

THE EAST HERTFORDSHIRE DISTRICT COUNCIL (BISHOPS STORTFORD)
(OFF STREET PARKING PLACES) ORDER 2014

THE EAST HERTFORDSHIRE DISTRICT COUNCIL (HERTFORD)
(OFF STREET PARKING PLACES) ORDER 2014

THE EAST HERTFORDSHIRE DISTRICT COUNCIL (WARE)
(OFF STREET PARKING PLACES) ORDER 2014

THE EAST HERTFORDSHIRE DISTRICT COUNCIL (EAST HERTS RURAL)
(OFF STREET PARKING PLACES) ORDER 2014

NOTICE is hereby given that the East Hertfordshire District Council has made the above Orders in exercise of its powers under sections 32, 33, 34, 35, 35A, 35C, 39 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (as amended) and under the Traffic Management Act 2004 (as amended) and all other enabling powers.

The Orders, which will come into effect on 8 September 2014 were advertised in the affected areas and in the local press on 1 May 2014 and the effect of the Orders is as stated in said notice, except that the proposed flat rate parking charge of £1 between 1830 and 2200, Monday to Saturday, has been removed.

Copies of the Orders are available for inspection during normal office hours at the offices of East Hertfordshire District Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ or on the East Hertfordshire District Council website at www.eastherts.gov.uk

Any person wishing to question the validity of these Orders, or of any provision contained within them, on the grounds that they are not within the powers conferred by the Road Traffic Act 1984 (as amended) or on the grounds that any requirement of that Act or any Instrument made under it has not been complied with in relation to the Orders, may within six weeks from the date of this Notice apply to the High Court for this purpose.

J Hughes
Head of Democratic and Legal Support Services
East Hertfordshire District Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ

28 August 2014

EAST HERTFORDSHIRE DISTRICT COUNCIL

STATEMENT OF REASONS FOR PROPOSING

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

**THE EAST HERTFORDSHIRE DISTRICT COUNCIL
(HERTFORD) (OFF-STREET PARKING PLACES) ORDER 2014**

**THE EAST HERTFORDSHIRE DISTRICT COUNCIL
(WARE) (OFF-STREET PARKING PLACES) ORDER 2014**

**THE EAST HERTFORDSHIRE DISTRICT COUNCIL
(EAST HERTS RURAL) (OFF-STREET PARKING PLACES) ORDER 2014**

Following a review of its Off Street Parking places The East Hertfordshire District Council proposes to rationalise its Off-Street car park traffic Orders for each area in the Council's district. The Orders will clarify the use and in some cases change the charges for each car park in the relevant area and formalise the initial free parking period now available in some car parks.

The Orders will also clarify the long, short stay and mixed use aspects as well as the initial free period allowed in the car parks after obtaining a ticket from the ticket machine.

The proposals have been subject to consultation with residents, businesses in the area and local and County Councillors and are in line with local, County and regional Transport Plans.

Jeff Hughes
Head of Democratic and Legal Support Services
East Hertfordshire District Council, Wallfields, Pegs Lane, Hertford

1 May 2014

EAST HERTFORDSHIRE DISTRICT COUNCIL

EAST HERTFORDSHIRE DISTRICT COUNCIL
(EAST HERTS RURAL) (OFF-STREET PARKING PLACES) ORDER 2014

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EAST HERTFORDSHIRE DISTRICT COUNCIL

**EAST HERTFORDSHIRE DISTRICT COUNCIL
(EAST HERTS RURAL) (OFF-STREET PARKING PLACES) ORDER 2014**

The East Hertfordshire District Council in exercise of the powers conferred upon it by 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:-

PART 1

GENERAL

Commencement and citation

1. (a) This Order shall come into operation on 8 September 2014 and may be cited as
"East Hertfordshire District Council (East Herts Rural) (Off-Street Parking Places) Order 2014".

(b) The East Hertfordshire District Council, East Herts Rural, Off Street Parking Place Plans ("the Off Street Plans") identified as RCP 01/01, RCP 02/01 and RCP 03/01 are incorporated into this Order.

(c) The interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament

Revocation

2. The following Orders are hereby revoked but only in so far as they are affected by the provisions of this Order;
The East Hertfordshire District Council (Off-Street Parking Places) (Consolidation) Order No 1 2011.
East Hertfordshire District Council (Off-Street Parking Places) (Amendment) Order No. 1 2011
The East Hertfordshire District Council (Off-Street Parking Places) (Consolidation) (Amendment) Order (No.1) 2012

The East Hertfordshire District Council (Off-Street Parking Places)
(Consolidation) (Amendment) Order (No.2) 2012

Interpretation

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 the Schedule 1 or 2 is a reference to Schedule 1 or 2 to this Order.
- (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) In this Order:
- “Act of 1984” means the Road Traffic Regulation Act 1984;
- “bay markings” means white or yellow lines marked on the surface of a parking place to indicate the limits of each individual parking bay;
- “charging hours” means the period of time specified in relation to a parking place or part thereof in column 5 of Schedule 1;
- “cars and light vans” means private motor vehicles and light goods vehicles constructed or adapted to carry not more than 12 passengers (exclusive of the driver) or for the conveyance of goods or burden of any description, the unladen weight of which does not exceed 2,500 kilogrammes;
- “civil enforcement officer” means a civil enforcement officer appointed by the Council under section 76 of the Traffic Management Act 2004 for, amongst other things, the purposes of enforcing and supervising the provisions of this Order;
- “child” a person below the age of criminal responsibility in England and Wales
- “commercial vehicles” means all commercial vehicles with an unladen weight in excess of 2,500 kilogrammes and vehicles constructed or adapted to carry more than 12 passengers (exclusive of the driver) and their effects;
- “contractor” means someone who is not a staff member, working on behalf or on the instruction of the Council;
- “council” means the Council of East Hertfordshire District Council;
- “councillor” means a Member of the Council of East Hertfordshire District Council;

