

## **WELWYN HATFIELD BOROUGH COUNCIL**

### **ROAD TRAFFIC REGULATION ACT 1984**

#### **THE BOROUGH OF WELWYN HATFIELD (TOLMERS ROAD, CUFFLEY) (RESTRICTION OF WAITING) ORDER 2018**

The Welwyn Hatfield Borough Council (hereinafter referred to as "the Council") pursuant to arrangements made with Hertfordshire County Council ("the County Council") under Section 19 of the Local Government Act 2000 and The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 in exercise of the powers conferred under Sections 1, 2, and 3 of the Road Traffic Regulation Act 1984 ("the Act of 1984"), and Part IV of Schedule 9 of 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 of the Act of 1984, hereby makes the following Order:-

1. This Order may be cited as "The Borough of Welwyn Hatfield (Tolmers Road, Cuffley) (Restriction of Waiting) Order 2018" and shall come into effect on Monday 20<sup>th</sup> August 2018
2. Save as provided in Articles 3, 4 and 5.(1) of this Order no person shall cause or permit any vehicle to wait between the hours of 10am and 4pm Monday to Saturday in those lengths of road in Cuffley as specified in The Schedule to this Order.
3. (1) Nothing in Article 2 of this Order applies to the lengths of road restricted by those Articles (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 the permission of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Welwyn Hatfield 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 sub-Article (2) of this Article 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 the Section 65 of the Postal Services Act 2011.

3. (2) The "purposes" referred to in sub-Article (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.

4. Nothing in Article 2 of this Order applies to the lengths of road restricted by those Articles (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.
5. (1) Nothing in Article 2 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 the Schedule 1 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).
- (2) In this Article -
 

"disabled person's vehicle" has the same meaning as in Section 142(1) of the Act of 1984;

"disabled person's badge" has the same meaning as given in Regulation 3(1) of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

"parking disc" has the same meaning as given in Regulation 8(5) of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and

"relevant position" has the same meaning as given in Regulation 4 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
6. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
7. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.
8. 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 Borough of Welwyn Hatfield (Control of Parking) (Consolidation) Order 2017

<b>Schedule</b> <b>No waiting Monday to Saturday 10am to 4pm</b>	
<b>Road name</b>	<b>Length of restriction</b>
Tolmers Road Southwest side	From a point 10 metres southeast from a point in line with the southeast kerbline of Acorn Lane south-eastwards for 188 metres to a point 10 metres northwest from a point in line with the northwest kerbline of Tolmers Gardens



Tolmers Road Northeast side	From a point 9.5 metres northwest of a point in line with boundary between numbers 54 and 56 Tolmers Road south-eastwards for 198 metres to a point 5 metres southeast of a point in line with the boundary between numbers 28 and 30 Tolmers Road.
--------------------------------	---

GIVEN under the Common Seal of the Welwyn Hatfield Borough Council this 26<sup>th</sup> day of July 2018.

The COMMON SEAL of the WELWYN  
HATFIELD BOROUGH COUNCIL was  
hereunto affixed in the presence of:-

*B. A. Fitzsimon*  
Mayor

*[Signature]*  
(Authorised Officer)





**WELWYN HATFIELD BOROUGH COUNCIL**

**STATEMENT OF REASONS FOR PROPOSING**

**THE BOROUGH OF WELWYN HATFIELD (TOLMERS ROAD, CUFFLEY) (RESTRICTION OF WAITING) ORDER 2018**

**THE BOROUGH OF WELWYN HATFIELD (TOLMERS ROAD, CUFFLEY) (PROHIBITION OF STOPPING AND WAITING ON VERGE OR FOOTWAY) ORDER 2018**

Welwyn Hatfield Borough Council is proposing to introduce restrictions in parts of Tolmers Road, Cuffley consisting of "No waiting Monday to Saturday 10am to 4pm" (Single Yellow Lines) and a prohibition of stopping and waiting on verge, vehicle crossover and footway.

