

STEVENAGE BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**THE BOROUGH OF STEVENAGE (MARSHGATE, STEVENAGE) (PAY-BY-PHONE
PARKING PLACES) ORDER 2021**

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Stevenage Borough Council, pursuant to the arrangements made under Section 19 of the Local Government Act 2000 with Hertfordshire County Council in exercise of their powers under Sections 1, 2, 3, 45, 46, 47, 49 & 53 of the Road Traffic Regulation Act 1984, (which said Act of 1984 is hereinafter referred to as "the Act of 1984"), and Part IV of Schedule 9 of the Act 1984 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984, hereby make the following Order:-

PART I – PRELIMINARY

Commencement & Citation

1. This Order may be cited as "The Borough of Stevenage Marshgate, Stevenage) (Pay-by-Phone parking places) Order 2021" and shall come into operation on **27 September 2021**.

Interpretation

2.

- 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.
- 2) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"Blue Badge" means a Disabled Persons Badge.

"County Council" means Hertfordshire County Council and includes any parking services contractors or authorised agent appointed by and acting on behalf of the County Council for the purposes of any function under the provisions of this Order.

"Council means Stevenage Borough Council and includes any parking service contractors or authorised agent appointed by and acting on behalf of the Council for the purposes of any function under the provisions of this Order and as defined by the Traffic Management Act 2004.

"Designated Officer" means an Officer nominated by Stevenage Borough Council to carry out Council Functions under the provisions of this Order.

"Civil Enforcement Officer" has the same meaning as defined in the Traffic Management Act 2004, as appointed by or on behalf of Stevenage Borough Council.

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

"Disabled Persons Badge" has the same meaning as given in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682.

"Disabled Person's Vehicle" means a vehicle lawfully displaying a Disabled Person's Badge in the relevant position and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by Regulation 8 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI

683, has been or is to be driven by a Disabled Person or, as the case may be, has been or is to be used for carrying Disabled Persons as passengers.

“Driver” means the person driving or having control or charge of the Vehicle at any given time and in particular in relation to the Vehicle waiting in a Parking Bay or Parking Place the person driving at the time it was left in that Parking Place.

“Enactment” means any enactment, whether public general or Local and includes any Order, Byelaw, Rule, Regulation, Scheme or other instrument having effect by virtue of an enactment.

“Goods” means goods of any kind whether animate or inanimate and includes postal packets of any description; “delivering” and “collecting” in relation to goods includes checking the goods for the purpose of their delivery or collection.

“Goods Vehicle” means a motor vehicle that is constructed or adapted for use for the carriage of goods or burden of any description.

“Motorcycle” has the meaning as in Section 185(1) of the Road Traffic Act 1988.

“Owner” in relation to a Vehicle means the person by whom such a vehicle is kept and or used.

“Parking Bay” means an area contained within a Parking Place in which a vehicle of any class, not larger than 2.3m in height and 5.25m in length may be parked, marked in accordance with The Traffic Signs Regulations & General Directions 2016 as designated in Article 4 of this Order and listed in schedule two of this order.

“Parking Place” means any place where a vehicle, or vehicles of any class, not larger than 2.3m in height and 5.2m in length may be parked, marked in accordance with The Traffic Signs Regulations & General Directions 2016 as designated in Article 4 of this Order and listed in schedule two of this order.

“Passenger Vehicle” means a motor vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the Driver and not drawing a trailer.

“Penalty Charge” shall have the meaning as 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 of The Traffic Management Act 2004 and Part 2 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

“Permitted Hours” means the hours and days of the week specified in schedules of this Order.

“Relevant Position” in relation to a Blue Badge means on the dashboard or fascia of the vehicle or where the vehicle is not fitted with a dashboard or fascia in a conspicuous position on the nearside of the vehicle or if the vehicle is being used by a disabled person, in such a position as described in the Disabled Persons (Badges for motor vehicles) (Amendments) Regulations 2000 SI 682 and in all cases

displayed in such a position as to be clearly visible from outside the vehicles front or nearside.

"Vehicle" means motor vehicle and "motor vehicle" has the same meaning as in section 136 of the Act of 1984.

