

# WELWYN HATFIELD BOROUGH COUNCIL

## THE BOROUGH OF WELWYN HATFIELD (CONTROL OF PARKING) (CONSOLIDATION) ORDER 2017

Welwyn Hatfield Borough Council (hereinafter referred to as "the Council") in accordance with Regulation 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 2000 and The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 with Hertfordshire County Council ("the County Council") in exercise of the powers conferred by sections 1 to 4, 32, 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 Part 6 of the Traffic Management Act 2004 and of all other powers them enabling in that behalf 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 specified in Schedule 1 hereto into one Order.

### **PART I - GENERAL**

#### **Commencement and Citation**

1. (a) This Order shall come into operation on 31<sup>st</sup> May 2017 and may be cited as "The Borough of Welwyn Hatfield (Control of Parking) (Consolidation) Order 2017" hereinafter referred to as "this Order".
- (b) The Borough of Welwyn Hatfield On-Street Parking and Waiting Plans ("the On-Street Plans") and the Schedules to this Order are incorporated into this Order.
- (c) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

#### **Revocations**

2. This Order revokes and re-enacts the various orders listed within Schedule 1 insofar as they relate to On-Street Designated Parking Places and Prohibition and Restriction on Waiting.

#### **Interpretation**

3. (a) 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.

"Approved method of payment means payment by credit, debit, pre-paid or any other electronic card or payment by phone through a scheme organised through the Council;

"Blue Badge" has the same meaning as disabled persons badge in the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 2000 SI 682;

"Business Permit" means a Permit issued in accordance with Article 6(c) of this Order;

"Controlled Parking Zone (CPZ)" or "Parking Zone (PZ)" means either - an area - in which, except where parking places have been provided, every road has been marked with road markings and into which each entrance for vehicular traffic has been indicated by signs; or an area - in which signs have been placed on each side of every road; and into which each entrance for vehicular traffic has been indicated by the signs.

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

"Council means Welwyn Hatfield Borough Council and includes any parking services

contractor or authorised agent appointed by or acting on behalf of the Council for the purpose of any function under the provisions of this order;

"Delivering" and "Collecting" in relation to any goods include checking the goods for the purpose of their delivery or collection;

"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;

"Eligible Address" means any postal address which is listed in Schedule 2 to this Order and therefore indicates that the resident or entitled business user may apply for a Parking Permit and/or Parking Vouchers;

"Entitled Business User" means a person who occupies premises the postal address of which is an eligible address as listed in Schedule 2 and which has no off street parking space provided or authorised by any planning consent related to the premises and who is liable for payment of business rates on that premises;

"Exemption Permit" means a permit issued in accordance with Article 6 (f) of this Order to an employee or someone acting on behalf of either the Council or the County Council

"General Prohibition" means the prohibition as set out in Article 4 of this Order;

"Goods" means goods or burden of any description and includes postal packets of any description;

"Goods 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;

"Health Visitor" means a nurse who carries out home visits to offer advice on health matters;

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

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

"Motor Cycle" has the meaning as given by Section 136(4) of the Act of 1984;

"Motor Vehicle" has the meaning as given by Section 136(1) of the Act of 1984;

"No Return" means no return to a parking place within the same named street within a specified period;

"On-Street Plans" means The Borough of Welwyn Hatfield On-Street Parking and Waiting Plans including the Key and the Schedules, which are incorporated into this Order pursuant to Article 1(b) hereof. The various parking restrictions shown on the On-Street Plans are colour coded and labelled to show the detail of each restriction;

"Operative Hours" means the hours within which the Residents' Parking Scheme or Pay and Display Parking Places are operative as particularised in the Key to the On-Street Plans;

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

"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 Disc" means a device which is 125 millimetres square and coloured blue has been issued by a local authority and has not ceased to be valid and is capable of showing the quarter hour period during which a period of waiting has begun as provided for in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683;

"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 adapted to carry not more than sixteen passengers exclusive of the Driver, and not drawing a trailer;

"Parking Permit" means a Resident's Permit, Business Permit, Doctor/Health Visitor Visitors Parking Voucher, Visitors Annual Permit, Special Permit or Exemption Permit.

"Parking Voucher" means a Visitor Voucher or Special Voucher issued by the Council under the provisions of this Order and bearing printed instructions for its validation on the front face;

"Parking Zone" or "PZ" refers to all the parking places in a specified area indicated by name or alphanumerical code which are to be used only by vehicles displaying a valid parking permit or parking voucher for that specified area during the specified hours of operation.

