

## HERTSMERE BOROUGH COUNCIL

Date of Order: 19<sup>th</sup> August 2020  
Order No: 330

### **THE HERTSMERE BOROUGH COUNCIL (HIGH STREET, BUSHEY) (RESIDENTS PARKING AND SHARED USE 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 2012 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 (High Street, Bushey) (Residents Parking and Shared Use Parking Places) Order 2020 hereinafter referred to as "this Order" and shall come into operation on 28<sup>th</sup> September 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.

"the council" means Hertsmere Borough Council.

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

"Controlled Parking Zone" (CPZ) 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.

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

"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 2 to this Order and therefore indicates that the Resident may apply for a Parking Permit as specified in the Schedules;

"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 1 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 in Article 4 of this Order and listed in Schedule 1 to 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 Resident's Permit, Resident Visitor Parking Permit, Special Parking Permit, Exemption Permit, Business Permit, and Visitors Annual Permit;

"Pay by Phone Services" means the system of paying for purchasing parking by use of a phone or internet;

"Payment Card" means a bank credit or debit card, e-purse card, discount card, or pre-payment card as accepted by the Pay by Phone Service provider to enable the purchase of parking sessions in a parking place;

"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 2 of this Order;

"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;

"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.

### **Parking Places**

3. a. Save as provided in Articles 27 (1) to (3) of this Order those lengths of road specified in Schedule 1 to this Order are authorised for use as Parking Places for Permit Holders only between 8am and 6.30pm Monday to Saturday inclusive, any such day not being Christmas Day, Good Friday or a Bank Holiday.
- b. Save as provided in Articles 27 (1) to (3) of this Order those lengths of road specified in Schedule 1 to this Order are authorised for use as Parking Places for Pay and Display ticket holders, limited waiting and resident permit holders between 8am and 6.30pm Monday to Saturday inclusive, any such day not being Christmas Day, Good Friday or a Bank Holiday.
4. Unless exempted by the provisions of this Order 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).

### **Designation of Parking Places**

5. Each area of highway specified in Schedule 1 to this Order is hereby designated as a parking place on the days and between the hours as specified in that Schedule.
6. Save as provided in Articles 3, 27(1) to (3) of this Order no Vehicle (excluding motorcycles) may be parked in a parking place during the specified hours without displaying a valid Permit in the Relevant Position for that Vehicle which has been issued in respect of that Zone.
7. Where a Vehicle (excluding motorcycles) is parked in contravention of Articles 4 to 6 to this Order the Driver of any such Vehicle shall be issued with a penalty charge notice.
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 Residents Parking Permits**

9. Any Resident who is the owner of a Vehicle or has access to a company vehicle or hired vehicle and whose address is listed under the eligible addresses in Schedule 2 to this order, may apply to the Council for the issue of a Residents Permit for each such Vehicle in their ownership or control subject to the maximum

parking permit allocation per household set out in Schedule 3 to this Order.

10. 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.

#### **Application for a Resident Parking Permit**

11. 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 3 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.
12. 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 Resident Parking Permit or Visitor Parking Permits**

13. The charges for a Parking Permit/s shall be as specified in Schedule 3 to this Order.
14. 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.

#### **On-Street Parking Places with Charges – Restrictions of waiting (Shared Use – Residents and Pay and Display)**

15. Except as provided in Article 27 or upon the direction of a police constable in uniform or with the permission of a Civil Enforcement Officer no person shall cause or permit any vehicle to wait in a parking place specified in Schedule 4 to this order:-

- a. without displaying a valid Parking Permit or
- b. without paying the specified charge upon causing or permitting the vehicle so to wait;
- c. for longer than the time period for which the specified charge has been paid.
- d. to wait in a parking place longer than that specified in Schedule 1 Column 6;
- e. if a period less than that specified in Schedule 1 Column 7 as being a period during which the vehicle must not be left again in that parking place has elapsed.

### **Payment**

- 16. The driver of a vehicle using a pay and display parking place shall upon leaving the vehicle in the pay and display parking place, purchase a pay and display ticket or parking session at the level of charge and for the period required in accordance with the scale of charges specified within Schedule 4. The scale of charges is subject to variation at the Council's discretion giving notice in accordance with section 46A of the Act of 1984.
- 17. The driver of a vehicle using the shared use parking place shall upon leaving the vehicle in the shared use parking place make payment by card with the Pay by Phone service provider.
- 18. When payment is made using the Pay by Phone Service using a payment card evidence shall be displayed on a Handheld Device of:
  - a. an indication of the correct payment has been made in respect of that vehicle together with details of the date and time of expiry of the parking session for which payment has been made;
  - b. an indication that the parking session for which payment has been made has not expired.

