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THE NORTH HERTFORDSHIRE DISTRICT COUNCIL (HIGH STREET, HITCHIN STREET AND WHITEHORSE STREET, BALDOCK) (CONTROL OF PARKING) ORDER 2009

North Hertfordshire District Council ("the Council") pursuant to arrangements made under section 19 of the Local Government Act 2000 & the Local Government (Arrangements for the Discharge of Functions) (England) Regulations 2000 with Hertfordshire County Council, and in exercise of their powers under sections 1, 2, 3, 4, 45, 46 and 46A of the Road Traffic Regulation Act 1984 ("the Act of 1984") and Part IV of Schedule 9 of the Act of 1984 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 Act of 1984, hereby make the following Order:-

Commencement

1. This Order shall come into force on Monday 10th August 2009 and may be cited as The North Hertfordshire District Council (High Street, Hitchin Street and Whitehorse Street, Baldock) (Control of Parking) Order 2009.

Interpretation

2. (1) In this Order:-

"delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery and collection;

"disabled person's vehicle" has the same meaning as in Section 142(1) of the Act of 1984;

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

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

"enforcement officer" means a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by North Hertfordshire District Council;

"goods" includes postal packets of any description;

"limited waiting period" means
(i) two hours with no return within two hours in relation to those areas of highway referred to in the First Schedule to this Order
(ii) one hour with no return within two hours in relation to those areas of highway referred to in the Second Schedule to this Order

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

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on the road as in Section 136(1) of the Act of 1984;

"owner" in relation to a vehicle means a person by whom such motor vehicle is kept and used and in determining who was the owner of a vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

"parking permit" means a parking permit issued under the provisions of Article 8 of this Order;

"parking place" means an area on a highway designated by Article 3 and listed in the First and Second Schedules to this Order;

"permit" means a parking permit;

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

"premises" means an address which is in any length of highway described in the Third Schedule to this Order and those premises have no parking space within its boundaries or parking space allocated

nearby or has insufficient land to provide a parking space or there are planning objections to the provision of parking within the premises;

"regulated hours" means in relation to those areas of highway referred to in the First and Second Schedules, between 9.00am and 5.00pm Monday to Friday and between 9.00am and 1.00pm on Saturday;

"relevant position" has the same meaning as given in Regulation 4 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"resident" means a person whose usual place of abode is at any of the premises

"traffic sign" means a sign of any size, colour and type prescribed or authorised under section 64 of the Act of 1984;

"vehicle" means

(i) a passenger vehicle authorised solely to carry no more than 12 people and their effects nor exceeding 3.5 tonnes gross laden weight;

(ii) a dual purpose vehicle as defined in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986;

(iii) a goods vehicle as defined in section 192 of the Road Traffic Act 1988;

(2) Any reference in this Order to any enactment shall be construed as a Reference to that enactment as amended by any subsequent enactment.

Designation of Parking Places

3. Each length of highway listed in the First and Second Schedules of this Order is designated as a parking place during the regulated hours subject to the restrictions listed in article 4 below.

4. Each length of highway designated as a parking place shall be subject to the restriction that there shall be no waiting between the hours of 9.00am to 5.00pm Monday to Friday and between the hours of 9.00am and 1.00pm on Saturday.

Qualification for a Parking Permit

5. (1) Any resident who is the owner of a vehicle or a motor cycle may apply for a Parking Permit for one vehicle in their ownership. Only one Permit will be granted for each premises.

(2) A Parking Permit 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; and

Application for a Parking Permit

6. (1) Application for a Parking Permit 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 Article 9 of this Order.

(2) The Council may at any time require an applicant for a Permit or any 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 call for to verify any particulars or information given to them or in respect of any Permit issued by them to that person as they may reasonably call for to verify that the Permit is valid.

(3) Every applicant for a Permit will be required to sign a declaration stating that they have no alternative space to park their vehicle or motorcycle at the premises where they reside.

7. On receipt of a properly completed application and fee where appropriate the Council shall issue to the appropriate applicant one Parking Permit owned by the resident provided that the applicant qualifies for the Permit.

8. (1) Where a Permit is issued to any person upon receipt of a cheque which is subsequently dishonoured the Permit shall immediately cease to be of any effect.

(2) The Council will serve notice by recorded delivery on the person to whom the Permit was issued to 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 Permit to the Council within 48 hours of receipt of the notice.

