

HERTSMERE BOROUGH COUNCIL

Date of Order: XXXXXXXX 2020

Order No: XXX

THE HERTSMERE BOROUGH COUNCIL (KEMP PLACE AND MONTAGUE HALL PLACE, BUSHEY) (RESIDENTS PARKING PLACES) ORDER 2020

Hertsmere Borough Council (hereinafter referred to as the “the Council”), pursuant to arrangements made with Hertfordshire County Council (“the County Council”) under Section 19 of the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2000 in exercise of the powers on the said County Council by Sections 32, 35, 45, 46, 49 and 53 to the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act of 1984”) and Part IV of the Schedule 9 of the Road Traffic Regulation Act 1984 and of all other enabling powers, and after consultation with the Chief Officers of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:

Commencement

1. This Order may be cited as The Hertsmere Borough Council (Kemp Place and Montague Hall Place, Bushey) (Residents Parking Places) Order 2020 hereinafter referred to as “this Order” and shall come into operation on XXXXXXXXXXXX 2020.

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 Regulation and General Directions 2016.

“Civil enforcement officer” means an officer as defined by the Traffic Management Act 2004 and appointed by the Council.

“Delivering” and “Collecting” in relation to goods including checking the goods for the purpose of their delivery or collection;

“Disabled person's vehicle” means a vehicle lawfully displaying a disabled person's badge 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;

“Disabled Person/Disabled Driver” means a disabled person of a description prescribed by Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“Disabled Persons Badge”, “Blue Badge” has the same meaning as given in the Disabled Persons (Badge for Motor Vehicles) (England) Regulations 2000;

“Driver” in relation to a vehicle waiting in the parking place, means the person driving the vehicle at the time it was left in the parking place;

“Eligible Address” means any postal address, which is listed in Schedule 3 to this Order and therefore indicates that the resident may apply for a Resident Permit and/or Visitor Parking Permits as specified in that Schedule;

“Household” means a dwelling with a separate entry on the Council’s Council Tax register

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

“Invalid carriage” has the same meaning as in section 136(5) of the 1984 Act;

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

“Motor vehicle” has the same meaning as in Section 136(1) of the Act of 1984;

“Owner” in relation to a vehicle means the person by whom such 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 2.3 metres in height and 5.25 metres in length may be parked, marked in accordance with the Traffic Signs Regulations and General Directions 2016 as designated in Article 4 of this Order and listed in Schedule 2 to this Order;

“Parking place” means any place where a Vehicle, or Vehicles of any class, not larger than 2.3 metres in height and 5.25 metres in length may be parked, marked in accordance with the Traffic Signs Regulation and General Directions 2016 as designated by this order;

“Passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) constructed or adapted solely for the carriage of not more than sixteen passengers (exclusive of the driver) and their effects and not drawing a trailer;

“Parking Permit / Permit” means a Residents Parking Permit, Visitors Parking Permit, Special Parking Permit, Exemption Permit, Business Permit, and Visitors Annual Parking Permit;

“Resident Visitor Parking Permit” means a visitors voucher issued by the Council under the provisions of this Order and bearing printed instructions for its validation on the front face;

“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 and Charges) (England) Order 2007 and the provisions of part 6 and Schedule 9 of the Traffic Management Act 2004;

“Permit holder” means a person to whom a permit/s have been issued by Hertsmere Borough Council;

“Permitted Hours” means the hours and days of the week specified in Schedule 1 to this Order;

"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 nearside of the vehicle, or if the vehicle is one being used by a disabled person has the same meaning as given in Regulation 4 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and in all cases displayed in such a position as to be clearly visible from outside the vehicle's front or nearside. Visitors Annual Permits may be displayed on the rear view mirror using the permit holder supplied by the Council. Resident Visitor Parking Permits should be displayed as described on the permits. Motor Cycles are not required to display permits;

"Resident" means a person whose principal home is a dwelling listed in Schedule 3 of this Order;

"Vehicle" means passenger Motor Vehicle/s or Motor Cycle/s not larger than 2.30 metres in height and 5.25 metres;

"Zone" refers to the road(s) identified in Schedule 1 of this Order.

Designation of Parking Places

3. Each area of highway specified in Schedule 1 to this Order is hereby designated as a parking place for use by resident permit holders and resident visitor permit holder's vehicles only between 8am and 6.30pm Monday to Saturday inclusive, any such day not being Christmas Day, Good Friday or a Bank Holiday.
4. No person shall cause or permit any vehicle to wait in a parking place during the permitted hours unless it is of the specified class as defined in Article 6.
5. Where in Article 3 of this Order a length of road is described as authorised for use as a parking place, the driver of a vehicle shall not permit the vehicle to wait in that parking place unless it:-
 - a) is wholly parked within the marked limits of the Parking Place and
 - b) is displaying in the relevant position a valid Parking Permit issued in accordance with the provisions of this Order (excluding motorcycles).

Vehicles for which Parking Places are designated

6. Subject to the provisions of this Order, parking places designated in Schedule 1 of this order may be used for 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).

