

EAST HERTFORDSHIRE DISTRICT COUNCIL

TRAFFIC REGULATION ORDER

THE EAST HERTFORDSHIRE DISTRICT COUNCIL (AMWELL END, BROADMEADS AND HIGH STREET, WARE) (PROHIBITION OF WAITING EXCEPT TAXIS AND DESIGNATION OF PARKING PLACES) ORDER 2019

Made: 23 April 2020

Coming into force: 1 June 2020

East Hertfordshire District Council, pursuant to arrangements made under section 19 of the Local Government Act 2000¹ and the Local Government (Arrangements for Discharge of Functions) (England) Regulations 2000² with Hertfordshire County Council, and in exercise of the powers conferred on that County Council under sections 1, 2, 4, 32, 35, 53 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984³ ("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:

PART I - PRELIMINARY

Citation and commencement

1. This Order may be cited as the East Hertfordshire District Council (Prohibition of Waiting Except Taxis and Designation of Parking Places) Order 2020 and shall come into force on 1 June 2020.

Interpretation

2. (1) In this Order:-

"authorised agent" means the parking services contractor appointed by and acting on behalf of the council for the purposes of the supervision and enforcement of the provisions of this Order;

causing includes permitting;

"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 2004⁴ to enforce and supervise the provisions of this Order;

"Council" means East Hertfordshire District 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 2000⁵;

"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 2003⁶;

¹ 2000 c.22

² SI 2012/1019

³ 1984 c.27

⁴ 2004 c.18

⁵ SI 2000/683

⁶ 2003 c.21

"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" has the same meaning as in Schedule 1 to the Traffic Signs Regulations and General Directions 2016⁷;

"kerb-line" means the imaginary line which is the projection of the line formed by the edge of the carriageway of a street;

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

"maximum parking period" means the maximum period of time during which a vehicle may be left in a parking place referred to in Schedule 2;

"minimum return interval" in relation to a parking place referred to in Schedule 2, 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;

"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).

"permitted hours", in relation to a parking place designated by this Order, means the (inclusive) period specified in column 3 of Schedule 2 relating to that parking place;

"prescribed hours" means the (inclusive) period specified in column 3 of Schedule 1 relating to a taxi rank;

"postal packets", "universal postal service" and "universal service provider" have the same meanings as in Part 3 of the Postal Services Act 2011⁸; and

"taxi" means a vehicle licensed by East Hertfordshire District Council as a hackney carriage under the provisions of either section 37 of the Town Police Clauses Act 1847⁹ or Part II of the Local Government (Miscellaneous Provisions) Act 1976¹⁰;

"taxi rank", for the purposes of this Order, means an area of carriageway in a street reserved for use by taxis waiting to pick up passengers and which is and described in Schedule 1 to this Order;

"vehicle" includes any part of a vehicle.

⁷ SI 2016/362

⁸ 2011 c.5

⁹ 1847 c.89 (Regnal. 10 and 11 Vict)

¹⁰ 1976 c.57

"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.
- (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 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.

PART II – PROHIBITION OF WAITING EXCEPT TAXIS

Prohibition of waiting except taxis

3. No person shall cause any vehicle other than a taxi to wait in a taxi rank referred to in Schedule 1 during the prescribed hours.

PART III – DESIGNATION OF PARKING PLACES

Designation of parking places

- 4 Each area on a street comprising the length of carriageway of a street specified in columns 1, 2 and 3 of Schedule 2 and, unless otherwise so specified, bounded on one side of that length by the edge of the carriageway, is designated as a parking place.

Vehicles for which parking places are designated

5. 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 are passenger vehicles, goods vehicles and motor cycles.

Maximum parking period

6. Where a vehicle is left in a parking place, the parking period shall not exceed the maximum parking period specified in column 4 of the item in Schedule 2 relating to that parking place.

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

7. No vehicle which having been taken away from a parking place during the permitted hours shall, until the expiration of the period specified in column 5 of the item in Schedule 2 relating to that parking place (where specified) from the time it was taken away, again be left in that parking place during the permitted hours.

PART IV – CONTRAVENTION

Contravention of this Order

8. If a vehicle is left in either a taxi rank referred to in Schedule 1 during the prescribed hours or in a parking place referred to in Schedule 2 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.

