

ST ALBANS CITY AND DISTRICT COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE ST ALBANS CITY AND DISTRICT COUNCIL (THIRLESTANE, ST ALBANS)(RESTRICTION OF WAITING AND RESIDENTS PARKING PLACES) ORDER 2022

The St Albans City and District 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 Hertfordshire County Council, and in exercise of powers conferred on that County under sections 1, 2, 3, 32, 35, 45, 46, 47, 49, 51 and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004 and of all other enabling powers, and after consultation with the Chief Officers of Police in accordance with Part III of Schedule 9 to the 1984 Act, makes the following Order:

Commencement and Citation

1. This Order may be cited as “The St Albans City And District Council” (Thirlestane, St Albans) (Restriction of Waiting and Residents Parking Places) Order 2022 hereinafter referred to as “this Order” and shall come into operation on TBC;
2. The City and District of St Albans Restrictions of Waiting and Residents Parking Places Plan number Thirl-2022 (“The On-Street Plan”) is hereby incorporated into this order and its Schedule.

Interpretation and Definitions

3. In this Order:-

“Act of 1984”- means the road Traffic Regulation Act 1984;

“the Council” means St Albans City and District Council.

“Civil Enforcement Officer” is a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by St Albans; and District Council;

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

“disabled person’s badge” has the same meaning as 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 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 disabled persons as passengers;

“Civil Enforcement Officer” is a Civil Enforcement Officer as defined by the Traffic Management Act 2004;

“driver” means the person driving the vehicle at the time it was left in the parking place;

“Eligible Address” means any postal address which is listed in Schedule 3 to this Order and therefore indicates that the resident may apply for a Resident Permit and/or Visitor Parking Permits;

“Household” means a dwelling with a separate entry on the Council’s Council Tax register;

"motor cycle" has the same meaning as in Section 185(1) of the Road Traffic Act 1988;

“motor vehicle” has the same meaning as in Section 136(1) of the Act of 1984;

“On-Street Plans” means plan numbers MAP THIRL-2022 including the Keys therein, which are incorporated into this Order pursuant to Article 2 hereof.

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

“Parking Place” means an area of highway designated by this Order for the waiting of vehicles of the specified classes in article 8 of this order;

“Penalty Charge” has the same meaning as assigned by Section 92 of the Traffic Management Act 2004 and Regulation 2 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

“Penalty Charge Notice” has the same meaning as given in Section 66 The Road Traffic Act 1991 and Regulation 2 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

“permit holder” means a person to whom a resident parking permit and/or a visitor parking permit has been issued;

“permit holders vehicle” means a vehicle for which a valid resident parking permit or visitor parking permit has been issued.

“permitted hours” means the period specified for each parking place in Schedule 2 column 4 during which waiting by vehicles is permitted.

“relevant position” 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 one being used by a disabled person has the same meaning as given in Regulation 4 of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"Residents Parking Permit" means a Parking Permit issued by the Council under the provisions of this order;

“Resident” means a person whose usual place of abode is an eligible address listed in Schedule 3 to this Order;

“Permitted Hours” means between the hours shown in schedule 2 column 4 to this Order ‘Mondays to Sundays’ 24 hours;

“the council” means St Albans City & District Council.

“Visitor Parking Permit” means a Visitor Resident Parking Permit issued by the Council under the provisions of this order and bearing printed instructions for its validation on the front face;

“vehicle” means motor vehicle or motor cycle;

General Prohibition of Waiting

4. Save as provided in Articles 29, 30 and 31(a) of this Order, no person shall, except upon the direction of a police constable in uniform or with the permission of a Civil Enforcement Officer cause or permit any vehicle to wait at any time in those lengths of road which are specified in Schedule 1 to this order

Designation of parking places

5. Each area of highway specified in Schedule 2 to this Order is hereby designated as a parking place for resident permit holders.
6. No person shall cause or permit any vehicle to wait in a parking place during the permitted hours unless it is of the specified class as defined in Article 7.

Vehicles for which parking places are designated

7. Subject to the provisions of this Order, parking places designated in Schedule 2 of this order may be used for the leaving during the permitted hours of permit holders 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 disabled persons vehicles (on which must be displayed the relevant badge and disc).

Restrictions of waiting in a Parking Place

8. Save as provided in Articles 29, 30 and 31(b) of this order, no person shall, except upon the direction of a police constable in uniform or with the permission of a Civil Enforcement Officer, cause or permit any vehicle to wait during the permitted hours specified in Schedule 2 column 4, on any parking place specified in Schedule 2 unless a valid Resident Parking Permit or Visitor Parking Permit is displayed on that vehicle in the relevant position.

