

THE NORTH HERTFORDSHIRE DISTRICT COUNCIL
(OFF-STREET PARKING PLACES) (NORTON COMMON) (LETCHWORTH) No. 1 ORDER 2016

Date of Order: 17 May 2016

Order No: NHDC/OFFST/2016/01

The North Hertfordshire District Council (hereinafter referred to as "the Council") in accordance with The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and pursuant to arrangements made under Section 19 of the Local Government Act 2000 and the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2000 with Hertfordshire County Council ("the County Council") in exercise of the powers conferred by Sections 32 and 35 of the Road Traffic Regulation Act 1984 ("the 1984 Act"), as amended by the Parking Act 1989 and the Road Traffic Act 1991 ("the 1991 Act") and in accordance with the provisions of Part 6 of the Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act and with the consent of the Hertfordshire County Council in accordance with section 39(3) of the 1984 Act hereby makes the following Order:-

PART I
GENERAL

Commencement and Citation

1. This Order shall come into operation on the 1 June 2016 and may be cited as the North Hertfordshire District Council (Off-Street Parking Places) (Norton Common) (Letchworth) Order 2016.

Interpretation

2. Any reference in this Order to a numbered Article or to a numbered Schedule is a reference to the Article or to the Schedule bearing that number in this Order.
3. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
4. In this Order and in its Schedules, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them –

"Approved Outlet" means a business or organisation that has permission in writing from the Council to issue Tickets to Vehicle Owners wishing to Park in the Parking Place;

“Booking” means the process undertaken via a telephone or other data transfer device in which time limited rights for a nominated Vehicle to occupy a Parking Bay are secured under the provisions of the Pay by Phone Service in exchange for payment of the Parking Charge and the Convenience Charge;

“Civil Enforcement Officer” means a Civil Enforcement Officer as defined in section 76 of the 2004 Act and appointed by North Hertfordshire District Council;

“Convenience Charge” means the fee charged by the Pay by Phone Service Provider in addition to the Parking Charge;

“Charging Hours” means the hours during which the Parking Charges are payable for Parking in the Parking Place as set out in Schedule 2(a), 2(b) and 2(c);

“Council” means the North Hertfordshire District Council;

“Disabled Person” means a Disabled Person of a description described by the Disabled Persons (Badges for Motor Vehicles) Regulations 2000;

“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;

“Disabled Person’s Vehicle” has the same meaning as in Section 142(1) of the Act of 1984;

“Driver” means the person driving a Vehicle at the time it was left in the Parking Place;

“Electric Vehicle” means a Vehicle in which the electrical motive power is derived from an electrical storage battery which is not connected to any source of power when the Vehicle is in motion.

“Handheld Device” means Council approved equipment used by Civil Enforcement Officers that receives and displays information on valid and expired Parking Sessions

“Motor Cycle” means a solo Motor Cycle, motor assisted cycle and motor scooter but excludes Motor Cycle which has a side-car or trailer or has more than two wheels;

“Owner” means the person by whom the Vehicle is kept. In determining who was the Owner 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;

"Park" and "Parked" means the stopping of a Vehicle and it remaining at rest other than momentarily whether or not the Driver is still in the Vehicle and a Vehicle shall be deemed to be Parked for any period in the same Parking Place or Parking Bay (as the case may be) if any part of the Parking Place or Parking Bay is below the Vehicle or the Vehicle's load (if any) whether or not the Vehicle is moved during that period;

"Parking Bay" means any area of the Parking Place which is provided for the leaving of a Vehicle as indicated by markings on the surface of the floor of the Parking Place to indicate the limits of each Parking Bay;

"Parking Charge" means the charge prescribed in Schedule 2(a), 2(b) and 2(c) to be paid for Vehicles left in a Parking Place during the Charging Hours;

"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" or "Permit" means a Permit issued by the Council, subject to certain conditions under the terms of this Order which entitles a Vehicle to Park for the period specified on that Permit in the Parking Place(s) specified on the Permit;

"Parking Place" means the areas of land either specified by name or otherwise described in column (1) of Schedule 1 which have been provided by the Council under Section 32 of the 1984 Act for use as Parking Places;

"Parking Session" means a period of time for which Parking rights have been granted as a result of a successful Booking;

"Pay by Phone Service" means the system of purchasing Parking Sessions;

"Payment Card" means a bank credit or debit card, e-purse card, discount card or pre-Payment Card to be used where such facility is advertised and provided in a Parking Place;

"Penalty Charge" and "reduced 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 of Charges) (England) Order 2007 and the provisions of Part 6 and Schedule 9 of the Traffic management Act 2004;

"Penalty Charge Notice" means a notification of a Penalty Charge pursuant to the provisions of Section 78 of the 2004 Act and has the same meaning as in the Civil Enforcement of

Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;

“Relevant Position” means:

(a) In respect of a Vehicle displaying a Ticket or Parking Permit

- (i) in the case of a Vehicle which is fitted with a transparent windscreen, the Ticket or Parking Permit shall be displayed on or close to the inside surface of the windscreen so that it is facing forwards and can be easily seen and read from in front of the Vehicle or alternatively behind a nearside window; or
- (ii) in the case of a Vehicle not fitted with a transparent windscreen, the Ticket or Parking Permit is attached in a conspicuous and readable position on the front of the Vehicle;