Amount of charge for Parking Permits

9. (1) The charge for a Parking Permit for a motor vehicle is £55 per Permit.

(2) The charge for a Parking Permit for a motor cycle is £nil.

(3) The charge for a Parking Permit may be amended by the Local Authority giving notice in writing that this Order has been varied to the Chief Officer of Police and the Chief Officer of the Fire Authority and shall publish notification of the variation of the charges in a local newspaper.

Penalty payable for not displaying a valid Parking Permit

10. (1) No motor vehicle may be parked in a parking place during the regulated hours without a valid Permit displayed.

(2) The driver of any such motor vehicle shall be issued with a penalty charge notice.

(3) The absence of a Permit from a motor vehicle left in a parking place shall be evidence of the fact that a Permit has not been purchased by the driver of the vehicle.

Surrender, Withdrawal and Validity of a Parking Permit

11. (1) A Permit holder may surrender the Parking Permit to the Council at any time.

(2) The Council may by notice served by recorded delivery on the Parking Permit holder at the address shown by that person on the application from or at the other address believed to be that person's place of abode, withdraw a Parking Permit if it appears to the Council that:-

(a) the Permit holder has ceased to be a resident;

(b) the Permit holder has ceased to be the owner of a motor vehicle or motor cycle for which a Permit was issued;

(c) the vehicle or motor cycle 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 Permit can be used;

(d) the details on the Permit as described in Article 5 have been deliberately altered.

(e) the declaration that the Permit Holder signed pursuant to Article 6(3) of this order was false.

(3) A Permit will be valid only if displayed on a vehicle or a motor cycle in the relevant position.

(4) A Permit shall cease to be valid at Midnight on the specified expiry date or on the Council withdrawing the Permit by notice, whichever is the earlier.

(5) The Council will not make any refund in respect of unused periods of validity for the surrender or withdrawal of a Permit.

Application for and the issue of a Duplicate Permit

12. (1) If a Permit is mutilated or accidentally defaced or the figures or particulars on it have become illegible or the colour of the Permit has faded or altered, the Permit holder shall surrender it to the Council. If the Permit is accompanied by an application for a replacement Permit, a duplicate Permit shall be issued and 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 of a duplicate. If the Council is satisfied as to the loss or destruction of the Permit, a duplicate will be issued.

(3) If a Permit holder acquires a new vehicle or motor cycle the Permit holder shall surrender the original Permit to the Council and make an application for a new Permit and the original shall become invalid.

Restriction on the removal of a Parking Permit and Notices

13. Where a Permit or Notice has been displayed on or attached to a motor vehicle in accordance with the provisions of Article 10 of this Order, no person other than the driver of the motor vehicle or Enforcement Officer shall remove the Permit or Notice from the motor vehicle unless authorised to do so by the driver of the motor vehicle.

Placing of Traffic Signs

14. The Council shall:-

(a) indicate the limits of each parking place on the road;

(b) place and maintain on or in the vicinity of each parking place appropriate traffic signs for indicating that the parking place may be used during permitted hours only for vehicles or motorcycles displaying a valid Permit.

(c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

Manner of Standing in a Parking Place

15. A motor vehicle left in a parking place shall stand within the marked limits.

Movement of Vehicles in Parking Places in Emergencies

16. An Enforcement Officer or Police Officer in Uniform may cause to be moved any motor vehicle left in a parking place which is in a dangerous position or causing an unnecessary obstruction.

Power to Suspend use of Parking Places

17. (1) Any person authorised by the Council may suspend the use of a parking place 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 highway 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 telecommunications apparatus or traffic signs; 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 purposes of facilitating the cleansing of the parking place.

(2) A Police Officer in uniform may suspend the use of a parking place for no longer than twenty-four hours whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting safety.

(3) Any person suspending the use of a parking place in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall place in or adjacent to that parking place a traffic sign indicating that waiting by vehicles is prohibited.

Restriction of Use of Motor Vehicles at Parking Places

18. (1) Whilst any motor vehicle is in a parking place during the regulated hours, no person shall use the motor vehicle for the sale of any article, skill or service.

(2) Nothing in this Article shall prevent the sale of goods from a vehicle if the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected. Such vehicles to be permitted to wait in a parking place for no longer than 5 minutes.