Eligibility for a Resident Parking Permit or Visitor Parking Permits

9. Any resident who is the owner of a motor vehicle or has access to a company vehicle of the class referred in Article 7 may apply to the Council for the issue of a resident permit for each such vehicle in their ownership or control, subject to the maximum Resident Parking Permit allocation per household set out in Schedule 4 to this Order.
10. Any resident may apply to the Council for the issue of visitor parking permits, up to the maximum annual allocation per household of the number of books specified in Schedule 4 to this Order.

Application for a Resident Parking Permit or Visitor Parking Permits

11. Application for a Resident Parking Permit or Visitor Parking Permits will be made on a form issued by and obtainable from the Council. The form must be completed and returned accompanied by a payment for the charge specified in Schedule 5 of this

Order and by such documentary evidence of entitlement in respect of an application for a Resident Parking Permit or Visitor Parking Permits made to them as the Council may reasonably request to verify any particulars or information given to them.

12. On receipt of a properly completed application and fee where appropriate the Council shall issue to the appropriate applicant a Resident Parking Permit or Visitor Parking Permits provided that the applicant qualifies for the Resident Parking Permit or Visitor Parking Permits.
13. (a) Where a Resident Parking Permit or Visitor Parking Permits are issued to any person upon receipt of a cheque or credit/debit card details and the payment is subsequently dishonoured, the Resident Parking Permit or Visitor Parking Permit shall immediately cease to be valid.

(b) The Council will serve notice on the person to whom the Resident Parking Permit or Visitor Parking Permit was issued at the address shown by the applicant on the application form or at any other address believed to be the applicant's place of abode, requiring that person to surrender the Resident Parking Permit or Visitor Parking Permit, to the Council within 48 hours of the receipt of the notice.

Charges for Parking Permits and Visitor Parking Permits

14. The charges for a Resident Parking Permit and Visitor Parking Permits shall be as specified in Schedule 5 to this Order.
15. The charges for a Resident Parking Permit and Visitor Parking Permits may be amended by the Council giving notice in accordance with Section 46A of the Act of 1984.

Form of Resident Parking Permit and Visitor Parking Permit

16. (a) A Resident Parking Permit shall be in writing and shall include the following particulars:
 - i) a serial number by which the Permit Holder may be identified;
 - ii) the registration number of the vehicle for which the Resident Parking Permit is issued;
 - iii) the expiry date;
 - iv) an authentication that the Resident Parking Permit has been issued by the Council;
 - v) a code to identify the parking place.
- (b) A Visitor Parking Permit shall be in writing and shall include the following particulars:
 - i) a serial number by which the Permit Holder may be identified;
 - ii) the time, day, date and month of commencement;
 - iii) an authentication that the Visitor Parking Permit has been issued by the Council;
 - iv) a code to identify the parking place.

Surrender, Withdrawal and Validity of a Resident Parking Permit or Visitor Parking Permit

17. A Permit Holder may surrender a Resident Parking Permit or Visitor Parking Permits to the Council at any time.

18. The Council may by notice served on the Permit Holder at the address shown by that person on the application form or at any other address believed to be that person's place of abode, withdraw a Resident Parking Permit or Visitor Parking Permits, if it appears to the Council that:-
 - (a) the Permit Holder has ceased to be eligible to hold a Resident Parking Permit or Visitor Parking Permits under the provisions of Articles 9 and 10 of this Order.
 - (b) the vehicle or motorcycle in respect of which a Resident Parking Permit was issued has been adapted or used in such a manner that it is no longer a vehicle for which a Resident Parking Permit can be issued;
 - (c) the details on the Resident Parking Permit or Visitor Parking Permits have been altered or defaced;
 - (d) the permit has been misused or any reason as stated in the notice.
19. A Resident Parking Permit will be valid only if displayed on the vehicle to which the Resident Parking Permit relates in the relevant position.
20. A Visitor Parking Permit will be valid only if displayed on a vehicle in the relevant position correctly marked in accordance with the instructions for validation on the front face.
21. A Resident Parking Permit shall cease to be valid at midnight on the specified expiry date or on the date the Council withdraws the Resident Parking Permit by notice, whichever is the earlier.
22. The Council will not make any refund for the withdrawal of a Resident Parking Permit or Visitor Parking Permits.
23. The Council will refund part of the cost of a Resident Parking Permit which has been surrendered, if not less than one month remains before the expiry date, the amount of refund to be as specified in Schedule 5 to this Order and subject to an administration charge as specified in Schedule 5 to this Order.
24. The Council will refund the cost of whole unused/defaced books of Visitor Parking Permits which are surrendered.