And in each case so that the front face and all of the information including name of car park, arrival or expiry time and date is able to be read from outside the Vehicle and that it is displayed continuously throughout the duration of the period of time during which the Vehicle occupies the Parking Place;

(b) in respect of a Vehicle displaying a Disabled Person’s Badge and Parking Disc, in accordance with the provisions of Regulation 12 of the Disabled Person’s (Badges for Motor Vehicles) (England) Regulations 2000, thus:

- (i) in the case of a Vehicle fitted with a dashboard or fascia panel the badge and Parking Disc is exhibited thereon so that part 1 of the badge and Parking Disc is legible from outside the Vehicle; or
- (ii) In the case of a Vehicle not fitted with a dashboard or fascia panel, the badge and Parking Disc is exhibited in a conspicuous position on the Vehicle so that Part 1 of the badge is legible from outside the Vehicle;

And in each case it is displayed continuously throughout the duration of the period of time during which the Vehicle occupies the Parking Place;

“Service Provider” means the contractor appointed by the Council to operate the Pay by Phone Service

“Special Permit” means a Permit issued at the discretion of the Council subject to certain conditions under the terms of this Order;

“Ticket” means a Ticket issued by a Ticket Machine located in the Parking Place in which the Vehicle has been Parked or issued by an Approved Outlet on payment of a charge defined in Schedule 2(a), 2(b) and 2(c) and which indicates either that the Parking Charge has been

paid and the date and time of the expiry period, or the free Parking period specified in Article 43, has not expired, as the case may be;

“Ticket Machine” means an apparatus of a type and design, approved by the Secretary of State, for the purpose, inter alia, of this Order, being apparatus designed to indicate the time by a clock, and to issue Tickets which show that a payment has been made of an amount, or for a period specified thereon, and which specify the date and the time at which the Vehicle must leave the Parking Place;

“Vehicle” means a mechanically propelled Vehicle and includes the trailer and any other separate units forming part of an articulated Vehicle, a motor-cycle, motor-cycle combination, motor scooter, motor assisted medal cycle, and motor or electrically powered invalid carriage.

“Virtual permit” means a permit whose validity is confirmed by reference to a council owned or managed database.

PART II

USE OF PARKING PLACES

Use of Parking Places

5. The Parking Places listed in Schedule 1 may be used, subject to the following provisions of this Order, as Parking Places for such classes of Vehicles, on such days and during such hours, for the maximum period of waiting (if any) and on the payment of such charges as are specified in relation to each such area in Schedules 1 and 2.
6. No person shall cause or permit a Vehicle to wait in a bay marked for Disabled Persons unless the Vehicle displays a valid Disabled Person’s Badge and Parking Disc in the manner prescribed by Regulation 12 of the Disabled Person’s (Badges for Motor Vehicles) (England) Regulations 2000 and the Vehicle is being driven or used by the person to whom the badge is issued.
7. Nothing shall prohibit a Vehicle on which a valid Disabled Persons Badge and Parking Disc is displayed in the Relevant Position and the Vehicle is being driven or used by the person to whom the badge is issued from being Parked in any other Parking Bay provided the Vehicle is of the class Permitted by or under this Order to Park in such other Parking Bay.
8. No person shall cause or permit a Vehicle to wait in a bay marked for Motor Cycles unless it is of the required class.

9. Where within the Parking Place, there is a sign or surface marking which indicates that a Parking Bay is available only for an Electric Vehicle, a Vehicle shall not be left in that Parking Bay unless it is an Electric Vehicle connected to the electric charging point.
10. A Ticket shall not be transferred from one Vehicle to another and shall only be used in the Parking Place in which the Ticket Machine that issued the said Ticket is installed. Nor shall a Vehicle display a Ticket that has previously been displayed on another Vehicle or issued by a Ticket Machine installed in another Parking Place.
- 11.(1) Where within a Parking Place there is specified in row 5 of Schedules 2(a), 2(b) and 2(c), a period of waiting the Vehicle shall not return to that Parking Bay or to any other Parking Bay in the same Parking Place.
 - (2) Notwithstanding the provisions of 11(1) a Vehicle shall not permit to wait in a Parking Place unless it displays in the Relevant Position a valid Permit issued in respect of a Vehicle and Parking Place or a valid Disabled Person's Badge which may be left therein without time limit and without payment of a Parking Charge.

Power to close or suspend Parking Places

12. Nothing in this Order shall prevent the Council by notice displayed or sign placed at or near a Parking Place or by barriers placed at the entrance or entrances to a Parking Place:
 - (a) from closing or suspending the operation of the Parking Place or any part thereof for any period; and/or
 - (b) from setting aside the Parking Place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular Vehicles.
13. No person shall cause or permit a Vehicle to be left in a Parking Place or any part thereof during such periods that the use of that Parking Place or that part thereof is closed or suspended or during such period as there is in or adjacent thereto a notice or traffic sign placed by or on behalf of the Council.

