

**The Hertsmere Borough Council
(Off-Street Parking Places) Order 2005**

Made

Coming into operation 17 October 2005

Hertsmere Borough Council in exercise of its powers under sections 32, 33 and 35 and Part IV to Schedule 9 of the Road Traffic Regulation Act 1984 and sections 43 and schedule 3 of the Road Traffic Act 1991 and all other powers enabling it in that behalf and with the consent of Hertfordshire County Council and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act has made the following Order:-

Citation and commencement

1. (1) This Order shall come into operation on 17 October 2005 and may be cited as The Hertsmere Borough Council (Off-Street Parking Places) Order 2005, hereinafter referred to as "this Order".
- (2) The Hertsmere Borough Off-Street Plans ("the Off-Street Plans") and the Schedules to this Order are incorporated into this Order.

Revocations

2. The various Orders listed within Schedule 1 are hereby revoked.

Interpretation

3. In this Order the following expressions have the meanings assigned to them except where the context requires otherwise:

"authorised vehicle" means a vehicle of a specified class authorised to use a parking place by virtue of Article 6 and as specified in the Schedule;

"Business Permit" means a permit issued by the Council under Article 31 of this Order.

"car park" means that area of land not being public highway and designated for the leaving of passenger vehicles as defined in Articles 23 and 24 of this Order in accordance with the provisions of this Order;

"Commuter Permit" means a permit issued by the Council under Article 31 of this Order.

"Council" means the Council of the Borough of Hertsmere;

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

"driver" in relation to a vehicle in a parking place means the person driving or having

control of the vehicle, or the person having driven or having had control or charge of the vehicle at the material time;

"goods carrying vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

"Initial Charge" shall have the same meaning as set out in Article 28 (2) and as specified in the Schedule to this Order;

"invalid carriage", "motor vehicles", "motor cycle" and "trailer" have respectively the same meanings as in section 136 of the Road Traffic Regulation Act 1984 provided that for the purpose of this Order the term "motor cycle" shall be deemed to include a solo motor cycle and a motor cycle with sidecar attached;

"no return" means no return of a vehicle to a given parking place within a specified period.

"Off-Street Plans" means the Hertsmere Borough Off-Street Plans which are incorporated into this Order pursuant to Article 1(2) hereof;

"owner" in relation to a vehicle means the registered keeper thereof;

"parking attendant" means a person authorised by or on behalf of the Council to supervise any parking place;

"parking bay" means any part of a parking place marked out, by means of white lines or otherwise, for the leaving of a vehicle;

"parking place" means the area of land specified by name in column 1 of Schedule 2 of this Order provided by the Council under section 32 of the Road Traffic Regulation Act 1984 for use as a parking place;

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed or adapted solely for carriage of not more than twelve passengers (exclusive of the driver), and their effects and not drawing a trailer;

"Pay and Display machine" means a ticket issuing parking meter.

"permit" means a permit issued under the provisions of Article 31 of this Order and references to "permit holder" shall be construed accordingly;

"permit holder" means a person to whom a permit has been issued under the provisions of Article 31;

"protective cover" means a protective cover issued by the Council under the provisions of Article 31;

"Schedules" means the Schedules to this Order;

- (1) Except where the context otherwise requires, references in this Order to Articles and Schedules are references to Articles of and Schedules to this Order.
 - (2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
 - (3) Any reference in this Order to any enactment, shall be construed as a reference to that enactment as amended by any subsequent enactment.
- "school permit" means a permit issued by the Council under Article 1 of this Order.

"special charge" means an additional amount of money payable in the circumstances set out in Article 38 of this Order and as stipulated in Schedule 3 to this Order.

"special charge notice" shall have the same meaning as set out in Article 38(5) and as specified in Schedule 3 to this Order.

"trailer" means a vehicle drawn by a motor vehicle as provided for in Section 136(1) of the 1984 Act.

Use of Parking Places

4. Each parking place specified in Column 1 of Schedule 2 to this Order and as identified as the areas of land outlined and hatched in red on the Off-Street Plans may be used, subject to the provisions of this Order, as the parking place for such classes of vehicles in such positions on such days and during such hours and such periods and on payment of such charges as are specified in relation thereto in Schedules 2 and 3 to this Order.
5. Each parking place specified in Column 1 of Schedule 2 may be used, subject to the provisions of this Order and subject to the display of a valid permit in the manner specified by Article 36 as a parking place for such classes of vehicles in such positions as are specified in relation thereto in Columns 2 to 7 of the Schedule to this Order.
6. Where in Schedule 2 a parking bay is described as available for vehicles of maximum permitted dimensions, the driver of a vehicle shall not permit it to wait in that parking bay unless its size is within the specified maximum permitted dimensions.
7. The driver of a vehicle shall not permit it to wait in a parking place other than in a parking bay and for this purpose, except with the permission of the Council, every part of the vehicle must be within the limits of the parking bay and not more than one vehicle shall occupy any one such parking bay.
8. The driver of a vehicle shall not permit it to wait in a parking bay specified in Column 1 of Schedule 2 that has been reserved by means of a sign or surface marking specifically for use by disabled persons unless:
 - (a) the vehicle is displaying a disabled person's badge; and
 - (b) the vehicle is carrying a registered disabled person at the time the vehicle enters and leaves the parking bay and that person (whether the driver or a passenger) is the person to whom the badge was issued.
9. A vehicle which displays in the relevant position a disabled person's badge issued by any local authority may be left in a parking place specified in Column 1 of Schedule 2 provided that the use of the parking bay within that parking place in which the vehicle is left has not been suspended.
10. The driver of a vehicle shall not permit it to wait in a parking place specified in Column 1 of Schedule 2 for longer than the maximum period permitted for waiting, specified in Columns 5 of that Schedule in relation to that parking place. When a vehicle has departed from a parking place after having being left therein that vehicle shall not return to that parking place within the period stipulated in Column 6 of that Schedule.
11. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in that parking bay and shall not start the engine except when about to change the position of the vehicle within or to depart from the parking bay.
12. No person shall within a parking place, without prior consent of the Council:

- (a) sell or offer for sale or for hire any article, skill or service;
 - (b) do anything in connection with the selling or hiring of any article, skill or service whether from a vehicle or otherwise;
 - (c) advertise any product or service;
 - (d) distribute any leaflet.
13. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless:
- (a) the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicles (Excise) Act 1971 and a valid licence is exhibited on the vehicle in the manner prescribed by that Act;
 - (b) registration plates are fitted to the front and rear of the vehicle; and
 - (c) there is in force 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 1988.
14. The driver of a motor 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 or at speeds in excess of 10 mph.
15. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except in the interests of safety.
16. No person shall, except with the permission of the Council or any person duly authorised by them, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in a parking bay in accordance with the provisions of this Order or for the purpose of changing position within or departing from the parking bay.
17. No person shall in a parking place without good cause shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
18. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with 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.
19. No person shall use any part of a parking place or any vehicle left in a parking place:
- (a) for sleeping or camping purposes; or
 - (b) for cooking purposes, including the lighting of a fire for any reason; or
 - (c) for the purpose of servicing, washing, cleaning, constructing, maintaining or repairing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
20. In a parking place, no person shall erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council.
21. 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.

