

## HERTFORDSHIRE COUNTY COUNCIL

### THE HERTFORDSHIRE (MAIDENHEAD STREET, HERTFORD – PEDESTRIAN ZONE) (PROHIBITION OF WAITING AND LOADING) ORDER 2022

NOTICE is given that the Hertfordshire County Council has made an Order under the Road Traffic Regulation Act 1984 to introduce Waiting restrictions in Maidenhead Street, Hertford, as specified in the Schedule to this Notice. Exemptions to waiting and loading, will apply in respect of motor vehicles that are permitted to enter and remain within the Pedestrian Zone under the exemptions provided for access in **The Hertfordshire (Maidenhead Street and Dolphin Yard, Hertford) (Pedestrian Zone) Order 2020**. The Order will come into effect on Monday 7 March 2022.

Documents giving more detailed particulars of the Order are held on deposit and may be viewed from 3 March 2022 to 14 April 2022 during normal office hours at Main Reception, Hertfordshire County Council, County Hall, Pegs Lane, Hertford or may also be viewed online from 3 March 2022 at [www.hertfordshire.gov.uk/trafficorders](http://www.hertfordshire.gov.uk/trafficorders) by selecting East Herts and looking at Ref: EH01120.

Enquiries relating to the Order should be referred to the Highways Engineer concerned Richard O'Boy tel: 07557 758248 or [Richard.OBoy@hertfordshire.gov.uk](mailto:Richard.OBoy@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:** No waiting loading or unloading at any time – effecting that section of road herein listed and as set out in the Order and accompanying plan – Entire length of Maidenhead Street. Exemptions will apply as set out within the Order.

County Hall  
Hertford  
Herts SG13 8DN

3 March 2022  
Mark Kemp  
Executive Director Environment and Transport

**HERTFORDSHIRE COUNTY COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984  
TRAFFIC REGULATION ORDER**

**Date:** 24/02/2022

**Order No:** 8484

**THE HERTFORDSHIRE (MAIDENHEAD STREET, HERTFORD – PEDESTRIAN ZONE)  
(PROHIBITION OF WAITING AND LOADING) ORDER 2022**

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<b>Schedule</b>	<b>Plan – “the Prohibition of Waiting and Loading Plan” No - EH01120P</b>
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The Hertfordshire County Council, in exercise of their powers under Sections 1, 2, 3 and 4 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 (Maidenhead Street, Hertford – Pedestrian Zone) (Prohibition of Waiting and Loading) Order 2022” and shall come into effect on Monday 7 March 2022.  
  
(b) The Hertfordshire (Maidenhead Street, Hertford – Pedestrian Zone) (Prohibition of Waiting and Loading) Order 2022 Plan No **EH01120P** (hereinafter referred to as “the Prohibition of Waiting and Loading Plan” is incorporated into this Order and its Schedule.

### **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;

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

“designated market days” means any day authorised by East Herts District Council for the holding of a market under the provisions of an existing market charter, or Section 50 of the Food Act 1984

“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 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;

“market stall holder” means the named person in a market stall license issued by East Herts District Council.

“market stall” means a stall licensed by the East Herts District Council utilised as part of a market.

“market trader” a licensed person authorised to operate a market stall.

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

“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.

“Pedestrian Zone” means those lengths of Maidenhead Street and Dolphin Yard as specified within **The Hertfordshire (Maidenhead Street and Dolphin Yard, Hertford) (Pedestrian Zone) Order 2020** and indicated on plan no K-BC012.Y4.1200.211 which is annexed to that Order.

“the Prohibition of Waiting and Loading Plan” is the plan numbered **EH01120P**, inclusive of its Key, which is incorporated into this Order and its Schedule.

“Restricted Area” is an area as shown on “the Prohibition of Waiting and Loading Plan” and indicated in the key to that plan as an area which is subject to waiting prohibitions and restrictions.

“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.

## **PART II - RESTRICTIONS**

### **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, load or unload at any time on the area of Road or sides of the Road as shown on “the Prohibition of Waiting and Loading Plan” where waiting, loading and unloading is not allowed as identified and shown on and defined in the Key to “the Prohibition of Waiting and Loading Plan”.
4. The following vehicles are exempt from the General Prohibition as set out in Article 3:
- (a) a goods vehicle being used between the hours of 5:30pm and 9:30am daily for the purpose of loading or unloading goods to or from premises located within or directly adjacent to the “Restricted Area”.
  - (b) a vehicle being used for Fire and Rescue, Ambulance or Police purposes.
  - (c) anything done with the permission of or at the direction of a Police Constable in uniform.
  - (d) a market trader or street trader’s vehicle required by a market stall holder, for the setting up, running, or breaking down of a market stall located within the “Restricted Area”, the market stall being licensed for erection on designated market days by East Herts District Council.
  - (e) a vehicle which is being used for one or more of the following purposes and which cannot reasonably be used for such a purpose without entering or being in the “Restricted Area”;
    - (i) any operation involving building, demolition or excavation;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of a road;
    - (iv) constructing, improving, maintaining, or cleaning of any street furniture; or
    - (v) 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.
  - (f) a marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is required to enter or be in the “Restricted Area” to enable postal packets to be delivered or collected.

