

STEVENAGE BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**THE BOROUGH OF STEVENAGE (NEW TOWN CENTRE) (ELECTRIC VEHICLES'
PARKING PLACES) ORDER 2021**

Contents

PART I – PRELIMINARY	3
Commencement & Citation	3
Interpretation.....	3
PART II – RESTRICTIONS AND PARKING PLACES	6
Provisions of the Order	6
Designation of parking places.....	6
Parts of a parking place in which vehicles may not be left.....	6
Vehicles for which Parking Places are designated.....	6
Alteration of a position of a vehicle in a Parking Place.....	6
Removal of a vehicle from a Parking Place.....	6
Movement of a vehicle in a parking place in an emergency	7
Waiting Restrictions Revoked by this Order.....	7
PART III – SUPPLEMENTARY PROVISIONS	8
Manner of standing in a parking place	8
Power to suspend the use of a parking place	8
Restrictions on the use of a parking place.....	9
Restriction on waiting by a vehicle in a parking place	9
Vehicles to be recharging when parked	10
Payment to recoup electricity costs	10
Penalty Charges.....	10
Maximum period a vehicle may be left in a parking place.....	10
Interval before a vehicle may again be left in a parking place.....	11
SCHEDULE	12
Electric Vehicles’ Parking Places	12
Marshgate and Swingate Stevenage.....	12

Stevenage Borough Council, pursuant to the arrangements made under Section 19 of the Local Government Act 2000 with Hertfordshire County Council in exercise of their powers under Sections 32, 35, and 45 to 53 of the Road Traffic Regulation Act 1984, (which said Act of 1984 is hereinafter referred to as “the Act of 1984”), and Part IV of Schedule 9 of the Act 1984 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 Act of 1984, hereby make the following Order:-

PART I – PRELIMINARY

Commencement & Citation

1. This Order may be cited as “The Borough of Stevenage (New Town Centre) (Electric Vehicles’ Parking Places) Order 2021” and shall come into operation on **27 September 2021**.

Interpretation

2.
 - 1) Save as otherwise defined within this Order each and every expression shall have the meaning assigned to it by the Traffic Signs Regulations and General directions 2016.
 - 2) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

“County Council” means Hertfordshire County Council and includes any parking services contractors or authorised agent appointed by and acting on behalf of the County Council for the purposes of any function under the provisions of this Order.

“Council means Stevenage Borough Council and includes any parking service 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 and as defined by the Traffic Management Act 2004.

“Designated Officer” means an Officer nominated by Stevenage Borough Council to carry out Council Functions under the provisions of this Order.

“Charging Device” means an installation adjacent to a parking place for the purposes of recharging the batteries of an electric vehicle or hybrid vehicle by means of a connecting lead.

“Civil Enforcement Officer” has the same meaning as defined in the Traffic Management Act 2004, as appointed by or on behalf of Stevenage Borough Council.

“Disabled Person” means a disabled person of a description prescribed by Regulation 4 of the Disabled Persons (Badge for Motor Vehicles) (England) Regulations 2000 SI 682.

“Disabled Persons Badge” has the same meaning as given in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 SI 682.

“Disabled Person’s Vehicle” means a vehicle lawfully displaying a Disabled Person’s Badge in the relevant position and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a

provision of a kind required by Regulation 8 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 683, has been or is to be driven by a Disabled Person or, as the case may be, has been or is to be used for carrying a Disabled Person or Persons as passengers.

"Driver" means the person driving or having control or charge of the Vehicle at any given time and in particular in relation to the Vehicle waiting in a Parking Bay or Parking Place the person driving at the time it was left in that Parking Place.

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

"Enactment" means any enactment, whether public general or Local and includes any Order, Byelaw, Rule, Regulation, Scheme or other instrument having effect by virtue of an enactment.

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

"Goods Vehicle" means a motor vehicle that is constructed or adapted for use for the carriage of goods or burden of any description.

"Hand-held Device" means a wireless hand-held computer which is programmed to interface with the Telephone Payment System.

"Hybrid Vehicle" means an electric vehicle which has at least one other energy source for traction purposes.

"Motorcycle" has the meaning as in Section 185(1) of the Road Traffic Act 1988.

"Owner" in relation to a Vehicle means the person by whom such a vehicle is kept and or used.

"Parking Bay" means an area contained within a Parking Place in which a vehicle of any class, not larger than 2.3m in height and 5.25m in length may be parked, marked in accordance with The Traffic Signs Regulations & General Directions 2016 as designated in Article 4 of this Order and listed in the Schedule to this order.