22. Where in a parking place signs are erected or surface markings are laid for the purpose of indicating:

- (a) the entrance to or exit from the parking place; or
- (b) that a vehicle using the parking place shall proceed in a specified direction within the parking place.

no person shall drive or cause or permit to be driven any vehicle:-

- (c) 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
- (d) in a direction other than that specified as the case may be.

23. The driver of a vehicle drawing a trailer having a combined length exceeding 5.50 metres shall not permit the vehicle or the trailer to wait in a parking bay unless they have been disconnected, and unless the registration number of the vehicle is clearly displayed on the trailer and for the purpose 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.

24. No vehicle shall be left in any parking bay if its length exceeds 5.50 metres or its height exceeds 2.30 metres or its unladen weight exceeds 1,525kg except with the written permission of the Council.

25. Notwithstanding the provisions of this Order, the Council may by notice displayed at or near a parking place close or reserve for any purpose such a parking place or part thereof for any period and no driver of any vehicle shall use such parking place or part thereof when it is so closed or reserved except with the permission of the Council.

26. If at any time in or on a parking bay or bays or in any position adjacent thereto a particular bay or bays 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 solo motor cycles, no person shall leave a vehicle in any such parking bay other than for the purpose so specified.

27. The Council does not undertake to supervise any parking place and entry to and exit from and use of the parking bays is entirely at the users risk and the Council or its servants or agents does not accept any liability for any damage to or loss of vehicles or their contents which arise from any act or omission outside their reasonable control.

28. Pay and Display Parking Places

- (1) The driver of a vehicle who leaves that vehicle in a parking place specified in Schedule 2 during the permitted hours shall obtain a ticket from the Pay and Display machine and immediately display it in accordance with Article 29(4) or display a valid permit.
- (2) The driver of a vehicle who leaves that vehicle in a parking place specified in Schedule 2 during the permitted hours for the periods set out in Column 4 of Schedule 2 shall immediately pay the appropriate initial charge as set out in Schedule 3 or display a valid permit.
- (3) The driver of a vehicle who leaves that vehicle in the parking place specified in Schedule 2 to this order during the permitted hours shall where the Pay and Display machine displays instructions to that effect enter the registration number or part thereof as required of the vehicle to be left into the Pay and Display machine in accordance with the instructions so displayed.

29. (1) The initial charge referred to in Article 28 shall be paid by the insertion into the Pay and Display machine provided in the parking place of a coin or coins of the denominations specified in Schedule 3 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.
- (2) The Driver of a vehicle left in a parking bay shall not insert additional coins into the Pay and Display machine after payment of the Initial Charge or display a parking ticket other than that obtained on payment of the Initial Charge.
- (3) Where a ticket is not exhibited on the vehicle in accordance with parts (4) and (5) of this Article the charge shall be deemed not to have been paid and where a ticket is so displayed the amount of the charge shall be deemed to be that shown on the ticket.
- (4) Any ticket issued by the Pay and Display machine is not transferable between one vehicle and another;
- (5) Upon free issue or payment of a charge the driver shall exhibit on the vehicle a ticket issued by the Pay and Display machine:
- (a) in the case of a vehicle which is fitted with a windscreen, by affixing the ticket to the inside surface of the windscreen so that it is facing forwards and can be easily seen from the front of the vehicle; or
- (b) in the case of a vehicle which is not fitted with a windscreen by affixing the ticket on the front of the vehicle facing forwards not more than 1.75 metres or less than 0.75 metres above the surface of the parking bay in which the vehicle is parked;
- (6) The ticket shall be so exhibited that the time and other particulars shown thereon are clearly visible from outside the vehicle.

30. The following vehicles left in a parking bay shall be exempt from the payment of any charge specified in Schedule 3 to this Order:
- (a) an invalid carriage;
- (b) a motor cycle;
- (c) a vehicle bearing a disabled person's badge provided the vehicle is carrying a registered disabled person at the time the vehicle enters and leaves the parking place and that person (whether the driver or a passenger) is the person to whom the badge was issued.

31. Parking Places with Permits

- (1) Any person who is the owner of a vehicle which complies with Column 2 of Schedule 2 may apply to the Council for the issue of a permit for the leaving of that vehicle in a parking bay in a parking place which is specified in the Schedule and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
- (2) The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require to verify that the permit is valid.

- (3) On receipt of an application duly made under the foregoing provisions of this Article, and of the fee specified in Sub-article (4) the Council, upon being satisfied that the applicant is either:
- (i) a person who has legitimate business within either the Elstree and Borehamwood, Potters Bar or Radlett Controlled Parking Zone area and is the owner of a vehicle which complies with Column 2 of Schedule 2 or;
 - (ii) a person who uses either Elstree and Borehamwood or Radlett railway station and the main line rail network to commute to and from their place of work and is the owner of a vehicle which complies with Column 2 of Schedule 2 or;
 - (iii) a person who is a parent or guardian of a child attending a nursery or school in Brook Road, Borehamwood and who is the owner of a vehicle which complies with Column 2 of Schedule 2, may issue to the applicant therefore:
 - (a) one permit for the leaving of the vehicle to which the permit relates by the owner or by any other person using such vehicle with the consent of the owner for the purpose of their business, other than a person to whom such vehicle has been let for hire or reward, during the permitted hours in a parking place referred to in the Schedule:

Provided that, subject to the provisions of Article 34, the Council shall not issue a permit to any person which would be valid for any period during which any other permit issued to that vehicle is or would be valid;

- (b) one protective cover for the display therein of a permit.

- (4) The charges for Business, Commuter and School Permits shall be in accordance with Schedule 3 of this Order. In respect of a Business Permit which, subject to the provisions of this Order shall be valid for a period of twelve months, six months or three months respectively running from the beginning of the month in which the permit first becomes valid.

In respect of a Commuter Permit, which is only applicable in the Council's Newberries car park, Radlett or Furzehill Road car park, Borehamwood, which, subject to the provisions of this Order shall be valid for a period of twelve months running from the beginning of the month in which the permit first becomes valid.

In respect of a School Permit, which is only applicable in the Council's Brook Road car park, Borehamwood, which, subject to the provisions of this Order shall be valid for a period of twelve months running from the beginning of the month in which the permit first becomes valid.

- (5) Due to the limited number of off-street parking places available, the Council may at its discretion either grant the applicant a Business, Commuter or School Permit or refuse the applicant's application for a Business, Commuter or School Permit in accordance with the Council's guidelines.
- (6) The Council shall issue free of charge to any person employed by it a permit which shall be valid for the parking place specified in Schedule 2 at any time when such person is engaged on the business of the Council but not otherwise and Article 31(3) thereof shall apply as if an application had been duly made and the fee paid.