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

"disabled person's vehicle" means a vehicle displaying in the relevant position a valid disabled person's badge and which has been used immediately before or is about to be used by the person(s) in respect of whom the badge has been issued;

"dispensation" is permission to park issued at the discretion of an officer of the Council.

"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;

"electric vehicle" means a ground vehicle that is propelled by electrical energy from rechargeable batteries or other source onboard the vehicle;

"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;

"hybrid vehicle" means a ground vehicle that uses onboard rechargeable energy storage system and a fuel based power source for vehicle propulsion;

"invalid carriage" has the same meaning as in section 136(5) of the Act of 1984;

"long stay parking area" means an area of a parking place in which vehicles may be left, subject to the provisions of this Order, and which is indicated by the words "long stay";

"member of staff" means a person employed by or working on behalf of the Council, who is not a contractor;

"motor car" has the same meaning as in section 136(2)(a) of the Act of 1984;

"motor cycle" has the same meaning as in section 136(4) of the Act of 1984;

"operational times", in relation to a parking place, means the times specified in relation to that parking place in column 5 of Schedule 1, excluding any time during which the operation of the parking place is suspended under the provisions of Article 21;

"owner", in relation to a vehicle, means the person by whom the vehicle is kept, which in the case of a vehicle registered under the

Vehicle Excise and Registration Act 1994 is presumed to be the person in whose name the vehicle is registered;

"parking charge" means an amount specified in the Off Street Plans which is payable, subject to the provisions of this Order, at a ticket machine or using a pay by phone service in respect of a vehicle left in a parking place for the parking period specified in relation to that parking charge;

"parking bay" means an 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;

"parking period" means a period of time specified in the Off Street plans, for which payment of the parking charge specified in relation thereto has been made in respect of a vehicle, and during which, subject to the provisions of this Order, that vehicle may be left in a parking place during the charging hours;

"parking place" 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 2 of Schedule 1;

"particulars" means –

- (a) in relation to a ticket, those particulars which indicate that a charge has been paid and the date and time of expiry of the parking period;
- (b) in relation to a permit –
 - (i) the details of the vehicle in respect of which the permit has been issued or the registration number of the vehicle or vehicles in respect of which the permit has been issued, as the case may be;
 - (ii) the period during which, subject to the provisions of this order, the permit is valid;
 - (iii) the location (s) of the parking place in respect of which the permit is valid;

"pay by phone" means a system through which a motorist may purchase parking time using the Council's chosen service supplier, online or by phone;

"penalty charge" and "reduced penalty charge" shall have the meaning as a charge set 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 of the traffic Management Act 2004;

"penalty charge notice" means such a notice as specified in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“general 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 Contractors Permit, Special permit, and virtual permit;

“general permit holder”, means a person to whom a general permit has been issued;

“police vehicle”, means a liveried police vehicle or a vehicle used by police staff for operational duties;

“public holiday” means Christmas Day, Good Friday or a day which is a Bank Holiday within the meaning of the Banking and Financial Dealings Act 1971;

“relevant position” means:

- (a) in relation to the display by a vehicle of a disabled person's badge, the same as in Regulation 4(1) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
- (b) in relation to the display by a vehicle of a valid ticket or permit –
 - (i) on the inside of the windscreen or dashboard of the vehicle:
or
 - (ii) where the vehicle does not have a windscreen or dashboard, in a conspicuous position on the front of the vehicle;

“short stay parking area”, means an area of a parking place in which vehicles may be left, subject to the provisions of this Order, which is indicated by the words ‘short stay’ for a period of time not exceeding that specified in relation to that parking place or part thereof in column 6 of Schedule 1.

“special permit” means a permit issued at the discretion of East Herts Council;

“ticket” means a ticket issued by a ticket machine in accordance with Article 8(3) which indicates either that the parking charge has been paid and the date and time of expiry of the parking period, or the free parking period specified in Article 8(2), has not expired, as the case may be;

“ticket machine” means an apparatus or device installed in a parking place in accordance with section 35(3) of the Act of 1984 and Article 5 of this Order, which is designed to accept payment of the parking charge and to issue a ticket;

“virtual permit” means a permit whose validity is confirmed by reference to a council owned or managed database;

“washing” and “valeting” have the same meaning and mean the activities associated with washing and /or cleansing the exterior and/or interior of a vehicle;

Contraventions

4. If a vehicle is left in a parking place without complying with the provisions of Part II, III or V of this Order, then a contravention of or non-compliance with this Order shall be deemed to have occurred, and a parking contravention within Part 1 of Schedule 7 to the Traffic Management Act 2004 insofar as that Part is applicable, shall be deemed to have occurred, a Civil Enforcement Officer may issue a penalty charge notice as specified in Article 24 (12) of this Order.

Installation of ticket machines

5. The Council shall install and maintain a ticket machine or ticket machines in each parking place in such position or positions as they think fit.