"Penalty Charge" has the same meaning as assigned by part 3 of Schedule 9 of the Traffic Management Act 2004;

"Penalty Charge Notice" has the same meaning as given in The Road Traffic Act 1991 s66(1);

"pensioner" means any resident in receipt of a state pension;

"Permit Holder" means a person to whom a Resident's Permit, Business Permit, Visitors Parking Voucher, Visitors Annual Permit, Special Permit or Exemption Permit has been issued by the Council.

"Permitted Hours" means a period specified for each parking place during which the waiting by vehicles of a specific class is permitted as specified on the On-Street Plans;

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

"Relevant Position" means on the dashboard or fascia of the Vehicle or where the Vehicle is not fitted with a dashboard or fascia in a conspicuous position on the Vehicle as described in the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 2000 SI 682;

"Resident" means a person whose principal home is a dwelling in one of the resident parking zone addresses as stipulated in Schedule 2 to this Order;

"Resident's Permit" means a Permit issued to a Resident in accordance with Article 6 of this Order;

"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 ;

"Special Permit" means a permit issued in accordance with Article 6(e) of this Order;

"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" has the same meaning as that assigned to it in s.4(3) of the Postal Services Act 2000;

"Vehicle" has the same meaning as that assigned to "motor vehicle" in s.36(1) of the 1984 Act;

"Visitor's Parking Voucher" means a permit issued under the provisions of Article 7 of this Order;

"Zone" refers to any one of the resident parking zones shown on the On-Street Plans and identified in the Key to the On-Street Plans;

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

#### **Prohibition and Restriction of Waiting and Loading.**

- 4.(a) Save as provided in Articles 14, 15 (a) and 16 of this Order no person shall, except upon the direction of or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Welwyn Hatfield Borough Council, cause or permit any vehicle to stop or wait on any part of a Road where stopping and waiting is prohibited as shown in the labels and Key to the On-Street Plans to this Order.
- (b) Save as provided in Articles 14, 15 (a), and 16 of this order no person shall, except upon the direction or with the permission of a police officer in uniform or of with the permission of a Police Constable in uniform or of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Welwyn Hatfield Borough Council, cause or permit any vehicle to wait on any restricted road during the restricted hours as shown in the labels and Key to the On-Street Plans to this Order.
- (c) Save as provided in Articles 14, 15(b) and 16 of this Order no person shall, except with the permission of a Police Constable in uniform or of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Welwyn Hatfield Borough Council, cause or permit any vehicle to wait on any restricted road in respect of which there is specified in the labels and Key to the On-Street Plans a period during the restricted hours in which waiting is allowed,
- I. for a period longer than specified on the On-Street Plans, or
  - II. if a period less than that specified on the On-Street Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same length of road.
- (d) Save as provided in Article 14 and 16 no person shall, except with the permission of a Police Constable in uniform or of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Welwyn Hatfield Borough Council, cause or permit any vehicle to wait during the restricted hours in any loading area shown on the On-Street Plans unless it is of the specified class and except for the loading and unloading of goods.
- (e) Where there is specified on the On-Street Plans a maximum period during the restricted hours for which loading or unloading is permitted, no person shall, except with the permission of a Police Constable in uniform or of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Welwyn Hatfield Borough Council, cause or permit any vehicle to wait on any loading area,
- I. for a period longer than specified on the On-Street Plans, or

- II. if a period less than that specified on the On-Street Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same length of road.
- (f) Save as provided in Articles 14, 5 and 16 of this Order where a Vehicle is parked in a Parking Bay within a Parking Place as shown on the On-Street Plans and identified and defined in the labels and 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 parked wholly within the marked lines of that Parking Bay.
- (g) 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 Articles 14, 15 and 16 of this Order, the owner or driver of the vehicle in question shall commit a contravention to this Order and incur a penalty charge.

## **PART II DESIGNATION OF PARKING PLACES**

### **Designation of Permit Parking Places and Parking Bays**

- 5.(a) Subject the provisions of this Order, Permit 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), motorcycles and disabled persons vehicles (on which must be displayed the relevant parking disc) that display a valid Permit or Voucher in the relevant position).
- (b) 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.
- (c) Save as provided in Articles 14, 15 and 16 of this Order no motor vehicle may be parked in a parking place during the specified hours without a valid Parking Permit, or valid Parking Voucher displayed in the relevant position.
- (d) Where a motor vehicle is parked in contravention of Article 4 to this Order the driver of any such motor vehicle shall be issued with a penalty charge notice.
- (e) The absence of a Parking Permit or Parking Voucher from a motor vehicle left in a parking place shall be evidence of the fact that a Parking Permit or Parking Voucher has not been purchased by the driver of the vehicle.
- (f) Permits to be displayed on vehicles left in parking bays at all times during which a vehicle is left in a parking bay as shown in the On-Street Plans during the permitted hours the driver thereof shall cause to be displayed on the left of the front wind screen a valid permit issued in respect of that vehicle, so that all the particulars referred to in Articles 9 are readily visible from the front of the vehicle

### **Eligibility for a Parking Permit or Parking Vouchers**

- 6.(a) Any resident who is the owner of a motor vehicle or has access to a company vehicle or hired vehicle may apply to the Council for the issue of a **Resident Permit** for each such vehicle in their ownership or control, subject to the maximum Parking Permit allocation per household set by the Council.

