

The East Hertfordshire District Council (Parking Zone B7, Bishop's Stortford)  
(Town Centre Business Permit) Order 2017

**THE EAST HERTFORDSHIRE DISTRICT COUNCIL**

**TRAFFIC REGULATION ORDER**

**THE EAST HERTFORDSHIRE DISTRICT COUNCIL (PARKING ZONE B7, BISHOP'S  
STORTFORD) (TOWN CENTRE BUSINESS PERMIT) ORDER 2017**

Date 5 April 2018

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The East Hertfordshire District Council (hereinafter referred to as "the Council") pursuant to arrangements made under Section 19 of the Local Government Act 2000 and The Local Authorities' (Arrangements for Discharge of Functions) (England) Regulations 2012 with Hertfordshire County Council ("the County Council") in exercise of the powers of the County Council under Sections 32, 35, 45, 46, 47, 49 and 53 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act") (as amended by the Road Traffic Regulation (Parking) Act 1986 and Section 43 and Schedule 3 of the Road Traffic Act 1991 ("the 1991 Act")) and of all other powers them enabling in that behalf and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:

## **PART I - PRELIMINARY**

### **Citation and commencement**

- 1 This Order may be cited as "The East Hertfordshire District Council (Parking Zone B7, Bishop's Stortford) (Town Centre Business Permit) Order 2017" and comes into force on Monday 9 April 2018.
- 2 The East Hertfordshire District Council (Parking Zone B7, Bishops Stortford) (Town Centre Business Permit) plans numbered BS/CHANTRY/1001/17 BS/CHANTRY/1002/17 and BS/CHANTRY/1003/17 herein referred to as "the Plans to this Order" are incorporated into this Order.

### **Interpretation**

- 3 In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"business" means any postal address upon which the council charge business rates;

"civil enforcement officer" has the same meaning as in Section 76 of the Act of 2004;

"Council" means East Hertfordshire District 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;

"designated officer" means an officer nominated by East Hertfordshire District Council to carry out Council functions associated with the provisions of this Order;

"disabled person's badge" and "disabled person's vehicle" have the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 and the Disabled Persons (Badges for Motor Vehicles) Amendment Regulations 1992 and as amended by the Local Authorities Traffic Orders (Exemption 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;

“eligible address” means any postal address which is specified in Schedule 1 to this Order and therefore indicates that the entitled business user may apply for a permit;

“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;

“entitled business user” means a person who works in premises the postal address of which is situated within Bishops Stortford Town and liable for payment of business rates on that premises;

“owner”, in relation to a vehicle, means the person by whom such vehicle is kept and used;

“parking bay” means a marked bay within a parking place as defined in Article 6(2);

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

“Parking Zone” or “PZ” is an area in which all the streets are subject to waiting restrictions other than lengths of road where parking places are designated, whether these parking places bear road markings or not;

“Parking Zone Hours” means the hours and days of the week specified in the Plans to this Order;

“penalty charge” has the same meaning as in Section 82(1) of the Road Traffic Act 1991;

“permit parking place” area on a highway comprising the length of carriageway of a street shown on the Plans to this Order and bounded on one side of that length by the edge of the carriageway designated as a parking place and marked out and having a width of not less than 1.8 metres for the parking of vehicles which display a valid permit;

“permitted hours” means the Parking Zone hours specified in the Plans to this Order;

“protective cover” means a transparent cover designed to protect a permit displayed under the provisions of Article 22;

“relevant position” means:

- i) A vehicle displays a town centre business permit in the relevant position if it is in the protective cover on the front or near side of the vehicle so that all the particulars referred to in Article 29 for a town centre business permit are readily visible from the front or near side of the vehicle

“town centre business permit” means a permit issued under the provisions of Article 24;

“town centre business permit holder” means a person to whom a permit has been issued under the provisions of Article 24;

- (a) 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.
- (b) 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.

## **PART II - PARKING PLACES**

### **Section 1 – Provisions of the Order**

#### **Restricted Waiting Areas within the Parking Zone (PZ)**

- 4 (1) Subject to the provisions of this Order, the sides of street shown in the Plans to this Order and indicated in the key to those plans as Parking Places for Town Centre Business Permit Holders are hereby designated as being permit parking places.
- (2) Subject to the provisions of this Order, town centre business permit holders may park in those designated permit parking places shown in the Plans to this Order and indicated in the key to those plans as Parking Places for Town Centre Business Permit Holders.