"Telecommunication system" has the meaning as in the Telecommunications Act 1984 (c.12)

"Universal Service Provider", "Provision of a universal Postal Service" and "Postal Packet" shall bear the same meaning as in the Postal Services Act 2011.

- 3) Any reference in this Order to a numbered Article or Schedule shall unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.
- 4) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or having effect by virtue of any subsequent enactment.
- 5) The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other regulations made or having effects as if made under the Act of 1984 or by or under any other enactment.

PART II – RESTRICTIONS AND PARKING PLACES

Section 1 – Provisions of the Order

Designation of parking places

3.
 - 1) Each area on a Highway comprising the length of a carriageway of a street described in schedule two of this Order bounded on one side of that length by the edge of the carriageway and having a width throughout of not less than 1.8 metres is hereby designated as a parking place between 8 am and 6 pm Monday to Saturday.
 - 2) Each area on a highway comprised within a parking place and marked out for the purpose of parking in accordance with the provision of this Order and not comprised within a restricted waiting area is hereby designated as a parking bay.

Parts of a parking place in which vehicles may not be left

4.
 - 1) No person shall cause or permit any vehicle to wait in an area designated as a parking place or parking bay during permitted hours unless authorised by the subsequent provision of this Order or with the permission of a designated Constable or Civil Enforcement Officer.
 - 2) Where a person contravenes the provisions set out in paragraph (1) of this Article, the owner of the vehicle in question shall incur a penalty charge as stipulated in Article 18 of this Order.

Vehicles for which Parking Places are designated

5. Subject to the provisions of this order, parking places may be used for the leaving during the permitted hours of vehicles of the following classes:
 - (a) 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;
 - (b) 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;
 - (c) motorcycles; and
 - (d) disabled persons vehicles.

Alteration of a position of a vehicle in a Parking Place

6. Where any vehicle is standing in a parking place in contravention of the provisions of Article 11 or of the provisions of Article 12(3), a Civil Enforcement Officer may cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of a vehicle from a Parking Place

7. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a vehicle left in any part of a parking place; or restricted waiting area they may remove or cause to be removed the vehicle from the parking place or

restricted area and, where it is so removed, shall provide for the safe custody of the vehicle and its contents.

Movement of a vehicle in a parking place in an emergency

8. A police Constable in uniform or a Civil Enforcement Officer may cause to be moved, in case of emergency, to any place he thinks fit any vehicle left in a parking bay.

Exemptions for Disabled Person's Vehicles from charges under this Order

9. A disabled person's vehicle which displays in the relevant position a disabled person's badge may be left in a parking place provided that the use of that parking bay in which the vehicle is left has not been suspended, and no initial charge shall be incurred in respect of that vehicle.

Waiting Restrictions Revoked by this Order

10. The provisions of the following Orders are hereby revoked only in so far as they are affected by the restrictions imposed by this Order:

The Borough of Stevenage (Control of Parking) (Consolidation)
Order 2017

PART III – SUPPLEMENTARY PROVISIONS

Section 1 – General

Manner of standing in a parking place

11. Every vehicle left in a parking place described in schedule two of this Order, in accordance with the provisions of this Order, shall so stand that:
- 1) the near side of the vehicle is adjacent and approximately parallel to the left-hand edge of the carriageway and the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50 centimetres, or in such other special manner of standing as the Schedule may specify; and
 - 2) the whole of the vehicle is within a marked parking bay; and
 - 3) 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, other than premises to or from which the vehicle is delivering or collecting furniture or goods.

Power to suspend the use of a parking place

12.

- 1) Any person authorised by the Council or a police constable in uniform may suspend the use of a Parking Place or any part thereof whenever they consider such a suspension reasonably necessary:
 - (a) for the purposes of facilitating the movement of traffic or promoting its safety; or
 - (b) for the purposes of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or traffic sign; or
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion for the removal of furniture from one office or dwelling house to another place; or
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions; or
 - (f) for the purposes of facilitating the cleansing of the parking place.
- 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.
- 3) No person shall cause or permit a vehicle to wait in a parking place or any part thereof during the period indicated by a traffic sign placed in pursuance of paragraph 2) above provided that nothing in this paragraph shall apply:
 - (a) to any vehicle being used for fire brigade, ambulance or police purposes; or

- (b) any vehicle which is waiting for the reason the bay was suspended; or
- (c) 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; or
- (d) if 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 injury or damage to persons or property or when required to do so by law.

