

DACORUM BOROUGH COUNCIL
TRAFFIC REGULATION ORDER
THE BOROUGH OF DACORUM
(WATERHOUSE STREET, HEMEL HEMPSTEAD) ON STREET CHARGING ORDER 2018

Drafted: 19th March 2018
Coming into Operation: 19th April 2018

Dacorum Borough Council, pursuant to arrangements made under section 19 of The Local Government Act 2000¹ and The Local Government (Arrangements for the Discharge of Functions) (England) Regulations 2012² with the Hertfordshire County Council, and in exercise of powers conferred on that County under sections 1, 2, 4, 45, 46, 47, 49, 51 and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984³ and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004⁴ 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 aforementioned 1984 Act, makes the following Order:

Citation and commencement

1. This Order shall come into operation on 19 April 2018 and may be cited as "The Borough of Dacorum (Waterhouse Street, Hemel Hempstead) On Street Charging Order 2018"

Interpretation

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

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

"civil enforcement officer (parking)" means a person authorised by or on behalf of the Council to supervise any parking place and who is appointed by the Dacorum Borough Council under section 76 of the Traffic Management Act 2004;

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

"driver", in relation to a vehicle waiting in a parking place or restricted waiting area, means the person driving the vehicle at the time it was left in the parking place or restricted waiting area;

"electronic communications network" has the same meaning as in the Communications Act 2003⁵;

"electronic payment system" means a system to facilitate and monitor the payment of parking charges using telephone or internet enabled devices (including a ticket parking meter so enabled) via communication with the service provider, in accordance with the instructions indicated on signs located at or in the vicinity of each parking place;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

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

"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;

"hand-held device" means a wireless hand-held computer used by a civil enforcement officer (parking), which is programmed to interface with the council's parking permits management system and electronic payment system;

¹ 2000 c.22

² SI 2012/1019

³ 1984 c.27

⁴ 2004 c.18

⁵ 2003 c.21

“owner”, in relation to a vehicle, means the person by whom such vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994⁶ is presumed, unless the contrary is proved, to be the person in whose name the vehicle is registered;

“parking bay” means any parking area within a parking place for the use of one vehicle at a time;

“parking charge” means an amount specified in column 7 of Schedule 1 which is payable, subject to the provisions of this Order, at a ticket machine or by the electronic payment system, in respect of a vehicle left in a parking place described in Schedule 1;

“parking period” means a period of time for which payment of the parking charge is or has been made in respect of a vehicle and during which, subject to the provisions of this Order, that vehicle may be left in a parking place;

“parking place” means any area on a highway designated as a parking place by this Order;

“parking ticket” means a ticket issued by a ticket parking meter in accordance with Article 21, which indicates that the parking charge has been paid and the date and time by which the parking period will expire in respect of any vehicle left in a parking place described in Schedule 1, during the permitted hours;

“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 eight passengers (exclusive of the driver) and their effects and not drawing a trailer;

“penalty charge” has the same meaning as in part 6 of the Traffic Management Act 2004;

“permitted hours”, in relation to a parking place, means the days and hours of operation specified in columns 4 and 5 respectively of Schedule 1 in relation to the parking places specified columns 1 to 3 of that Schedule;

“service provider” means the company authorised and appointed by the Council to operate and administer the payment of parking charges using the electronic payment system;

“ticket parking meter” means an apparatus or device which for the purposes of this Order is designed to indicate or, where so enabled, communicate to the electronic payment system, or both, the time of issue, the payment of the parking charge and the parking period in respect of which the parking charge has been paid.

- (2) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.
- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- (4) For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when it is so regarded for the purposes of Regulation 4(1) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000⁷.

Designation of parking places

3.

- (1) Each area on a highway comprising the length of carriageway of a street specified in column 3, of Schedule 1 unless otherwise so specified, bounded on one side of that length by the edge of

⁶ 1994 c.22

⁷ SI 2000/683

the carriageway and having a width throughout of 1.8 metres, is hereby designated as a parking place.

- (2) Each area on a highway comprised within a parking place and marked out for the purposes of parking in accordance with the provisions of this Order and not comprised within a restricted waiting area, is hereby designated a parking bay.

Parts of Parking Places in which vehicles may not be left

4. No person shall cause or permit any vehicle to wait in an area designated as a parking place unless authorised by the subsequent provisions of this Order.
5. Nothing in this Order shall render it unlawful for a person to cause or permit any vehicle to wait in any parking place at the direction or with the permission of a police constable in uniform.

Vehicles for which parking places are designated

6. (1) Subject to the provisions of this Order, a parking place may be used for the leaving during the permitted hours of vehicles of the following class, that is to say, passenger vehicles, 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), motor-cycles and invalid carriages.
- (2) Parking places specified in Schedule 1 may be used for the leaving during the permitted hours of such vehicles of the class specified in paragraph (1) above as either: display in the manner specified in Article 21 a valid parking ticket or in respect of which vehicle there is an indication by hand-held device that the parking charge has been paid in respect of that vehicle using the electronic payment system, for no longer than the period specified in relation to that parking place in column 6 of Schedule 1.

