

DACORUM BOROUGH COUNCIL

THE BOROUGH OF DACORUM (MARLOWES, HEMEL HEMPSTEAD) (FREE PARKING PLACES, LOADING PLACE AND TAXI RANK) (NO. 1) ORDER 2020

Dacorum Borough Council, pursuant to arrangements made under section 19 of the Local Government Act 2000 and the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2000 with Hertfordshire County Council, and in exercise of the powers conferred on that County Council under sections 32 and 35 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act of 1984") and of all other enabling powers, and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Borough of Dacorum (Marlowes, Hemel Hempstead) (Free Parking Places, Loading Place and Taxi Rank) (No. 1) Order 2020" and shall come into force on 10 May 2021.

Interpretation

2. (1) In this Order -

"civil enforcement officer" means a person in uniform authorised by or on behalf of the Council in accordance with section 76 of the Traffic Management Act 2004¹ to enforce and supervise the provisions of this Order; and

"Council" means Dacorum Borough Council;

"disabled person's badge" and "disabled person's vehicle" have the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000²;

"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;

"electronic communications network" has the same meaning as in the Communications Act 2003³;

"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, and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

¹ 2004 c.18

² SI 2000/683

³ 2003 c.21

"goods vehicle" has the same meaning as in Schedule 1 to the Traffic Signs Regulations and General Directions 2016⁴;

"motor vehicle" and "motor cycle" have the same meaning as section 136 of the 1984 Act; and

"passenger vehicle" means a motor vehicle (other than a motor cycle) constructed or adapted solely for the carriage of not more than eight passengers (exclusive of the driver) and their effects and not drawing a trailer.

"maximum parking period" means the maximum period of time during which a vehicle may be left in a parking place referred to in Schedule 1 to this Order;

"minimum return interval" in relation to a parking place referred to in Schedule 1 to this Order, means the minimum period of time, following a vehicle having been taken away from a parking place during the permitted hours, before that vehicle may again be left in that parking place during the permitted hours;

"parking period" means a period of time during which a vehicle may be left in a parking place referred to in the Schedule to this Order;

"parking place" means any area on a street designated as a parking place by this Order;

"permitted hours", in relation to a parking place designated by this Order, means the (inclusive) period specified in the heading of the Schedule relating to that parking place;

"postal packets", "universal postal service" and "universal service provider" have the same meanings as in Part 3 of the Postal Services Act 2011⁵;

"taxi" means a vehicle licensed by the Council as a hackney carriage under section 37 of the Town Police Clauses Act 1847⁶ and subject to the provisions of section 47 of the Local Government (Miscellaneous Provisions) Act 1976⁷;

"taxi rank" means an area of carriageway reserved for use by taxis waiting to pick up passengers;

"traffic sign" means a sign of any size, type and colour prescribed and authorised under, or as having effect as though prescribed or authorised under section 64 of the Road Traffic Regulation Act 1984.

- (2) 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 as having effect by virtue of any subsequent enactment.

⁴ SI 2016/362

⁵ 2011 c.5

⁶ 1847 c.89 (Regnal. 10 and 11 Vict)

⁷ 1976 c.57

- (3) 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.
- (4) For the purpose of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when it is so regarded for the purpose of Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
- (5) The Interpretation Act 1978⁸ shall apply for the interpretation of this Order as it applies for the Interpretation of an Act of Parliament.
- (6) 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 any other enactment.

Authorisation of parking places, loading place and taxi rank

3. Each area on a street comprising the length of carriageway of a street specified in columns 1, 2 and 3 of Schedule 1, 2, 3 and 4, unless otherwise so specified, bounded on one side of that length by the edge of the carriageway and having a width throughout of 2 metres, is authorised as a parking place or a loading place or a taxi rank, as the case may be.

Vehicles for which parking places, loading place and taxi rank are authorised

4. (1) Each parking place referred to in Schedule 1 may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as are passenger vehicles, goods vehicles (the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5 metres) and motor cycles.
- (2) Each parking place referred to in Schedule 2 may be used, subject to the provisions of this Order, for the leaving during the permitted hours of such vehicles as display in the relevant position a valid disabled person's badge.
- (3) Each loading place referred to in Schedule 3 may be used, subject to the provisions of this Order for the loading and unloading of goods during the permitted hours to or from such vehicles as are goods vehicles.
- (4) Each taxi rank referred to in Schedule 4 may be used, subject to the provisions of this Order, for the waiting during the permitted hours for the purpose of the pick-up and set down of passengers to or from taxis.

