

Date of Order: 17 October 2022
Order No: 345

**THE HERTSMERE BOROUGH COUNCIL
(ARTHUR STREET AND WILLIAM STREET, BUSHEY) (RESTRICTION OF WAITING
AND PROVISION OF RESIDENTS PARKING PLACES) ORDER 2022**

The Hertsmere Borough Council, (hereinafter referred to as "the Council") pursuant to arrangements made under Section 19 of the Local Government Act 2000 and The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 with the Hertfordshire County Council, and in exercise of powers conferred on that County under Sections 1, 2, 3, 4, 32, 35, 45, 46, 47, 49, 51, and 53 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act") (as amended by the Road Traffic Regulation Act 1984 and the Road Traffic Regulation Act 1991 and the provisions of Part 6 of The Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby make the following Order.

1. This order shall come into operation on Monday 14th November 2022 and may be cited as "The Hertsmere Borough Council (Arthur Street and William Street) (Restriction of Waiting and Provision of Residents Parking Places) Order 2022" hereinafter referred to as "this Order".
2. The Hertsmere Borough Council (Arthur Street and William Street) (Restriction of Waiting and Provision of Residents Parking Places) Order 2022 Plans Numbered **MAP-AR1-2022** and **MAP-WM1-2022** inclusive of their keys, as listed in Schedule 1 to this Order, herein after referred to as the "On Street Plans" are incorporated into this Order.

Interpretations and Definitions

3. In this Order:-

"the council" means Hertsmere Borough Council.

"Civil Enforcement Officer" is a Civil Enforcement Officer as defined by the Traffic Management Act 2004;

"disabled person" means a disabled person of a description prescribed by Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by Regulation

8 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers;

"driver" means the person driving the vehicle at the time it was left in the parking place;

"Eligible Address" means any postal address which is listed in Schedule 2 to this Order and therefore indicates that a resident may apply for a Resident Permit and/or Visitor Parking Permits as specified in that Schedule;

"Household" means a dwelling with a separate entry on the Council's Council Tax register;

"handheld device" means Council approved equipment used by Civil Enforcement Officers that receives and displays information on valid and expired parking sessions;

"motor cycle" has the same meaning as in Section 185(1) of the Road Traffic Act 1988;

"motor vehicle" has the same meaning as in Section 136(1) of the Act of 1984;

"On-Street Plans" means plan numbers **Map-AR1-2022** and **MAP-WM1-2022** including the Keys therein, as listed in Schedule 1 to this Order, which are incorporated into this Order pursuant to Article 2 hereof.

"owner" in relation to a vehicle means the person by whom such vehicle is kept and used;

"Parking Place" means an area of highway designated by this Order for the waiting of vehicles of specified classes

"Parking Permit" means a Resident Parking Permit, Visitors Parking Permit, Special Parking Permit, Exemption Permit, Business Parking Permit and Visitors Annual Parking Permit issued by the Council under the provisions of this Order;

"Penalty Charge" has the same meaning as assigned by Section 92 of the Traffic Management Act 2004 and Regulation 2 of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;

"Penalty Charge Notice" has the same meaning as given in Section 66 The Road Traffic Act 1991 and Regulation 2 of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

"Permit holder" means a person to whom a permit/s has been issued;

"Permitted hours" means the hours and days of the week as particularised on "The On Street Plans" and keys thereof;

"relevant position" means on the dashboard or fascia of the vehicle or where the vehicle is not fitted with a dashboard or fascia in a conspicuous position on the nearside of the vehicle, or if the vehicle is one being used by a disabled person has the same meaning as given in Regulation 4 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and in all cases displayed in such a position as to be clearly visible from outside the vehicle's front or nearside. Visitors Annual Permits may be displayed on the rear view mirror using the permit holder supplied by the Council. Resident Visitor Parking Permits should be displayed as described on the permits. Motor Cycles are not required to display permits;

"Resident" means a person whose usual place of abode is an eligible address listed in Schedule 2 to this Order.