Alteration of position of a vehicle in a parking place

7. Where any vehicle is standing in a parking place in contravention of the provisions of Article 12 or Article 16, a civil enforcement officer (parking) may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of a vehicle from a parking place

8. Where a civil enforcement officer (parking) is of the opinion that any of the provisions contained in Articles 15(3), 21 or 23 have been contravened or not complied with in respect of a vehicle left in any part of a parking place; or restricted waiting area they may remove or cause to be removed the vehicle from the parking place or restricted area and, where it is so removed, shall provide for the safe custody of the vehicle.

Movement of a vehicle in a parking place in an emergency

9. A civil enforcement officer (parking), police constable in uniform or traffic warden may move or cause to be moved, in case of emergency, to any place they think fit any vehicle left in a parking place, or restricted waiting area.

Exemptions for vehicles displaying a disabled person's badge

10. (1) A vehicle displaying a disabled person's badge in the relevant position may be left in any part of a parking place referred to in Schedule 1 without charge or time limit, provided that the use of that part of the parking place in which the vehicle is left has not been suspended.
- (2) Without prejudice to the generality of this Article, and notwithstanding the provisions of this Order, a vehicle to which this Article applies shall stand in a parking place in accordance with the provisions of Article 12.

Waiting Restrictions Revoked within the Controlled Parking Zone Area

11. The relevant provisions of the following Orders are hereby revoked:

- (1) The Dacorum Borough Council (Hemel Hempstead Town Centre) (Prohibition and Restriction of Waiting) Order 1993 relating to the length of Waterhouse Street as set out in Column 3 of Schedule 2 of this Order.

Manner of standing in a parking place

12. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order stand so that:
 - (1) the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres; and
 - (2) every part of a vehicle is within the limits of a parking place.

Power to suspend the use of a parking place

13. (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider 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 adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration 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 electronic communications network or the placing, maintenance or removal of any traffic sign;
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of 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;
 - (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.
- (2) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.
- (3) No person shall cause or permit a vehicle to be waiting in a parking place or any part thereof during which such period as there is in or adjacent to that parking place or part thereof a traffic sign placed in pursuance of paragraph (2) above provided that nothing in this paragraph shall apply -
 - (a) in respect to any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in paragraph (1)(b), (d) or (e) above; or
 - (b) to anything done with permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article.

Restriction on the use of a parking place

14. 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 or offering for sale of their skill in handicraft or their 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 15(1)(h) apply.

Restriction on waiting by a vehicle in a parking place

15. (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:
- (a) the vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from the vehicle or load thereon or unload therefrom their personal luggage;
 - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid 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 in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
 - (d) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (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 therefrom, are being delivered; or
 - (ii) while postal packets are being collected for the 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 unloaded thereon;
 - (f) the vehicle not being a passenger vehicle is waiting only for as long as may be reasonably necessary to enable it to be used for the purpose specified in Article 13(1)(b);
 - (g) the vehicle is in actual use in connection with the removal of furniture to or from one office to a dwelling-house adjacent to the parking place from or to a depository, another office or dwelling-house;
 - (h) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for a period exceeding twenty minutes or for such longer period as a police constable in uniform, a traffic warden or a civil enforcement officer (parking) may approve.
- (2) No parking charge specified in the provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article.
- (3) Except as provided by this Order, the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a parking place during the permitted hours.
- (4) Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under section 25 of the Road Traffic Regulation Act 1984.

Manner of waiting in a parking place

16. 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 the last preceding Article 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 are specified in column 3 of Schedule 1 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; or
 - (ii) if the length of the vehicle does preclude compliance with the last preceding sub-paragraph, 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 300 millimetres; 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 300 millimetres; and
- (c) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting.

For the purposes of the last preceding 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 the last preceding Article or to or from which goods are being delivered or collected by virtue of the provision of paragraph (1)(h) of that Article.

Placing of traffic signs, etc.

- 17. (1) The Council shall:
 - (a) place and maintain traffic signs indicating the limits of each parking place and any parking bay;
 - (b) place and maintain in or in the vicinity of each parking place traffic signs indicating that such parking places may be used during the permitted hours for the leaving only of the vehicles specified in Article 6; and
 - (c) carry out such other work as it reasonably required for the purposes of the satisfactory operation of a parking place.
- (2) The council shall place and maintain traffic signs in or in the vicinity of each parking place referred to in Schedule 1 indicating:-
 - (a) that such parking place may be used by vehicles making payment of the parking charge via the electronic payment system; and
 - (b) the location identification number of such parking place or part thereof.

Section 2 - Parking Charges, Ticket Machines and Electronic Payment System

Indication of payment of parking charge

- 18. Payment of the parking charge in respect of a vehicle left in a parking place referred to in Schedule 1 shall be indicated:-
 - (a) where such payment is made in accordance with Article 29(1)(a), by the issue by a ticket parking meter relating to that parking place of a ticket indicating that a parking charge has been paid and the date and time of expiry of the parking period, and by the display of that ticket; or
 - (b) where such payment is made in accordance with Article 29(1)(b), by the appearance on a hand-held device of an indication that the parking charge has been paid in respect of that vehicle by the electronic payment system and an indication of the date and time of expiry of the parking period for which that parking charge has been paid.