#### **A vehicle waiting upon the direction or with the permission of a Designated Officer**

- 5 Nothing in Article 4 shall render it unlawful for a person to cause or permit any vehicle to wait on the sides of the road or in the lengths of the road referred to therein if it shall be upon the direction or with the permission of a Designated Officer or Civil Enforcement Officer.

#### **Designation of parking places**

- 6 Each area on a highway comprising the length of carriageway of a street shown on the Plans to this Order and indicated in the key to those plans bounded on one side of that length by the edge of the carriageway marked out and having a width throughout not less than 1.8 metres as long as no obstruction of access is caused to any properties along the carriageway, is hereby designated as parking places for use by town centre business permit holders Monday to Friday between 8:00am to 6:00pm.

#### **Parts of Parking Places in which vehicles may not be left**

- 7 No person shall cause or permit any vehicle to wait in an area designated as a parking place during Parking Zone Hours unless authorised by the subsequent provisions of this Order or by the direction or with the permission of a Designated Officer or Civil Enforcement Officer.

### **Vehicles for which Parking Places are designated**

- 8 (1) Subject to the provisions of this Order, parking places may be used for the leaving during the permitted hours of vehicles of the following class, that is to say, passenger vehicles (the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres), 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) and motorcycles.
- (2) Parking places shown on the Plans to this Order and indicated in the key to those plans may be used for the leaving during the permitted hours of such vehicles of the class specified in paragraph (1) of this Article which display in the relevant position a valid town centre business permit issued in respect of that vehicle.

### **Alteration of position of a vehicle in a parking place**

- 9 Where any vehicle is standing in a parking place in contravention of the provisions of Article 15, a Civil Enforcement Officer may 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**

- 10 Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in Article 16(3) have been contravened or not complied with in respect of a vehicle left in any part of a parking place; or prohibited waiting area they may remove or cause to be removed the vehicle from the parking place or prohibited area and, where it is so removed, shall provide for the safe custody of the vehicle and its contents.

### **Movement of a vehicle in a parking place in an emergency**

- 11 A Civil Enforcement Officer or Police Officer in uniform 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.

### **Changes to parking provisions within the Parking Zone area**

- 12 The provisions of The East Hertfordshire District Council (Control of Parking) (Consolidation) Order 2017 are hereby revoked but only insofar as they are affected by the provisions contained within this Order.

### **Contravention of the General Order**

- 13 A breach of any of the requirements or restrictions set out in the provisions of this Order shall be a contravention within the meaning of Traffic Management Act 2004 Part 6 and Schedule 7, Part 1, Article 4.
- 14 Where a person contravenes the requirements set out in the provisions of this Order, an amount set and published in accordance with The Civil Enforcement of the Traffic Management Act 2004 (hereinafter referred to as the "penalty charge") shall be

payable. The penalty charge shall be payable to the East Hertfordshire District Council in accordance with the instructions contained on the penalty charge notice.

### **PART III - SUPPLEMENTARY PROVISIONS**

#### **Section 1 - General**

##### **Manner of standing in a parking place**

- 15 Every vehicle left in a parking place in accordance with the provisions of this Order shall so stand that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway unless the marked bay indicates perpendicular parking and the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 300 millimetres.

##### **Power to suspend the use of a parking place**

- 16 (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 telecommunication system 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) of this Article 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 the reason the bay was suspended; 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**

17 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 motorcycle or a disabled person's vehicle 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 18(1)(h) apply.

### **Restriction on waiting by a vehicle in a parking place**

18 (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 within the PZ 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 within the PZ in which the vehicle is waiting or, having been so collected, are being loaded 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 16(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) the vehicle is a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc, waiting for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road).
  - (i) 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 Designated Officer or a Civil Enforcement Officer may approve.
- (2) 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.

### **Manner of waiting in a parking place**

- 19 (1) No person shall cause or permit a vehicle to wait in a parking place shown on the Plans to this Order by virtue of the provisions of paragraph (1)(e), (f), (g), or (h) of the last preceding Article otherwise than:
- (a) so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle unless the marked bay indicates perpendicular parking and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres; and
  - (b) so that no part of the vehicle obstructs any pedestrian or vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting.