"Resident Permit Bays" means an area of highway designated by this Order for the waiting of vehicles of specified classes and indicated on the carriageway by markings in accordance prescribed by the Traffic Signs Regulations and General Directions or any subsequent legislation;

"restricted Hours" means the times and / or days as particularized on the "On-Street Plans" and their key thereof;

"universal service provider", "provision of a universal postal Service" and "postal packet" shall bear the same meanings as in the Postal Services Act 2011.

"vehicle" means passenger Motor Vehicle/s or Motor Cycle/s not larger than 2.30 metres in height and 5.25 metres in length;

"zone" refers to the road(s) identified in Schedule 1 of this Order.

Restrictions on Waiting at any time

4. Save as provided in Article 29 of this Order no person shall cause or permit any vehicle to wait at any time in those lengths of road within the Hertsmere Borough, as shown on the On-Street Plans where waiting at any time is not allowed as identified and defined in the Key to the On- Street Plans.

Restrictions on Waiting During Restricted Hours

5. Save as provided in Article 29 of this Order no person shall cause or permit any Vehicle to wait during the restricted hours, on areas of Road or sides of the Road as shown on the "On-Street plans" where waiting, is not allowed as identified and shown on the "On-Street plans" and their keys thereof.

Designation of Parking Places / Resident Permit Bays

6. Each area of highway specified in Schedule 1 and as identified and particularised on "The On-Street Plans" and keys thereof to this Order are hereby designated as a parking place for use by resident permit holders and resident visitor permit holder's vehicles only between 10am – 12 noon & 2pm - 4pm Monday to Saturday inclusive, any such day not being Christmas Day, Good Friday or a Bank Holiday.
7. No person shall cause or permit any vehicle to wait in a parking place during the permitted hours unless it is of the specified class as defined in Article 9.
8. Where in Article 6 of this Order a length of road is described as authorised for use as a parking place, the driver of a vehicle shall not permit the vehicle to wait in that parking place unless it is wholly parked within the limits of the parking place.

Vehicles for which Parking Places / Resident Permit Bays are designated

9. Subject to the provisions of this Order, Resident Permit Bays designated in Schedule 1 and as identified on the On-Street Plans to this order may be used for leaving during the permitted hours of vehicles of the following class, that is to say, passenger vehicles (the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres), goods carrying vehicles (the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres) and disabled persons vehicles (on which must be displayed the relevant badge and disc).

Restrictions of Waiting in a Parking Place

10. Save as provided in Article 29 of this Order, no person shall, except upon the direction of a police constable in uniform or with the permission of a Civil Enforcement Officer, cause or permit any vehicle to wait during the permitted hours on any parking place specified in Schedule 1 unless a valid Resident Parking Permit or Visitor Parking Permit is displayed on that vehicle in the relevant position.
11. The absence of a Parking Permit on a vehicle left in a Parking Place shall be evidence of the fact that a Parking Permit has not been issued to the Owner or Driver of the Vehicle except in the case of motorcycles where details are recorded on the computer system held by the Civil Enforcement Officer, which identifies evidence of the existence of a valid Permit.

Eligibility for Parking Permits

12. Any Resident who is the owner of a Vehicle or has access to a company vehicle or hired vehicle may apply to the Council for the issue of a Residents Parking Permit for each such Vehicle in their ownership or control subject to the maximum parking permit allocation per household set out in Schedule 3 to this Order.
13. Any Resident may apply to the Council for the issue of Annual Visitor Permits and Resident Visitor Permits for the leaving in Resident Permit Bays vehicles belonging or being used by a person or persons visiting the Resident; provided that the Council may at its absolute discretion limit the number of Residents Visitors Permits that are issued in respect of a particular household set out in Schedule 3 to this Order.
14. Any agency, professional practice or organisation which manages local doctors, midwives, district nurses, health visitors and various other essential domiciliary medical or caring personnel may apply for the issue of a Special Parking Permit for the use of these personnel when visiting households in roads specified in Schedule 1 to this Order. Where possible, such permits will be issued to a particular Vehicle. The decision to issue a Special Parking Permit and whether it will be issued to a Vehicle, to an individual or to an agency, professional practice or organisation will be at the discretion of the Council. The Council may at its absolute discretion limit the number of Residents Visitor Parking Permits that are issued in respect of a particular household set out in Schedule 3 to this Order.

