

**THE NORTH HERTFORDSHIRE DISTRICT COUNCIL
(SUN STREET, BALDOCK) (PARKING PLACES)
ORDER 2022**

Date of Order: 8th June 2023
Order No: MH/21/00066/TRO/SUNSTREET

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 1, 2, 3, 4, 45, 46 and 46A 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 23rd June 2023 and may be cited as The North Hertfordshire District Council (Sun Street, Baldock) (Parking Places) Order 2022.
2. The North Hertfordshire District Council (Sun Street, Baldock) (Parking Places) Order 2022 Plan numbered MH/21/00066 hereinafter referred to in this Order as the “accompanying plan” as listed in the Schedule to this Order, is incorporated into this Order.

Interpretation

3. (1) In this Order:-

“accompanying plan” means the North Hertfordshire District Council (Sun Street, Baldock) (Parking Places) Order 2022 plan numbered MH/21/00066 including the key thereof which is incorporated into this Order pursuant to Article 2

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

“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;

“goods” includes postal packets of any description;

“limited waiting period” means; 1 hour with no return within two hours, except for permit holders Zone A in relation to those areas of highway referred to in the First Schedule to this Order

“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;

“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 permit” means a parking permit issued under the provisions of Article 8 of this Order;

“parking place” means an area on a highway designated by Articles 4 and 5 and shown on the accompanying plan in the First Schedule to this Order;

“permit” means a parking permit;

“permit holder” means a person to whom a Parking Permit has been issued;

“premises” means an address which is in any length of highway described in the Second Schedule to this Order and those premises have no parking space within its boundaries or parking space allocated nearby or has insufficient land to provide a parking space or there are planning objections to the provision of parking within the premises;

“regulated hours” means in relation to those areas of highway referred to in the First Schedule, the period between the hours of 9.00am and 5.00pm Monday to Friday and 9.00am to 1.00pm Saturday.

“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 any of the 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 of the Act of 1984;

“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;

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

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. (1) Each length of highway designated as a parking place shall be subject to the restriction that on Mondays to Fridays between 9am – 5pm and on Saturdays between 9am to 1pm waiting is limited to a period not exceeding 1 hour with no return in the next 2 hours, except for Permit Holders for Zone A who are permitted to wait at all times.
(2) Save as provided in Article 20 of this Order where in Articles 4 and 5(1) of this Order lengths of highway are described as authorised for use as a parking place, on Mondays to Fridays between 9am – 5pm and on Saturdays between 9am to 1pm, the driver of a vehicle shall not permit the vehicle to wait in that parking place unless it is -
 - (i) wholly parked within the marked limits of a parking bay; and
 - (ii) waiting for no more than 1 hour (not being a period separated by an interval of less than 2 hours from a previous period of waiting by the same vehicle in the same length of road); or
 - (iii) is a vehicle on which a valid Zone A Permit is displayed in the relevant position.

Qualification for a parking permit

6. (1) Any resident who is the owner of a vehicle or a motor cycle may apply for a Parking Permit for one vehicle in their ownership. Only one Permit will be granted for each premises.
(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

Application for a Parking Permit

7. (1) Application for a Parking Permit 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 Article 10 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.
(3) Every applicant for a Permit will be required to sign a declaration stating that they have no alternative space to park their vehicle or motorcycle at the premises where they reside.

8. On receipt of a properly completed application and fee where appropriate the Council shall issue to the appropriate applicant one Parking Permit owned by the resident provided that the applicant qualifies for the Permit
9. (1) Where a Permit is issued to any person upon receipt of a cheque which is subsequently dishonoured the Permit shall immediately cease to be of any effect.

(2) The Council will serve notice by recorded delivery on the person to whom the Permit was issued to the address shown by the applicant on the application form or at any other address believed to be the applicants place of abode, requiring that person to surrender the Permit to the Council within 48 hours of receipt of the notice.

Amount of charge for Parking Permits

10. (1) The charge for a parking permit for a motor vehicle is £84 per permit per annum.
- (2) The charge for a parking permit for a motor cycle is £nil.
- (3) The charge for a parking permit 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.

Penalty payable for not displaying a valid parking permit.

11. (1) Other than as exempted by Article 20 of this Order, no motor vehicle may be left in a parking place during the regulated hours, for a period exceeding 1 hour with no return in the next 2 hours, unless a valid permit issued by the Council for Zone A is displayed in the relevant position continuously on that vehicle.
- (2) Where a motor vehicle is left in contravention of any provision contained within this Order, the driver of the motor vehicle shall be issued with a Penalty Charge Notice in accordance with 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 from a motor vehicle left in a parking place shall be evidence of the fact that a permit has not been purchased by the driver of the vehicle.

Surrender, withdrawal and validity of a parking permit.

12. (1) A permit holder may surrender the parking permit to the Council at any time and shall surrender the permit on occurrence of any one of the events set out in Article 12(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 if it appears to the Council that:-
 - (a) the permit holder has ceased to be a resident or ;
 - (b) a 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 as described in Article 5 have been deliberately altered.
 - (e) the permit having been obtained by fraud and/or deception or as a result of incorrect material information.
 - (f) the permit has been displayed by anyone who is not an eligible permit holder.
 - (g) The declaration that the permit holder signed pursuant to Article 7 (3) of this order was false
- (3) A permit shall only be valid for use in a parking place on a road identified for such use.
- (4) A permit will be valid only if displayed continuously on a vehicle or a motor cycle in the relevant position.
- (5) 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.
- (6) The Council will not make any refund in respect of unused periods of validity for the surrender or withdrawal of a permit where the permit 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.
- (4) 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.