Parking for commercial Vehicles

14. Subject to the provisions of Article 41, the Driver of a commercial Vehicle constructed or adapted for the purpose of carrying goods and being of an unladen weight exceeding 1500 kilograms shall not cause or permit that Vehicle to enter or to wait in any of the Parking Places specified in Schedule 1 at any time.

Parking for public service Vehicles

15. Subject to the provisions of Article 41, the Driver of a public service Vehicle (as defined in Section 1 of the Public Passenger Vehicles Act 1981) shall not cause or permit that Vehicle to wait in any of the Parking Places specified in Schedule 1 at any time.

Maximum period of Parking

16. Where in the Schedules a Parking Place is described as available on specified days, during specified hours or for a maximum period of stay, no person shall permit a Vehicle to wait in that Parking Place on any day, during such hours or for any period longer than those specified. During the Charging Hours relating to a Parking Place, at all times during which a Vehicle is left in that Parking Place, it shall display in the Relevant Position a valid Ticket or Permit, so that all the particulars on that Ticket or Permit are clearly and easily visible from outside and from the front of the Vehicle;

Provided that nothing in this paragraph shall apply in relation to:

An Electric Vehicle which is left in a Parking Bay in respect of which there is a sign or surface marking indicating that the Parking Bay is available only for an Electric Vehicle.

No Vehicle shall be left in that Parking Place or part thereof for longer than the period of time specified in relation thereto in Article 49

17. No Vehicle shall be left in any Parking Bay or in any part of any car Park beyond the time of closure of the car Park.

Position of Vehicles

18. All Vehicles of the correct class shall be positioned wholly within the Parking Bays marked for that class of Vehicle on the Parking Place.

Access and egress

19. Subject to the provisions of Article 41, no person shall, except with the permission of an authorised representative of the Council, drive any Vehicle in a Parking Place other than for the purpose of leaving that Vehicle in the Parking Place in accordance with the provisions of this Order or for the purpose of departing from the Parking Place.
20. No person shall leave any Vehicle or cause or Permit any Vehicle to be left in the Parking Place in a position which prevents other Vehicles from gaining access to or egress from the Parking Place or any Parking Bay.
21. No person shall drive a Vehicle in the Parking Place in such a manner as to be likely to cause danger, annoyance or inconvenience to other users of the Parking Place or to the occupants of premises in the neighbourhood.

22. Where signs are erected or surface markings are laid in any Parking Place for the purpose of indicating the entrance to or exit from the Parking Place or indicating that a Vehicle using the Parking Place shall proceed only in a specified direction within the Parking Place no person shall drive or cause or permit to be driven any Vehicle –
- (a) so that it enters the Parking Place otherwise than by an entrance so indicated or leaves the Parking Place otherwise than by an exit so indicated; or,
 - (b) in a direction other than so specified.
23. The Driver of a Vehicle using the Parking Place shall stop the engine as soon as the Vehicle is in position in the Parking Place, and shall not restart the engine except when about to change the position of the Vehicle in or to depart from the Parking Place.
24. The Driver of a Vehicle using any Parking Place shall not sound any horn or other similar instrument except when necessary.

Other provisions

25. A person shall not unless with the written consent of the Council expose or hold out any Vehicle for hire in any part of the Parking Place.
26. No person, except with the prior written consent of the Council, while in any part of the Parking Place shall –
- (a) sell or offer for sale or expose for sale any goods, merchandise, Vehicle or other article of any kind of food or drink;
 - (b) sell or offer or invite for hire his or her skills or services;
 - (c) use any Vehicle while in the Parking Place for any of the purposes mentioned, in paragraphs (a) and (b) of this Article; or
 - (d) use a Parking Place for the purpose of displaying or distributing advertising material.
27. No person, except with the prior written consent of the Council, shall enter or use the Parking Places other than for the purpose of Parking, removing or gaining access to any Vehicle therein or for some other lawful reason.
28. No person, except with the prior written consent of the Council, shall use any part of a Parking Place or any Vehicle left in a Parking Place:
- (a) for sleeping or camping purposes;
 - (b) for eating or cooking purposes; or,
 - (c) for the purposes of servicing, washing or valeting any Vehicle or part thereof other than as may be reasonably necessary to enable that Vehicle to depart from the Parking Place.

29. No person shall cause or permit the radiator, lubrication system or fuel supply of any Vehicle to be drained on to the surface of a Parking Place.
30. No person, without the prior written consent of the Council, shall in any Parking Place:
- (a) erect or cause or permit to be erected any tent, booth, stand, stall or other structure or place a caravan without the prior written consent of the Council; or
 - (b) light or cause or permit to be lit any fire or portable gas stove or similar apparatus; or,
 - (c) place or deposit and leave on or in the Parking Place any shopping trolley or basket or any glass, china, earthenware, tin, carton, paper or rubbish, or any object which obstructs or prevents Vehicles from properly using or leaving a Parking Place; or
 - (d) couple, uncouple, manoeuvre or leave standing any Vehicle or trailer in such a manner as to be likely to cause damage to the surface of the Parking Place.
31. A person using the Parking Place shall not cause or suffer any animal belonging to him / her or in his / her charge to enter or remain in the Parking Place unless such animal is on a lead and under proper control and is effectually restrained from causing annoyance to any person and from worrying and disturbing any other animal, or is effectively and humanely confined within a Vehicle.
32. No person shall in any Parking Place wantonly shout or otherwise make or cause to be made any loud noise to the disturbance or annoyance of other persons using the Parking Place or the occupiers of premises in the neighbourhood.
33. No person while in a Parking Place shall use or engage in any threatening, abusive, violent or insulting language, gesture or conduct with intent or so as to be likely to put any person in fear or so as to occasion a breach of the peace or where by a breach of the peace is likely to be occasioned.
34. No person shall throw, project or propel within or from any part of the Parking Place any Vehicle, object or substance or any kind with intent or so as to be likely to cause (whether directly or indirectly) personal injury to any other person or damage to any property.
35. A person shall not in the Parking Place wilfully, carelessly or negligently deface, damage or destroy any part of the Parking Place or any wall, fence or barriers enclosing any Parking Place or any fitting or equipment in or on the Parking Place.