- (b) Any resident may apply to the Council for the issue of **Visitor Vouchers**, up to the maximum annual allocation per household of the number of hours specified by the Council.
- (c) Any entitled business user may apply to the Council for the issue of one **Business Permit** in respect of no more than two vehicles required for the operation of the business.
- (d) Any agency, professional practice or organisation which manages local doctors, midwives, district nurses, health visitors and various other essential domiciliary medical or caring personnel may apply for the issue of a **Doctor/Health Visitor Permit** for the use of these personnel when visiting households in the roads specified in Schedule 2 to this Order. Where possible, such permits will be issued to a particular vehicle. The decision to issue a Doctor/Health Visitor Permit and whether it will be issued to a vehicle, to an individual or to an agency, professional practice or organisation will be at the discretion of the Council.
- (e) Any person (or any person acting on behalf of a resident) may at any time apply to the Council for the issue of a **Special Permit or Special Vouchers** in respect of a vehicle identifying the user of the vehicle. The decision to issue a special parking permit is at the discretion of the Council. Without prejudice to the generality of the Council discretion the following circumstances may be relevant to an application:
  - i) the applicant's exceptional medical needs;
  - ii) the applicant's exceptional social needs;
  - ii) any exceptional difficulty experienced by a carer for any resident.
- (f) Any employee or person acting on behalf of either Welwyn Hatfield District Council or Hertfordshire County Council may apply to the council for the issue of an **Exemption Permit** in respect of a vehicle which is identified as being in the service of Welwyn Hatfield District Council or Hertfordshire County Council. The decision to issue a special parking permit is at the discretion of the Council.

#### **Application for a Parking Permit or Parking Vouchers**

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

#### **Charges for Parking Permits and Parking Vouchers**

- 8. The charges for a Parking Permit and Parking Vouchers may be amended by the Council giving notice in accordance with section 46A of the Act of 1984.

### **Form of Parking Permit and Parking Vouchers**

9. (a) A Parking Permit shall be in writing and shall include the following particulars:
- i) a serial number by which the Permit Holder may be identified;
  - ii) the registration number(s) of the vehicle(s) for which the Parking Permit is issued
  - iii) the expiry date;
  - iv) an authentication that the Parking Permit has been issued by the Council;
  - v) an alphanumeric code to identify the Parking Zone.
- (b) A Parking Voucher shall be in writing and shall include the following particulars:
- i) a serial number by which the Permit Holder may be identified;
  - ii) the day, date, month and year of commencement;
  - iii) The time of commencement on hourly Parking vouchers;
  - iv) an authentication that the Parking Voucher has been issued by the Council

### **Surrender, Withdrawal and Validity of a Parking Permit or Parking Vouchers**

- 10.(a) A Permit Holder may surrender a Parking Permit or Parking Vouchers to the Council at any time.
- (b) The Council may by notice served by recorded delivery on the Permit Holder at the address shown by that person on the application form or at any other address believed to be that person's place of abode, withdraw a Parking Permit or Parking Vouchers, if it appears to the Council that:-
- i) the Permit Holder has ceased to be eligible to hold a Parking Permit or Parking Voucher under the provisions of Articles 6, 7, 9 and 10 of this order
  - ii) the vehicle or motorcycle in respect of which a Parking Permit was issued has been adapted or used in such a manner that it is no longer a vehicle for which a Parking Permit can be issued;
  - iii) the details on the Parking Permit or Parking Vouchers as described in Articles 9a) and 9b) of this Order have been deliberately altered.
- (c) A Parking Permit will be valid only if displayed on the vehicle or motorcycle to which the Parking Permit relates in the relevant position.
- (d) A Parking Voucher will be valid only if displayed on a vehicle or a motor cycle in the relevant position correctly marked in accordance with the instructions for validation on the front face.
- (e) A Parking Permit shall cease to be valid at midnight on the specified expiry date or on the date the Council withdraws the Parking Permit by notice, whichever is the earlier.
- (f) The Council will not make any refund for the withdrawal of a Parking Permit or Parking Vouchers.
- (g) The Council will refund part of the cost of a Parking Permit which has been surrendered, if not less than one month remains before the expiry date, the amount of refund to be as specified by the Council and subject to an administration charge set by the Council and subject to change at the discretion of the Council.
- (h) The Council will refund the cost of whole books of parking vouchers which are surrendered before their expiry date subject to an administration charge set by the Council.