"Parking Place" means any place where a vehicle, or vehicles of any class, not larger than 2.3m in height and 5.2m in length may be parked, marked in accordance with The Traffic Signs Regulations & General Directions 2016 as designated in Article 4 of this Order and listed in the Schedule to this order.

"Passenger Vehicle" means a motor vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the Driver and not drawing a trailer.

"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 and Part 2 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

“Permitted Hours” means the hours and days of the week specified in the Schedule to this Order.

“Relevant Position” in relation to a Disabled Persons Badge means on the dashboard or fascia of the vehicle or where the vehicle is not fitted with a dashboard or fascia in a conspicuous position on the nearside of the vehicle or if the vehicle is being used by a disabled person, in such a position as described in the Disabled Persons (Badges for motor vehicles) (Amendments) Regulations 2000 SI 682 and in all cases displayed in such a position as to be clearly visible from outside the vehicles front or nearside.

“Vehicle” means motor vehicle and “motor vehicle” has the same meaning as in section 136 of the Act of 1984.

“Telecommunication system” has the meaning as in the Telecommunications Act 1984 (c.12)

“Universal Service Provider”, “Provision of a universal Postal Service” and “Postal Packet” shall bear the same meaning as in the Postal Services Act 2011.

- 3) 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.
- 4) 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 having effect by virtue of any subsequent enactment.
- 5) 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 effects as if made under the Act of 1984 or by or under any other enactment.

PART II – RESTRICTIONS AND PARKING PLACES

Provisions of the Order

Designation of parking places

3.
 - 1) Each area on a highway comprising the length of a carriageway of a street described in the Schedule to this Order bounded on one side of that length by the edge of the carriageway and having a width throughout of not less than 1.8 metres is hereby designated as a parking place at all times.
 - 2) Each area on a highway comprised within a parking place and marked out for the purpose of parking in accordance with the provision of this Order and not comprised within a restricted waiting area is hereby designated as a parking bay.

Parts of a parking place in which vehicles may not be left

4.
 - 1) No person shall cause or permit any vehicle to wait in an area designated as a parking place or parking bay during permitted hours unless authorised by the subsequent provision of this Order or with the permission of a designated Constable or Civil Enforcement Officer or duly authorised Officer of the Council.
 - 2) Where a person contravenes the provisions set out in paragraph (1) of this Article, the owner of the vehicle in question shall incur a penalty charge as stipulated in Article 16 of this Order.

Vehicles for which Parking Places are designated

5. Subject to the provisions of this order, parking places may be used for the leaving at any time only of vehicles which are electric or hybrid vehicles of the following classes:
 - (a) 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;
 - (b) 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;
 - (c) motorcycles; and
 - (d) disabled persons vehicles.

Alteration of a position of a vehicle in a Parking Place

6. Where any vehicle is standing in a parking place in contravention of the provisions of Article 10 or of the provisions of Article 11(3), 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

7. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect

of a vehicle left in any part of a parking place; or restricted waiting area they may remove or cause to be removed the vehicle from the parking place or restricted area and, where it is so removed, shall provide for the safe custody of the vehicle and its contents.

Movement of a vehicle in a parking place in an emergency

8. A police Constable in uniform or a Civil Enforcement Officer may cause to be moved, in case of emergency, to any place he thinks fit any vehicle left in a parking bay.

Waiting Restrictions Revoked by this Order

9. The provisions of the following Orders are hereby revoked only in so far as they are affected by the restrictions imposed by this Order:

The Borough of Stevenage (Control of Parking) (Consolidation)
Order 2017

The Borough of Stevenage (Town Centre, Stevenage) (On Street
Pay and Display and Pay by Phone) Order 2016

The Borough of Stevenage (Town Centre, Stevenage) (On Street
Electric Vehicles' Pay and Display and Pay by Phone Parking Places) Order
2020

PART III – SUPPLEMENTARY PROVISIONS

Manner of standing in a parking place

- 10.** Every vehicle left in a parking place described in the Schedule to this Order, in accordance with the provisions of this Order, shall so stand that:
- 1) the near side of the vehicle is adjacent to the left-hand edge of the carriageway and the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50 centimetres, or in such other special manner of standing as the Schedule may specify; and
 - 2) the whole of the vehicle is within a marked parking bay; and
 - 3) no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting, other than premises to or from which the vehicle is delivering or collecting furniture or goods.

Power to suspend the use of a parking place

11.

