

**THE NORTH HERTFORDSHIRE DISTRICT COUNCIL
(BEDFORD ROAD, HITCHIN) (PERMIT PARKING PLACES)
ORDER 2022**

Date of Order:#####
Order No: MH/21/00081/TRO/BEDFORDROAD

North Hertfordshire District Council (“the Council”) pursuant to arrangements made under section 19 of the Local Government Act 2000 & the Local Government (Arrangements for the Discharge of Functions) (England) Regulations 2000 with Hertfordshire County Council, and in exercise of their powers under sections 32 – 35 and 45 – 47 of the Road Traffic Regulation Act 1984 (“the Act of 1984”) and Part IV of Schedule 9 of the Act of 1984 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby make the following Order:-

Commencement

1. This Order shall come into force on ##### and may be cited as The North Hertfordshire District Council (Bedford Road, Hitchin) (Permit Parking Places) Order 2022. Herein thereafter referred to as “this Order”
2. The North Hertfordshire District Council (Bedford Road, Hitchin) (Permit Parking Places) Order 2022 Plan numbered MH/21/00081 (herein after referred to in this Order as the “accompanying plan”).

Interpretation

3. (1) In this Order:-

“accompanying plan” means the North Hertfordshire District Council (Bedford Road, Hitchin) (Permit Parking Places) Order 2022 plan numbered MH/21/00081 including the key thereof which is incorporated into this Order pursuant to Article 2

“delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery and collection;

“disabled person’s vehicle” has the same meaning as in Section 142(1) of the Act of 1984;

“disabled person’s badge” has the same meaning as given in Regulation 3(1) of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“driver” means the person driving the motor vehicle at the time it was left in the parking space;

“enforcement officer” means a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by North Hertfordshire District Council;

“Civil Enforcement Officer” means a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by North Hertfordshire District Council

“goods” includes postal packets of any description;

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

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on the road as in Section 136(1) of the Act of 1984;

“operational vehicle” means a vehicle not exceeding 3.5 tonnes gross laden weight, owned and operated by a small business for the explicit use of making deliveries, collections, servicing or such other business activity as the Council shall consider and approve;

“owner” in relation to a vehicle means a person by whom such motor vehicle is kept and used and in determining who was the owner of a vehicle at any time it shall be presumed that the owner was the

person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

“parking disc” has the same meaning as given in Regulation 8(5) of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“parking permit” means a parking permit issued under the provisions of Article 9 of this Order;

“parking place” means an area on a highway designated by Articles 3 and 4 and listed in the First Schedule to this Order, and on the accompanying plan;

“Permit” means a parking permit or visitor permit;

“permit holder” means a person to whom a parking permit, or visitor permit has been issued;

“regulated hours” means in relation to those areas of highway referred to on the accompanying plan and shown, when the parking restrictions imposed by this Order are in force

“relevant position” has the same meaning as given in Regulation 4 of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“resident” means a person whose usual place of abode is at premises the postal address of which is in any length of highway described in the Second Schedule to this Order;

“traffic sign” means a sign of any size, colour and type prescribed or authorised under section 64 of the Act of 1984;

“ticket” means a visitors ticket issued under the provisions of Article 9 of this Order;

“ticket holder” means a person to whom a visitor ticket has been issued;

“vehicle” means

- (i) a passenger vehicle authorised solely to carry no more than 12 people and their effects nor exceeding 3.5 tonnes gross laden weight;
- (ii) a dual purpose vehicle as defined in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986;
- (iii) a goods vehicle as defined in section 192 of the Road Traffic Act 1988;

“visitors permit” means a Permit issued under Article 9 of this Order;

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

“zone” means an eligible resident as described in the Second Schedule to this Order.

Designation of parking places

4. Each length of highway shown on the accompanying plan of this Order is designated as a parking place during the regulated hours subject to the restrictions listed in Article 5 below.
5. Each length of highway designated as a parking place shall be subject to the restriction that there shall be no waiting during the regulated hours except for permit and ticket holders.

Qualification for a parking permit

6. (1) Any resident of an address listed within the Second Schedule to this order who is the owner of a vehicle or a motor cycle may apply for a parking permit for each such vehicle in their

ownership up to a maximum of 2 permits per household.

