

# **BOROUGH OF STEVENAGE**

## **THE BOROUGH OF STEVENAGE (CONTROL OF PARKING) (CONSOLIDATION) ORDER 2017**

The Council of the Borough of Stevenage (hereinafter referred to as "the Council") in accordance with Section 21 of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and pursuant to arrangements made under Section 19 of the Local Government Act of 2000 and the Local Government (Arrangements for Discharge of Functions) (England) Regulations 2000 with Hertfordshire County Council ("the County Council") in exercise of the powers conferred by Sections 1(1) 2(1) – (3), 3, 4, 32 and 35, 45, 46, 47, 49, 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 (Parking) Act 1986) and Section 43 and Schedule 3 of the Road Traffic Act 1991 ("the 1991 Act") 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, the purpose of which is to incorporate all on street parking place and prohibition and restriction of waiting Orders into one Order.

### **PART I**

#### **GENERAL**

##### **Commencement Citation and Revocations**

1. (1) This Order shall come into operation on 7 August 2017 and may be cited as the "The Borough of Stevenage (Control of Parking) (Consolidation) Order 2017" hereinafter referred to as "this Order".  
  
(2) The Borough of Stevenage On-Street Parking and Waiting Plans ("the On-Street Plans") and the Schedule to this Order are incorporated into this Order.
2. This Order revokes, re-enacts and consolidates the restrictions imposed by the various Orders listed within the Schedule to this Order insofar as they relate to on-street parking places and prohibition and restriction of waiting within the Borough of Stevenage.
3. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

##### **Interpretation**

- 4.(1) Save as otherwise defined within this Order, each and every expression shall have the meaning assigned to it by the Traffic Signs Regulations and General Directions 2016 SI 362.

"Civil Enforcement Officer" has same meaning as in Section 76(5) of the Act of 2004;

"Disabled Persons Badge" and "Parking Disc" have the same meaning as in the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"Driver" means the person driving or having control or charge of the Vehicle at



any given time and in particular in relation to a Vehicle waiting in a Parking Place the person driving at the time it was left in that Parking Place;

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

"General Prohibition" means the prohibition as set out in Article 5 of this Order;

"Goods Vehicle" means a Vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, or a trailer so constructed or adapted;

"Heavy Commercial Vehicle" means any Goods Vehicle the gross laden weight of which exceeds 5 tonnes;

"invalid carriage" means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specifically designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person;

"Key" means the Key attached to the On-Street Plans to be read in conjunction with the On-Street Plans;

"Light Goods Vehicle" means a Vehicle which is constructed or adapted for use for the carriage of goods or burden of any description with a gross vehicle weight not exceeding 3.5 tonnes;

"Motor Car and Motor Cycle" has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984;

"No Return" means no return to a Parking Place within the same named road within a specified period;

"On-Street Plans" means the The Borough of Stevenage On Street Parking and Waiting Plans including the Key and the Schedules, which are incorporated in to this Order pursuant to Article 1(2) hereof;

"Owner" has the meaning assigned to it by s.82 (2) and (3) of the Road Traffic Act 1991;

"Parallel Parking Place" means a parking place which is marked so that it is parallel to the kerb line of the carriageway;

"Parking Bay" means an area contained within a Parking Place delineated by white markings to indicate the position in which a Vehicle may be parked;

"Parking Place" means any place where Vehicles, or Vehicles of any class, may wait as set out in s.32(4) (b) of the 1984 Act and as shown in the Key and On- Street Plans;

"Passenger Vehicle" means a motor vehicle constructed solely for the carriage of passengers and their effects and constructed or adapted to carry not more than sixteen passengers exclusive of the Driver, and not drawing a trailer;

"Penalty Charge" means a charge set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England)

Order 2007 and the provisions of Part 6 and Schedule 9 the Traffic Management Act 2004;

"Public Service Vehicle" has the same meaning as assigned to it by s.1 of the Public Passenger Vehicles Act 1981;

"Relevant Position" has the same meaning as in Regulation 4 of The Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"Road" means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes as set out in s.142(1) of the 1984 Act ;

"Taxi" means a vehicle licensed under-

- (i) Section 37 of The Town Police Clauses Act 1847(a); or
- (ii) Section 6 of The Metropolitan Public Carriage Act 1869(b); or
- (iii) Under any similar enactment;

"Traffic Sign" means a device or object as prescribed or authorised under, or having effect as though prescribed or authorised under section 64 of the Act of 1984;

"Universal Service Provider" and "Universal Postal Service" have the same meanings as that assigned to them in Section 4(3) of the Postal Services Act 2000; and

"Vehicle" has the same meaning as that assigned to "motor vehicle" in s.136(1) of the 1984 Act.