### **Form of Resident Parking Permit**

- 19. (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) 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**

20. 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 Schedules 3 and 4 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**

21. (1) A Permit Holder may surrender a Parking Permit/s to the Council at any time and shall surrender a Permit to the Council on the occurrence of any one of the events set out in Article 22.
- (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 any of the items in Article 22 apply :-
22. 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 10 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 as described in Articles 19 (1) and (2) of this Order have been deliberately altered.
23. 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 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.
- (b) The Council will not make any refund for the withdrawal of a Parking Permit/s.
- (c) The Council will not refund any charges incurred in accordance with Schedule 3 to this Order.

#### **Application for and the issue of a Duplicate Resident Permit**

24. 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) The Council will make charges for the issue of a duplicate Parking Permit as set out in Schedule 3 to this Order.

#### **Restriction on the removal of a Parking Permit**

25. 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**

26. 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**

27. (1) It shall not contravene Articles 3, 4 and 6 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 lengths of road or on 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 and 6 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 and 6 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**

28. 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.
29. 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**

30. 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**  
**Permit Holders Zone VB or Pay and Display (shared use)**

<b>Col 1</b>	<b>Col 2</b>	<b>Col 3</b>	<b>Col 4</b>	<b>Col 5</b>	<b>Col 6</b>	<b>Col 7</b>
<b>Col No.</b>	<b>Name of Road</b>	<b>Side of Road</b>	<b>Description</b>	<b>Permitted Hours</b>	<b>Pay and Display Limited Waiting period</b>	<b>Pay and Display No return within</b>
1	High Street, Bushey	North	From a point in line with the common property boundary of numbers 8 and 10 High Street eastwards for a distance of 27 metres	Monday to Saturday 8am to 6:30pm	1 hour	2 hours
2	High Street, Bushey	North	From a point in line with the common property boundary of numbers 20 and 22 High Street eastwards for a distance of 5.5 metres	Monday to Saturday 8am to 6:30pm	1 hour	2 hours
3	High Street, Bushey	North	From a point 3 metres west of the property boundary of numbers 30 and 32 High Street, Bushey eastwards for a distance of 41 metres	Monday to Saturday 8am to 6:30pm	1 hour	2 hours
4	High Street, Bushey	North	From a point in line with the common property boundary of numbers 82 and 84 High Street eastwards for a distance of 19.5 metres	Monday to Saturday 8am to 6:30pm	1 hour	2 hours

5	High Street, Bushey	North	From a point in line with the common property boundary of numbers 120 and 124 High Street westwards for a distance of 40 metres	Monday to Saturday 8am to 6:30pm	1 hour	2 hours
6	High Street, Bushey	North	From a point 5 metres east in line with property boundary of numbers 136 and 138 High Street westwards for a distance of 33.5 metres	Monday to Saturday 8am to 6:30pm	1 hour	2 hours
7	High Street, Bushey	North	From a point in line with the eastern flank wall of number 150 High Street westwards for a distance of 33.5 metres	Monday to Saturday 8am to 6:30pm	1 hour	2 hours

## SCHEDULE 2

### Eligible addresses for Residents Parking Permits Only

ROAD	ZONE	Eligible addresses
High Street, Bushey	VB	4 to 24 (even only)
High Street, Bushey	VB	2a, 3, 7, 23, 27a, 28(the flat), 29, 31, 33c, 34a, 36a, 37(1 <sup>st</sup> floor rear), 38a, 39, 40a, 41a, 42a, 43, 44a, 45, 47a, 47b, 48a, 49a, 49b, 49c, 56, 57, 58, 59, 62, 64, 112, 114, 118, 120a, 124a, 136(1 <sup>st</sup> floor)

**SCHEDULE 3**

**Permit Charges**

Residents Permits	A maximum of 1 permit per property £25 per annum
Duplicate / Replacement Permit	£15