- (2) 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.**

20 The Council shall:

- (a) place and maintain traffic signs indicating the limits of each parking place and each parking bay;
- (b) place and maintain in or in the vicinity of each parking place and each parking bay traffic signs of a design approved by the Secretary of State for the Department for Transport indicating that the parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 9; and
- (c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

### **Permits displayed on vehicles left in parking places**

21 At all times during which a vehicle, including a motorcycle, (other than a vehicle otherwise exempted by this Order) is left in a parking place during the permitted hours in accordance with the provisions of Article 8(1) and 8(2) of this Order, the driver thereof shall cause to be displayed in the relevant position a valid town centre business permit relating to the Parking Zone (PZ) within which that vehicle is left.

### **Restriction on the removal of permits**

- 22 (1) Where a town centre business permit has been displayed in accordance with the provisions of Articles 21, no person, not being the driver of the vehicle shall remove the permit unless authorised to do so by the driver of the vehicle.
- (2) Provided that nothing herein shall apply to a Civil Enforcement Officer or Police Constable in uniform or a person removing the vehicle in pursuance of an arrangement made by the Police Constable by or under regulations in pursuance of powers contained in sections 99, 100, 101 and 102 of the Act of 1984.

### **To account for changes to permit costs**

23 The charges for town centre parking permits are shown in Schedule 2 to this Order but may be amended by the Council giving notice in accordance with section 46A of the Act of 1984.

## **Section 2 – Town Centre Business Permits**

### **Application for the issue of a Town Centre Business Permit**

- 24 (1) Any entitled business user may apply to the Council for the issue of up to a maximum of five Town Centre Business Permits authorising up to five vehicles of the class specified in Article 8(1) to park in specific roads in Parking Zone B7 and any such application shall be made on a form issued by and obtainable from the Council and shall include the specified fee particulars and information required by such form to be supplied. The number of permits issued may be varied at the council's discretion.
- (2) The Council may at any time require an applicant for a town centre business permit or a town centre business permit holder to produce to an officer of the Council or authorised agent such evidence in respect of an application for a town centre business permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any town centre business permit issued by them as they may reasonably call for to verify that the town centre business permit is valid.
- (3) Upon receipt of an application duly made under the foregoing provisions of this Article and upon receipt of the charge specified in paragraph (4) of this Article, the Council or its authorised agent, upon being satisfied that the applicant is an entitled business user and is the owner of a vehicle or vehicles of the class specified in paragraph (1) of this Article, shall issue to the applicant therefore a maximum of five town centre business permit valid for 12 months, for the leaving during the permitted hours in a parking place of the vehicle which displays a valid town centre business permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner. The number of permits issued to an entitled town centre business may be varied at the council's discretion.
- (4) The charge referred to in paragraph (3) of this Article shall be in accordance with the charges specified in Schedule 2 to this Order.

### **Limit on the number of permits to be issued to a town centre business**

- 25 (1) The number of permits issued to a town centre business shall be as specified in Schedule 2 to this Order.
- (2) The Council shall not issue a town centre business permit to any business during the period of validity of its maximum number of town centre business permits previously issued in respect of the eligible business as specified in Schedule 2 to this Order, subject to the provisions of Article 28.

### **Refund of charge paid in respect of Town Centre Business Permits**

- 26 A town centre business permit holder who surrenders a town centre business permit to the Council whether before or after it becomes valid will be entitled to a pro-rata refund of the charges paid less an administration charge levied at the Councils

discretion unless the Council in its discretion considers that there are exceptional circumstances to justify refunding the charge in full or in part without such charge.