PART V – SUPPLEMENTARY PROVISIONS

Manner of standing in a taxi rank or parking place

9. The driver of a vehicle waiting in a taxi rank during the prescribed hours or a parking place 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 taxi rank or parking place in relation to which special provisions as to the manner of standing of a vehicle in that taxi rank or parking place are specified either: in column 2 of an item in Schedule 1 relating to that taxi rank, or in column 2 of an item in Schedule 2 relating to that parking place, as the case may be, so as to be in accordance with those provisions;
 - (b) in the case of any other taxi rank or parking place, so that the longitudinal axis of the vehicle is parallel to the kerb-line nearest to the vehicle and the wheels of the vehicle are not more than 500 millimetres away from said kerb-line;
 - (c) that every part of the vehicle is within the limits of the taxi rank or parking place;
 - (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 standing.

Movement of a vehicle in a taxi rank or parking place in an emergency

10. A police constable in uniform may cause to be moved, in case of emergency, to any place they think fit, any vehicle left in a taxi rank or a parking place.

Exemption for a vehicle displaying a disabled person's badge

11. (1) Notwithstanding the foregoing provisions of this Order, a vehicle which displays in the relevant position a disabled person's badge may be left in a parking place referred to in Schedule 2 without time limit, provided that the use of that part of the parking place in which the vehicle is left has not been suspended.
- (2) Without prejudice to the generality of this Article, a disabled person's vehicle shall stand in a parking place in accordance with the provisions of Article 9.

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

12. (1) Any person duly authorised by the Council or the Chief Officer of Police may suspend the use during either: the prescribed hours of a taxi rank, or the permitted hours of a parking place, 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 taxi rank or parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the taxi rank or parking place, 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 taxi rank or parking place 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 taxi rank or parking place 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 taxi rank or parking place 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 taxi rank or parking place or that part thereof, as the case may be, traffic signs indicating that either waiting, or waiting and loading, or stopping, as the case may be, by vehicles is prohibited.
- (4) No person shall cause or permit any vehicle to wait in any taxi rank or parking place or any part thereof at any time during either the prescribed hours, or the permitted hours, as the case may be, and during which there is displayed in or adjacent to that parking place 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 or part thereof in pursuance of paragraph (1) of this Article, a police constable in uniform or a civil enforcement officer.

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

13. (1) Notwithstanding the foregoing provisions of this Order, any vehicle may wait during the prescribed hours in any part of a taxi rank if the use of that part has not
- (a) 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;
 - (b) 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 taxi rank in which it is waiting;

- (c) 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;
 - (d) 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 taxi rank in which the vehicle is waiting; and
 - (e) 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 13(1)(b).
- (2) Notwithstanding the foregoing provisions of this Order, any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:
- (a) the vehicle is waiting to enable a 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 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 to wait in the parking place;
 - (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;
 - (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 12(1)(b);
- (3) Except as provided by this Order, the driver or person in charge of a vehicle shall not cause or permit a vehicle to either:-
- (a) wait in a taxi rank during the prescribed hours; or
 - (b) wait in a parking place during the permitted hours.

Placing of traffic signs

14. The Council shall place and maintain traffic signs indicating the limits of each taxi rank or parking place referred to in Schedule 1 or 2 and that each taxi rank or parking place may only be used by the vehicles referred to in Articles 3 or 5, as the case may be.

PART VI –REVOCATION OR AMENDMENT OF EXISTING ORDERS

Revocation or amendment of existing Orders

15. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into force of this Order:-
- (a) the Hertfordshire (Amwell End, Ware) (Prohibition of Stopping and Waiting except Taxis) Order 2009¹¹ is hereby revoked in its entirety;
 - (b) the Hertfordshire (Railway Street and Mill Street, Hertford, Broadmeads, Ware and Riverside, Bishop's Stortford) (Prohibition of Stopping and Waiting except Taxis) Order 2005¹² shall have effect as though the item relating to 'Broadmeads (Ware) (south side)' in the Schedule therein were omitted; and
 - (c) the East Hertfordshire (Control of Parking) (Consolidation) Order 2017¹³ shall have effect as though the designation by that Order of existing free short-stay parking places at the locations listed in sub-paragraphs (i) to (iii) following, is hereby revoked:
 - (i) AMWELL END, WARE – the north-west side, from a point 8 metres north-east of the north-eastern kerb-line of Broadmeads north-eastward for a distance of 10.6 metres;
 - (ii) AMWELL END, WARE – the north-west side, from a point 12.5 metres south-west of the south-western wall of No. 18 Amwell End south-westward for a distance of 23.4 metres; and
 - (iii) BROADMEADS, WARE – the south side, from a point 29.8 metres west of the north-western kerb-line of Amwell End westward for a distance of 29.5 metres.

