parking bay or area is reserved for the loading of a vehicle, a vehicle shall not be left in that parking bay or area unless it is being used in the process of loading or unloading from said vehicle;
- (r) where, within a parking place, there is a sign or surface marking which indicates that a parking bay or area is reserved for the leaving of a market traders vehicle, a vehicle shall not be left in that parking bay or area unless it is a market traders vehicle authorised under a licence issued by the Council;
- (t) It removes Article 7 (a)(iv) and replaces it with a new Article 7 (a)(iv) as follows;
'a vehicle where parking time has been purchased using the Council's 'pay by phone' or 'post payment' system, valid for the parking place in question;'
- (u) It inserts into Article 7 new paragraphs (h), (i) and (j) as follows;
 - (h) a vehicle displaying a valid ticket that indicates payment of a parking charge specified in the Off-Street Plan in relation to the part of Charrington's parking place signed as zone 'A' shall not be left in the part of Charrington's parking place which is signed as zone 'B' except on Saturdays when they may park in the un-numbered bays in zone 'B';
 - (i) a vehicle displaying a Tenant permit that indicates payment of a parking charge specified in the Off-Street Plan in relation to the part of Charrington's parking place signed as zone 'A' may park Monday to Friday only but may also park in the un-numbered bays in zone 'B' on Monday to Friday only;
 - (j) a vehicle displaying a tenant lease permit that indicates payment of a parking charge specified in the Off-Street Plan in relation to the numbered bays in that part of Charrington's parking place which is signed as zone 'B' shall not be left in the un-numbered bays in that part of Charrington's parking place nor shall it be left in that part of Charrington's parking place which is signed as zone 'A';
- (v) It removes the first paragraph of Article 8 (3) and replaces it with a new Article 8 (3) first paragraph as follows;
'Subject to Article 11, the parking charge shall be payable on the leaving of a vehicle in a parking place or part thereof at any time during the charging hours, using any of the payment methods in operation in the parking place, either by using the Council's pay by phone or post payment service or debit or credit card or contactless payment at a ticket machine installed in that parking place or of any coin or combination of coins accepted by that ticket machine, together making up the amount of the parking charge for the parking period for which payment is being made, and on such payment the ticket issued by the ticket machine shall be obtained. Where payment is made using the pay by phone or post payment service a receipt may be issued but no parking ticket.'
- (w) It removes Article 8 (3)(b) and replaces it with a new Article 8 (3)(b) as follows;
'The charge or condition of use referred to in paragraph (3) above of this Article shall be paid or complied with upon entry thereto by the Council's pay by phone or post payment service or by the use at the ticket machine provided of a debit or credit card, contactless payment or coin, coins being of the denominations specified thereon dependent on the period for which

payment is being made, 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.'

- (x) It removes Article 8 (3)(c) and replaces it with a new Article 8 (3)(c) as follows;

'Payment of the charge or acquisition of a free ticket from the apparatus or device provided for the vehicle left in a parking place shall be indicated by the issue of a ticket from the ticket machine showing the day and time of either the expiry of the charge or the time of purchase or acquisition of the ticket and by the exhibition of that ticket in accordance with sub-paragraphs (d) and (e) below or, in respect of payments made using the Council's pay by phone or post payment service when a parking session has been purchased in accordance with the pay by phone or post payment service instructions.'
- (y) It removes Article 8 (3)(e) and replaces it with a new Article 8 (3)(e) as follows;

'Any parking session purchased using the Council's pay by phone or post payment service in accordance with sub-paragraphs (a) and (b) above is not transferable between one vehicle and another in the car park in which it was issued and is not valid in any other car parking other than the car park where the charge referred to in paragraph (3) above of this Article was paid.'
- (z) It removes Article 8 (3)(f) and replaces it with a new Article 8 (3)(f) as follows;

'If at the time when a vehicle is left in a parking place specified in column 1 of Schedule 1 and the Off-Street Plans to this Order during the charging hours and the pay by phone service is unavailable for whatever reason, the charge shall be payable by the insertion in the ticket machine provided of a coin, coins, debit/ credit card or use of a contactless payment method being of the denominations specified thereon 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.'
- (aa) It inserts into Article 10 new paragraphs (5), (6), (7), (8) and (9) as follows;
 - (5) Subject to Article 9 and unless otherwise stated, the parking charge specified may be payable on the leaving of the vehicle in any of the parking places specified on the Off-Street Plans by using pay by phone. Pay by phone information signs and the relevant location identification number signs will be located in each parking place where pay by phone is in operation and will provide information in relation to the operation and use of telephone payment parking system. The payment of a parking charge will only relate to the parking place as indicated by the location identification number displayed on the location identification sign situated in that parking place.
 - (6) Where a period of parking has been pre-registered using the post payment system, an indication to that effect shall appear on the Councils handheld device. Registration of the termination of a period of stay using the post payment system shall also appear on the Councils handheld device.
 - (7) Where a vehicle has been left in a parking place operating pay by phone, an indication that the relevant parking charge has been made in respect of that vehicle using pay by phone together with an indication of the parking periods for which payment has been made shall appear on the Councils handheld device.