Movement and Removal of Vehicles

36. In the event of any Vehicle being left in a Parking Place in contravention of any of the provisions of this Order any person duly authorised in that behalf by the Council may either

move that Vehicle to a position where it does not contravene those provisions or remove the Vehicle or arrange for it to be removed from the Parking Place.

37. For the purpose of meeting what he / she reasonably deems to be an emergency, any person duly authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of any Vehicle in a Parking Place or remove or arrange for the removal of any Vehicle from a Parking Place.
38. Any person authorised to remove or alter the position of any Vehicle by virtue of the preceding Articles may do so by towing or driving the Vehicle or in such other manner as he / she may think expedient.
39. When any person authorised by the Council removes or makes arrangements for the removal of any Vehicle from a Parking Place by virtue of the preceding Articles he / she shall make such arrangements as may be reasonably necessary for the safe custody of the Vehicle.
40. In the event of any tent, booth, stand or other structure being erected or a caravan being placed in the Parking Place in contravention of Article 30(a) any person duly authorised in that behalf by the Council may take down demolish and remove the same from the Parking Place.

Right of access

41. Notwithstanding the provisions of Articles 11, 16 and 19 of this Order and the limitations contained in Schedule 1 as to the classes of Vehicles permitted to use the Parking Places, nothing shall be deemed to prevent or restrict the proper and lawful exercise of any rights of way granted by the Council, whether before or after the date on which this Order comes into operation, for the purpose of enabling Vehicles (either generally or of any particular class or description and subject to due compliance with the terms and conditions of any such grant) to be driven into or through any Parking Place so as to obtain or facilitate access to or from any adjoining or neighbouring land or premises from or to any public highway.

PART III

CHARGES FOR USE OF PARKING PLACES

Display of Tickets and Parking Sessions

42. The Driver of a Vehicle left in accordance with the provisions of this Order in a Parking Place indicated in Schedule 1 shall purchase a valid Ticket or valid Parking Session at the charge and for the period indicated in Schedule 2(a), 2(b) and 2(c). The Parking Charge may be varied from time to time at the Council's discretion by issuing a Notice of Variation.

43. Where in relation to a Parking Place, there is included a free period of Parking as indicated in Schedules 2(a), 2(b) and 2(c), any Vehicle left in that Parking Place for that period starting from the time that the Vehicle is left in that Parking Place or part thereof, shall be exempt from the Parking Charge.
44. A Driver who has purchased a valid Ticket shall display it continuously on the Vehicle in the Relevant Position for the duration of the time the Vehicle is Parked during Charging Hours.
- 45.(1) A Ticket used in a Parking Place indicated in Schedule 1 shall only be a valid Ticket if:
- (a) it has been issued from a Ticket Machine in the Parking Place where the Vehicle is left;
OR
 - (b) it has been purchased from a Ticket Machine in the Parking Place where the Vehicle is left;
OR
 - (c) it has been purchased from a Council Approved Outlet;
AND
 - (d) it is continuously exhibited on the Vehicle in a Relevant Position
AND
 - (e) it has been purchased in accordance with the provision that one Ticket per Vehicle shall be valid for the number of hours or for the period specified on the Ticket commencing, at the time of purchase to the expiry time specified on the Ticket, however no such Ticket shall be valid after the Vehicle has exceeded in any one period of Charging Hours the maximum period of waiting specified in Schedule 2(a), 2(b) and 2(c);
AND
 - (f) it has been purchased in accordance with the charge and for the period indicated in Schedule 2(a), 2(b) and 2(c).
- (2) A Parking Session used in a Parking Place indicated in Schedule 1 shall only be a valid Parking Session if:
- (a) it has been purchased from the Pay by Phone Service Provider in accordance with its instructions and has resulted in a Booking;
AND
 - (b) it is shown on Handheld Devices used by Civil Enforcement Officers;
AND
 - (c) it has been purchased in accordance with the provision that one Parking Session per Vehicle shall be valid for the number of hours or for the period specified in the Booking commencing, at the time of purchase to the expiry time specified on the Parking Session, however no such Parking Session shall be valid after the Vehicle has exceeded in any one period of Charging Hours the maximum period of waiting specified in Schedule 2(a), 2(b) and 2(c);

AND

- (d) it has been purchased in accordance with the charge and for the period indicated in Schedule 2(a), 2(b) and 2(c).