Application for and the issue of a Duplicate Resident Parking Permit

25. The Council will issue a duplicate or replacement Resident Parking Permit in the following circumstances:
 - (a) If a Resident Parking Permit is mutilated or accidentally defaced or the figures or particulars on it have become illegible or the colour of the Resident Parking Permit has faded or altered, the Permit Holder shall surrender it to the Council. If the Resident Parking Permit is accompanied by an application for a replacement Parking Permit, a duplicate Resident Parking Permit shall be issued and the original Resident Parking Permit shall become invalid.
 - (b) If a Resident Parking Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue of a duplicate. If the Council is satisfied as to the loss or destruction of the Parking Permit, a duplicate will be issued on payment of the charge specified in Schedule 5.
 - (c) If a Permit Holder acquires a new vehicle, the Permit Holder must surrender the original Resident Parking Permit to the Council and make an application for a new Resident Parking Permit and the original Resident Parking Permit shall become invalid.

Power to Suspend use of Parking Places

26. Any person authorised by the Council may suspend the use of a parking place whenever he considers 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 in or adjacent to the parking place or the maintenance, improvement or reconstruction 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 telecommunication 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 purpose of facilitating the cleansing of the parking place.

No Waiting in a Suspended Parking Place

27. No person shall cause or permit a vehicle to wait in a parking place or any part thereof during which such period as the Council has suspended that parking place or part thereof.
28. Nothing in Article 27 shall render it a contravention to cause or permit a vehicle to be left in a parking place which has been suspended, which displays in the relevant position a valid dispensation issued by the Council.

Exemptions to the provisions of this Order

29. It shall not contravene Articles 4, 5, 6, 7 and 8 of this Order to cause or permit any vehicle to wait in the parts of the road referred to therein for so long as may be reasonably necessary to enable:-
- (a) goods to be loaded on or unloaded from the vehicle.
 - (b) a person to board or alight from the vehicle.
 - (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - i) the removal of any obstructions to traffic;
 - ii) the maintenance, improvement or reconstruction of the said roads;
 - iii) the laying, erection, alteration, repair or cleaning of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus kept or installed for the purposes of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position.

- (d) the vehicle if it cannot conveniently be used for such purpose in any other road to be used in the service of a local authority or water authority in pursuance of statutory powers or duties.
- (e) the vehicle to be used for fire brigade, ambulance or police purposes;
- (f) the vehicle to be used by a universal service provider in the course of the provision of a universal postal service for the purpose of delivering or collecting postal packets.

In this Article –

The expressions “universal service provider”, “provision of a universal postal Service” and “postal packet” shall bear the same meanings as in the Postal Services Act 2011.

- 30. It shall not contravene Articles 4, 5, 6, 7 and 8 of this Order to cause or permit a vehicle to wait in the part of the road referred to therein if the vehicle is prevented from proceeding by circumstances beyond the driver’s control or if the driver of the vehicle has stopped in order to avoid injury or damage to persons or property or is required to do so by law.
- 31. (a) Nothing in Article 4 of this Order shall render it unlawful to cause or permit a disabled person’s vehicle which displays in the relevant position a disabled person’s badge and a parking disc, to wait at any time in the lengths of road specified in Schedule 1 of this Order 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).
- (b) Nothing in Articles 5, 6, 7 and 8 of this Order shall render it unlawful to cause or permit a disabled person’s vehicle which displays in the relevant position a disabled person’s badge and a parking disc, to wait at any time without time limit in the lengths of road specified in Schedule 2 of this Order

In this Article -

“disabled person’s vehicle” has the same meaning as in Section 142(1) of the Act of 1984;

“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

“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; and

Contraventions of this Order

- 32. Where a motor vehicle is parked in contravention of any of the Articles to this Order the driver of any such motor vehicle shall be issued with a penalty charge notice.
- 33. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.
- 34. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Revocations

- 35. The provisions of the following Order are hereby revoked but only in so far as they are affected by the restrictions imposed by this Order;

The City and District of St Albans (Control of Parking) (Consolidation) Order 2013.

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Authorised Signatory

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Authorised Signatory