- (8) Subject to Article 9 and unless otherwise stated, the parking charge specified may be payable on the leaving of the vehicle in any of the parking places where specified on the Off-Street Plans by using a debit of credit card or contactless payment where the ticket machine provides this facility. Contactless payment information signs will be located in each parking place where contactless payment is in operation and will provide information in relation to the operation and use of the contactless payment service.
- (9) Subject to Article 9 and unless otherwise stated, the parking charge may be payable on the leaving of the vehicle in any of the parking places where specified on the Off-Street Plans by using the post payment service. Post payment requires the initial registration of a debit or credit card or electronic device at a ticket machine offering the service and the re-insertion or presentation of the same card or electronic device at the end of the parking session. The tariff for the period of stay will then be debited from the card account. Post payment information signs will be located in each parking place where post payment is in operation and will provide information in relation to the operation and use of the post payment service.'

(bb) It removes Article 11 and replaces it with a new Article 11 as follows;

'Notwithstanding the provisions of Article 8(1), 8(3), 10(1) and 10(2), a vehicle left in a parking place (at any time in zone 'A' or on Saturdays in the un-numbered bays in zone 'B' of Charrington's parking place), during the charging hours and displaying in accordance with the proviso to Article 7(a) either a valid disabled person's badge or a valid permit issued in respect of that vehicle and that parking place, may be left therein without time limit and without payment of the parking charge.'

(cc) It removes Article 13 and replaces it with a new Article 13 as follows;

'Where a ticket has been displayed on a vehicle in accordance with the provisions of Article 8(4) and (5), no person, other than the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver:

Provided that nothing in this Article shall apply in relation to a civil enforcement officer or an officer of the Council who removes the ticket in the process of the vehicle being removed in accordance with Article 6(m) or 6(n).'

(dd) It inserts into Article 15 (1) a new sub-paragraph (g) as follows;

'(g) a tenant or tenant lease holder whose address is defined in Schedule 2 and who is the owner of a vehicle of the class specified in relation to that parking place or part thereof in column 3 of Schedule 1, may, provided that they provide proof of tenancy or tenancy lease for Charrington's House, apply to the Council for the issue of a permit in respect of that vehicle and parking place 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.'

(ee) It removes Article 17 and replaces it with a new Article 17 as follows;

'A permit holder, not being a tenant lease permit holder, who surrenders a permit to the Council before it becomes valid will receive a full refund less any administration charge set by the Council or if after it has become valid

shall receive a pro-rata refund equal to the wholly unexpired months remaining less an administration charge set by the Council.'

- (ff) It removes Article 20 and replaces it with a new Article 20 as follows;

'Replacement staff and councillor permits are issued at the discretion of the Council.'

- (gg) It removes Article 21 (2) and replaces it with a new Article 21 (2) as follows;

'The Council may, by notice in writing served on the permit holder 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 tenant or tenant lease holders place of business, withdraw a permit if it appears to the Council that any of the events set out in paragraph (3) of this Article has occurred.'

- (hh) It removes Article 21 (3)(e) and replaces it with a new Article 21 (3)(e) as follows;

'the vehicle in respect of which the permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Articles 15 or 16;'

- (ii) It inserts into Article 21 (3) a new sub-paragraph (g) as follows;

'(g) a permit holder ceasing to be a tenant or tenant lease holder.'

- (jj) It removes Article 22 and replaces it with a new Article 22 as follows;

'Where a permit has been displayed on a vehicle in accordance with paragraph (iii), (iv) or (v) of the proviso to Article 7(a), no person, except the driver of the vehicle shall remove the permit, as the case may be, from the vehicle unless authorised to do so by the driver;

Provided that nothing in this Article shall apply in relation to a civil enforcement officer or an officer or representative of the Council who removes the permit, as the case may be, in the process of the vehicle being removed in accordance with Article 6(m) or 6(n).'

- (kk) It inserts into Article 24 (1) new sub-paragraphs (e), (f), (g), (h) and (i) as follows;

(e) after expiry of the period for which a free period of parking was obtained in accordance with Article 8 (2) above.

(f) where a parking session has not been pre-booked, or commenced using the Council's pay by phone, contactless or post payment services in accordance with Articles 10(5), 10(8) or 10(9).

(g) where no indication of pre-registration appears on a Council handheld device in accordance with Article 10(6).

(h) where a vehicle remains in a parking place following payment of final charges using the post payment system in accordance with Article 10(9).

(i) where a parking ticket is required to be displayed in a vehicle with the registration number displayed thereon, it must be the same as the registration number of that vehicle.'

- (ll) It removes Article 24 (6) and replaces it with a new Article 24 (6) as follows;

'If a vehicle left in a parking place specified in column 1 of Schedule 1 to this Order specifically reserved for a plugged-in electric vehicle is not an electric

vehicle or is an electric vehicle but is not plugged-in a penalty charge shall be payable.'

(mm) It removes Article 24 (13)(1)(c).

