

## HERTSMERE BOROUGH COUNCIL

Date of Order: XXXXXXXX 2022

Order No:

### **THE HERTSMERE BOROUGH COUNCIL (MEADOW ROAD, BOREHAMWOOD) (PARKING PLACES) ORDER 2022**

Hertsmere Borough Council (hereinafter referred to as the “the Council”), pursuant to arrangements made with Hertfordshire County Council (“the County Council”) under Section 19 of the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2000 in exercise of the powers on the said County Council by Sections 32, 35, 45, 46, 49 and 53 to the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act of 1984”) and Part IV of the Schedule 9 of the Road Traffic Regulation Act 1984 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, hereby make the following Order:

#### **Commencement**

1. This Order may be cited as The Hertsmere Borough Council (Meadow Road, Borehamwood) (Restrictions of Waiting and the provision of Parking Places) Order 2022 hereinafter referred to as “this Order” and shall come into operation on TBC.
2. The Hertsmere Borough Council (Meadow Road, Borehamwood) (Restrictions of Waiting and the provision of Parking Places) Order 2022 Plan number **MAP-MD1-2022** (‘On Street Plan’) as listed in the Schedule to this Order is incorporated into this Order.
3. **Interpretation**

Save as otherwise defined within this Order each and every expression shall have the meaning assigned to it by the Traffic Signs Regulation and General Directions 2016.

"Civil enforcement officer" means an officer as defined by the Traffic Management Act 2004 and appointed by the Council.

“Delivering” and “Collecting” in relation to goods including checking the goods for the purpose of their delivery or collection;

“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;

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

“Disabled Persons Badge”, “Blue Badge” has the same meaning as given in the Disabled Persons (Badge for Motor Vehicles) (England) Regulations 2000;

"Driver" in relation to a vehicle waiting in the parking place, means the person driving the vehicle at the time it was left in the parking place;

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

“Goods carrying vehicle” means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

"Invalid carriage" has the same meaning as in section 136(5) of the 1984 Act;

“Motor cycle” has the 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;

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

"Parking place" means an area of highway designated by this Order for waiting of vehicles of the specified classes;

“Passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) constructed or adapted solely for the carriage of not more than sixteen passengers (exclusive of the driver) and their effects and not drawing a trailer;

“Permitted Hours” means between the times specified in the various Articles and Schedule to this Order;

"Relevant Position" has the same meaning as given in Regulation 4 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“Relevant plans” or ‘On-Street Plan’ means a Geographic Information System (GIS) map showing the specified location as detailed under the schedule to this Order and incorporated into this Order under Article 2 of this Order as ‘The On-Street Plan’ and named in the Schedule.

“Vehicle” means passenger Motor Vehicle/s or Motor Cycle/s not larger than 2.30 metres in height and 5.25 metres;

#### **Designation of Parking Places**

4. Each area of highway specified in the Schedule to this Order as identified on ‘The On-Street Plan’ and key is hereby authorised for use as Parking Places at any time for motor vehicles.
5. 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.
6. Where in Article 4 of this Order a length of road is described as authorised for use as a parking place, the driver of a vehicle shall not permit the vehicle to wait in that parking place unless it is wholly parked within the limits of the parking place.

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

7. Subject to the provisions of this Order, parking places designated in the Schedule of this order may be used for 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 invalid carriages.

### **Restrictions of Waiting in a Parking Place**

8. 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 of or offering for sale of his skill in handicraft or his services in any other capacity.
9. Nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is a vehicle of one of the classes specified in Article 7 and the goods are immediately delivered or taken into premises adjacent to the vehicle from which the sale is effected.

### **Power to Suspend use of Parking Places**

10. Any person duly authorised by the Council or a police constable in uniform may suspend the use of a parking place or any part thereof 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.

11. A Civil Enforcement Officer or Police Constable in uniform may suspend for not more than twenty-four hours the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
12. Any Civil Enforcement Officer, Police Constable or other person suspending the use of a parking place or any part thereof in accordance with the provisions of Articles 10 and 11 of this Order shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that waiting of vehicles is prohibited.

### **No Waiting in a Suspended Parking Place**

13. 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.
14. Nothing in Article 13 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**

15. (1) It shall not contravene Articles 4, 5 and 6 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. building, industrial or demolition operations;
    - II. the removal of any obstructions to traffic;
    - III. the maintenance, improvement or reconstruction of the said roads
    - IV. 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.

- (2) It shall not contravene any of the Articles 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.
- (3) Nothing in Articles 4, 5, 6, 7 and 8 of this Order applies to anything done at the direction of or with the permission of a police constable in uniform or with permission of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Hertsmere Borough Council.

### **Contraventions of this Order**

- 16. 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.
- 17. 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.

### **Revocation**

18. 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 Borough of Hertsmere (Control of Parking) (Consolidation) Order 2012

**Other**

19. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

**SCHEDULE**

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| <b>Schedule</b> | <b>On-Street Plan<br/>MAP-MD2-2022</b> |
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IN WITNESS whereof the Common Seal of the Hertsmere Borough Council was hereunto affixed

This..... day of .....2022

The Common Seal of  
Hertsmere Borough Council  
Was hereunto affixed in the  
Presence of:-  
Head of Legal and Democratic Services

DRAFT

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DRAFT