

STEVENAGE BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE BOROUGH OF STEVENAGE (SWINGATE, STEVENAGE) (CAR CLUB PARKING PLACES) ORDER 2023

The STEVENAGE BOROUGH COUNCIL (hereinafter referred to as “the Council”) pursuant to arrangements made with the County Council of Hertfordshire under Section 19 Local Government Act 2000 and Section 101 of The Local Government Act 1972, in exercise of the powers of the said County Council under Sections 32 and 35 and Part IV of Schedule 9 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 III of Schedule 9 of the Act of 1984, hereby makes the following Order:-

1. This Order may be cited as “The Borough of Stevenage (Swingate, Stevenage) (Car Club Parking Places) Order 2023” and shall come into operation on 13 March 2023.

2. In this order:

“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;

“Car Club” means an organisation operating a car sharing scheme under a contract with the Council;

“Car Club Parking Place” means any area on a highway designated as a Car Club Parking Place by this Order;

“Car Club Parking Permit Identifier” means the identifying letters and numbers of the permit to be displayed by a vehicle parking in a given Car Club Parking Place;

“Car Club Permit” means a permit issued by the Council to a car club under the provisions of Article 6 or, where the context so requires, a duplicate permit;

“Car Club Vehicle” means a vehicle which is provided by a Car Club for the use of its members subject to the rules and conditions of membership of the Car club, and which displays in the relevant position a Car Club Permit;

“Driver” means the person driving or having control or charge of the Vehicle at any given time;

“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;

“Motor cycle” has the same meaning as in section 136 of the Act of 1984;

“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 3 of this Order and listed in the schedule to this order;

“penalty charge” shall have the same meaning as a charge set by the Council in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 of The Traffic Management Act 2004.

“penalty charge notice” shall mean a notice issued by a Civil Enforcement Officer in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 of The Traffic Management Act 2004.

“relevant position” means affixed within the windscreen or 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 and in all cases displayed in such a position as to be clearly visible from outside the vehicles front or nearside;

“The Council” means Stevenage Borough Council; and

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

3. Each area on a Highway comprising the length of a carriageway of a street described 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 for Car Club vehicles, referred to hereinafter as a Car Club Parking Place.
4. Save as provided in Article 5 of this Order, where in Article 3 of this Order a

parking place is designated for Car Club Vehicles which display in the relevant position a Car Club Parking Permit no person shall cause or permit any vehicle to stop or wait in that parking place at any time unless it is a Car Club Vehicle on which is displayed in the relevant position a valid Car Club Parking Permit which indicates the Car Club Parking Permit Identifier the schedule to this order specifies for that Car Club Parking Place.

5. Every vehicle left in a parking place described in the schedule of this Order, in accordance with the provisions of this Order, shall so stand that:
 - (1) the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50 centimetres; and
 - (2) the whole of the vehicle is within a marked parking bay.
6. A Car Club Parking Permit shall be issued by the Council in writing at its absolute discretion and shall include the following particulars:
 - (1) the Car Club Parking Permit Identifier for the Car Club Parking Place in which the vehicle may be left;
 - (2) the registration mark of the vehicle in respect of which the Car Club Parking Permit was issued;
 - (3) the month and year up to which the relevant Car Club Permit shall remain valid, and at the end of which it shall cease to be valid; and
 - (4) an indication that the Car Club Permit was issued by the Council.
7. A Car Club Parking Permit shall be returned to the Council upon request, and upon such request shall cease to be valid.
8. Where any vehicle is standing in a parking place in contravention of the provisions of Article 5, a Civil Enforcement Officer may cause to be altered the position of the vehicle in order that its position shall comply with those provisions.
9. 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; 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.
10. 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 Car Club Parking Place.
11.
 - (1) Nothing in Article 4 of this Order applies to the parking places restricted by that Article (which said lengths of road are referred to in this Article as "the restricted area") in relation to:
 - (a) a vehicle being used for Fire and Rescue, Ambulance or Police purposes;
 - (b) anything done with the permission of or at the direction of a police constable in uniform, or done with the permission of a Civil

Enforcement Officer;

- (c) a vehicle which is prevented from proceeding by circumstances beyond the driver's control or which has stopped in order to avoid injury or damage to persons or property or when required to do so by law; or
- (d) a vehicle which is stationary in order that it may be used for one or more of the purposes specified in sub-Article (2) of this Article and which cannot reasonably be used for such a purpose without stopping in the restricted area.

(2) The "purposes" referred to in sub-Article (2)(d) of this Article are:

- (a) any operation involving building, demolition or excavation;
- (b) the removal of any obstruction to traffic;
- (c) the maintenance, improvement or reconstruction of a road;
- (d) constructing, improving, maintaining, or cleaning of any street furniture; or
- (e) 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.

12.

- 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 an accident.

13. If a vehicle (other than a vehicle otherwise exempted by this Order) is left in contravention of any provision of this Order a penalty charge shall be payable.
14. In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.
15. 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.
16. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the Interpretation of an Act of Parliament.
17. 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 Electric Vehicles' Pay and Display and Pay by Phone Parking Places) Order 2020.
18. The restrictions imposed by this Order shall be in addition to and not in derogation of 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.

The Common Seal of the
Stevenage Borough Council
was hereunto affixed this
23rd February 2023
in the presence of:-

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Authorised Signatory

Borough Solicitor

SCHEDULE
Car Club Parking Places

Item number	Name of road	Side of road	Description	Car Club Permit Identifier
1	Swingate	North	From a point 70 metres west of its junction with Danestrete westwards for a distance of 4.5 metres.	SBC-CC3