Restrictions on the use of a parking place

13.

- 1) 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 of offering for sale of his skill in handicraft or his services in any other capacity.
- 2) Provided that nothing in this Article shall prevent the sale of goods from a vehicle:
 - (a) if the vehicle is a passenger vehicle, a goods carrying vehicle, a motorcycle, 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
 - (b) if the vehicle is one to which the provisions of Article 14(1)(h) apply.

Restriction on waiting by a vehicle in a parking place

14.

- 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 therefrom their personal luggage; or
 - (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 injury or damage to persons or property or when required to do so by law; or
 - (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; or
 - (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; or
 - (e) the vehicle is a marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be delivered or collected; or

- (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 12(1)(b); or
 - (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 police constable in uniform, a designated officer or Civil Enforcement Officer may approve; or
 - (i) the vehicle is 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.
- 2) No initial charge or 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.
 - 4) Nothing in the provisions of this Order 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 Road Traffic Regulation Act 1984.

Section 2 – Payment for Parking

Payment for parking of vehicles left in parking places to be made by telephone

15.

- 1) At all times during which a vehicle of one of the classes specified in article 5 (other than a vehicle otherwise exempted by this Order) is left in a parking place during the permitted hours, the driver thereof, before leaving the vehicle, shall:
 - (a) cause payment to be made by using the Telephone Payment System, unless they have displayed in the relevant position a valid Blue Badge; and
 - (b) shall not leave the vehicle for longer than the maximum period specified for the initial payment that has been paid for that parking place in the relevant schedule of this order.

- 2) Where payment of the initial charge has been made by telephone using the Telephone Payment System, additional payments may be made by that same means to increase the amount of initial charge that has been paid prior to the expiration of the period already paid for, if the technical abilities of the Telephone Payment System so allows, provided that under no circumstances may the total initial charge paid exceed that specified in schedule one and that any additional payment must be made before the expiry of the initial charge that has already been paid.

- 3) In relation to payment of the initial charge by telephone the following expressions have the meaning hereby respectively assigned to them:

“Hand-held Device” means a wireless hand-held computer which is programmed to interface with the Telephone Payment System.

“Telephone Payment Service Provider” means the contractor authorised by the Council to accept payment of the initial charge by telephone on its behalf and to keep a record of the details recorded by the Telephone Payment System.

“Telephone Payment System” means an electronic system, using a telephone connection set up and maintained by the Telephone Payment Service Provider, whereby:

- a) the driver of a vehicle, or some other person authorised by that driver on their behalf, uses a telephone (which may include use of a smartphone app or an internet site) to communicate with the Telephone Payment Service Provider and make payment of the initial charge and any additional Transaction Fee in respect of a specified vehicle in a specified Parking Place for a specified period by use of a debit or credit card or other remote payment method; and
- b) the Telephone Payment Service Provider, on behalf of the Council, accepts payment of the parking charge by the method referred to in paragraph (a) of this definition and records such payment together with the registration mark of the vehicle, the month, the date in the month, the day of the week, the time at which the initial charge was paid and the time at which the period of maximum stay paid for expires.

“Transaction Fee” means a supplementary fee payable to the Telephone Payment Service Provider in respect of an initial payment paid by means of the Telephone Payment System indicated by the Telephone Payment Service Provider for the discretionary take-up of other services in addition to payment of the initial charge.

Amount of the initial charge

16. The initial charge for a vehicle (other than a vehicle otherwise exempted by this Order) left in a parking bay during the permitted hours shall be as specified in schedule one of this Order. The amount of the initial charge may be varied in future by a notice of variation under section 46A of the Act of 1984.

Payment of the initial charge

17.

