

HERTFORDSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
TRAFFIC REGULATION ORDER

Date: 11 August 2017
Order No: 8106

THE HERTFORDSHIRE (HIGH STREET AND CHURCH STREET, BUNTINGFORD)
(RESTRICTED PARKING ZONE) ORDER 2017

PART I - PRELIMINARY

1. Citation and Commencement
2. Interpretation

PART II - RESTRICTIONS AND PARKING BAYS

Section 1 – Provisions of the Order

3-4 Prohibited Waiting Areas

5. Designation of Parking Bays
6. Leaving of vehicles in Parking Bays
7. Vehicles for which Parking Bays are designated
8. Alteration of position of a vehicle in a Parking Bay
9. Removal of a vehicle from a Parking Bay or Restricted Parking Zone
10. Movement of a vehicle in a Parking Bay in an emergency

PART III - SUPPLEMENTARY PROVISIONS

Section 1 - General

11. Manner of standing in a Parking Bay
12. Power to suspend the use of a Parking Bay
13. Restriction on the use of a Parking Bay
14. Restriction on waiting by a vehicle in a Parking Bay
15. Placing of traffic signs, etc

Section 2 – Penalty Charge Notices

16. Penalty Charge Notices
17. Period for which a vehicle may be left after a penalty charge has been incurred
18. Restriction on the removal of Penalty Charge Notices

Section 3 – Revocations

19. List of Orders revoked by the implementation of this Order

Section 4 – Schedule

Schedule	Restricted Parking Zone Plans – BHS-RZ/1003/17 and BHS-RZ/1004/17
-----------------	--

The Hertfordshire County Council, in exercise of their powers under Sections 1, 2, 3, 32, 35, 45, 46, 47, 49, and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (which said act of 1984 is 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 to the 1984 Act, hereby makes the following Order:

PART I - PRELIMINARY

Citation and commencement

1. (a) This Order may be cited as “The Hertfordshire (High Street and Church Street, Buntingford) (Restricted Parking Zone) Order 2017” and shall come into effect on Monday 21 August 2017

- (b) The Hertfordshire (High Street and Church Street, Buntingford) Restricted Zone Plans: BHS-RZ/1003/17 and BHS-RZ/1004/17, (hereinafter referred to as “the Restricted Parking Zone Plans”) are incorporated into this Order.

Interpretation

- 2.(1) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

“civil enforcement officer” has the meaning as given in the Traffic Management Act 2004.

“County Council” means the council of the County of Hertfordshire.

“Council” means East Hertfordshire District 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;

“designated officer” means an officer nominated by East Hertfordshire District Council to carry out Council functions associated with the provisions of this Order;

“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 and Wales) Regulations 1986 and the Disabled Persons (Badges for Motor Vehicles) Amendment Regulations 1992 and as amended by the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

“driver”, in relation to a vehicle waiting in a parking bay or restricted parking zone, means the person driving the vehicle at the time it was left in the parking bay or restricted parking zone;

“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;

“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;

“goods vehicle loading bay” means an area contained within the restricted parking zone indicated by contrasting surfacing or bay markings to show the position in which a goods vehicle may be parked for the purpose of loading and unloading goods, as shown on “the restricted parking zone plans” and identified in the key to those plans.

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

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

“parking disc” means a disc, issued by a local authority, complying with the requirements of the British Standard Specifications for Parking Discs (BS No. 4631: 1970), coloured orange or blue, and capable of showing the quarter hour period during which a period of waiting begins;

“parking bay” means an area contained within the restricted parking zone indicated by contrasting road surfacing or bay markings to show the position in which a vehicle or vehicle of a particular class may be parked as set out and shown in “the restricted parking zone plans” and identified in the key to those plans.

“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 twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

“penalty charge” has the same meaning as a charge 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 of the Traffic Management Act 2004.