PART II

CONDITIONS OF USE OF PARKING PLACES

Conditions of use of a parking place during its operational times (including alteration of position and removal of a vehicle)

6. During the operational times of a parking place –
 - (a) no vehicle shall be allowed to wait in that parking place unless it is wholly parked within the marked limits of a parking bay.
 - (b) no vehicle shall enter or be left in that parking place unless the vehicle is of the class specified in column 3 of Schedule 1 except with the Council's written permission;
 - (c) except with the written permission of the Council, no vehicle shall be left in that parking place other than in the position and on such days and during such hours as is specified in relation to that area in Schedule 1 and shown on the Off Street Plans and key to the Off Street Plans;
 - (d) where, within that parking place, there is a sign or surface marking which indicates that a parking bay is available only for a vehicle displaying a valid disabled person's badge, a vehicle shall not be left in that parking bay unless it is displaying a valid disabled person's badge in the relevant position;
 - (e) where, within that parking place, there is a sign or surface marking which indicates that a parking bay is available only for a motorcycle, a vehicle shall not be left in that parking bay unless it is a motorcycle;
 - (f) where, within that parking place, there is a sign or surface marking which indicates that a parking bay or area is reserved for the leaving of certain

vehicles as authorised by written agreement with the Council, a vehicle shall not be left in that parking bay or area unless it is that vehicle or one of those vehicles;

- (g) where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for police vehicles, the driver of a vehicle shall not permit it to wait in that parking space unless such vehicle is a police vehicle;
- (h) where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for electric/hybrid vehicle charging, the driver of a vehicle shall not permit it to wait in that parking space unless such vehicle is an electric or hybrid vehicle;
- (i) where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for the purpose of car washing and/or valeting, the driver of a vehicle shall not permit it to wait in that parking bay except for that purpose unless all other bays in the parking place are occupied;
- (j) where within a parking place there is specified in column 6 of Schedule 1 a period when following a period of waiting the vehicle shall not return to that parking bay or to any other parking bay in the same parking place the driver of the vehicle shall not permit it to wait in that parking place unless it displays in the relevant position a valid permit issued in respect of that vehicle and parking place or a valid disabled person's badge;
- (k) no vehicle shall be left in that parking place in such a position that it causes an obstruction;
- (l) if a vehicle is left in that parking place in a position other than in accordance with the provisions of sub-paragraph (b) 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;
- (m) if a vehicle is left in that parking place in contravention of any provision contained in Part II, III or V 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 and a fee shall be payable to the Council in respect of the removal of that vehicle and a daily charge shall be payable in respect of the storage of that vehicle;
- (n) 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;
- (o) any person altering, or causing the alteration of, the position of a vehicle by virtue of sub-paragraph (j) of this Article, or removing, or causing the removal of, a vehicle by virtue of sub-paragraph (k) or (l) of this Article, may do so in such a manner as is deemed necessary;

Conditions of use of a parking place during the charging hours

7. During the charging hours relating to a parking place;

- (a) at all times during which a vehicle is left in that parking place it shall display in the relevant position a valid ticket so that all the particulars on that ticket are clearly and easily visible and can be validated from outside the vehicle;

provided that nothing in this paragraph shall apply in relation to:

- (i) a vehicle displaying a valid disabled person's badge in the relevant position;
 - (ii) a motor cycle which is left in a parking bay in respect of which there is a sign or surface marking indicating that the parking bay is available only for motor cycles;
 - (iii) a vehicle which is left in a parking place or part of a parking place which displays in the relevant position a valid permit issued in respect of that vehicle and the parking place in which the vehicle is left, so that all the particulars on that permit are clearly and easily visible and can be validated from outside the vehicle except where a valid virtual permit is in force;
 - (iv) a vehicle where parking time has been purchased using the Council's 'pay by phone' system, valid for the parking place in question;
 - (v) a dispensation or special permit issued by an authorised officer of the Council, valid for the parking place in question;
 - (vi) a 'virtual' permit valid for the parking place in question;
 - (vii) a vehicle left in a reserved bay or a reserved area of a parking place provided the vehicle is authorised, by written agreement with the Council, to be left in such a parking bay or area;
- (b) no vehicle shall be left in that parking place or part thereof for longer than the period of time specified in relation thereto in column 6 of Schedule 1:

Provided that nothing in this sub-paragraph shall apply in relation to a vehicle specified in the proviso to sub-paragraph (a) of this Article;

- (c) a vehicle displaying a ticket that indicates payment of a parking charge specified in the Off Street Plans in relation to the part of a parking place which is a Short Stay parking area, shall not be left in that part of the parking place which is a Long Stay parking area;
- (d) a vehicle displaying a ticket that indicates payment of a parking charge specified in the Off Street Plans in relation to the part of a parking place

which is a Long Stay parking area shall not be left in that part of the parking place which is a Short Stay parking area;

- (e) a ticket shall not be transferred from one vehicle to another and shall only be used in the parking place in which the ticket machine that issued the said ticket is installed;
- (f) no vehicle shall display a ticket that has previously been displayed on another vehicle or issued by a ticket machine installed in another parking place;
- (g) no vehicle shall display any ticket or permit which has been altered, defaced, mutilated or added to, or upon which the figures or particulars have become illegible.