Restrictions of Waiting in a Parking Place

7. Save as provided in Article 24 of this order, no person shall, except upon the direction of a police constable in uniform or with the permission of a Civil Enforcement Officer, cause or permit any vehicle to wait during the permitted hours on any parking place specified in Schedule 1 unless a valid Resident Parking Permit

or Visitor Parking Permit is displayed on that vehicle in the relevant position.

8. The absence of a Parking Permit on a vehicle left in a Parking Place shall be evidence of the fact that a Parking Permit has not been issued to the Owner or Driver of the Vehicle except in the case of motorcycles where details are recorded on the computer system held by the Civil Enforcement Officer, which identifies evidence of the existence of a valid Permit.

Eligibility for Parking Permits

9. Any Resident who is the owner of a Vehicle or has access to a company vehicle or hired vehicle may apply to the Council for the issue of a Residents Parking Permit for each such Vehicle in their ownership or control subject to the maximum parking permit allocation per household set out in Schedule 2 to this Order.
10. Any Resident may apply to the Council for the issue of Annual Visitor Permits and Resident Visitor Permits for the leaving in a Parking Bay vehicles belonging or being used by a person or persons visiting the Resident; provided that the Council may at its absolute discretion limit the number of Residents Visitors Permits that are issued in respect of a particular household set out in Schedule 2 to this Order.
11. 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 Special Parking Permit for the use of these personnel when visiting households in roads specified in Schedule 1 to this Order. Where possible, such permits will be issued to a particular Vehicle. The decision to issue a Special Parking 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. The Council may at its absolute discretion limit the number of Residents Visitor Parking Permits that are issued in respect of a particular household set out in Schedule 2 to this Order.

Application for a Parking Permit/s

12. Application for a Parking Permit/s will be made on a form issued by and obtainable from the Council. The form must be completed and returned accompanied by a payment for the charge specified in Schedule 2 of this Order and by such documentary evidence of entitlement in respect of an application for a Parking Permit/s made to them as the Council may reasonably request to verify any particulars or information given to them.
13. On receipt of a properly completed application and fee where appropriate the Council shall issue to the appropriate applicant a Parking Permit/s provided that the applicant qualifies for the Parking Permit/s.
 - a) Where Parking Permit/s are issued to any person upon receipt of a cheque or credit/debit card details and the payment is subsequently dishonored, the Parking Permit/s shall immediately cease to be valid.
 - b) The Council will serve notice by recorded delivery on the person to whom the Parking Permit/s 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/s, to the Council within 48 hours of the receipt of the notice.

Charges for Parking Permits

14. The charges for a Parking Permit/s shall be as specified in Schedule 2 to this Order.
15. The charges for a Parking Permit/s may be amended by the Local Authority giving notice in accordance with Section 46A of the Act of 1984.

Form of Parking Permit/s

16. (1) Resident Parking Permits shall be in writing and shall include the following particulars:
 - (a) a serial number by which the Permit Holder may be identified;
 - (b) the registration number of the Vehicle for which the Parking Permit is issued
 - (c) the expiry date;
 - (d) an authentication that the Parking Permit has been issued by the Council;
 - (e) an alphanumeric code to identify the parking Zone.
- (2) Annual Visitor Parking Permits shall be in writing and shall include the following particulars:
 - (a) a serial number by which the Permit Holder may be identified;
 - (b) the expiry date;
 - (c) an authentication that the Parking Permit has been issued by the Council;
 - (d) an alphanumeric code to identify the parking Zone.
- (3) Resident Visitor Parking Permits shall be in writing and shall include the following particulars
 - (a) a serial number by which the Permit Holder may be identified;
 - (b) a expiry date
 - (c) a.m. period or p.m. period
 - (d) the month, the date of the month and the day of the week
 - (e) an authentication that the Resident Visitor Parking Permits have been issued by the Council.
- (4) Special Parking Permits shall be in writing and shall include the following particulars:
 - (a) a serial number by which the Permit Holder may be identified;
 - (b) the expiry date;
 - (c) an authentication that the Special Parking Permit has been issued by the Council.

Form of Exemption Permits

17. Any person who is employed by either Hertsmere Borough Council or Hertfordshire County Council Highway Authority and has a valid need to park in the parking places as referred to in Schedule 1 will be issued with an Exemption Permit. On issuing the Exemption Permit the Council may specify the purpose for which it may be used and shall specify the period for which it is valid. The Exemption Permit shall be displayed in the relevant position.
 - (a) A yellow card shall be issued to Hertsmere Borough Council employees and this Exemption Permit shall include an indication that the Exemption Permit has been issued by the Council and a serial card number.
 - (b) Exemption Permits issued to Hertfordshire County Council Highway Authority

employees shall contain relevant details at the discretion of the Council.