“Restricted Parking Zone” or “RPZ” is an area as shown in “the restricted parking zone plans” and indicated in the key to those plans as area’s which all the streets are subject to waiting restrictions other than lengths of road where parking bays are designated, whether these parking bays bear road markings or not;

“Restricted Parking Zone Plans” are the plans numbered BHS-RZ/1003/17 and BHS-RZ/1004/17 inclusive of their Key’s, which are incorporated into this Order and their Schedule.

“permitted hours” means the hours and days of the week as particularised in the “restricted parking zone plans” and key’s thereof;

“relevant position” means:

- i) A vehicle displays a disabled person’s badge in the relevant position if:
 - a. in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or
 - b. in the case of vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle;
- ii) A vehicle displays a parking disc in the relevant position if:
 - a. in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter hour period during which the period of waiting began is legible from outside the vehicle; or
 - b. in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter hour period during which the period of waiting began is legible from outside the vehicle.

“street trader” means a person consented by the Council to trade in the street

“telecommunication system” has the same meaning as in the Telecommunications Act 1984 (c.12);

the expressions “universal service provider”, “provision of a universal postal Service” and “postal packet” shall bear the same meanings as in Section 65 of the Postal Services Act 2011

- (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 as having effect by virtue of any subsequent enactment.
- (4) For the purposes 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 purposes of Regulation 4 of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

PART II - RESTRICTIONS AND PARKING BAYS

Section 1 – Provisions of the Order

Prohibited Waiting Areas

3. Save as provided in Article 4 of this Order no person shall cause or permit any Vehicle to wait on areas of Road or sides of the Road as shown on the “restricted parking zone plans” where waiting is not allowed as identified and shown on and defined in the Key to the “restricted parking zone plans”.
4. The following vehicles are exempt from the General Prohibition as set out in Article 3:
 - (a) a vehicle, necessarily required for use in connection with any of the following operations, namely:-
 - (i) the removal of any obstruction to traffic,
 - (ii) the maintenance, improvement or reconstruction on the areas of Road or sides of Road; and
 - (iii) the laying, erection, alteration or repair in or on land adjacent to the Roads, lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line by a utility organisation while attending to their apparatus;
 - (b) a vehicle in the service of the Council or any other Local Authority whilst necessarily required for use in connection with highway works, highways and parking enforcement, waste collection or street cleansing activities;
 - (c) a vehicle which is:
 - (i) required by law to stop; or
 - (ii) obliged to stop so as to prevent an accident; or
 - (iii) prevented from proceeding by circumstances outside his control; or
 - (iv) caused or permitted to stop or wait upon the direction or with the permission of a police constable in uniform.
 - (d) a Public Service Vehicle whilst waiting at an authorised stopping place;;
 - (e) a vehicle being used for:
 - (i) fire and rescue, ambulance or police purposes; or
 - (ii) attendance at an emergency by a Doctor, a District Nurse or Midwife.
The Council may require evidence to show that there was a genuine emergency.
 - (f) a vehicle authorised by virtue of any special written dispensation by East Hertfordshire District Council.
 - (g) a marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be delivered or collected, save for the areas of Road and sides of the Road where loading or unloading are specifically regulated as identified and defined by the Key to the “restricted parking zone plans”.
 - (h) a marked vehicle which, whilst used by a Civil Enforcement Officer in the course of the enforcement of parking restrictions, is stationary only for so long as may be reasonably necessary for them to issue (or attempt to issue) a Penalty Charge Notice to a vehicle they believe to be parked in contravention of those restrictions or adjacent restrictions.
 - (i) a disabled person’s vehicle which displays in the relevant position a disabled person’s badge and a parking disc, waiting 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).

- (j) a vehicle that is waiting for as long as is reasonably necessary the purpose of delivering or collecting goods or loading or unloading the vehicle, at premises in or directly adjacent to the restricted parking zone.

Designation of Parking Bays

- 5. Those sections of road identified on the “restricted parking zone plans” as parking bays, disabled bays and goods vehicle loading bays are authorised to be used subject to the following provisions of this Order as parking bays, disabled bays and goods vehicle loading bays for such classes of vehicles in such positions and on such days and during such hours and to such limitations as identified on the “restricted parking zone plans” and as defined in the key’s to those plans.

Leaving of vehicles in Parking Bays

- 6. (1) No person shall cause or permit any vehicle to wait in an area designated as a parking bay, disabled bay or goods vehicle loading bay as shown on the “restricted parking zone plans” and identified in the keys to those plans during the permitted hours, unless authorised by the provisions of this Order or with the permission of a Designated Officer or Civil Enforcement Officer.
- (2) Where a person contravenes the provisions set out in Article 6(1) of this Order, the Owner of the Vehicle in question shall incur a penalty charge.

Vehicles for which Parking Bays are designated

- 7. Subject to the provisions of this Order:-
 - (1) Disabled bays as identified and shown on the “restricted parking zone plans” and identified in the key to those plans may be used for the leaving during the permitted hours of vehicles of the following class, that is to say, disabled persons vehicles (on which must be displayed in the relevant position a valid disabled drivers badge and disc).
 - (2) Goods Vehicle Loading Bays as identified and shown on “the restricted parking zone plans” and identified in the key to those plans as goods vehicle loading bays may be used for the leaving during the permitted hours of goods vehicles for the purpose of loading and unloading goods.

Alteration of position of a vehicle in a Parking Bay

- 8. Where any vehicle is standing in a parking bay in contravention of the provisions of Article 11 a Civil Enforcement Officer may cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of a vehicle from a Parking Bay or Restricted Parking Zone

- 9. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in Articles 3 or 7 of this Order have been contravened or not complied with in respect of a vehicle left in any part of a parking bay, or the restricted parking zone, they may remove or cause to be removed the vehicle from the parking bay or the restricted parking zone and, where it is so removed, shall provide for the safe custody of the vehicle and its contents.

Movement of a vehicle in a Parking Bay in an emergency

- 10. A Civil Enforcement Officer or Police Constable in uniform may move or cause to be moved, in case of emergency, to any place they think fit, any vehicle left in a parking bay, or the restricted parking zone.

PART III - SUPPLEMENTARY PROVISIONS

Section 1 - General

Manner of standing in a Parking Bay

11. (1) Every vehicle left in a parking bay in accordance with the foregoing provisions of this Order shall so stand -
- (a) that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway and the distance between the edge of the carriageway and the near side wheels of the vehicle is not more than 300 millimetres.
 - (b) 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.
 - (c) so that the vehicle is parked within the marked limits of the parking bay, whether those limits are indicated by road markings or contrasting surfacing.

Power to suspend the use of a Parking Bay

12. (1) Any person duly authorised by the Council may suspend the use of a parking bay or any part thereof whenever they consider 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, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration 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 system or the placing, maintenance or removal of any traffic sign;
 - (c) for the convenience of occupiers of premises adjacent to the parking bay on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to 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 bay at times of weddings or funerals, or on other special occasions.
- (2) Any person suspending the use of a parking bay 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 bay 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 bay or any part thereof during which such period as there is in or adjacent to that parking bay or part thereof a traffic sign placed in pursuance of paragraph (2) above provided that nothing in this paragraph shall apply -
- (a) in respect to any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 12(1)(b), (d) or (e); or

- (b) 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.

Restriction on the use of a Parking Bay

13. During the permitted hours no person shall use any parking bay, disabled bay or goods vehicle loading bay, or any vehicle while it is in a parking bay, in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking bay or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity:

Provided that nothing in this Article shall prevent the sale of goods from a vehicle -

- (a) if the vehicle is a passenger vehicle, a goods carrying vehicle, or a motor-cycle and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
- (b) if the vehicle is one to which the provisions of Article 14(1)(h) applies.