(nn) It inserts into Article 24 new paragraphs (15), (16), (17), (18) and (19) as follows;

- '(15) if a vehicle left in a parking place specified in column 1 of Schedule 1 to this Order specifically reserved for the loading or unloading of a vehicle is not a vehicle in the process of loading or unloading a penalty charge shall be payable.
- (16) if a vehicle left in a parking place specified in column 1 of Schedule 1 to this Order specifically reserved for car club vehicles is not a car club vehicle a penalty charge shall be payable.
- (17) if a vehicle left in a parking place specified in column 1 of Schedule 1 to this Order specifically reserved for market trader vehicles is not a market traders vehicle authorised under a licence issued by the Council a penalty charge shall be payable.
- (18) If a vehicle is left in a parking bay reserved for Electric vehicles during non-charging hours in excess of the maximum stay specified in column 6 of Schedule 1 a penalty charge shall be payable.
- (19) where a vehicle has been left in a parking place operating a post payment system, an option to paying the parking charge shall be to pre-register the start of a period of stay in the parking place by following instructions given on a post payment machine. Prior to leaving that parking place, payment in accordance with charges set out on the Off-Street Plans shall be made by following instructions on a post payment machine or associated sign. Failure to re-insert or re-present the same debit, credit card or electronic device at the end of a period of stay shall result in a charge being made at the maximum tariff rate for that parking place shown on the Off-Street Plans.'

(oo) It inserts new rows into Section one of the Schedule 1 table as follows;

Charrington's car park zone 'A'	Wholly within a parking bay	Cars, light vans and motorcycles Permits issued at Council's discretion	All Days	Permit Holders Monday to Friday inclusive. Pay and Display, Pay by Phone, Credit/Debit card, Contactless & Post Payment Mon-Sat 7.30am-6.30pm Blue badge holders, Sunday and BH's free	24 hours 11 hours
Charrington's car park zone 'B'	Wholly within a parking bay	Cars, light vans and motorcycles Permits issued at Council's discretion	All Days	Numbered bays Lease holder permit only Un-numbered bays Other permit holders Mon-Fri only Pay and Display, Pay by Phone, Credit/ Debit card, Contactless & Post Payment Saturday	24 hours 24 hours 11 hours

				only 7.30am – 6.30pm Saturdays Only – Blue badge holders free Sunday and BH's Free	
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(pp) It removes Row 2 of Section two (relating to The Causeway car park) of the Schedule 1 table and replaces it with a new Row as follows;

The Causeway	Wholly within a parking bay	Cars, light vans and motorcycles Permits issued at Council's discretion	All Days	Mondays to Saturdays inclusive 7.30 am to 6.30 pm	5 hours
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(qq) It inserts a new row into Section two of the Schedule 1 table as follows;

The Causeway (Electric vehicle parking bays)	Wholly within a parking bay	Plugged-in Electric vehicles	All Days	Charging hours: Mondays to Saturdays inclusive 7.30 am to 6.30 pm Non-charging hours: Mondays to Saturdays inclusive 6.30 pm to 7.30 am, Sundays and BH's at any time	3 hours No return allowed in same chargeable period or non-chargeable period
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(rr) It removes Schedule 2 and replaces it with a new Schedule 2 as follows;

SCHEDULE 2

PERMITS

Type	Eligibility	Location
Staff/ Councillor	The Council's staff and Councillors	Elm Road and Grange Paddocks A & B car parks
Tenant	Charrington's House Tenants	Charrington's car park zone 'A' Un-numbered bays in Charrington's car park zone 'B'
Tenant Lease Holder	Charrington's House Tenant Lease Holders	Charrington's car park zone 'B' (numbered bays only)
Car Club	East Herts Electric car club vehicles	The Causeway car park
Market Traders	Market Traders	Apton Road and Link Road car parks
Resident	Eligible Addresses in: Crown Terrace Rye Street	Crown Terrace B car park Grange Paddock A car park
Contractor	Contractors working on behalf of The Council	Any Car Park
Special	At Council's discretion	Car Park specified by EHDC
Dispensation	At Council's discretion	At Council's discretion

The charge for a permit referred to in this Schedule shall be the amount set by the Council and may be varied by the Council at their discretion in relation to the parking place or part thereof in respect of which the permit is to be issued.

3. The provisions of the following Orders are hereby revoked but only in so far as they are affected by this Order;

East Hertfordshire District Council (Charrington's Car Park, Bishop's Stortford) (Off-Street Parking Places) Order 2017

East Hertfordshire District Council (Bishop's Stortford) (Off-Street Parking Places) Order 2014 (Amendment) Order 2017

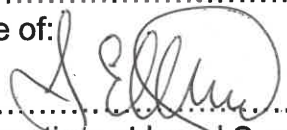
East Hertfordshire District Council (Bishop's Stortford) (Off-Street Parking Places) Order 2014 (Amendment) Order 2015

4. The interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Given under the Common Seal of East Hertfordshire District Council this 24th day of JULY 2020

THE COMMON SEAL of EAST HERTFORDSHIRE DISTRICT COUNCIL

was hereunto
affixed on the 24th JULY 2020)
in the presence of:


Head of Democratic and Legal Support Services



14,829