### **Application for and the issue of a Duplicate Parking Permit or Parking Voucher**

11. The Council will issue a duplicate or replacement Parking Permit or Parking vouchers in the

following circumstances:

- (a) If a Parking Permit is mutilated or accidentally defaced or the figures or particulars on it have become illegible or the colour of the Parking Permit has faded or altered, the Permit Holder shall surrender it to the Council. If the Parking Permit is accompanied by an application for a replacement Parking Permit, a duplicate Parking Permit shall be issued and the original Parking Permit shall become invalid.
- a) If a Parking Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue of a duplicate. If the Council is satisfied as to the loss or destruction of the Parking Permit, a duplicate will be issued.
- (c) If a Permit Holder acquires a new vehicle or motorcycle, the Permit Holder shall surrender the original Parking Permit to the Council and make an application for a new Parking Permit and the original Parking Permit shall become invalid.
- (d) If Parking Vouchers are lost or destroyed, the Permit Holder may apply to the Council for the issue of duplicates. If the Council is satisfied as to the loss or destruction of the Parking Vouchers, duplicates will be issued, on receipt of a new application and the appropriate fee specified by the Council. This article applies to whole books of Parking Vouchers only.
- (e) The Council will make an administration charge for the issue of a duplicate Parking Permit or duplicate Parking Vouchers as specified by the Council.

#### **Restriction on the removal of a Residents Parking Permit or Parking Voucher**

12. Where a Parking Permit or Parking Voucher, has been displayed on or attached to a motor vehicle in accordance with the provisions of Article 5 of this Order, no person other than the driver of the motor vehicle or a Civil Enforcement Officer shall remove the Parking Permit or Parking Voucher from the motor vehicle unless authorised to do so by the driver of the motor vehicle.

#### **Power to suspend use of Parking Places**

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

#### **Exemptions to the provisions of this order**

14. Nothing in Article 4 of this Order shall render it unlawful to cause or permit any vehicle to wait in the parts of the road referred to therein for so long as may be reasonably necessary to enable:-
- (a) goods to be loaded on or unloaded from the vehicle
  - (b) a person to board or alight from the vehicle;



- (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
    - i) building, industrial or demolition operations;
    - ii) the removal of any obstructions to traffic;
    - iii) the maintenance, improvement or reconstruction of the said roads;
    - iv) the laying, erection, alteration, repair or cleaning of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus kept or installed for the purposes of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position.
  - (d) the vehicle if it cannot conveniently be used for such purpose in any other road to be used in the service of a local authority or water authority in pursuance of statutory powers or duties.
  - (e) the vehicle to be used for fire brigade, ambulance or police purposes;
  - (f) the vehicle to be used by a universal service provider in the course of the provision of a universal postal service for the purpose of delivering or collecting postal packets.
  - (g) a motor vehicle whilst being 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;
15. (a) Nothing in Article 4 (a) and (b) of this Order shall render it unlawful to cause or permit a disabled person's vehicle, which displays in the relevant position a disabled person's badge and a parking disc on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began, to wait in any of the lengths of road or on the sides of road referred to in that Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road on the same day).
- (b) Nothing in Article 4 (c) of this Order shall render it unlawful to cause or permit a disabled person's vehicle, which displays in the relevant position a disabled person's badge and a parking disc to wait at any time in any of the lengths of road shown on the On-Street Plans where waiting is permitted.
16. Nothing in Article 4 of this Order shall render it unlawful to cause or permit a vehicle to wait in the part of the road referred to therein if the vehicle is prevented from proceeding by circumstances beyond the driver's control or if the driver of the vehicle has stopped in order to avoid injury or damage to persons or property or is required to do so by law.
17. The provisions of the Welwyn Hatfield District Council (Control of Parking) (Consolidation) Order 2012 in respect of the lengths of road specified in Schedules 1 to this Order are hereby revoked but only in so far as they are affected by the restrictions imposed by this Order.
18. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

### **Penalty charge**

19. (a) If a vehicle is left in a parking bay as shown in the On-Street Plans during the permitted hours for longer than the initial period for which payment was made by the initial charge or was required pursuant to this Order to be made by the initial charge, the initial charge together with an additional amount set and published 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 (which additional amount is hereinafter referred to as the "penalty charge") shall be payable