Restriction on waiting by a vehicle in a Parking Bay

14. (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking bay if the use of that part has not been suspended and if:
- (a) the vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from the vehicle or load thereon or unload therefrom their personal luggage;
 - (b) 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;
 - (c) the vehicle is being used for fire and rescue, 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 in the performance of such duties for the vehicle to wait in the place in which it is waiting;
 - (d) the vehicle is waiting 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 waiting -
 - (i) while postal packets addressed to premises within the 'restricted zone' are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered; or
 - (ii) while postal packets are being collected for the loading on the vehicle from premises or posting boxes within the 'restricted zone' in which the vehicle is waiting or, having been so collected, are being unloaded thereon;
 - (f) the vehicle not being a passenger vehicle is waiting only for as long as may be reasonably necessary to enable it to be used for the purpose specified in Article 12(1)(b);
 - (g) the vehicle is in actual use in connection with the removal of furniture to or from one office to a dwelling-house adjacent to the parking bay from or to a depository, another office or dwelling-house;

- (h) the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking bay in which the vehicle is waiting.
 - (i) the vehicle is a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc.
 - (j) the vehicle which, whilst used by a Civil Enforcement Officer in the course of the enforcement of parking restrictions, is stationary only for so long as may be reasonably necessary for them to issue (or attempt to issue) a Penalty Charge Notice to a vehicle they believe to be parked in contravention of those restrictions or adjacent restrictions.
- (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 bay during the permitted hours.

Placing of traffic signs, etc.

15. The Council shall:

- (a) place and maintain traffic signs indicating the limits of each parking bay;
- (b) place and maintain in or in the vicinity of each parking bay traffic signs of a design approved by the Secretary of State for the Department for Transport indicating that the parking bay may be used during the permitted hours for the leaving only of the vehicles specified in Articles 6 and 7; and
- (c) carry out such other work as it reasonably required for the purposes of the satisfactory operation of a parking bay.

Section 2 – Penalty Charge Notices

Penalty Charge Notices

- 16 (1) Where a person contravenes any of the restrictions set out in the provisions of this Order, or a vehicle is left in the 'restricted parking zone' otherwise than in accordance with the provisions of this Order, the Owner of the Vehicle in question shall incur a penalty charge.
- (2) That charge shall be payable to East Hertfordshire District Council in accordance with the instructions contained on the Penalty Charge Notice.

Period for which a vehicle may be left after a Penalty Charge has been incurred

- 17 The period for which a vehicle may be left in a parking bay during permitted hours after a penalty charge has been incurred shall not exceed one hour.

Restriction on the removal of Penalty Charge notices

- 18 (1) Where a penalty charge notice has been issued in accordance with the provisions of Article 16 and attached to a vehicle no person not being the driver of the vehicle shall remove the notice from the vehicle unless authorised to do so by the driver of that vehicle.
- (2) Provided that nothing herein shall apply to a Civil Enforcement Officer or Police Constable in uniform or person removing the vehicle in pursuance of an arrangement made by the police constable in uniform or under the regulations in pursuance of powers contained in Sections 99, 100, 101 and 102 of the Act of 1984.

Section 3 – Revocations

Revocations

19. 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 East Hertfordshire District Council (Control of Parking) (Consolidation) Order 2017

Section 4 – Schedule

SCHEDULE

Restricted Parking Zone Plans

Plan no's BHS-RZ/1003/17 and BHS-RZ/1004/17, as incorporated into this Order.

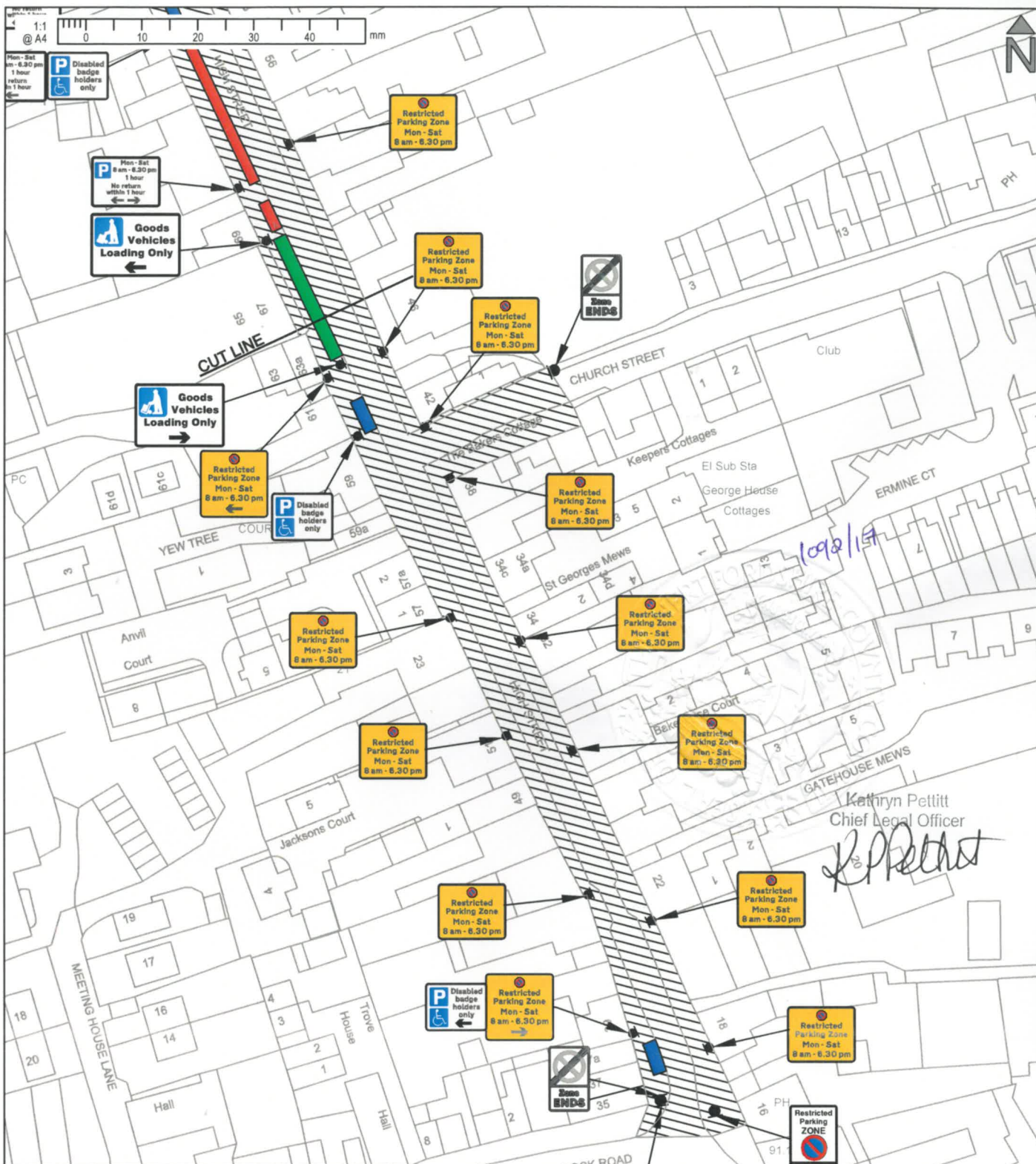
IN WITNESS whereof the Common Seal of the Hertfordshire County Council was hereunto affixed this 11th day of August 2017.