PART III

PARKING CHARGES AND DISPLAY OF TICKETS

Payment of the parking charge at a ticket machine and display of a ticket

- 8. (1) Subject to paragraph (2) of this Article and Article 11, the parking charge for a vehicle left in a parking place or part thereof at any time during the charging hours shall be the amount specified in relation thereto on the Off Street plans. The parking charge may be varied from time to time at the Council's discretion by issuing a Notice of Variation.
- (2) Where in the Off Street Plans, in relation to a parking place or part thereof, there is included a free period of parking, any vehicle left in that parking place or part thereof for that period starting from the time that the vehicle is first left in that parking place or part thereof, shall be exempt from the parking charge.
- (3) 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, by the Council's pay by phone service or by the insertion of a decrementing card issued by East Hertfordshire District Council in 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:
 - (a) Provided that where a vehicle is exempt from the parking charge by virtue of paragraph (2) of this Article, the ticket issued by the ticket machine shall be obtained without payment of the parking charge by following the instructions on that ticket machine.
 - (b) The charge or condition of use referred to in paragraph (2) above of this Article shall be paid or complied with upon entry thereto by the Council's pay by phone service or by the insertion in the ticket machine provided of a decrementing card 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.

- (c) Payment of the charge or the 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 service when a parking session has been purchased in accordance with the pay by phone service instructions.
 - (d) Any ticket purchased or acquired in accordance with sub-paragraphs (a) and (b) above is not transferable between one vehicle and another in the parking place in which it was issued, and is not valid in any other parking place other than the parking place where the charge referred to in paragraph (3) above of this Article was paid.
 - (e) Any parking session purchased using the Council's pay by phone 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 park other than the car park where the charge referred to in paragraph (3) above of this Article was paid.
 - (f) 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 or decrementing card 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.
- (4) Having obtained the ticket issued by the ticket machine in accordance with the provisions of paragraph (3) of this Article, the driver of the vehicle or a person acting on their behalf shall cause the ticket to be displayed on the vehicle in respect of which the ticket has been issued in accordance with the provisions of paragraph (5) of this Article.
- (5) The ticket referred to in paragraph (4) of this Article shall be displayed in the relevant position on the vehicle in respect of which it was issued at all times during which the vehicle is left in a parking place during the charging hours, so that all the particulars on that ticket are clearly and easily visible and can be validated from outside the vehicle.

Indications by ticket and ticket machine

9. (1) Where payment of the parking charge has been made at a ticket machine in accordance with Article 8(3), such payment shall be indicated by the issue from a ticket machine of a ticket indicating that the parking charge has been paid and the date and time of expiry of the parking period and by the display of that ticket in the manner specified in Article 8(4) and (5).
- (2) The expiry of the parking period in respect of a vehicle left in a parking place during the charging hours, shall be indicated when there is displayed in the vehicle a ticket showing the date and time of expiry of the parking period.
- (3) The expiry of the free parking period specified in Article 8(2) in respect of a vehicle left in a parking place during the charging hours, shall be indicated when there is displayed on the vehicle a ticket showing the date and time of expiry of that period.

Ticket and ticket machine indications as evidence

10. (1) Subject to Article 11, if at any time while a vehicle is left in a parking place or part thereof during the charging hours, no ticket is displayed on that vehicle in accordance with the provisions of Article 8(4) and (5), it shall be presumed that the parking charge has not been duly paid or that a ticket has not been obtained from a ticket machine in accordance with the proviso to Article 8(3).
- (2) Subject to Article 11, if at any time while a vehicle is left in a parking place or part thereof, during the charging hours, the ticket displayed on the vehicle in accordance with the provisions of Article 8(4) and (5) shows a date that is not the date on which the vehicle is left, or the time shown by the clock on the ticket machine that issued the ticket is later than the time shown on that ticket, it shall be presumed that the parking period, or as the case may be the period not exceeding that period specified in Article 8(2), has expired.
- (3) If it is presumed, in accordance with the provisions of paragraph (1) of this Article that the parking charge, where it is payable, has not been duly paid or in accordance with paragraph (2) of this Article that the parking period, or as the case may be the free parking period specified in Article 8(2), has expired, or in accordance with Article 11 that the exemption from payment of the parking charge for a vehicle displaying a valid disabled person's badge, or a valid permit, does not apply, then any of these indications shall be evidence that a contravention of this Order has occurred for the purposes of Article 4.
- (4) A ticket shall be presumed, in all cases, to have been issued on the date and at the time shown thereon.

Exemptions from the parking charge

11. Notwithstanding the provisions of Article 8(1), 8(3), 10(1) and 10(2), a vehicle left in a 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.

Purchase of Additional Tickets

12. (1) A motorist may purchase a second pay and display ticket or use the Council's Pay by Phone service to extend the parking time first paid for subject to the maximum stay permitted in a car park or area of a car park as defined in column 6 of Schedule 1 to this Order and provided there is no time gap between the expiry of the first period of paid for parking and the commencement of the second period of paid for parking as evidenced by the presence of two pay and display tickets in accordance with paragraph 8(4) and (5) or by a record of parking time purchased using the Council's pay by phone system.
- (2) Only one free ticket can be obtained per charging period specified in column 6 of Schedule 1.

Restriction on the removal of tickets

13. 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(k) or 6(l).

Stopping the engine of a vehicle within a parking place

14. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is parked in the parking place, and shall not start the engine, except when about to change the position of the vehicle in the parking place or when about to depart from the parking place.