- 46. The Driver of a Vehicle left in accordance with the provisions of this Order in a Parking Place specified in Schedule 1 of this Order may as an alternative to purchasing a Ticket, purchase a Parking Session using the Pay by Phone Service.
- 47. If at the time when a Vehicle is left in a Parking Place specified in Schedule 1 of this Order during the Charging Hours specified in Schedule 2(a), 2(b) and 2(c) of this Order the Pay by Phone Service is unavailable for whatever reason, the Driver shall purchase a valid Ticket in accordance with the provisions of Article 45 (1) above.
- 48.(1) Where a Vehicle is exempt from the Parking Charge by virtue of Article 43, the Ticket issued by the Ticket Machine shall be obtained without payment of the Parking Charge by following the instructions on that Ticket Machine.
 - (2) The acquisition of a free Ticket for the Vehicle left in the Parking Place shall be indicated by the issue of a Ticket from the Ticket Machine showing the day and time of the expiry of the charge and by the continuous exhibition of that Ticket on the Vehicle in a Relevant Position.

Electric Vehicles

- 49. The Driver of an Electric Vehicle, which is left in accordance with the provisions of this order in a Parking Place specified in Schedule 1 and in the position provided for such Vehicles, shall be exempt from the requirement to purchase a valid Ticket and from the requirement to purchase a valid Parking Session for a maximum period of four hours.

Payment of Parking Charge

- 50. The charge referred to in Article 42 shall be payable by the insertion of an appropriate coin or coins into the Ticket Machine provided, being an apparatus or device approved in accordance with section 35(3) of the 1984 Act, or by payment of the appropriate coin or coins to an Approved Outlet.
- 51. The charge referred to in Article 42 may be paid by the use of a Payment Card where the appropriate approved apparatus is installed in the Parking Place or by the use of a Payment Card at an Approved Outlet.
- 52. The charge referred to in Article 42 may be paid by Payment Card transaction with the Pay by Phone Service Provider.

53. The charge referred to in Article 42 may be paid to an Approved Outlet in return for a Ticket or Tickets to be displayed in accordance with Article 45(1). Pre-paid Tickets may, at the discretion of the Council, consist of scratch cards, vouchers or other form of Ticket that permits information on the Ticket to be displayed continuously in the Relevant Position to comply with the requirements of Article 45(1).

Restriction on removal of Tickets

54. When a Ticket has been exhibited on a Vehicle in accordance with the provisions of Articles 42, 45(1) and 48(2), no person shall remove the Ticket from the Vehicle until the Vehicle is removed from the Parking Place.

Motor Cycles

55. The Driver of a motorcycle, which is left in accordance with the provisions of this order in a Parking Place specified in Schedule 1 and in the position provided for such Vehicles as specified in Article 8, shall be exempt from the requirement to purchase a valid Ticket and from the requirement to purchase a valid Parking Session.

Disabled Person's Vehicles

56. The Driver of a Vehicle left in accordance with the provisions of this Order in a Parking Place indicated in Schedule 1 shall be exempt from the requirement to purchase a valid Ticket and from the requirement to purchase a valid Parking Session if the Vehicle is a Vehicle which displays a Disabled Person's Badge and Parking Disc (on which the Driver or other person in charge of the motor Vehicle has marked the time at which the period of waiting began) in the Relevant Position in the manner prescribed by Regulation 12 of the Disabled Person's (Badges for Motor Vehicles) (England) Regulations 2000 and the Vehicle is being driven or used by the person to whom the badge is issued.

Absence of Ticket Machine

57. If at the time when a Vehicle is left in a Parking Place specified in the Schedules included with this Order during the Charging Hours there is no Ticket Machine at the Parking Place or there is no Pay by Phone Service available, or there is no Council Approved Outlet from which to purchase Tickets or all the Ticket Machines at that Parking Place carry notices placed upon them by a person duly authorised by the Council indicating that they are not in working order, the Parking Charge shall be payable on demand to the Civil Enforcement Officer or other person authorised to receive such a payment by the Council. In the absence of such a demand the Driver of that Vehicle shall be exempt from the requirement to purchase a valid Ticket and from the requirement to purchase a valid Parking Session provided that the Vehicle may not be left longer than the maximum period of waiting in that Parking Place as specified in the Schedules.

Indications as evidence

58. The indications given by any apparatus or device as is specified in Articles 50 to 53 or any Tickets issued or Parking Sessions recorded by the Pay by Phone Service Provider and indicated on the Pay by Phone Service Providers' or Council's apparatus shall be treated as evidence of the facts which the apparatus device or Ticket purports to record.