- 1) The Driver of a Vehicle (other than a vehicle exempted by the provisions of Articles 9, 13 and 14 or otherwise exempted by this Order) who leaves that Vehicle in a Parking Place specified in schedule two during the Permitted Hours shall immediately make payment of the initial charge by telephone in accordance with article 15.
- 2) Payment of the initial charge for a vehicle (other than a vehicle otherwise exempted by this Order) shall be indicated by the appearance on a Hand-held Device of the registration mark of a vehicle together with such details as may be appropriate to allow a Civil Enforcement Officer to determine that the initial charge has been paid with for that vehicle with respect to that parking place and the relevant period of maximum stay has not expired.
- 3) Where the registration mark of a vehicle together with such details as may be appropriate to allow a Civil Enforcement Officer to determine that the initial charge has been paid with for that vehicle with respect to that parking place and the relevant period of maximum stay has not expired does not appear on a Hand-held Device the initial charge will be deemed not to have been paid.
- 4) The amount of the initial charge that has been paid shall be deemed to be that recorded in the Telephone Payment System.
- 5) No refund shall be payable by the Council in respect of initial charge, but may be given at the discretion of the Council.
- 6) No person shall leave any vehicle (other than a vehicle otherwise exempted by this Order) in a parking bay during the permitted hours for longer than the initial period for which payment was made by the initial charge except when an additional payment has been made as set out in article 15.2).
- 7) The following vehicles will be exempt from payment of any charge whilst parked in a parking place specified in this Order:
 - (a) an invalid carriage;
 - (b) a motorcycle;
 - (c) a Disabled Person's Vehicle.

Liability for a penalty charge

18.

- 1) If a vehicle (other than a vehicle otherwise exempted by this Order) is left during the permitted hours in contravention of any provision of this Order a penalty charge shall be payable.

- 2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued by a Civil Enforcement Officer in uniform in accordance with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

Manner of payment of a penalty charge

19. The penalty charge shall be paid to Stevenage Borough Council in accordance with the instructions and within the time limits specified on the penalty charge notice.

Period for which a vehicle may be left after the penalty charge has been incurred

20. The period for which a vehicle may be left in a parking place during the permitted hours after the penalty charge has been incurred shall not exceed one hour.

Restriction on the removal of Penalty Charge Notices

21.
 - 1) Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of this Order, no person, not being the driver of the vehicle, shall remove the notice from the vehicle unless authorised to do so by the driver of the vehicle.
 - 2) Provided that nothing herein shall apply to a Civil Enforcement Officer or police constable in uniform or a person removing the vehicle in pursuance of an arrangement made by the police constable in uniform or under the regulations in pursuance of powers contained in sections 99, 100, 101, and 102 of the Act of 1984.

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

22. No vehicle which has left a parking place during the permitted hours, after the initial charge has been paid, shall return to the same parking place or another parking place in the same length of road within a period of two hours after leaving.

SCHEDULE ONE

Amounts of Initial Charges - Lengths of road in Marshgate, Stevenage

Maximum period of stay	Amounts of Initial Charges Monday to Saturday 8 am – 6 pm inclusive (Excluding Bank Holidays and Public Holidays), no return within two hours
30 minutes	60p
1 hour	£1.80
2 hours	£2.70
3 hours	£3.50
4 hours	£4.50
5 hours	£6.00
All day	£10.00
No charge or time limit for vehicles displaying a valid Blue Badge in the relevant position.	

SCHEDULE TWO

Lengths of road in Marshgate, Stevenage – Pay and Display and Pay By Phone Parking Places

Item number	Name of road	Side of road	Description	Permitted hours	Maximum Stay	Special Manner of Standing
1	Marshgate	East	From a point 49.7 metres south of its junction with the southern kerbline of the northern arm of the same street southwards for a distance of 24.4 metres	Monday - Saturday 8am-6pm	In accordance with the initial charge paid.	None

IN WITNESS whereof the Common Seal of Stevenage Borough Council was hereunto affixed this day of September 2021.

The Common Seal of
Stevenage Borough Council
was hereunto affixed
in the presence of:-

.....


 Authorised signatory