PART IV

PERMITS

Application for and issue of permits for use in certain parking places

15. (1) (a) any contractor who is not a staff member working on behalf or on the instruction of the Council may apply to the Council for a Contractors permit for use in parking places specified in Schedule 2.
- (b) the Council at its discretion may issue a special permit or dispensation for use in any parking place or specific parking place as it sees fit.

- (c) the Council at its discretion may issue a virtual permit for use in any parking place or specific parking place as it sees fit.
- (2) (a) 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 the owner of a vehicle of the class referred to in paragraph (1) of this Article, the Council may issue to the applicant a permit which, subject to the provisions of this Order, shall allow the vehicle, in respect of which it is issued, to be left in the parking place or part thereof in respect of which it is issued, without displaying a valid ticket:
- (b) 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 the owner of a vehicle of the class referred to in paragraph (1) of this Article, the Council may record details of a valid virtual permit in respect of that vehicle(s) on its owned or managed data base which, subject to the provisions of this Order, shall allow the vehicle(s), in respect of which it is issued, to be left in the parking place or part thereof in respect of which it is issued, without displaying a valid permit or valid ticket:

Provided that the Council shall not issue a permit if it would be valid for any period during which any other permit issued to the applicant is or would be valid.

- (3) The charge for a permit referred to in paragraph (2) of this Article shall be the amount specified by the Council.
- (4) A permit shall be valid for the period of time specified by the Council, beginning with the day on which that permit first becomes valid.
- (5) The issue of a permit does not entitle the permit holder's vehicle to be left in an allocated parking bay, nor can a parking bay or space be guaranteed.
- (6) A permit is not transferable and is not valid if displayed on a vehicle bearing a different registration number from that shown on the permit where applicable.

Refund of charge paid in respect of a permit

16. A 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.

Application for and issue of duplicate permits

17. (1) Subject to Article 19, if a valid permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder, as the case may be, shall, if they wish to continue using the permit, surrender it to

the Council and apply to the Council for the issue to them of a duplicate permit, as the case may be. The Council, upon receipt of the original valid permit, may if the application is for a second duplicate permit, upon receipt of the charge specified in paragraph (4) of this Article, may issue a duplicate permit so marked, and upon such issue the original permit shall become invalid.

- (2) Subject to Article 19, if a valid permit is lost, destroyed or stolen, the permit holder, as the case may be, may apply to the Council for the issue to them of a duplicate permit. The Council, upon being satisfied as to such loss, destruction or theft, and, if applicable, upon receipt of the charge specified in paragraph (4) may 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 therefore as if it were a permit, or as the case may be, an application therefore.
- (4) At the Council's discretion there shall be no charge for a first duplicate permit issued to a permit holder. If a second or subsequent duplicate permit is issued to that permit holder there may be an administration charge applied by the Council.

Application for a replacement permit due to change of vehicle registration number

18. Subject to Article 19, if a permit holder wishes to have the vehicle registration number or numbers on their valid permit changed, they may apply to the Council for the issue to them of a replacement permit, as the case may be. The Council, upon being satisfied as to the need for such a change to the registration number or numbers may issue a replacement permit bearing a different vehicle registration number, or numbers as appropriate in the case of a permit, and upon such issue the original permit shall become invalid.

Surrender, withdrawal and validity of permits

19. (1) A permit holder shall surrender their permit to the Council on the occurrence of one or more of the events set out in paragraph (3) of this Article.
- (2) 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, withdraw a permit if it appears to the Council that any of the events set out in paragraph (3) of this Article has occurred.
- (3) The events referred to in paragraph (1) and (2) of this Article are:-
 - (a) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;

- (b) 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 Article 15 (2).
- (4) A permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any one of the events specified in paragraph (3) of this Article, whichever is the earlier.

Restriction on removal of permits

20. 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(j) or 6(k).

PART V

POWER OF THE COUNCIL TO SUSPEND A PARKING PLACE

Suspension of the operation of a parking place

21. (1) Notwithstanding the foregoing provisions of this Order, the Council may, by notice or sign displayed at or near a parking place or by barriers placed at the entrance or entrances to a parking place, suspend the operation of that parking place or any part thereof, for any purpose.
- (2) When the operation of a parking place is suspended pursuant to paragraph (1) of this Article, no vehicle shall enter or be left in the parking place or any part thereof, without the written authorisation of the Council, except for any vehicle being used for ambulance, fire brigade or police purposes or any vehicle permitted or directed by a police officer in uniform.
- (3) If at any time the Council requires exclusive use of a parking place or part thereof for any purpose whatsoever, then the right of any person to leave a vehicle in that parking place shall immediately terminate until the Council no longer requires exclusive use of that parking place or part thereof.

PART VI

AMOUNT OF PENALTY CHARGE AT PARKING PLACES

22. (1) In respect of those parking places specified in column 1 of Schedule 1 to this Order if a vehicle is left thereat during the charging hours either:-
- (a) after expiry of the period for which payment was made in accordance with Article 8 (3) above, or

- (b) without having a ticket or permit exhibited on it in accordance with Article 8 (5) above, or
- (c) where a parking session has not been booked using the Council's pay by phone service in accordance with Article 8(3)
- (d) where a virtual permit is not shown to be in operation as recorded in the Council's owned or managed database in accordance with Article 15(2).

a penalty charge shall be payable.

