

# **WATFORD BOROUGH COUNCIL**

## **THE BOROUGH OF WATFORD (EASTBURY ROAD WATFORD) (ON STREET PAY AND DISPLAY PARKING PLACES) ORDER 2021**

TRO NO. 21/02

The Watford Borough Council, pursuant to arrangements made under Section 19 of the Local Government Act 2000 and the Local Government (Arrangement for discharge of Functions) (England) Regulations 2000 with Hertfordshire County Council, and in exercise of powers conferred on that Council under Sections 1, 2, 3, 45 and 46(1) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (which said Act of 1984 is hereinafter referred to as “the 1984 Act”), and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act, hereby makes the following Order:

### **PART ONE - INTRODUCTION**

#### **CITATION**

- 1.1 This Order shall come into operation on 19<sup>th</sup> April 2021 and may be cited as The Borough of Watford (Eastbury Road, Watford) (On Street Pay and Display Parking Places) Order 2021

#### **INTERPRETATION**

- 1.2 In this Order, except where otherwise stated, any reference to an Article or Schedule shall be construed as a reference to that Article or schedule in this Order.
- 1.3 In this Order any reference to an Act, Statutory Instrument, Regulation or Order shall be construed as a reference to that Act, Statutory Instrument or Order as amended.
- 1.4 In this Order the following expressions shall have the respective meanings assigned to them:

“Civil Enforcement Officer” means a person appointed in accordance with the provisions of Section 76 Traffic Management Act 2004

“Designated officer” means an officer nominated by Watford Borough Council to carry out functions under the provisions of this Order

“Disabled Person’s Vehicle” means a vehicle displaying a valid Disabled Persons Badge and Parking Disc

“Disabled Persons Badge” has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) Regulations 2000

“goods” means goods of any description whether animate or inanimate and includes postal packets of any description; “delivering” and “collecting” in relation to 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 the use of carrying goods or burden of any description and is not drawing a trailer.  
“motorcycle” has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986.

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

“Parking Disc” has the same meaning as in the Disabled Persons (Exemptions for Disabled Persons) (England) Regulations 2000

“parking ticket” means a ticket issued by a parking meter for any parking place referred to in the Schedule 1 of this Order.

“Council” means Watford Borough Council

“Passenger Vehicle/s” means a Motor Vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the Driver, and not drawing a trailer

“Motor Vehicle” has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984

“Ticket parking meter” means an apparatus of a type and design approved by the Secretary of State and installed for the purposes of this Order being an apparatus designed to indicate the time of issue, the payment of the initial charge referred to in Schedule 1 Column 5 of this Order and the periods in respect of which the initial charge has been paid.

## **PART TWO – PARKING PLACES AND RESTRICTIONS**

- 2.1 Each area on a highway comprising the length of carriageway of a street specified in columns 1 and 2 of Schedule 1 to this Order bounded on one side of that length by the edge of the carriageway is hereby designated as a parking place between 08.00am to 6.30pm Monday to Saturday; and
- 2.2 Each area on a highway comprised within a parking place and marked out for the purpose of parking in accordance with the provision of this Order and not comprised within a restricted waiting area is hereby designated as a parking bay.
- 2.3 No person shall cause or permit any vehicle to wait at any time in the lengths of road specified in Columns 1, 2 and 3 in Schedule 2 to this Order.

## **PART THREE - EXEMPTIONS**

- 3.1 Nothing in Articles 2.1 and 2.3 of this Order applies to the lengths of road restricted by that Article (which said lengths of road are referred to in this Article as “the restricted area”) in relation to –
  - (a) a vehicle being used for Fire and Rescue, Ambulance or Police purposes.

- (b) anything done with the permission of or at the direction of a Police Constable in uniform; or with permission of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Watford Borough Council.
- (c) a vehicle which is prevented from proceeding by circumstances beyond the drivers control or which has stopped in order to avoid injury or damage to persons or property or when required to do so by law;
- (d) a vehicle which is stationary in order that it may be used for one or more of the purposes specified in Article 3.2 and which cannot reasonably be used for such a purpose without stopping in the restricted area;
- (e) 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;

In this Article –

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.

**3.2** The “purposes” referred to in sub-Article 3.1(d) of this Article are –

- (a) any operation involving building, demolition or excavation;
- (b) the removal of any obstruction to traffic;
- (c) the maintenance, improvement, or reconstruction of a road;
- (d) constructing, improving, maintaining, or cleaning of any street furniture; or
- (e) 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.

**3.3** Nothing in Articles 2.1 and 2.3 of this Order applies to the lengths of road restricted by that Article (which said lengths of road are referred to in this Article as “the restricted area”) so as to render it unlawful to cause or permit any vehicle to wait only for so long as may be reasonably necessary –

- (a) to enable goods to be loaded on or unloaded from the vehicle from or to premises adjacent to the restricted area; or
- (b) to enable a passenger to board or alight and to load and unload any luggage.