- (b) If a vehicle is left in a parking bay as shown in the On-Street Plans without displaying a valid permit or voucher for longer than the maximum period for which a vehicle may be left, an amount set and published by the 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 (hereinafter referred to as the "penalty charge") shall be payable.
- (c) In the case of a vehicle in respect of which a penalty charge has been incurred, a Civil Enforcement Officer may attach to the vehicle in a conspicuous position or, at his discretion, hand to a person whom he has reason to believe has incurred a penalty charge under this Order a notice which shall include the following particulars:
  - i) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the general registration mark assigned to the holder of that licence and which mark is shown on the trade plates carried by the vehicle;
  - ii) the time by which he had reason to believe that a penalty charge has been incurred;
  - iii) a statement that a penalty charge set and published 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 is required to be paid;
  - iv) the manner in which, and the time within which, the penalty charge should be paid; and
  - v) a statement that it is an offence under Section 47 of the Road Traffic Regulation Act 1984 for the driver of the vehicle who has left it in a parking place to fail duly to pay the penalty charge.
- (d) The owner of any vehicle issued with a notice of penalty 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 of 1984.
- (e) Failure to supply the information required under Article 19(d) above may render the owner liable to prosecution but in any event if the Council is unable to ascertain the identity and current address of the driver then the owner shall become liable to pay the penalty charge as if he had been the driver at the time when the penalty charge was incurred.

#### **Manner of payment of the penalty charge**

- 20.(a) The penalty charge shall be paid to the Council either by electronic card, cheque, postal order or cash. Cheques and postal orders shall be delivered or sent by post so as to reach Welwyn Hatfield Borough Council not later than 4.00pm on the 28th day following the day on which the penalty charge was incurred or in cash in person locations specified by the Council on the penalty charge notice not later than as aforesaid.
- (b) Notwithstanding paragraph (a) above, the penalty charge shall be deemed to have been paid to the Council if the discounted penalty charge 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 penalty charge was incurred and provided that the reduced sum set by the Council in accordance with part 3 of Schedule 9 of the Traffic Management Act 2004 is paid without any dispute challenge request for information or correspondence of any kind in connection with the notice issued pursuant to Article 19.
- (c) Provided that, if the said 14th or 28th day falls upon a day on which the said Council 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 Council is open.

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

- 21. Where any vehicle is standing in a parking bay in contravention of the provisions of Article 27, a police constable in uniform or 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 bay**

22. Where a police constable in uniform or a civil enforcement officer is of the opinion that any of the provisions contained in Articles 5(e), 24, 26, or 28 have been contravened or not complied with in respect of a vehicle left in a parking bay he may cause the vehicle to be removed from the parking bay and, where it is so removed, shall provide for the safe custody of the vehicle.

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

23. 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.

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

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

24. The period for which a vehicle may be left in a parking bay as shown in the On-Street Plans during the permitted hours after the penalty charge has been incurred shall not exceed one hour.

#### **Restrictions on the removal of Penalty Charge Notices**

- 25.(a) Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 19(c) no person other than the driver of the vehicle, a Civil Enforcement Officer or a police officer in uniform shall remove the permit or ticket from the vehicle unless authorised to do so by the driver of the vehicle.
- (b) Provided that nothing herein shall apply to a civil enforcement officer or a police constable in uniform or a person removing the vehicle in pursuance of an arrangement made by a police constable or a civil enforcement officer by or under regulations in pursuance of powers contained in Sections 99, 100, 101 and 102 of the Road Traffic Regulation Act 1984.

#### **Interval before a vehicle may again be left in parking place as shown in the On-Street Plans**

- 26 Without prejudice to the provisions of Article 29, no vehicle which has been taken away from a parking place, after waiting thereon, the driver shall not 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.

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

27. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand:
- (a) In the case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are specified on the On-Street Plans as to be in accordance with those provisions;
- (b) In the case of any other parking place:-
- (i) If the parking place is not in a one-way street, that the left or near-side of the vehicle is parallel to the left-hand edge of the carriageway;

- (ii) That the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50 centimetres;
- (c) In the case of a vehicle left in a parking place as shown in the On-Street Plans that every part of the vehicle is within the limits of a parking bay.

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

- 28 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;

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 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
- (b) If the vehicle is one to which the provisions of Article 29(1)(h) apply.