- (2) If a vehicle is left for a period in excess of the maximum stay specified in column 6 of Schedule 1 to this Order without having previously obtained permission from the Council's Parking Manager, a penalty charge shall be payable.
- (3) If a vehicle left in a parking place specified in column 1 of Schedule 1 to this Order is not parked wholly within a parking bay a penalty charge shall be payable.
- (4) If a vehicle left in a parking bay in a parking place specified in column 1 of Schedule 1 to this Order specifically reserved for a disabled person's vehicle is not displaying a valid disabled person's badge a penalty charge shall be payable.
- (5) If a vehicle left in a parking place specified in column 1 of Schedule 1 to this Order specifically reserved for motorcycles is not a motorcycle a penalty charge shall be payable.
- (6) If a vehicle left in a parking place specified in column 1 of Schedule 1 to this Order specifically reserved for electric/hybrid vehicle charging is not an electric/hybrid vehicle a penalty charge shall be payable.
- (7) If a vehicle left in a parking place specified in column 1 of Schedule 1 to this Order is causing an obstruction a penalty charge shall be payable.
- (8) If a vehicle left in a parking place specified in column 1 of Schedule 1 to this Order is parked in a bay/parking area as specified in Article 6 (f), a penalty charge shall be payable.
- (9) If a vehicle left in a parking place specified in column 1 of Schedule 1 to this Order is parked on a yellow hatched area a penalty charge shall be payable.
- (10) If a vehicle left in a parking place specified in column 1 of Schedule 1 to this Order with an unladen weight in excess of 2,500 kilogrammes a penalty charge shall be payable.

- (11) If a vehicle left in a parking place specified in column 1 of Schedule 1 to this Order specifically reserved as a 'parent with child' bay is left by an individual travelling without a child a penalty charge shall be payable.
- (12) In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position or to hand to the person appearing to him/her to be in charge of the vehicle, a Penalty Charge Notice
- (13) (1) 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 or made using the Council's telephone or internet payment facility to reach the Council at:
- (a) Council Offices, The Causeway, Bishop's Stortford CM23 2EN
 - (b) Council Offices, Wallfields, Pegs Lane, Hertford SG13 8EQ
 - (c) Parking Office, PO Box 43, Buntingford SG9 9WZ
- (i) to arrive not later than the last day of the period of twenty eight days beginning with the date on which the Penalty Charge Notice was served;
- (ii) in the case of a reduced penalty charge, not later than the last day of the period of fourteen days beginning with the date on which the Penalty Charge Notice is served;
- (2) Payments by credit card or debit card are also accepted by telephone (01279 655261) or on line (www.eastherts.gov.uk), to arrive not later than:
- (a) the last day of the period of twenty eight days beginning with the date on which the Penalty Charge Notice was served; or
 - (b) in the case of a reduced penalty charge the last day of the period of fourteen days beginning with the date on which the Penalty Charge Notice is served;
- (3) 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 for payment of the said charge shall be extended until the next full day on which the said offices are open.
- (14) The amount of penalty charge payable is in addition to any parking charge that may have already been paid.

PART VII

OTHER PROVISIONS

23. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle (Excise) Act 1971 and unless there is 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 1972.
24. A driver shall at all times while his vehicle is in a car park comply with any reasonable instruction given by a person authorised in that behalf by the Council.
25. (1) Unless authorised by the Parking Manager no person shall use either a vehicle, while it is in a parking place, or 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 his skill or services. Further, no person shall post, attach or leave or cause to be posted, attached or left, leaflets in a parking place and/or upon any vehicle using a parking place. Car valeting (approved by the Parking Manager in writing) is exempted from this Clause.
- (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
 - (b) for the purpose of repair, servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place unless authorised in writing by the Parking Manager.
26. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
27. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 6 above, a person authorised by the Council on its 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 on its behalf may remove the vehicle from that parking place or arrange for such removal.
- (3) For the purpose of meeting the requirement 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 a 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 paragraphs (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 paragraphs (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.

28. 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 unless with the permission of a person authorised by the Council (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.

29. 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 for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order and for the purposes of departing from the parking place.
30. The driver of a vehicle displaying a valid disabled person's badge shall be exempt from any limitation of time specified in Article 8 above and for any payment specified in the Off Street plans and key to the Off Street Plans.
31. The driver of a motorcycle shall be exempt from any limitation of time specified in Articles 8 only when parked in an area designated by sign and/or marking as a parking place for motorcycles. If a motorcycle is parked in any other bay then the provisions of article 8 would apply.
32. The driver of a 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.
33. No person shall drive or ride (otherwise than in a side car) on a motor cycle in a parking place without wearing protective headgear within the meaning of the Motor Cycles (Protective Helmets) Regulations 1980 PROVIDED that this Article shall not apply to any person driving or riding on a motorcycle in any of the circumstances mentioned in Regulation 4(2) of those Regulations.
34. 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.