- (2) A parking permit 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; and
 - (e) an indication of the zone or street in which the permit is valid

Qualification for a visitors permit or tickets

7. (1) Any resident of an address listed within the Second Schedule to this order may apply for one visitors permit. Only one visitors permit may be issued for that address, however, a resident may apply for an unlimited number of books of visitors tickets.
- (2) A visitor permit shall be in writing and shall contain:-
- (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 indication of the zone or street in which the permit is valid
- (3) A ticket shall be in writing and shall contain:-
- (a) a serial number by which the ticket holder may be identified;
 - (b) the date of the day of use;
 - (c) the registration number of the vehicle in which it is displayed;
 - (d) an authentication that the parking permit has been issued by the Council.
 - (e) an indication of the zone or street in which the permit is valid

Application for a parking permit, visitor permit or tickets

8. (1) Application for a parking permit, visitors permit or tickets will be made on a form issued by and obtainable from the Council. The form must be completed with all the particulars and information required by such form to be supplied and returned accompanied by a payment for the appropriate fee specified in Article 11 of this Order.
- (2) The Council may at any time require an applicant for a permit or any permit holder to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any permit issued by them to that person as they may reasonably call for to verify that the permit is valid.
9. (1) On receipt of a properly completed application and fee the Council may in its absolute discretion issue to the applicant:-

- (a) one parking permit per vehicle or motorcycle owned by the resident, up to a maximum of 2 permits;
- (b) one visitors permit per address;
- (c) the number of books of tickets requested;

provided that the Council is satisfied that the applicant qualifies for the permit or tickets.

- (2) If the Council is either unable or decides not to issue a permit to an applicant any fee paid shall be refunded to the said applicant
 - (3) It is hereby stated by the Council that -
 - (a) the issuing of a permit to a permit holder does not guarantee that any parking place will be available for use by the permit holder aforesaid during the permitted hours and
 - (b) the permit remains at all times whilst it is issued to a permit holder the property of the Council.
10. (1) Where a permit and/or book of tickets is issued to any person upon receipt of the appropriate fee and such fee is subsequently dishonoured the permit and/or tickets shall immediately cease to be of any effect.
- (2) The Council will serve notice by recorded delivery on the person to whom the permit and/or tickets were issued to 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 or small business, requiring that person to surrender the permit and/or tickets to the Council within 48 hours of receipt of the notice.

Fees for parking permits, visitor permits and tickets

11. (1) The fee for a parking permit for a motor vehicle is £84 per permit per annum.
- (2) The fee for a parking permit for a motor cycle is £nil.
- (3) The fee for a visitors permit is £84 per annum.
- (4) The fee for a book of ten visitors tickets is £12 per book.
- (5) The fee for a parking permit, visitor permit, or book of tickets may be amended by the Local Authority giving notice in writing that this Order has been varied to the Chief Officer of Police and the Chief Officer of the Fire Authority and shall publish notification of the variation of the charges in a local newspaper.

Surrender, withdrawal and validity of a parking permits, visitors permits and tickets

12. (1) A permit or ticket holder may surrender the parking permit, visitor permit or ticket to the Council at any time and shall surrender the permit or ticket on occurrence of any one of the events set out in Article 13(2).
- (2) The Council may by notice served by recorded delivery on the permit or ticket holder at the address shown by that person on the application form or at the other address believed to be that person's place of abode, withdraw a parking permit, visitor permit or ticket if it appears to the Council that:-
- (a) the permit or ticket holder has ceased to be a resident;
 - (b) a parking permit holder has ceased to be the owner of a motor vehicle or motor cycle for which a parking permit was issued;
 - (c) The motor 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 permit can be

issued;

- (d) the details on the permit or ticket as described in Articles 5, 6 and 7 have been deliberately altered.
 - (e) the permit or ticket having been obtained by fraud and/or deception or as a result of incorrect material information.
 - (f) the permit or ticket has been displayed by anyone who is not an eligible permit holder or ticket holder.
- (3) A parking permit, visitors permit or ticket shall only be valid for use in a parking place on a road identified for such use.
 - (4) A visitors permit or ticket displayed on a vehicle in a parking place shall be valid only if immediately prior to being left in the parking place the vehicle on which the visitors permit or ticket is displayed was used for conveying a visitor to the usual place of abode of the resident to whom the visitors permit or ticket was issued by the Council.
 - (5) A permit or ticket will be valid only if displayed continuously on a vehicle or a motor cycle in the relevant position.
 - (6) A permit shall cease to be valid at midnight on the specified expiry date or on the Council withdrawing the permit by notice, whichever is the earlier.
 - (7) A ticket shall be valid for one day (from 12.01am to 12 midnight) on the day of use specified in accordance with the provisions of Article 7, paragraph (3).
 - (8) The Council will not make any refund in respect of unused periods of validity for the surrender or withdrawal of a permit or ticket where the permit or ticket holder has not complied with the requirements of this Order.

Application for and the issue of a duplicate permit

- 13. (1) If a permit is mutilated or accidentally defaced or the figures or particulars on it have become illegible or the colour of the permit has faded or altered, the permit holder shall surrender it to the Council. If the permit is accompanied by an application for a replacement permit, a duplicate permit shall be issued and the original permit shall become immediately invalid.
- (2) If a permit is lost, stolen 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 permit, a duplicate will be issued and the original permit shall become immediately invalid.
- (3) If a permit holder acquires a new motor vehicle or motor cycle the permit holder shall surrender the original permit to the Council and make an application for a new permit and the original permit shall become immediately invalid.

