

HERTFORDSHIRE COUNTY COUNCIL

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

**Date: 21 June 2018
Order No: 8161**

**THE HERTFORDSHIRE (EASTCHEAP AND LEYS AVENUE, LETCHWORTH)
(RESTRICTED PARKING ZONE) ORDER 2018**

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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 (Eastcheap and Leys Avenue, Letchworth) (Restricted Parking Zone) Order 2018” and shall come into effect on Monday 2 July 2018.

- (b) The Hertfordshire (Eastcheap and Leys Avenue, Letchworth) Restricted Zone Plan: NH003/18/LTCRZ/001, (hereinafter referred to as “the Restricted Parking Zone Plan”) is 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.

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

“Council” means North 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 North Hertfordshire District Council to carry out Council functions associated with the provisions of this Order;

“disabled badge holders bay” means an area contained within the restricted parking zone indicated by contrasting surfacing or bay markings to show the position in which a disabled persons vehicle, on which is displayed in the relevant position a disabled persons badge, may be parked, as shown on “the restricted parking zone plan” and identified in the key to that plan

“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 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 vehicle may be parked for the purpose of loading and unloading goods, as shown on “the restricted parking zone plan” and identified in the key to that plan.

“limited waiting parking bay” means an area contained within the restricted parking zone indicated by contrasting surfacing or bay markings to show the position in which a vehicle may be parked during permitted hours, subject to the limitations and restrictions as shown on “the restricted parking zone plan” and identified in the key to that plan.

“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 plan” and identified in the key to that plan.

“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 plan” and indicated in the key to that plan 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 Plan” is the plan numbered NH003/18/LTCRZ/001 inclusive of its Key, which is incorporated into this Order and its Schedule.

“permitted hours” means the hours and days of the week as particularised in the “restricted parking zone plan” and key 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.

“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 stop or wait, load or unload on areas of Road or sides of the Road as shown on the "restricted parking zone plan" where stopping, waiting, loading or unloading is not allowed as identified and shown on and defined in the Key to the "restricted parking zone plan".
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 North 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 plan".

Designation of Parking Bays

5. Those sections of road identified on the "restricted parking zone plan" as limited waiting parking bays, disabled badge holders bays and goods vehicle loading bays are authorised to be used subject

to the following provisions of this Order as limited waiting parking bays, disabled badge holders 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 plan" and as defined in the key to that plan.

Leaving of vehicles in Parking Bays

6. (1) No person shall cause or permit any vehicle to wait in an area designated as a limited waiting parking bay, disabled badge holders bay, or goods vehicle loading bay as shown on the "restricted parking zone plan" and identified in the key to that plan 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 badge holders bays as identified and shown on the "restricted parking zone plan" and identified in the key to that plan 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 plan" and identified in the key to that plan as 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 limited waiting parking bay, disabled badge holders bay or goods vehicle loading 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 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 limited waiting parking bay, disabled badge holders bay, goods vehicle loading bay, or the restricted parking zone, they may remove or cause to be removed the vehicle from that limited waiting parking bay, disabled badge holders bay, goods vehicle loading 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 limited waiting parking bay, disabled badge holders bay, or goods vehicle loading 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 limited waiting parking bay, disabled badge holders bay or goods vehicle loading bay, or any part thereof during which such period as there is in or adjacent to that limited waiting parking bay, disabled badge holders bay, or goods vehicle loading 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 bay 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 limited waiting parking bay, disabled badge holders bay, or goods vehicle loading bay, or any vehicle while it is in a parking bay, disabled badge holders bay, or goods vehicle loading 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, a motor-cycle or an invalid carriage 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) and 14(1)(i) apply.

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) in any other case 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 parking bay is a limited waiting parking bay and 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 the Owner of the Vehicle in question shall incur a penalty charge.
- (2) That charge shall be payable to North 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 North Hertfordshire District Council (Control of Parking) (Consolidation) Order 2014

Section 4 – Schedule

SCHEDULE

Restricted Zone Plan

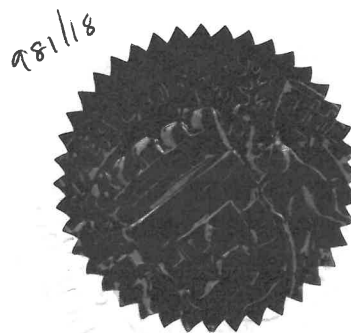
Plan no. NH003/18/LTCRZ/001, as incorporated into this Order.

IN WITNESS whereof the Common Seal of the Hertfordshire County Council was hereunto affixed this 21st day of June 2018.

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


Kathryn Pettitt

Chief Legal Officer



HERTFORDSHIRE COUNTY COUNCIL

THE HERTFORDSHIRE (EASTCHEAP AND LEYS AVENUE, LETCHWORTH) (RESTRICTED PARKING ZONE) ORDER 2018

NOTICE is given that the Hertfordshire County Council has made an Order under the Road Traffic Regulation Act 1984 to introduce an update to the existing Restricted Parking Zone in Letchworth, as set out in the Schedule to this Notice. The effect of the new Order is to ensure that the existing parking provisions are supported by and are commensurate with recently updated legislation. The Order will come into effect on Monday 2 July 2018.

Documents giving more detailed particulars of the Order may be inspected from 28 June 2018 to 9 August 2018 during normal office hours, at the offices of North Herts District Council, Gernon Road, Letchworth and at Main Reception, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, or may be viewed online at www.hertfordshire.gov.uk/trafficorders by selecting North Herts and looking at Ref: NH00318.

Enquiries relating to the Order should be referred to the TRO Officer concerned Sam Drewery tel: 01992 658241 or sam.drewery@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 consisting of no waiting or loading at any time except as signed in bays – effecting those sections of road listed herein and as set out in the Order and accompanying plan –
part of Eastcheap and Leys Avenue in its entirety.

Signed bays effective between 9:00am and 5:30pm Monday to Saturday will consist of:

- (a) Limited Waiting Parking Bays – limited to 1 hour waiting, no return within 1 hour.
- (b) Disabled Badge Holders Bays.
- (c) Goods Vehicle Loading Bays.

County Hall
Hertford
Herts SG13 8DN

28 June 2018
John Wood
Chief Executive

STATEMENT OF REASONS

THE HERTFORDSHIRE (EASTCHEAP AND LEYS AVENUE, LETCHWORTH) (RESTRICTED PARKING ZONE) ORDER 2018

Hertfordshire County Council is proposing to replace the existing Traffic Regulation Order to take account of changes in legislation, to improve highways safety, prevent obstruction thus preventing congestion. The replacement is necessary to ensure that the signage and effect of the Order is commensurate with latest Government Traffic Signs advice and that the restrictions are supported by an up to date Traffic Regulation Order.

- The new Traffic Regulation Order will replace the current Traffic Regulation Order, but there will be no changes to the restrictions as currently in effect.
- The current restrictions consist of no waiting or loading at any time except in signed bays, disabled badge holder bays, goods vehicle loading bays effective between 9:00am and 5:30pm Monday to Saturday and limited waiting parking bays effective Monday to Saturday 9:00am to 5.30pm parking limited to 1 hour with no return within 1 hour.
- Between 5:30pm and 9:00am Monday to Saturday and all day on Sundays the disabled badge holder bays, goods vehicle loading bays and limited waiting parking bays will be unrestricted, **however the remainder of the zone will remain subject to the no waiting or loading at any time restriction.**

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 runs and for relieving or preventing congestion, thereby enhancing overall road safety.

The replacement of the existing Traffic Regulation Order 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.