THE COMMON SEAL of EAST HERTFORDSHIRE)
DISTRICT COUNCIL was hereunto)
affixed on the)
in the presence of:



.....
Solicitor to the Council



14,815

¹¹ Hertfordshire CC No. 7374 (9th July 2009)
¹² Hertfordshire CC No. 6883 (4th August 2005)
¹³ East Hertfordshire DC (27th March 2017)

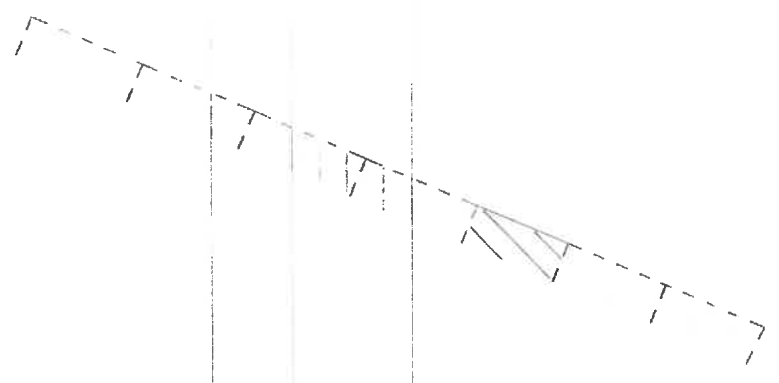
SCHEDULE 1 – TAXI RANKS

| <i>Item (1)</i> | <i>Taxi rank (2)</i> | <i>Prescribed hours (3)</i> |
|---------------------|---|---|
| 1. | HIGH STREET, WARE the north-east side, from a point 10 metres north-west of the north-western kerb-line of New Road, Ware to a point 6 metres south-east of the south-eastern wall of No. 36 High Street, Ware. | Thursday to Sunday Midnight to 3:30 a.m., 6:30 p.m. to Midnight |
| 2. | HIGH STREET, WARE the north-east side, from a point 4.5 metres north-west of the common boundary of Nos. 84 and 92 High Street, Ware to a point 2 metres north-west of the common boundary of Nos. 108 and 110 High Street, Ware. | Thursday to Sunday Midnight to 3:30 a.m., 6.30 p.m. to Midnight |

SCHEDULE 2 – FREE SHORT-STAY PARKING PLACES

| <i>Item</i> | <i>Designated parking place</i> | <i>Permitted hours</i> | <i>Maximum parking period</i> | <i>Minimum return interval</i> |
|-------------|--|---|-------------------------------|--------------------------------|
| (1) | (2) | (3) | (4) | (5) |
| 1. | AMWELL END, WARE the north-west side, from a point 8 metres north-east of the north-eastern kerb-line of Broadmeads north-eastward for a distance of 10.6 metres. | Monday to Saturday 8 a.m. to 6.30 p.m. | 30 minutes | 1 hour |
| 2. | AMWELL END, WARE the north-west side, from a point 12.5 metres south-west of the south-western wall of No. 18 Amwell End south-westward for a distance of 23.4 metres. | Monday to Saturday 8 a.m. to 6.30 p.m. | 30 minutes | 1 hour |
| 3. | BROADMEADS, WARE the south side, from a point 29.8 metres west of the north-western kerb-line of Amwell End westward for a distance of 29.5 metres. | Monday to Saturday 8 a.m. to 6.30 p.m. | 1 hour | 1 hour |

This is a computer-generated drawing and should not be used for construction purposes without the permission of the author.



EAST HERTFORDSHIRE DISTRICT COUNCIL

THE EAST HERTFORDSHIRE DISTRICT COUNCIL (AMWELL END, BROADMEADS AND HIGH STREET, WARE) (PROHIBITION OF WAITING EXCEPT TAXIS AND DESIGNATION OF PARKING PLACES) ORDER 2019

NOTICE IS HEREBY GIVEN that East Hertfordshire District Council ('the Council'), pursuant to arrangements made under section 19 of the Local Government Act 2000 and the Local Government (Arrangements for Discharge of Functions) (England) Regulations 2012 with Hertfordshire County Council, has made the above Order under sections 1, 2, 4, 32, 35, 53 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984.

The general effect of the Order will be:-

- (a) to provide two new part-time taxi ranks in HIGH STREET, WARE.
- (b) to remove two redundant taxi ranks and provide free short-term parking places in AMWELL END, WARE.
- (c) to remove a redundant taxi rank and provide a free short-term parking places in BROADMEADS, WARE.