**3.4** Nothing in Articles 2.1 and 2.3 of this Order shall render it unlawful to cause or permit a disabled person’s vehicle which displays in the relevant position a disabled person’s badge and a parking disc, to wait at any time in the lengths of road specified in Schedules 1 and 2 of this Order 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).

**3.5** Nothing in Article 4.3 (2) shall apply for those vehicles displaying a disabled persons badge in a relevant position, as defined in the Road Traffic Regulation Act.

## **PART FOUR – SUPPLEMENTARY PROVISIONS**

### **4.1 Power to suspend the use of a parking place**

(1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary:

- (a) For the purpose of facilitating movement of traffic or promoting its safety
- (b) for the purpose of maintenance, improvement or reconstruction of a road; constructing, maintaining or cleaning of any street furniture or 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;
- (c) for the convenience of occupiers of premises adjacent to the parking place 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 or another office or dwelling place;
- (d) on any occasion by 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 place at times of weddings, funerals or on other special occasions.

(2) Any person suspending the use of a parking place 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 place a traffic sign indicating that waiting by vehicles is prohibited

(3) No person shall cause or permit a vehicle to wait in any parking place or any part thereof during any such period of suspension implemented in accordance with paragraph (2) above, however nothing shall apply in respect of ;

- (a) any vehicle being used for Fire and Rescue, Police or Ambulance purposes; or
- (b) anything done with the permission of the person suspending the use of the parking place or part thereof in accordance with paragraph (1) of this Article.

#### **4.2 Parts of parking places in which vehicles may not be left**

- (1) No person shall cause or permit any vehicle to wait in an area designated as a parking place or parking bay during the permitted hours as specified in Schedule 1 of this Order 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 paragraph (1) of this Article the owner of the vehicle in question shall incur a penalty charge as stipulated in Article 18 of this Order.

#### **4.3 Vehicles for which Parking Places are dedicated**



- (1) Subject to the provisions of this Order, parking places may be used for the leaving during permitted hours of vehicles of the following class, that is to say, passenger vehicles and goods carrying vehicles (the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres), motorcycles, and disabled persons vehicles (on which must be displayed the relevant disabled persons badge and parking disc).
- (2) Parking Places referred to in the Schedule to this Order may be used for leaving during the permitted hours of such vehicles of the class specified in paragraph (1) above provided there is displayed thereon in the manner specified in Article 4.7.a valid parking ticket for no longer than a period specified thereon and not return to the same parking place within a period of 1 hour, with the exemption of those vehicles set out in Article 3.5

#### **4.4 Removal of a vehicle from a parking place**

- (1) Where a Civil Enforcement Officer is of the opinion that any of the provisions contained within this Order have been contravened or not complied with in respect of a vehicle left in any part of a parking place or restricted waiting area they may remove or cause to be removed that vehicle from the parking place or restricted area and where it is so removed shall provide for the safe custody of the vehicle and its contents.

#### **4.5 Movement of a vehicle in a parking place in an emergency**

- (2) A Civil Enforcement Officer or Police Constable may move or cause to be moved in case of emergency, to a place they think fit, any vehicle left in a parking place or restricted waiting area.

#### **4.7 Parking tickets to be displayed on vehicles left in parking bays**

- (1) At all times during which a vehicle (otherwise as exempted by this Order) is left in a parking bay during permitted hours the driver thereof before leaving the vehicle shall cause to be displayed in the relevant position a valid parking ticket so as all of the particulars referred to in paragraph 4.7(2) are readily visible from the front nearside of the vehicle.
- (2) A valid parking ticket shall include on the obverse face in accordance with the instructions on the reverse face the month, the day in the month, the day of the week and the time of the day at which the ticket was purchase and the time at which the ticket ceases to be valid.

#### **4.8 Amount of initial charge**

- (1) The initial charge for a vehicle (other than a vehicle otherwise exempted by this Order) left in a parking bay during permitted hours shall be as specified in column 5 of schedule 1 in this Order.

#### **4.9 Payment of initial charge in connection with the use of parking tickets at parking bays**

- (1) Subject to the provisions of Articles 3.1 and 3.2 the initial charge shall be payable not later than on the first leaving of a vehicle (other than a vehicle otherwise exempted by this Order) in a parking bay during permitted hours by the purchase of a parking ticket from a parking

meter provided by the Council for the issue of parking tickets for use in respect of that parking bay.

- (2) Payment of an initial charge for a vehicle (other than a vehicle exempted by this Order) shall be indicated by the display of one valid parking ticket bearing the indication that an initial charge has been paid in accordance with the provisions of Article 4.8.
- (3) No refund shall be payable by the Council in respect of any parking ticket surrendered to the Council unless a refund is given at the discretion of the Council.
- (4) No person shall leave any vehicle (other than a vehicle otherwise exempted by this Order) in a parking bay during permitted hours for longer than the initial period for which payment was made by the initial charge.