EXEMPTIONS TO THIS ORDER

19. (1) Any motor vehicle may wait at any time in a parking place (other than one that has been suspended under Article 17 of this Order) for a period of time not exceeding the limited waiting period during the regulated hours.

(2) Any motor vehicle may wait at any time in any parking place (other than one that has been suspended under Article 18 of this Order) for so long as may be reasonably necessary to enable:-

(a) a person to board or alight from a motor vehicle;

(b) goods to be loaded onto or unloaded from the motor vehicle;

(c) the motor 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 obstruction to traffic;

(iii) the maintenance, improvement or reconstruction of the said lengths of roads; or

(iv) the laying, erection, alteration, repair in or on land adjacent to the said lengths of roads of any sewer or of any main pipe, cable or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Paragraph 1 (1) of the Telecommunications Code contained in Schedule 2 to the Telecommunications Act 1984;

(d) the motor vehicle, if it cannot conveniently be used for such purpose in any other road, to be used for the service of a Local Authority or a Water Authority in pursuance of statutory powers or duties:

(e) the motor vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 125 Postal Services Act 2000;

(f) the motor vehicle to be used for fire brigade, ambulance or Police purposes;

(g) the motor vehicle is being used by community health personnel or carers on duty and displays an identification that the driver is employed as such;

(h) the motor vehicle (not being a passenger vehicle) is in actual use in connection with the removal of furniture from one office or dwelling house to another or removal of furniture from such premises to a depository or to such premises from a depository;

(i) the motor vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or such waiting being necessary to avoid an accident;

(2) A motor vehicle which displays in the relevant position a disabled person's badge or parking disc may wait in any lengths of road referred to in the First and Second Schedules to this Order without incurring any charge.

(3) Nothing in the foregoing provisions of this Article shall be taken as Authorising anything which would be a contravention of any regulations made or having effect as if made under section 25 of the Act of 1984.

20. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of any Act of Parliament.

21. Orders to be revoked in part

The following Order is hereby revoked only insofar as they are affected by the restrictions imposed by this Order:-
"The North Hertfordshire District Council (Control of Parking) (Consolidation) Order 2005"

FIRST SCHEDULE
Lengths of road in Baldock
(No Waiting 9.00am to 5.00pm Monday to Friday and 9.00am to 1.00pm Saturday for a period exceeding 2 hours, with No Return within 2 hours, except for Permit Holders)

HIGH STREET

(1) On the east side

(a) From a point 1 metre south of the north flank wall of no.41a High Street southwards for a distance of 23 metres to a point 2 metres south of the north flank wall of no.41 High Street

(2) On the west side

(a) From a point 5 metres south of the south flank wall of no.24a High Street southwards for a distance of 24 metres to a point in line with the south flank wall of Pepper Court (space for 10 vehicles parked perpendicular to the kerb)

HITCHIN STREET

(1) On the south side

(a) From a point in line with the east flank wall of no.29 Hitchin Street westwards for a distance of 8 metres to a point in line with the west flank wall of no.29 Hitchin Street

(b) From a point in line with the east flank wall of no. 31 Hitchin Street westwards for a distance of 8 metres to a point in line with the west flank wall of no.31 Hitchin Street

SECOND SCHEDULE
Lengths of Roads in Baldock
(No Waiting 9.00am to 5.00pm Monday to Friday and 9.00am to 1.00pm Saturday for a period exceeding 1 hour, with No Return within 2 hours, except for Permit Holders)

WHITEHORSE STREET	(1)	On the north side
	(a)	From a point 2 metres west of the east flank wall of no.19 Whitehorse Street westwards for a distance of 29 metres to a point 3 metres east of the projection of the west flank wall of the Methodist Church

THIRD SCHEDULE
Lengths of road in Baldock
(Those residences eligible)

WHITEHORSE STREET	-	The full length of the street, including any residential premises located in immediately adjoining streets or mews.
SUN STREET	-	The full length of the street, including any residential premises located in immediately adjoining streets or mews.
HITCHIN STREET	-	Nos. 1 to 31 inclusive and Nos. 2 to 8 inclusive, including any residential premises located in streets or mews immediately adjoining that length of road.
BELL ROW	-	The full length of the street, including any residential premises located in immediately adjoining streets or mews.
HIGH STREET	-	Nos. 1 to 63 inclusive and Nos. 2 to 56 inclusive, including any residential premises located in streets or mews immediately adjoining that length of road, but excluding Simpson Drive and Mansfield Road.