The proposals are intended to prevent obstructions caused by vehicles parking too close to driveways and to increase safety for pedestrians and drivers alike.

The proposed restrictions are as follows;

**No waiting 10am to 4pm Monday to Saturday**

- In parts of Tolmers Road

**No stopping or waiting at any time on Verge or Footway**

- In parts of Tolmers Road

The residents in the above road were consulted in November 2017. There is currently Single Yellow Lines Mon-Fri 11am-1pm. Residents expressed concerns about excessive amounts of commuter and football related parking, especially on Saturdays. There was also a request from some residents for verge and footway parking restrictions. Existing by-laws prohibiting parking on verges cannot be enforced by Civil Enforcement Officers. There is a need to update this by creating a Traffic Regulation Order preventing parking on the verge and footway. Parking on verges and footways is an unnecessary obstruction and inconvenience to other road users and causes damage to the highway and underground services.

Having considered the duty imposed by Section 122 Road Traffic Regulation Act 1984, Welwyn Hatfield Borough Council consider that it is necessary and expedient to make Orders for the following reasons:-

- For the avoidance of danger to persons or other traffic using the road and 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 in a manner which, is unsuitable having regard to the existing character of the road or adjoining property.

The proposal has been subject to consultation with local and county councillors representing the area and Hertfordshire County Council. The local Police, Ambulance, Fire and Rescue Services, and local residents have also been consulted.

Ka Ng  
Corporate Director  
Resources, Environment and Cultural Services  
Welwyn Hatfield Borough Council  
Council Offices, The Campus, Welwyn Garden City, Herts AL8 6AE

6<sup>th</sup> June 2018



**WELWYN HATFIELD BOROUGH COUNCIL**

**THE BOROUGH OF WELWYN HATFIELD (TOLMERS ROAD, CUFFLEY) (RESTRICTION OF WAITING) ORDER 2018**

**THE BOROUGH OF WELWYN HATFIELD (TOLMERS ROAD, CUFFLEY) (PROHIBITION OF STOPPING AND WAITING ON VERGE OR FOOTWAY) ORDER 2018**

NOTICE IS HEREBY GIVEN that Welwyn Hatfield Borough Council (pursuant to arrangements made with Hertfordshire County Council) has made the above Orders under the Road Traffic Regulation Act 1984 to introduce restrictions in **Tolmers Road, Cuffley** as specified in the Schedule(s) to this Notice. The Orders will come into effect on the Monday 20<sup>th</sup> August 2018.

Documents giving more detailed particulars of the Orders may be inspected during normal office hours at the offices of Welwyn Hatfield Borough Council, The Campus, Welwyn Garden City or viewed at [www.welhat.gov.uk](http://www.welhat.gov.uk) from 1<sup>st</sup> August until 13<sup>th</sup> September 2018.

General enquiries relating to the Orders should be referred to Matthew McCann, Parking Services, Council Offices, Welwyn Garden City, AL8 6AE (01707 357000); email [parking@welhat.gov.uk](mailto:parking@welhat.gov.uk)

Any person wishing to question the validity of the Orders, 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 1 No waiting Monday to Saturday 10am to 4pm**

Parts of Tolmers Road

**SCHEDULE 2 No stopping or waiting at any time on verge or footway**

Parts of Tolmers Road

Ka Ng  
Corporate Director  
Resources, Environment and Cultural Services  
Council Offices, The Campus, Welwyn Garden City, Herts AL8 6AE

1<sup>st</sup> August 2018







Scale - 1:1500 on A4  
 Drawn - 26/03/2018  
 By - MM - Parking Services  
 Drawing - 1 of 1



© Crown Copyright All rights reserved Welwyn Hatfield  
 Borough Council License No. LA 100019547 2018

Title - The Borough of Welwyn Hatfield (Tolmers Road, Cuffley) (Restriction of Waiting) Order 2018

Key - Current Double Yellow Lines

- Proposed Single Yellow Line Monday to Saturday 10am to 4pm

1

2

3

4

5

6

7

8

9

10