Penalty payable for not displaying a valid parking permit, visitors permit or ticket

- 14. (1) No motor vehicle may be parked in a parking place during the regulated hours without a valid permit or ticket displayed continuously.
- (2) The driver of any such motor vehicle shall be issued with a Penalty Charge Notice in accordance with the The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 of The Traffic Management Act 2004.
- (3) The absence of a permit or ticket from a motor vehicle left in a parking place shall be evidence of the fact that a permit or ticket has not been purchased by the driver of the vehicle

Restriction on the removal of a parking permit, visitors permit, tickets and notices

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

Placing of traffic signs

16. The Council shall:-
- (a) indicate the limits of each parking place on the road;
 - (b) place and maintain on or in the vicinity of each parking place appropriate traffic signs for indicating that the parking place may be used during permitted hours only for vehicles or motorcycles displaying a valid permit or ticket for the zone or street corresponding with the permit or ticket displayed.
 - (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

Manner of standing in a parking place

17. A motor vehicle left in a parking place shall stand within the marked limits.

Movement of vehicles in parking places in emergencies

18. A Police Constable in uniform may cause to be moved any motor vehicle left in a parking place which is in a dangerous position or causing an unnecessary obstruction.

Power to suspend use of parking places

19. (1) Any person authorised by the Council may suspend the use of a parking place, or any part thereof 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 highway or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or traffic signs; or
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion for the removal of furniture from one office or dwelling house to another place; or
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions; or
 - (f) for the purposes of facilitating the cleansing of the parking place.
- (2) A Police Constable in uniform may suspend the use of a parking place for no longer than twenty-four hours whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting safety.

- (3) Any person suspending the use of a parking place in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall place in or adjacent to that parking place a traffic sign indicating that waiting by vehicles is prohibited.

Restriction of use of motor vehicles at parking places

20. (1) Whilst any motor vehicle is in a parking place during the regulated hours, no person shall use the motor vehicle for the sale of any article, skill or service.
- (2) Nothing in this Article shall prevent the sale of goods from a vehicle if the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected. Such a vehicle to be permitted to wait in a parking place for no longer than 5 minutes.

EXEMPTIONS TO THIS ORDER

- 21 (1) Any motor vehicle may wait at any time in any parking place (other than one that has been suspended under Article 19 of this Order) for so long as may be reasonably necessary to enable:-
- (a) a person to board or alight and to load or unload luggage from the motor vehicle;
 - (b) goods to be loaded onto or unloaded from the motor vehicle from or to premises adjacent to the parking place;
 - (c) the motor 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 obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of roads; or
 - (iv) the laying, erection, alteration, cleaning, repair in or on land adjacent to the said lengths of roads of any lawfully kept installed sewer or of any main pipe, cable or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Paragraph 1 (1) of the Telecommunications Code contained in Schedule 2 to the Telecommunications Act 1984;
 - (d) the motor vehicle, if it cannot conveniently be used for such purpose in any other road, to be used for the service of a Local Authority or a Water Authority in pursuance of statutory powers or duties;
 - (e) the marked motor vehicle to be used by a universal service provider for the purpose of delivering or collecting postal packets as defined in Section 125 of the Postal Services Act 2000;
 - (f) the motor vehicle to be used for Fire and Rescue, Ambulance or Police purposes;
 - (g) the motor vehicle is being used by community health personnel or carers on duty and displays an identification that the driver is employed as such;
 - (h) the motor vehicle (not being a passenger vehicle) is in actual use in connection with the removal of furniture from one office or dwelling house to another or removal of furniture from such premises to a depository or to such premises from a depository;
 - (i) a vehicle to wait which has been prevented from proceeding due to circumstances beyond the drivers control or which has stopped in order to avoid injury or damage to persons or property or when required to do so by law.
- (2) A motor vehicle which displays in the relevant position a disabled person's badge and a parking disc may wait in any lengths of road referred to in the First Schedule to this Order

without incurring any charge.

(3) Nothing in the foregoing provisions of this Article shall be taken as Authorising anything which would be a contravention of any regulations made or having effect as if made under section 25 of the 1984 Act.

22. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of any Act of Parliament.

23. 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

**FIRST SCHEDULE
Accompanying Plan MH/21/00081**

**SECOND SCHEDULE
Lengths of road in Hitchin
(Those residences eligible for permits - Zone K)**

BEDFORD ROAD - No's 11 – 69 (odds only)

THE COMMON SEAL OF
NORTH HERTFORDSHIRE
DISTRICT COUNCIL was hereunto

affixed this day of 2022

in the presence of:

