

EAST HERTFORDSHIRE DISTRICT COUNCIL

**EAST HERTFORDSHIRE DISTRICT COUNCIL
(WARE) (OFF-STREET PARKING PLACES) ORDER 2014
(AMENDMENT) ORDER 2021**

The East Hertfordshire District Council with the consent of Hertfordshire County Council under Section 39 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and under arrangements made with Hertfordshire County Council pursuant to Section 19 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and in accordance with the provisions of Part 6 of The Traffic Management Act 2004 ("the 2004 Act") and Regulation 21 of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and of all other enabling powers and after consultation with the Chief Officer of Police proposes to make an order under (a) the powers conferred by Sections 1, 2, 4, 32, 35, 46 and Parts IV and V of Schedule 9 of the 1984 Act and (b) Section 74 of the Road Traffic Act 1991 (as modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (East Hertfordshire District Council) Order 2005 and (c) in accordance with the Local Authorities Traffic Orders (Procedure) England and Wales) Regulations 1996 hereby makes the following Order:-

1. This Order shall come into operation on 10th May 2021 and may be cited as "East Hertfordshire District Council (Ware) (Off-Street Parking Places) Order 2014 (Amendment) Order 2021".
2. This Order amends the 'East Hertfordshire District Council (Ware) (Off-Street Parking Places) Order 2014' (herein after referred to as 'the Ware 2014 Order') as follows;
 - (a) It removes the Off-Street Plans identified as WCP 05/03 and WCP 06/03 from the Ware 2014 Order and replaces them with new Off-Street Plans identified as WCP 05/04 and WCP 06/04, incorporating the plans into the Ware 2014 Order.
 - (b) It removes Article 1 (b) and replaces it with a new Article 1 (b) as follows;

'The East Hertfordshire District Council Ware Off-Street Parking Place Plans ("the Off-Street Plans") identified as WCP 01/03, WCP 02/03, WCP 03/03, WCP 04/03, WCP 05/04, WCP 06/04, WCP 07/01 and WCP 08/03, are incorporated into this Order.'
 - (c) It removes the definition for "operational times" within Article 3 (3) and replaces it with a new definition as follows;

"operational times", in relation to a parking place, means the time specified in relation to that parking place in column 4 of Schedule 1, excluding any time during which the operation of the parking place is suspended under the provisions of Article 21;'
 - (d) It removes the definition for "parking bay" within Article 3 (3) and replaces it with a new definition as follows;

"parking bay" or "parking space" means any area within a parking place which is provided for the leaving of one vehicle only and is indicated by the markings on the surface of the parking place;'
 - (e) It removes the definition for "parking place" within Article 3 (3) and replaces it with a new definition as follows;

“parking place” or “car park” means an area of land or building, that is provided by the Council under section 32(1)(a) of the Act of 1984 for use as an Off-Street parking place and is specified by name in column 1 of Schedule 1;’

- (f) It removes the definition for “general permit” within Article 3 (3) and replaces it with a new definition as follows;

“permit” means any permit to park, issued under the terms of this Order and validated by the Council or a person authorised on behalf of the Council and includes contractors permit, market trader permit, resident’s permit, special permit and virtual permit;’

- (g) It removes the definition for “general permit holder” within Article 3 (3) and replaces it with a new definition as follows;

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

- (h) It removes Article 6 (l) and replaces it with a new Article 6 (l) as follows;

‘if a vehicle is left in that parking place in a position other than in accordance with the provisions of sub-paragraph (a) of this Article, a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with those provisions;’

- (i) It removes Article 6 (o) and replaces it with a new Article 6 (o) as follows;

‘any person altering, or causing the alteration of, the position of a vehicle by virtue of sub-paragraph (l) of this Article, or removing, or causing the removal of, a vehicle by virtue of sub-paragraph (m) or (n) of this Article, may do so in such a manner as is deemed necessary;’

- (j) It removes the first paragraph of Article 8 (3) and replaces it with a new Article 8 (3) first paragraph as follows;

‘Subject to Article 11, the parking charge shall be payable on the leaving of a vehicle in a parking place or part thereof at any time during the charging hours, by the Council’s pay by phone service or by the use of a debit or credit card or contactless payment method at a ticket machine installed in that parking place or of any coin or combination of coins accepted by that ticket machine, together making up the amount of the parking charge for the parking period for which payment is being made, and on such payment the ticket issued by the ticket machine shall be obtained:’

