

STEVENAGE BOROUGH COUNCIL

THE BOROUGH OF STEVENAGE (PRIMETT ROAD NORTH) (OFF-STREET PARKING PLACES) ORDER 2010

The STEVENAGE BOROUGH COUNCIL (hereinafter referred to as "the Council") pursuant to arrangements made under Section 19 of the Local Government Act 2000 and the Local Government (Arrangements for Discharge of Functions) (England) Regulations 2000 with the County Council of Hertfordshire in exercise of the powers of the said County Council under Sections 1, 2, 4, 32, 33, 35 and 46 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part 111 of Schedule 9 of the Act of 1984, hereby makes the following Order:-

Part I General

1. This Order shall come into operation on 30th May 2010 and may be cited as the Borough of Stevenage (Primett Road North) (Off-Street Parking Places) Order 2010
2. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order, and any reference in this Order to "the Schedule" is a reference to the Schedule to this Order.
(2) In this Order:-
 - (a) "driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;
 - (b) "owner", in relation to a vehicle, means the person by whom such vehicle is kept and used;
 - (c) "parking bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;
 - (d) "Council" means Stevenage Borough Council;
 - (e) "parking place" means any area of land specified by name in column 1 of the Schedule provided by the Council under section 32(1) of the Act of 1984 for use as a parking place;
 - (f) "ticket" means any parking device either card disc token or other similar device;

- (g) "retail store customer" means any customer of the retail store situated at 74A High Street SG1 3EH Stevenage
- (h) "validated ticket" means a ticket validated by the retail store referred to in 2.(2) (g) of this Article and subject to the retail store conditions
- (3) Any charge imposed by or under this Order shall include at the rate or rates from time to time prevailing by virtue of the Value Added Tax Act 1983 as amended.
- (4) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of sections 15, 16 and 17 of that Act this Order were an Act of Parliament and the Order revoked by Article 3 were an Act of Parliament thereby repealed.

Part II Use of Parking Place

- 3. The Borough of Stevenage (Off-Street Parking Places) (Primett Road North) Order 1995 is hereby revoked
- 4. For the avoidance of doubt, nothing in this Order shall affect the Order revoked by the Order in its operation in relation to anything lawfully done before this Order comes into operation
- 5. (1) Each area of land specified by name in Column 1 of Schedule 1 to this Order may be used, when available subject to the following provisions of this Order, as a parking place for such classes of vehicles in such positions on such days and during such hours as are specified in relation to that area of the Schedule
- (2) Where in Schedule 1 a parking place is described as available for vehicles of a specified class or in a specified position the driver of a vehicle shall not be permitted to wait in that parking place unless it is of the class and in the position so specified
- (3) In so far as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.
- 6. (1) This Article applies to the parking places specified by name at items 1 in column 1 of Schedule 1 to this Order. (Primett Road North)
- (2) The charge for a vehicle of the retail store customer with a validated ticket left in a parking place during the charging hours on Monday to Sunday between 0800 to 1900 hours for a period not exceeding two hours shall be nil charge (£0.00) for a period exceeding two hours but not exceeding three hours shall be Fifty

pence (£0.50) for a period exceeding three hours but not exceeding four hours shall be One Pound (£1.00) for a period exceeding four hours but not exceeding five hours shall be One Pound fifty pence (£1.50) for a period exceeding five hours shall be Five Pounds (£5.00)

- (3) The charge for a vehicle of a non retail store customer left in a parking place during the charging hours on Monday to Saturday between 0600 hours to 1600 hours for a period not exceeding one hour shall be Fifty pence (50p) for a period exceeding one hour but not exceeding two hours shall be One pound (£1.00) for a period exceeding two hours but not exceeding three hours shall be one pound fifty pence (£1.50), for a period exceeding three hours shall be Five pounds (£5.00), between 1600 hours to 0600 hours shall be Twenty pence (£0.20)
- (4) The charge for a vehicle left in a parking place during the charging hours on Sunday from 0600 hours through to 0600 hours on Monday shall be Twenty pence (£0.20)
- (5) The charge for a lost or damaged ticket shall be five pounds (£5.00)
- (6) When parking durations span more than one of the periods in this Article an appropriate combined charge may apply
- 7. (1) The charges shall be payable in accordance with the procedure prescribed in Schedule 2 of this Order in accordance with section 35 (3) of the Act of 1984