**SCHEDULE 4**

**High Street, Bushey - On street Pay and Display Charges  
(Monday to Saturday 8am to 6:30pm)**

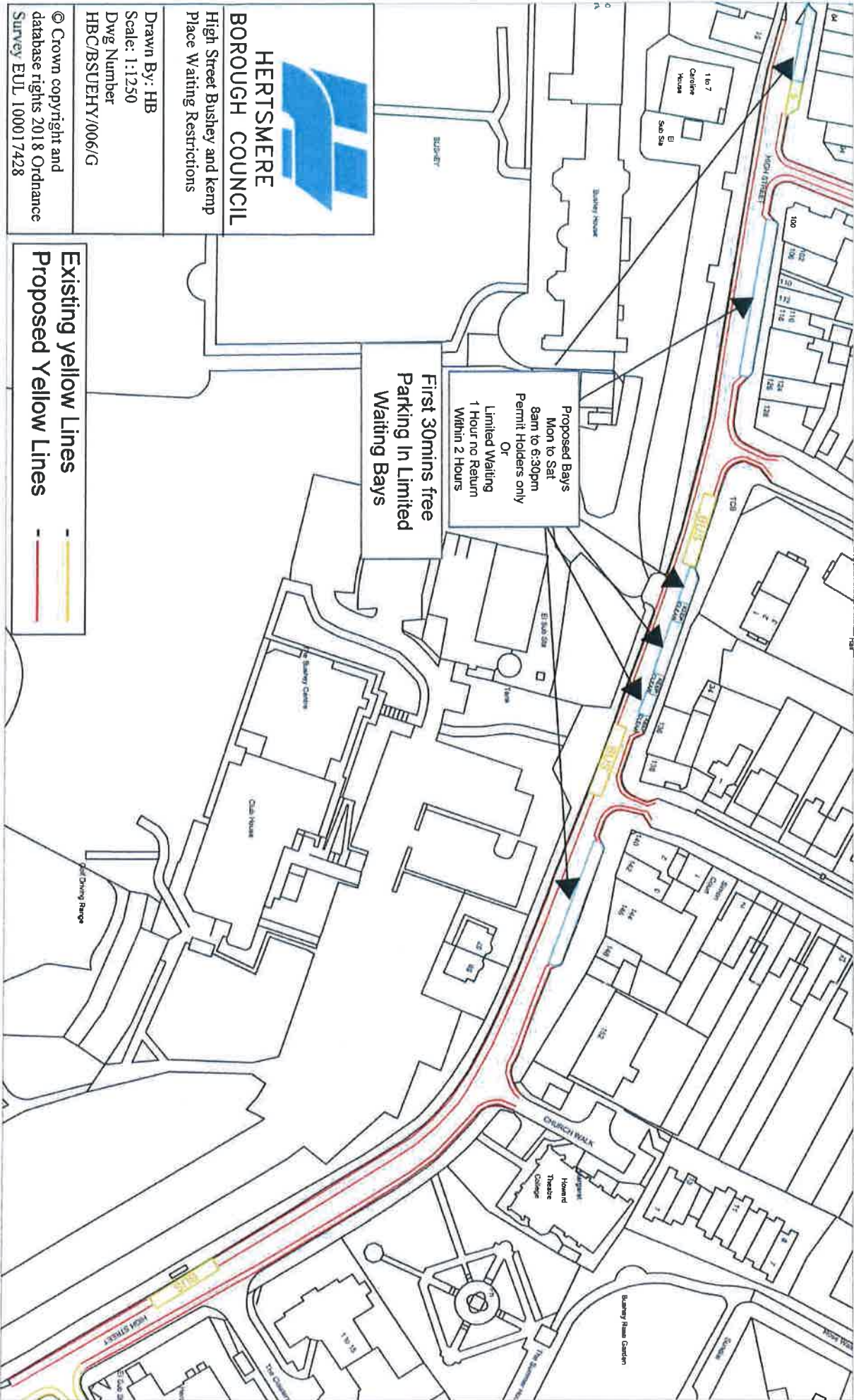
Period	Description
Up to 30 minutes	Free
Up to 1 hour	£0.70

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

This 19<sup>th</sup> day of August 2020

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





**HERTSMERE  
BOROUGH COUNCIL**

High Street Bushey and Kemp  
Place Waiting Restrictions

Drawn By: HB  
Scale: 1:1250  
Dwg Number  
HBC/BSUEHY/006/G

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Survey EUL 100017428

**Proposed Bays**  
Mon to Sat  
8am to 6:30pm  
Permit Holders only  
Or  
Limited Waiting  
1 Hour no Return  
Within 2 Hours

**First 30mins free  
Parking In Limited  
Waiting Bays**

**Existing yellow Lines**  
**Proposed Yellow Lines**