#### **Exemptions to the Restriction on waiting by a vehicle in a parking place**

29. 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:
- 1. The vehicle is waiting for a period not exceeding two minutes, or such longer period as a police constable in uniform or a parking attendant may approve, to enable a person to board or alight from the vehicle or load thereon or unload there from his personal luggage;
    - (a) Provided that if the said person is a person suffering from any disability or injury which seriously impairs his ability to walk or who is blind, the vehicle may wait for as long as may be necessary to enable that person to board or alight from the vehicle or load thereon or unload there from his personal luggage;
    - (b) The vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his 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 for such duties for the vehicle to wait in the place in which it is waiting;
    - (d) The vehicle is waiting only 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 adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle or, having been unloaded there from, are being delivered; or
      - (ii) While postal packets are being collected for loading on the vehicle from premises or posting boxes adjacent to the parking place in which the vehicle is waiting or, having been so collected, are being loaded thereon;

- (f) The vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 14;
  - (g) The vehicle is in actual use in connection with 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;
  - (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 the period during which the vehicle is exempt from payment of the initial charge by virtue of Article 14(a) whichever is the longer or for such longer period as a police constable in uniform or a parking attendant may approve; or
- (2) No initial charge or charge specified in the foregoing provisions of this Order shall be payable in respect of any vehicle waiting in a parking bay 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 foregoing provisions of this Order shall be taken as authorising anything which would be a contravention of any Regulation made or having effect as if made under Section 25 of the Road Traffic Regulation Act 1984.

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

30. 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 29 otherwise than:
- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place as shown in the On-Street Plans so that the vehicle shall stand:
    - (i) Unless the length of the vehicle precludes compliance with this sub-paragraph, in accordance with those provisions and so that every part of the vehicle is within the limits of the parking place;
    - (ii) If the length of the vehicle does preclude compliance with the last preceding sub-paragraph so that the longitudinal carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 50 centimetres; and
  - (b) In the case of any other parking place 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 wheel of the vehicle is not more than 50 centimetres: and
  - (c) So that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

For the purposes of the last foregoing sub-paragraph, 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 29 or to or from which goods are being delivered or collected by virtue of the provisions of paragraph (1)(h) of Article 29 and in each case to or from the vehicle in question.

### **Installation of and placing of traffic signs, etc**

31. The Council shall:-

- (a) Place and maintain traffic signs indicating the limits of each parking bay; and place and maintain in or in the vicinity of each parking bay as shown in the On-Street Plans traffic signs indicating that such parking place may be used during the permitted hours for the leaving of the vehicles specified in Article 5(a); and
- (b) Carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

### **Restrictions on the use of Disabled parking places as shown in the On-Street Plans**

- 32
- (a) Save as provided in Article 29 (1) (a) – (d) no person shall cause or permit any vehicle to remain in a disabled persons parking place for longer than the maximum period specified for that parking place on the On-Street Plans.
  - (b) Where as indicated on the On-Street Plans there is a limit on the time of stay on a disabled person's parking place, the driver of the vehicle shall upon leaving the vehicle in the disabled person's parking place, display in the relevant position a disabled person's badge and parking disc, on which has been marked the time at which the period of waiting began and shall remove that vehicle from the said parking place within the maximum time specified.
  - (c) Where a period within which a vehicle must not be left again in a disabled person's parking place is specified on the On-Street Plans, no person shall cause or permit the vehicle to wait again in that parking place until the expiry of that specified period.

### **Penalty Charges**

- 33.
- (a) Where a person contravenes the prohibitions and requirements set out in the provisions of this Order, the owner of the vehicle in question shall incur a penalty charge.
  - (b) The penalty charge shall be payable to the Welwyn Hatfield Borough Council in accordance with the instructions contained on the penalty charge notice.
- 34 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the Interpretation of an Act of Parliament.
- 35 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 effect as if made under the Act of 1984 or by or under any other enactment.

### **SCHEDULE 1**

#### **List of Orders to be revoked, re-enacted and consolidated into the 2017 Consolidation Order**

#### **CONSOLIDATION**

The Borough of Welwyn Hatfield (Control of Parking) (Consolidation) Order 2012

#### **WELWYN GARDEN CITY**

The Borough of Welwyn Hatfield (Howardsgate, Welwyn Garden City) (Parking Places for Electric Vehicles) Order 2014

The Hertfordshire (Various Roads, Welwyn Garden City) (Restriction of Waiting) Order 2013 Order No. 7789

The Hertfordshire (Cole Green Lane, Homestead Lane, Marley Road and Wheatley Road, Welwyn Garden City) (Restriction of Waiting) Order 2013 Order No. 7834

The Borough of Welwyn Hatfield (Various Roads, Welwyn Garden City) (Restriction of Waiting) Order 2013

The Borough of Welwyn Hatfield (Lodgefield and Nursery Gardens, Welwyn Garden City) (Restriction of Waiting and Permit Parking Zones) Order 2013

