

EAST HERTFORDSHIRE DISTRICT COUNCIL

**EAST HERTFORDSHIRE DISTRICT COUNCIL
(HERTFORD) (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 (Hertford) (Off-Street Parking Places) Order 2014 (Amendment) Order 2020".
2. This Order amends the 'East Hertfordshire District Council (Hertford) (Off-Street Parking Places) Order 2014' (herein after referred to as 'the Hertford 2014 Order') as follows;
 - (a) It removes the Off-Street Plans identified as HCP 04/03, HCP 08/03 and HCP 13/02 from the Hertford 2014 Order and replaces them with new Off-Street Plans identified as HCP 04/04, HCP 08/04 and HCP 13/03, incorporating the plans into the Hertford 2014 Order.
 - (b) It removes Article 1 (b) and replaces it with a new Article 1 (b) as follows;

'The East Hertfordshire District Council Hertford Off-Street Parking Place Plans ("the Off-Street Plans") identified as HCP 04/04, HCP 05/03, HCP 06/03, HCP 07/03, HCP 08/04, HCP 09/03, HCP 10/03, HCP 11/03, HCP 12/03 and HCP 13/03, 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 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;'

- (e) It inserts a definition for "non-charging hours" into Article 3 (3) as follows;

"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;'

- (f) 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 time 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;'

- (g) 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;'

- (h) 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;'

- (i) 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, and virtual permit;'

- (j) 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;'

- (k) It inserts a definition for "plugged-in" into Article 3 (3) as follows;

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

- (l) 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;'

- (m) 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;’

- (n) 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;’

- (o) 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;’

- (p) 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 leaving of a contractors vehicle, a vehicle shall not be left in that parking bay or area unless it is a contractors vehicle being used whilst working on behalf of or on the instruction of the Council;’

- (q) 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, by the Council’s pay by phone service or by the use of a debit or credit card or contactless payment method 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:’

- (r) 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 (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 use at the ticket machine provided of a debit or credit card, contactless payment method 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.’

- (s) 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.'

- (t) 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).'

- (u) 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).'

- (v) It inserts into Article 24 (1) a new sub-paragraph (e) as follows;

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

- (w) 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.'

- (x) It removes Article 24 (13) (1) (c).

- (y) It inserts into Article 24 new paragraphs (15), (16) and (17) 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 Councils contractor's vehicle is not a contractor vehicle left whilst working on behalf or on the instruction of the Council 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 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.'

(z) It inserts a new row into Section two of the Schedule 1 table as follows;

Gascoyne Way 'A' (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 6.30pm to 7.30 am, Sundays and BH's at any time	3 hours No return allowed in same chargeable period or non-chargeable period
---	--------------------------------------	------------------------------------	----------	--	---

(aa) It removes Schedule 2 and replaces it with a new Schedule 2 as follows;

SCHEDULE 2

PERMITS

Type	Eligibility	Location
Residents	H1 Residents Residents of Port Vale, Balfour Street, Russell Street and George Street Courtyard Arts customers	Hartham Lane and Hartham Common car parks Port Vale car park Port Vale car park
Staff	East Herts Council staff	Any Hertford car par excluding short stay only
Councillors	East Herts Councillors	Wallfields car park
Car Club	East Herts Electric car club vehicles	Wallfields car park
Market Traders	Market Traders	Old London Road car park
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.

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 (Hertford) (Off-Street Parking Places) Order 2014 (Amendment) Order 2017

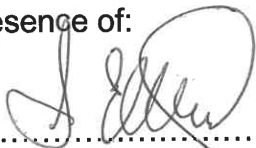
East Hertfordshire District Council (Hertford) (Off-Street Parking Places) Order 2014 (Amendment) Order 2015

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 24 JULY 2020)
in the presence of:)



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



14,828