35. If at any time in or on a parking place or places or in any position adjacent thereto a particular space or spaces 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 motor cycles, no person shall leave a vehicle in any such parking space other than for the purpose specified.
36. The Council does not undertake to supervise the parking places specified in column 1 of Schedule 1 to this Order and entry to and exit from and use of these parking places is entirely at the users risk and although the Council, its servants or agents do not attempt to exempt themselves from their common law duty of reasonable skill and care or their obligations under the Occupiers Liability Acts 1957 and 1984 the Council, its servants and agents do not accept liability for any damage to or loss of vehicles or their contents which arise from acts or omissions outside their reasonable control.
37. A driver of a vehicle shall not use a parking place so as unreasonably to prevent access to any premises adjoining the parking place or so as to be a nuisance to the Council or the owners or occupiers of any adjoining property or to any person using the parking place.
38. No person shall in a parking place wantonly shout or otherwise make any loud noise or use any threatening, abusive or insulting language, gesture or conduct with the 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.
39. No person shall in a parking place light or cause to permit to be lit any fire.
40. No person in a parking place shall erect or cause to be erected any booth, stand, building or other structure without the prior written consent of the Council.
41. No person shall deposit in a parking place any vehicles, goods equipment, matter or materials so as to obstruct any part of a parking place without the prior written consent of the Council.
42. No person shall remove, injure or in any way interfere with any barrier or machinery whether moveable or immovable, or any sign or equipment in a parking place unless so authorised by a person authorised in that behalf by the Council.
43. No person shall wilfully, carelessly or negligently deface, injure, damage or destroy any part of a parking place or any wall, fence or marking, sign, fitting or equipment in or on a parking place.
44. A driver shall not abandon a vehicle in a parking place.
45. If it appears to the Council that a vehicle has been abandoned, the Council may sell or otherwise dispose of the vehicle PROVIDED the power of disposal conferred by this Article shall not be exercisable unless there have been taken by the Council

such of the relevant steps as are required to be taken by it in exercising its powers to remove abandoned vehicles contained in the Refuse Disposal (Amenity) Act 1974.

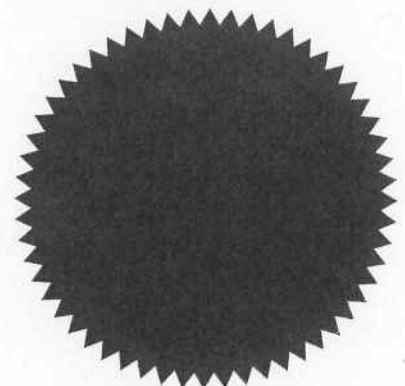
46. Any person using a parking place shall not cause or suffer any dog belonging to him or in his charge to enter or remain in a parking place unless such dog be and continues to be on a lead and under proper control and effectively restricted from causing annoyance to any person and from worrying or disturbing any animal or is effectively confined within the vehicle.
47. The driver of a vehicle drawing a trailer having a combined length exceeding 5.49 metres shall not permit the vehicle or the trailer to wait in a parking place unless they have been disconnected, and unless the registration number of the vehicle is clearly displayed on the trailer and for the purposes 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.
48. The following vehicles shall be exempt from the provisions specified in this Order:-
 - (a) vehicles used by the Fire Brigade, Police or Ambulance Service in carrying out their duties in or adjacent to a parking place, and
 - (b) vehicles in the service of Water, Gas and Electricity Utilities, British Telecom, Post Office and other authorised utilities in pursuance of their statutory powers or duties in or adjacent to a parking place.

Given under the Common Seal of East Hertfordshire District Council this 26th day of August 2014

THE COMMON SEAL of EAST HERTFORDSHIRE DISTRICT COUNCIL

was hereunto
affixed on the 26th August 2014)
in the presence of:

.....
Jeff Hughes
Head of Democratic and Legal Support Services



14228

SCHEDULE 1

NAME OF PARKING PLACE 1	POSITION IN WHICH VEHICLE MAY WAIT 2	CLASSES OF VEHICLE 3	DAYS OF OPERATION OF PARKING PLACE 4	DAYS AND HOURS OF OPERATION OF PARKING PLACE FOR THE PURPOSE OF CHARGING OR IN ACCORDANCE WITH THE RELEVANT CONDITIONS OF USE 5	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT 6
SHORT STAY CAR PARKS (MAXIMUM 5 HOUR STAY IN SHORT STAY CAR PARKS)					
SAWBRIDGEWORTH					
Bell Street	Wholly within parking bay.	Cars, light vans and motor cycles. Permits issued at Council's discretion	All Days	Mondays to Fridays inclusive 7.30 am to 6.30 pm	11 hours

STANSTEAD ABBOTTS					
High Street	Wholly within a parking bay	Cars, light vans and motor cycles	All Days	Mondays to Fridays inclusive 9 am to 3 pm	6 hours
BUNTINGFORD					
Bowling Green Lane	Wholly within a parking bay	Cars, light vans and motor cycles	All Days	Mondays to Fridays inclusive 9 am to 3 pm	6 hours