- (1) A Business or Commuter permit holder who surrenders a permit to the Council before it becomes valid shall be entitled to a refund of 50% of the charge paid in respect thereof.
- (2) A Business or Commuter permit holder who surrenders a permit to the Council after it has become valid shall be entitled to refund of part of the charge paid in respect thereof calculated in accordance with the provisions of the next following paragraph.
- (3) The part of the charge which is refundable under the provisions of the last foregoing paragraph shall be calculated as follows:-

In the case of a Business or Commuter Permit for which a yearly charge was paid shall be entitled to a refund of 50% in respect of each complete six months of the period specified thereon as the period during which it shall be valid which remains unexpired at the time when the permit is surrendered to the Council or 25% in respect of any period less than six months but greater than three months. Less than three months no refund. For Business Permits valid for six months only a refund of 50% for each complete three months of the period remaining unexpired. There will be no refunds for permits having only 3 months duration.

In the case of a School Permit, no refund.

33. Surrender, Withdrawal and Validity of Permits

- (1) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any one of the events set out in Sub-article (3) of this Article.
- (2) The Council may, by notice in writing served on the permit holder by sending the same by the recorded service delivery service to the permit holder at the address shown by that person on the application for the permit if it appears to the Council that any one of the events set out in Sub-articles (3)(a), (3)(b) or (3)(d) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the afore-mentioned notice.
- (3) The events referred to in the foregoing provisions of this Article are:
 - (a) the permit holder ceasing in the opinion of the Council to be a person who has legitimate business in the area mentioned in Article 31(1);
 - (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
 - (c) the withdrawal of such permit by the Council under the provisions of Sub-article (2) of this Article;
 - (d) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified in Article 31;
 - (e) the issue of a duplicate permit by the Council under the provisions of Article 34(1) of this Order;
 - (f) the permit ceasing to be valid pursuant to the provisions of Sub-article (4) of this Article.

- (4) Without prejudice to the foregoing provisions of this Article, a permit shall cease to be valid at the expiration of the period specified thereon (which period shall be that in respect of which payment has been made) or on the occurrence of any one of the events set out in Sub-articles (3)(a), (3)(b), (3)(c), (3)(d), (3)(e) of this Article, whichever is the earlier.

34. Application for and Issue of Duplicate Permits

- (1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible, the permit holder shall either surrender it to the Council or apply to the Council for the issue to him/her of a duplicate permit and the Council, upon receipt of such application, shall issue a duplicate permit so marked and upon such issue the original permit shall become invalid.
- (2) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a duplicate permit and the Council, upon being satisfied as to such loss or destruction shall 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 for a duplicate permit as if it were a permit.
- (4) The Council will make a charge for the issue of a duplicate permit in accordance with Schedule 3.

35. Form of Permits

A permit shall be in writing and shall include the following particulars:

- (a) the registration mark of the vehicle in respect of which the permit has been issued;
- (b) the period during which, subject to the provisions of Articles 33(4), the permit shall remain valid;
- (c) an indication that the permit has been issued by the Council.

36. Display of Permits

At all times during which a vehicle is left in a parking place during the permitted hours there shall be displayed in the protective cover referred to in Article 31 on the front or near side of the vehicle a valid permit issued in respect of that vehicle so that all the particulars referred to in Article 35 are readily visible from the front or near side of the vehicle.

37. Restriction on the Removal of Permits and Notices

Where a permit has been displayed on a vehicle in accordance with the provisions of Article 36 of this Order, no person, not being the driver of the vehicle, shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.

38. Special Charge

- (1) If a vehicle is left in a parking place during the hours of operation:
- (a) after the period for which payment was made in accordance with Article

28 has expired, a special charge of the amount specified in the Schedule shall be payable;

- (b) without having a daily ticket exhibited on it in accordance with Article 29(4)(a) or (4)(b) and (5) a special charge of the amount specified in the Schedule shall be payable;
 - (c) without a valid permit issued in accordance with Article 31 exhibited in it a special charge of the amount specified in the Schedule shall be payable;
 - (d) without payment having been made in accordance with Article 28, a special charge of the amount specified in the Schedule shall be payable.
- (2) If a vehicle left in a parking place is not parked wholly within a parking space a special charge of the amount specified in the Schedule shall be payable.
 - (3) If a vehicle is left in a parking space specifically reserved for disabled persons in accordance with Article 8 is not displaying a disabled person's badge a special charge of the amount specified in Schedule 3 shall be payable.
 - (4) If a vehicle is left in a parking place which has been closed or reserved in accordance with Articles 25 and 26 a special charge of the amount specified in the Schedule shall be payable.
 - (5) In the case of a vehicle in respect of which a special charge may have been incurred, it shall be the duty of the parking attendant to attach to the vehicle, in a conspicuous position, a notice which shall include the following particulars:
 - (a) the registration number of the vehicle, or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) the time at which the parking attendant first noticed that a penalty charge had become payable;
 - (c) a statement that a penalty charge in the amounts specified;
 - (d) the manner in which, and the time within which the penalty charge should be paid;
 - (e) a statement that it is an offence under section 35A (1) of the Road Traffic Regulation Act 1984 for the driver of a vehicle who has left the vehicle in a parking place to fail duly to pay the penalty charge.
 - (6) The owner of any vehicle issued with a notice of special charge may be required to give such information as to the identity of the driver of the vehicle on the date that the notice was issued as he is required to give in accordance with Section 112(2)(a) of the Road Traffic Regulation Act 1984.
 - (7) Failure to supply the information required under sub-article 38 (7) above may render the owner liable to prosecution, but in any event if the Council is unable to ascertain the identity and the current address of the driver then the owner shall become liable to pay the special charge as if he had been the driver at the time when the special charge was incurred.

39. Manner of Payment of Special Charge

- (1) Where a special charge in accordance with Article 38 is payable it shall be paid to the Council either by cheque or postal order which shall be delivered or sent by post so as to reach the Council not later than 4.00 pm on the 28th day following the day on which the special charge was incurred or in cash in person at the offices of the Council not later than as aforesaid.
- (2) Notwithstanding paragraph (1) above, the special charge shall be deemed to have been paid to the Council if it shall have been so paid in the manner specified in paragraph (1) above not later than 4:00pm on the 14th day following the day on which the special charge was incurred and provided that it is paid without any dispute challenge request for information or correspondence of any kind in connection with the notice issued pursuant to Article 38.

Provided that, if the said 14th or 28th days falls upon a day on which the said Department is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.00pm on the next full day on which the said Department is open.

40. The amount of special charge payable is in addition to any parking charge that may have been already paid.

41. Restrictions on Removal of Notices and Tickets

- (1) Where a ticket has been exhibited on a vehicle in accordance with the provisions of Article 29 (4) no person, not being the owner or driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the owner or driver or a parking attendant.
- (2) Where a notice has been attached to a vehicle in accordance with Article 38 no person, not being the owner or driver of the vehicle or a parking attendant, shall remove the ticket from the vehicle unless authorised to do so by the owner or driver or parking attendant.

42. Indications by Pay and Display machine ticket

- i. Payment of the initial charge for a vehicle left in a parking place referred to in Column 1 Schedule 2 shall be indicated by the issue of a ticket from a Pay and Display machine indicating that the charge has been paid in respect of an initial period of one, two, three, four, five, six, seven or ten and one half hours, and the day and time by which the initial period for which payment was made by the initial charge will expire, and by the display of that ticket in the manner specified in Article 7(c).
- ii. The expiry of the initial period for which the initial charge has been paid in respect of a vehicle left in a parking place referred to in Column 1 Schedule 2 shall be indicated when there is displayed on the vehicle a ticket issued by a Pay and Display machine relating to that parking place showing the day and time by which the initial period for which payment was made by the initial charge will expire, and the day so shown is the day on which the vehicle is so left and the time shown on the clock of the said Pay and Display machine is later than the time shown on the ticket.