#### **Removal of a vehicle from the Restricted Waiting Zone**

5. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in Article 3 or 4 of this Order have been contravened or not complied with in respect of a vehicle left in any part of the “Restricted Area”, they may remove or cause to be removed the vehicle from the “Restricted Area” and, where it is so removed, shall provide for the safe custody of the vehicle and its contents.

#### **Movement of a vehicle in an emergency**

6. 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 the “Restricted Area”.

## **PART III - SUPPLEMENTARY PROVISIONS**

### **Section 1 – Penalty Charge Notices**

#### **Penalty Charge Notices**

7. (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 Area” 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**

8. The period for which a vehicle may be left in a “Restricted Area” after a penalty charge has been incurred shall not exceed thirty minutes.

#### **Restriction on the removal of Penalty Charge notices**

9. (1) Where a penalty charge notice has been issued in accordance with the provisions of Article 7 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 2 – Revocations**

#### **Revocations**

10. 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 2020 map EAS3444 Revision 8.

### **Section 3 – Schedule**

#### **SCHEDULE**

#### **Prohibition of Waiting and Loading**

Plan no **EH01120P**, as incorporated into this Order.

**Signed:**



**Quentin Baker**  
**Chief Legal Officer**

**Dated:** 24/02/2022

## STATEMENT OF REASONS

### **THE HERTFORDSHIRE (MAIDENHEAD STREET, HERTFORD – PEDESTRIAN ZONE) (PROHIBITION OF WAITING AND LOADING) ORDER 2022**

The Hertfordshire County Council is proposing to introduce waiting restrictions in Maidenhead Street, Hertford. The proposals include:

- 'No waiting / loading at any time along the entire length of Maidenhead Street, with certain exemptions as set out within the Order.

The restrictions are considered necessary to support the enforcement of the new Pedestrian Zone in Maidenhead Street.

On 16 November 2020, following a successful trial of an Experimental Traffic Regulation Order, the Authority made **The Hertfordshire (Maidenhead Street and Dolphin Yard, Hertford) (Pedestrian Zone) Order 2020**. This Order comes into effect as of 7 March 2022.

Pedestrian Zone Order provisions are currently (outside of London) subject to Police enforcement only. To ensure that unauthorised parking does not arise, where vehicles breach the Order and then remain in the Pedestrian Zone, it is intended to introduce Waiting Restrictions to underpin the integrity of the Pedestrian Zone. Such waiting restrictions imposed within the Pedestrian Zone, can, under Civil Parking Enforcement powers, be enforced by East Hertfordshire District Councils - Parking Enforcement Officers.

**The Hertfordshire (Maidenhead Street and Dolphin Yard, Hertford) (Pedestrian Zone) Order 2020**, which comes into effect on 7 March 2022 introduces the following restrictions:

Motor vehicle access into Maidenhead Street, is from 7 March 2022, prohibited at any time, unless an exemption applies in relation to the use of the vehicle at that time. Exemptions will apply in respect of: -

- Emergency Service Vehicles.
- Permit Holders as set out within the Order, for access to Dolphin Yard.
- Market Traders Vehicles (on market days).
- Statutory undertakers' vehicles as set out in the Order.
- Goods vehicle access to load and unload, but only between the hours of 5.30pm to 9:30am daily.