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

## PART II

### **PROVISIONS APPLYING BOTH TO PARKING PLACES AND TO PROHIBITIONS AND RESTRICTIONS ON WAITING**

#### **General Prohibition on Stopping or Waiting of Vehicles**

5. Save as provided in Article 8 of this Order no person shall cause or permit any Vehicle to stop or wait on areas of Road or sides of the Road as shown on the On-Street Plans where stopping or waiting is not allowed as identified and defined in the Key to the On- Street Plans.

#### **Restrictions on the use of parking places**

6. (1) Save as provided in the exemptions in Article 8 of this Order no person shall cause or permit any vehicle to stop or wait on areas of road or sides of the road as shown on the On-Street Plans as parking places in contravention of the provisions imposed on those bays as identified and defined in the On-Street Plans and key and labels on the On-Street Plans.
- (2) Where a vehicle is parked in a parking bay within a parking place as shown on the On-Street Plans and identified and defined by the key to the On-Street Plans



the driver of that vehicle shall not permit the vehicle to wait in that parking bay unless it is wholly parked within the marked limits of the bay.

#### **Contravention of the General Prohibition or Restrictions**

7. Where a person contravenes any provision contained within this Order and any restriction or provision as detailed and shown on the On-Street Plans, and the vehicle does not fall into any one of the exemptions contained within Article 8 of this Order, the owner or driver of the vehicle in question shall commit a contravention to this Order and incur a Penalty Charge.

#### **Exemptions to the General Prohibition**

- 8.(1) The following Vehicles are exempt from the General Prohibition as set out in Article 5:
- (a) a Vehicle waiting for no longer than may be necessary and which is required for use in connection with any of the following namely:
    - (i) the removal of any obstruction to traffic;
    - (ii) the laying, erection, alteration or repair in or near the Road, the side or length of the Road, of any sewer, main, pipe 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; or
    - (iii) any building operation or demolition work provided that the Vehicle cannot conveniently be used in any other Road;
  - (b) a Vehicle (which for the purposes of this sub-clause shall be deemed not to include a Motor Car) in the service of the Council or any other local authority if it cannot conveniently be used for such purpose in any other Road, which is necessarily required for use in connection with:-
    - (i) highway works, highways and parking enforcement, waste collection or street cleansing activities; or
    - (ii) the maintenance, improvement or reconstruction on the areas of Road or sides of Road;
  - (c) a Vehicle which is:
    - (i) required by law to stop; or
    - (ii) obliged to stop so as to prevent an accident; or
    - (iii) prevented from proceeding by circumstances outside his control; or
    - (iv) caused or permitted to stop or wait upon the direction or with the permission of a police officer in uniform;
  - (d) a Public Service Vehicle whilst waiting at an authorised stopping place;
  - (e) a marked vehicle whilst being used by a Universal Service Provider in the course of the provision of a Universal Postal Service which is stationary only for so long as may be reasonably necessary for the delivery/collection of postal packets;
  - (f) a Vehicle being used for fire brigade, ambulance or police purposes;

- (g) a Vehicle on which is displayed in the Relevant Position a valid Disabled Persons Badge in the circumstances prescribed in regulations 7, 8 or 9 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683, but subject to the limitations set out in Article 8(2);
- (h) a Vehicle that is waiting only for so long as to enable goods to be loaded on or unloaded from the Vehicle save on the areas of Road or sides of the Road where loading or unloading are specifically regulated as identified and defined and for the periods stipulated in the Key to the On-Street Plans;
- (i) a Vehicle that is waiting only for so long as is necessary to enable a person to board or alight from that Vehicle, save for the areas of Road and sides of the Road as identified and defined as no stopping, waiting, loading or unloading in the Key to the On-Street Plans;
- (j) a Vehicle that is being used in connection with a valid street trading consent issued by the Council pursuant to Schedule 4 Local Government (Miscellaneous Provisions) Act 1982;
- (k) a vehicle which, whilst used by a Civil Enforcement Officer in the course of the enforcement of parking restrictions, is stationary only for so long as may be reasonably necessary for them to issue (or attempt to issue) a Penalty Charge Notice to a vehicle they believe to be parked in contravention of those restrictions or adjacent restrictions.

- 8(2) If and insofar as a Vehicle referred to in Article 8 (1)(g) above is parked in the circumstances described in Regulation 8(4) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 there is also displayed on the Vehicle in the Relevant Position a Parking Disc in accordance with the said Regulation 8(4).