### **Surrender, withdrawal and validity of Town Centre Business Permits**

- 27 (1) A town centre business permit holder may surrender a town centre business permit to the Council at any time and shall surrender a town centre business permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article or in accordance with the provisions of paragraph (5) of this Article.
- (2) The Council or its authorised agent may, by notice in writing served on the town centre business permit holder by sending the same by the recorded delivery service to the town centre business permit holder at the address shown by that person on the application for the town centre business permit or at any other address believed to be that person's place of business, withdraw a town centre business permit if it appears to the Council that any of the events set out in paragraph (3)(a), (b) or (d) of this Article has occurred and the town centre business permit holder shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the aforementioned notice.
- (3) The events referred to in the foregoing provisions of this Article are -
- (a) the town centre business permit holder ceasing to be an entitled business user in respect of which the town centre business permit was issued;
  - (b) the withdrawal of such town centre business permit by the Council under the provision of paragraph (2) of this Article;
  - (c) the vehicle or vehicles which have been allocated a Town Centre Business Permit by the eligible business which has been adapted or used in such a manner that it is not a vehicle of the class specified in Article 8(1);
  - (d) the issue of a duplicate town centre business permit by the Council shall be subject to the provisions of Article 28.
- (4) Without prejudice to the foregoing provisions of this Article, a town centre business permit shall cease to be valid at the expiration of the period specified thereon, or on the occurrence of any one of the events set out in paragraph (3)(a), (b), (c), (d) or (e) of this Article whichever is the earlier.
- (5) Where a town centre business permit is issued to any persons upon receipt of a cheque or credit card and the payment is subsequently dishonoured, the town centre business permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such town centre business permit was issued by sending the same by recorded delivery service to the town centre business permit holder at the address shown by that person on the application for the town centre business permit or at any other address

believed to be that person's place of business, require that person to surrender the town centre business permit to the Council within 48 hours of the receipt of the aforementioned notice.

### **Application for an issue of duplicate Town Centre Business Permits**

- 28 (1) If a town centre business permit is mutilated or accidentally defaced or the figure or particulars thereon have become illegible or the colour of the town centre business permit has become altered by fading or otherwise, the town centre business permit holder shall either surrender it to the Council and apply to the Council for the issue to them of a duplicate town centre business permit and the Council or its authorised agent, upon receipt of the town centre business permit, shall issue a duplicate town centre business permit, so marked, and upon such issue the old town centre business permit shall become invalid.
- (2) If a town centre business permit is lost or destroyed, the town centre business permit holder may apply to the Council for the issue to them of a duplicate town centre business permit and the Council or its authorised agent, upon being satisfied as to such loss or destruction, shall issue a duplicate town centre business permit, so marked, and upon such issue the old town centre business permit shall become invalid.
- (3) The provisions of this Order shall apply to a duplicate town centre business permit and an application therefore as if it were a town centre business permit or, as the case may be, an application therefore.

### **Form of Town Centre Business Permits**

- 29 A town centre business permit shall be in writing and shall include the following particulars:
- (a) the type of permit identified by a unique reference number;
  - (b) the period during which, subject to the provisions of Article 27, the town centre business permit shall remain valid;
  - (c) an indication that the town centre business permit has been issued by the Council; and
  - (d) an indication of the road(s) within PZ B7 for which the town centre business permit is valid.
- 30 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.

**Section 3 – Schedules**

**SCHEDULE 1: Addresses Eligible for Permits designated for use within Parking Zone B7**

<b>Business Addresses eligible for Town Centre Business Permits valid for Parking Zone B7</b>	
Hadham Road	No. 18
North Street	No's 1-17, 1-15 Florence Walk, 19,19A,19B,19D,19E,21,22,22A,23-25,25A,25C,26,27,29,29B,29F,30,32,34,38,40,40A,42,42A & Sworders Barn in Sworders Yard
Northgate End	No's 1-3,5,7,7A,9,23 & postcode CM23 2BA (Waitrose or Superstore)
Water Lane	No's 12,31, 9 first floor The Coach House, 9 ground floor The Coach House
Charrington's House	Tenants of Charrington's House under the auspices of East Herts Council's 'Launchpad' scheme

**SCHEDULE 2: List of Charges to be made in respect of Town Centre Business Permits issued for Parking Zone B7**

Only light vehicles (less than 5.25m long and 2.3m high) will be eligible for issue of permits.

Elm Road Chantry Road Chantry Close	Limit maximum of five permits per eligible business. This number may be varied at the council's discretion.	£600 per annum
Rye Street (Service Road) Pinelands Barrells Down Road	Limit maximum of five permits per eligible business. This number may be varied at the council's discretion.	£400 per annum

The charge for a permit shall be the amount set by the Council and may be varied by the Council at its discretion upon the issue of a notice of variation.

**SCHEDULE 3: Plans Incorporated into this Order**

Plan 1	BS/CHANTRY/1001/17
Plan 2	BS/CHANTRY/1002/17
Plan 3	BS/CHANTRY/1003/17

THE COMMON SEAL of EAST HERTFORDSHIRE )  
DISTRICT COUNCIL was hereunto )  
affixed on the 5<sup>th</sup> April 2018 )  
in the presence of:

.....  
Helen Standen, Director