#### **4.10 Liability for penalty charge**

- (1) If a vehicle (other than a vehicle otherwise exempted by this Order) is left in a parking bay during permitted hours in contravention of any provision of this Order a penalty charge shall be payable.
- (2) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued by a Civil Enforcement Officer in uniform in accordance with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

#### **4.11 Manner of payment of a penalty charge**

- (2) The penalty charge shall be paid to Watford Borough Council in accordance with the instructions and within the time limits specified on the penalty charge notice.

#### **4.12 Period for which a vehicle may be left after a penalty charge has been incurred**

- (1) 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.

#### **4.13 Restriction on the removal of parking tickets and notices**

- (1) Where a parking ticket has been displayed on a vehicle in accordance with the provisions of Article 15 no person not being the driver of the vehicle shall remove any parking ticket from the vehicle unless authorised to do so by the driver of that vehicle.
- (2) Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 18 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.
- (3) 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.

#### **4.14 Interval before a vehicle may again be left in a parking place**

- (1) Without prejudice to the provisions of Article 4.10 of this Order no vehicle which has been left or been taken away from a parking place during permitted hours after an initial charge

has been incurred shall until the expiration of 1 hour from the time it left or was taken away again stand in that parking place during the permitted hours.

## **PART FIVE –REVOCATIONS**

- (1) In accordance with Part IV of Schedule 9 of the 1984 Act, the following Order is to be revoked in its entity

THE HERTFORDSHIRE (A4125 EASTBURY ROAD, OXHEY) (RESTRICTION OF WAITING) ORDER 2004.

- (2) In accordance with Part IV of Schedule 9 of the 1984 Act, the following parts of the following Order are to be revoked only in respect to the lengths of roads affected by this Order as specified below.

THE BOROUGH OF WATFORD (HORSESHOE LANE, NEWHOUSE CRESCENT AND EASTBURY ROAD (PROHIBITION AND RESTRICTION OF WAITING) ORDER 2011

Schedule 2 No Waiting Monday to Saturday 8am-6.30pm


Road	Side	Location
Eastbury Road	South East	a) From its junction with the north eastern kern line of Parkside north eastwards for distance of approximately 134 metres to a point opposite the common boundary of Ivy House and nos 13 and 13a Eastbury Road
Eastbury Road	South East	b) From a point 106 metres north west of its junction with Oxhey Road north eastwards a distance of approximately 70 metres to a point 10 metres south westwards of the projected line of the south western kerb line of Parkside.

## **PART SIX – SUMMARY**

- 5.1 The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption to the provisions of this Order is without prejudice to the provisions of any other enactment.
- 5.2 References to any statutory provision herein shall include reference to any statutory modification substitution or re-enactment thereof.

THE COMMON SEAL of THE WATFORD )  
BOROUGH COUNCIL was hereunto )  
Affixed this 13 day of APRIL 2021 )

In the presence of:



ANDREW COX TRANSFORMATION

Group Head of ~~Democracy and Governance~~  
Town Hall, Watford, Herts WD17 3EX







<b>SCHEDULE 1 : Pay and Display Monday to Saturday 08.00am-6.30pm, Maximum Stay 3 Hours No Return within 1 Hour.</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Road</b>	<b>Side</b>	<b>Description</b>	<b>Permitted Hours</b>	<b>Charges</b>
Eastbury Road	North Side	From a point 105 metres east of its junction with Deacons Hill to a point 170meteres east of its junction with Deacons Hill	8am-6.30pm Monday to Saturday.  Maximum Stay 3 hours no return within 1 hour	Up to 12 Minutes £0.30p Up to 24 Minutes £0.50p  Up to 36 Minutes £0.70p  Up to 48Minutes £0.90p  Up to 1 Hour £1.10p Up to 2 Hours £2.20p Up to 3 Hours £3.30p
Eastbury Road	North Side	From a point 220 metres east of its junction with Deacons Hill to a point 385 metres east of its junction with Deacons Hill	8am-6.30pm Monday to Saturday.  Maximum Stay 3 hours no return within 1 hour	Up to 12 Minutes £0.30p Up to 24 Minutes £0.50p  Up to 36 Minutes £0.70p  Up to 48Minutes £0.90p  Up to 1 Hour £1.10p Up to 2 Hours £2.20p Up to 3 Hours £3.30p

<b>Schedule 2 – Prohibition of Waiting at Any Time</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Road</b>	<b>Side</b>	<b>Description</b>
Eastbury Road	North Side	From a point 170 metres east of its junction with Deacons Hill to a point 220 metres east of its junction with Deacons Hill .
Eastbury Road	North Side	From a point 385 metres east of its junction with Deacons Hill to a point 50 metres east of that point.
Eastbury Road	South Side	From its junction with Oxhey Road to its junction with Parkside Road
Eastbury Road	South Side	From its junction with Parkside Road to a point 5 metres east of its junction with Kingsfield Road.