The Common Seal of the)
Hertfordshire County Council)
was hereunto affixed)
in the presence of:-)



Kathryn Pettitt

Chief Legal Officer





- Key:**
-  Restricted Parking Zone - No Waiting Mon - Sat 8am - 6.30pm
 -  Goods Vehicle Loading Bay
 -  Disabled Persons Parking Bay
 -  Parking Mon - Sat 8am - 6.30pm 1 hour no return within 1 hour

 <p>COUNTY HALL Pegs Lane Hertford, Herts SG13 8DN Phone: 01992 555555</p>		© Crown copyright and database right to 2017 Ordnance Survey 100019606		Project THE HERTFORDSHIRE (HIGH STREET AND CHURCH STREET, BUNTINGFORD) (RESTRICTED PARKING ZONE) ORDER 2017				
		You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form. (This restriction may not apply to HCC and its licensed contractors, agents & partners.)		Sheet RESTRICTED PARKING ZONE PLANS				
Revision	Amendment	Approved	Date	Drawn SD	Designed SD	Approved SC	Checked SC	Revision Date
				Project No. G-CG001.Y5	Scale 1:1000		Drawing No. BHS-RZ/1004/17	
				Sheet No. 2 of 2		Revision		

HERTFORDSHIRE COUNTY COUNCIL
THE HERTFORDSHIRE (HIGH STREET AND CHURCH STREET, BUNTINGFORD)
(RESTRICTED PARKING ZONE) ORDER 2017

NOTICE is given that the Hertfordshire County Council has made an Order under the Road Traffic Regulation Act 1984 to introduce an updated Restricted Parking Zone in Buntingford as specified in the Schedule to this Notice. The new Order will correct previous administrative errors and permit an update in signing. The Order will come into effect on Monday 21 August 2017.

Documents giving more detailed particulars of the Order may be inspected from 17 August 2017 to 28 September 2017 during normal office hours, at the offices of East Hertfordshire District Council, Wallfields, Pegs Lane, Hertford and at Main Reception, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, or viewed on line at www.hertfordshire.gov.uk/trafficorders by selecting East Herts and looking at Ref: EH00517

Enquiries relating to the Order should be referred to the TRO Officer concerned Steve Chappell tel: 01992 658242 or steve.chappell@hertfordshire.gov.uk

Any person wishing to question the validity of the Order, or of any provision contained in it, on the grounds that it is not within the powers conferred by the Road Traffic Regulation Act 1984, or on the grounds that any requirement of the Act or any Instrument made under it has not been complied with in relation to the Order may within 6 weeks from the date of this Notice apply to the High Court for this purpose.

SCHEDULE : Restricted Parking Zone – operating Mon – Sat 8am – 6.30pm no waiting except as signed within bays – effecting those sections of road listed herein and as set out in the Order and accompanying plans – Parts of High Street and Church Street

County Hall
Hertford
Herts SG13 8DN

17 August 2017
John Wood
Chief Executive & Director of Environment

STATEMENT OF REASONS FOR MAKING
THE HERTFORDSHIRE (HIGH STREET AND CHURCH STREET, BUNTINGFORD)
(RESTRICTED PARKING ZONE) ORDER 2017

Hertfordshire County Council is proposing to upgrade the existing restricted parking zone in Buntingford in order to improve highways safety and reduce instances of parked vehicles causing obstruction to other road users and pedestrians. The upgrade is necessary to ensure that the traffic Order is updated to meet current legislation and the Restricted Parking Zone signage is commensurate with latest Government Traffic Signs advice.

- The upgraded parking zone will replicate the restrictions already in place.
- The upgrade to the restricted parking zone will allow new signing to be introduced where necessary in line with new legislation. A restricted parking zone allows for through traffic whilst the waiting restrictions will continue to prevent an obstruction in the carriageway where it is too narrow or not safe for vehicles to wait.

It therefore appears to the Authority that it is necessary and expedient to make the Order for preserving or improving the amenities of the area through which the roads run, for preventing the likelihood of danger and for relieving or preventing congestion, thereby enhancing overall road safety.

The upgrade to the existing Order and signage has been the subject of consultation with local and County Councilor's, local businesses and residents in the areas affected. The local Police have also been consulted.