Application for a Parking Permit/s

15. Application for a Parking Permit/s will be made on a form issued by and obtainable from the Council. The form must be completed and returned accompanied by a payment for the charge specified in Schedule 3 of this Order and by such documentary evidence of entitlement in respect of an application for a Parking Permit/s made to them as the Council may reasonably request to verify any particulars or information given to them.
16. On receipt of a properly completed application and fee where appropriate the Council shall issue to the appropriate applicant a Parking Permit/s provided that the applicant qualifies for the Parking Permit/s.
 - a) Where Parking Permit/s are issued to any person upon receipt of a cheque or credit/debit card details and the payment is subsequently dishonoured, the Parking Permit/s shall immediately cease to be valid.
 - b) The Council will serve notice by recorded delivery on the person to whom the Parking Permit/s was issued at the address shown by the applicant on the application form or at any other address believed to be the applicant's place of abode, requiring that person to surrender the Parking Permit/s, to the Council within 48 hours of the receipt of the notice.

Charges for Parking Permits

17. The charges for a Parking Permit/s shall be as specified in Schedule 3 to this Order.
18. The charges for a Parking Permit/s may be amended by the Local Authority giving notice in accordance with Section 46A of the Act of 1984.

Form of Parking Permit/s

19. (1) Resident Parking Permits shall be in writing and shall include the following particulars:
 - (a) a serial number by which the Permit Holder may be identified;
 - (b) the registration number of the Vehicle for which the Parking Permit is issued
 - (c) the expiry date;
 - (d) an authentication that the Parking Permit has been issued by the Council;
 - (e) an alphanumeric code to identify the parking Zone.
- (2) Annual Visitor Parking Permits shall be in writing and shall include the following particulars:
 - (a) a serial number by which the Permit Holder may be identified;
 - (b) the expiry date;
 - (c) an authentication that the Parking Permit has been issued by the Council;
 - (d) an alphanumeric code to identify the parking Zone.
- (3) Resident Visitor Parking Permits shall be in writing and shall include the following particulars
 - (a) a serial number by which the Permit Holder may be identified;
 - (b) a expiry date
 - (c) a.m. period or p.m. period
 - (d) the month, the date of the month and the day of the week
 - (e) an authentication that the Resident Visitor Parking Permits have been issued by the Council.
- (4) Special Parking Permits shall be in writing and shall include the following particulars:
 - (a) a serial number by which the Permit Holder may be identified;
 - (b) the expiry date;
 - (c) an authentication that the Special Parking Permit has been issued by the Council.

Form of Exemption Permits

20. Any person who is employed by either Hertsmere Borough Council or Hertfordshire County Council Highway Authority and has a valid need to park in the Resident Permit Bay as referred to in Schedules 1 will be issued with an

Exemption Permit. On issuing the Exemption Permit the Council may specify the purpose for which it may be used and shall specify the period for which it is valid. The Exemption Permit shall be displayed in the relevant position.

- (a) A yellow card shall be issued to Hertsmere Borough Council employees and this Exemption Permit shall include an indication that the Exemption Permit has been issued by the Council and a serial card number.
- (b) Exemption Permits issued to Hertfordshire County Council Highway Authority employees shall contain relevant details at the discretion of the Council.