Parking tickets and hand-held device indications as evidence

19. If at any time while a vehicle is left in a parking place referred to in Schedule 1 during the permitted hours either no ticket, or an expired ticket, is clearly displayed on that vehicle in accordance with the provisions of Article 29(1)(a) and either no indication appears on a hand-held device that payment of the parking charge has been made in accordance with the provisions of Article 29(1)(b), or an indication appears on a hand-held device showing that the parking charge has been paid but that the parking period has expired, it shall be presumed that the vehicle has been left in that parking place without payment of the parking charge.

Amount of the parking charge at parking places

20. The parking charge for a vehicle (other than a vehicle otherwise exempted by this Order) left in a parking place referred to in Schedule 1 and the period during which that vehicle may return to the same parking place during the permitted hours, shall be as set out in column 7 of Schedule 1 and the maximum parking period for which a vehicle may wait after the parking charge has been paid in respect thereof shall be as set out in column 6 of Schedule 1, in relation to that parking place.

Payment of the parking charge

21. (1) Subject to the provisions of Articles 10, 14 or 15, the parking charge shall be payable not later than on the first leaving of a vehicle (other than a vehicle otherwise exempted by this Order) in a parking place during the permitted hours, by either:-
- (a) payment of the parking charge by the insertion in a ticket parking meter relating to that parking place of any coin or combination of coins of such denomination as shall be indicated on the ticket machine as being accepted by that ticket parking meter, together making up the amount of the parking charge for the parking period for which payment is being made and shall be indicated by the display of one valid parking ticket, bearing the indication that a parking charge has been paid in accordance with the provisions of Article 26.
 - (b) where the electronic payment system is available for use by the driver of the vehicle, or some person authorised by the driver to act on their behalf, instructing the service provider to accept payment of the parking charge for a specified parking period by the electronic payment system and by the service provider accepting such payment
- (2) No refund shall be payable by the Council in respect of any parking ticket surrendered to the Council unless a refund is given at the discretion of the Council.
- (3) No person shall leave any vehicle (other than a vehicle exempted by this Order) in a parking bay during the permitted hours for longer than the parking period for which payment was made by the parking charge.

Contraventions

22. If a vehicle is left in a parking place without complying with the provisions of this Order, then a contravention of, or failure to comply with, the provisions of this Order shall be deemed to have occurred and the owner of the vehicle in question shall be liable for a penalty charge as set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 and the provisions of Part 6 and Schedule 9 the Traffic Management Act 2004.

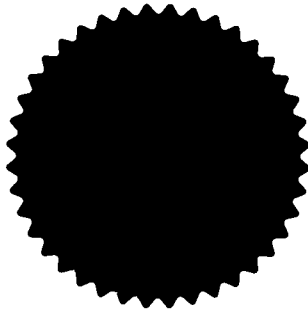
Interval before a vehicle may again be left in a parking place

23. Without prejudice to the other provisions of this Order, no vehicle which has been taken away from a parking place between 8am and 6pm from Monday to Saturday (inclusive) shall again be left in that parking place between 8am and 6pm from Monday to Saturday (inclusive) until after the end of a period of 2 hours beginning with the time the vehicle was taken away.

The Borough of Dacorum
(Waterhouse Street, Hemel Hempstead) On Street Charging Order 2018

Given under the Common Seal of Dacorum Borough Council the day of 2018


THE COMMON SEAL of DACORUM)
BOROUGH COUNCIL was hereunto)
affixed on the day of 2018)




SEAL REGISTER
BOOK 11
9065

in the presence of:

.....

Authorised Signatory 
PRINTED NAME: MARK BROOKES
POSITION HELD: SOLICITOR TO THE COUNCIL

.....

Authorised Signatory 
PRINTED NAME: CHRIS GAUNT
POSITION HELD: LEGAL GOVERNANCE TEAM LEADER

SCHEDULE 1

Schedule 1: Parking Bays for Pay and Display, Monday to Saturday inclusive 8.00am to 6.00pm

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
STREET NAME	SIDE OF STREET	LOCATION	DAYS OF OPERATION OF PARKING PLACE	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
Waterhouse Street	East Side	<p>Marked Parking Bays:</p> <p>From a point 5 metres south of the southern kerb-line of its junction with The Waterhouse access road (Service Yard No.1 access road) southwards for a distance of 45 metres.</p> <p>From a point 13.5 metres south of the southern kerb-line of its junction with Service Yard No. 5 access road southward for a distance of 36 metres</p>	Monday to Saturday inclusive	8.00am to 6.00pm	<p>up to 15 minutes</p> <p>15 to 30 minutes</p> <p>Before 8.00am and after 6.00pm and on Sundays</p>	<p>£0.25</p> <p>£0.50</p> <p>Free of Charge</p>