43. Pay and Display parking meter ticket indications as evidence

- i. If at any time while a vehicle is left in a parking place referred to in Column 1 Schedule 2 during the permitted hours no ticket issued by the Pay and Display machine relating to the parking place and relating to the day on which the vehicle is left is displayed on that vehicle in accordance with the provisions of

Article 28 and 29 it shall be presumed unless the contrary is proved that the initial charge has not been duly paid, and be evidence in any proceedings for an offence under Section 35A of the Road Traffic Regulation Act 1984 accordingly.

- ii. If at any time while a vehicle is left in a parking place referred to in Column 1 Schedule 2 during the permitted hours the ticket issued by a Pay and Display machine relating to that parking place and displayed on the vehicle in accordance with the provisions of Articles 28 and 29 and the clock on the Pay and Display machine by which such ticket was issued gives the indication mentioned in Article 42(ii), it shall be presumed unless the contrary is proved that the initial charge has been duly paid in respect of that vehicle and that the initial period for which payment was made by the initial charge has already expired, and that the special charge has been incurred and be evidence in any proceedings under Section 35A of the Road Traffic Regulation Act 1984 accordingly.

44. Movement or Immobilisation of Vehicle left in a Parking Place

- (1) Any duly authorised Officer or agent of the Council or a police constable in uniform may move or cause to be moved, in case of emergency, to any place he/she thinks fit any vehicle left in a parking place.
- (2) Where any vehicle is standing in a parking place in contravention of any of the provisions contained in this Order, a person authorised in that behalf by the Council may cause to be altered the position of the vehicle or cause it to be removed.
- (3) Any person removing or altering the position of a vehicle by virtue of the foregoing provisions of this Article, may do so by towing or driving the vehicle or in such other manner as he may think necessary to enable him/her to remove it or alter its position, as the case may be.
- (4) Any person removing or arranging for the removal of a vehicle by virtue of Sub-article (1), (2), or (3) of this Article shall make such arrangements as he/she considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed and the Council or its duly authorised agents shall not be liable for any loss or damage caused to the vehicle or its contents as a result of its being moved within the parking place or removed from the parking place under the provisions of this Article.

45. Disposal of Vehicles abandoned in a Parking Place

The Council, in respect of any vehicle which has been or could at any time be removed from a parking place in pursuance of Article 42, if it appears to them to have been abandoned, may sell or otherwise dispose of the vehicle and may recover any expenses and charges from any person responsible.

46. Right to refuse entry to a Parking Place

The Council or its parking attendants may refuse entry to any person or to any vehicle.

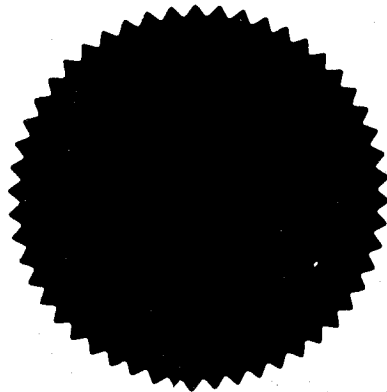
47. Incorporation of Section 47 of the Road Traffic Regulation Act 1984

The provisions contained in sub-sections (4) to (6) of section 47 of the Road Traffic Regulation Act 1984 shall apply to the parking places referred to in Item 1 of the Schedule.

IN WITNESS whereof the Common Seal of the Hertsmere Borough Council was hereunto
affixed this 11th day of AUGUST 2005 in the presence of

[Handwritten signature]

HEAD OF LEGAL SERVICES



HERTSMERE BOROUGH COUNCIL

The Hertsmere Borough Council (Off-Street Parking Places) Order 2005

STATEMENT OF REASONS

To amend car parking charges in the Council's car parks in Borehamwood and Potters Bar in order to defray increasing maintenance costs and to more efficiently regulate car park usage to reflect current trends.

The Hertsmere Borough Off-Street Plans



Date	Rev.	Comments
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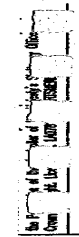
HERTSMERE
BOROUGH COUNCIL


R. HIGGINS, B.Sc.(HONS) (CENG, M.A.C.E., F.I.H.)
 DIRECTOR OF SERVICES

Project Title
**BOREHAMWOOD CONTROLLED
 PARKING SCHEME**

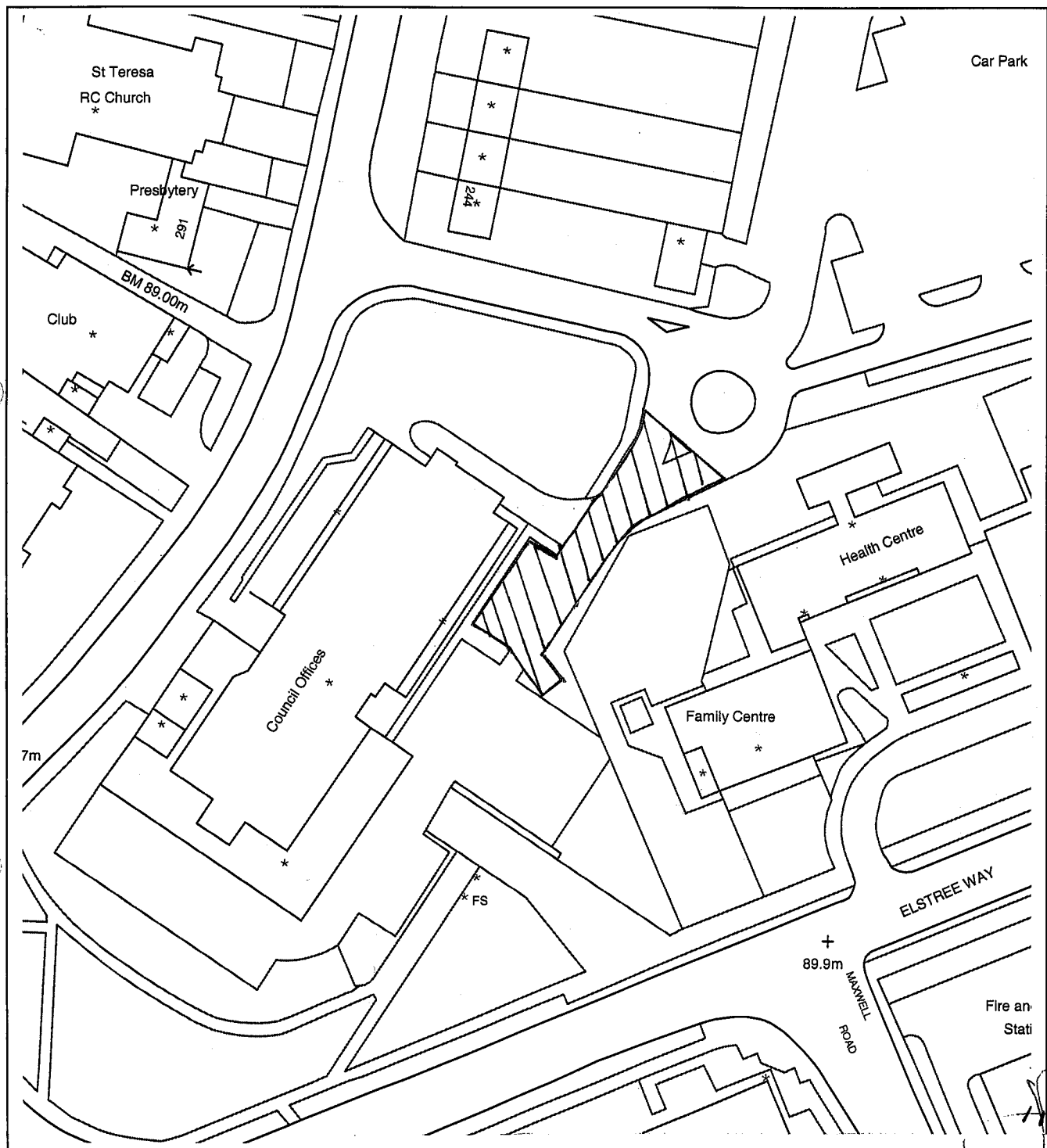
Drawing Title
**BOREHAMWOOD C.P.Z
 CAR PARK -
 CLARENDON ROAD**

Scale	Date	Drawn	Eng.	Appr.	Drawing No.	Path
1:1000	APRIL 9	C.H.C.	M.G.		BWP500-44	LAWSON/CH/210/00/BWP500



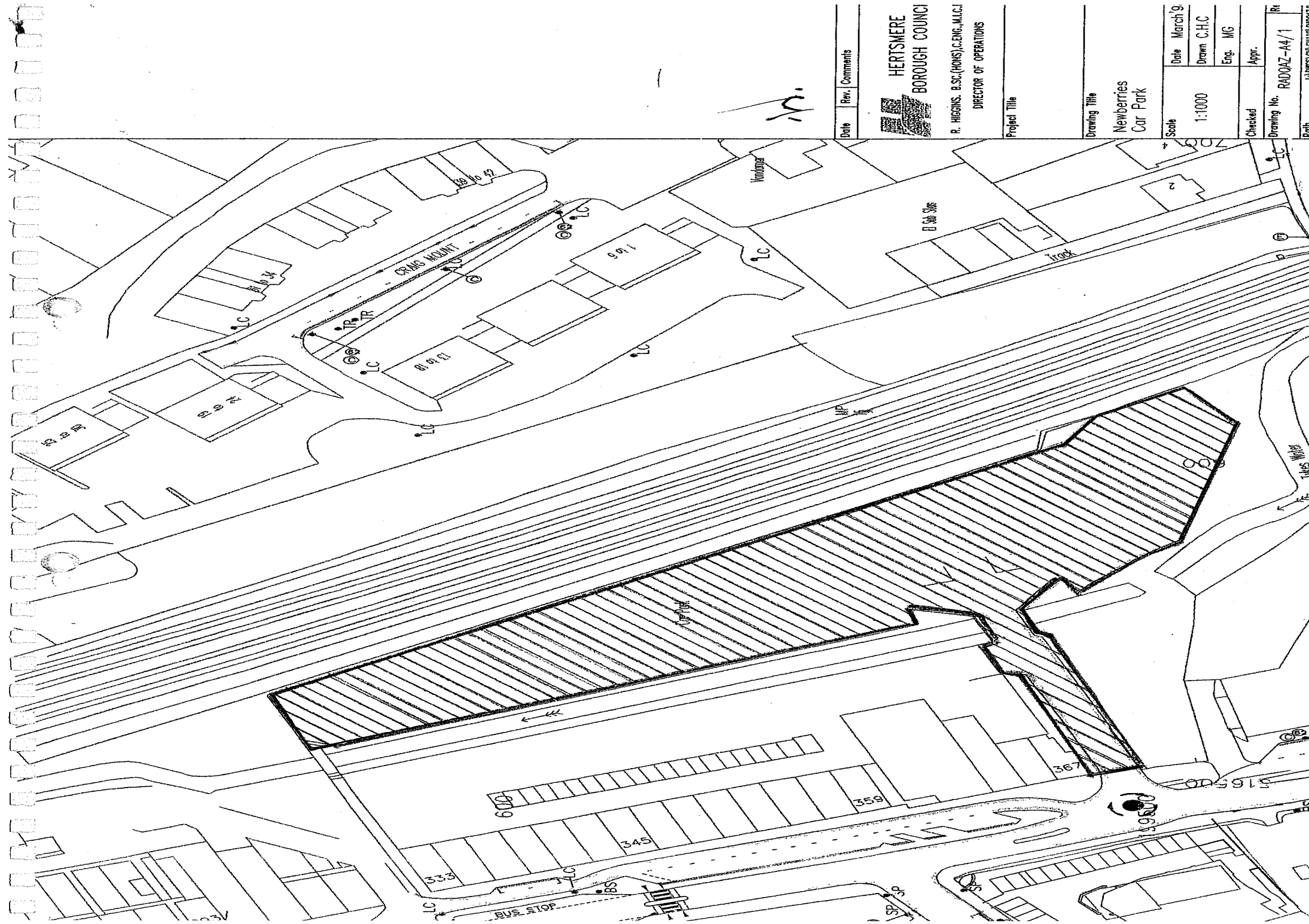
Date	Rev.	Comments
 <p>HERTSMERE BOROUGH COUNCIL</p> <p>R. HIGGINS, B.Sc.(HONS.) C.ENG. M.A.C.E. F.I.H. DIRECTOR OF SERVICES</p>		
<p>Project Title</p> <p>BOREHAMWOOD CONTROLLED PARKING SCHEME</p>		
<p>Drawing Title</p> <p>BOREHAMWOOD C.P.Z CAR PARK- CIVIC CENTRE</p>		
Scale	Date	APRIL 91
1:1000	Drawn	C.H.C.
	Eng.	M.G.
	Checked	Appr.
Drawing No.	BWCPS500-A4	
Re	Re	
Path	LAWNS/CP/CPH20/BWCPS500-	

MVM SE GIS Print Template



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Maj

**ELSTREE & BOREHAMWOOD CPZ
CIVIC OFFICES CAR PARK
BAYS ADJACENT TO CIVIC OFFICES**



Date	Rev.	Comments

HERTSMERE BOROUGH COUNCIL

R. HIGGINS. B.Sc.(HONS), C.ENG., M.I.C.E.
DIRECTOR OF OPERATIONS

Project Title: **Newberies Car Park**

Drawing Title: **Newberies Car Park**

Scale	Date	March '9
1:1000	Drawn	C.H.C.
	Eng.	M.G.
	Checked	Appr.

Drawing No. **PA0004Z-44/1**

Path: **L:\P0004Z\PA0004Z-44\1**



Project Title
FLOUTERS BAR
CONTROLLED PARKING
ZONE

Drawing Title
AREA PLAN
CAR PARKING
MANOR ROAD

Scale

1:500

Date 7/1/98

Drawn C.H.C

Eng. M.G

Checked

Appr.

Drawing No. CH130/100 A4-M.R

Rev.

Path

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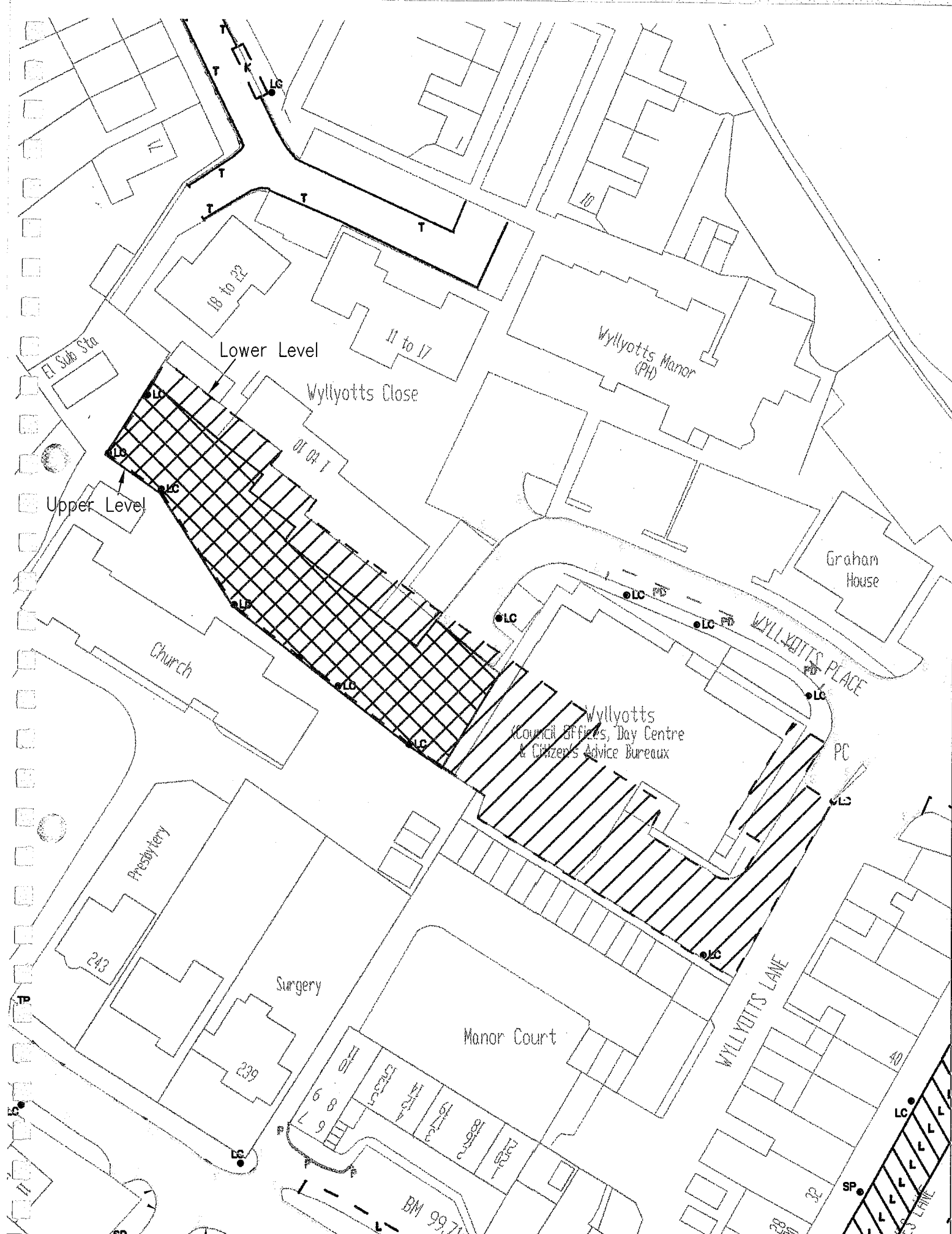
Date Rev. Comments



HERTSMERE
BOROUGH COUNCIL

R. HIGGINS. B.SC.(HONS),C.ENG.,M.I.C.E.,F.I.H.T.
SERVICES DIRECTOR

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Project Title
 FULTERS BAR
 CONTROLLED PARKING
 ZONE

Drawing Title
 AREA PLAN
 CAR PARKING
 WYLLOTTS CENTRE



Scale

1:500

Checked

Drawing No. CH130/100 A4-W.C

Path

Date 7/1/98

Drawn C.H.C

Eng. M.G

Appr.

Rev.

Date

Rev.

Comments



HERTSMERE
 BOROUGH COUNCIL

R. HIGGINS. B.SC.(HONS), C.ENG., M.I.C.E., F.I.H.T.
 SERVICES DIRECTOR

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Path L:\DWGS\CH\CH130\130-100.DWG



Project Title
**PUTTERS BAR
 CONTROLLED PARKING
 ZONE**

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Drawing Title
**AREA PLAN
 CAR PARKING
 SALISBURY CLOSE**

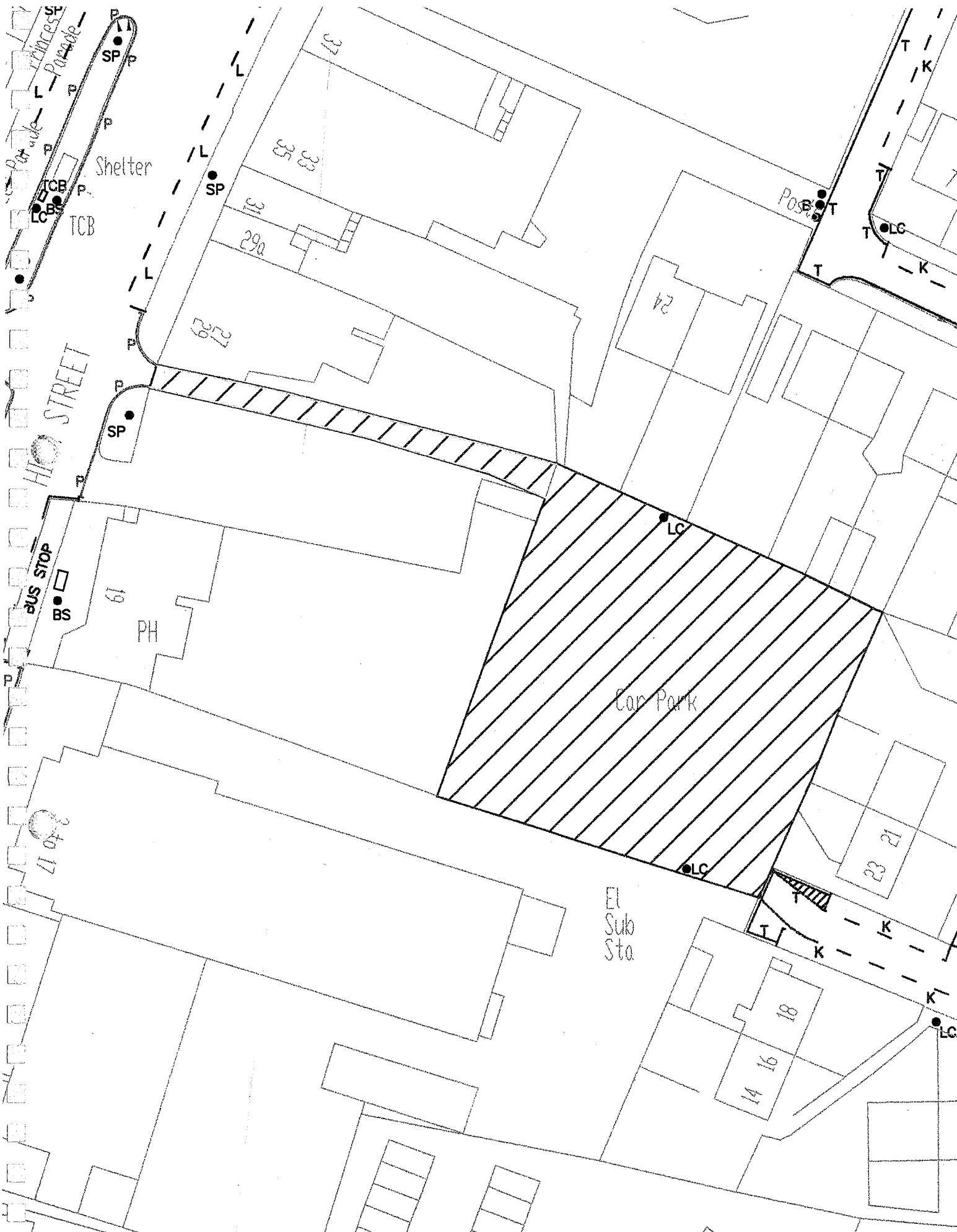
North Arrow

Scale
1:500

Checked
 Drawing No. **CH130/100 A4-S.C**

Path
 LDWGS\CH\CH130\130-100.DWG

Date	Rev.	Comments
7/1/98		
HERTSMERE BOROUGH COUNCIL		
R. HIGGINS. B.SC.(HONS),C.ENG.,M.I.C.E.,F.I.H.T. SERVICES DIRECTOR		




Project Title
 FUNTERS BAR
 CONTROLLED PARKING
 ZONE

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Drawing Title
 AREA PLAN
 CAR PARKING
 HIGH VIEW
 CLOSE



Scale	Date
1:500	7/1/98
Checked	Drawn C.H.C
Drawing No.	Eng. M.G
Path	Appr.
	Rev.
	CH130/100 A4-W.C
	L:\DWG\CH\CH130\130-100.DWG

Date	Rev.	Comments
 HERTSMERE BOROUGH COUNCIL		
R. HIGGINS. B.SC.(HONS),C.ENG.,M.I.C.E.,F.I.H.T. SERVICES DIRECTOR		



Project Title
**HERTS BAR
 CONTROLLED PARKING
 ZONE**

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Drawing Title
**AREA PLAN
 CAR PARKING
 BARNET ROAD**

115.5m

Scale
 1:500

Checked
 Drawing No. CH130/100 A4-W.C
 Path LDWGS\CH\CH130\130-100.DWG

Date 7/1/98
 Drawn C.H.C
 Eng. M.G
 Appr.

Rev.

Date	Rev.	Comments

**HERTS
 BOROUGH COUNCIL**

R. HIGGINS. B.SC.(HONS),C.ENG.,M.I.C.E.,F.I.H.T.
 SERVICES DIRECTOR

SCHEDULE 1

The Hertsmere Borough Council (Off-Street Parking Places) Order 1985

The Hertsmere Borough Council, Borehamwood (Off-Street Parking Places) Order, 1995.

The Hertsmere Borough Council, Radlett (Off-Street Parking Places) Order, 1995.

The Hertsmere Borough Council, Borehamwood (Off-Street Parking Places) (Amendment No.1) Order, 1997.

The Hertsmere Borough Council, Radlett (Off-Street Parking Places) (Amendment No.1) Order, 1997.

The Hertsmere Borough Council (Potters Bar) (Off-Street Parking Places) Order, 1998.

The Hertsmere Borough Council, Borehamwood (Off-Street Parking Places) (Amendment No. 2) Order, 1998.

The Radlett (Off-Street Parking Places) (Amendment No.2) Order, 1999.

The Hertsmere Borough Council (Elstree and Borehamwood) (Off-Street Parking Places) Order, 2000.

The Hertsmere Borough Council (Potters Bar) (Off-Street Parking Places) Order, 2000.

The Hertsmere Borough Council (Radlett) (Off-Street Parking Places) Order, 2000.

The Hertsmere Borough Council (Elstree and Borehamwood) (Off-Street Parking Places) Order, 2001.

The Hertsmere Borough Council (Potters Bar) (Off-Street Parking Places) Order, 2001.

The Hertsmere Borough Council (Radlett) (Off-Street Parking Places) Order, 2001.

The Hertsmere Borough Council (Potters Bar Controlled Parking Zone) (Off-Street Parking Places) Order, 2002.

The Hertsmere Borough Council (Elstree and Borehamwood) (Controlled Parking Zone) (Off-Street Parking Places Order, 2002.

The Hertsmere Borough Council (Radlett Controlled Parking Zone)) (Off-Street Parking Places) Order, 2002.

SCHEDULE 2

(Variable charge and Business Permit Holder's Car Parks)

1	2	3	4	5	6	7	8
<u>Name of Parking Place</u>	<u>Maximum permitted vehicle dimensions</u>	<u>Days on which Parking Place is Regulated</u>	<u>Hours of regulation of Parking Place</u>	<u>Maximum Period for which Vehicles May Wait within Regulated Times</u>	<u>Restrictions on Return Period</u>	<u>Position in which vehicle may wait</u>	<u>Manner of Control</u>
Brook Road Borehamwood (Surface level)	Motor vehicles constructed or adapted to carry not more than 12 passengers and goods vehicles not exceeding 1525kg unladen weight Maximum height 2.30 metres Maximum length 5.50 metres	Every day except Sundays and public holidays	8am to 6.30pm (8.45am – 9.15am, 11.15am – 12.00 noon, 12.30pm – 1.15pm & 3.00pm – 3.45pm For School Permits)	10 ½ hours	No return within 2 hours of leaving the parking place.	Wholly within a parking bay.	Pay and Display or Business Permit or School Permit
Furzehill Road Borehamwood (Multi-storey)	Motor vehicles constructed or adapted to carry not more than 12 passengers and goods vehicles not exceeding 1525kg unladen weight Maximum height 2.30 metres Maximum length 5.50 metres	Every day except Sundays and public holidays	8am to 6.30pm	10 ½ hours	No return within 2 hours of leaving the parking place.	Wholly within a parking bay	Pay and Display, Business or Commuter Permit
Clarendon Road Borehamwood (Surface level)	Motor vehicles constructed or adapted to carry not more than 12 passengers and goods vehicles not exceeding 1525kg unladen weight Maximum height 2.30 metres Maximum length 5.50 metres	Every day except Sundays and public holidays	8am to 6.30pm	10 ½ hours	No return within 2 hours of leaving the parking place.	Wholly within a parking bay	Pay and Display or Business Permit
Civic Offices Borehamwood - Main car park (Surface level)	Motor vehicles constructed or adapted to carry not more than 12 passengers and goods vehicles not exceeding 1525kg unladen weight Maximum height 2.30 metres Maximum length 5.50 metres	Every day except Sundays and public holidays	8am to 6.30pm	10 ½ hours	No return within 2 hours of leaving the parking place.	Wholly within a parking bay	Pay and Display or Business Permit
Civic Offices Borehamwood - Bays adjacent to Civic Offices (Surface level)	Motor vehicles constructed or adapted to carry not more than 12 passengers and goods vehicles not exceeding 1525kg unladen weight Maximum height 2.30 metres Maximum length 5.50 metres	Every day except Sundays and public holidays	8am to 6.30pm	1 hour	No return within 2 hours of leaving the parking place.	Wholly within a parking bay	Free
Newberries Radlett (Surface level)	Motor vehicles constructed or adapted to carry not more than 12 passengers and goods vehicles not exceeding 1525kg unladen weight	Every day except Sundays and public holidays	8am to 6.30pm	10 ½ hours	No return within 2 hours of leaving the parking place.	Wholly within a parking bay	Pay and Display, Business or Commuter

