

HERTSMERE BOROUGH COUNCIL
ROAD TRAFFIC REGULATION ACT 1984

Date of Order: 30 October 2015
Order No: 293

THE HERTSMERE BOROUGH COUNCIL (ELSTREE AND BOREHAMWOOD) (PARKING PLACES) (REPLACEMENT) ORDER 2015

Hertsmere Borough Council (hereinafter referred to as “the Council”) pursuant to arrangements made with Hertfordshire County Council (“the County Council”) under Section 19 of the Local Government Act 2000 and the Local Government (Arrangements for Discharge of Functions) (England) Regulations 2000 in exercise of the powers on the said County Council by Sections 1, 2, 3, 4, 32, 33, 45, 46, 49 and 53 to the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act of 1984”), Part IV of Schedule 9 of the Act of 1984, Regulation 20 of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby make the following Order:

Commencement and Citation

1. This Order may be cited as The Hertsmere Borough Council (Elstree and Borehamwood) (Parking Places) (Replacement) Order 2015 hereinafter referred to as “this Order” and shall revoke The Hertsmere Borough Council (Elstree and Borehamwood) (Parking Places) Order 2015 in its entirety with immediate effect, and shall otherwise come into operation on 16 November 2015.

Interpretation

2. In this Order:
 - 1) “the Consolidation Order” means The Hertsmere Borough Council (Control of Parking)(Consolidation) Order 2012; and
 - 2) “On-Street Plans” means the Borough of Hertsmere On Street Parking and Waiting Plans including the Key and the Schedules, which are incorporated into the Consolidation Order pursuant to Article 1(2) thereof.
3.
 - 1) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

“civil enforcement officer” shall have the same meaning as in section 76 of the Traffic Management Act 2004, where the local authority referred to therein is Hertsmere Borough Council;

“Council” means Hertsmere Borough Council and includes any parking services 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;

“driver”, in relation to a vehicle waiting in a parking place, or restricted waiting area, or street or part of a street specified in this Order, means the person in charge of the vehicle at the same time it was left in the parking place or restricted waiting area or street or part of a street aforesaid;

“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” includes all chattels personal, whether animate or inanimate, including postal packets of any description, other than things in action and money, and “delivery and collection”, in relation to any goods, includes checking the goods for the purpose of their delivery or collection;

“goods vehicle” means a vehicle not exceeding 3.5 tonnes max gross weight and which is constructed or adapted for use for the carriage of goods or burden of any description, and is not a drawing trailer;

“invalid carriage” means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical default or disability and is used solely by such person as defined in Section 136 of the Act;

“motorcycle” has the same meaning as that in the Road Vehicles (Construction and Use) Regulations 1986;

“owner”, in relation to a vehicle, means the person named in the vehicle registration document or the person by whom such vehicle is kept and used;

“parking place” means an area on the highway designated and described as a parking place by any of the various Articles or Schedules of this Order including Solo Motorcycle Bays and Disabled Persons Parking Places;

“passenger vehicle” means a vehicle (other than a solo motorcycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and adapted to carry, and not drawing a trailer;

“penalty charge” has the same meaning as in Section 82(1) of the Road Traffic Act 1991;

“permitted hours” means between the times specified in the various Articles and Schedules to this Order;

“postal packet” means a letter, parcel, packet or other article transmissible by post as defined in Section 125 of the Postal Services Act 2000;

“solo motorcycle” means a motor cycle without a side car and having two wheels;

“telecommunication apparatus” has the same meaning as in Section 4 of the Telecommunications Act 1984;

“the Act of 1984” means the Road Traffic Regulation Act 1984;

“universal service” has the same meaning as in the Postal Services Act 2000;

“universal service provider” has the same meaning as in the Postal Services Act 2000;

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

- 2) 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.
- 3) 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.

Revocations

4. Restrictions contained in The Consolidation Order and On-Street Plans shall be revoked but only in so far as they relate to those parts of the road set out in Schedule 1 below.

Designation of parking places

5.
 - (1) Save as provided in Article 9 those lengths of road specified in Schedule 1 are authorised for use as Parking Places at any time for motor vehicles.
 - (2) Subject to the provisions of this Order, parking places may be used for the leaving during the permitted hours of vehicles of the following classes:
 - (a) passenger vehicles and goods 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) motorcycles; and
 - (c) invalid carriages.
6. Save as provided in Article 9 where in Article 5 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:
 - (a) it is wholly parked within the marked limits of the parking place; and
 - (b) the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle, and the distance between that edge and the nearest part of the vehicle is not more than 300 millimetres; and
 - (c) it is parked so that 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.

Restriction on the use of a parking place

7. (1) 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.
- (2) 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 5 (2) and the goods are immediately delivered or taken into premises adjacent to the vehicle from which the sale is effected.

Power to suspend the use of a parking place

8.
 - (1) Any person duly authorised by the Council or the Police may suspend the use of a parking place or any part thereof whenever they consider such a 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 adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration, repair or maintenance 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 system or the placing, maintenance or removal of any traffic sign;
- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling house adjacent to the parking place to or from a depository, another office or dwelling house;
- (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 other special occasions.