PART IV PERMITS

Application for and issue of Permits

- 59.(1) The Council at its discretion may issue a Parking Permit, Special Permit, Virtual Permit or dispensation for use in any Parking Place or specific Parking Places as it sees fit.
- (2) Application for a Parking Permit or Special Permit or Virtual Permit will be made on a form issued and obtainable from the Council. The form must be completed with all the particulars and information required by such form and returned to the Council accompanied by a payment for the charge specified in paragraph (4) of this Article.
- (3) Upon receipt of an application duly made in accordance with paragraph (2) of this Article and upon being satisfied that the application meets the requirements/conditions specified by the Council, the Council may issue to the applicant a Permit which, subject to the provisions of this Order, shall allow the Vehicle, in respect of which it is issued, to be left in the Parking Place in respect of which it is issued, without displaying a Ticket.
- (4) The charge for a Permit referred to in paragraph (2) of this Article shall be the amount specified by the Council.
- (5) A Permit shall be valid for the period of time specified by the Council, beginning with the day on which that Permit becomes valid.
- (6) The issue of a Permit does not entitle the Permit holder's Vehicle to be left in an allocated Parking Bay, nor can a Parking Bay or space be specified.

Refund of charge paid in respect of a Permit

60. A Permit holder who surrenders a Permit to the Council before it becomes valid will receive a full refund less any administration charge set by the Council or if after it has become valid shall receive a pro-rata refund equal to the wholly unexpired months remaining less administration charge set by the Council.

Application for and issue of duplicate Permits

- 61.(1) Subject to Article 62, if a valid Permit is mutilated, accidentally defaced or the figures or particulars thereon have become illegible or the colour of the Permit has become altered by fading or otherwise, the Permit holder, as the case may be, shall, if they wish to continue using the Permit, surrender it to the Council and apply to the Council for the issue to them of a duplicate Permit, as the case may be. The Council upon receipt of the original valid Permit, and upon receipt of the charge specified in paragraph (3) of this Article, may issue a duplicate Permit so marked, and upon such issue the original Permit shall become invalid.
- (2) Subject to Article 62, if a valid Permit is lost, destroyed or stolen, the Permit holder, as the case may be, apply to the Council for the issue to them of a duplicate Permit. The Council, upon being satisfied as to such loss, destruction or theft, and, if applicable, upon receipt of the charge specified in paragraph (3) of this Article may issue a duplicate Permit so marked, and upon such issue the original Permit shall become invalid.
- (3) The charge for a duplicate Permit referred to in paragraphs (1) and (2) of this Article shall be the amount specified by the Council and will include any administration charge set by the Council.

Withdrawal and validity of Permits

- 62.(1) The Council may, by notice in writing served on the Permit holder at the address shown by that person on the application form for a Permit, withdraw a Permit if it appears to the Council that any of the events set out in paragraph (2) of this Article has occurred.
- (2) The events referred to in paragraph (1) of this Article are:-
- (a) the declaration that the Permit holder signed pursuant to the requirements/conditions as described in Article 59 (3) have not been adhered to.
 - (b) the details on the Permit as described in Article 59 (3) have been deliberately altered
- (3) A Permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any of the events specified in paragraph (2) of this Article, whichever is the earlier.
- (4) The Council shall not provide any refund for the withdrawal of a parking permit.

PART V
CONTRAVENTIONS AND PENALTY CHARGE

Contraventions

63. If a Vehicle is left in a Parking Place specified in Schedule 1 during the Charging Hours without complying with the requirements of this Order, a contravention shall have occurred and a Penalty Charge shall be payable. A Penalty Charge Notice conforming to the requirements of the appropriate legislation or any subsequent applicable legislation may then be served by a Civil Enforcement Officer.

Restriction on removal of notices

64. Where a Penalty Charge Notice has been attached to a Vehicle in accordance with the provisions of Article 63, no person who is not a Civil Enforcement Officer or some other person duly authorised by the Council shall remove the Penalty Charge Notice from the Vehicle, until the Vehicle has been removed from the Parking Place.

Payment of Penalty Charge

65. Full payment of a Penalty Charge must be received by the Council not later than the last day of the period of twenty eight days beginning with the date on which a Penalty Charge Notice is served. Payment may be made:-
- (a) by cheque, bankers' draft, money order or postal order delivered or sent by post so as to reach Parking Services at North Hertfordshire District Council, P.O. Box 227, Letchworth Garden City, SG6 3WX or as indicated on the Penalty Charge Notice, or
 - (b) by cheque, postal order, in cash by credit card or debit card in person at any North Hertfordshire District Council office which accepts such payments, or
 - (c) by credit card or debit card over the phone using the number specified on the Penalty Charge Notice, or
 - (d) by internet using the North Hertfordshire District Council web site:

Provided that, if the said twenty eighth day falls upon a day on which the said Department or office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.30pm on the next full day on which the said Department is open.

66. If full payment of a Penalty Charge is received by the Council not later than the last day of the period of fourteen days beginning with the date on which the Penalty Charge Notice was served, the amount of the Penalty Charge will be reduced by the specified proportion stated on the Penalty Charge Notice.
67. If full payment of a Penalty Charge is not received by the Council before the end of the 28 day period referred to in Article 56 above or the Penalty Charge Notice is not successfully

challenged the Council may serve a Notice to Owner on the Owner/keeper of the Vehicle requiring payment of the Penalty Charge and if the charge is then not paid within a further 28 days it may be increased by 50% on the issue of a Charge Certificate in accordance with the provisions of the 2004 Act.

PART VI ABANDONED VEHICLES

Disposal of Vehicles abandoned in Parking Places

68. Where a Vehicle is considered by the Council to be abandoned in a Parking Place the following provisions shall apply.