Restriction on the removal of a parking permit and notices

14. Where a permit or notice has been displayed on or attached to a motor vehicle in accordance with the provisions of Article 10 of this Order, no person other than the driver of the motor vehicle or Enforcement Officer shall remove the permit or notice from the motor vehicle unless authorised to do so by the driver of the motor vehicle.

Placing of traffic signs

15. 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 for the zone or street corresponding with the permit 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

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

Movement of vehicles in parking places in emergencies

17. An enforcement officer or 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

18. (1) Any person authorised by the Council may suspend the use of a parking place whenever he considers such suspension reasonably necessary:-
 - (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or 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

19. (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

20. (1) Any motor vehicle may wait at any time in any parking place (other than one that has been suspended under Article 18 of this Order) for so long as may be reasonably necessary to enable:-
- (a) a person to board or alight from a 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.
- (3) 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.
- (4) 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.
21. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of any Act of Parliament.
22. 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/21/00066

SECOND SCHEDULE

**Lengths of road in Baldock
(Those residences eligible)**

- WHITEHORSE STREET - The full length of the street, including any residential premises located in immediately adjoining streets or mews.
- SUN STREET - The full length of the street, including any residential premises located in immediately adjoining streets or mews.
- HITCHIN STREET - Nos. 1 to 29 inclusive and Nos. 2 to 8 inclusive, including any residential premises located in streets or mews immediately adjoining that length of road.
- BELL ROW - The full length of the street, including any residential premises located in immediately adjoining streets or mews.
- HIGH STREET - Nos. 1 to 63 inclusive and Nos. 2 to 56 inclusive, including any residential premises located in streets or mews immediately adjoining that length of road, but excluding Simpson Drive and Mansfield Road.

THE COMMON SEAL OF
NORTH HERTFORDSHIRE
DISTRICT COUNCIL was hereunto

affixed this 8th day of June 2023

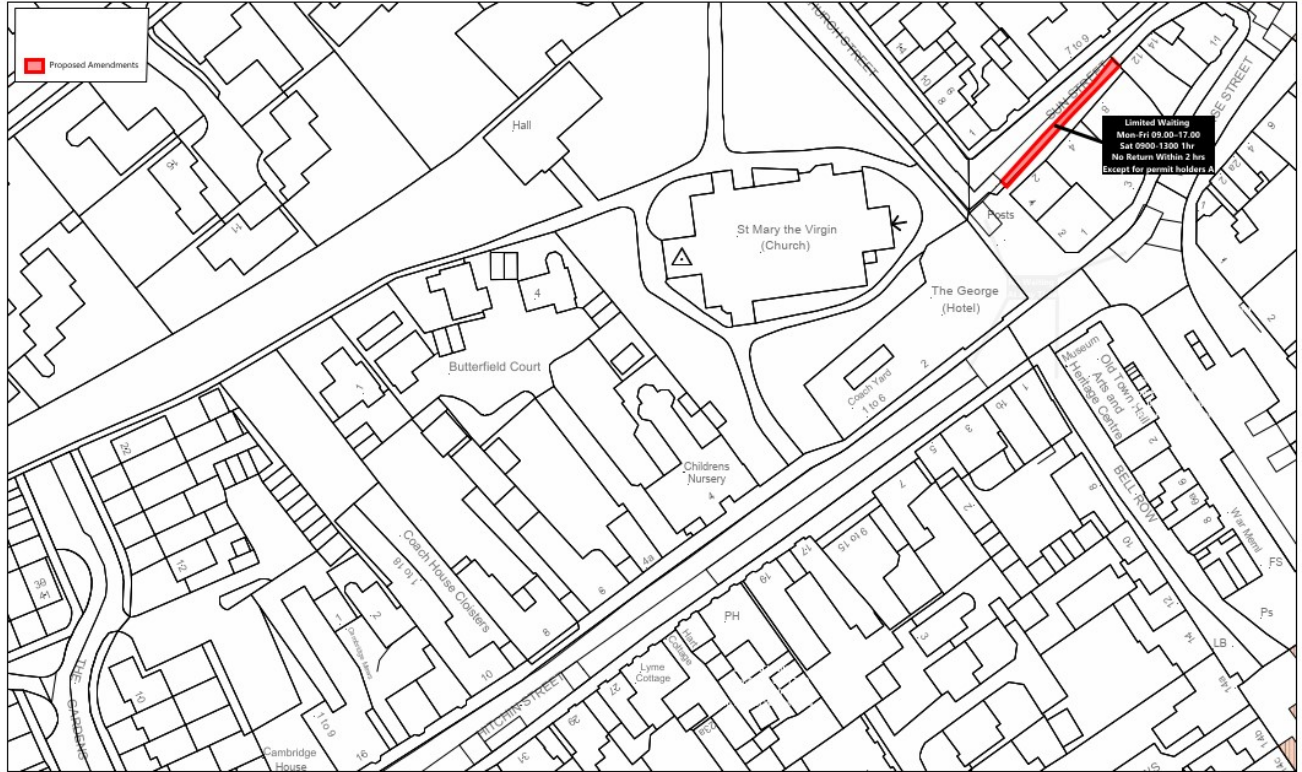
in the presence of:



Sun Street Baldock (Parking Places) Order 2022

Proposed Plan MH/21/00066

NORTH HERTFORDSHIRE
DISTRICT COUNCIL



Scale: 1:640
Date: 07.12.21

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