OTHER PROVISIONS

- 8. The driver of any vehicle using a parking place shall conform to the directions given by any signs erected by the Council for the purpose of regulating the movement of vehicles within the parking place and to any instructions given by any car park attendant of the said Council.
- 9. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
- 10. (1) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
- (2) No person shall use any part of the parking place or any vehicle left in a parking place -

- (a) for sleeping or camping or cooking; or
 - (b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place without the prior permission of the Parking Duty Manager of the Council.
11. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
12. The driver of a vehicle or other person using a parking place shall not place or deposit and leave on or in the parking place other than in a specially provided receptacle, any glass, china, earthenware, tin, carton, paper or other rubbish so as to create or tend to create a litter.
13.
 - (1) If a vehicle is left in the parking place in a position other than in accordance with the provisions with Article 8, 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 the said provisions.
 - (2) If a vehicle is left in a parking place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal.
 - (3) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
 - (4) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph 1 of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraph 2 or 3 of this Article, may do so by towing or driving the vehicle or in such other manner as s/he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed
 - (5) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs 2 or 3 of this Article shall make such arrangements as s/he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.
14. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than 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.
15. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of part 6 of the Road Traffic Act 1972.
16. No person shall in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.
17. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion the breach of the peace or whereby a breach of the peace is likely to be occasioned.
18. Where in a parking place signs are erected or surface markings are laid for the purpose of indicating the entrance to or exit from the parking place no person shall drive or permit to be driven any vehicle so that it enters the parking place otherwise than by an entrance or leaves the parking place otherwise by an exit so indicated.
19. No person shall in a parking place:-
 - (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council
 - (b) light or cause or permit to be lit any fire
 - (c) place upon or affix to a vehicle in any parking place any notice, leaflet or other material of whatsoever nature unless s/he is an authorised officer of the Council or the Council has previously given him consent in writing to do so.
20. Notwithstanding the provisions of this Order the Council may by notice displayed on or near the parking place, close any parking place or any part thereof for any period and no driver of any vehicle shall use the parking place or any part thereof when it is so closed without the consent of the Council.
21. Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in that parking bay unless displaying a disabled person's badge.
22. The Council does not undertake to supervise the parking places specified in column 1 of the Schedule 1 and entry to and exit from and use of these parking places is entirely at the users risk and although the Council, its

servants or agents do not attempt to exempt themselves from their common law duty of reasonable skill and care or their obligations under the Occupiers Liability Acts 1957 and 1984 the Council, its servants and agents do not accept liability for any damage to or loss of vehicles or their contents which arise from acts or omissions outside their reasonable control.

23. No person shall remove, injure or in any way interfere with any barrier or machinery whether moveable or immovable, or any sign or equipment in a parking place unless so authorised by a person authorised in that behalf by the Council.
24. If it appears to the Council that a vehicle has been abandoned, the Council may sell or otherwise dispose of the vehicle PROVIDED the power of disposal conferred by this Article shall not be exercisable unless there have been taken by the Council such of the relevant steps as are required to be taken by it in exercising its powers to remove abandoned vehicles contained in the Refuse Disposal (Amenity) Act 1978, as amended.
25. Any person using a parking place shall not cause or suffer any dog belonging to him or in his charge to enter or remain in a parking place unless such dog be and continues to be on a lead and under proper control and effectively restricted from causing annoyance to any person and from worrying or disturbing any animal or is effectively confined within the vehicle.

DISABLED PERSONS

26. (1) The Council may at their discretion issue season tickets available for use at one or more named parking places to persons holding "disabled persons badges" issued under Regulation 5(d) of the Disabled Persons Badges for Motor Vehicles Regulation 1982 and reside in the administrative area of Stevenage Borough Council at a charge of £30.00
- (2) A season ticket in accordance with paragraph 1 of this Article may be used only by the person to whom it is issued or by the driver of the vehicle that the person to whom the season ticket is issued is a passenger of that vehicle and only for parking in the parking place or places in respect of which it is issued.
- (3) The season ticket so issued shall only be used for the parking of a disabled person's vehicle which displays in the relevant position a disabled person's badge.
- (4) For the purposes of paragraph (1), (2), and (3) of this Article -