As specified in the Schedule to this notice.

Enquiries relating to the Order should be referred to Brad Wheeler, East Herts District Council, Licensing Services telephone 01279 655261 or email licensing.taxis@eastherts.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 Orders, may within 6 weeks from the date of this Notice apply to the High Court for this purpose.

Schedule: Length of Road, Parking Places for Taxis and the Public – time limited – the sections of road herein listed and as set out in the Order and accompanying plans: Parts of High Street, Amwell End & Broadmeads, Ware

28 May 2020

James Ellis
Head of Legal and Democratic Services
East Hertfordshire District Council,
Wallfields,
Pegs Lane,
Hertford, SG13 8EQ

EAST HERTFORDSHIRE DISTRICT COUNCIL

STATEMENT OF REASONS

THE EAST HERTFORDSHIRE DISTRICT COUNCIL (AMWELL END, BROADMEADS AND HIGH STREET, WARE) (PROHIBITION OF WAITING EXCEPT TAXIS AND DESIGNATION OF PARKING PLACES) ORDER 2019

East Hertfordshire District Council ('the Council') is proposing to make the above mentioned Traffic Regulation Order under the relevant powers of the Road Traffic Regulation Act 1984, pursuant to arrangements made with Hertfordshire County Council.

The effect of the proposed Order would be to:-

- to provide two new evening / overnight taxi ranks in HIGH STREET, WARE in which taxis may wait between the hours of 6.30 p.m. and 3:30 a.m. on Thursday to Sunday inclusive - these taxi ranks to be located conterminously with two existing free short-term parking places operating in the daytime outside these hours, so as to provide an evening and weekend and taxi waiting/ranking facility and support the night-time economy in the High Street, Ware area, whilst retaining daytime free short-stay parking for visitors to local shops and businesses; and
- to remove redundant evening/overnight taxi ranks in AMWELL END, WARE and BROADMEADS, WARE which are no longer required, and to reallocate the kerbside as free short-term parking places for visitors to local shops and businesses. Vehicles may be left in these parking places for a maximum stay of 30 minutes or 1 hour, as the case may be, between the hours of 8 a.m. and 6.30 p.m. on Monday to Saturday, with a no return period of 1 hour, so as to encourage turnover of usage.

In preparation of this Order The East Herts District Council has considered their duties imposed by Section 122 of the Road Traffic Regulation Act 1984 and consider it is necessary and expedient to make an Order for the purpose of preventing the likelihood of danger arising to road users and for the desirability of securing and maintaining reasonable access to premises.

All the proposed measures have been subject to consultation with local and County Councillors representing the area and Hertfordshire County Council. The local Police, Ambulance and Fire & Rescue Services, Hertfordshire County Council Passenger Transport Unit, local residents and businesses have also been consulted.

James Ellis

Head of Legal and Democratic Services
East Hertfordshire District Council,
Wallfields,
Pegs Lane, Hertford,
SG13 8EQ

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105th Street

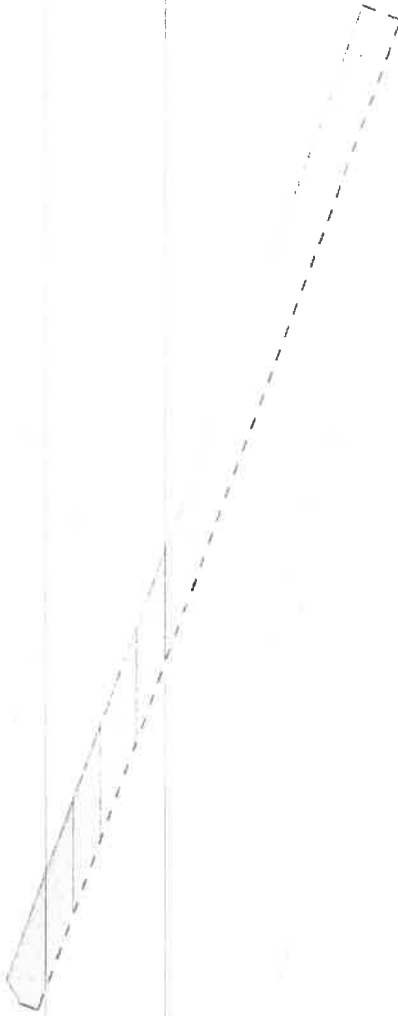
Proposed taxi rank no waiting except taxis
Thursday - Sunday Midnight - 8am
£300m - Midnight
and retain existing free short stay
bay Alton - Sat 30 mins £2700/m
within 1 hour