- (k) It removes Article 8 (3) (b) and replaces it with a new Article 8 (3) (b) as follows;

‘The charge or condition of use referred to in paragraph (2) above of this Article shall be paid or complied with upon entry thereto by the Council’s pay by phone service or by the use at the ticket machine provided of a debit or credit card, contactless payment method or coin, coins being of the denominations specified thereon dependent on the period for which payment is being made, provided that if any payment is made over the appropriate charge, the charge together with the amount of the overpayment shall be deemed to be the charge.’

- (l) It removes Article 8 (3) (f) and replaces it with a new Article 8 (3) (f) as follows;

‘If at the time when a vehicle is left in a parking place specified in column 1 of Schedule 1 and the Off-Street Plans to this Order during the charging hours and the pay by phone service is unavailable for whatever reason, the charge shall be payable by the insertion in the ticket machine provided of a coin,

coins, debit/ credit card or use of a contactless payment method being of the denominations specified thereon dependent on the period for which payment is being made and the class of vehicle, provided that if any payment is made over the appropriate charge, the charge together with the amount of the overpayment shall be deemed to be the charge.'

(m) It removes Article 13 and replaces it with a new Article 13 as follows;

'Where a ticket has been displayed on a vehicle in accordance with the provisions of Article 8(4) and (5), no person, other than the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver:

Provided that nothing in this Article shall apply in relation to a civil enforcement officer or an officer of the Council who removes the ticket in the process of the vehicle being removed in accordance with Article 6(m) or 6(n).'

(n) It removes Article 20 and replaces it with a new Article 20 as follows;

'Where a permit has been displayed on a vehicle in accordance with paragraph (iii), (iv) or (v) of the proviso to Article 7(a), no person, except the driver of the vehicle shall remove the permit, as the case may be, from the vehicle unless authorised to do so by the driver;

Provided that nothing in this Article shall apply in relation to a civil enforcement officer or an officer or representative of the Council who removes the permit, as the case may be, in the process of the vehicle being removed in accordance with Article 6(m) or 6(n).'

(o) It inserts into Article 22 (1) a new sub-paragraph (e) as follows;

'(e) after expiry of the period for which a free period of parking was obtained in accordance with Article 8 (2) above.'

(p) It removes Article 22 (13) (1) (c).

(q) It removes the entirety of Section Two from Schedule 1 and replaces it with a new Section Two as follows;

SECTION TWO – SHORT STAY ONLY CAR PARKS

Kibes Lane (North)	Wholly within a parking bay	Cars, light vans and motorcycles	All Days	Mondays to Saturdays inclusive 7.30 am to 6.30 pm	5 hours
Library	Wholly within a parking bay	Cars, light vans and motorcycles Permits issued at Council's discretion	All Days	Mondays to Saturdays inclusive 7.30 am to 6.30 pm	5 hours Except Permits Holders

(r) It removes Schedule 2 and replaces it with a new Schedule 2 as follows;

SCHEDULE 2

PERMITS

Type	Eligibility	Location
Residents	Ermine Court Senior Citizens Home	Baldock Street car park
	New Road Odds 13 to 23 and 31 to 57 and Evens 32	New Road car park
Market Traders	Market Traders	Kibes Lane (South) and Priory Street car parks
Contractor	Contractors	Any Car Park
Special	At Council's discretion	Car Park specified by EHDC
Dispensation	At Council's discretion	At Council's discretion

The charge for a permit referred to in this Schedule shall be the amount set by the Council and may be varied by the Council at their discretion in relation to the parking place or part thereof in respect of which the permit is to be issued.

3. The provisions of the following Orders are hereby revoked but only in so far as they are affected by this Order;

East Hertfordshire District Council (Ware) (Off-Street Parking Places) Order 2014 (Amendment) Order 2017

4. The interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Given under the Common Seal of East Hertfordshire District Council this 20th day of April 2021.

THE COMMON SEAL of EAST HERTFORDSHIRE DISTRICT COUNCIL

was hereunto)
affixed on the 20th April 2021)
in the presence of:

James Ellis
Head of Legal and Democratic Services