The Borough of Welwyn Hatfield (The Cloisters and Parkway Gardens, Welwyn Garden City) (Restriction of Waiting and Permit Parking Zones) Order 2012

The Hertfordshire (Black Fan Road, Watchmead, Tewin Road, Garden Court, Tewin Court and Bridgefields, Welwyn Garden City) (Restriction of Waiting) Order 2012 Order No. 7666

The Borough of Welwyn Hatfield (Parkway, Welwyn Garden City) (Restriction of Waiting) Order 2012

The Hertfordshire (Handside Lane, Welwyn Garden City) (Restriction of Waiting) Order 2011 Order no. 7674

The Borough of Welwyn Hatfield (Parkway and Russellcroft Road, Welwyn Garden City) (Restriction of Waiting) Order 2011

The Hertfordshire (Peartree Lane Car Parks, Welwyn Garden City) (Parking Bays) Order 2011 Order No. 7606

The Hertfordshire (Peartree Lane, Welwyn Garden City) (Disabled Persons Parking Bay) Order 2011 Order No. 7605

The Hertfordshire (Various Roads, Welwyn Garden City) (Restriction of Waiting) Order 2011 Order No. 7603

The Borough of Welwyn Hatfield (Digswell Rise, The Vineyard, Vine Close and Gresley Close, Welwyn Garden City) (Restriction of Waiting and Permit Parking Zone) Order 2012

### **HATFIELD**

The Borough of Welwyn Hatfield (The Common, Hatfield) (Parking Places) Order 2013

The Hertfordshire (Pleasant Rise and Lodge Drive, Hatfield) (Restriction of Waiting) Order 2014 Order No. 7800

The Hertfordshire (Wood Close, Hatfield) (Restriction of Waiting) Order 2014 Order No. 7845

The Borough of Welwyn Hatfield (The Common, Hatfield) (Parking Places for Electric Vehicles) Order 2014

The Borough of Welwyn Hatfield (Bramble Road and Poplar Avenue, Hatfield) (Restriction of Waiting) Order 2013

The Borough of Welwyn Hatfield (Various Roads, Hatfield) (Restriction of Waiting) Order 2012

The Borough of Welwyn Hatfield (Various Roads, Hatfield) (Restriction of Waiting) Order 2010 (Amendment) 2012

The Hertfordshire (Bishops Rise and Woods Avenue, Hatfield) (Restriction of Waiting) Order 2012 Order No. 7608

The Borough of Welwyn Hatfield (Ellenbrook Lane, Wilkins Green Lane and Selwyn Avenue, Hatfield) (Restriction of Waiting) Order 2011

The Hertfordshire (Tudor Close, Hanover Walk and Woodpecker Close, Hatfield) (Restriction of Waiting) Order 2011 Order No. 7602

### **CUFFLEY**

The Borough of Welwyn Hatfield (Theobalds Close, Theobalds Road and South Drive, Cuffley) (Restriction of Waiting and Permit Parking Zone) Order 2014

The Hertfordshire (Various Roads, Cuffley) (Restriction of Waiting) Order 2011 Order No. 7604

## **WELWYN**

The Borough of Welwyn Hatfield (Various Roads, Welwyn) (Restriction of Waiting) Order 2012

The Borough of Welwyn Hatfield (Various Roads, Welwyn) (Parking Places) Order 2011

The Hertfordshire (High Street and Church Street, Welwyn) (Prohibition of Stopping and Restriction of Waiting) Order 2010 Order No. 7633

## **WELHAM GREEN**

The Borough of Welwyn Hatfield (Various Roads, Welham Green) (Restriction of Waiting and Permit Parking Zone) Order 2014

## **WOOLMER GREEN**

The Hertfordshire (Various Roads, Woolmer Green) (Prohibition of Stopping and Restriction of Waiting) Order 2014 Order No. 7850

## **DIGSWELL**

The Borough of Welwyn Hatfield (Station Road, Digswell, Welwyn) (Restriction of Waiting) Order 2011

The Borough of Welwyn Hatfield (New Road and Mornington, Digswell, Welwyn) (Restriction of Waiting) Order 2013

The Hertfordshire (New Road and Mornington, Digswell, Welwyn) (Restriction of Waiting) Order 2014 Order No. 7849

The Borough of Welwyn Hatfield (Various Roads, Digswell) (Restriction of Waiting) Order 2011

## **BROOKMANS PARK**

The Borough of Welwyn Hatfield (Various Roads, Brookmans Park, Hatfield) (Restriction of Waiting) Order 2014

The Borough of Welwyn Hatfield (Station Close, Brookmans Park, Hatfield) (Restriction of Waiting and Permit Parking Zones) Order 2014