"Disabled Person's Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982;

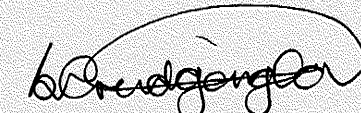
"Disabled Person's Vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England and Wales) Regulations 1986

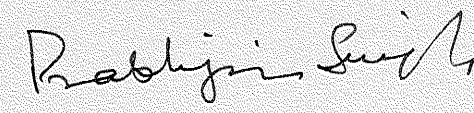
A vehicle shall be regarded as displaying a Disabled Person's Badge in the relevant position:-

- a. in a case of a vehicle fitted with a front windscreen the badge is exhibited thereon with the obverse side facing forwards on the near side and immediately behind the windscreen, and
- b. in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the front or nearside of the vehicle

The COMMON SEAL of the
STEVENAGE BOROUGH COUNCIL)
was hereunto affixed)
this 17 day of May 2010)




Authorised Signatory:

Principal 
Borough Solicitor:

Name and Street/Road of Parking	Position in which vehicle may wait	Classes of Vehicle	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicle may wait	Scale of Charges
1. Primett Road North Primett Road	Wholly within a parking bay	Motor cars, motor cycles and invalid carriages as defined in Section 136 of the Act of 1984 and motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 2 tons 10 cwt (2.56 tonnes) and of a height not exceeding 2 metres	All days	All hours	24 hours	On entry as specified in Article 6

Procedure to be followed by drivers using certain parking places

All Drivers: shall take and retain a chip coin (hereinafter referred to as "the entry chip coin") from the issuing machine at the entrance to the parking place. The removal of this chip coin from the machine will raise the barrier to allow entry. The driver is to retain the entry chip coin.

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| <p>1. <u>When a Retail Store Customer driver</u> wishes to leave the Store, the driver shall validate the entry chip coin as indicated by the Retail Store conditions and within fifteen minutes drive the vehicle to the exit barrier. Upon arrival at the exit barrier the driver must insert the validated chip coin into the chip coin slot of the machine at the exit. This will raise the barrier allowing the vehicle to leave</p> <p>2. Where the machine at the exit refuses to accept the exit chip coin because the driver of the vehicle has failed to drive to the exit barrier within fifteen minutes after obtaining the exit chip coin from the payment machine, the driver shall return to the payment machine and follow the procedures described in paragraphs 5-6</p> <p>3. In the case where the driver has lost the entry ticket or damaged it so that the payment machine will not accept it, the driver shall pay the appropriate excess charge referred to in Articles 6</p> | <p>4. <u>When a Non Retail Store Customer driver</u> wishes to leave the parking place s/he before returning to their vehicle must insert the chip coin into the chip coin slot of one of the pay station machines so provided within the parking place for the payment of charges (hereinafter referred to as the "payment machines"). The payment machine will then indicate the value of the charge for the period between the time of entry and the time of departure</p> <p>5. The driver must then insert into the payment in to the coin slot of the payment machine the coins to or in excess of the value of the charge so prescribed. In the case where coins in excess of the value of the charge so prescribed are inserted, the payment machine will give change to the value of the excess of the charge inserted. A credit or debit card may be used to make payment by inserting the credit/debit card in the slot marked and provided. Upon receipt of the value of the charge so prescribed the payment machine will issue a paid chip coin (hereinafter referred to as the "exit chip coin")</p> <p>6. The driver must then remove the "exit chip coin" from the payment machine and within fifteen minutes drive the vehicle to the exit barrier. Upon arrival at the exit barrier the driver must insert the exit chip coin into the chip coin slot of the machine at the exit. This will raise the barrier allowing the vehicle to leave</p> <p>7. Where the machine at the exit refuses to accept the exit chip coin because the driver of the vehicle has failed to drive to the exit barrier within fifteen minutes after obtaining the exit chip coin from the payment machine, the driver shall return to the payment machine and repeat the procedures described in paragraphs 5 to 6.</p> <p>8. In the case where the driver has lost the entry ticket or damaged it so that the payment machine will not accept it, the driver shall pay the appropriate excess charge referred to in Articles 6</p> |
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