Surrender, Withdrawal and Validity of a Parking Permit/s

- 21. A Permit Holder may surrender a Parking Permit/s to the Council at any time.
- 22. The Council may by notice served by recorded delivery on the Permit Holder at the address shown by that person on the application form or at any other address believed to be that person's place of abode, withdraw a Parking Permit(s), if it appears to the Council that:-
 - (a) The Permit Holder has ceased to be eligible to hold a Parking Permit/s under the provisions of Articles 12 to 14 of this Order
 - (b) The vehicle in respect of which a Parking Permit was issued has been adapted or used in such a manner that it is no longer a vehicle for which a Parking Permit can be issued;
 - (c) The details on the Parking Permit/s have been altered or defaced;
 - (d) The permit/s has been misused or any reason as stated in the notice.
 - (e) The residents' Visitor Annual Permit must be displayed in the Vehicle by hooking the permit to the rear view mirror or in the Relevant Position and for only use by persons visiting the household to which it is issued.
- 23. A Parking Permit will be valid only if displayed on the Vehicle (excluding Motor Cycles) to which the Parking Permit relates in the Relevant Position.
 - (a) A Residents Visitor Parking Permit will be valid only if displayed on a Vehicle (excluding Motor Cycles) visiting the household to which it was issued, in the Relevant Position correctly marked in accordance with the instructions for validation on the front face.
 - (b) A Parking Permit shall cease to be valid at midnight on the specified expiry date or on the date the Council withdraws the Parking Permit by notice, whichever is the earlier.
 - (c) The Council will not make any refund for the withdrawal of Parking Permit/s.
 - (d) The Council will not refund any charges incurred in accordance with Schedule 3 to this Order.

Application for and the issue of a Duplicate Parking Permit

24. The Council will issue a duplicate or replacement Parking Permit in the following circumstances:
- (a) If a Parking Permit is mutilated or accidentally defaced or the figures or particulars on it have become illegible or the colour of the Parking Permit has faded or altered, the Permit Holder shall surrender it to the Council. If the Parking Permit is accompanied by an application for a replacement Parking Permit, a duplicate Parking Permit shall be issued and the original Parking Permit shall become invalid.
 - (b) If a Parking Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue of a duplicate. If the Council is satisfied as to the loss or destruction of the Parking Permit, a duplicate will be issued.
 - (c) If a Permit Holder acquires a new Vehicle or Motor Cycle, the Permit Holder shall surrender the original Parking Permit to the Council and make an application for a new Parking Permit and the original Parking Permit shall become invalid.
 - (d) If Resident Visitor Parking Permits are lost or destroyed, the Permit Holder may apply to the Council for the issue of duplicates. If the Council is satisfied as to the loss or destruction of the Resident Visitor Parking Permits, duplicates will be issued, on receipt of a new application and the appropriate fee specified in Schedule 3. This article applies to whole books of Resident Visitor Permits only.
 - (e) The Council will make charges for the issue of a duplicate Parking Permit or duplicate Resident Visitor Parking Permits as set out in Schedule 3 to this Order.

Restriction on the removal of a Parking Permit

25. Where a Parking Permit/s has been displayed on or attached to a Motor Vehicle in the Relevant Position, no person other than the Driver of the Motor Vehicle or a Civil Enforcement Officer shall remove the Parking Permit/s from the Motor Vehicle unless authorised to do so by the Driver of the Motor Vehicle.

Power to Suspend use of Parking Places and Resident Permit Bays

26. Any person authorised by the Council or a Police Constable in uniform may suspend the use of a parking place or Resident Permit Bays whenever he considers such suspension reasonably necessary;
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the Parking Place or the laying, erection, alteration, removal or repair in or adjacent to the Parking Place of any sewer or of any main, pipe

- or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus or traffic sign; or
- (c) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion for the removal of furniture from one office or dwelling house to another place; or
- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (e) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals or on other special occasions; or
- (f) for the purpose of facilitating the cleansing of the Parking Place.

No Waiting in a Suspended Parking Place

- 27. No person shall cause or permit a vehicle to wait in a parking place or any part thereof during which such period as the Council has suspended that parking place or part thereof.
- 28. Nothing in Article 27 shall render it a contravention to cause or permit a vehicle to be left in a parking place which has been suspended, which displays in the relevant position a valid dispensation issued by the Council.