The Hertfordshire (Bradmore Green, Brookmans Park) (Restriction of Waiting) Order 2012 Order No. 7664

The Borough of Welwyn Hatfield (Westland Drive and Oaklands Avenue, Brookmans Park) (Restriction of Waiting) Order 2011

The Borough of Welwyn Hatfield (Peplins Way, Peplins Close, Bradmore Way and Bradmore Green, Brookmans Park, Hatfield) (Restriction of Waiting and Permit Parking Zone) Order 2014

The Borough of Welwyn Hatfield (Bradmore Green and Station Road, Brookmans Park, Hatfield) (Restriction of Waiting) Order 2014

The Borough of Welwyn Hatfield (Bradmore Green, Brookmans Park, Hatfield) (Disabled Persons Parking places) Order 2014) Order 2014

The Borough of Welwyn Hatfield (Bradmore Green, Brookmans Park, Hatfield) (Parking Places) Order 2014

## **SCHEDULE 2**

### **List of Addresses Eligible for Parking Permits.**

<u>Town / Street</u>	<u>Zone Code</u>	<u>Properties (all numbers are inclusive)</u>
<b><u>Brookmans Park</u></b>		
Station Close	D02	Odd numbers 1-19 even numbers 2-20
Peplins Way	D03	Odd numbers 2-66 even numbers 1-131
Peplins Close	D03	Odd numbers 2-10 even numbers 1-11
Bradmore Way	D03	Odd numbers 2-60 even numbers 1-63



Hawkshead Lane	D 01	Even No's 4 – 30, Odd No's 25 – 53, 57, 69, and 71 – 77, The Yolk, 2, Hawkshead Farm Cottage.
<b><u>Cuffley</u></b>		
Theobalds Close	E01	Odd numbers 1-39 even numbers 2-40
<b><u>Welham Green</u></b>		
Booths Close	F01	All Properties with an address in this road
Holloways Lane	F01	All Properties with an address in this road
Nash Close	F01	All Properties with an address in this road
<b><u>Welwyn Garden City</u></b>		
Lodgefield	A08	Odd numbers 1-87 even numbers 2-88
Nursery Gardens	A08	Odd numbers 1-59 even numbers 2-60
The Cloisters	A07	Odd numbers 1-35 even numbers 2-42
Parkway Gardens	A06	Numbers 1-12 and 14-33
Digswell Rise	AV	All Properties with an address in this road
The Vineyard	AV	All Properties with an address in this road
Gresley Close	AV	All Properties with an address in this road
Digswell Lodge	AV	All Properties at this address
Vineyard Barn	AV	All Properties at this address
Coneydale	AV	Numbers 2 and 4
Parkway Close	A 03	No's 1 – 12
Parkway	A 04	Even No's 50 – 64, Even No's 90 – 104, Even No's 66, 68, 86 and 88, Odd No's 49 – 65, Church of Francis of Assisi and St Bonaventure Church No 81.
Barleycroft Green	A 05	No's 1 – 17
Bennett Close	AK	All properties
Kingsley Court	AK	All properties
Wyndhams End	AK	All properties
Vine Close	AV	All properties including 1 – 10 Digswell Court
<b><u>Welwyn</u></b>		
Warren Way	C 01	All properties
Hazel Close	C 01	All properties
Foxley Grove	C 01	All properties
Woodside Road	C 01	All properties
<b><u>Hatfield</u></b>		
Batterdale	B 01	All properties
Church Lane	B 01	All properties
Church Street	B 01	All properties
Fore Street	B 01	All properties
Park Close	B 01	All properties
Park Street	B 01	No's 1 – 45 and 2 - 18
The Broadway	B 01	All properties
Great North Road	B 01	No's 62 - 66
Salisbury Square	B 01	All properties
St Etheldredas Drive	B 02	All properties
Glebeland	B 02	All properties
Park Meadow	B 03	All properties
Old Hertford Road	B 03	All properties
Park Street	B 03	Even No's 40 – 46

### **Permit Charges**

The charges for Parking Permits and Parking Vouchers shall be in accordance with the charges specified in the Schedules contained within the Orders consolidated and re-enacted by this Order and are subject to variation at the Council's discretion giving notice in accordance with section 46A of the Act of 1984.

### **END OF SCHEDULES**

GIVEN under the Common Seal of the Welwyn Hatfield Borough Council this 25<sup>th</sup> day of May 2017.

THE COMMON SEAL of the WELWYN)  
HATFIELD BOROUGH COUNCIL was)  
hereunto affixed in the presence of:- )

Mayor.....

Authorised Officer.....