#### **Designation of parking places**

- 9 Each area on a highway comprising the length of carriageway of a street specified within the Schedules contained within the Orders consolidated by this Order and shown on the On-Street Plans which unless otherwise so specified, is bounded on one side of that length by the edge of the carriageway and having a width throughout of at least 1.8 metres, as long as no obstruction of access is caused to any properties along the carriageway, is hereby designated as a parking place.

#### **Parts of Parking Places in which vehicles may not be left**

- 10 (1) No person shall cause or permit any vehicle to wait in an area designated as a parking place during the permitted hours unless authorised by the subsequent provisions of this Order or by the direction or with the permission of a Designated Officer, Police Constable in uniform or Civil Enforcement Officer.
- (2) Where a person contravenes the provisions set out in Article 11(1) of this Order, the Owner of the Vehicle in question shall incur a Penalty Charge as set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 and the provisions of Part 6 and Schedule 9 the Traffic Management Act 2004.

#### **Vehicles for which parking places are designated**



- 11 (1) Subject to the provisions of this Order, parking places may be used for the 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).
- (2) Parking places so referred to in the Schedules within the Orders consolidated by this Order and shown on the On-Street Plans, may be used for the leaving during the permitted hours of such vehicles of the class specified in paragraph (1) above:
- as displays in the relevant position a valid "Disabled Persons Badge" and "Parking Disc" as in the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000; or
  - as displays in the relevant position a valid pay and display ticket issued in respect of that vehicle.

#### **Alteration of position of a vehicle in a parking place**

- 12 Where any vehicle is standing in a parking place in contravention of the provisions of Article 18 a Civil Enforcement Officer may cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

#### **Movement of a vehicle in a parking place in an emergency**

- 13 Civil Enforcement Officer or Police Officer in uniform may move or cause to be moved, in case of emergency, to any place they think fit, any vehicle left in a parking place, or prohibited waiting area.

#### **Waiting restrictions revoked within the area**

- 14 The Orders contained within the Schedule to this Order are hereby revoked only in so far as they are affected by the provisions and restrictions of this Order.

### **PART III - SUPPLEMENTARY PROVISIONS**

#### **Section 1 - General**

#### **Power to suspend the use of a parking place**

- 15 (1) Any person duly authorised in writing by the Council may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary:
- for the purpose of facilitating the movement of traffic or promoting its safety;
  - for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration 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 system or the placing, maintenance or removal of any traffic sign;

- for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depository, another office or dwelling-house;
  - on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
  - for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.
- (2) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that waiting by vehicles is prohibited. An administration charge may be levied by the Council for this service.
- (3) No person shall cause or permit a vehicle to wait in a parking place or any part thereof during such period as there is in or adjacent to that parking place or part thereof a traffic sign placed in pursuance of paragraph (2) above provided that nothing in this paragraph shall apply:
- in respect to any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in paragraphs (1)(b), (d) or (e) of this Article; or
  - to anything done with permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article.

#### **Restriction on the use of a parking place**

- 16 During the permitted hours no person shall use any parking place or any vehicle while it is in a parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity.

Nothing in this Article shall prevent the sale of goods from a vehicle:

- if the vehicle is a passenger vehicle, a goods carrying vehicle, a motor-cycle or an invalid carriage and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
- if the vehicle is one to which the provisions of Article 17(1)(h) apply.

#### **General Exemptions to the Use of a Parking Place.**



- 17 (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:
- (a) the vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from the vehicle or load thereon or unload there from their personal luggage;
  - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
  - (c) the vehicle is being used for fire brigade, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
  - (d) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
  - (e) the vehicle is waiting -
    - (i) while postal packets addressed to premises within the road in which the vehicle is waiting are being unloaded from the vehicle or, having been unloaded wherefrom, are being delivered; or
    - (ii) while postal packets are being collected for the loading on the vehicle from premises or posting boxes within the road in which the vehicle is waiting or, having been so collected, are being unloaded thereon;
  - (f) the vehicle not being a passenger vehicle is waiting only for as long as may be reasonably necessary to enable it to be used for the purpose specified in Article 15(1)(b);
  - (g) the vehicle is in actual use in connection with the removal of furniture to or from one office to a dwelling-house adjacent to the parking place from or to a depository, another office or dwelling-house; or
  - (h) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for a period exceeding twenty minutes or for such longer period as a Designated Officer, Police Constable in uniform or a Civil Enforcement Officer may approve.
- (2) No Penalty Charge specified in the provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article.

- (3) Except as provided by this Order, the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a parking place during the permitted hours.