	1525kg unladen weight Maximum height 2.30 metres Maximum length 5.50 metres						Permit
Manor Road Potters Bar	Motor vehicles constructed or adapted to carry not more than 12 passengers and goods vehicles not exceeding 1525kg unladen weight Maximum height 2.30 metres Maximum length 5.50 metres	Every day except Sundays and public holidays	8am to 6.30pm	10 ½ hours	No return within 2 hours of leaving the parking place.	Wholly within a parking bay	Pay and Display or Business Permit
Wyllyotts Place Potters Bar (Surface level)	Motor vehicles constructed or adapted to carry not more than 12 passengers and goods vehicles not exceeding 1525kg unladen weight Maximum height 2.30 metres Maximum length 5.50 metres	Every day except Sundays and public holidays	8am to 6.30pm	10 ½ hours	No return within 2 hours of leaving the parking place.	Wholly within a parking bay	Pay and Display or Business Permit
Wyllyotts Place Potters Bar (Underground)	Motor vehicles constructed or adapted to carry not more than 12 passengers and goods vehicles not exceeding 1525kg unladen weight Maximum height 2.30 metres Maximum length 5.50 metres	Every day except Sundays and public holidays	8am to 6.30pm	10 ½ hours	No return within 2 hours of leaving the parking place.	Wholly within a parking bay	Pay and Display only
Salisbury Close Potters Bar (Surface level)	Motor vehicles constructed or adapted to carry not more than 12 passengers and goods vehicles not exceeding 1525kg unladen weight Maximum height 2.30 metres Maximum length 5.50 metres	Every day except Sundays and public holidays	8am to 6.30pm	10 ½ hours	No return within 2 hours of leaving the parking place.	Wholly within a parking bay	Pay and Display or Business Permit
Highview Close Potters Bar (Surface level)	Motor vehicles constructed or adapted to carry not more than 12 passengers and goods vehicles not exceeding 1525kg unladen weight Maximum height 2.30 metres Maximum length 5.50 metres	Every day except Sundays and public holidays	8am to 6.30pm	10 ½ hours	No return within 2 hours of leaving the parking place.	Wholly within a parking bay	Pay and Display or Business Permit
Barnet Road Potters Bar (Surface level)	Motor vehicles constructed or adapted to carry not more than 12 passengers and goods vehicles not exceeding 1525kg unladen weight Maximum height 2.30 metres Maximum length 5.50 metres	Every day except Sundays and public holidays	8am to 6.30pm	10 ½ hours	No return within 2 hours of leaving the parking place.	Wholly within a parking bay	Pay and Display or Business Permit

SCHEDULE 3

1. Scale of Charges

	Brook Road Borehamwood	Furzehill Road Borehamwood	Clarendon Road Borehamwood	Civic Offices Borehamwood	Newberries Radlett	Manor Road Potters Bar	Wyllyotts Place Potters Bar (Surface level)	Wyllyotts Place Potters Bar (Underground)	Salisbury Close Potters Bar	Highview Close Potters Bar	Barnet Road Potters Bar
Up to 1 hour	£0.40	£0.40	£0.40	£0.40 (a)	Free	£0.40	£0.40	£0.40	£0.40	£0.40	£0.40
1-2 hours	£0.80	£0.80	£0.80	£0.80 (a)	£0.35	£0.80	£0.80	£0.35	£0.80	£0.80	£0.80
2-3 hours	£1.50	£1.50	£1.50	£1.50		£1.50	£1.50	£1.50	£1.50	£1.50	£1.50
3-4 hours	£2.00	£2.00	£2.00	£2.00	£0.65	£2.00	£2.00	£2.00	£2.00	£2.00	£2.00
4-5 hours	£3.00	£3.00	£3.00	£3.00		£3.00	£3.00	£3.00	£3.00	£3.00	£3.00
5-6 hours					£0.85						
5-7 hours	£5.00	£5.00	£5.00	£5.00		£5.00	£5.00	£5.00	£5.00	£5.00	£5.00
Over 7 hours	£7.50	£7.50	£7.50	£7.50	£5.00	£7.50	£7.50	£7.50	£7.50	£7.50	£7.50
Arriving after 10.30am	£5.00	£5.00	£5.00	£5.00	£5.00	£5.00	£5.00	£5.00	£5.00	£5.00	£5.00
Business Permits*	£400 per year £200 per 6 months £100 per 3 months	£400 per year £200 per 6 months £100 per 3 months	£400 per year £200 per 6 months £100 per 3 months	£400 per year £200 per 6 months £100 per 3 months	£400 per year £200 per 6 months £100 per 3 months	£400 per year £200 per 6 months £100 per 3 months	£400 per year £200 per 6 months £100 per 3 months	No Business Permit Parking	£400 per year £200 per 6 months £100 per 3 months	£400 per year £200 per 6 months £100 per 3 months	£400 per year £200 per 6 months £100 per 3 months
Commuter Permits	Not available	£520 per year	Not available	Not available	£520 per year	Not available	Not available	Not available	Not available	Not available	Not available
School Permits	£10 per year	Not available	Not available	Not available	Not available	Not available	Not available	Not available	Not available	Not available	Not available
Issue of duplicate permit for lost or destroyed Business or Commuter Permits	£15 (£10 for school permit)	£15	£15	£15	£15	£15	£15	N/A	£15	£15	£15
Blue / Orange Badge Holders displaying a valid badge and motor cycles	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

(a) Visitors to the Civic Offices and The Venue Leisure Complex free for up to two hours

2.

Special Charge

Special Charge, to be paid within 28 days = £60 #

Discount for payment within 14 days = £30 #

Notes

* Inclusive of VAT and subject to alteration in the event of a change in the rate of VAT.

Not subject to VAT.

3.

Coin Denominations

Coin denomination using Pay and Display machine: 5p, 10p, 20p, 50p, £1 and £2