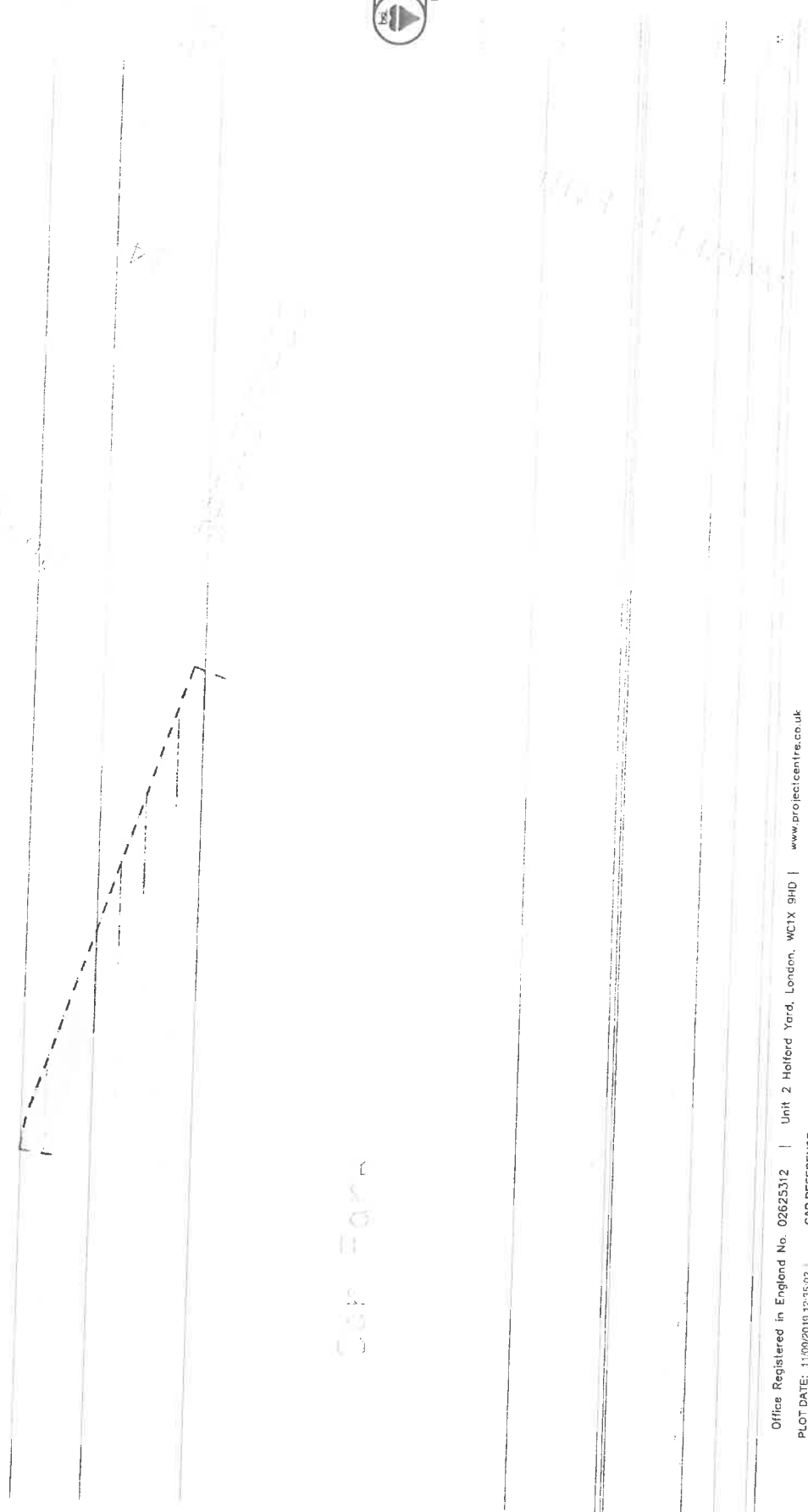
FS 77166



Proposed taxis with high seating over the taxis
Thursday - Sunday 10:00am - 4:00pm
6:30pm - Midnight
and other seating over the taxis
Sat Mon - Sat 30 mins no return
within 1 hour



Plot No. 11/2010/12-35/02 | Unit 2 Halford Yard, London, WC1X 9HD | www.projectcentre.co.uk



Unit 2 Halford Yard



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