Exemptions to the provisions of this Order

- 29. (1) It shall not contravene Articles 6, 7, 8, 9, 10 and 11 of this Order to cause or permit any Vehicle to wait in the parts of the road referred to therein for so long as may be reasonably necessary to enable:
 - (a) goods to be loaded on or unloaded from the Vehicle
 - (b) a person to board or alight from the Vehicle;
 - (c) the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - I. building, industrial or demolition operations;
 - II. the removal of any obstructions to traffic;
 - III. the maintenance, improvement or reconstruction of the said roads
 - IV. the laying, erection, alteration, repair or cleaning of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus kept or installed for the purposes of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position.
 - (d) the Vehicle if it cannot conveniently be used for such purpose in any other road to be used in the service of a local authority or water authority in pursuance of statutory powers or duties.
 - (e) the Vehicle to be used for fire brigade, ambulance or police purposes;
 - (f) the Vehicle to be used by a universal service provider in the course of the provision of a universal postal service for the purpose of Delivering or Collecting postal packets.
 - (g) Nothing in Article 6 of this Order shall render it unlawful to cause or permit a Disabled Person's Vehicle, which displays in the Relevant Position a Disabled

Person's Badge, to wait in any of the lengths of road or on the sides of road referred to in that Article.

In this Article –

The expressions “universal service provider”, “provision of a universal postal Service” and “postal packet” shall bear the same meanings as in the Postal Services Act 2011.

- (2) It shall not contravene Articles 6, 7, 8, 9, 10 and 11 of this Order to cause or permit a Vehicle to wait in the part of the road referred to therein if the Vehicle is prevented from proceeding by circumstances beyond the Driver's control or if the Driver of the Vehicle has stopped in order to avoid injury or damage to persons or property or is required to do so by law.
- (3) Nothing in Articles 6, 7, 8, 9, 10 and 11 of this Order applies to anything done at the direction of or with the permission of a Police Constable in uniform or with permission of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Hertsmere Borough Council.

Contraventions of this Order

- 30. (1) Where a person contravenes any of the provisions of this Order, or restrictions specified therein as shown on the “On-Street Plans” and detailed on the keys to those plans, the owner of the vehicle in question shall incur a penalty charge.
 - (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued in accordance with the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.
 - (3) The penalty charge shall be paid to Hertsmere Borough Council in accordance with the instructions and within the time limits specified on the penalty charge notice.
31. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

Revocation

- 32. The provisions of the following Order are hereby revoked but only in so far as they are affected by the restrictions imposed by this Order.

The Borough of Hertsmere (Control of Parking) (Consolidation) Order 2012

SCHEDULE 1

The On Street Plans (Zone W)

The "On Street Plans" – plans numbered MAP-AR1-2022 and MAP-WM1-2022 as incorporated into this Order

SCHEDULE 2

Eligible addresses for Residents and Visitors Parking Permits

ROAD	ZONE	Eligible addresses
Arthur Street	W	Odds 1 to 31, Evens 2 to 28
William Street	W	Odds 1 to 27, Evens 2 to 18

SCHEDULE 3

Fees for Residents Permits, Duplicate Residents Permits, Visitors Parking Vouchers, Visitors Annual Permits and Exemption Permits

Residents Permits	First permit = £30, second = £60, third = £120, fourth=£160 (as conditions listed in article 12 of this order). A maximum of 4 permits per property
Duplicate Residents Permit	£15
Visitors Parking Vouchers	£10 per 20 half-day vouchers
Visitors Annual Permits	£60
Exemption Permits	Free of charge

IN WITNESS where of the Common Seal)

Hertsmere Borough Council was hereunto affixed)

This 17th day of October 2022)


In the presence of:-)



Head of Legal and Democratic Services



SIGNED:


ROBERT PATTERSON
Head of Legal & Democratic Services
DATED : 17/10/2022

Unit C

ARTHUR STREET



**HERTSMERE
BOROUGH COUNCIL**

THE HERTSMERE BOROUGH
COUNCIL (ARTHUR STREET AND
WILLIAM STREET, BUSHEY)
(RESTRICTION OF WAITING AND
PROVISION OF RESIDENTS
PARKING PLACES) ORDER 2022

Drawn By: HB
Scale: 1:500
Dwg Number
MAP-AR1-2022

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Mon - Sat
10am - 12noon & 2pm - 4pm
Residents and Visitors Permit
holders only

Double Yellow Lines