- 1) Any person authorised by the Council or a police constable in uniform may suspend the use of a Parking Place or any part thereof whenever they consider such a suspension reasonably necessary:
 - (a) for the purposes of facilitating the movement of traffic or promoting its safety; or
 - (b) for the purposes of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or of the parking place 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 sign; 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) 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 wait in a parking place or any part thereof during the period indicated by a traffic sign placed in pursuance of paragraph 2) above provided that nothing in this paragraph shall apply:
 - (a) to any vehicle being used for fire brigade, ambulance or police purposes; or
 - (b) any vehicle which is waiting for the reason the bay was suspended; or

- (c) 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; or
- (d) if 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 injury or damage to persons or property or when required to do so by law.

Restrictions on the use of a parking place

12.

- 1) No person shall use any parking place at any time 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 of offering for sale of his skill in handicraft or his services in any other capacity.
- 2) 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 an invalid carriage and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
 - (b) if the vehicle is one to which the provisions of Article 13(1)(h) apply.

Restriction on waiting by a vehicle in a parking place

13.

- 1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the in any part of a parking place if the use of that part has not been suspended and if:
 - (a) 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 injury or damage to persons or property or when required to do so by law; or
 - (b) 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; or
 - (c) 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; or
 - (d) 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 a purpose specified in Article 11(1)(b); or
 - (e) the vehicle is a marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be delivered or collected; or
 - (f) the vehicle is a vehicle which, whilst used by a Civil Enforcement Officer in the course of the enforcement of parking restrictions, is stationary only for so long as may be reasonably

necessary for them to issue (or attempt to issue) a Penalty Charge Notice to a vehicle they believe to be parked in contravention of those restrictions or adjacent restrictions.

- 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 at any time.
- 3) Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Road Traffic Regulation Act 1984.

Vehicles to be recharging when parked

14. Where an electric or hybrid vehicle is at any time left in a parking place designated by this Order, the driver shall ensure that it is connected to a Charging Device by means of a connecting lead for the purpose of recharging the batteries of the said vehicle.

Payment to recoup electricity costs

15. The Charging Device may apply a monetary fee for the use of electricity at any time. This is not and shall not be considered a fee for parking and may be set and varied by the Council from time to time, subject to such caps and limits as may be set by primary and secondary legislation.

Penalty Charges

16.
 - 1) If a vehicle (other than a vehicle otherwise exempted by this Order) is left at any time in contravention of any provision of this Order a penalty charge shall be payable.
 - 2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued by a Civil Enforcement Officer in uniform in accordance with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
17. The penalty charge shall be paid to Stevenage Borough Council in accordance with the instructions and within the time limits specified on the penalty charge notice.
18. The period for which a vehicle may be left in a parking place during the permitted hours after the penalty charge has been incurred shall not exceed one hour.
19.
 - 1) Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of this Order, no person, not being the driver of the vehicle, shall remove the notice from the vehicle unless authorised to do so by the driver of the vehicle.
 - 2) Provided that nothing in this Article 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 in uniform or under the regulations in pursuance of powers contained in sections 99, 100, 101, and 102 of the Act of 1984.

Maximum period a vehicle may be left in a parking place

20.

- 1) No vehicle which has left a parking place during the permitted hours shall be left in parking place for longer than the maximum period of stay indicated in the Schedule to this Order.
- 2) Provided that nothing in this Article shall apply to a Disabled Persons Vehicle when a Disabled Persons Badge is displayed in the relevant position.

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

- 21.** No vehicle which has left a parking place during the permitted hours shall return to the same parking place or another parking place in the same length of road within the period indicated in the Schedule to this Order.

SCHEDULE

Electric Vehicles' Parking Places

Marshgate and Swingate Stevenage

Item number	Name of road	Side of road	Description	Permitted hours	Maximum Stay	Period of no return	Special Manner of Standing
1	Marshgate	West	From a point 3 metres south of its junction with the southern kerbline of the northern arm of the same street, southwards for a distance of 9.5 metres.	At any time	None	Two hours	Perpendicular to the carriageway
2	Swingate	North	From a point 74.5 metres west of its junction with Danestrete westwards for a distance of 4.5 metres.	At any time	None	Two hours	Perpendicular to the carriageway

IN WITNESS whereof the Common Seal of Stevenage Borough Council was hereunto affixed this day of September 2021.

The Common Seal of)
Stevenage Borough Council)
was hereunto affixed)
in the presence of:-)

.....

Authorised signatory