Provided that:-

- (i) at all times a taxi is waiting in a taxi rank, the driver thereof shall remain with the vehicle; and
- (ii) no more than five taxis may wait within a taxi rank at any one time.

Disabled person's badges to be displayed on vehicles left in parking places

⁸ 1978 c.30

5. At all times during which a vehicle is left in a parking place referred to in a Schedule 2 during the permitted hours, the driver shall cause to be displayed in the relevant position a disabled person's badge.

Contravention of this Order

6. If a vehicle is left in a parking place, loading place or taxi rank referred to in Schedule 1, 2, 3 or 4 during the permitted hours, without complying with the provisions of this Order, then a contravention of, or failure to comply with this Order shall be deemed to have occurred.

Manner of standing in a parking place, loading place and taxi rank

7. The driver of a vehicle waiting or loading, as the case may be, in a parking place, loading place or taxi rank during the permitted hours in accordance with the foregoing provisions of this Order shall cause it so to stand:
 - (a) in the case of a parking place, loading place or taxi rank in relation to which special provisions as to the manner of standing of a vehicle in that parking place, loading place or taxi rank are specified in column 3 of a Schedule, so as to be in accordance with those provisions;
 - (b) in the case of any other parking place, loading place or taxi rank so that the longitudinal axis of the vehicle is at an angle of 90° to the edge of the carriageway nearest to the vehicle and the wheels of the vehicle are not more than 300 millimetres away from the edge of the carriageway nearest the vehicle;
 - (c) that every part of the vehicle is within the limits of a parking place, loading place or taxi rank;
 - (d) that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the street on which the vehicle is waiting.

Maximum parking period

8. Where a vehicle left in a parking place specified in Schedule 1 or 2, the parking period shall not exceed the maximum parking period specified in the heading of that Schedule.

Provided that no maximum parking period shall apply in relation to a vehicle left in a parking place specified in Schedule 1 which displays in the relevant position a valid disabled person's badge.

Interval before a vehicle may again be left in a parking place

9. No vehicle which having been taken away from a parking place in Schedule 1 or 2 during the permitted hours shall again be left in that parking place during the permitted hours until the expiration of the minimum return interval period specified in the heading of that Schedule from the time it was taken away from that parking place.

Power to suspend the use of a parking place, loading place or taxi rank

10. (1) Any person duly authorised by the Council or the Chief Officer of Police may suspend the use during the permitted hours of a parking place, loading place or taxi rank or any part thereof whenever he or she 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 adjacent to the parking place, loading place or taxi rank, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, loading place or taxi rank, the laying erection, alteration or repair in or adjacent to the parking place of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications network, or the placing, maintenance or removal of any traffic sign;
 - (c) on any occasion when it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (d) for the convenience of occupiers of premises adjacent to the parking place, loading place or taxi rank at times of funerals.
- (2) A police constable in uniform or a civil enforcement officer may suspend for not more than twenty four hours the use of a parking place, loading place or taxi rank or any part thereof whenever he or she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) On the suspension of the use of a parking place, loading place or taxi rank or any part thereof in accordance with provisions of this Article, the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that parking place, loading place or taxi rank or that part thereof, as the case may be, traffic signs indicating that the waiting by vehicles is prohibited.
- (4) No person shall cause or permit any vehicle to wait in any parking place, loading place or taxi rank or any part thereof at any time during the permitted hours and during which there is displayed in or adjacent to that parking place, loading place or taxi rank or that part thereof, as the case may be, a traffic sign placed in pursuance of paragraph 3 of this Article:

Provided that nothing in this paragraph shall apply:

- (i) in respect of any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in paragraph 1(b) or (d) of this Article; or
- (ii) to anything done with the permission of the person suspending the use of the parking place, loading place or taxi rank or part thereof in pursuance of paragraph 1 of this Article, a police constable in uniform or a civil enforcement officer.

Restriction on the use of a parking place, loading place or taxi rank

11. During the permitted hours no person shall use any parking place or any vehicle while it is in a parking place, loading place or taxi rank in connection with the selling or offering or exposing for sale of any goods to any person in or near the parking place, loading place or taxi rank or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity, other than, in the case of a taxi rank, the provision of a taxi service.