- (a) The Council may sell or otherwise dispose of a Vehicle which has been, or could at any time be, removed from a Parking Place pursuant to Articles 36 and 37, if the Vehicle appears to have been abandoned, provided that this power of disposal shall not be exercisable unless the Council has taken such of the following steps as are applicable to the Vehicle in question, and there has elapsed a period of six weeks beginning with the taking of the first of those steps.
- (b) Where the Vehicle carries a registration mark the Council shall ascertain from the appropriate body the name and address of the person who is the Registered Keeper of the Vehicle pursuant to the Vehicle Excise and Registration Act 1994 unless the Council is satisfied that the true Owner of the Vehicle has identified himself to it.
- (c) The Council shall, where it is by virtue of paragraphs (b), (d) and (e) of this Article, aware of the name and address of a person who it appears may be the Owner of the Vehicle, send a Notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the Vehicle (which shall be sufficiently described in the Notice) on or after a specified date (which shall not be less than two weeks from the date of the Notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said Notice or from such place as may be subsequently notified in writing by the Council to that person.
- (d) If any person to whom a Notice is sent in accordance with paragraph (c) of this Article informs the Council of the name and address of some other person who he alleges may be the Owner of the Vehicle, a Notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the

Council may in consequence of the sending of the Notice to the said other person be led to believe may be the Owner of the Vehicle.

- (e) Where a Vehicle does not carry a registration mark the first step to be taken by the Council shall be to apply in writing to the Chief Officer of Police in whose area the Parking Place is situated enquiring whom that officer considers is the Owner of the Vehicle and the address of that person.
- (f) The Council shall then make such further enquiries as to Ownership as it thinks fit.
- (g) Upon the sale of a Vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof and of any charge or payment to which it is entitled.
- (h) In the event that any such costs incurred by the Council in connection with the disposal of the Vehicle are not satisfied by virtue of the last preceding Article, the Council may recoup those costs from the person who was the Owner of the Vehicle immediately before it was removed from the Parking Place, provided that that person was sent by the Council a Notice under paragraph (c) of this Article.
- (i) Any sums received by the Council on a sale of a Vehicle shall, after deducting any sum applied thereabouts by virtue of paragraph (f) of this Article, be payable within a period of one year from receipt hereof to any person to whom, but for such sale, the Vehicle would have belonged and insofar as any such sums are not claimed within the said period they shall be paid into the General Rate Fund of the Council.
- (j) Where under the foregoing provisions of this Order a Notice is required to be or may be sent to a person the Notice shall be sent by recorded delivery post.

THE COMMON SEAL OF NORTH)
HERTFORDSHIRE DISTRICT)
COUNCIL was hereunto affixed this)
17 day of May 2016 in the presence)
of)



SCHEDULE 1

PARKING PLACES, CLASSES OF VEHICLES AND TIMES OF OPERATION

Name and description of Parking Place in Letchworth (1)	Class of Vehicle by which the Parking Place may be used. (2)	Position in which Vehicles may wait (3)	Days on which and hours during which the Parking Place shall be open for public use. (4)
Norton Common Swimming Pool Car Park Entry and exit via Icknield Way	All classes other than commercial Vehicles constructed or adapted for the purpose of carrying goods and being of an unladen weight exceeding 1500 kgs.	Wholly within a Parking Bay as indicated by the markings on the surface.	Every day between the hours of 6:30am and 10:00pm
Norton Common Bowling Club Car Park Entry and exit via Icknield Way	All classes other than commercial Vehicles constructed or adapted for the purpose of carrying goods and being of an unladen weight exceeding 1500 kgs.	Wholly within a Parking Bay as indicated by the markings on the surface.	Every day between the hours of 6:30am and 10:00pm

SCHEDULE 2(a)

PARKING TARIFFS AND TIME LIMITS

Charges apply between the hours of 6:30 am and 5:30 pm Monday to Saturday

Letchworth	Norton Common Swimming Pool Car Park	Norton Common Bowls Club Car Park
Up to 2 hours	Free	Free
Up to 4 hours	£1.50	£1.50
Up to 5 hours	£4.50	£4.50
Maximum time limits and period of no return	Maximum of five hours at any one time with no return within three hours	Maximum of five hours at any one time with no return within three hours
Permits valid	Yes	Yes

Notes:-

- (a) A mandatory Convenience Charge is levied for all Pay by Phone transactions by the Service Provider in addition to the Parking Charge
- (b) Other optional Pay by Phone Services are available on request to the Pay by Phone Service Provider for which additional charges will be levied by the Service Provider

SCHEDULE 2(b)

PARKING TARIFFS AND TIME LIMITS

Charges apply between the hours of 6:30 am and 5:30 pm on Bank or Public Holidays

Letchworth	Norton Common Swimming Pool Car Park	Norton Common Bowls Club Car Park
Up to 2 hours	Free	Free
Up to 4 hours	Free	Free
Up to 5 hours	Free	Free
Maximum time limits and period of no return	Maximum of five hours at any one time with no return within three hours	Maximum of five hours at any one time with no return within three hours
Permits valid	Yes	Yes