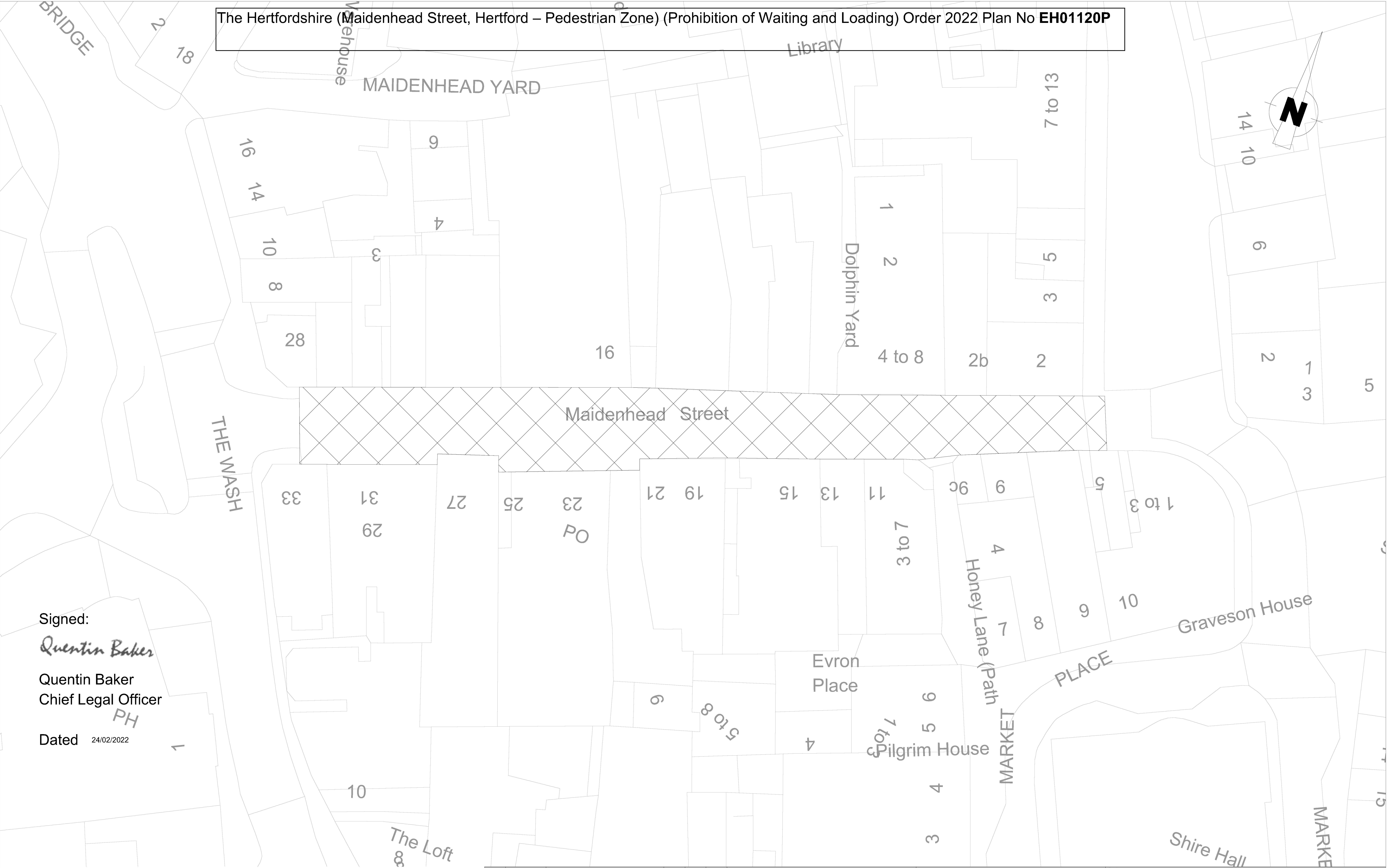
To underpin the restrictions imposed by the Pedestrian Zone Order, prevent obstruction of the pedestrian zone, and prevent a likelihood of danger arising from conflicts between pedestrians' and vehicular traffic, it is intended to introduce **The Hertfordshire (Maidenhead Street, Hertford – Pedestrian Zone) (Prohibition of Waiting and Loading) Order 2022**

The Waiting Restriction Order is intended to Prohibit Waiting, Loading and unloading, within the pedestrian zone, except in circumstances where motor vehicles are permitted to enter and remain within the Zone under the exemptions provided in **The Hertfordshire (Maidenhead Street and Dolphin Yard, Hertford) (Pedestrian Zone) Order 2020**.

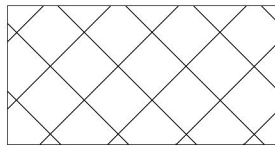
Therefore, it appears to the Highway Authority, having also considered the duty imposed by Section 122 Road Traffic Regulation Act 1984, that it is necessary and expedient to make an Order in the interests of avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property and for preserving or improving the amenities of the area through which the road runs.

The proposal has been subject to consultation with local and County Councillors representing the area and East Herts District Council. The local Police, Ambulance, Fire and Rescue Services, Hertfordshire County Council Passenger Transport Unit, Hertford Town Council, local residents and businesses have also been consulted.





Signed:  
*Quentin Baker*  
Quentin Baker  
Chief Legal Officer  
Dated 24/02/2022



NO WAITING/LOADING AT ANYTIME EXCEPT  
GOODS VEHICLES 5:30PM - 9:30AM

1:200 @ A1  
1:400 @ A3  
0 2 4 6 8 10 12 14 16 18 20 m

Rev	Date	Description of Revisions	Drawn	Chkd	Appr
B	18/02/22	TRO EXTENTS ADJUSTED	AJ	RO	RO



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www.hertfordshire.gov.uk/highways

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Drawn	Designed	Checked	Approved	Revision Date
AJ	AJ	RO	RO	14/01/22
Signature	Signature	Signature	Signature	Scale(s)
				1:200 @ A1

Project	
HERTFORD TOWN CENTRE URBAN DESIGN STRATEGY	
Drawing Title	
The Hertfordshire (Maidenhead Street, Hertford - Pedestrian Zone Prohibition of Waiting and Loading) Order 2022 Plan	
Project No.	Sheet No.
62254726	01
Revision	B