#### **Manner of waiting in a parking place**

- 18 (1) No person shall cause or permit a vehicle to wait in a parking place by virtue of the provisions of paragraph (1)(e), (f), (g), or (h) of Article 17 otherwise than:
- (a) Where the vehicle is parked wholly within a parking place on any part of the carriageway where parking is permitted under the provisions of this Order; or
  - (b) In the case of a parallel parking place:
    - I. so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheels of the vehicle is not more than that specified in the Order consolidated by this Order; and
    - II. so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting; and
    - III. so that every part of the vehicle left in a parking place as shown on the Off Street Plans is within the marked limits of the parking bay.
- (2) For the purposes of Article 18 (b) II, the expression "premises" shall not include any premises to or from which any furniture is being removed by virtue of the provisions of paragraph (1) (g) of Article 17 or to or from which goods are being delivered or collected by virtue of the provision of paragraph (1)(h) of Article 17.

#### **Interval before a vehicle may again be left in parking place**

- 19 No person shall cause or permit any vehicle which has been taken away from a parking place, after waiting thereon, to permit the vehicle to wait upon that parking place, or upon any other parking place in the same street, until the number of hours specified on the On-Street Plans for not returning to wait in that parking place have elapsed following the termination of the last period of waiting (if any) by that vehicle on that parking place.

#### **Placing of traffic signs**

- 20 The Council shall:
- (a) place and maintain traffic signs indicating the limits of each parking place;
  - (b) place and maintain in or in the vicinity of each parking place traffic signs of a design approved by the Secretary of State for the Department for Transport indicating that the parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 11; and



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

## **Section 2 - Pay and Display**

### **Pay and display parking places**

#### **Designation of pay and display parking places.**

21. The parts of roads identified as such on the Plans are hereby designated to be used subject to the following provisions of this Order as pay and display parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
22. No person shall cause or permit any vehicle to wait in a pay and display parking place during the permitted hours unless it is of the specified class and there is displayed on that vehicle in the relevant position a pay and display ticket valid for that time and for that parking place.

#### **Maximum period of waiting in pay and display parking places**

23. Save as provided in Article 36, no person shall cause or permit any vehicle to remain in a pay and display parking place for longer than the maximum period specified for that parking place shown on the On-Street Plans.
24. No person shall cause or permit any vehicle which has been taken away from a pay and display parking place during the permitted hours, to be left again in a pay and display parking place in the same road during the permitted hours within the period specified on the On-Street Plans.

#### **Ticket machines to be installed at pay and display parking places**

25. The Council will:
- (a) install in such positions at or in the vicinity of a parking place as it may think fit such pay and display ticket machines as are required by this Order for the purposes of that parking place; and
- (b) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place.

#### **Payment**

26. The driver of a vehicle using a pay and display parking place shall, upon leaving the vehicle in the pay and display parking place, and on payment of a charge, purchase a pay and display ticket at the level of charge and for the period required in accordance with the scale of charges specified within the Schedules contained within the Orders consolidated by this Order and subject to variation at the Council's discretion by giving notice in accordance with section 46(a) of the Act of 1984.

#### **Means of payment**

27. The charge referred to in the preceding Article shall be payable by the insertion of an appropriate coin, coins, banknote or banknotes, or combination thereof together making up the amount of the charge into the pay and display ticket machine relative to the pay and display parking place in which the vehicle has been left or other approved method of payment.

#### **Display of ticket**

28. The driver of the vehicle shall
- (i) display the pay and display ticket issued on payment of the charge in the relevant position on the vehicle in respect of which it was issued, and;
- (ii) ensure that a pay and display ticket is displayed during the entire period that the vehicle is parked in the parking place.

#### **Validity of Pay and Display Tickets**

29. A pay and display ticket is not transferable from one vehicle to another.
30. A pay and display ticket is valid only in the parking zone in respect of which it was issued. This is defined by the identification on the parking ticket machine located in respect of that parking zone and the information printed on the pay and display ticket.

#### **Expiry of parking period**

31. The expiry of the period for which the charge has been paid shall be when the time shown on the clock of the issuing pay and display ticket machine is later than the time exhibited on the pay and display ticket displayed on the vehicle.

#### **No ticket displayed**

32. If at any time while a vehicle is left in a parking place no pay and display ticket is displayed on that vehicle in the relevant position, it shall be judged that the charge has not been paid.

#### **Ticket machine out of order**

33. If at the time when a vehicle is left during the permitted hours in a pay and display parking place the nearest ticket machine is out of order, then a pay and display ticket shall be obtained from another parking ticket machine relating to that parking zone (where provided).

#### **Restriction on removal of tickets**

34. Where a ticket has been attached to a vehicle in accordance with the provisions of Article 28 no person, other than a Civil Enforcement Officer or the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver.

#### **Exemptions from payment and/or display of pay and display ticket**

35. If at the time when a vehicle is left during the permitted hours in a pay and display parking place all the ticket machines relating to that parking place are