Surrender, Withdrawal and Validity of a Parking Permit/s

18. (1) A Permit Holder may surrender a Parking Permit/s to the Council at any time.
(2) 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(s), if it appears to the Council that:-
19. The events referred to in the foregoing provisions of this Article are –
 - (a) The Permit Holder has ceased to be eligible to hold a Parking Permit/s under the provisions of Articles 9 to 11 of this Order
 - (b) The Vehicle or Motor Cycle in respect of which a Parking Permit was issued has been adapted or used in such a manner that it is no longer a vehicle for which a Parking Permit can be issued;
 - (c) The details on the Parking Permit/s have been altered or defaced;
 - (d) The Residents Visitors Parking Permit shall be valid on a particular day if and only if on the face of the permit there is indicated the required a.m. or p.m., the day, date and month in question (by scratching off the silver coating on the permit) and the face contains no other writing or remark.
 - (e) The residents' Visitor Annual Permit must be displayed in the Vehicle by hooking the permit to the rear view mirror or in the Relevant Position and for only use by persons visiting the household to which it is issued.
20. A Parking Permit will be valid only if displayed on the Vehicle (excluding Motor Cycles) to which the Parking Permit relates in the Relevant Position.
 - (a) A Residents Visitor Parking Permit will be valid only if displayed on a Vehicle (excluding Motor Cycles) visiting the household to which it was issued, in the Relevant Position correctly marked in accordance with the instructions for validation on the front face.
 - (b) 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.
 - (c) The Council will not make any refund for the withdrawal of a Parking Permit/s.
 - (d) The Council will not refund any charges incurred in accordance with Schedule 2 to this Order.

Application for and the issue of a Duplicate Parking Permit

21. The Council will issue a duplicate or replacement Parking Permit 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.

- (b) 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 Motor Cycle, 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 Resident Visitor Parking Permits 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 Resident Visitor Parking Permits, duplicates will be issued, on receipt of a new application and the appropriate fee specified in Schedule 2. This article applies to whole books of Resident Visitor Permits only.
- (e) The Council will make charges for the issue of a duplicate Parking Permit or duplicate Resident Visitor Parking Permits as set out in Schedule 2 to this Order.

Restriction on the removal of a Parking Permit

22. Where a Parking Permit/s has been displayed on or attached to a Motor Vehicle in the Relevant Position, no person other than the Driver of the Motor Vehicle or a Civil Enforcement Officer shall remove the Parking Permit/s from the Motor Vehicle unless authorised to do so by the Driver of the Motor Vehicle.

Power to Suspend use of Parking Places and Permit Parking Zones

23. Any person authorised by the Council or a police constable in uniform may suspend the use of a parking place or Permit Parking Zone 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

24. (1) It shall not contravene Articles 3, 4, 5, 6, 7 and 8 of this Order 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) Nothing in Article 3 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, to wait in any of the lengths of road or on the sides of road referred to in that Article.

In this Article –

The expressions “universal service provider”, “provision of a universal postal Service” and “postal packet” shall bear the same meanings as in the Postal Services Act 2011.

- (2) It shall not contravene Articles 3, 4, 5, 6, 7 and 8 of this Order 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.
- (3) Nothing in Articles 3, 4, 5, 6, 7 and 8 of this Order applies to anything done at the direction of or with the permission of a police constable in uniform or with permission of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Hertsmere Borough Council.

Contraventions of this Order

25. Where a Motor Vehicle is parked in contravention of any of the Articles to this Order the Driver of any such Motor Vehicle shall be issued with a Penalty Charge notice.
26. 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.

Revocation

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

The Borough of Hertsmere (Control of Parking) (Consolidation) Order 2012

SCHEDULE 1

Lengths of road designated as Parking Places – Residents or Visitors Permit Zone KP or a valid Special or Exemption Permit

Col 1	Col 2	Col 3	Col 4
No.	Name of Road	Description	Permitted Hours
1	Kemp Place (Both sides)	From a point 6 metres northeast of the eastern flank of number 1 Kemp Place westwards and southwards for its remaining length	Monday to Saturday 8am to 6.30pm
2	Kemp Place (east side)	From a point 28 metres north of the northwestern flank wall of number 1 Montague Hall place northwards for a distance of 21 metres	Monday to Saturday 8am to 6.30pm
3	Montague Hall Place	From a point 7 metres north of the northern flank wall of number 1 Montague Hall Place southwards for its remaining length	Monday to Saturday 8am to 6.30pm

SCHEDULE 2

Permit Charges

Residents Permits	First permit = £25, second = £40, third = £70, fourth=£100 (as conditions listed in article 10 of this order). A maximum of 4 permits according to Schedule 1 of this order
Duplicate Residents Permit	£15
Visitors Parking Vouchers	£5 per 20 half-day vouchers
Visitors Annual Permits	£40
Exemption Permits	Free of charge

SCHEDULE 3

Eligible addresses for Permits

ROAD	ZONE	Eligible addresses
Kemp Place	KP	ALL
Montague Hall Place	KP	ALL

IN WITNESS whereof the Common Seal of the Hertsmere Borough Council was hereunto affixed

This..... day of2020

The Common Seal of
Hertsmere Borough Council
Was hereunto affixed in the
Presence of:-
Head of Legal and Democratic Services