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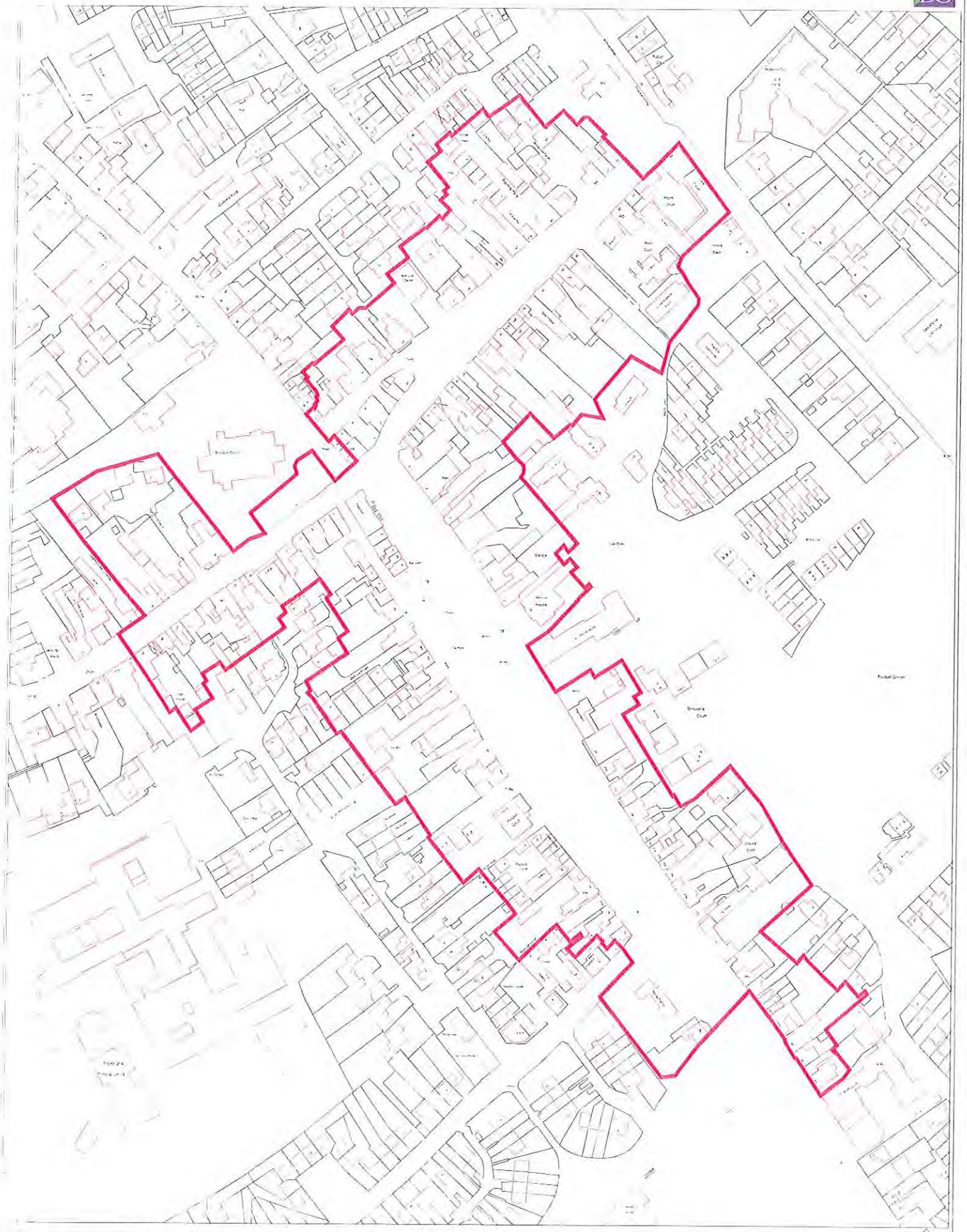
THE COMMON SEAL OF NORTH HERTFORDSHIRE DISTRICT COUNCIL was hereunto affixed this 26th day of June 2009 in the presence of:

Duly Authorised Officer

Title :- Baldock - Zone A permit eligibility

NORTH HERTFORDSHIRE DISTRICT COUNCIL



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