Restriction on waiting by a vehicle in a parking place, loading place or taxi rank

12. (1) Notwithstanding the foregoing provisions of this Order, any vehicle may wait during the permitted hours in any part of a parking place, loading place or taxi rank if the use of that part has not been suspended and if:
- (a) the vehicle is waiting for a period not exceeding two minutes or such longer period as a police constable in uniform or a civil enforcement officer may approve to enable a person to board or alight from the vehicle or load thereon or unload therefrom his or her personal luggage:

Provided that if the said person is a person suffering from any disability or injury which seriously impairs his or her ability to walk, or who is blind the vehicle may wait for so long as may be necessary to enable that person to board or alight from the vehicle or load thereon or unload therefrom his or her personal luggage;
 - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
 - (c) the vehicle is being used for fire brigade, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or the performance of such duties for the vehicle such duties for the vehicle to wait in the parking place, loading place or taxi rank in which it is waiting;
 - (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (e) the vehicle is being used by a universal service provider in the course of the provision of a universal postal service and the vehicle is waiting only for so long as may be reasonably necessary for postal packets to be collected or delivered at premises or posting boxes adjacent to the parking place, loading place or taxi rank in which the vehicle is waiting;
 - (f) the vehicle not being a passenger vehicle is waiting only for so long as may be necessary to enable it to be used for any purpose specified in Article 10(1)(b);
- (2) Except as provided by this Order, the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a parking place, loading place or taxi rank during the permitted hours.

SCHEDULE 1 - FREE SHORT STAY PARKING PLACE

In relation to a parking place referred to in this Schedule the expression "permitted hours" means the period between the hours of 8.30 a.m. and 6.30 p.m. on Monday to Saturday inclusive.

Parking places in which vehicles may be left during the permitted hours for a maximum parking period of 1 hour, subject to a minimum return interval of 1 hour.

1 Street name	2 Side of street	3 Length of street
Marlowes	East	From a point 3 metres south of the southern boundary of No. 33 Marlowes to a point 16 metres north of the common boundary of Nos. 37 and 39-41 Marlowes.

Movement of a vehicle in a parking place in an emergency

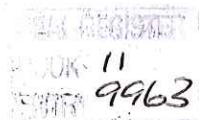
13. A police constable in uniform or a civil enforcement officer may move or cause to be moved, in case of emergency, to any place he or she thinks fit, any vehicle left unattended in a parking place, loading place or taxi rank.

Placing of traffic signs

14. The Council shall place and maintain traffic signs indicating the limits of each parking place and that each parking place, loading place or taxi rank, as the case may be, may only be used by the vehicles referred to in Article 4.

THE COMMON SEAL of DACORUM)
BOROUGH COUNCIL was hereunto)

affixed on the 21 day of April 2021
in the presence of:



.....
Authorised Signatory

Mark Brookes
Assistant Director
Corporate and Contracted Services

.....
Authorised Signatory

JACQUELINE HUTTON
Legal Governance Team Leader

SCHEDULE 2 - DISABLED PERSON'S PARKING PLACES

In relation to the parking place referred to in this Schedule the expression "permitted hours" means at any time.

Parking places in which vehicles displaying a disabled persons badge may be left during the permitted hours for a maximum parking period of 3 hours, subject to a minimum return interval of 2 hours.

1 Street name	2 Side of street	3 Length of street
Marlowes	West	From a point 2 metres north of the northern wall of No. 130 Marlowes to a point 1 metre north of the common boundary of Nos. 138 and 140 Marlowes.
Marlowes	West	From a point 1 metre north of the common boundary of Nos. 138 and 140 Marlowes to a point 6.5 metres north of the southern wall of No. 148 Marlowes.

SCHEDULE 3 – GOODS VEHICLES LOADING PLACE

In relation to the loading place referred to in this Schedule the expression “permitted hours” means at any time.

Loading place in which goods vehicles may load and unload.

1 Street name	2 Side of street	3 Length of street
Marlowes	West	From a point 14.5 metres south of the southern kerb-line of Combe Street to a point 2 metres north of the northern wall of No. 130 Marlowes.

SCHEDULE 4 – TAXI RANK

In relation to the taxi rank referred to in this Schedule the expression “permitted hours” means at any time.

Taxi rank in which taxis may wait for the purpose of the pick up and set out of passengers.

1 Street name	2 Side of street	3 Length of street
Marlowes	East	From a point 4metres south of the northern wall of No. 89 Marlowes to a point 3 metres south of the common boundary of Nos. 95 and 97 Marlowes, having a width throughout of 3 metres.