SCHEDULE 2

PERMITS

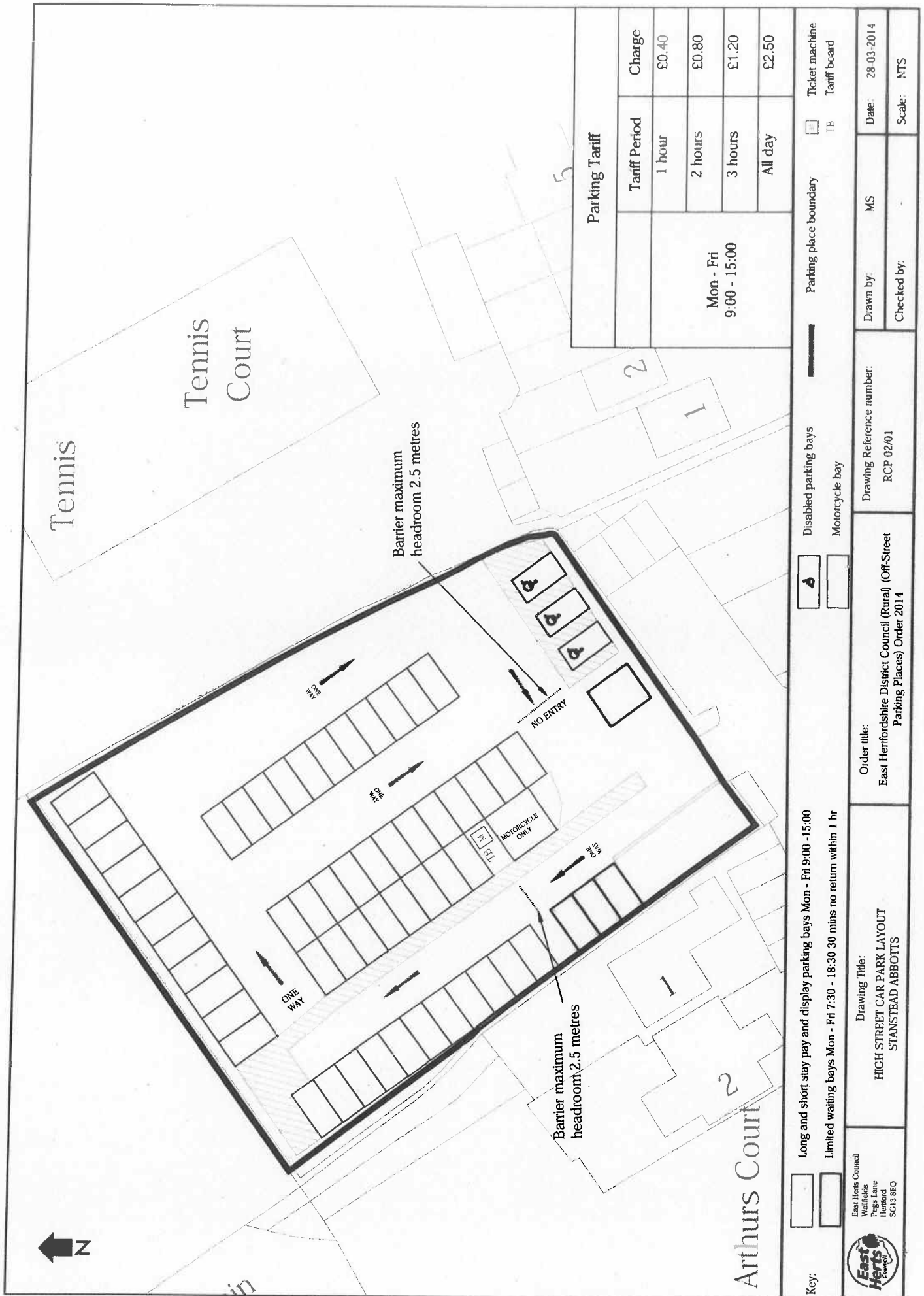
Type	Eligibility	Location
Permit	Sawbridgeworth Town Council	Bell Street, Sawbridgeworth
Contractor	Contractors	Any Car Park
Special	At Council's discretion	Car Park specified by EHDC
Dispensation	At Council's discretion	At Council's discretion

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.



Key: <input type="checkbox"/> Long and short stay pay and display parking bays Mon - Fri 7:30 - 18:30		Police bays <input type="checkbox"/>		Ticket machine <input type="checkbox"/> TB	
Disabled parking bays <input type="checkbox"/>		Parking place boundary <input type="checkbox"/>		Tariff board <input type="checkbox"/>	
Drawing Title: BELL STREET CAR PARK LAYOUT SAWBRIDGEWORTH		Order title: East Hertfordshire District Council (Rural) (Off-Street Parking Places) Order 2014		Drawing Reference number: RCP 03/01	
East Herts Council Watlington Pigeon Lane Hemel Hempstead SG13 8BQ		Drawn by: MS		Date: 28-03-2014	
Checked by:		Scale: NTS			

Parking Tariff		
	Tariff Period	Charge
Mon - Fri 7:30 - 18:30	1 hour	£0.00
	2 hours	£0.50
	3 hours	£1.00
	4 hours	£1.50
	5 hours	£2.00
	All day	£3.50



Parking Tariff		
Tariff Period	Charge	
1 hour	£0.40	
2 hours	£0.80	
3 hours	£1.20	
All day	£2.50	

Key: <input type="checkbox"/> Long and short stay pay and display parking bays Mon - Fri 9:00 - 15:00 <input type="checkbox"/> Limited waiting bays Mon - Fri 7:30 - 18:30 30 mins no return within 1 hr	Drawing Title: HIGH STREET CAR PARK LAYOUT STANSTEAD ABBOTS	Order title: East Hertfordshire District Council (Rural) (Off-Street Parking Places) Order 2014	Drawing Reference number: RCP 02/01	Drawn by: MS	Date: 28-03-2014
Ticket machine <input type="checkbox"/> TB Tariff board	Parking place boundary <input checked="" type="checkbox"/>	Disabled parking bays <input type="checkbox"/>	Motorcycle bay <input type="checkbox"/>	Checked by: NTS	Scale: NTS