Notes:-

- (a) A mandatory Convenience Charge is levied for all Pay by Phone transactions by the Service Provider in addition to the Parking Charge
- (b) Other optional Pay by Phone Services are available on request to the Pay by Phone Service Provider for which additional charges will be levied by the Service Provider

SCHEDULE 2(c)

PARKING TARIFFS AND TIME LIMITS

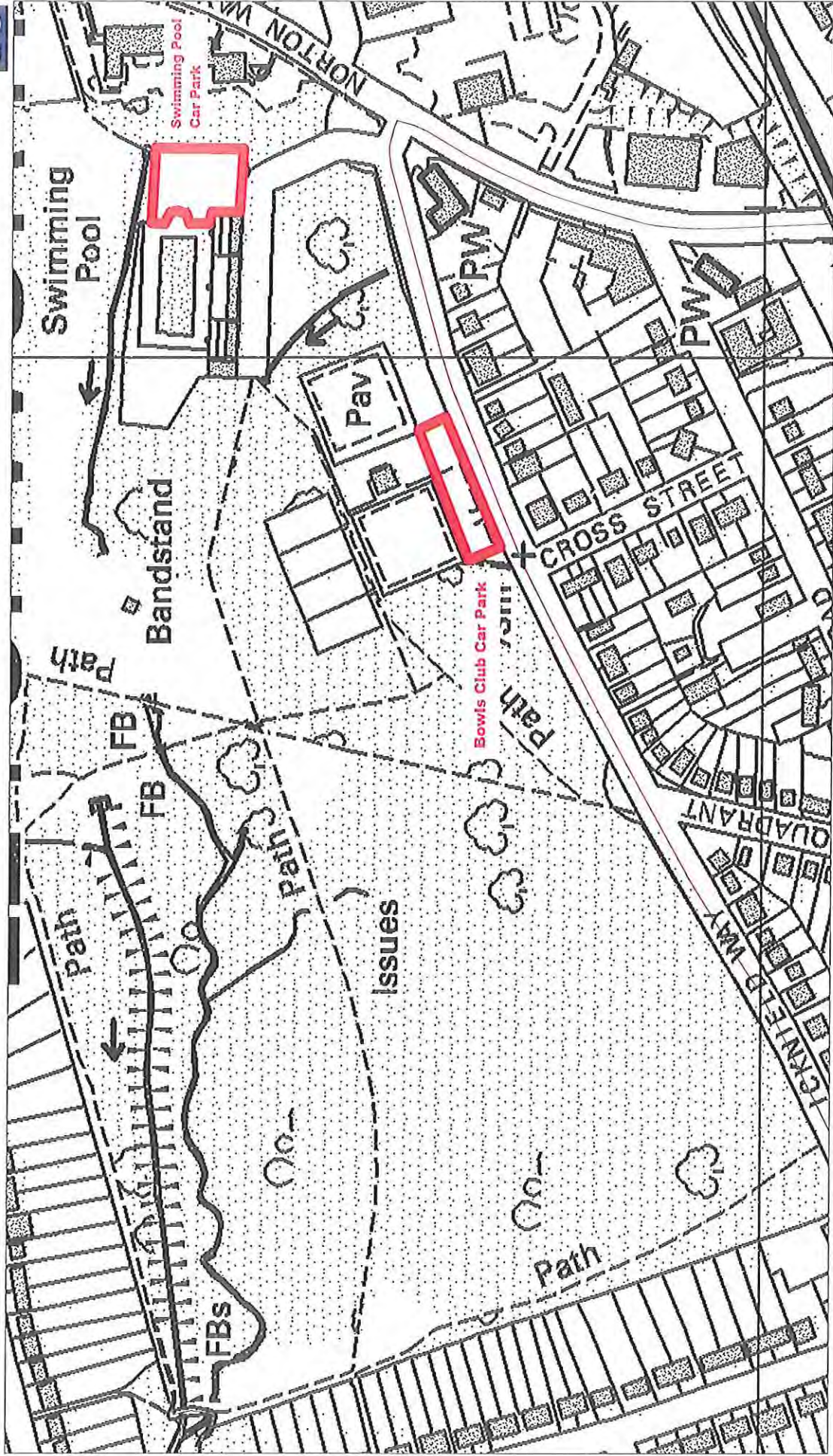
Charges apply between the hours of 6:30 am and 5:30 pm on Sunday

Letchworth	Norton Common Swimming Pool Car Park	Norton Common Bowls Club Car Park
Up to 2 hours	Free	Free
Up to 4 hours	Free	Free
Up to 5 hours	Free	Free
Maximum time limits and period of no return	Maximum of five hours at any one time with no return within three hours	Maximum of five hours at any one time with no return within three hours
Permits valid	Yes	Yes

Notes:-

- (a) A mandatory Convenience Charge is levied for all Pay by Phone transactions by the Service Provider in addition to the Parking Charge
- (b) Other optional Pay by Phone Services are available on request to the Pay by Phone Service Provider for which additional charges will be levied by the Service Provider

NORTH HERTFORDSHIRE DISTRICT COUNCIL
Proposed NHDC (Off Street Parking Places) (Norton Common) (Letchworth) No.1 Order 2016



Scale: 1:2800
Date: 23.03.16

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Red = Extent of Parking Place