(2) 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.

(3) 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 paragraph (1) or (2) 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.

(4) No person shall cause or permit a vehicle to wait in a parking place or any part thereof during the period a sign placed in or adjacent to that parking place or part thereof in pursuance of paragraph (3) of this Article indicates that it is suspended, notwithstanding that nothing in this paragraph shall apply:

- (a) to any vehicle being used for a purpose indicated in Article 9 (1) (d), (e) or (f) (ii);
- (b) in the circumstances set out in Article 9 (2); or
- (c) to anything done with the permission or on the instruction of the person suspending the use of the parking place or part thereof or a Civil Enforcement Officer or Police Constable in uniform.

Exemptions from the provisions of this order

9.

(1) It shall not contravene Article 6 to cause or permit any vehicle to wait in the parts of the road referred to therein for so long as may reasonably be 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 position to be used in the service of a local authority or local water authority in pursuance of statutory powers or duties;
- (d) the vehicle to be used for fire brigade, ambulance or police purposes;
- (e) the vehicle to be used by a universal service provider in the course of provision of a universal service for the purpose of delivering or collecting postal packets; or
- (f) the vehicle, if it cannot conveniently be used for such purpose in any other position, to be used in connection with:
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstructions to traffic;
 - (iii) the maintenance, improvement or reconstruction of the highway; or

(iv) the laying, erection, alteration, repair, cleaning or maintenance of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications code system or any other telecommunications apparatus lawfully kept installed in any position.

(2) It shall not contravene any of the Articles of this Order to cause or permit a vehicle to wait in any part of the road if the vehicle is prevented from proceeding by circumstances beyond the driver's control or if the driver of the vehicle has stopped the vehicle in order to avoid or prevent injury to persons or damage to property or is required to do so by law.

(3) Nothing in Articles 6 or 7 shall apply to anything done at the direction or with the permission of Police Constable in uniform or with the permission of a Civil Enforcement Officer in uniform.

Contraventions of this Order

10. (1) Where a person contravenes the prohibitions and requirements set out in the provisions of this Order, the owner or driver of the vehicle in question shall incur a penalty charge.

(2) The penalty charge will be 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 the Traffic Management Act 2004;

(3) The penalty charge will be served by the Council in accordance with regulations 9 and 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

(4) The penalty charge notice shall include the information required by the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and by The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

(5) A penalty charge notice fixed to a vehicle in accordance with regulation 9(a) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 shall not be removed or interfered with except as permitted by regulation 11 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

(6) The penalty charge shall be payable to Hertsmere Borough Council in accordance with the instructions contained on the penalty charge notice.

(7) Representations and Appeals will be followed in accordance with The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

(8) The period for which a vehicle may be left in a parking place after the penalty charge has been incurred shall not exceed one hour.

11. The restrictions imposed by this Order shall be in addition to, and not in derogation of, any restriction or requirement imposed by any regulation made or having effect as if made under the Act of 1984 or by or under any other enactment.

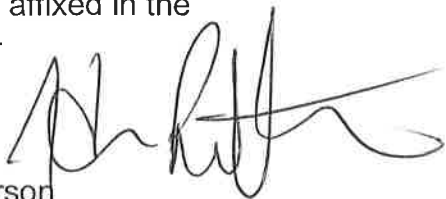
SCHEDULE 1

Parts of the road where parking is authorised

Item number	Road	Side of road	Description	Special manner of standing
1	Bishops Avenue	North-east	From a point 24 metres south-east of the south-eastern kerbline of Lodge Avenue south-eastwards for a distance of 25 metres.	None
2	Cardinal Avenue	South-west	From a point 13 metres north-west of the north-western kerbline of Hillside Avenue north-westwards for a distance of 20.5 metres.	None
3	Hartfield Avenue	South-east	From a point 15 metres north-east of its junction with Deacon's Hill Road north-eastwards for a distance of 25 metres.	None
4	Hartfield Avenue	North-west	From a point 50 metres north-east of its junction with Deacon's Hill Road north-eastwards for a distance of 25 metres.	None
4	Hillside Avenue	North-west	From a point 15 metres north-east of the north-eastern kerbline of Furzehill Road north-eastwards for a distance of 18 metres.	None
5	Hillside Avenue	South-east	From a point 25 metres north-east of the north-eastern kerbline of Furzehill Road north-eastwards for a distance of 16 metres.	None
6	Whitehouse Avenue	North-west	From a point 1 metre south-west of the common boundary of no. 76 Whitehouse Avenue and no. 75 Cardinal Avenue south-westwards for a distance of 15 metres.	None
7	Whitehouse Avenue	South-east	From a point 9 metres south-west of its junction with Cardinal Avenue south-westwards for a distance of 18 metres.	None

IN WITNESS whereof the Common Seal of the Hertsmere Borough Council was hereunto affixed
this 30th day of October 2015.

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



Harvey Patterson
Head of Legal and Democratic Services

